

MINUTES

YOLO COUNTY PLANNING COMMISSION

May 6, 1998

1. CALL TO ORDER

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

MEMBERS PRESENT: Woo, Stephens, Heringer, Lang, and Rodegerdts
MEMBERS ABSENT: Walker and Merewitz

STAFF PRESENT: David Flores, Senior Planner
Mark Hamblin, Associate Planner
David Morrison, Resource Manager
Steven Basha, County Counsel
Linda Caruso, Planning Commission Secretary



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the April 1, 1998 meeting were approved with no corrections.

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



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.

Larry Rillera, of General Services, distributed copies of the Airport Master Plan to the Commission and informed them of the upcoming presentation during the June 3, 1998 Planning Commission Meeting.



4. CORRESPONDENCE

Chairman Heringer acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting, including a fax from Commissioner Merewitz regarding his resignation from the Planning Commission.



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 98-019-A request for a Conditional Use Permit for the establishment of a granny unit in the Agricultural General (A-1/B860) zone. Subject property is located 2000 feet west of County Road 95 located in the Berry Vale Gardens Subdivision in the Willow Oaks area of the County a Categorical Exemption has been prepared. APN: 040-190-65 Applicant/Owner: Michael Mullen Construction/Grafton (D. Flores)

Commission Action:

- 1. **APPROVED** the Categorical Exemption prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
- 2. **ADOPTED** the Findings of Consistency for this project as presented in the staff report.
- 3. **APPROVED** the Conditional Use Permit for a granny flat in accordance with the "Conditions of Approval."

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

CONDITIONS OF APPROVAL

Planning:

1. The area of the proposed "granny" unit shall not exceed 1200 sq. ft. and shall be used as a residence for an aged parent and shall not be rented or conducted as a business.
2. That the occupants of the proposed "granny" unit housing shall be restricted to one or two adults who are 62 years of age or older. The property owners and occupants of said granny unit shall be required to submit an affidavit every two years to this agency for review and approval, for the purpose of ensuring the continued compliance with the adopted conditions of approval.

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

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

the above indemnification and defense obligation.

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

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

FINDINGS

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

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 Yolo County 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.

Granny Flat Findings:

- a) The requested installation of a "granny" unit is not listed as a conditional use in the zone regulations or elsewhere in this chapter;

The subject property is located in the A-1/B860 Zone. "Granny" housing units are not listed as permitted, conditional or accessory uses under the zone regulations or elsewhere in this chapter. However, Section 65852.1 of State law authorizes a county to issue a conditional use permit for the construction of "granny" housing units. Since the proposed "granny" unit is similar to the other residential uses allowed in the A-1/B860

Zone, a Use Permit may be granted for allowing it as a temporary residence for an aged parent.

- (b) The requested installation of a "granny" unit is essential or desirable to the public comfort and convenience;

The construction of a "granny" unit will allow an aged parent to receive the necessary care from her children who are engaged in maintaining the property. The proposal will also be consistent with the existing residential/agricultural use of the subject property and will be similar to the permitted and conditional uses in the Agricultural Zone in which the property is located. In addition, the proposal will also serve as a cost effective method of meeting the County's share of the State mandated affordable housing requirements for a special population group (the elderly).

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

The proposed single family house will attach the proposed "granny" unit to the rear of the house which will avoid encroachment to the surrounding agricultural areas of the property. The project's compliance with the requirements of all applicable responsible agencies (Environmental Health, Fire, Building Departments) will avoid detrimental impacts to the public health, safety, or general welfare. The proposal will be similar to the residential/agricultural uses of the surrounding properties.

- (d) The requested installation of a "granny" unit will be in conformity with the General Plan;

The proposal will be consistent with the General Plan policies regarding residential land uses in the agricultural areas because it promotes affordable housing for an elderly parent by allowing him to live independently on the site and receive the necessary care from his children who are engaged in maintaining the property.

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

Utilities will be provided by Pacific Gas and Electric Co.; Access to the property is from County Road 95 via an existing driveway; Adequate drainage will be addressed through proper grading of the property; Solid waste disposal will be provided by a local hauler, and adequate safety/sanitation standards will be insured by the Fire and Health Departments.

In accordance with Section 65852.1 of the Planning, Zoning and Development Laws, the Planning Commission finds that:

- (a) The local jurisdiction (County) may issue a Use Permit for the construction of a dwelling (granny) unit, that is attached or detached from a primary residence, and located on a parcel zoned for a single-family residence:

The applicant is requesting a Use Permit for constructing a "granny" unit that is attached to the proposed single family home that will serve as a principal dwelling unit. The necessary findings (listed above) required by Section 8-2.2804 of the Yolo County Zoning Regulations for granting a Use Permit for the subject proposal have been made.

- (b) The proposed dwelling unit shall be intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over;

The proposed ("granny" unit) is to be used as a temporary residence for an aged parent who is 79 years of age. Conditions of approval for prohibiting the use of the "granny" unit for the purposes of sale, rent or business have been added.

- (c) The area of floor space of the attached dwelling unit does not exceed 30% of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet;

The Site Plan for the granny flat units shows an area of 530 sq. ft.



6.0 REGULAR AGENDA

The following item was taken off the Consent Agenda.

- 5.2 98-020- Consideration of a demolition permit for a designated County historical landmark in Madison. Subject property is located at the junction of Main Street and Railroad Street in Madison. APN: 049-449-05 Applicant/Owner: Yolo County/Heliodoro and Guadalupe Checa (M. Hamblin)

Commissioner Rodegerdts removed this item from the Consent Agenda because this was the first time such a request for a demolition of a historic structure has been brought before the Commission.

Mark Hamblin gave the Staff Report. He indicated that the structural integrity of the building is gone and the roof and several of the walls have collapsed within the structure. The building should be condemned. The Historical Advisory Committee also recommends demolition of this building.

Commissioner Rodegerdts said the Commission has to be very careful with such demolitions. This is the last historic building in the Town of Madison.

Commissioner Heringer asked what the alternative to demolition would be when a structure is in such poor shape as this one.

Commissioner Stephens said this structure has been neglected for many years. However, she believes the demolition needs to be mitigated because this is the last historical structure in Madison. The applicant should take photographs and make drawings of the original building, which should then be stored in the archives.

Commissioner Woo said that she has seen buildings reconstructed from photographs.

Commissioner Rodegerdts stated there should be an internal survey taken; exact interior measurements, thickness of walls, height, construction techniques, etc.

Commissioner Woo asked if there have been newspaper articles alerting the Community that they were about to lose this structure. Mark Hamblin indicated the regular required public notice was placed in the newspaper.

Commissioner Rodegerdts said he was also quite concerned that there was no input from the Historic Advisory Committee.

Mark Hamblin said the Historical Advisory Committee did discuss this matter and he would provide the

She explained the Urban Limit Line around the City of Woodland, which allows for twenty years of growth. The City of Woodland's General Plan addresses the fact that Woodland does not want to grow beyond a population of 60,000 before the year 2015.

Another key element of the Plan is the Urban Development Policy, which has been in existence since 1979 and is a joint policy between the County of Yolo and Woodland. It states that all urban development must occur within the City limits of Woodland.

She went on to explain the new proposed development called the "Turn of the Century" project. A Technical Advisory Committee has been formed. There is representation from LAFCO, the County of Yolo, all the Cities, the Air District, the Transportation District, and the School District. If the Planning Commission has any questions or concerns, they should direct them to David Flores, who is representing the County.

Commissioner Stephens asked how the "Turn of the Century Plan" would be incorporated with Woodland's goal of not exceeding 60,000 before the year 2015. Ms. Ruggerio answered that the project would be done in phases.

In regards to the Urban Development Policy between the City of Woodland and the County of Yolo, there are no contractual agreements. However, they are an adopted part of the County's Woodland Area General Plan and the City of Woodland's General Plan.

The Commission thanked Janet Ruggiero for all the information she provided to them.



6.2 97-060- Reconsideration of the Conditions of Approval for Use Permit # 97-060 and a request for an extension of time to allow for the testing of wells in the surrounding area.
Owner: Trical (D. Flores)

David Flores updated the Commission on the status of the Trical application and their compliance with the Conditions of Approval. He indicated that the applicant, Trical, has had problems with the testing of the surrounding property owner's wells.

The Conditions of Approval did not state that property owners were to be notified in advance of the testing of their wells. However, during the March 4, 1998 Planning Commission Meeting, and as reflected in the minutes, the property owners were asked how much notice would be required and it was unanimously agreed that a seven day notice would be appropriate.

The Public Hearing was opened.

John Ivancovich, representing Trical, submitted a chronology of events since the approval of the Use Permit in March, 1998. He added that one of the tenants of the surrounding property owners did not want to start his agricultural well for a few months. He suggested that the Planning Commission or Staff set a date specific, so there will be no confusion as to when the testing will occur. He also asked that the Condition of Approval requiring

the demolition of the swimming pool be rescinded. The pool is still in good condition.

Commissioner Heringer asked if the pool was being filtered. Mr. Ivancovich answered that the water is, in fact, stagnant at this time.

Commissioner Stephens brought up the issue of the fire training requirement. She said the fire departments will need actual training, not just being supplied with a packet of information. Mr. Ivancovich said he will do whatever the Fire Department Chief requires of them.

Paul Leathers, a surrounding property owner, submitted a letter to the Commission regarding discussions with Mr. Ivancovich. He stated he has never refused to allow Trical to do the testing of his wells.

Marianne Nix, a surrounding property owner, said this item has been dragged out for the last year. She still sees CalAg trucks going in and out of the project location. She does not believe Methyl Bromide is safe. She continued to speak about discussions which took place with Mr. Ivancovich.

Mary Mahoney, a nearby property owner, asked several questions of the applicants: 1) Do their facilities in other locations have use permits? 2) Has Trical been paying taxes for the last eighteen years? 3) Do they have annual permits required by the Ag Commissioner?

David Flores answered that they do have permits from Environmental Health and the Ag Commissioner, however, no business license has been issued for

them. He indicated the applicant's other facilities are located in commercial areas in other counties, therefore, no use permits were required.

Mr. Ivancovich indicated that when the property was first purchased, the property was re-assessed by the County Assessor and they have been paying taxes all along. He also clarified that all the other facilities are located in agriculturally zoned areas, except perhaps the facility in Healdsburg.

A discussion regarding which types of wells should be tested, agricultural or domestic, ensued.

The Public Hearing was closed at this time.

Commissioner Heringer said he thought only the agricultural wells were to be tested. The seven day notice to the property owners should also be enforced.

Commissioner Rodegerdts said Trical should try to demonstrate more of a good faith effort to comply with the Conditions of Approval and do so as quickly as possible.

Commissioner Stephens suggested using "Option 2", as indicated in the Staff Report. This should include assurances to the Commission that Trical has applied for their business license, encroachment permit, as well as compliance all the other Conditions of Approval.

Another discussion regarding which types of wells should be tested took place. Mr. Ivancovich asked

the Commission for a recess in order to speak to the owner of Trical, Dean Storkan.

Commissioner Heringer also said he wanted the pool at the site totally demolished.

A ten minute recess was called at 10:20.

Stephen Basha, County Counsel, said the property owners and Mr. Ivancovich have all agreed to the date of May 19, 1998, for the testing of the wells.

Mrs. Nix's well will be tested at 3:00 p.m. and Mr. Leathers' well will be tested at 3:30 p.m.

Commissioner Rodegerdts asked the applicant how close to compliance with Conditions 21 and 22 the applicants are at the present time.

Mr. Ivancovich said he has spoken with the Yolo-Solano Air Quality Management District and the Yolo County Environmental Health. Both told him they usually work with applicants during the construction period, not after the fact. He stated he cannot implement the dust control program until the paving begins. Landscaping has not begun as of yet, but perimeter fencing has been installed.

The Commission asked the applicant to show indication of progress on all the Conditions of Approval at the June 3, 1998, Planning Commission Hearing.

Regarding the landscaping issue, Mr. Ivancovich said in Condition #6-7, it states that a comprehensive landscape plan drafted by a landscape architect registered in the State of California, in accordance with the State of California Model Water

Efficient Landscape Ordinance shall be submitted to the Planning and Public Works Department for approval. It will be difficult to achieve that in less than one month's time.

The Commission went on to the next item until the wording for the new Conditions of Approval could be drafted by the Planning Commission Secretary.

Commissioner Rodegerdts stated that if progress by the applicant towards compliance of the Conditions of Approval is not substantial, then the Commission may revoke their Use Permit.

Commission Action:

Modified of Condition of Approval #17 as follows:

To allow an extension of time to Trical until the June 3, 1998, Planning Commission Meeting to give the applicant sufficient time for water analysis and to modify the existing condition to require testing of one agricultural well on the Leather's parcel (adjacent to Trical) and one domestic well on the Leather's homesite (on Highway 113) and the domestic well only on the Nix property (west of Trical). The testing of the wells on the Best property shall not be required. In arranging for the testing of the wells, both Marianne Nix and Paul Leathers are to be present during testing and given at least seven days prior notice.

Modified of Condition of Approval #6 as follows:

A report shall be provided to the Planning Commission detailing substantial progress of the total demolition of the pool and reclamation of the pool area at the June 3, 1998 Planning Commission Meeting. The option to fill the existing pool has been eliminated.

Other Action:

A report shall be provided to the Planning Commission detailing substantial progress of all other Conditions of Approval at the June 3, 1998 Planning Commission Meeting including progress toward the application of a business license and an encroachment permit, as required in the Conditions of Approval.

*The date for the testing of the wells has been agreed on by Marianne Nix, Paul Leathers, and John Ivancovich and are as follows:

Marianne Nix-May 19, 1998 at 3:00 p.m.

Paul Leathers-May 19, 1998 at 3:30 p.m.

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

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6.3 98-006- A request for a Lot Line Adjustment to encompass an existing dwelling and a well. Subject property is located at 50878 Babel Slough Road, north of Clarksburg in the Agricultural General (A-1) zone. A Categorical Exemption has been prepared. APN: 044-040-03

& 12. Applicant/Owner: G. David Wilson/Wilson Farms (C. Eaton)

David Flores gave the Staff Report on behalf of Curtis Eaton, who was not in attendance.

The Public Hearing was opened.

David Wilson, the applicant, said he is in agreement with the Staff Report and the Conditions of Approval. He explained the reason for the Lot Line Adjustment was due to a miscalculation in the surveying of the property.

Commission Action:

- (1) **CERTIFIED** the Class 5 categorical exemption prepared for the project in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines;
- (2) **ADOPTED** the Findings for this project as presented this staff report;
- (3) **APPROVED** the Lot Line Adjustment subject to the Conditions of Approval as presented in this staff report.

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

CONDITIONS OF APPROVAL

Planning & Public Works

- 1. All outbuildings on parcel 044-040-12 shall be constructed no closer than sixty (60) feet to the reconfigured homesite parcel.
- 2. The property owner(s) shall record the Certificate of Compliance prepared for this Lot Line Adjustment at the property owners expense in the office of the Yolo County Clerk/Recorder within one (1) year from the date of the Planning Commission's approval or said Lot Line Adjustment shall be deemed null and void without further action.

Environmental Health

- 3. Prior to recordation of the LLA, the property owner shall show proof of a legally binding easement to ensure that the water rights of both dwellings are protected.

County Counsel

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

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

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

FINDINGS

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

In accordance with Yolo County Code §8-1.452 [Ordinance 939, effective November 18, 1982], the Yolo County Planning Commission finds:

1. That the application is complete.

The application was deemed complete by the Planning & Public Works Department when the applicant's engineer submitted the revised lot line adjustment map on April 13, 1998.

2. That all record title holders who are required by the Subdivision Map Act of the State to consent have consented to the proposed Lot Line Adjustment and the Public Works Department has approved the proposal as complying with said Act.

Wilson Farms, a family partnership, owns both parcels and has consented to the lot line adjustment; their representative's signature can be found on the submitted application.

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

The applicant's licensed land surveyor has prepared the legal descriptions for the project. The Yolo County Planning & Public Works Department staff reviewed the Lot Line Adjustment map and legal descriptions and have found them to be adequate.

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

No existing easements will be abandoned or affected by the Lot Line Adjustment. The new lot configuration was chosen so that the domestic well would be included on the homesite, and consequently a new easement will be created to ensure water availability to both houses.

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

The new lot configuration was chosen so that the entire driveway and yard serving the dwelling unit will be included on the homesite, which has access from Babel Slough Road.

6. That the design of the resulting parcels will comply with existing requirements as to area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

Analysis of the application by the Planning & Public Works Department and the Yolo County Environmental Health Department determined that the area of the homesite parcel will comply with the General Plan policy that the homesite shall not be larger than necessary and that structures be clustered to the extent possible. The homesite is 1.46 acres and, as conditioned, is in conformity with the purpose and intent of the General Plan.



- 6.4 98-004- A request for a Lot Line Adjustment for the purpose of erecting a farming headquarter. Subject property is located on County Road 101A, 1/4 mile south of County Road 29 near Davis in the Agricultural Preserve (A-P) zone. A Categorical Exemption has been prepared. APN: 041-090-06 & 07. Applicant/Owner: Tim Ruff/Frank Meyers (D. Flores)

David Flores gave the Staff Report. The purpose of the Lot Line Adjustment is to enlarge a subminimal parcel.

The Public Hearing was opened.

Richard Chambers, with NK Engineering, said his firm prepared the map. The applicant is out of town but he is agreeable with the Staff Report and the Conditions of Approval.

Commission Action:

- (1) **CERTIFIED** that the attached Categorical Exemption is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Lot Line Adjustment and amend the Land Use Contract subject to the conditions identified under "Conditions of Approval".

MOTION: Woo SECOND: Stephens

AYES: Woo, Stephens, Heringer, Rodegerdts and
Lang

NOES: None

ABSTAIN: None

ABSENT: Merewitz and Walker

CONDITIONS OF APPROVAL

Planning and Public Works Department:

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

County Counsel:

- 2. 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

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

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

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

FINDINGS

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

Lot Line Adjustment

In accordance with Yolo County Code §8-1.452 [Ordinance 939, effective November 18, 1982] the Planning Commission finds:

1. That the application is complete;
The application was deemed complete by the Planning and Public Works Department.
2. That all record title holders who are required by the Subdivision Map Act of the State to consent have consented to the proposed Lot Line Adjustment and the Public Works Department has approved the proposal as complying with said Act;
The property owners of the parcels to be adjusted have consented by signature and can be found on the application submitted.
3. That the deed to be utilized in the transaction accurately describes the resulting parcels;
Legal descriptions have been prepared for the project reflecting the adjusted property lines. The Yolo County Planning and Public Works Public Works Department staff reviewed the Lot Line Adjustment map and legal descriptions and have found them to be adequate.
4. That the Lot Line Adjustment will not result in the abandonment of any street or utility easement of record, and that, if the Lot Line Adjustment will result in the transfer of property from one owner to another owner, the deed of the subsequent owner expressly reserves any street or utility easement of record;
No existing easements will be abandoned or affected by the Lot Line Adjustment.
5. That the Lot Line Adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new

easements to provide access to parcels in the location and of the size as those proposed to be created; and

All parcels will either have direct access or appropriate easements prepared for access to County Road 101A.

6. That the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

After reviewing the application by the Yolo County Planning and Public Works Department, it was determined that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions as conditioned and with the required agency/department permits.

Agricultural Preserve Contract Division

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

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

The proposed parcel re-configuration and Agricultural Preserve Contracts are consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157. The project involves the addition to one parcel and the deletion to another parcel by approximately 15 acres. Both parcels after the adjustment will consist of approximately 20 and 81.55 acres.

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

The project involves the addition to one parcel and the deletion to another parcel by approximately 15 acres. Both parcels after the adjustment will consist of approximately 20 and 81.55 acres. The properties are currently used for agricultural purposes (farming and agricultural crop production).

The soil types for the properties involve Class 1 soils as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.

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

The proposed parcels have been used for the family farm and agricultural activities. The adjustment is to incorporate existing homes (2), barns, and accessory buildings. The parcels have Class 1 soils. The Lot Line Adjustment will not effect prime

agricultural land. The parcels meet the minimum parcel size requirement of the A-P Zone.

- (4) That the parcels preserve lands with public value as open space;
Agricultural land is considered a principal component of open space by the Yolo County General Plan.
- (5) That the proposed use is consistent with the General Plan;
The project is consistent with the policies of the Yolo County General Plan.
- (6) That the proposed contracts in question were created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.
The parcels involved with this Lot Line Adjustment and agricultural contract amendment were created prior to 1972.
- (7) That the parcels are at least 80 gross acres where the soils are capable of cultivation and are irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated and 320 gross acres where the soils are not capable of cultivation (including rangeland and lands which are not income producing).

A new contract is not being created. The existing parcels 5 and 91 acres will only be adjusted by approximately 15 acres. The parcels sizes meet requirements for cultivated and irrigated farm land and the establishment of the family farming headquarters.



- 6.5 95-078- A request for an Amendment to the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit, modifying Conditions of Approval #47 & 48 to allow for an additional year in which to construct road improvements for County Roads 19 and 87. The property is located on the north side of Cache Creek, between County Roads 85 and 87 near Capay in the Agricultural General/Sand and Gravel (A-1/S-G) and Agricultural Preserve/Sand and Gravel (A-P/S-G) Zones. An Addendum EIR has been prepared for this project. APNs: 048-140-20, 048-140-22, 048-220-02, and 048-220-16. Owners: Woods Porter and R.C. Collect. Applicant: Cache Creek Aggregates (D. Morrison)

David Morrison gave the Staff Report. Cache Creek Aggregates are requesting an additional year in which to construct road improvements. In addition, there is another traffic safety issue at the intersection of County Road 19 and 87. There is an insufficient turning radius for the gravel trucks when they are running double trailers. A wider intersection is needed. This will require acquisition of Right of Way and road construction. Staff is changing its recommendation to make these improvements within two years of project approval, which would be November of 1998. He also made a correction to the Staff Report. It states the location as County Road 85 and it should be County Road 87.

Commissioner Stephens asked why the Public Works Department did not pursue the acquisition of Right of Ways sooner.

David Morrison explained to the Commission that there have been staffing problems with engineers in the Public Works Division. Several engineers have left the County. Those positions are just now starting to be filled. As a result, some projects have been delayed.

Commissioner Woo asked if it would be the engineers responsibility to contact the property owners in regards to acquiring the land.

David Morrison said the delay also occurred because the intersection improvements have to be engineered before you know how much right of way to acquire.

The Public Hearing was opened at this time.

Commissioner Woo was concerned with the safety issues. She asked that a warning sign be placed out there.

Commissioner Stephens said it's a very dangerous intersection. It needs to be resolved as soon as possible. There should be signage, a reduction in speed, or a reduction in the amount of gravel trucks exiting there.

Commissioner Heringer said if this is such a dangerous area, why aren't there signs there already?

David Morrison replied that if there are a number of accidents in a certain area, then the County will automatically put up warning signs. However, that has not occurred.

Ben Adamo, of Cache Creek Aggregates, said they are prepared to do the work as soon as possible. Only a half an acre needs to be acquired. It doesn't appear that it would be a problem with the property owner, as it would not interfere his farming operation. He added that if Public Works can recommend signage for the intersection, they will gladly incur the cost of a sign. They are also very concerned about safety. If any of the contracted, gravel trucks do not comply with the speed limit and safety issues, they will be dismissed.

Commissioner Stephens said she was not placing blame on anyone. It just needs to be taken care of as soon as possible.

Commissioner Lang asked why the property owner was not present. If Cache Creek Aggregates needs to purchase his land, he should have been notified well in advance so he could rotate his crops. Additionally, with all the delays, we've created quite a safety hazard. He asked why a representative from the Public Works Division was not present.

David Morrison explained there is a great deal of benefit to the County from the gravel companies. A road is being realigned and the County is receiving an intersection. No road funds or general fund monies will be used to pay for this. If the gravel companies were to be shut down until the completion of these road improvements, the money might not be there anymore. The road fund, presently, can only pay for approximately eight miles of roadway a year. Appropriate precautions are being followed. It will just take a little more time.

Commissioner Woo said as a designer, she would not like to go through the task of designing the work, until she met with the property owner to know if he even wanted to sell the land.

Commission Action:

Recommended that the Board of Supervisors:

1. **CERTIFY** that the proposed Addendum Environmental Impact Report (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
2. **ADOPT** Findings of Fact in support of determining that the proposed modification is in conformance with the County Development Agreement Ordinance and the County Surface Mining Ordinance (see Exhibit 2); as modified, and
3. **APPROVE** the modification of Conditions of Approval Nos. 47 and 48 of the Cache Creek Aggregates Long-term, Off-channel Mining Permit (Zone File No. 95-078) and Development Agreement No. 96-289 as modified.
4. **CONSIDER** additional safety measures including signage and other methods to control speed on County Road 87 and 19.

MOTION: Lang SECOND: Woo

AYES: Lang, Woo, Heringer, and Stephens

NOES: None

ABSTAIN: Rodegerdts

ABSENT: Walker and Merewitz

MODIFIED CONDITIONS OF APPROVAL

- | 47. Within ~~three~~ four years of project approval, the operator shall replace or widen the non-

standard bridge located on County Road 19, and shall realign or widen the travel lanes on the non-standard segment of County Road 19. Both the bridge and the non-standard road segment are located west of Interstate 505. Construction of the improvements shall be coordinated and shall be completed simultaneously. The operator shall be responsible for 50 percent of the costs of the improvement.

Teichert Aggregates (Esparto), or its successor in interest, shall be responsible for the remaining 50 percent of improvement costs. The operator shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Project design, permitting, and contracting work shall be performed by the Public Works Department. Encroachment Permits shall from the Public Works Department shall be obtained prior to construction.

48. Within ~~one~~ ~~three~~ two years of project approval, the operator shall widen the curve radius for the intersection of County Road 87 and County Road 19. The specific scope of the improvements shall be as determined by the Public Works Department. The operator shall pay 100 percent of the cost of the improvements. Encroachment permits from the Public Works Department shall be obtained prior to construction.

FINDINGS

In accordance with Section 8-10.401 of the County Development Agreement Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Conditions Nos. 47 and 48 of Board of Supervisors Minute Order No. 96-447, which is Item 2 of Exhibit B of Development Agreement No. 96-289:

- (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.**

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including linear congestion relief measures) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and the County to complete the engineering designs and right-of-way purchases needed to ensure that the road realignment/bridge project and intersection realignment are properly constructed.

- (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 approved improvements to County Roads 19 and 87 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

The proposed modification will ensure the timely construction of the road realignment/bridge project and the intersection realignment, which will improve public convenience along County Roads 19 and 87, and will allow for the safe operation of trucks transporting material to and from the Cache Creek Aggregates project site.

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

The proposed modification will not exacerbate existing traffic conditions. Construction of the road realignment/bridge project and the intersection realignment will provide for a significant improvement in traffic safety within the immediate area.

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

The road realignment/bridge construction and intersection realignment are necessary to ensure the orderly development of mining operations conducted by the Cache Creek Aggregates site. The road improvements will require the acquisition of approximately 8.8 acres of right-of-way. However, only 3.3 acres will be necessary for the road improvements and the remaining area could be sold to an adjoining owner and farmed. The proposed modification will not affect either the implementation of long-term mining

operations and/or off-site agricultural operations, nor will it adversely affect property values in the area.

- (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. 96-289, the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit includes the following “net gains” to the County:

- Dedication of the reclaimed habitat and lake at the Phase 3 (Porter) site, including a minimum 40-foot direct access to County Road 85.*
- Dedication of in-channel land and riparian habitat located immediately south of Phase 3.*
- Restoration of 34 acres of previously mined, in-channel land to riparian and woodland habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-289.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Condition No. 66 of Zone File No. 95-073 (Solano Concrete long-term, off-channel mining permit), as approved by the Board of Supervisors under Minute Order No. 96-445.

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

The modification is consistent with Section 10-4.408 of the County Ordinance, which requires operators to construct the improvements necessary to maintain Level of Service “C” on County Roads within the OCMP area in a timely manner.

- (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 the Cache Creek Aggregates 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 adopted Reclamation Plan.

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

The proposed modification will not exacerbate existing traffic conditions. The road realignment/bridge construction and intersection realignment will provide for a significant improvement in traffic safety within the immediate area.

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

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including turning lanes) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and the County to complete the engineering designs and right-of-way purchases needed to ensure that the road realignment/bridge construction and intersection realignment are properly built. The approved improvements to County Roads 19 and 87 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

County Roads 19 and 87 are established transportation routes that serve adjoining farmers and mining operations, local residents, and visitors. The road realignment/bridge project and realignment of the intersection of County Roads 85 and 19 are required components of the Cache Creek Aggregates mining permit. The proposed modification will would only revise the timing of improvements and would not result in any new incompatible 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.**

Engineered designs for the road realignment/bridge construction on County Road 19 and the realignment of the intersection of County Roads 19 and 87 have been prepared by the County and are continuing to be reviewed to ensure that all applicable site limitations are being taken into consideration.

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

As documented in Development Agreement No. 96-289, the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- Dedication of the reclaimed habitat and lake at the Phase 3 (Porter) site, including a minimum 40-foot direct access to County Road 85.*
- Dedication of in-channel land and riparian habitat located immediately south of Phase 3.*
- Restoration of 34 acres of previously mined, in-channel land to riparian and woodland habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-289.

- (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.**

On April 15, 1998, staff contacted Jim Pompy, Chief of the Office of Mine Reclamation, who indicated that since the proposed modification will not result in a change to the reclamation plan, review by the Department of Conservation was not required.



The Commission recessed for lunch and reconvened at 1:00 p.m.

- 6.6 95-093- A request for an Amendment to the Solano Concrete Long-Term, Off-Channel Mining Permit, modifying Condition of Approval # 66 to allow for an additional 1.5 years in which to construct a left-turn lane for State Route 16. The property is located on the south side of Cache Creek, between Interstate 505 and County Road 92D near Madison in the Agricultural General/Sand and Gravel (A-1/S-G) and Agricultural Preserve/Sand and Gravel (A-P/S-G) Zones. An Addendum EIR has been prepared for this project. APNs: 049-060-04, 049-060-07, 049-070-05,06, 09, 10, 13, and 025-450-01. Owner/Applicant: Solano Concrete (D. Morrison)

David Morrison, Resource Manager, gave the Staff Report. He emphasized that the left-turn lane is on State Route 16 and Solano is working solely with Caltrans on this issue.

The Public Hearing was opened.

Anthony Russo, the Manager of Solano Concrete, said immediately following the approval of the Development Agreements by the Board of Supervisors, they began designing the left-turn lane. However, due to flooding problems, Caltrans was not able to review the plans until May 7, 1997.

The Public Hearing was closed.

Commission Action:

Recommended that the Board of Supervisors:

- 1. **CERTIFY** that the proposed Addendum Environmental Impact Report (see Exhibit 1)

was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);

2. **ADOPT** Findings of Fact in support of determining that the proposed modification is in conformance with the County Development Agreement Ordinance and the County Surface Mining Ordinance (see Exhibit 2); and
3. **APPROVE** the modification of Condition of Approval No. 66 of the Solano Concrete Long-term, Off-channel Mining Permit (Zone File No. 95-093) and Development Agreement No. 96-287.

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

MODIFICATION OF CONDITION OF APPROVAL:

66. ~~The operator shall construct a left-turn lane for eastbound movements in the Operator Plant. Within one year of project approval.~~
By July 1, 1999, the operator shall construct a left-turn lane for eastbound movements on State Route 16 into the Solano Concrete plant. The operator shall be responsible for 100 percent of the costs of the improvement. Encroachment Permits from Caltrans will be obtained prior to construction.

FINDINGS

MINUTES

YOLO COUNTY PLANNING COMMISSION

MAY 6, 1998

In accordance with Section 8-10.401 of the County Development Agreement Ordinance, the Planning Commission recommends adoption of the following findings with regard to the proposed modification of Condition No. 66 of Board of Supervisors Minute Order No. 96-445, which is Item 2 of Exhibit B of Development Agreement No. 96-287:

- (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.**

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including turning lanes) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and CalTrans to complete the engineering designs needed to ensure that the left-turn lane is properly constructed.

- (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 approved improvements to State Highway 16 are compatible with the requirements of the General Agricultural (A-1) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

The proposed modification will ensure the timely construction of the left-turn lane, which will improve public convenience along State Highway 16 and allow for the safe operation of trucks entering the Solano project site.

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

The proposed modification will not exacerbate existing traffic conditions. Construction of the left-turn lane will provide for a significant improvement in traffic safety within the immediate area.

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

The left-turn lane is necessary to ensure the orderly development of mining operations conducted by Solano Concrete. The highway improvements will be located on land currently owned by Solano Concrete and will not require the acquisition of any off-site rights-of-way. The proposed modification will not affect either the implementation of long-term mining operations and/or off-site agricultural operations, nor will it adversely affect property values in the area.

- (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. 96-287, the Solano Long-Term, Off-Channel Mining Permit includes the following “net gains” to the County:

- *Dedication of reclaimed habitat and lake at the Snyder East site.*
- *Dedication of reclaimed habitat and lake at the Snyder West site.*
- *Dedication of a 40-foot easement from Highway 16 to the lake at the Snyder East site.*
- *Restoration of 35 acres of previously mined, in-channel land to riparian habitat.*
- *Dedication of 15 acres of restored in-channel habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-287.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Planning Commission recommends adoption of the following findings with regard to the proposed modification of Condition No. 66 of Zone File No. 95-073 (Solano Concrete long-term, off-channel mining permit), as approved by the Board of Supervisors under Minute Order No. 96-445.

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

The modification is consistent with Section 10-4.408 of the County Ordinance, which requires operators to construct the improvements necessary to maintain Level of Service “D” on State Highways within the OCMP area in a timely manner.

- (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 the Solano Concrete 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 adopted Reclamation Plan.

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

The proposed modification will not exacerbate existing traffic conditions. Construction of the left-turn lane will provide for a significant improvement in traffic safety within the immediate area.

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

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including turning lanes) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and CalTrans to complete the engineering designs needed to ensure that the left-turn lane is properly constructed. The approved improvements to State Highway 16 are compatible with the requirements of the General Agricultural (A-1) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

State Highway 16 is an established transportation route that serves adjoining farmers and mining operations, local residents, and visitors. The left-turn lane is a required component of the Solano Concrete mining permit. The proposed modification will only revise the timing of improvements and would not result in any new incompatible 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.

Engineered designs for the left-turn lane have been prepared by the applicant and are continuing to be reviewed by CalTrans to ensure that all applicable site limitations are being taken into consideration.

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

As documented in Development Agreement No. 96-287, the Solano Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- Dedication of reclaimed habitat and lake at the Snyder East site.*
- Dedication of reclaimed habitat and lake at the Snyder West site.*
- Dedication of a 40-foot easement from Highway 16 to the lake at the Snyder East site.*
- Restoration of 35 acres of previously mined, in-channel land to riparian habitat.*
- Dedication of 15 acres of restored in-channel habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-287.

(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.

On April 15, 1998, staff contacted Jim Pompy, Chief of the Office of Mine Reclamation, who indicated that since the proposed modification will not result in a change to the reclamation plan, review by the Department of Conservation was not required.



- 6.7 95-094- A request for an Amendment to the Teichert Aggregates (Esparto) Long-Term, Off-Channel Mining Permit, modifying Condition of Approval #44 to allow for an additional year in which to construct road improvements to County Road 19. The property is located north of Cache Creek, between County Roads 87 and 89 near Esparto in the Agricultural General/Sand and Gravel (A-1/S-G) Zone. An Addendum EIR has been prepared for this project. APNs: 048-210-06, 10, and 11. Owners: Teichert Aggregates and Cowles and Donna Mast. Applicant: Teichert Aggregates (D. Morrison).

David Morrison gave the Staff Report. Extending the deadline for construction by one year will provide the additional time necessary in which to complete cost-sharing negotiations, finalize engineering drawings, and purchase the County right of way.

Lillie Noble, representing Teichert Aggregates, said she agrees with the recommended action placed on the Cache Creek Aggregate extension. They have been trying to work in good faith with all parties involved.

Commissioner Stephens said the bridge is Teichert's and Cache Creek Aggregates' responsibility. Road 19 is not suitable for the number of gravel trucks out there. The bridge replacement should perhaps be done first.

Commissioner Lang asked if Teichert could be asked to pave different roads in lieu of other mitigations.

David Morrison said there must be a direct correlation between the impacts of the project and the mitigation. He also said he will meet with the Teichert and Cache Creek Aggregate to perhaps phase the project differently in order to build the bridge prior to the realignment of Road 19.

Commission Action:

Recommended that the Board of Supervisors:

1. CERTIFY that the proposed Addendum Environmental Impact Report (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);

2. **ADOPT** Findings of Fact in support of determining that the proposed modification is in conformance with the County Development Agreement Ordinance and the County Surface Mining Ordinance (see Exhibit 2); and
3. **APPROVE** the modification of Condition of Approval No. 44 of the Teichert Aggregates (Esparto) Long-term, Off-channel Mining Permit (Zone File No. 95-094) and Development Agreement No. 96-290.
4. **CONSIDER** additional safety measures including signage and other methods to control speed on County Road 87 and 19.
5. **RECOMMEND** that the Board of Supervisors direct Staff to consider rephasing implementation of the County Road 19 realignment and bridge replacement so the bridge replacement is constructed as soon as possible.

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

MODIFICATION OF CONDITION OF APPROVAL

44. Within ~~three~~ four years of project approval, the operator shall either realign the non-standard portion of County Road 19, between the project entrance and Interstate 505, or

shall widen the travel lanes. The operator shall also replace the non-standard bridge located on County Road 19, between the project entrance and Interstate 505. The operator shall pay 50 percent of the local share of the total cost of the improvements (Cache Creek Aggregates or its successor in interest paying the other 50 percent), and shall not be responsible for any portion of the cost reimbursed by the federal government through grant programs. The County Public Works Department shall apply for federal grant funds within one year after project approval. Project design, permitting, and contracting work shall be performed by the Public Works Department. Encroachment Permits from both CalTrans and the Public Works Department will be obtained prior to construction, if required.

FINDINGS

In accordance with Section 8-10.401 of the County Development Agreement Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Condition No. 44 of Board of Supervisors Minute Order No. 96-448, which is Item 2 of Exhibit B of Development Agreement No. 96-290:

- (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.**

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including linear congestion relief measures) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and the County to complete the engineering designs and right-of-way purchases needed to ensure that the road realignment and bridge are properly constructed.

- (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 approved improvements to County Road 19 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed

modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

The proposed modification will ensure the timely construction of the road realignment and bridge, which will improve public convenience along County Road 19 and will allow for the safe operation of trucks entering the Teichert project site.

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

The proposed modification will not exacerbate existing traffic conditions. Construction of the road realignment and bridge will provide for a significant improvement in traffic safety within the immediate area.

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

The road realignment and bridge construction are necessary to ensure the orderly development of mining operations conducted by the Teichert Aggregates (Esparto) site. The road improvements will require the acquisition of approximately 8.3 acres of right-of-way. However, only 2.75 acres will be necessary for the road improvements and the remaining area could be sold to an adjoining owner and farmed. The proposed modification will not affect either the implementation of long-term mining operations and/or off-site agricultural operations, nor will it adversely affect property values in the area.

- (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. 96-290, the Teichert Aggregates (Esparto) Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- Dedication of 88 acres including the reclaimed habitat and lake at the Esparto site, including a 40-foot access to a public roadway.*
- Creation of 8 acres of bank swallow habitat on the south bank of the lake.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-290.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Condition No. 66 of Zone File No. 95-073 (Solano Concrete long-term, off-

channel mining permit), as approved by the Board of Supervisors under Minute Order No. 96-445.

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

The modification is consistent with Section 10-4.408 of the County Ordinance, which requires operators to construct the improvements necessary to maintain Level of Service "C" on County Roads within the OCMP area in a timely manner.

- (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 the Teichert Aggregates (Esparto) 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 adopted Reclamation Plan.

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

The proposed modification will not exacerbate existing traffic conditions. The road realignment and bridge construction will provide for a significant improvement in traffic safety within the immediate area.

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

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including turning lanes) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant and the County to complete the engineering designs and right-of-way purchases needed to ensure that the road realignment and bridge construction are properly built. The approved improvements to County Road 19 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

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

County Road 19 is an established transportation route that serves adjoining farmers and mining operations, local residents, and visitors. The road realignment and bridge construction are required components of the Teichert Aggregates (Esparto) mining permit. The proposed modification will only revise the timing of improvements and would not result in any new incompatible 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.**

Engineered designs for the road realignment and bridge construction have been prepared by the County and are continuing to be reviewed to ensure that all applicable site limitations are being taken into consideration.

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

As documented in Development Agreement No. 96-290, the Teichert Aggregates (Esparto) Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- Dedication of 88 acres including the reclaimed habitat and lake at the Esparto site, including a 40-foot access to a public roadway.*
- Creation of 8 acres of bank swallow habitat on the south bank of the lake.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-290.

- (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.**

On April 15, 1998, staff contacted Jim Pompy, Chief of the Office of Mine Reclamation, who indicated that since the proposed modification will not result in a change to the reclamation plan, review by the Department of Conservation was not required.



- 6.8 R-8 and R-9- A clarification of the Reclamation Plan for the Schwarzgruber and Sons Reclamation Plan, to determine if there is one or two reclamation plans for this mine site. The property is located south of Cache Creek, between County Roads 94B and 96 near Woodland in the Agricultural General/Sand and Gravel (A-1/S-G) Zone. A Categorical Exemption has been prepared for this project. APN: 025-350-10. Applicant: Schwarzgruber and Sons (D. Morrison).

David Morrison gave the Staff Report. He explained the reason for this request is to determine whether Schwarzgruber and Sons indeed has one Reclamation

Plan or two. The reason this is of concern to the applicant is the Department of Conservation does its reporting by Reclamation Plan. Since the reporting requirements have been instituted, the applicants have been submitting two reports, based on their understanding that there were two reclamation plans. Mining has been focussed on the in-channel area. No excavation has been occurring at the off-channel site. As a result, the Department of Conservation has said that since no mining has occurred, it is considered an idle mine and requires either an interim management plan, commencement of mining, or the loss of their Use Permit.

Thomas Swarzgruber, the owner of Schwarzgruber and Sons, asked the Commission for one Reclamation Plan. One plan would provide greater flexibility to implement reclamation of the mine site.

Commissioner Lang asked how deep the mining is occurring. Mr. Swarzgruber answered between 20 and 50 feet. It depends on where the theoretical thalweg is set.

Commissioner Stephens asked if combining the plans delays reclamation. Mr. Morrison answered that it does not. It's merely a paper work issue.

Commission Action:

ADOPTED a resolution (see Exhibit 1) acknowledging that the Schwarzgruber and Sons surface mine site is covered under a single Reclamation Plan.

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



The following was an addendum to the original agenda. It was added after the Regular Agenda was prepared.

6.9 98-023- Consideration of a General Plan and Zoning Consistency for the proposed Esparto Library. Subject property is located at 17065 Yolo Avenue @ S. Grafton Street in Esparto in the Public Open Space (POS) zone. A Categorical exemption has been prepared. APN: 049-305-01,02 and 03. Applicant: Yolo County Library (D. Flores)

David Flores gave the Staff Report. The General Plan and Zoning Consistency allows for the Yolo County Library to move forward in securing the needed funding for the financing of the proposed Esparto Regional Library. This project is being expedited to meet the Federal deadlines from the Federal Institute of Museum and Library Services Grant.

John Barclay, the County Architect, presented the plans for the new library. It will be utilized as a school library and meeting room for the school, as well as a public library.

Commissioner Rodegerdts asked if the present library would remain in use as a library. Mr. Barclay replied, "No, the school district will reclaim it for their own purposes."

Commissioner Heringer asked how the facility would operate as a school library and a public library.

Marilyn Corcoran, of the Yolo County Library, answered that the meeting room will be larger than normal size. The students could then utilize the meeting room for their needs and the rest of the library could then be used by the public.

Ms. Corcoron explained that the school is providing the land by lease. There is also an agreement with the school that they will pay a certain percentage of some utility bills. The library will be opened a minimum of twenty hours a week.

Commission Action:

- 1) **CERTIFIED** that the attached Categorical Exemption is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- 2) **ADOPTED** the FINDINGS of Consistency for this project as presented in the Staff Report.
- 3) **ADOPTED** the attached Resolution as presented in the Staff Report.
- 4) **DETERMINED** that the Esparto County Library is consistent with the definition of "Public Use" as defined under the Public Open Space Zoning designation.

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Categorical Exemption as the appropriate level of environmental review for this project, the Yolo County Planning Commission finds:

The project is Categorically Exempt under the California Environmental Quality Act and Guidelines (CEQA) Class 14, Section 15314.

Class 14 , Section 15314 consists of minor additions to existing schools within existing school grounds.

California Government Code

In accordance with Article 7, Section 65402 of the Planning and Zoning Law, the Planning Commission finds: That the proposed project conforms with the provisions of the Yolo County General Plan.

Staff has determined that the project is consistent the County's Esparto General Plan specifically the Public Services Goals Policies and Programs Element of the Plan (Section E-S.5) which recommends the construction of a library facility in the community of Esparto.



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.

David Flores updated the Commission on the following.

- 1) Introduced the new Economic Development Coordinator, Marshall Drack.
- 2) The resignation of Commissioner Seth Merewitz.
- 3) National Public Works Week and Open House on May 16, 1998.
- 4) The remodeling of the Planning and Public Work Building.



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 Lang requested that the other jurisdictions within the County also address the Planning Commission as Janet Ruggiero, of Woodland, has just done. He also requested that photographs be included with the Staff Reports. They would be most helpful.
- 2) Commissioner Heringer asked for a Resolution for Seth Merewitz thanking him for his service to the Planning Commission.

- 4) Commissioner Rodegerdts attended the following meetings:
A Calfed orientation, the Yolo County Water Agency, a lecture regarding wetlands, a meeting with the Farm Bureau regarding the Habitat Plan, met with Al Smith regarding a Biotech Industrial Park, a seminar regarding the Endangered Species Act, a meeting with the Farm Bureau Water Committee, a meeting with the Sacramento County Levee Task Force.
- 5) Commissioner Stephens asked David Morrison about the Scoping Meeting in Esparto.
- 6) Commissioner Woo attended a meeting of the Urban Land Institute.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:30 pm. The next regular meeting of the Planning Commission will be held on July 1, 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**, a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee **immediately** payable to the Clerk of the Board of Supervisors **at the time of the filing**.

Respectfully submitted by,

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