



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

PLANNING COMMISSION STAFF REPORT

DECEMBER 7, 2010

FILE #2010-037: General Plan Amendment 2011-1, a series of amendments to the Cache Creek Implementation Program, as referenced in the Cache Creek Area Plan, and amendments to the three mining ordinances (Chapter 3, 4, and 5 in Title 10 of the Yolo County Code), related to the role of the Cache Creek Technical Advisory Committee

APPLICANT: Yolo County

LOCATION: Parcels within and adjacent to Cache Creek between the unincorporated Yolo County area
GENERAL PLAN: Agriculture (AG) with Mineral Resource Overlay (MRO)
ZONING: Agricultural General and Agricultural Preserve (A-1 and A-P), with Sand and Gravel overlay (-SG)

SUPERVISOR: District 5 (Chamberlain)
FLOOD ZONE: various
SOILS: various
FIRE ZONE: various

ENVIRONMENTAL DETERMINATION: Exemption

REPORT PREPARED BY:

Eric Parfrey, Principal Planner

REVIEWED BY:

David Morrison, Assistant Director

RECOMMENDED ACTION

That the Planning Commission recommends the Board of Supervisors:

1. **HOLD** a public workshop and consider public comments on General Plan Amendment 2011-1, which includes proposed amendments to the Cache Creek Implementation Program and three mining ordinances in the County Code (**Attachment A**);
2. **ADOPT** the Exemption as the appropriate level of environmental documentation for this project in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment B**); and
3. **APPROVE** the Resolution adopting General Plan Amendment 2011-1 to amend the Cache Creek Implementation Program and amendments to the Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code), related to the role of the Cache Creek Technical Advisory Committee (**Attachment C**).

REASONS FOR RECOMMENDED ACTION

Currently, the Cache Creek Technical Advisory Committee (TAC) is appointed by the Board of Supervisors, as required under the Cache Creek Implementation Program. The TAC advises the County on issues related to mining and restoration along Cache Creek. With these appointments, the TAC is required to follow all requirements of the Brown Act with regards to public meetings. Since there are only three members of the TAC, this means that no two members may discuss committee business outside of a public meeting without violating the Brown Act. This hampers the responsiveness of the TAC and makes it less efficient in providing effective staff support.

BACKGROUND

The Cache Creek Area Plan, approved in 1996, has been adopted as a part of the 2030 Yolo Countywide General Plan. The Cache Creek Area Plan regulates surface mining operations and implements restoration and reclamation programs along Cache Creek. The Cache Creek Area Plan consists of three separate documents, the Cache Creek Off-Channel Mining Plan, the Cache Creek Resource Management Plan, and the Cache Creek Implementation Program (CCIP). Several parts of the Yolo County Code, including Sections 3, 4, and 5 of Title 10, contain mining ordinances and detailed regulations that implement the Cache Creek Area Plan.

The General Plan Amendment consists of amendments to the CCIP and amendments to the Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Sections 3, 4, and 5 of Title 10 of the County Code). The amendments to the CCIP would clarify that the CCIP is not considered to be a part of the Cache Creek Area Plan, and that future changes to CCIP would not require a General Plan Amendment. The amendments would also delete the requirement that members of the Technical Advisory Committee (TAC) for the Cache Creek Area Plan be appointed by the Board of Supervisors.

The amendments to the three mining ordinances would require that the TAC members be appointed by the County Administrator, instead of the Board of Supervisors. The Code amendments would also recognize the newly formed Natural Resources Division within the County Administrators Office.

The amendments to the CCIP are needed so that the three-member TAC can meet and advise staff as a technical advisory group, not as a policy group appointed by the Board of Supervisors and subject to the Brown Act. Some of the work of the TAC has been curtailed because the three members cannot confer with each other outside a noticed public meeting. Some TAC work has also been cancelled because of the need to comply with the Brown Act, such as providing handicap accessibility during the annual "creek walks."

OTHER AGENCY INVOLVEMENT

This General Plan Amendment has been initiated by the Natural Resources Coordinator (Cindy Tuttle) in the County Administrators Office, with funding of staff time to process the GPA paid for by the aggregate producers along Cache Creek. County Counsel has reviewed the proposed amendments to the CCIP and County Code.

Notification of the proposed GPA was sent to the Cortina Band of Indians and the Yocha Dehe Wintun Nation for review and comment, in accordance with Government Code Section 65352.3 (SB 18), which requires notification to identified tribes for any proposed General Plan Amendments. The Cortina Band did not respond and the Wintun Nation representatives have indicated that they did not wish to consult on the GPA.

Prior to action on the GPA by the Board of Supervisors, appropriate State agencies such as the Department of Conservation, the State Mines and Geology Board, and the Department of Water Resources will be notified of the proposed GPA, in accordance with State requirements.

ATTACHMENTS

A: General Plan Amendment 2011-1: Proposed Amendments to the Cache Creek Implementation Program and the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code)

~~B: Exemption under the California Environmental Quality Act~~

C: Resolution Adopting General Plan Amendment 2011-1 and Amending the Cache Creek Implementation Program and the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code), Related to the Role of the Cache Creek Technical Advisory Committee

ATTACHMENT A

General Plan Amendment 2011-1: Proposed Amendments to the Cache Creek Implementation Program and the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code)

The proposed amendments are to the Cache Creek Implementation Program, a part of the Cache Creek Area Plan, and to the Yolo County Code. The amendments would modify the text of each document as follows (deleted text is in ~~strikeout~~ and added text is in underline):

Cache Creek Implementation Program, page 1

"The Cache Creek Implementation Program (CCIP) was developed by the Yolo County Community Development Agency to implement the goals, objectives, actions, and performance standards of the Cache Creek Resource Management Plan (CCRMP) as it relates to the stabilization and maintenance of the Cache Creek channel. It has not been adopted as part of the CCRMP, and may be amended without a general plan amendment."

Cache Creek Implementation Program, page 6

"Nominations for appointment to the TAC [Technical Advisory Committee] ~~will~~ may be approved by the ~~Board of Supervisors~~ County Administrator, in his or her sole discretion. ~~The TAC members may be compensated under a time and materials contract with the County, with a not to exceed amount.~~ The term of the TAC members contracts will be two years with the opportunity for unlimited extensions pending approval by the ~~Board of Supervisors~~ County Administrator."

In-Channel Maintenance Mining Ordinance (Chapter 3, Title 10 of the Yolo County Code)

Sec. 10-3.204. Director.

As used within this Chapter, "Director" shall refer to the ~~Director of the Parks and Resources Department, or his/her~~ County Administrator, or a designee as provided in Section 10-3.1104 unless otherwise specified chosen by the Administrator.

Sec. 10-3.210. Technical Advisory Committee.

"Technical Advisory Committee" shall be as defined in the CCRMP/CCIP and shall also be known as the "TAC". The TAC is established to provide scientific and technical review for all projects conducted under the CCIP. Members of the TAC ~~are~~ may be contracted by the ~~Parks and Resources Department~~ County Administrator. The TAC is comprised of members with technical expertise in river systems, including hydraulic engineering, fluvial geomorphology, biology, and riparian restoration.

Off-Channel Surface Mining Ordinance (Chapter 4, Title 10 of the Yolo County Code)

Sec. 10-4.204. Agency.

"Agency" shall mean the ~~Community Development Agency of the County Administrator.~~ County Administrator. (~~§ 1, Ord. 1190, eff. September 5, 1996~~)

Sec. 10-4.210. Director.

~~"Director" shall mean the Director of the County Community Development Agency~~ County Administrator, or a designee chosen by the Director, or the Director's successor in function Administrator. (~~§ 1, Ord. 1190, eff. September 5, 1996~~)

Surface Mining Reclamation Ordinance (Chapter 5, Title 10 of the Yolo County Code)

Sec. 10-5.204. Agency.

"Agency" shall mean the ~~Community Development Agency of the County Administrator.~~ County Administrator. (~~§ 1, Ord. 1190, eff. September 5, 1996~~)

Sec. 10-5.210. Director.

~~"Director" shall mean the Director of the County Community Development Agency~~ County Administrator, or a designee chosen by the Director, or the Director's successor in function Administrator. (~~§ 1, Ord. 1190, eff. September 5, 1996~~)

ATTACHMENT B

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Eric Parfrey

Notice of Exemption



To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

Project Title: Zone File 2010-037 (General Plan Amendment 2011-1 related to the Cache Creek Area Plan)

Applicant: Yolo County

Project Location: Cache Creek Area Plan applies to all properties within and adjacent to Cache Creek between , in unincorporated Yolo County

Project Description: The action is General Plan Amendment 2011-1, a series of amendments to the Cache Creek Implementation Program, a part of the Cache Creek Area Plan (and a part of the 2030 Yolo Countywide General Plan), and amendments to the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code), related to the role of the Cache Creek Technical Advisory Committee

Exempt Status: Exemption based on Section 15061 (b)(3) of the California Environmental Quality Act Guidelines (CEQA), known as the "common sense" rule.

Reasons why project is exempt: Section 15061(b)(3) consists of activities covered by the "common sense" rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Lead Agency Contact Person: Eric Parfrey, Principal Planner **Telephone Number:** (530) 666-8043

Signature (Public Agency): _____ Date:

Date received for filing at OPR:

ATTACHMENT C

RESOLUTION NO. 2011-_____

RESOLUTION OF THE YOLO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT 2011-1 AND AMENDING THE CACHE CREEK IMPLEMENTATION PROGRAM AND THE IN-CHANNEL MAINTENANCE MINING ORDINANCE, THE OFF-CHANNEL SURFACE MINING ORDINANCE, AND THE SURFACE MINING RECLAMATION ORDINANCE (CHAPTERS 3, 4, AND 5 OF TITLE 10 OF THE YOLO COUNTY CODE, RELATED TO THE ROLE OF THE CACHE CREEK TECHNICAL ADVISORY COMMITTEE

WHEREAS, the County initiated General Plan Amendment 2011-1, which proposes to amend the Cache Creek Implementation Program and the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code), related to the role of the Cache Creek Technical Advisory Committee; and

WHEREAS, the Yolo County Planning Commission held a duly noticed public hearing on December 9, 2010 to receive public testimony regarding General Plan Amendment 2011-1, the Exemption prepared in accordance with the requirements of the California Environmental Quality Act, and to make recommendations to the Board of Supervisors; and

WHEREAS, the Board of Supervisors, based on oral testimony and documentary evidence submitted during a public hearing held on February 1, 2011, now finds it proper to approve General Plan Amendment 2011-1, which amends the Cache Creek Implementation Program and Chapter 3, 4, and 5 of Title 10 of the Yolo County Code, related to the role of the Cache Creek Technical Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yolo as follows:

1. The foregoing recitals are true and correct.
2. The Board finds that the actions as set forth in this Resolution are in the public interest and necessary to public health, safety, and welfare.
3. The Board of Supervisors hereby approves General Plan Amendment 2011-1.
4. The Board of Supervisors hereby amends the Yolo County General Plan by amending the Cache Creek Implementation Program and the In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code, related to the role of the Cache Creek Technical Advisory Committee, attached hereto as Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo following a noticed public hearing on the _____ day of _____, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Matt Rexroad, Chair
Yolo County Board of Supervisors

ATTEST:
Julie Dachtler, Deputy Clerk
Board of Supervisors

APPROVED AS TO FORM;
Robyn Truitt Drivon, County Counsel

By _____
Deputy (Seal)

By _____
Philip J. Pogledich, Senior Deputy