

MINUTES

YOLO COUNTY PLANNING COMMISSION

March 4, 1998

1. CALL TO ORDER

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

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

MEMBERS ABSENT: Stephens

STAFF PRESENT: John Bencomo, Director
David Flores, Senior Planner
Curtis Eaton, Associate Planner
David Morrison, Senior Planner
Steven Basha, County Counsel
Linda Caruso, Planning Commission
Secretary

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the February 4, 1998 meeting were approved with no corrections.

MOTION: Walker SECOND: Merewitz

AYES: Walker, Merewitz, Heringer, Lang, Rodegerdts, and Woo

NOES: None

ABSTAIN: None

ABSENT: Stephens



3. PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present Agenda, was opened by the Chairman. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

No one from the public came forward.



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 98-005 - A request for a Tentative Parcel Map to subdivide a two acre parcel into two parcels (0.6 acre and 1.4 acre parcel.) Property is located at 37637 Clay Street in Yolo in the Residential, one family or duplex 28,000 sq. feet minimum parcel size (R-2 B28) A Negative Declaration has been prepared. APN: 025-230-18 Applicant/Owner: Frank Arriaga (C. Eaton)

Commission Action:

- (1) **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit "4"**);
- (2) **ADOPTED** the **FINDINGS** for this project as presented in **Exhibit "1"** of the staff report; and,
- (3) **APPROVED** the Tentative Parcel Map subject to the **CONDITIONS OF APPROVAL** as presented in **Exhibit "1"** of the staff report.

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

CONDITIONS OF APPROVAL
ZF 98 - 005

Yolo County Planning & Public Works

1. (a) The Final Parcel Map, as described within this report (TPM-4365), shall be filed with the Director of the Yolo County Department of Planning & Public Works within two years from the date of the Planning Commission's approval of the tentative parcel map, or said tentative map (TPM-4365) shall be deemed null and void without further action.

(b) The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, and 83.

(c) Prior to recordation, the applicant or his successors in interest shall submit to the Yolo County Public Works Department all outstanding fees established by the current Fee Schedule to cover the costs incurred by the County for the final processing of the map.

Environmental Health Department

2. Prior to issuance of a building permit, all necessary permits shall be secured from Environmental Health for the installation of a septic system on Parcel 1.

County Counsel

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

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

- non-issuance of future building permits;
- the revoking of the conditional use permit;
- legal action.

FINDINGS

ZF 98-005

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

Negative Declaration

In certifying the proposed Negative Declaration for this project as the appropriate level of environmental review under the California Environmental Quality Act (CEQA), the Planning Commission finds the following:

That on the basis of the Initial Study and comments received, there is no evidence that the land division will have a significant effect on the environment. The use of the proposed Parcel 1 will be low-density residential, which conforms to the zoning for this area of the Town.

Tentative Maps

In accordance with Section 8-1.804, Article 8, the Planning Commission has determined the following:

- (c) The Commission is satisfied with the design of the division and finds that it is in conformity with the provisions of the law and satisfies community needs;

The Tentative Parcel Map provides a satisfactory solution to splitting a parcel that is already occupied by two houses and two outbuildings and is rural in character. Both parcels will have access from Clay Street. There is adequate room to provide a private septic system on Parcel 1.

Subdivision Map Act/Parcel Map

Section 66463(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance. The Planning Commission finds that:

- (a) That the proposed map is consistent with applicable general and specific plans as specified in Section 65451;

The Tentative Map has been prepared in accordance with the Yolo County General Plan as required by the Subdivision Map Act. While the General Plan designation for this parcel is Residential Medium Density (10-19 dwellings per net acre), the property cannot physically be developed at that density because of the requirement for private septic systems. As there are no plans to construct a sewer system for the Town of Yolo, it would

be difficult to predict when the development at the General Plan density would be permitted. A low density option is therefore a reasonable alternative to not allowing any development at all.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

The proposed map was reviewed and determined to be in compliance with the standard criteria for parcel maps in accordance with the Yolo County General Plan.

- (c) That the site is physically suitable for the type of development;

The property is currently zoned Residential One-Family or Duplex, 28,000 SF Minimum (R-2/B28). The parcel split will be consistent with this zoning, providing adequate lot area for a private septic system.

- (d) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat;

Fish and wildlife resources will not be effected by the approval of the subdivision. This is an urbanized area, although the use is currently semi-rural.

- (e) That the site is physically suitable for the proposed density of development;

With the current zoning on the property, the proposed project meets the criteria established under the Yolo County Code for the minimum parcel size.

- (f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

Any development on Parcel 1 must be reviewed and approved by the Environmental Health Division as to septic system design. Water is provided by the Yolo CSD.

- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

No easement dedications will be required on the parcel map.



- 5.2 97-042 - A request for a Lot Line Adjustment and Zone Boundary Adjustment for A-1 and A-P parcels; Parcel 025-340-17, will increase from .21 to .91 acres. Parcel 025-340-18, zoned A-P, will decrease from 21.77 to 21.0 acres. Property is located at 16645 CR 97A, west of Woodland. This project is Categorically Exempt. Applicant/Owner: Sam and Sheri Whitehead/Oliver Enterprises (C. Eaton)

Commission Action:

The Planning Commission recommends that the Board of Supervisors take the following actions:

- (1) **CERTIFY** the Class 5 Categorical Exemption prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);

- (2) **ADOPT** the Findings for this project as presented in Exhibit 1 of the staff report;
- (3) **RECOMMEND APPROVAL** of a lot line adjustment to create a 0.823 acre parcel, and the corresponding adjustment to Williamson Land Conservation Act Contracts subject to the Conditions of Approval presented in Exhibit 1 of the staff report.

CONDITIONS OF APPROVAL

Planning & Public Works

1. Within 60 days of the approval of the recommended action, the applicant's engineer shall submit to the Planning & Public Works Department a written legal description of the parcel resulting from the Lot Line Adjustment.
2. Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the Planning & Public Works Department, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the eleven properties.
3. Upon approval of the legal descriptions by the Planning & Public Works Department, the applicant shall transmit the revised agricultural preserve legal descriptions to the Yolo County Counsel's Office and shall execute the new contracts as reflected in this report.

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 either or both of the following:

- non-issuance of future building permits;

- the revoking of the conditional use permit;
- legal action.

F I N D I N G S

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

SB 1240 Findings

Section 51257 (a) of the Government Code states:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other any other provision of this chapter, the parties may mutually agree to rescind the contract and simultaneously enter into a new contract pursuant to this chapter, provided that the board or council makes all of the following findings.

1. The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term at least as long as the unexpired term of the contract being rescinded, but in no event for less than 10 years.

The applicants have stated that the land owned by Oliver Enterprises will remain in agriculture. Parcel 025-340-18, together with parcel 025-340-21, constitute the whole of Williamson Act Contract 74-028 which requires that they remain in agriculture for at least ten years.

2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of land restricted by the new contract is at least as great as the aggregate acreage restricted by the rescinded contracts.

Parcel 025-340-17, zoned A-1, will increase 0.617 acres, from 0.206 to 0.823 acres; parcel 025-340-18, zoned AP, will decrease the same amount, from 21.77 to 21.15 acres. Total acreage currently under contract equals 85.04 acres, so a loss of 0.617 acres would represent a 0.289% decrease of restricted acreage.

The small homesite parcel will be expanded the minimum amount necessary to include the leach field and domestic well. Although there will be a small net decrease of land restricted by the Williamson Act contract, there will be no net decrease of land being farmed, as the leach field and well already exist for this purpose.

This proposal will correct an existing nonconforming situation where water and sewer are not provided on the same property as the dwelling. Approving this proposal will increase the likelihood that County environmental health standards will be met regardless of who owns the adjacent property, thus ensuring the safety and welfare of the occupants of the house.

The applicant inquired about purchasing land from neighbors to compensate for the land lost from the AP contract, but there was no land available.

3. At least 90% of the land under the former contract remains under the new contract.

There will be 84.42 acres of the land restricted by the new contract after the proposed decrease of 0.617 acres. This represents 99.27% of the 85.04 acres currently under contract, a 0.73% decrease. Williamson Act Contract 74-028 is not in non-renewal.

4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as that term is used in Section 51222.

Under Section 51222, the state requires that the minimum parcel size necessary to sustain agricultural use is 10 acres for prime ag land or 40 acres if non-prime land. The County currently requires 80 acres. After the lot line adjustment, the land remaining under contract will be 84.42 acres, which exceeds the County requirement. The two affected parcels have Class I soils (BrA, Brentwood Silty Clay Loam, and Ya, Yolo Silt Loam).

5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or of other contracted lands.

The use of the property will not change after the LLA, except that parcel 025-340-17, zoned A-1, will incorporate the private septic system and water supply. The new parcel is only large enough to accommodate the circular driveway in front of the house, the domestic well, the existing and replacement leach fields, and provide for the minimum setbacks required for a leach field by environmental health.

Lot Line Adjustment

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

6. 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.

7. 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 and their signatures can be found on the submitted application.

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

The applicant's licensed land surveyor will prepare the legal description for the project, depending on which alternative is approved. The Yolo County Planning & Public Works Department staff reviewed the Lot Line Adjustment map and legal descriptions and have found them to be adequate.

9. 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. In the original proposal, the lot configuration was chosen so that only the domestic well

would be included on the homesite, and consequently an easement will not be necessary for either the domestic or the agricultural well.

10. 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 lot configuration was chosen so that the entire driveway serving the dwelling unit will be included on the homesite, which has access from CR 97-A.

11. 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.

The design of the parcels will comply with County requirements. The homesite is less than an acre, which meets the requirements of the A-P zone, and is in conformity with the purpose and intent of the General Plan, as conditioned.

Williamson Land Conservation Act - Contract Adjustment

In accordance with Section 8-2.408(e)(3) of Article 4 of Title 8, and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

12. That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses.

The proposed contract, as adjusted, will meet or exceed the 80-acre minimum acreage requirement for irrigated and cultivated land as established in the A-P Zone by Ordinance No.1157. The land area restricted by the contract will decrease from 85.04 acres to 84.42 acres.

13. That the parcels resulting from the LLA will tend to maintain the agricultural economy.

The use of the property will not change. The restricted lands, currently planted in almonds, will remain agricultural.

14. That the parcels resulting from the LLA will tend to assist in the preservation of prime agricultural lands.

There should be no effect one way or the other, except that the homesite will be large enough to accommodate the existing well and septic system. This may prevent conflicts from arising between adjacent property owners in the future.

15. That the parcels resulting from the LLA will preserve lands with public value as open space.

The property is planted in almonds and will remain so for the indefinite future. The Williamson Act contract is active.

16. That the proposed use is consistent with the General Plan.

Dwelling units are a permitted use in the A-1 and A-P zones. Staff has determined that the proposed A-P contract reconfiguration conforms with the Yolo County General Plan, complies with the minimum parcel size of the Yolo County Code, including Ordinance 1157 (Blue Ribbon Ordinance) which specifies the provisions for dividing Williamson Act Contracts.

17. That the proposed contract is in conformity with all the requirements of the Subdivision Map Act of the State.

Staff has reviewed the application for conformance with the Subdivision Map Act. The original parcels were a part of the Lowlands Farm Subdivision, recorded in 1914. The small homesite was created by deed in 1962, prior to the adoption of a county subdivision ordinance.

18. 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).

The two parcels included in Williamson Act Contract 74-028 together meet or exceed the 80-acre minimum for irrigated and cultivated land in accordance with Ordinance 1157.

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6.0 REGULAR AGENDA

6.1 An open discussion by the Commission regarding the County's continued efforts and concerns in the preservation of agricultural lands.

Commissioner Rodegerdts requested that item 6.1 be moved to the end of the agenda.



6.2 97-057 - A continuation of a request for a Conditional Use Permit for a Go Kart Club facility on 18 acres of a 36 acre parcel. Property is located on CR 98 and Interstate I-5 near Woodland in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 027-270-81 Applicant/Owner: Blue Max Kart Club (D. Flores)

This item was withdrawn by request of the applicant, the Blue Max Go Kart Facility.

A letter from Frank Siefertman, former Board of Supervisor, regarding his opposition to the Blue Max Go Kart Facility was entered into the file.

Commission Action:

Recognized the withdrawal of the application as set forth in a letter from John Tyler to Ken Rieff dated February 26, 1998.

MOTION: Merewitz SECOND: Walker

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

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6.3 97-060 - A request for a Use Permit for an agricultural fumigation service. Property is located at 39985 CR 14, between CR 101 and State Highway 113 in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 056-200-09 Applicant/Owner: Trical/Ivancovich/Storkan (D. Flores)

David Flores gave the Commission a brief update on the history of this application. He explained that no Conditional Use Permit had been acquired by Trical during the last 18 years. There will be no improvements to the site.

Commissioner Merewitz asked how it was possible that this facility could exist for such a long period of time without the proper permits.

David Flores explained that staff does not have the resources to employ an enforcement officer. Since there have been no complaints during the past eighteen years, no one from the Planning Department knew they were there or had a reason to investigate it.

The Public Hearing was opened.

John Ivancovich, the applicant, referenced the Agricultural and Tourism Targeted Industry Analyses Report. The prime objective of the report is to devise an agribusiness attraction strategy which promotes the County's long term economic development. Trical fits into that plan. Being near local farms is also beneficial. Services are utilized by farmers of wine grapes, seeds, nurseries, walnuts, almonds, strawberries, and peaches. Although they have been ignorant regarding the obtaining of a Yolo County Conditional Use Permit, they have complied with other various agencies. He explained the properties of Methyl Bromide. It is injected into the soil and dissipates rather quickly. It leaves no toxic residue. Groundwater and soil contamination are not a problem. He added that their facility is only utilized as a storage facility. Even if and when Methyl Bromide is phased out by the EPA in the year 2001, the site would still be utilized for storage of another type of fumigant.

Commissioner Woo asked how wide their service area is. Mr. Ivancovich said they serve Yolo County and other nearby surrounding counties.

Commission Walker asked where their nearest other facilities were located. It was answered they were in Healdsburg and Holister. He explained that Use Permits had been acquired for both of those facilities since they were constructing new buildings, which required building permits and thus required use permits.

The applicant, Mr. Ivancovich, confirmed that they have met with the Yolo and Knights Landing Fire Departments. Specific training will be provided. If special equipment is necessary, that will also be provided.

Commissioner Rodegerdts asked the applicant if he thought there would be any traces of Methyl Bromide residue if a test of a well were to take place. He answered no, nor would you find it in soil after approximately fourteen days.

A discussion regarding the Conditions of Approval took place. The pool, which is located on the property, was discussed. They would like to refurbish the pool if possible, but will take it out if that is the desire of the Commission.

Dean Storkan, the president of Trical, said they are only requesting to continue their operation as they have for the past eighteen years. There will be no changes to the present facility.

Lucy Larma, the wife of an employee of Trical, said the company has treated her husband very well. He has had no health problems as a result of working with Methyl Bromide.

Mike Cunningham, a Senior Principal Superintendent of Agriculture with UCD, said the University relies on companies like Trical to apply fumigants prior to the planting of grape vines on the UCD campus. No other fumigant works as well as Methyl Bromide.

Robert Schroeder, of Harris Moran Seed Company, a research facility, said he utilizes Trical's services because they are local. They are concerned that if Trical would have to relocate to another area, his company would lose the flexibility of being able to fumigate when it is most effective.

Christine Wonder, manager of the Best Western Shadow Inn, said Trical is important to the Community in respect to the agriculturally based businesses. If Trical were to have to relocate, other businesses would suffer, which would have a direct effect on the motel.

Mary Edson, of Knights Landing, asked why, if Methyl Bromide is a harmless substance, why was it being banned. She added that her son was badly burned while applying an application of Methyl Bromide.

Dean Storkan said Methyl Bromide is considered a Class 1 substance. If used improperly, it can be dangerous. That is why many people use their service.

Paul Leathers, a nearby property owner, said there has been no use permit for this site for the last eighteen years. This company has put the neighbors in harms way during that time. He added that Road 14, which is utilized by Trical, is in poor condition. This increases the possibilities of accidents.

Marianne Nix, a nearby property owner, said she supports all that Mr. Leathers has stated and added that this facility should be located in an industrial area. Flooding is also a concern. Soil testing should be done.

Blake Harlan, the president of the Yolo County Farm Bureau, said Methyl Bromide is important to the Agricultural industry. The phase out of it will hurt the industry. The Farm Bureau has always been concerned with locating industrial uses in agricultural areas. It's been a difficult issue to grapple with. On one hand you have neighbors who do not wish to be located near these types of facilities and on the other hand you have

farmers who need these services to be in close proximity.

Commissioner Rodegerdts suggested that the Conditions of Approval be modified to reflect the expiration of the Use Permit in the year 2001, concurrently with the phase out of Methyl Bromide. It does not seem reasonable at this time that they should have to relocate for such a short period of time.

Commissioner Merewitz stated that this is a land use issue. Methyl Bromide is not what should be discussed at this time.

Commissioner Rodegerdts further suggested that testing for Methyl Bromide and Chloropicrin in the well and the soil should be conducted prior to the activation of the Use Permit and then every two years thereafter. Testing should include four wells, including three nearby property owners' wells. If traces are found during the testing, then it should be brought back to the Commission.

Dean Storkan said he felt very uncomfortable with this condition because he has no control over the condition of the wells of others.

Commissioner Walker asked Mr. Leathers and Mrs. Nix if they have used Methyl Bromide on their land and they both answered no.

Craig Williams, of Trical, answered questions regarding wash down procedures. There is basically only steam cleaning of machinery occurring.

Commissioner Woo asked if the soil has already been tested for contamination. David Flores answered that it

was merely a topical investigation with the results finding only some motor oil residue.

A lengthy discussion regarding the Conditions of Approvals took place.

Dean Storkan again asked the Commission to reconsider placing a Condition of Approval which would require him to test surrounding property owner's wells.

Commissioner Rodegerdts said that requiring this condition is not an unreasonable request, considering the surrounding property owner's concerns.

Commissioner Walker said the Commission has an obligation to address the public's legitimate concerns.

A discussion regarding extending the Use Permit if the EPA extends the ban of Methyl Bromide past the year 2001 took place. It was answered that they would be able to apply for an extension at that time, if appropriate.

Steven Basha asked the applicant if he concurred with the Conditions of Approval. The applicant agreed with the Conditions of Approval, although he was still concerned with Condition #16 (now Condition 17).

The Commission's compelling reasons for imposing Condition #16 (now Condition #17) are due to the following; 1) The operation of the facility on the site without a use permit 2) No oversight by the County for the last eighteen years, and 3) Concerns expressed by the neighbors regarding the possibility of contamination.

Steven Basha, County Counsel, stated that Marianne Nix and Paul Leathers have both consented to having their wells tested provided they receive one week's notice.

Commissioner Merewitz made a motion to include testing of all known hazardous substances. The motion was not seconded.

Commissioner Merewitz made a motion to deny this request based on land use issues. This is not the forum to discuss whether or not these chemicals are appropriate. The motion was not seconded.

A subsequent motion was made to approve the request.

Commission Action:

1. **CERTIFIED** the Negative Declaration prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);
2. **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
3. **APPROVED** the Conditional Use Permit to establish an agricultural fumigant facility subject to the "Conditions of Approval" as modified.

MOTION: Rodegerdts SECOND: Walker

AYES: Rodegerdts, Walker, Woo, and Heringer

NOES: Merewitz

ABSTAIN: Lang

ABSENT: Stephens

CONDITIONS OF APPROVAL

Planning:

1. This Conditional Use Permit will be for the operation of an agricultural fumigation facility handling Methyl Bromide and Chloropicrin only. This permit is to expire as of Jan 31, 2001. At that time, or anytime sooner, the applicant may apply for a renewal or modification of the Use Permit.
- ~~1.2.~~ The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan (**Exhibit "2"**), or by minor modification or expansion which is in keeping with the purpose and intent of this conditional use permit and administered through a site plan review approved by the Planning and Public Works Department. The project shall operate in a manner consistent with the project's approval.
- ~~2.3.~~ TriCal shall provide a minimum of 3 on-site parking spaces for their facility. Said parking spaces shall have a minimum size of 8' width X 18' length with 7' of vertical clearance.

Building Division:

- ~~3.4.~~ Trical shall submit the appropriate structural plans for the existing storage containment platform

to the Yolo County Planning and Public Works Department, Building Division for review and approval. The payment of penalty fees shall apply when building permits are applied for. This is in accordance with County policy for businesses operating without a conditional use permit.

4.5. A complete list of hazardous materials by structure shall be completed in a format matching the UBC T-3-D List for classifications by a qualified professional.

~~5-6.~~ The applicant shall abandon the existing in-ground swimming pool by either filling in the pool area with soil or total demolition of pool area. Either method for abandonment shall be in accordance with the Yolo County Building Department requirements.

~~6-7.~~ Prior to the issuance of a building permit, Trical shall submit a comprehensive landscape plan drafted by a landscape architect registered in the State of California in accordance to the State of California Model Water Efficient Landscape Ordinance to the Yolo County Planning and Public Works Department for approval. The property shall be landscaped with materials that blend with the existing site and surrounding environment (agricultural), and that are drought tolerant as approved by the Assistant Director of the Yolo County Planning and Public Works Department.

Fire District:

~~7-8.~~ Trical shall provide hazardous training and methods in handling emergency situations to the Yolo Fire District and Knight Landing Fire District

personnel. Training shall consist of handling cases of accidental spills or fire suppression at the facility. The applicant shall also provide emergency equipment (IE, protective clothing, breathing apparatuses) if needed to the Yolo Fire District and Knights Landing Fire District to handle such emergencies.

~~8-9.~~ Trical shall meet on-site water storage requirements for fire protection as required by the Yolo Fire District. Documentation of compliance shall be provided to the Planning and Public Works Department.

~~9-10.~~ Addressing for the future building units along the public road frontage will be posted using 6" reflective numbers visible to vehicular traffic prior to the final inspection for the building units.

Fish and Game:

~~10-11.~~ A California Department of Fish & Game Code authorization Management agreement shall be executed prior to issuance of building permits or payment of mitigation fees to a Yolo County fish and wildlife mitigation account shall be made.

Public Works:

~~11-12.~~ The applicant shall pave the driveway connection to the county public right of way to the satisfaction of the Yolo County Department of Public Works and Transportation. The driveway and

each direction on County Road 14 (approximately 100 feet) shall be overlaid with 3" AC.

~~12~~13. All commercial vehicle traffic shall be from the project site, west on County Road 14 to State Highway 113. The applicant shall submit a Transportation Route Map with the Planning and Public Works Department for filing.

~~13~~14. The property owner shall provide a drainage plan to assure other perimeter parcels are protected against surface runoff from the agricultural fumigant facility and equipment parking area in a manner acceptable to the Yolo County Planning and Public Works Department. The drainage plan shall be prepared by a registered civil engineer in the State of California.

Effect To Ground Water Quality:

~~14~~15. The entire fumigation storage area shall be so constructed as to allow no seepage into the ground (concrete flooring, etc.).

~~15~~16. No off-site discharge of wash down or wastewater shall be allowed.

~~16~~17. A complete ground water well and soils study shall be conducted every two years to determine possible contamination of the site. Testing methods shall be in accordance with Yolo County Environmental Health Services criteria and results provided to their Agency for evaluation. Results shall be provided to the Yolo County Planning and

Public Works Department for compliance. A complete ground water well survey to test for Methyl Bromide and Chloropicrin in the area and a soils study on site shall be conducted every two years to determine possible contamination of the site. A baseline survey and study will be conducted within thirty days of the Planning Commission's approval and appeal period, to include the testing of the water well on site and at three adjoining well sites on the Nix, Best, and Leathers properties. If two of the three off-site well owners do not consent to the baseline test and subsequent tests as specified, then further proceedings will be conducted before the Planning Commission to determine if new wells need to be designated, or if such off-site testing is no longer warranted. Testing methods shall be in accordance with the Yolo County Environmental Health Department criteria and results shall be provided to that agency for evaluation. Results shall be provided to the Yolo County Planning and Public Works Department to insure compliance with this condition.

17-18. Any improvements to the existing septic system shall require a permit from the Yolo County Environmental Health Services. Only human waste is to be discharged into the septic system. No wash down from the fumigation loading/unloading area is allowed to enter the septic system.

Air Quality:

~~18~~19. Construction equipment and equipment used by the distribution facility shall be properly maintained in accordance to air quality/pollution management standards.

~~19~~20. Operational practices for construction and equipment used by the distribution facility are to minimize vehicle idling.

~~20~~21. The applicant shall develop a dust mitigation program for the facility with assistance from the Yolo-Solano Air Quality Management District and the Yolo County Environmental Health Services. The plan, among other items, is to include the following:

a. Use of surfacing materials or additive substances (i.e. decompose granite and oil, water spraying on a routine scheduling, etc.) or the parking area that limits the migration of dust.

b. Surrounding the site with windbreakers (i.e. trees, solid walls, earthen berm, etc.). The use of landscaping/vegetation to cover areas where paving is not feasible, etc. The plan shall be submitted to the Yolo County Planning and Public Works Department for approval.

~~Hours of Operation:~~

~~21. The distribution facility shall normally be operated between the hours of 4:00 am to 4:00 pm Monday through Friday. The stated times shall also~~

~~be the receiving times for deliveries from trucks.~~

Aesthetic Effect:

22. All proposed buildings and accessory structures and perimeter fencing located at grade shall be designed and finished with materials that will be consistent with the existing character of the site and immediate surrounding area (rural agricultural) and to the satisfaction of the Assistant Director of the Yolo County Planning and Public Works Department (See Condition No.6 for requirement of landscape plan).

Light Or Glare:

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

County Counsel:

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

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

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

- non-issuance of future building permits;
- the revoking of the conditional use permit;
- legal action.

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

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

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

Conditional Use Permit

In accordance with Section 8-2.2804 of Chapter 2, Title 8, the Planning Commission finds the following:

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

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

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

The facility provides fumigation service to the farming industry. It is desirable for a facility of this type to be located in an area accessible to agriculture, and within its customer area.

The location of the project site provides close access onto State Highway 113, which makes it a desirable location for vehicular, truck and more specifically customers picking-up supplies, facility deliveries to customers, and the delivery of supplies to the facility.

As this type of industry is threatened by increased urbanization, it is important to consider that this operation supports and is an important factor to the County's Agricultural Industry. By locating this facility into a rural setting, it will protect this

type of business from further urban encroachment. As provided in the report, and supported by Trical, all precautionary steps have been taken to provide a safe operation that protect both the employees of Trical and the surrounding agricultural operations.

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

The five acre subject property is surrounded by large agricultural parcels that are in row crop production: to the north, south, east, and west. Scattered single family farm residences exist throughout the area. State Highway 113 is just west of the site.

As conditioned, the facility is not likely to cause serious public health problems. Conditions have been established for the described project and have been attached as "Conditions of Approval" for the project.

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

The Yolo County General Plan, Land Use Policy # 18 discusses the consideration of placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reasons of hazard or nuisance to concentrations of people. As this type of industry is threatened by increased urbanization, it is important to consider that this

operation supports and is an important factor to the County's Agricultural Industry. By continuance of this facility in a rural setting, it will protect this type of business from urban encroachment.

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

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

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

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

Trical is directly involved in agriculture as this company provides fumigant services which are utilized in farming fields and farming silos. Land Use Policy # 18 specifically addresses the allowance of such a usage by means of a conditional use permit.

- The use will diminish or prevent agricultural use on site or on adjoining agricultural lands.

The five acre subject property was utilized as a agricultural propagation site and had not been farmed for the last 18 years. The lands surrounding the subject property will remain in agricultural production (row crop). There has been no concerns voiced from farming interest (Farm Bureau, Resource Conservation District) that the placement of this fumigant business in an agricultural setting will effect neighboring farming operations.

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

Trical provides fumigant service to the farming industry. As indicated in the staff report, the fumigants utilized are part of their daily operation and are of a hazardous nature. It would be to the benefit of urban communities to locate this facility in an non-urban setting.

- The use can not be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products."

The five acre subject property has not been farmed, but utilized in the past as a plant propagation site. The lands surrounding the subject property are in agricultural production (row crop) and contain a scattering of single family residences. The proposal will not involve the removal of any acreage out of

active farming in order to allow the agricultural facility.



6.4 97-046 - A request for a Use Permit to allow for a solid waste transfer station. Property is located on 26375 CR 105D at CR 32B near Davis in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 033-290-45 Applicant/Owner: Davis Waste Removal (D. Flores)

David Flores gave the Staff Report. He added that the applicant would like more flexibility with the hours of operation. On occasion, they will need to operate on Saturday and Sunday.

The Public Hearing was opened.

Paul Giesler, the co-owner of Davis Waste Removal, said the site has previously been utilized for composting and as a soccer field. The reason for siting the facility at this location is because of regional marketing. It is their belief that within a few years, Yolo County Landfill may not be able to sustain any more waste. He addressed some of the concerns as follows:

- Hazardous materials - Seventy percent of the waste stream in Davis is residential in nature. The other thirty percent is from small businesses or restaurants. These are generally non-hazardous generators.
- Odors - Although garbage does produce odors, there is a direct link with the time that it is stored. Their average turnaround time is around thirty minutes.

- Rodents and litter - Very little water is used, so as not to add bacteria. Usually they use a grease sweep, which is added to the garbage and then disposed. A full time pest control company is also utilized.

- Operating hours - They will be operating on Saturdays, and occasionally on Sundays.

He also indicated that they would only be employing two full time positions.

Commissioner Rodegerdts asked the applicant what agencies monitor their present operation. The applicant replied that the City of Davis Public Works Department, the County Environmental Health Department and Integrated Waste Management. They would received on unannounced inspection by the County once per month and the State inspects twice a year.

The Public Hearing was closed.

Commissioner Rodegerdts referenced a letter submitted by Katharyn Cooper. He wanted to go on record as expressing a great deal of concern over allowing more non-agricultural activities in this area.

Commissioner Merewitz said that Ms. Cooper's concerns are with spraying and the condition of the roads, however, those have been addressed in the Conditions of Approval.

Commission Action:

- (1) **CERTIFIED** that the attached Negative Declaration 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 Conditional Use Permit subject to the conditions identified under "Conditions of Approval" as modified.

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

CONDITIONS OF APPROVAL

Agricultural Resources

- 1. The project proponent shall be required to take into consideration adjacent agricultural operations in coordinating their solid waste transfer station, including implementation of the provisions of the Right to Farm Ordinance, as adopted by the Yolo County Board of Supervisors.
- 2. The applicant shall incorporate appropriate setbacks (a minimum of 100 feet for direct pesticide application and 300 feet for aerial spraying) into the final design plans of the

transfer station facility , so as to avoid undue restrictions on agricultural operations on adjacent properties. A plan showing the proposed buffers shall be submitted to the Yolo County Agricultural Commissioner for review and approval.

Air Quality

3. During any construction, the applicant shall implement dust control measures to ensure prompt installation of site improvements to reduce the potential for dust emissions. The area disturbed by clearing, earth moving or excavation activities shall be minimized at all times. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the later morning and after work is done for the day. If fill dirt is brought into the construction site, then tarps or soil stabilizers will be placed on the dirt piles to minimize dust problems. When construction equipment leaves the construction site, all excessive dirt accumulations on the equipment will be washed off.
4. During any construction, on-site construction vehicle speeds shall be limited to 15 mph so as to reduce impacts associated with dust. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds greater than 30 mph averaged over one hour. All dust nuisances will be minimized by acceptable dust control procedures.
5. During any construction, the period of time in which any particular area remains exposed shall be limited to the extent feasible. Construction activities will be scheduled during typical dry periods. If storm activity occurs during construction, the project manager will limit all activities where runoff erosion could occur.
6. On-site equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications. All on-site equipment shall receive periodic maintenance as required for efficient operation.

Public Works

7. Prior to construction, encroachment permits shall be secured from Yolo County Public Works Department for road improvements on County Road 105D and 32B and constructed in accordance with County Standards.
8. Prior to construction, A comprehensive drainage plan shall be provided to the Planning and Public Works Department for review and approval.

Landscaping

9. Prior to construction, the project proponent shall submit a landscaping plan to the Yolo County Planning and Public Works Assistant Director for review and approval. The plan shall provide screening vegetation at project site boundaries to reduce the project's visual effect on adjacent parcels.

Environmental Health

- 10. Prior to construction, permits shall be obtained from the County Environmental Health Division and other applicable agencies for any on-site wastewater treatment and disposal systems.

Building Department

- 11. Prior to any on-site grading activity, a grading plan shall be provided for review and approval of the Planning and Public Works Department
- 12. Fire Sprinkler system will be required and submitted to the Yolo County Building Department for review and approval.

Emergency Services/Access Requirements

- 13. All persons employed in the daily operations of the project shall be trained in basic CPR, First-Aid, and fire emergency procedures, and/or as required by the Davis Fire District.
- 14. Prior to construction, necessary access requirements onto the site shall be designed and constructed to the satisfaction of the Davis Fire District requirements.
- 15. No parking of transfer trucks or trailers will be allowed along County Road 105D, except maintenance crew vehicles.
- 16. An emergency plan will be developed to address emergency evacuation procedures in case of an accident or evacuation of the site. The plan shall be submitted to the Davis Fire District for their review and approval.

Solid Waste Containment/Odor Control on-site

- 17. Refuse will be removed daily on a first in, first out basis and will not be stored on-site for more than 48 hours.
- 18. The transfer building will be cleaned daily by sweeping of the tipping floor. Periodic washing of the station and equipment will be performed as needed. Residual waste material will be confined to storage within the building.
- 19. Station personnel will pick up litter on a daily basis. The extent of litter pick up will be within the site and surrounding roadways as needed. Additionally, all haulers will be informed of the tarping policy which requires them to bring only covered loads to the facility.
- 20. Recyclable material collection bins and transfer trailer pit will be cleaned as necessary to prevent the creation of nuisances and attraction of vectors. At a minimum, these areas are to be cleaned on a weekly basis.

21. The transfer building will be cleaned daily by sweeping of the tipping floor. Periodic washing will be performed as needed. Residual waste material will be confined to storage within the building.

Security/Lighting

22. The solid waste transfer station shall be fenced and gated to prevent intrusion from unauthorized individuals onto the site.
23. Nighttime lighting will be for security purposes. All on site lighting will be directed so that the light source is not visible from adjacent properties.

Hazardous Waste Screening Program

24. Discharge of hazardous waste will be prohibited at the facility. A Hazardous Waste Screening Program will be prepared for the facility and submitted to Yolo County Office of Emergency Services (HAZMAT) for reference. The screening program will consist of the following activities:
- Educational material provided to customers.
 - Inspection of random in-coming loads.
 - Regular visual inspections of the waste deposited at the facility.
 - Training of facility personnel in hazardous waste recognition and proper hazardous waste handling procedures.
 - Reporting incidents of unlawful disposal to appropriate agencies.
 - Installation of signs at the facility entry way that no hazardous waste are accepted.
25. Hazardous material, generated as a result of the hazardous screening program will be temporarily stored in approved hazardous material storage containers. Storage of hazardous material on-site shall be limited to less than 90 days. Hazardous material will be removed from the facility by a contractor licensed to transport hazardous waste. The contractor will remove, transport, and dispose of the material in compliance with all federal, state, and local regulations.
26. Prior to construction, an Emergency Response Plan shall be submitted to the Yolo County Office of Emergency Services (HAZMAT). Hazardous materials & hazardous waste exceeding threshold amounts must be disclosed to this Agency.

Hours of Operation

27. Hours of operation shall be from 6:00 am to 5:00 pm, Monday through Friday, except for incidental use on Saturday and Sunday.

Fish and Game:

28. A California Department of Fish & Game Code authorization Management agreement shall be executed prior to issuance of building permits or payment of mitigation fees to a Yolo County fish and wildlife mitigation account shall be made.

County Counsel

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

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

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the 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.

Conditional Use Permit

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

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

(Section 8-2.604 (g) allows this type of use (transfer station) upon approval of a Conditional Use Permit.)

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

(The proposed transfer station provides a beneficial use to the surrounding community by the collection of waste products and recycling of certain by-products)

- c. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

(The proposed transfer facility will be set back considerably from the county road system, will be screened with landscaping and is approximately four miles from neighboring housing so as to not effect the character of the area.)

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

(Findings have been made that this use can be developed in the area without significant reduction of cultivation, growth, and harvesting of indigenous agricultural products. Necessary agricultural buffers will be implemented to protect surrounding agricultural operations.)

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

(PG&E will provide any necessary electrical needs . A water well and septic system will be constructed in accordance with County Environmental Health standards. Drainage and access to the property will be coordinated with the Public Works Department)



The Commission recessed for lunch at 12:35 and reconvened at 1:05.

6.1 An open discussion regarding the County's continued efforts and concerns in the preservation of agricultural lands.

Commissioner Heringer said the Farm Bureau is sometimes short sighted. Some of the land in Yolo County, which is not Class 1 soil, really should not be farmed. It

should be utilized as an industrial area. Infrastructure cannot be supported solely by agriculture.

Commissioner Rodegerdts referenced the Yolo County Economic Summit, which was held in December, 1997. It is important that the correct components of the agricultural industry be represented in the Economic Development Council that is to be established.

According to the minutes of that meeting, the issue of the minimum size of the parcels was discussed. If the County were to reduce the minimum parcel size, it would be a major mistake. Wine grape growers would leave the County at the first hint of economic trouble. Then we would be left with smaller parcels.

Agriculture brings in more tax revenue than the infrastructure it requires. Growth, as reflected in the minutes of the Economic Summit, does not necessarily mean population growth, it can mean economic growth. The County's goal is to protect agricultural land, not just prime agricultural land. Even Class 4 soils, which are level and irrigated, can be planted with row crops.

He discussed urban growth limit lines. He said he hopes that Yolo County can be the leader and set the example in preserving agricultural land. We have a great responsibility on our shoulders.

Commissioner Merewitz asked why Commissioner Rodegerdts did not believe that the urban growth boundaries were not the appropriate tool for Yolo County.

Commissioner Rodegerdts explained that the first development will be on the edge of the urban growth boundary, where the land is the least expensive. This

will almost guarantee that everything in between will eventually be developed. This is typical leap frog development. The limit lines should not be moved once they have been established.

Assistant Director Bencomo said that he, along with the Planning Directors from the incorporated cities, have been asked to put some options together regarding the Greenline Plan. Nothing has been conclusively drawn. More discussions are forthcoming.

Blake Harlan, the President of the Yolo County Farm Bureau, said the County does make money from taxing agricultural land. He also stated that agriculture can support infrastructure. Many rural taxpayers do not reap the services for which they pay. He stated that the County has the ability to attract growth in some of the smaller towns, such as Esparto and Dunnigan. These areas would be perfect for industrial growth.

Commissioner Walker said it would be a benefit if the Farm Bureau could help to make the Commission more aware of where these industrial areas are located.



6.5 Annual Gravel Report- Consideration of the 1998 Annual Compliance Report for eight off-channel gravel mining operations located within the Cache Creek Area Plan. The subject properties include approximately 2,393 acres, located along both sides of Cache Creek between county Road 85 and County Road 96, and designated either A-1/S-G (Agricultural General/Sand and Gravel) or A-P/S-G (Agricultural Preserve/Sand and Gravel) zone. This project is Categorically

Exempt. Applicant: Yolo County Planning and Public Works Department (D. Morrison)

David Morrison gave the Staff Report. He gave the Commission an addendum to the original 1998 Mining Compliance Report. He indicated that most of the mining companies are in compliance with Conditions of Approval, their permits, and the development agreements. There are a few items which still need to be brought into compliance. They are as follows:

- Cache Creek Aggregates - Agreement with the Department of Fish and Game and road improvements to intersection of County Roads 19 and 87.
- Solano Concrete - Road improvements on Highway 16, regarding a left turn lane.
- Teichert Aggregates - Road improvements to the "S" curve to the west of Interstate 505 and Road 19. Implementation on net gain for the ground water recharge facility at the Roger's site.
- Syar Industries - Received an extension from the Board of Supervisors for commencement of long-term mining and for implementation of the flood control facility for Lamb Valley Slough. They have just submitted an application to amend their reclamation plan.
- Yolo County - Has not fixed its erosion control program in the pit south of Teichert. Negotiations are underway with Teichert Aggregates to lease the site for use as a stockpile storage area, in return for Teichert completing final reclamation of the site.

David Morrison asked the Commission to defer actions on the recommended action on items 6-9 until May 6, 1998.

Commissioner Lang discussed the County's plan to come into conformance with their own reclamation plan.

David Morrison said that RC Collett/Cache Creek Aggregates has outstanding payments which are due to the other aggregate companies. Syar, Teichert and Solano bore the costs of preparing the Off-Channel Mining Plan as well as the technical studies. Reimbursement is due of \$65,000 to \$70,000 for the creation of the gravel plans and \$50,000 for their share of the technical studies.

The Public Hearing was opened at this time.

Mark Kersey, of RC Collett, said they will submit the outstanding payment within 90 days. The \$50,000 will be paid for out of the assessment of each ton sold.

The Public Hearing was closed.

Commission Action:

1. **CERTIFIED** a Class 9 Categorical Exemption as the appropriate level of environmental review for this report (See Attachment "1")
2. **ADOPTED** Findings of fact in support of determining that the mining operations described below are in conformance with their conditions of approval. (See Exhibit 1)

3. **DETERMINED** that the following aggregate companies have complied with the Conditions of Approval established as part of their mining permit and reclamation plan, with the exception of those conditions specified in Exhibit 2 as requiring further review;

- a. Cache Creek Aggregates/Payment will be made within 90 days.
- b. Granite Construction
- c. Schwarzgruber and Sons
- d. Syar Industries
- e. Solano Concrete
- f. Teichert Aggregates

4. **DETERMINED** that the following aggregate companies have not complied with the Conditions of Approval established as part of their initial Use Permit:

- a. Yolo County

5. **DIRECTED** staff to report back in six months time on the progress of those conditions of approval requiring further review and on the status of reclamation for the Yolo County site.

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

F I N D I N G S

Staff recommends that the Planning Commission adopt the following findings:

1. Following the review by staff, which was based upon on-site inspections, documentation provided by the operators, and aerial topographic maps, it is determined that the continuing mining and reclamation activities of Cache Creek Aggregates, Granite Construction, Schwarzgruber and Sons, Solano Concrete, Syar Industries, and Teichert Aggregates are in compliance with the County Surface Mining and Reclamation Ordinances, individual mitigation monitoring plans, Development Agreements, the Surface Mining and Reclamation Act, and conditions of the mining permits issued to the producers.

2. Following the review by staff, which was based upon on-site inspections, documentation provided by the operators, and aerial topographic maps, it is determined that the continuing reclamation activities of Yolo County do not conform to the conditions of the mining permit. Further review of these activities is required to ensure that continued progress is being made. Staff is directed to report back to the Planning Commission in six months to provide an update on the status of reclamation activities for the Yolo County site.

3. The review performed by staff and public hearing before the Planning Commission fulfills the requirements of Section 10-4.703 of the County

Surface Mining Ordinance and 2774.b of the Surface Mining and Reclamation Act regarding the annual review of mining and reclamation compliance, Section 10-5.708 of the County Surface Mining Reclamation Ordinance and Section 2773.1 of the Surface Mining and Reclamation Act regarding annual review of financial assurances, and Section 21081.6 of the California Environmental Quality Act regarding mitigation monitoring program implementation.



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.

- 1) Wilbur Ellis' drainage plans.
- 2) Heidrick's parcel has been vacated of trucks, however there is heavy equipment on the site now.
- 3) David Harzoff, the Economic Development Coordinator for the County, has terminated his employment.
- 4) The make-up of the Economic Council.
- 5) The Putah Creek Council request to the Board of Supervisors to appeal the Nextel application.
- 6) Lynn Terry, the County Surveyor, has passed away.



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 spoke about Yolo County becoming a mitigation ground for the Natomas area.
- 2) Commissioner Woo (not decipherable)
- 3) Commissioner Walker spoke about article in the Daily Democrat regarding urban growth. He requested that an item be placed on a future agenda regarding policy issues.
- 4) Commissioner Merewitz said he agreed that policies regarding agricultural preservation should be created.
- 5) Commissioner Rodegerdts thanked everyone on the Commission and the public for the discussion regarding agricultural preservation.
- 6) Commission Heringer spoke about CalFed and water issues.



9 . ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 3:00 pm. The next regular meeting of the Planning Commission will be held on April 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