



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

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## YOLO COUNTY PLANNING COMMISSION

CHAIR: Jeb Burton  
VICE-CHAIR: Richard Reed  
MEMBERS: Leroy Bertolero; Jeff Merwin; Richard Reed; Keith Williams; Don Winters

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### MINUTES

September 9, 2010

#### ADMINISTRATIVE AGENDA

1. Chair Burton called the meeting to order at 8:35 a.m.
2. Pledge of Allegiance was led by Commissioner Kimball.

MEMBERS PRESENT: Burton, Bertolero, Kimball, Merwin, Reed, and Winters  
MEMBERS ABSENT: Williams  
STAFF PRESENT: David Morrison, Assistant Director of Planning  
Donald Rust, Principal Planner  
Eric Parfrey, Principal Planner  
Stephanie Cormier, Associate Planner  
Jeff Anderson, Assistant Planner  
Philip Pogledich, Senior Deputy County Counsel  
Andrea Tyler, Office Support Specialist

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3. ADOPTION OF MINUTES OF THE **AUGUST 12, 2010** MEETING.

#### Commission Action

The Minutes of the **August 12, 2010** meeting were approved with one correction.

Include Chair Burton under MEMBERS PRESENT.

MOTION: Reed SECOND: Bertolero  
AYES: Burton, Bertolero, Reed, and Winters  
NOES: None

ABSTAIN: Kimball  
ABSENT: Williams, Merwin

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4. 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 Chair. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

None

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5. CORRESPONDENCE

- 5.1 Publication on Land Use and Planning – Guide to Planning Healthy Neighborhoods
- 5.2 Letters from Brenda Cedarblade and Donald B. Mooney regarding agenda Item 6.2
- 5.3 Memorandum on North Davis Meadow discussion item
- 5.4 Email from the clean water agency regarding the marina project

Chair Burton acknowledged receipt of all correspondence received prior to, and distributed at the beginning of the meeting.

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TIME SET AGENDA

- 6.1 **ZF# 2007-049:** Extension of a Use Permit to construct and operate a marina on the west bank of the lower Sacramento River, just north of the Interstate-5 Bridge. The project site is zoned A-1 (Agricultural General) and is designated in the General Plan as being within the Elkhorn Specific Plan area (APN: 057-210-17, -18). The Use Permit was approved by the Planning Commission on August 14, 2008, and the Planning Director approved a one year extension in 2009. The applicant is requesting an extension in order to obtain approvals from all applicable state and federal agencies. A Categorical Exemption has been prepared for this project. (Owner/Applicant: Hugh Turner/Robert Newton; Planner: J. Anderson)

Jeff Anderson, Assistant Planner, presented the project, and answered questions from the commission.

Chair Burton opened the public hearing.

Regina Cherovsky, Chairperson of Reclamation District 2035, explained that Conaway is the largest landowner within Reclamation District 2035, but also includes lands owned by the City of Woodland and the City of Davis, as well as smaller ag users. She said that they had begun planning the project around the year 2000 for an updated stand-alone screened water intake facility, but encountered funding issues, that caused the project to be delayed. In the meantime, Woodland and Davis formed

the Clean Water Agency. As a result, there was discussion about whether or not it made sense to build one intake as opposed to two separate intakes on the Sacramento River. It was determined that although more complicated, a dual intake would be environmentally superior. Reclamation District 2035 has moved forward in getting funding through the Bureau and the State to screen the diversion. Currently, it is the largest unscreened diversion closest to the Delta, so it is an important project. She stated that she has met with the marina applicants over the last two years, and has expressed her concerns. In addition the reclamation district had done some redesigning and one concern of the redesign, is the possibility that County Road 117 may need to be raised. Though they have known about the marina project, some of their designs have changed, so that is why the Reclamation District commented now.

Philip Pogledich, Senior Deputy County Counsel, asked Ms. Cherovsky when the reclamation district gave prior approval of the fish screening project, and how the current proposal differs from the original proposal that they approved.

Ms Cherovsky responded that the California Environmental Quality Act (CEQA) document was certified in 2003, and the project was approved at that time, but there was no funding available. The current project differs from the past project in that the pumping station location has changed because of new laws.

Mr. Pogledich asked for the timeline on return of the project for approval by the reclamation district for the revised project, and if they have to resubmit their CEQA document, when it would appear before the reclamation district board for consideration?

Ms. Cherovsky stated that they hope to go to construction by 2013 if they are able to get funding and they will need to revise their CEQA document, but does not know when it will go back to the reclamation board district, but perhaps spring of next year.

Chair Burton closed the public hearing.

Commissioner Kimball asked how Reclamation District 2035's project would be affected by the existing Use Permit for the marina. In addition, she asked for verification that a month would allow for sufficient time to acquire necessary information prior to returning to the Planning Commission.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing and received comments; and
2. **CONTINUED** the item to the next regularly scheduled Planning Commission hearing.

MOTION: Winters                      SECOND: Kimball  
AYES: Burton, Bertolero, Kimball, Reed, and Winters  
NOES: None  
ABSTAIN: None  
ABSENT: Williams, Merwin

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Commissioner Merwin arrived at approximately 8:54 a.m.

6.2 **ZF# 2010-002:** Appeal of Zoning Administrator approval of a Conditional (Minor) Use Permit to stockpile up to 10,000 cubic yards of soil additive (gypsum) that will be sold to local farming operations throughout Yolo County. The proposed storage area is approximately 0.5-acre area within a 246-acre parcel, immediately adjoining the Clark-Pacific Pre-cast concrete manufacturing facility north of the City of Woodland (APN: 027-250-06). The project site is zoned A-1 (Agricultural General) and is designated in the General Plan as Industrial. A Categorical Exemption has been prepared for this project. Owner/Applicant: Jack L. Spence, Inc. (D. Rust)

Donald Rust, Principal Planner, provided a brief overview and history of the project, and answered questions from the commission. In addition, he included review of letters submitted on September 8, 2010, by Brenda Cedarblade, and Donald Mooney,

There was clarifying discussion regarding Conditions of Approval, including the hours of operation, and Condition No. 39 regarding the spraying of the lime piles to prevent the dust from blowing onto neighboring properties.

It was determined that Condition No. 39 should be expanded to include the same conditions for unloading the product as loading the product.

Chair Burton opened public comment.

Scott Cooper, President of Spence Trucking, said that he reviewed the conditions of approval and agreed to abide by them and made himself available to answer questions from the commission.

Donald Mooney, legal representative for the appellant, stated that the issue before the commission was whether the project is exempt under public resources code 21083.3. He said county staff has argued that it is exempt, stating that all of the potential environmental impacts associated with the project were previously covered in the 2030 General Plan Environmental Impact Report (EIR). He pointed out that with regards to agricultural emissions, nowhere in the entire 2030 General Plan EIR text does it discuss the transportation, storage, or removal of agricultural chemicals as part of the analysis and discussion. Therefore, since impacts were not discussed in the previous EIR then Section 21083.3 does not apply, nor does it apply since there are potentially cumulative significant impacts associated with the project.

Based on the discussion of the commission and the staff report, he thinks it is clear that there are potentially significant cumulative environmental impacts associated with the storage and removal of the existing lime pile, which means that Section 21083.3 does not apply. In addition, Section 21083.3 requires that mitigation measures that have been previously adopted and approved. Mitigation measures have not been adopted and approved for this project because the Conditions of Approval are essentially saying that you have to go to the Yolo Solano Air Quality Management District (YSAQMD) and get your permit. The YSAQMD requirements are essentially mitigation measures without the accompanying environmental document. Moreover, YSAQMD hasn't agreed to the recommended mitigation measures and hasn't issued the permit.

Therefore, staff is recommending an exemption which under the law requires all mitigation measures to have been adopted, and in this case measures have not been adopted. Instead, the Conditions of Approval are really mitigation measures. If a Negative Declaration or an Environmental Impact Report had been prepared, then the requirements in regards to the YSAQMD permit (e.g, the watering, etc.) would have been treated as mitigation measures. What the staff report has done is label mitigation measures as Conditions of Approval and then exempted the project from CEQA.

His client would prefer not to have another stockpile of agricultural chemicals blowing on to her property. Whether or not the commission thinks the project is good or bad for the county is not the issue that is before them. The issue is whether the project is exempt under the California Environmental Quality Act. Mr. Mooney thinks it is clear that it is not exempt, based on the information presented in his letter, and the contents of the General Plan Environmental Impact Report (EIR).

The staff report pointed to several General Plan policies, but nowhere were there references from the General Plan Environmental Impact Report. Section 21083.3 requires that the project analysis be prepared based on the previous EIR, which was not done in this case. The issue is not whether or the commission thinks it is a good project, or that the Conditions of Approval fully mitigate the impacts of the project. The issue is whether the project is exempt under Public Resources Code 21083.3.

Chair Burton closed public comment.

Commissioner Bertolero asked the applicant if he had opportunity to review the Conditions of Approval and if he agreed to comply with these conditions.

Commissioner Bertolero expressed his agreement with the Zoning Administrator's approval, as it is his belief that the application is consistent with the 2030 General Plan. The applicant must comply with the Conditions of Approval or be fined, and based on the location of the gypsum pile and wind direction, it would be almost impossible for it to blow on Ms. Cedarblade's property. He expressed concerns that the offloading of the stockpiling was not included in the original language because dumping could be as bad as loading, but the issue has been addressed. In regards to the letter submitted by Ms. Cedarblade, the first two pages were about lime, which isn't the issue before the Commission today, and the final page regarding the gypsum was addressed in the staff report. Commissioner Bertolero added that he personally believes the applicant needs a chance to conduct his business and they can put a time limit on the Use Permit for review and compliance in a year.

Commissioner Kimball agreed with Commissioner Bertolero's comments and expressed her appreciation for his fine-tuning of some of details like the loading and unloading, and time frames. She explained that the reason she asked the applicant about their peak periods is because during the spring or the fall, the north winds are the strongest. However, she is in agreement with Commissioner Bertolero's assessment of the direction of the wind not affecting Ms. Cedarblade's property. She would like to see the applicant get a chance to conduct his business and is in agreement with a time frame for review on the Use Permit. She expressed concerns about the exemptions and requested further information from staff in the future; however, she supports the project in front of the commission today.

Mr. Pogledich, Senior Deputy County Counsel, explained that the issue in front of the commission, was in regards to dust and particulate matter and whether it is going to migrate off the property as a result of the gypsum storage and if it will effect other nearby properties. Particulate matter, emissions, and dust were examined extensively in the General Plan EIR. He referenced terms from the EIR as examples, and explained that there are policies, including those incorporated in the staff report, that address particulate matter and provide for the applicant to obtain permits from the Yolo-Solano Air Quality Management District, develop a dust control plan, and otherwise, as a matter of general county policy, take steps to ensure that dust emissions from a project are minimized to the greatest extent feasible. He stated that this is the exactly the situation to which the exception is intended to apply. The County has a General Plan policy that addresses dust emissions from

projects, and it has been applied to today's project through mitigation measures. It should, as studied in the General Plan EIR, minimize dust emissions to the greatest extent feasible, which is what Public Resources Code 21083.3 and related provisions in the CEQA Guidelines are intended to cover.

Mr. Morrison provided further clarification of the exemption requirements in regards to the Spence Trucking project, and why staff's position was that the project fulfilled the requirements for exemption.

Commissioner Bertolero commented that the appellant counsel, Mr. Mooney, pointed out that part of the challenge was that gypsum was an agricultural chemical; however, gypsum is an organic soil amendment.

Vice-Chair Reed said that in principle, the proposal to stockpile and sell gypsum is good for the County and is consistent with the General Plan. However, he does have some dust concerns and wished that he had more of an understanding about what the Air Quality Management District does, can do, or will do, in the monitoring and enforcement of air quality for this project. In addition, he is a bit skeptical since there is a history of non-compliance with regulations by the applicant, so he feels that bringing the Use Permit back for review is appropriate.

Commissioner Merwin concurred with his fellow commissioner's comments, but added that this request is decoupled from the lime operation adjacent to it. He knows that handling materials such as lime and gypsum are potentially very dusty and minimizing the release of dust can be a challenge, and it is unfortunate that the lime pile is right up against the property line of someone that bought property next door to a lime pile that doesn't want it there. However, the Commissioners aren't there to make a decision about lime, but rather, about the stockpiling of gypsum, an agricultural soil amendment that will be located a thousand feet away, and will rarely, if ever, be upwind of the appellant's property. Therefore, he is comfortable with the project as it was presented to the commission, with the addition of the changes discussed, and a review of the Use Permit in one or two years from the date of approval.

Commissioner Winters commended his fellow commissioners on their comments, and stated that not being very familiar with the difference between lime and gypsum, he is glad to hear that his colleagues know a good deal about it. He stated that he is comfortable with the Conditions of Approval and that they satisfy the health and safety of the neighbors. Additionally, he is cognizant of the ongoing conflict between the property owners in the area dating back to the Clark Pacific project and the permitting of the adjoining horse facility. He noted that the Commission has seen a number of agenda items from this particular area. He also expressed concern over language in the letter submitted by Ms Cedarblade. The use of words regarding the Planning Department, such as "one more dig by Planning Department harassment, and selective enforcement", leads him to believe that the appellant has more on her agenda than the environmental health and safety of the neighborhood. He is comfortable with the recommendations made by staff, and would like to see a review in a year.

Chair Burton stated that what it comes down to are a couple of issues, and one is whether the appellant has brought up a substantial argument. He doesn't see that a substantial argument has been raised. The policies were gone over in detail when the Commission reviewed the General Plan EIR, and again with the Clark Pacific Project. He firmly believes that the General Plan EIR does cover those issues, and he doesn't believe there has been a substantial argument to show that they need to review it, or have an environmental impact looked into. In addition, he doesn't believe they need to bring the Use Permit request from Mr. Spence back for review, because if they did that for

every project, they would be reviewing projects on a regular basis, and the reason there are Air Quality Management Districts, and other organizations, is to partially look over the projects. If the Planning Commission is stepping in as enforcement, and is continually asking people to come back and review projects that they have already approved, and is assuming that other enforcement agencies are not going to carry out their responsibilities, he thinks that the Commission is going down a route they shouldn't. However, he realizes that he is the only Planning Commissioner who feels that way, so he encouraged the Commission to set the review for two years, as one year would be onerous. In addition, one thing he is sure of is that this project has a very diligent neighbor, and anything that is negative, will be brought to the attention of the appropriate agency.

Commissioner Bertolero made a motion to adopt the staff's report/ the staff's recommendation with the change to the language that the offloading be included in the same restrictions as on loading, and that they spell out more clearly the days of operation, and hours of operation. In addition, he said he would compromise and say that a two-year permit would be adequate.

Commissioner Merwin seconded the motion.

David Morrison, Assistant Director of Planning Services, requested that Commissioner Bertolero clarify that the motion regarding the Use Permit was for a two-year review period, at which time the commission would review the permit in regards to compliance or any new information, and could continue the permit at that time, or revoke at the commissions discretion.

Commissioner Bertolero confirmed that Mr. Morrison's clarification on the motion was correct.

### **Commission Action**

The Planning Commission:

1. **RECEIVED** a report from county staff regarding the zoning administrator's approval;
2. **HELD** a public hearing to receive comments from the applicant, the appellant, or their representative in support of their appeal, as well as comments from members of the public;
3. **DENIED** the appeal from the appellant;
4. **DETERMINED** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines(**Attachment B**); and
5. **ADOPTED** the Findings (**Attachment C**) and Conditions of Approval (**Attachment D**).

MOTION: Bertolero      SECOND: Merwin  
AYES: Burton, Bertolero, Kimball, Merwin, Reed, and Winters  
NOES: None  
ABSTAIN: None  
ABSENT: Williams

### **FINDINGS**

The applicant for the Jack L. Spence, Inc. project (the "Project") has applied to the County of Yolo for a Conditional (Minor) Use Permit to stockpile up to 10,000 cubic yards of soil additive/soil amendment (gypsum) that will be sold to local farming operations throughout Yolo County. The proposed storage area is approximately 0.5-acre area within a 246-acre site in unincorporated Yolo

County previously developed as an agricultural industrial facility (former Spreckels Sugar). In support of this decision, the Zoning Administrator makes the following findings:

**A. California Environmental Quality Act**

That the proposed Statutory Exemption, based on the Initial Study prepared for the project, is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*The re-use of an agricultural industrial facility is consistent with, and is encouraged by, policies included in the recently adopted 2030 Yolo Countywide General Plan. The policies allow uses that support agriculture, such as direct product sales (gypsum used as a soil additive/soil amendment), subject to appropriate design review and development standards; encourage re-use of agricultural industrial facilities that are no longer needed due to changing economic conditions; and supports local efforts to create new create products, services, and businesses that will expand the wealth and job opportunities for all social and economic levels.*

*For purposes of compliance with the California Environmental Quality Act (CEQA), the project is exempt from further CEQA review, as required under Public Resources Code (PRC) section 21083.3 and CEQA Guidelines section 15183. PRC section 21083(b) states:*

*“An effect of a project upon the environment shall not be considered peculiar to the parcel or to the project, for the purposes of this section, if uniformly applied development policies or standards have been previously adopted by the city or county, with a finding based upon substantial evidence, which need not include an environment impact report, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies for standards will not substantially mitigate the environmental effect.”*

*An Initial Study has been prepared and has determined the following:*

- *The previously certified General Plan FEIR adequately discussed all potentially significant impacts of this project, including offsite or cumulative impacts;*
- *There is no substantial new information that shows previously identified significant effects will be more significant than described in the General Plan FEIR;*
- *In approving the 2030 Yolo Countywide General Plan, the county adopted all feasible mitigation measures relevant to a potentially significant effects that this project could have on the environment;*
- *The mitigation measures and policies identified in the 2030 Yolo Countywide General Plan, plus other uniformly applied development policies or standards, will substantially mitigate the environmental effects of this ~~winery project~~ agricultural chemical, sales, and storage, and will be incorporated into the project or otherwise undertaken in connection therewith.*

**B. Conditional Use Permit**

In approving the Conditional (Use Permit for the Project, the Planning Commission considers the factors set forth in 28 (Use Permits), as well as the applicable provisions of Articles 24 (General Provisions), and 25 (Off-Street Parking and Loading) of Chapter 8 (Zoning) of Title 8 (Land Development and Zoning) of the Yolo County Code. In granting the Conditional (Minor) Use Permit



for the Project, the Zoning Administrator finds, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, that the general conditions specified in Section 8-2.2804 are fulfilled, as described in detail below.

- a) The requested land use is listed as a conditional use in the zoning regulations.

*The stockpiling of soil additive (gypsum) is listed as conditional uses in the Agricultural General Zone (A-1). The proposed use is a conditional use, as listed in the A-1 Zone "agricultural chemicals, sales, and storage."*

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

*The stockpiling of soil additive (gypsum) will contribute to the expansion of the local and regional economy. The use will generate 6 jobs and substantial direct and indirect fiscal benefits to Yolo County.*

- c) The requested land use will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

*The applicant will have to comply with the Conditions of Approval of the Conditional Use Permit, which will utilize a designated truck route, appropriate dust control, the existing landscaping, conservation easements and agricultural buffers to prevent impacts to the aesthetics, agricultural resources, air quality, transportation, public services and biological resources from the proposed stockpiling of soil additive (gypsum).*

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

*The proposed project will provide for direct agricultural product sales of a soil additive for the local farming operations throughout the County and provide employment, services, and tax base while minimizing hazards. The project is consistent with the current land use of the site and would not allow any expansion of the proposed use of the site beyond those specifically approved in the Conditional Use Permit.*

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

*An existing domestic water well and septic system will serve the project site. County Road 100B will require no improvements and the applicant will participate in a cost sharing program with annual maintenance inspections.*

- f) Sufficient off-street parking and loading facilities will be provided.

*Sufficient off-street parking and loading spaces are provided on-site to meet the limited needs of, delivery vehicles, employees, and operational vehicles associated with the operation. All parking areas will be, graded and drained in accordance with Section 8-2.2513 of the Zoning Code. The parking and loading areas will be arranged so as to provide for safe and orderly loading, unloading, parking and storage.*

**CONDITIONS OF APPROVAL FOR SPENCE USE PERMIT ZF 2010-002**

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

PLANNING DIVISION – PPW (530) 666-8808

1. Development of the site shall be as described in this staff report for this Minor Use Permit (ZF 2010-002). Stockpile and removal operations of the soil additive (gypsum) shall be limited to those areas as shown on the approved Site Plan. Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this use permit, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval. This permit is to expire as of September 8, 2012. At that time, or anytime sooner, the applicant may apply for a renewal or modification of the Use Permit.
2. The use allowed under this Use Permit (ZF 2010-002) shall commence within one (1) year from the date of approval by the Yolo County Zoning Administrator, or said permit shall be deemed null and void without further action.
3. The applicant shall keep the site area free from flammable brush, grass, and weeds. All stockpiles of gypsum on the site shall be adequately maintained and appropriate dust control methods implemented.
4. The project shall be developed in compliance with all adopted Conditions of Approval for Zone File No. 2010-002. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
5. The project is as described and summarized in the Yolo County Zoning Administrator staff report, as adopted Conditions of Approval. Any subsequent substantive changes in the project description (as determined by the County Planning and Public Works Director) may only occur subject to the Planned Development Standards as adopted for the subject property.
6. Any alteration or expansion of these facilities or increase in the developed area of the site from that shown on the approved site plan may require submission of an additional application for review and approval.
7. Failure to comply with the Conditions of Approval as approved by the Zoning Administrator may result in: (1) Non-issuance of future building permits; (2) legal enforcement action; and/or (3) revocation of the Use Permit.
8. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and the project area. These include, but are not limited to: **1) FEDERAL:** U.S. Fish & Wildlife; **2) STATE:** Department of Fish & Game (DFG), Central Valley Regional Water Quality Control Board (CVRWQCB), California Occupational Safety and Health Administration (Cal-OSHA), Yolo-Solano Air Quality Management District, Cal Trans District 3, California Highway Patrol **3) COUNTY:** Public Health-Environmental Health Services, Building Inspection Division, Code Enforcement, Public Works; **4) LOCAL** Woodland Fire Department.

**Yolo County Planning and Public Works Department**

September 9, 2010

Page 11 of 34

9. All construction and operational equipment shall be muffled and maintained in accordance with manufacturer's specifications.
10. Operational equipment shall be staged away from any surrounding residences or livestock.
11. The hours of operations shall be 6:30 AM to 5:00 PM, with no work allowed on ~~except~~ Sundays and Federal holidays.
12. The applicant is required to follow a specific transportation route for the stockpile and removal operation of the soil additive (gypsum) and will provide printed information regarding the truck route to truck drivers and other contractors/vendors delivering products or services to the project site. All trucks are required to travel to and from the site using County Road 18C, west to State Route 113. No trucks shall travel east on County Road 18C.
13. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant/operator in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. All on-site "No Trespassing" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. The property shall be maintained so that is visually attractive and not dangerous to the health and welfare of the surrounding properties.
14. All costs of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant, operator or the property owner.
15. If any County enforcement activities are required to enforce compliance with the conditions of approval, the applicant and/or property owner shall be charged for such enforcement activities in accordance with the Yolo County Code Schedule of Fees.
16. If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed. This requirement shall be noted on the approved Grading Plans. Contact the Yolo County Coroner at (530) 668-5820.
17. The applicant/property owner shall remove any soils that become chemically contaminated to a County approved disposal site so as to preclude any chemical leaching into the local ground water supply over time.
19. The project site shall be limited to one freestanding advertising sign. A Building Permit shall be obtained from the Building Division prior to installation of the sign. All signs may only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, or by direct stationary neon.
20. Failure to properly remove and clean up the site of all hazardous and non-hazardous wastes may result in the county contracting out for the necessary work. The applicant/property shall be liable for the full costs of any such clean-up work.

**Yolo County Planning and Public Works Department**

September 9, 2010

Page 12 of 34

21. The applicant/operator shall obtain all necessary permits from the YSAQMD, including Permits to construct and operate or provide evidence that said permits are not required. Copies of all approved YSAQMD permits shall be submitted to the Planning Division prior to construction and/or operation of the source in question.
22. Mining of native on-site soils is prohibited.
23. All refueling and maintenance areas shall be protected by impervious surfaces designed to contain spills to the satisfaction of the Building Inspection Division and the Environmental Health Division.
24. The applicant/property owner is required to inspect project sites before and after storms to identify stormwater discharge from operational activities, and to identify and implement controls, if necessary.
25. The applicant shall obtain and annually renew a Business License from the Planning and Public Works Department for the life of the operation.

COUNTY COUNSEL (530) 666-8172

26. In accordance with Section 8-2.2415 of the Yolo County Code, 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 attach, 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.
27. 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.

PUBLIC HEALTH DEPARTMENT – ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

28. All refuse and usable materials at the premises shall at all times be stored and handled so that health nuisances are not created. Permits from this office will be required when reaching threshold levels.
29. All refuse containing garbage shall be removed from the premises at least 1 time per week during operation to an approved solid waste facility.
30. Discovery of previously unknown contamination is possible during the stockpile and removal operation of the soil additive (gypsum). If, during stockpile and removal operation, the applicant discovers any potentially hazardous contamination, they shall consult with Environmental Health Division prior to the issuance of grading permit.

WOODLAND FIRE DEPARTMENT (530) 661-5855

31. The access roads within the facility shall remain unobstructed at all times, except for a driveway access gate, which may be closed during night time hours. An approved fire department key box is required for any access gate, installed prior to the commencement of operations.

**PRIOR TO THE COMMENCEMENT OF OPERATIONS**

WOODLAND FIRE DEPARTMENT (530) 661-5855

32. The above referenced project is protected by the City of Woodland Fire Department. Prior to any activities occurring on the project site, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with the existing Uniform Fire Code requirements and all applicable statutes, codes, ordinance, or standards of the Fire Department.

PUBLIC HEALTH DEPARTMENT - ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

33. The operator will be required to submit a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health (YCEH) as soon as they store, handle, or use greater than the threshold quantity (55-gal, 500-lb, 200-ft<sup>3</sup>) of a hazardous material at this site. An HMBP is also required if they generate hazardous waste, operate underground or aboveground hazardous material or waste tanks, or are subject to RMP requirements.
34. The applicant shall obtain approval of a new permit to operate the public water system for this site, prior to the commencement of operations. The system must produce water of a quality that meets the requirements of a non-transient, non-community water system category. Failure to meet water quality standards may result in replacement of wells, installation of treatment facilities and/or other measures to meet compliance.
35. Prior to the commencement of operation, the applicant/operator shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, and/or an Aboveground Storage Tank Permit, For information, contact the YCEH - Hazardous Materials Division

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36. The applicant/operator shall comply with all requirements to prevent the potential for spray drift onto adjoining properties of pesticides, herbicides, and other substances listed as “registered pesticides” by the Yolo County Agricultural Commissioner’s Office.
37. The applicant/operator shall disclose to all employees and visitors of the proposed project site that active farming operations occur on surrounding properties. Notification shall be prominently posted prior to the commencement of operations, disclosing that employees and visitors could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County’s Right-to-Farm Ordinance.
38. Prior to commencement of operation, the applicant/operator shall apply for and obtain air quality Authorities to Construct for all applicable pollutant emitting equipment. In addition, the facility

shall apply best management practices in accordance with YSAQMD Rule 3-4, Section 300 to all applicable air pollutant-emitting equipment operating at the stationary source.

39. The applicant shall submit an operational dust control plan to the Yolo-Solano Air Quality Management District, prior to the commencement of operations. This plan shall ensure that dust controls measures are implemented during all phases of ~~the project construction and~~ daily operations, ~~specifically, the loading and off-loading of gypsum~~. The plan shall include short-term measures for use during high wind (greater than 25-mph gust) conditions. Control measures shall include surface stabilization (such as active watering) to comply with YSAQMD requirements. The dust control best management practices (BMPs) shall include but not be limited to the following:

- Apply nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas (previously graded areas inactive for four days or more);
- Reestablish ground cover in disturbed areas quickly;
- Water active construction sites at least twice daily to avoid visible dust plumes;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; and
- Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.
- The operator shall wet down stockpiles on a regular basis and more frequently as needed during windy conditions. The operator shall also either shut down the operation or double the frequency/intensity of dust suppression efforts (as approved by YSAQMD) on days of extreme wind conditions as defined by sustained wind forces of 15 mph or greater.
- Stockpiled materials shall be kept to overall heights not exceeding 25 feet to reduce the exposure of stockpiled materials to wind erosion.
- Tune and maintain all equipment and use YSAQMD required low sulfur fuel. Also, maintain at least 2 feet of freeboard on all haul trucks.

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Chair Burton called a 5-minute recess.

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6.3 **ZF #2007-077:** Unitarian Universalist Church of Davis (UUCD) Use Permit Amendment for proposed changes to the UUCD campus (APN: 036-160-35) located at 27072 Patwin Road in Davis. The project site is zoned RS-B40 (Residential Suburban) and is designated in the General Plan as Public/Quasi-Public. The proposed amendment includes demolition of the existing Great Hall; construction of a new social hall/kitchen building in the same location; installation of new meeting/classroom portable buildings; and associated site improvements. A Negative Declaration has been prepared for this project. (Owner/Applicant: UUCD/Jeff Gold & Associates; Planner: S. Cormier)

Stephanie Cormier, Principal Planner, provided a brief overview and history of the project, and answered questions from the commission.

Chair Burton opened public comments.

Jeff Gold, representative and architect for the applicant, said he didn't have anything to add to the staff report and commended the departments they had worked with through the process.

Commissioner Bertolero asked Mr. Gold if he had read the Conditions of Approval, and if he agreed to abide by them.

Mr. Gold said they had reviewed the conditions, and they were prepared to comply with all of them.

Chair Burton closed public comments.

Commissioner Winters said that the staff report looks good to him and he sees no public opposition, so he is in support of the project.

Commissioner Merwin said he was curious about the permeable pavement, and was pleased to see that the applicant was implementing that.

Vice-Chair Reed said that he was also pleased to see the permeable pavement and was prepared to support the request.

Commissioner Kimball concurred with her fellow commissioners and said that it looks like a great project.

Commissioner Bertolero agreed that he was glad to see the permeable pavement, and spoke of the Design Guidelines.

Chair Burton concurred with his fellow commissioners and expressed his support of the project.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing to received comments;
2. **ADOPTED** the initial Study/Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPTED** the proposed Findings (**Attachment D**); and
4. **APPROVED** the Use Permit Amendment subject to Conditions of Approval (**Attachment E**).

MOTION: Bertolero      SECOND: Winters  
AYES: Burton, Bertolero, Kimball, Merwin, Reed, and Winters  
NOES: None  
ABSTAIN: None  
ABSENT: Williams

### **FINDINGS**

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2007-077, the Yolo County Planning Commission approves the proposed Use Permit Amendment. In support of this decision, the Planning Commission makes the following findings:

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

### **California Environmental Quality Act**

That the proposed Negative Declaration and Initial Study prepared for the project is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

*The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.*

*Pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines, an environmental evaluation (Initial Study) has been circulated for 20 days for public review and to Responsible Agencies having jurisdiction over the project, with no significant comments noted.*

*The proposed Negative Declaration is the appropriate level of environmental review pursuant to Article 6, Section 15070 of the CEQA Guidelines (Attachment C).*

### **Yolo County General Plan**

That the proposal is consistent with the following Yolo County 2030 Countywide General Plan goals and policies:

*Land Use Goal LU-1: Range and Balance of Land Uses. Maintain an appropriate range and balance of land uses to maintain the variety of activities necessary for a diverse, healthy and sustainable society.*

*Land Use Policy LU-1.1, which supports the above goal, assigns a range of land use designations throughout the County, including Public and Quasi-Public (PQ) land uses, which includes public/governmental offices, places of worship, schools, libraries, and other community and/or civic uses.*

*Community Character Policy CC-4.3: Reduce activities that encroach upon nature, through reuse of existing buildings and sites for development; and reduction or elimination of impervious paving materials.*

*Community Character Policy CC-4.15: Reflect a human scale in architecture that is sensitive, compatible and distinctive to both the site and the community.*

*Community Character Policy CC-4.32: Require the use of regionally native drought-tolerant plants for landscaping where appropriate.*

*The subject property is designated as Public and Quasi-Public in the Yolo County 2030 Countywide General Plan. As conditioned, the Use Permit is consistent with the policies, goals and objectives of the Countywide General Plan. Residential development is not proposed as part of this application.*

### **Zoning Code**

That the proposed changes to the UUCD campus are consistent with applicable zoning standards.

*The proposed project meets the criteria set forth in County Code Section 8-2.704 that allows buildings and structures, public and quasi-public, and uses of an education, religious, cultural, or public service type as conditional uses in the R-S (Residential Suburban) Zone.*



That the proposed Use Permit fulfills the following set of general conditions, as set forth in County Code Sections 8-2.2801 and 8-2.2804.

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

*Buildings and structures and uses of an education, religious, and cultural type are listed as conditional uses in the Residential Suburban (R-S) Zone, as stated above [County Code Section 8-2.704 (a)].*

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

*The proposed changes to the UUCD campus will help meet current and emerging needs of the existing membership and various programs.*

- (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;

*Conditions of Approval for the requested changes will ensure the project does not result in detrimental impacts to the public. The proposed uses are consistent with surrounding land uses, including other nearby churches.*

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

*The proposed use is consistent with Countywide General Plan principles in that it promotes a strong sense of community by defining identity and character to the built environment and establishing a place where the community can gather.*

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

*Adequate facilities serving the proposed changes currently exist on the property and will continue to be available. In addition, the project proposes a new wastewater disposal field to accommodate the new social hall, as well as the addition of an above-ground water tank and pump station to facilitate the new fire suppression system.*

### **CONDITIONS OF APPROVAL**

#### **ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

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1. The project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2007-077. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. Development of the project, including construction and/or placement of structures, shall be as described in the staff report for this Use Permit Amendment (ZF #2007-077). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this Use Permit Amendment, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.

**Yolo County Planning and Public Works Department**

September 9, 2010

Page 18 of 34

3. Any proposed modification determined to be significant shall require an additional amendment to this Use Permit with approval from the Planning Commission.
4. All prior Use Permits regulating development of the UUCD campus shall remain in effect, as applicable, and are hereby incorporated into this Use Permit (ZF #2007-077), as follows (any ~~strikethrough~~ condition shall have been met or no longer valid):

Zone File #2060, which allowed for the initial development of the site in 1965:

- ~~a) An improvement bond shall be provided in an amount determined adequate by the Director of Public Works to insure the proper improvements of the church's share of the private road. If an Improvement District is formed and the private road improved prior to June 16, 1970, then no bond shall be required after said date.~~
- ~~b) An additional 5 foot easement shall be provided for road purposes adjacent to the easterly side of applicant's property.~~
- ~~c) The entire property shall be graded and drained to the satisfaction of the Director of Public Works. A retention basin and dry wells may be required for drainage purposes if determined appropriate by the Director of Public Works. Said property shall be graded so as to prevent water from running on the adjacent private properties.~~
- ~~d) All driveways and vehicle parking areas shall be improved and screened in accordance with Article 26 of the Zoning Ordinance.~~
- ~~e) Said property shall be developed in accordance with the amended plot plan received on April 6, 1965, excepting that access to said parking area shall be from the private road and not from Russell Blvd. As shown on said plot plan.~~

Zone File #25 allowed for the construction of additional facilities in 1969:

- a) That the proposed use be in compliance with the regulations of all agencies of jurisdiction.
- b) That the over-flow parking area may be developed with turf at this time, but if any problems are created due to the parking area not being paved the applicants would then have to pave it.
- ~~c) That no one is to be residing on subject property.~~
- ~~d) That the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to July 2, 1970.~~

Zone File #2435 allowed the use of the activity center building for a caretaker-custodian quarters in 1975, subject to review in two years. Reviews occurred on July 6, 1977, July 18, 1979, September 25, 1981, and July 18, 1983; the Use Permit was extended for an additional two years, to be reviewed before December 4, 1985.

Zone File #3459 allowed for the operation of a pre-school, kindergarten, and day care program (Redbud Montessori) in 1984:

- a) The use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare.
- b) The proposed use be in compliance with the regulations of all agencies of jurisdiction.
- c) The Woodland Fire Department requirements of 2 smoke detectors, a fire extinguisher and that no parking in the access aisles be permitted.
- d) The nursery school/kindergarten and day care program not include more than ~~30~~ 50 children at one time.

- e) The program only be operative from Mondays through Fridays from 7:3000 A.M. to 6:00 P.M.
- f) The outdoor play area be totally fenced as per plot plan.
- g) Approval is not prejudicial to any private rights and the private road.
- ~~h) Review in 1 year and report back to Commission only if there is a problem.~~
- i) The nursery school be limited up to the age of 6 years 9 months.

Zone File #3725 allowed for the expansion of facilities in 1986:

- a) Approval of all agencies of jurisdictions.
  - ~~b) That the drainage plan be reviewed and implemented to the satisfaction of the Public Works Department prior to issuance of any building permits.~~
  - c) That the Phase 2 expansions comply with the Fire District's requirements regarding the sprinkler ordinance.
  - d) That the future paved parking lot be screened to the satisfaction of the Community development director.
  - e) That the expansions comply with the Flood Plain Management Ordinance.
5. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (\$2,010.25 plus \$50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.
6. This Use Permit Amendment shall commence within one (1) year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time; however such an extension shall not exceed a maximum of one year.
7. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.

COUNTY COUNSEL—(530) 666-8172

8. 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 attach, 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.
9. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
- non-issuance of future building permits;
  - legal action.

**PRIOR TO LAND DISTURBANCE, OR ISSUANCE OF GRADING OR BUILDING PERMITS:**

PLANNING DIVISION – PPW (530) 666-8850

10. The applicant shall acquire any required permits from the Yolo-Solano Air Quality Management District, as appropriate.
11. Any project-related air pollutant emissions, either from construction or operation of the project, shall be minimized through the implementation of the following Yolo-Solano Air Quality Management District (YSAQMD) Rules and Regulations :
  - Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart;
  - Dust emissions must be prevented from creating a nuisance to surrounding properties as regulated under District rule 2.5, Nuisance;
  - Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's Portable Equipment Registration Program or with the YSAQMD;
  - Architectural coatings and solvents used at the project shall be compliant with YSAQMD's Rule 2.14, Architectural Coatings;
  - Cutback and emulsified asphalt application shall be conducted in accordance with District Rule 2.28, Cutback and Emulsified Asphalt Paving materials;
  - In the event that demolition, renovation, or removal of asbestos-containing materials is involved, District Rule 9.9 requires District consultation and permit prior to commencing demolition or renovation work; and
  - All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under YSAQMD rules and regulations require an Authority to Construct and Permit to Operate from the YSAQMD.
12. Dust will be controlled through effective management practices, such as water spraying during construction activity. The following list of best management practices, as recommended by the YSAQMD, shall be adhered to:
  - All construction areas shall be watered as needed;
  - All trucks hauling soil, sand, or other loose materials shall be covered or required to maintain at least two feet of freeboard;
  - Unpaved access roads, parking areas, and staging areas shall be paved, watered, or treated with a non-toxic soil stabilizer, as needed;
  - Exposed stockpiles shall be covered, watered, or treated with a non-toxic soil stabilizer, as needed;
  - Traffic speeds on unpaved access roads shall be limited to 15 miles per hour; and
  - Any visible soil materials that is carried onto adjacent public streets shall be swept with water sweepers, as needed.
13. Prior to commencement of any construction, demolition, or grading activity, the applicant will be required to hire a qualified biologist to conduct preconstruction surveys to locate all active raptor nest sites within 500 feet of demolition and construction activities. All surveys shall be submitted to the appropriate state and/or federal wildlife agencies, as well as the Yolo County Planning and Public Works Department for review. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, shall be avoided during the breeding season (March through September). No-disturbance buffers will be established around any identified active nest to avoid disturbing nesting birds. The size and configuration

of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and will be established through coordination with California Department of Fish and Game representatives on a case-by-case basis.

14. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts, and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within 75 feet shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. In accordance with Section 7050.5 of the California Health and Safety Code, if human skeletal remains are encountered during construction, all work within 75 feet shall immediately stop and the County Coroner shall be notified within 24 hours. If the remains are of Native American Heritage origin, the appropriate Native American community, as identified by the Native American Heritage Commission, shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
15. Sound levels from construction equipment shall not exceed 88 dBA as measured 50 feet from any construction site. All construction activities shall be limited to operate from 7:00 AM to 7:00 PM Monday through Friday, and 8:00 AM to 8:00 PM on Saturdays and Sundays.

PUBLIC WORKS DIVISION – PPW (530) 666-8811

16. A grading permit shall be required prior to any soil disturbance activity. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1<sup>st</sup> of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1<sup>st</sup> of each year.
17. Construction of the proposed project shall be required to comply with the County of Yolo Improvement Standards that require best management practices to reduce water quality impacts.
18. If the project results in the disturbance of one acre or more, the applicant shall be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under a General Construction Activity Storm Water Permit, as regulated by the Central Valley Regional Water Quality Control Board. The permit is required to control construction and operational activities that may adversely affect water quality.

BUILDING DIVISION – PPW (530) 666-8775

19. In order to address the presence of existing untested fill within the proposed construction areas, the project will be required to comply with recommendations set forth in Section 5.1.2 of the Holdrege & Kull report dated September 30, 2009.
20. A Flood Elevation Certificate shall be required to ensure that all proposed structures incorporate elevated foundations one foot above the determined base flood elevation.

**Yolo County Planning and Public Works Department**

September 9, 2010

Page 22 of 34

21. All building, electrical, plumbing, and mechanical plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of construction or issuance of permits.
22. The applicant shall obtain a demolition permit prior to removal of the existing "Great Hall."
23. The applicant shall obtain building permits for the new social hall and kitchen facility and the relocatable classrooms prior to commencement of construction. All buildings shall be built in accordance with the Uniform Building Code in effect at the time, including fire sprinklers as required.
24. All demolition and construction activities shall be required to comply with Yolo County's Construction and Demolition Debris Recycling program.
25. The applicant shall pay all appropriate fees prior to building permit issuance, final inspection, or issuance of a Certificate of Occupancy subject to agencies of jurisdiction. Fees may include, but are not limited to, Building and Planning, City of Davis Fire District, Yolo County Environmental Health, and any applicable County facility fees.

**PRIOR TO THE COMMENCEMENT OF OPERATIONS:**

PLANNING DIVISION – PPW (530) 666-8850

26. Any additional and/or improved outdoor light fixtures which are installed for security or safety purposes shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

27. Yolo County Environmental Health Division requires a Hazardous Materials/Waste Application Package (Business Plan) for all facilities that handle hazardous materials in quantities equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of gas, and any quantity of hazardous waste.
28. Any hazardous waste, such as asbestos or lead paint, discovered or generated during demolition activities, shall be managed in accordance with state and federal hazardous waste laws and regulations.
29. The project will be required to obtain final approval for any new sewage disposal system in accordance with Yolo County Environmental Health standards and regulations.

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The Planning Commission heard discussion item 7.1, Presentation from County Service Area Manager, Regina Espinoza regarding North Davis Meadows water system.

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WORKSHOP

6.4 **ZF# 2002-043:** Workshop (no action) to consider the updated 2010 Capay Valley Area Plan. The Yolo County Board of Supervisors heard testimony and considered the 2007 updated Capay Valley Area Plan at hearings during 2007. In September, 2007, the Board directed staff to put the plan adoption on hold until after the Countywide General Plan had been approved. The 2030 Yolo Countywide General Plan was adopted in November, 2010. The Capay Valley plan is the first of the community plans to be considered. Staff has revised the previous 2007 Capay Valley Area Plan, primarily by editing background information and updating policies to conform with the new countywide General Plan. (Owner/Applicant: Yolo County (E. Parfrey/S. Cormier)

Eric Parfrey, Principal Planner, provided a brief overview and history of the project, and answered questions from the commission.

Ms. Cormier, county liaison for the Capay General Plan Citizen's Advisory Committee, shared some concerns with the commission from the committee's discussion of the area plan.

Chair Burton opened public comments.

Andrew Fulks, Chair of the Parks, Recreation & Wildlife Advisory Committee, provided recommendations, and comments including:

- Page CN-20, under the Public Lands section, addition of other parks and public lands such as the Berryessa Peak, managed by the Bureau of Land Management, the 9,000 acres on the ridge west of Brooks, as well as Cortina Ridge Glascock Mountain.
- Page GPI-16, Goal 1, modify the language to read, "The County shall coordinate with other agencies and programs to create suitable recreational areas and ecological education sites."
- Page GPI-17, Policy 7, there is a redaction "conservation easements and the designation of additional parks, open space, and wildlife habitat" that should remain in the document.
- Page GPI-19, *Implementation Measure 3*: "In concert with implementation measure #1, the County will investigate the development of a water quality monitoring of Cache Creek, between Buck Island and Rumsey at regular intervals during summer months throughout the year to inform the public if the level of coli form organisms becomes dangerously high." is not necessary.
- Page GPI-18, Goal 2, Policy 5, *Implementation Measure 1*: modify language to read, "In conjunction with existing Cache Creek Regional Park, encourage the County to investigate routes providing safe access to the south side of Cache Creek for non motorized, ~~pedestrian~~ and ~~equestrian~~ traffic only.
- Page GPI-20, Policy 1, *Implementation Measure 1*; he is not sure how the county will regulate the noise of firearms.
- Page GPI-21, Goal 3, "**Discourage and/or prosecute acts of trespassing promptly.**" to "**Respect of Property**", and add an *Implementation Measure* to educate property owners of public's rights on roads and rivers.

- Page CIR-3, under the section titled Equestrian, the reference to “700 acres of land which local equestrian organizations have developed for trails, may be expanded at some future date should policies change with regard to access on Bureau of Land Management lands and access to lands within the Capay Valley.” should be more concise, as he is unsure of what area is being referenced.
- Page CN-25, under Rafting, the Boy Scouts of America do not own Camp Haswell any longer. Additionally, they should take into consideration that one person’s definition of “remote” and “adequacy of medical services,” may differ from another.

Ellen Knolle, on behalf of the Capay General Plan Citizen’s Advisory Committee, explained that she is a current committee member, and was on the 1992 committee, so she has been working on the area plan for a long time and has seen many changes. The committee received the final draft at their September meeting, and as Ms. Cormier said, they hadn’t held a meeting for a couple of months prior to that. Therefore, it is a bit difficult to review something correctly, when it is received at the last minute. Throughout the journey to come up with an area plan approved by the committee, they found that they did not receive adequate corrected drafts in a timely manner, such as the 2006 Capay Area Plan which was recommended for approval by the Planning Commission. They found the recommended plan was not the document that the committee submitted. Someone changed it after the committee had taken action. They now find that the current draft differs from what was previously agreed upon by the committee.

She does have examples of a few of those changes, as well as emails that went back and forth between the committee and the Planning Department, described as follows:

- Page GPI-3, Policy 5, *Implementation Measure 3*, the committee was adamant that antiquated subdivisions not be changed from agricultural land to residential, and their language was omitted. \
- Page GPI-6, Goal 3, Policy 3, was changed from having farm labor housing located on existing farms, to it now including farm labor housing in the community areas. This may refer to the Ag Cluster Housing Ordinance, which has not yet been approved.
- Page GPI-7, Goal 3, Policy 4, the committee wanted 300-foot setback boundaries and they find that they have been changed to not less than 100 feet. The committee would like the original buffers retained.
- Page GPI-8, under the subtitle Circulation, Goal 1, Policy 1 has been changed. The committee would like the language that was stricken, “maintain or improve existing county roads, bridges and road levels of service including shoulders, road surfaces, and drainage, and shall,” to remain.
- Page GPI-9, *Implementation Measure 2*;, the language was changed to read, “ ~~County Public Works Department shall regularly maintain existing drainage channels which only relate to County Roadways and establish a program to monitor and correct those particularly subject to flooding, and land slides such as Road 57, 63, Road 49, and Laurel Avenue in Rumsey. Residents of the Capay Valley Area may investigate the possibility of establishing a Capay Valley Area Assessment District in order to dedicate funding for road and drainage maintenance in the Capay Valley Area that is above and beyond the County Public Works’ maintenance activities.~~” However, the committee would like the stricken language retained.



In the past 10 years, one theme that remained consistent with the Capay Valley General Plan Citizen's Advisory Committee meetings was preserving land for agriculture. As a part of that theme, growth must remain within the existing communities of Brooks, Capay, Guinda, and Rumsey. The housing development issue was repeatedly discussed thoroughly through the years and the general consensus was that land should not be diverted from agriculture to housing developments. Many factors support it, such as their lack of infrastructure out in the Capay Valley and the limited availability of water. The valley has marginal water in many of the areas such as the County Road 79 area in Capay. During the last drought, they lost their alfalfa crop for the first time ever, and with the new organic crops drawing water away from house wells, the aquifer is a critical issue. The items she mentioned were voted on and approved by the committee to be included in the Area Plan; they would like to retain them in the adopted document.

Jim Burchill commented on providing wind, and one option he thinks that should be added is not only have landowners develop the wind, but also have wind developers develop the wind because there is some potential for that in the Capay Valley. Additionally, on page GPI-16, he thinks there should be a section in the Resources area about wind power.

Chair Burton closed public comments.

Commissioner Bertolero said his questions have been answered. The Capay Area Plan has been worked on for a long time and they need to come into compliance with the new 2030 General Plan. Capay Valley is a unique place where in the new General Plan they certainly discourage new residential development, and try to keep it within the existing communities. He believes there are approximately 53 houses planned for in the new General Plan. He is glad that the residents came and provided their comments.

Commissioner Kimball stated that she is happy that this is the first opportunity of three to provide comments on the document prior to final approval, because she has not had an opportunity to review it as thoroughly as she would like to. She thanked the public for attending and providing comments and recommendations. At this point, she doesn't have any comments in regards to the Capay Valley Area Plan itself, as she feels that the advisory committee, as well as herself, need further opportunity to weigh in.

Vice-Chair Reed recommended the tribe's name remain consistent throughout the document rather than using both the old name and the new name. He was also interested in implementation of Policy 8 on page GPI-4, that reads, "The County shall encourage the establishment of small-scale agriculture uses, such as specialty crops, organic farming, cottage industries and specialized animal facilities where small parcels of land presently exist in agricultural areas with suitable soils." There are concentrations of landowners in the Capay Valley that make it difficult for small farmers and the next generation of farmers to be innovative. He is unsure of how they can deal with that, but it is a major hurdle in implementation of that section.

Furthermore, the Conservation and Open Space chapter focuses attention on the north end of the valley, the canyon area, and some of the parks. Vice-Chair Reed indicated that he is trying to better understand the issues in the area between Rumsey and Esparto. People try to enjoy the valley without intruding or overwhelming the working agricultural areas that make it attractive. He wouldn't want to see agri-tourism become so prevalent that the Capay Valley becomes something almost like Disneyland and the base of agriculture disappears. Therefore, if they don't define a plan and guide it, he has concerns that the Yolo County and the valley are going to be dealing reactively to the visiting public. The valley needs both low impact agri-tourism and low-impact recreation. The plan

needs to guide public access in a way that is appropriate for current and future land use, rather than leaving it undefined and expecting people to do the right thing.

Commissioner Winters said he appreciated the opportunity to hear about the area plan and that it is finally coming to fruition. He finds the Capay Valley gorgeous and an integral part of Yolo County. In addition, he was impressed that the Capay General Plan Citizen's Advisory Committee's has stayed with the process and in their attendance at the meeting to share their comments.

Commissioner Merwin said that having come from the Planning Commission from the Clarksburg General Plan Advisory Committee, he has a great respect for local input, and he is hearing concerns over changes that were made by others. The County, as it endeavors to create a template that enables them to bring everything into a package that is easy to understand and follow needs to be diligent and careful to maintain enough flexibility so that individual communities can maintain their individuality. He thinks they have made remarkable strides, and it seems that there are always changes that are advertent or inadvertently made, and you just address those and move on. He is thankful that there has been a lot of community input on the plan and is curious to see how it plays out along the way, and added that he enjoyed reading the history in the back.

Chair Burton had a request to reopen the public comment period; however, rather than reopening, he requested that written comments be submitted to planning staff.

Mr. Morrison advised the commission that they anticipate return of the Capay Valley Area Plan for adoption at the October 2010 meeting, and encouraged the public to submit their recommendations as soon as possible, so that staff can implement them where feasible.

The Planning Commission:

1. **HELD** a public workshop to receive public comments; and
2. **PROVIDED** comments and direction to staff.

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### WORKSHOP

- 6.5 **ZF# 2010-005:** Workshop (no action) to consider the Clustered Agricultural Housing Ordinance, an amendment to the Yolo County Code. The proposed Ordinance would allow landowners of multiple lots, to cluster some small-lot agricultural housing in one corner of a parcel in return for placing an agricultural conservation easement on the remainder of the property. The cluster ordinance is needed to provide an alternative to the development of substandard lots or antiquated subdivision lots into dispersed rural estates. Instead, small lots would be concentrated in area of the property. The Clustered Agricultural Housing Ordinance is a voluntary program that would be available to those limited numbers of landowners who would qualify, estimated to be about 200 landowners (less than 5% of the total) in the agricultural area. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, provided a brief overview and history of the project, and answered questions from the commission.

Chair Burton opened public comments.

Mr. Burchill, representing himself and Mark Wilson of Wilson Farms, said that he has been on the Ag Working Group for about three years, which rejected, the ordinance as it is now drafted. There

are concerns that it may cause more ranchettes rather than less; won't address the problem of farm worker housing, and is similar to the San Luis Obispo Ordinance that was introduced 20 years ago and was never used. It isn't a workable solution and doesn't necessarily pencil out for the property owner, if take the value of the ag easement into consideration. It also has direct impacts on agricultural production and agricultural nuisance complaints. The big problem, particularly for Clarksburg, are farm workers who work year round and currently live in Elk Grove or Galt. Clarksburg could accommodate as many as 500 farm workers, if homes could be built above the floodplain. The idea of the Transfer of Development Rights program was to try and find a mechanism to provide the value of their development rights to the farmer. The issue of antiquated subdivision maps and agricultural housing were divided the Ag Working Group meeting. The amount of opposition to the ordinance should have been an indication to staff to bring the ordinance to the commission as a more open and exploring type of workshop.

Ms. Knolle, representing the Capay General Plan Citizen's Advisory Committee, explained that the committee is opposed to the ordinance, as they don't feel it will protect ag land, and homes will not be retained for agricultural purposes. The one size fits all approach may not fit every community. Capay has water issues with low water tables, and may not be able to sustain development. She read the last paragraph of the letter she submitted, and which was included in the staff report.

Chair Burton closed public comments.

Vice-Chair Reed asked about the former version of the ordinance that linked parcel size to water source, as he fails to understand whether it was a good thing, or not.

Mr. Parfrey explained that the previous version referred to maximum and minimum, parcel sizes, and the intent was that there would be requirements for both. Generally, a home site would work if it were 2 to 2.5 acres. Any size smaller would not work because there would be insufficient room for leachfield percolation and to separate the leachfield from the water well.

There was further discussion about common sewer and water services.

Vice-Chair Reed said he thinks the ordinance is a good concept; however, confusion leads to opposition because there is a lot of geometry in the various scenarios. There is a risk with an ordinance like this, but there is a greater risk if action isn't taken. The ordinance contains various provisions to mitigate the risk. He thinks the County should continue with it, and attempt to create comparison scenarios so people can visualize what will occur if the County does not create an ordinance. Saying no is not a good option, and while it is a lot of work to explain something complicated such as the ordinance, he encouraged staff to keep at it.

Commissioner Kimball shared instances from the past that demonstrated the inadequacy of the preventative measures the County currently has in place. She said that she feels that they absolutely must attempt to control building on agricultural land, and this ordinance may not control all of it, but it is a good place to start. She agreed with Vice-Chair Reed, in that the presentation of the ordinances there is a need for more graphics, which show examples of the consequences if the County takes no action at all, as well as the consequences if they adopt the proposed ordinance. Therefore, the next presentation of the ordinance needs to have more of both examples. She was also interested in hearing more about the Transfer of Development Rights Ordinance, especially in regards to farm worker housing.

Commissioner Bertolero shared comments and concerns from some of the advisory committees. He requested that Mr. Parfrey isolate the parcels in the Capay Valley that may be eligible for the

agricultural clustering before the next meeting, because he sees many small parcels, but not many big parcels. However, if there were limited partnerships there could be a greater number of homes. He doesn't feel that one ordinance is going to fit everyone, but the Commission can't just exempt the Capay Valley because they don't want development. How will that be resolved?

Mr. Parfrey explained that as written now, the ordinance only applies to prime agricultural lands, and does not apply to anything up off the valley floor. He also provided an estimate of how many parcels may be eligible on the valley floor.

Commissioner Bertolero said he sees a lot of merit in dividing this ordinance to address each of the three separate issues. The smaller parcels allowed under the proposed ordinance are going to be expensive, so he doesn't believe this will help the farm labor housing issue at all. As for antiquated subdivisions, the County does not know how many there are, where all of them are, or which ones are legal, so they should be handled as a separate issue. With regards to the Transfer of Development Rights Ordinance, about a third of the county is under new flood restrictions, so there are many people that would like to take their development rights and move them uphill. He thinks each of these issues should be dealt with separately to do them justice. He commented on the benefits of combining water systems and wastewater treatment plants, the skepticism of advisory committees, and the chances of towns growing out and causing leapfrog development because of the easements. Overall, he believed he had many more questions that were in need of answering.

Commissioner Winters said the concept of perpetuity is three votes away, so who is to say that a permanent easement won't become impermanent because of a political decision twenty years in the future. He said it is an interesting, yet complicated policy, but Mr. Parfrey did an excellent job explaining it. Every application would be new and interesting, particularly in areas of antiquated subdivisions. If you can get a majority of the land in a permanent easement, by creating a few home sites than it would be a benefit. He felt that the proposal shows great potential and he looks forward to seeing it develop into a usable plan.

Commissioner Merwin clarified his earlier comment that the status quo is working well. From the standpoint of preventing the subdivision of farmland for the development of housing, the status quo is working well, but from the standpoint of planting colossal homes on 20 to 100 acre parcels, it isn't. This is the challenge they face. The proposed ordinance just puts four colossal homes in a row surrounded by farmland. It's a reality that living in the country is desirable, which makes the topic complicated and controversial. He is glad to see that his fellow commissioners recognize what the Ag Working Group was saying about there not being one issue, but three.

There was clarifying discussion regarding subdivision maps in relation to the proposed ordinance.

Commissioner Merwin said he is concerned with proceeding with the ordinance as it stands.

Chair Burton said based on his professional experience in strategic planning for large estates, businesses, real estate development issues, etc., he sees the proposed ordinance as a huge gaping red flag. What will happen is the ordinance will be put into place, a few requests will come through that are approved, then many more will come through, and the county will have to approve them because setoff the earlier precedents. Yolo County will have little dotted communities all over it. He doesn't think in the long run, it would be beneficial for agriculture. He thinks they are trying to solve a problem by putting a bigger problem on top of it. Furthermore, he is aware there are two movements in agriculture at the moment, lease farming and biodynamic organic family farming, which many of the younger farmers are very interested in. What he thinks they should all recognize is that those farmers are coming to Yolo County, and what the county is talking about with the ordinance, is

taking away access to those smaller parcels, which are needed by these younger farmers. He is very concerned about that.

The Planning Commission:

1. **HELD** a public workshop to receive public comments; and
2. **PROVIDED** comments and direction to staff.

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### WORKSHOP

- 6.6 **ZF# 2010-005:** Workshop (no action) to consider a conceptual proposal to update the existing agricultural zoning districts (A-1 and A-P) to new Agricultural Intensive (A-N) and Agricultural Extensive (A-E) districts, with new established minimum parcel sizes. The update of the zoning districts is required to bring the County Code zoning regulations into consistency with the 2030 Countywide General Plan. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, provided a brief overview and history of the project, and answered questions from the commission.

Chair Burton opened public comments.

Nancy Lea, Lea Ranch, provided a handout to the commission for future review. She said that her and her husband are walnut farmers north and west of Woodland, and that her comments focus mainly on the fiscal side of agriculture. What her letter contains is a work product that she put together over the last couple of weeks, based on conversations with Mr. Morrison and John Bencomo. Her first paragraph addresses parcel size, and thinks the differentiation between irrigated agriculture and intensive agriculture is valid. Some comments in the staff report makes her think they should consider moving to even smaller, intensive agriculture parcels. She based that comment on the local truck farms, as well as the trend of people putting in small vineyards and olive orchards. She explained that she is a conventional farmer, not organic, and she hopes there is no prejudice on the part of the Planning Commission for organic. She asks that they consider lowering the minimum parcel size for intensive agriculture.

She explained that in her second paragraph, she addressed the need to make planning and zoning criteria decisions in the context of available financing, which is only referenced once in the staff report. Financing availability is the elephant in the room that no one wants to talk about it, but she feels it should be part of the decision. Farmers that live on their land make agriculture better for the county, and she it needs to be encouraged. The county should not have a policy structure that precludes farmers from accessing financing. The farm credit system is expensive and unwieldy for farmhouse construction or remodeling, and conventional credit is not available. Therefore, when the County says that farmers have a right to build an ancillary dwelling, it may be an empty right. The ability to borrow is critical when paying estate taxes, especially considering that society is moving into a new era of much reduced exemptions and very high estate tax rates. It is critical that the planners in Yolo County think about these issues when writing zoning ordinances. There is an aging farm population across the country, and the County needs to provide small and new farmers with the ability to get financing.

In closing, she asked the Commission to focus on flexibility, as one size does not fit all in the application of zoning rules to a farmer's legitimate needs. In the shift from A-1 (agricultural general)

to AN (agricultural intensive) zoning, a farmer may lose flexibility which may translate into financial loss, especially in the context of obtaining critical financing. Additionally, a farmer should be able to access that administrative flexibility at a low cost in fees and related engineering expenses. In the absence of solid law and policy reasons, the County should not disallow a landowner's request to adjust parcel sizes to accomplish farm objectives. Instead, the County should cooperate with farmers. Mrs. Lea provided an example.

Denise Sagara, from the Yolo County Farm Bureau, thanked staff for making the requested change to the water issue in the irrigated intensive portion of the area plan.

Chair Burton closed public comments.

Commissioner Merwin said he understands the need to streamline things a bit, but he was one of the members of the Ag Working Group that had a problem with not allowing a house by right on any existing parcel as long as it meets the minimum requirements for well and septic. He strongly encouraged the right to allow primary houses, but he understood the need to require a Use Permit for a second home. However, it doesn't make him happy to additionally burden someone by changing the zoning to make them get a Use Permit in the future when it is not a current requirement.

Commissioner Winters said that the draft is acceptable, and had no further comment.

Commissioner Bertolero referenced the 2030 Countywide General Plan, Action CC-830 "to amend the County Code to remove the Williamson Act", as the basis for the new agricultural preserve zone, and asked if it had anything to do with whether or not the Williamson Act is retained.

Mr. Morrison replied that if the Williamson Act survives, staff would still have the same recommendation, and gave an example of why he felt the Williamson Act didn't make sense. He went on to say that if the Williamson Act was retained, they would treat it as an overlay, similar to other counties, and it would have its own compatibility criteria. It would also solve the issue of when properties come out of contract now, because they are not automatically rezoned as A-1 (agricultural general). If the County separates zoning from the Williamson Act, this issue would be resolved.

Commissioner Bertolero said that overall, he thinks it is a move in the right direction, as they are coming into compliance with Title 8, Chapter 2.

Commissioner Kimball agreed with Commissioner Bertolero, with a few changes to be more specific on parcel size.

There was a discussion regarding both the recommendations and the final direction given by the Board of Supervisors.

Vice-Chair Reed said there was some concern from the Ag Working Group about people saying they have permanent crops, and then removing them. He asked what period of time the County would require to verify whether a person has permanent crops.

Mr. Morrison replied that he doesn't have concerns that people would misrepresent what they were growing, but if it were a concern of others, they would look into it.

Vice-Chair Reed said that he supports the framework and is intrigued by Commissioner Bertolero's idea of consolidating or making the acreage the same for dry land and rangeland, and would be interested in learning more about that.

Chair Burton said he agrees with everything the commissioners said, especially the concerns regarding the prohibition on houses by right on parcels under 20 acres, particularly when financing is involved. Overall, he supports it.

Mr. Morrison recommended that if the Planning Commission feels strongly about allowing homes by right on under parcels less than 20 acres, when that policy returns to the commission, they may want to consider recommending a General Plan amendment to the Board of Supervisors.

The Planning Commission:

1. **HELD** a public workshop to receive public comments; and
2. **PROVIDED** comments and direction to staff.

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RE-OPEN AGENDA ITEM 6.2

**ZF# 2010-002:** Appeal of Zoning Administrator approval of a Conditional (Minor) Use Permit to stockpile up to 10,000 cubic yards of soil additive (gypsum) that will be sold to local farming operations throughout Yolo County. The proposed storage area is approximately 0.5-acre area within a 246-acre parcel, immediately adjoining the Clark-Pacific Pre-cast concrete manufacturing facility north of the City of Woodland (APN: 027-250-06). The project site is zoned A-1 (Agricultural General) and is designated in the General Plan as Industrial. A Categorical Exemption has been prepared for this project. Owner/Applicant: Jack L. Spence, Inc. (D. Rust)

Philip Pogledich, Senior Deputy County Counsel, requested that the Planning Commission re-open agenda item 6.2, the Use Permit for the gypsum stockpiling. He explained that he was in receipt of an email from Don Mooney, the attorney for Brenda Cedarblade. He read it into the record so that the Planning Commission would know what Mr. Mooney was saying, and then proposed a motion for the commission to address the concern that Mr. Mooney raised.

Mr. Pogledich then went on to read the e-mail from Mr. Mooney:

"I have a procedural issue regarding the Planning Commission's hearing on the appeal today. Although the PC passed a motion approving the Conditional Use Permit, I do not believe that the motion or the action of the PC approved or denied the appeal. I also do not believe that the motion adopted the findings in Attachment C or made any determination regarding the exemption. There was discussion, but I do not believe the motion or the PC's approval addressed these issues."

Mr. Pogledich explained that because the meeting was still in session, the commission could address the issues immediately. He explained that he does not recall the motion clearly enough to know whether there was truly an issue. Consequently, he proposed that the commission adopt a motion to approve the recommended actions in the Planning Commission Staff Report, and approve the Use Permit with the additional edits to the Conditions of Approval, plus the two-year review provision that was addressed in the earlier motion.

Commissioner Bertolero said he believes he did recommend staff's recommendation, but at any rate, he moved to adopt the language proposed by Mr. Pogledich.

Commissioner Merwin seconded.

**Commission Action**

The Planning Commission:

1. **RECEIVED** a report from county staff regarding the zoning administrator's approval;
2. **HELD** a public hearing to receive comments from the applicant, the appellant, or their representative in support of their appeal, as well as comments from members of the public;
3. **DENIED** the appeal from the appellant;
4. **DETERMINED** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines(**Attachment B**); and
5. **ADOPTED** the Findings (**Attachment C**) and Conditions of Approval (**Attachment D**).

MOTION: Bertolero      SECOND: Merwin  
AYES: Burton, Bertolero, Kimball, Merwin, Reed, and Winters  
NOES: None  
ABSTAIN: None  
ABSENT: Williams

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**REGULAR AGENDA**

7. DISCUSSION ITEMS

- 7.1 Presentation from County Service Area Manager, Regina Espinoza regarding North Davis Meadows water system. (heard earlier in the meeting)

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8. DIRECTOR'S REPORT

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

- 8.1 There were no scheduled Board of Supervisor's meetings from the time when the last Planning Commission meeting was held. In addition, due to the lack of new projects, Mr. Morrison had nothing additional to add to comments previously made during the meeting.

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9. 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.

- A. Commissioner Bertolero reported his attendance at the Capay Citizen's Advisory Committee meeting and a meeting with Joel Rominger.
- B. Commissioner Kimball said that she attended the Cache Creek Walk, and reminded everyone that "Day in the Country" would be the following Sunday.
- C. Vice-Chair Reed reported a call from Maynard Skinner regarding the Ag Clustering Ordinance, visited the Elkhorn Marina site, and met with Mr. Morrison regarding a possible new general plan advisory committee.
- D. Commissioner Merwin reported his attendance at the Yolo County Farm Bureau meeting, the Ag Working Group meeting and gave an update on the Bogle project. He talked about an upcoming meeting in Dixon regarding the North Bay Aqueduct Extension he plans to attend.
- E. Commissioner Winters stated that he also spoke to Maynard Skinner, and has been following the Bogle project.
- F. Chair Burton had nothing to report.

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10. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

- 10.1 Capay Valley Area Plan - action
- 10.2 Recommendation to amend the General Plan regarding flooding
- 10.3 Mining Compliance Report
- 10.4 New surface mining reclamation plant
- 10.5 Cell Tower Use Permit in Knights Landing
- 10.6 Climate Action Plan

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11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:53 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is October 14, 2010, in the Board of Supervisors' Chambers.

**Yolo County Planning and Public Works Department**

September 9, 2010

Page 34 of 34

MOTION: Reed                   SECOND: Kimball  
AYES: Burton, Bertolero, Kimball, Merwin, Reed, and Winters  
NOES: None  
ABSTAIN: None  
ABSENT: Williams

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

Respectfully submitted by,

David Morrison, Assistant Director  
Yolo County Planning and Public Works Department