

Comments to the Yolo County Planning Commission regarding Item ZF #2013-0018

Camping and Food Preparation at Prestar/Skydance

Submitted by Dane Westerdahl, 24330 County Road 95, Davis

Camping and food service are activities that have been going on for many years at the Skydance facility apparently without adequate permits, health certificates and inspections. Prestar (SkyDance) has applied to alter its lease to gain County approval to allow these activities to continue. These activities appear to violate several code provisions or use guidelines. The applicant was cited November 1, 2012 for illegal occupancy for three RV's and a Coleman pop-up Tent and did not appear to have corrected the violation within 30 days. The RV's have not been vacated; removed as Yolo County Health required if they were not permitted within said time period. Health Department stated in the citation "Failure to correct any violations within the required time frame will result in the inspection of your property by the Department." Camping on the airport has continued with no response from Yolo Health Department even though there has been no permit issued.

PreStar has also been cited under §114381(a) and §114387 on December 7, 2012 for illegal food sales at the same facility, the tenant does not appear to have fully responded to these citations and appears to have served food as recently as the last week of April. **At the base of the entire issue is that the county has allowed unpermitted uses that are not in compliance with county code for many years, has not intervened until public complaints appeared.**

The proposed expansions are substantial, unclear and rely on self-policing by the applicant. This is not an acceptable situation.

At the WPAC meeting on May 2 this item was on the agenda for action by the Committee. It appears that the Committee was being requested to make recommendations to the lease application as it moved through the Planning Commission and to the Board of Supervisors. However the **agenda description did not state what action was requested** or what body was to receive the finding. The applicant's own document submitted to the county for a lease change was included in the county posted on-line agenda package for the WPAC as was the county staff summary of the application. These two items were not consistent with each other.

Once discussion of the item began at the WPAC meeting it became clear that there had been conversations between the applicant and various county staff. The lease application was no longer accurate and that what appeared to be **a simple lease change to allow a little**

bit of camping on 6 weekends had turned into a much larger operation that resembles an RV park/campground and now includes a food service component.

These modifications from the initial lease request were outlined in a 2 plus page hand-out made available at the meeting (but not in advance of the meeting). During the discussions of the item it became clear that **the Committee and community were being asked to consider an application that was incomplete and internally contradictory**. Further, county staff stated that there was urgency in getting WPAC and community recommendations to the Planning commission in one day, by May 3, 2013 so that the commission would have adequate time to consider the comments. However upon review of the Planning Commission web site the information packet was already finalized on May 2 at about 3pm. **We were misled to think that the Advisory Committee and public comments were going to be included in the initial package sent for Commission review**. There is a very specific set of recommendations and findings by staff presented at the WPAC meeting that are dated in the mid afternoon of May 2, 2013 which was before the advisory community meeting. Failure to properly frame the nature of the review process **shows the county staff is not being honest about status of county considerations of this item**.

That application for lease and presumably permit changes to allow camping was incomplete and we were told the evaluation was still underway. The staff summary was incomplete, failing to point out zoning and compatible land use issues or the citation history at this property. In fact, the natures of the staff comments are supportive in tone, using the historic use (which was not permitted) as passive justification for the request. Specifically, no mention of prior violations, prior permit compliance, the nature of current lease arrangements in relation to the proposed modifications, and compliance with county camping regulations and health and safety issues were offered. The county airport manager claimed to not know of the violations. The Planning staff present dismissed the food service violations as routine and minor (like a parking ticket)—the kind that happen to all food service groups. However, few citations for food service violations result in closure of facilities for multiple months.

Until a more complete and reasoned request and staff summary are prepared on this item it should be withheld from consideration of Planning Commission and Board approval. This item should be reconsidered by the WPAC when it is in a form suitable for review. Also any existing citations and restrictions on use should be enforced. It is very irresponsible for the County to distribute incorrect and incomplete information to the public and a public body for action. This item was discussed for over an hour and at the end, the committee found it was unable to act on the item. The members of the community that participated in the meeting raised numerous questions on the item as included with the Agenda posting.

Specific review comments of the WPAC agenda item follow--

1. Is this change consistent with county camping code--Title 6, chapter 13?
2. Was prior use consistent with county code--Title 6, chapter 13?
3. Is camping consistent with airport master plan security requirements?
4. Does this permit allow **non-event camping** and **RV use/storage**—beyond the request to have 2 (only) RVs these non-event days. This number changed in subsequent discussions mentioned below.
5. **Is alcohol use consistent with unsecured airport camping?**
6. Food sales are mentioned in the staff summary of the application, are food sales included in the application submitted by the applicant?
7. Staff summary is for a use permit AND lease change. The application is for a lease change only. Is there a permit change application?
8. **Are the sewage and water systems suitable for the proposed use?**
9. **What is the number of persons anticipated during the 6 events /yr.?** Applicant states that 100 campers are anticipated—but the **number of daily visitors/clients/employees would be much larger.**
 - a. Should such potentially very large events undergo individual reviews to consider traffic, crowd control, food, alcohol, sanitary facilities?
 - b. Does the county have a plan to review and permit specific future events?
 - c. Are such future uses approved without prior review by adoption of the requested lease changes?
 - d. Where will attendees park?
10. **Are all facilities ADA compliant?**
11. Are there other residential uses at the site?
 - a. Are they in compliance with current county code and operating permits?
12. **What are the plans for enforcement of current and proposed permitted uses?**
13. **How may the public respond to noisy, unruly or otherwise unwelcomed operations as part of existing or proposed events?**
14. How is the applicant's lease altered in response to this request? Is **the lease fee renegotiated to reflect the increased value** of the lease commensurate with the expanded scale of operations? **When was the last lease negotiated? The web posting on county leases shows a date of 1987.** The annual lease amount posted is less than \$400.

This and all leases at Yolo County Airport should be based on lease values. The request of the **WPAC for copies of the leases for review at the meeting was not met—the Airport Manager said he “forgot”**. If the posted value is correct this is approximately \$1.30 per day. Camping fees in parks and camp grounds are more than that. This is a business arrangement that is very one sided for the applicant.

Confusion regarding the project scale revealed at the meeting— This is not an “incidental use”, it is a campground with undefined scale food service!

Perhaps the most discussed items were based on the “**CAMPING AND FOOD SERVICE CONDITIONS**” document available at the start of the meeting. It is the same document included in the Planning Commission package. This contains what was reported to be an interim proposal from County staff regarding what they proposed as an acceptable compromise proposal. It apparently supplants the applicant’s submission. **The applicant was in the room at the time of the discussion and it was stated that he had not agreed to the conditions. Thus it is unclear how this document was developed and how a small request has been turned into a major use change.**

Items 2 and 3 of this handout described camping and RV “limitations” for event and non-event periods. It is best to repeat this text as presented, since **it is confusing and incomplete**. I have underlined and bold-faced specific points of confusion. **Basically, event and non-event camping and RV use are quite unclear but are the essential points of the action. Food service factors are undefined.**

“2. This Use Permit is approved for: The operation of a temporary campground for up to **100 campers up to six (6) times per year in association with organized skydiving events;** up to **12 self-contained recreational vehicles during non-event weekends;** and food service facilities as authorized by Yolo County Environmental Health.”

“3. Camping guests shall be limited to only those associated with PreStar’s SkyDance SkyDiving operations. Camping shall not be open to the general public. Tent camping is limited to the turf area as defined by the fence line at the southern border of the leasehold property line (see Attachment 1, site plan). Campers may not occupy tent and RV sites for more than seven days.”

The main points discussed regarding these two points and other items in the document include:

- a. Language in **the first point (2) above is unclear and incompletely crafted**. 100 campers for up to 6 events is too vague. Upon reading this now I see that it is also not accurately stated since “up to” actually means less than so this means a maximum of 5 events and 11 RVs.
- b. 12 RVs are only listed as for non-events and camping is not mentioned for non-event days and as such would they be allowed during event days?
- c. **Is camping permitted on non-event days—how many campers?**
- d. **RVs and campers are not defined**—how do trailers or pickup campers count?
- e. Would electrical hook ups be allowed?
- f. The length of stay of 7 days for RVs was mentioned in the discussion, but does not appear in the proposal. **How long would campers be allowed?** 72 hours was also discussed since that period was listed in the county summary included in the agenda (which the applicant said he had not agreed to). **How long would RVs be allowed to park on event and non-event periods.**

- g. Is RV storage allowed on site under the current and proposed lease?
- h. **Will the applicant charge for use of campers and RV users?**
- i. **Enforcement by the applicant is proposed, but the public were not supportive of self-enforcement** based on prior bad experiences.
- j. It is unclear how camping by the general public will be limited. Anyone with a tent or RV could arrive and set up.
- k. Not discussed (no time to read before meeting) was point 5 where **the county is offering "overflow" space for "RV camping"**. This should not be allowed, since it could encourage even larger crowds and would be outside the control of the leaseholder. The applicant's leased space should be the only place that camping should be considered. If this space is not adequate then the application is improper. Further, this is in conflict with point 3.
- l. How would **bathroom and shower facility use be restricted to employees only** as stated in point 8. It is easy to state this and compliance would be an efficient work around to avoid the issue of sewage system adequacy, but enforcement is unclear and **non-enforcement would place unanticipated strain on the sewage facilities**.
- m. Point 9 stipulates **the provision of porta johns** and how to determine the number needed **based on camper numbers**. **Is there a requirement to estimate the number of day users and to provide them additional toilet facilities?**
- n. Point 22 of the hand-out draft agreement appears to stipulate that the county will cooperate in defense of applicant should there be claims or actions against the applicant. This is unclear and should be written in plain English.

County staff were taking notes on points of inconsistency raised by the committee and community and on several cases offered to correct the unclear language in the documents. However, in looking at the content of the Planning Commission Agenda package the documents and plans are unchanged. They are silent regarding inconsistencies and inaccuracies.

I also note that there is a consideration of the **economic advantages of this proposed use** as support for moving to approve in Planning Commission documents. These are not really thoughtful contributions, but are just a restatement of county economic planning documents. The proposed lease extension/**expansion offers very little economic benefit to the county**. To the extent that **free camping and RV facilities are offered during events it really minimizes the potential benefits** to the county. Campers will not be eating at restaurants, will not be staying in hotels/motels and will impose some cost exposure to the county should emergency response situation occur. Further, **it is hard to view camping of this potentially very large scale as "incidental"** as it is called in the county summary package. **This is potentially a large RV/campsite operation and should be viewed as such**.

As a concerned member of the airport community I find that **this item is not in the best interest of the county in its current form** and I would not want you to approve anything of this sort contingent upon un-reviewed staff corrections that would then be acted upon

by the Board. I am not at all impressed with county staff actions or presentations on this item.

I respectfully request that all action to move this item forward awaits a development of a complete application and that it then be reviewed by the WPAC committee, the Commission and the Board.

Sincerely,

Dane Westerdahl, DEnv.

Mechanical and Aerospace Engineering, Cornell University