



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

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## YOLO COUNTY PLANNING COMMISSION

CHAIR: Don Peart  
VICE-CHAIR: Leroy Bertolero  
MEMBERS: Amy Cameron, Mary Kimball, Mary Liu, Jeff Merwin, Don Winters

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### MINUTES

September 13, 2007

#### ADMINISTRATIVE AGENDA

1. Chair Peart called the meeting to order at **8:33** a.m.
2. Pledge of Allegiance was led by Commissioner Bertolero.

MEMBERS PRESENT: Bertolero, Kimball, Liu, Peart, Winters  
MEMBERS ABSENT: Cameron, Merwin  
STAFF PRESENT: David Morrison, Assistant Director of Planning  
Phil Pogledich, Deputy County Counsel  
Donald Rust, Principal Planner  
Brian Baca, Principal Planner  
Stephanie Berg, Associate Planner  
Carole Kjar, Secretary to the Director

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3. ADOPTION OF MINUTES OF THE **August 9, 2007** MEETING.

#### Commission Action

The Minutes of the **August 9, 2007** Meeting were approved with no corrections.

MOTION: Bertolero  
SECOND: Winters  
AYES: Bertolero, Kimball, Liu, and Winters  
NOES: None  
ABSTAIN: Peart  
ABSENT: Cameron, 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.

No one from the public came forward.

David Morrison introduced Carole Kjar who is back again working with the Planning Commission. He explained that Susan Provencal left the County's employment two weeks ago to work in Fairfield, and that, in the wake of Susan's absence, the clerical needs for the Planning and Building Divisions were reviewed; one of the changes is that Carole Kjar will be working with the Planning Commission on a regular basis. He also stated that Susan's job has been offered to Aundrea Hardy, Office Support Specialist, who will be starting her employment with PPW in two weeks.

David Morrison introduced the two new Principal Planners, Brian Baca and Donald Rust, who each spoke to the Planning Commission about their background.

Chair Peart welcomed Brian Baca and Donald Rust to Yolo County. He also welcomed back Carole Kjar.

#### 5. CORRESPONDENCE

Chair Peart acknowledged receipt of all correspondence distributed at the beginning of the meeting.

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#### CONSENT AGENDA

6.1 None

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#### TIME SET AGENDA

7.1 **2007-038:** Use Permit for a 110-foot high multi-carrier wireless communication tower in the Agricultural General (A-1) Zone. The property is located east of County Road 99 and north of Covell Boulevard, north of the City of Davis (APN: 036-060-33). A Negative Declaration has been prepared for this project. Owner/Applicant: Boschken/Comsites West (S. Berg)

Stephanie Berg, Associate Planner, presented the staff report, and answered questions from the commission. She said this item was continued from the last Planning Commission hearing of August 9, to give opportunity for further discussion on the project. She addressed concerns expressed at the last Planning Commission Meeting, as noted in her memo, dated September 13, 2007, to the commission.

Rochelle Harry-Swanson, RHS Consulting, representing ComSites West, the applicant, presented a history of what has happened since the last Planning Commission Meeting, and answered questions from the commission. She addressed the areas of concern, and explained why there is a need for the tower.

Commissioner Bertolero asked for clarification about the size of the pole.

Matthew Pohl, from ComSites West, said the pole they're designing for this type of capacity, and loading on the tower itself, would be in the neighborhood of 3 to 4 feet in diameter at the base.

Commissioner Bertolero asked if this would give benefit to the area for internet coverage.

Ms. Harry-Swanson responded, yes.

Commissioner Bertolero asked what the life expectancy would be of such a tower.

Ms. Harry-Swanson said that they started building cell tower facilities in the late 70's and early 80's, and, to date, they are not aware of any coming down.

Commissioner Bertolero asked if they are in agreement with the Conditions of Approval.

Ms. Harry-Swanson said, yes, and that she had talked with Stephanie Berg about the condition regarding an encroachment onto County Road 99, and this has been resolved.

Commissioner Liu thanked the applicant for the photos, and asked how many alternative locations have been investigated.

Ms. Harry-Swanson responded that other sites have been researched, and this is the best location.

Commissioner Bertolero asked what the height is of the proposed sound wall.

Ms. Harry-Swanson said the height is 6 feet, and they would agree to a condition that, if the future needs and ordinance so require for it to stay within meeting a noise ordinance, they would do mitigation measures at that time.

Chair Peart opened the public hearing.

Randy Yackzan, from Davis, said that, from a landowner perspective, this cell tower is a long term decision. He expressed concern about the height, and recommended that the monopole might be more invisible. He stated that the short arms are important, and that the cell tower should be built recognizing that it is in a flood plain, and that the noise issue should be resolved.

Mr. Yackzan thanked the cell tower team for working with them, and said that if they go forward, it's important to include these details to make the cell tower as invisible as possible.

Cecilia Gabrielli, currently residing in North Davis, expressed some serious personal concerns. She said that, due to poor cell coverage, she was unable to be reached via cell phone from Sutter Davis Hospital regarding the death of her son. She supported the proposed project.

Les Portello, resident of West Davis, said he would love to have better cell phone coverage, but that other land use concerns need to be resolved. He expressed that he would hope that this proposal is deferred until there's further information regarding the future land use of the North West Quadrant. He supported the specific alternative of locating the cell tower near the water tank, so long as it did not run afoul of the Homeland Security Act.

Diane Steele, resident of North Davis Meadows, spoke in favor of the project. She stated that she, and her fellow neighborhood residents, would love to see anything that would give them better service in the area.

Masud Monfared, with Parlin Development, and owner of two parcels of property, explained why he believes this is not a good location for the tower, and said that long term planning for the Northwest Area should be taken into consideration. He asked the commission and the Board of Supervisors to stop this proposal until further studies are complete.

Rochelle Harry-Swanson addressed questions from the public hearing, and asked that this project be approved because it is the best location and would give people the cellular service they need.

Chair Peart closed the public hearing.

David Morrison gave an update on the General Plan. He reported that, on July 17, 2007, the Board of Supervisors removed the Davis North West Quadrant area from the Preferred Land Use Alternative and directed the CAO staff to address the desire for mutual discussions regarding policies with the City of Davis, and directed staff to include policy language in the Draft General Plan document to address the Board's concerns at this location, particularly with respect to planning for the Binning Ranch, and the extension of infrastructure to Binning Farms. He clarified that there is no proposal for housing by the Board of Supervisors, nor is it being studied by the County at this time, regarding this location.

Commissioner Bertolero disclosed that he discussed this project with the applicant, and Commissioner Winters and Commissioner Liu. He said he thinks the project complies with all applicable state, federal, and local codes and regulations, and that this is a good location, and that cell coverage is needed.

Commissioner Bertolero suggested that a condition of approval be included that determines the flood levels that are concerned, and to raise it a foot or so above that level just for the equipment and the building to assure that it would never be locked out of service.

Commissioner Kimball expressed that she appreciated the one-month extension, to allow people to talk about the project. She said that currently this is the best location for this tower, but in the future this may not be the case.

Commissioner Liu agreed that the extra time was very helpful to allow further review of the project. She stated that she is still deliberating about the location, and that she prefers the original design, not the windmill design. She also expressed that she thinks the height is necessary to provide adequate coverage, and concluded that she is leaning towards approving and supporting staff's recommendations.

Commissioner Winters stated that the testimony this morning is compelling on both sides, and that he's not convinced that there's an abject lack of planning for what's going to happen in the North West Quadrant. He said he is still deliberating about his vote for this project.

Chair Peart said he feels the applicant has done an excellent job in finding the best location for the best service that will provide services to the people in Davis, and that he will support the project.

Commissioner Bertolero said he is against the windmill look because it raises the height, and that

he believes a condition of approval should be added that addresses that the sound wall will be 10 feet and it would be put up to the 100 foot floodplain.

Chair Peart reopened the public hearing.

Chair Peart asked the applicant if they are willing to accept the condition that the sound wall will be 10 feet and it would be put up to the 100 foot floodplain.

The applicant said they would be open to a condition of approval to mitigate sound within applicable ordinance, but they prefer staff's recommendation for the 6 foot chain link fence. He said they're open to working with staff.

David Morrison said that currently there is no noise impact under CEQA as reflected in the Negative Declaration. He stated that the maximum noise level in an agricultural area is 75-80 decibels, and this is targeted at 60-65 decibels, and that, should the Planning Commission wish to require a solid fence, it is his preference that it is done now, because five years from now it may be difficult to enforce.

John, a sound engineer with Bollard Acoustical Consultants, said that a 6 foot solid wall would be recommended to gain the full 5 decibel reduction.

Chair Peart re-closed the public hearing.

### **Commission Action**

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPTED** the Findings (**Attachment D**); and
4. **APPROVED** the Use Permit subject to the Conditions of Approval (**Attachment E**), with the understanding that Condition of Approval No. 8 will be amended to include a solid wall at least 8 feet in height, and a monopole that is either simple gray in color or not painted, and any issues regarding flooding will be dealt with at the time of building permit.

MOTION: Liu  
SECOND: Bertolero  
AYES: Bertolero, Liu, Peart  
NOES: Kimball, Winters  
ABSTAIN: None  
ABSENT: Cameron, Merwin

### **CONDITIONS OF APPROVAL**

#### **Planning**

1. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2007-038). Construction shall be limited to: 1) One 110-foot high wireless telecommunications steel gray monopole with six MetroPCS antennas placed at 105 feet; three Clearwire antennas placed at 95 feet, with three Clearwire

pole-mounted radio cabinets; and three 2-foot Clearwire microwave dishes; 2) one 2,500-square foot fenced lease area with two MetroPCS ground equipment cabinets and one 54-inch Clearwire support cabinet; 3) additional space for at least four future wireless communication systems both on the pole and on the ground; 4) and, perimeter landscaping around the fenced ground lease area (**Attachment A**). 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. Upon termination of the wireless communication system use, the project site shall be restored back to its original condition within 180 days.

2. The use allowed under this Use Permit (ZF #2007-038) shall commence within one (1) year from the date of approval by the Yolo County Planning Commission or said permit shall be deemed null and void without further action.
3. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the communication tower and shall not be unreasonably opposed to sharing the site and facilities with other service providers.
4. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold area shall be adequately maintained and free from graffiti. Perimeter landscaping shall consist of a mixture of indigenous shrubbery that is properly maintained.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public right-of-way, on-site residences and adjoining properties. The 8-foot high 300-watt site light shall not be photosensitive.
6. Prior to issuance of any building permit, the applicant shall record the 15-foot utility and access easement as prepared in the Site Plan for this Use Permit (ZF #2007-038).
7. Construction details shall be included in construction drawings, submitted concurrent with building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
8. The proposed monopole, ground equipment lease area, perimeter fencing and landscaping shall be designed, constructed and completed utilizing materials consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Planning and Public Works Department. An eight-foot masonry sound wall shall be constructed around the perimeter of the project to address future noise and safety issues.
9. During construction activity, any open trenches shall be covered overnight to prevent animals from becoming trapped. Any open trenches shall be inspected prior to commencement or continuation of construction activity and any trapped animals shall be allowed to exit on their own ability.

### **Engineering**

10. The applicant shall obtain a County Encroachment Permit to pave the driveway connection to County Road 99 for commercial use.

### **Building**

11. The applicant shall obtain building permits for all structures prior to commencement of their construction. New construction shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed structures shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.

12. The project shall be constructed and operated in compliance with all applicable federal and state laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.

### **Environmental Health**

13. Prior to the issuance of a building permit the applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health.

### **County Counsel**

14. 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.

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.

15. Failure to comply with the CONDITIONS OF APPROVAL as noted by the Planning Commission may result in the following actions:
  - **legal action;**
  - **non-issuance of future building permits.**

### **FINDINGS**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-038, the Yolo County Planning Commission finds the following:  
*(A summary of evidence to support each FINDING is shown in Italics)*

### **California Environmental Quality Act (CEQA) and Guidelines**

That the recommended Negative Declaration/Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

*The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that there will not be a significant effect on the environment as a result of the proposed project.*

### **General Plan**

That the proposal is consistent with the Yolo County General Plan as follows:

*The Yolo County General Plan designates the subject property as Agricultural (AG).*

*The project is consistent with the following General Plan Policies:*

*Conservation Policy CON-7 Design and Site Development Standards: Yolo County shall apply design and site development standards to prevent unnecessary disruption of the terrain, vegetation, and significant resource areas. Application of the standards shall include mitigation of potential adverse environmental impacts.*

*Scenic Highway Policy SH-9 Towers and Lines: Yolo County shall recommend the establishment of electric towers, solar power facilities, wind power facilities and electromagnetic frequency transmission towers and/or above ground lines outside of scenic highway corridors, where feasible.*

## **Zoning**

That the proposal is consistent with the Wireless Communication Facilities Ordinance (Section 8-2.2417 of the Yolo County Code) as follows:

The site is adequate for the development of the proposed wireless communication facility.

*The subject property is approximately 20 acres, and is currently vacant. The project site is located at the southeast corner of the property and is adjacent to other agriculturally zoned properties. The proposed project location on the property does not contain any biologic or wetland resources, and would not require removal of any productive farmland. The site is considered adequate for the proposed project.*

Opportunities to collocate the subject facility on an existing facility have either been exhausted or are not available in the area.

*There is currently no reception and/or only intermediate reception in the project area. According to the applicant, they typically seek to collocate their facilities on existing structures. However, no appropriate structures with the required height were available for collocation in the general project area. The only wireless towers existing in the area are too far from the proposed service area.*

The facility as proposed is necessary for the provision of an efficient wireless communication system.

*Currently, a fairly large geographic area within the general area of the subject property does not receive adequate wireless communication signals under existing wireless communication services. There is no other tower located in the area where new equipment can be collocated, in order to provide adequate wireless signal coverage. Therefore, the applicant's proposal to provide the needed service to a significant portion of this uncovered area is considered necessary.*

The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource.

*Since the subject property is relatively flat, the proposed project would not require significant grading and thus would not impact the existing topography. No other significant vegetation exists in the immediate area of the proposed project. A 15-foot utility easement is proposed for access to the site. The proposed project location is not within any designated public viewing area or scenic corridor.*



The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.

*The project site is approximately four miles from the Yolo County airport. The proposed facility and height of the monopole will have no potential to create an additional hazard for aircraft or to hinder aerial spraying operations.*

The applicant agrees to accept proposals from future applicants to collocate at the approved site.

*The project proposal includes two providers – MetroPCS and Clearwire – with additional space for at least four future providers. Additionally, as a condition of project approval, the applicant is required to cooperate with the County and other providers in collocating on the subject monopole.*

That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

The requested land use is listed as a conditional use on the zoning regulations.

*Pursuant to Section 8-2.604 (i), the proposed wireless communication facility is allowed within the A-1 Zone through the Minor Conditional Use Permit review and approval process.*

The request is essential or desirable to the public comfort and convenience.

*Wireless communication is widely used as an efficient communication system for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.*

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

*As evidenced in the Negative Declaration/Initial Study, the proposed project will not create a significant effect on the character of the surrounding agricultural area. Wireless communication technology has been determined not to be detrimental to the public health, safety, or general welfare so long as the appropriate standards are implemented. Therefore, the proposed project does not pose a detrimental effect to public health, safety, or general welfare.*

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

*All necessary infrastructure and utilities will be required of the proposed project.*

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Chair Peart called a five-minute recess.

7.2 Presentation by University of California-Davis planning staff regarding the UCD Long Range Development Plan (K. Mohr)

Karl Mohr, with the University of California, Davis, Office of Research Management and Planning, introduced his colleague, Gary Sandy, who is here today from UCD Government and Community Relations, and gave a slide presentation on the UCD Long Range Development Plan. He answered questions from the commission.

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7.3 Report back on status of the Yolo County Housing Element (D. Morrison/Donald Rust)

Donald Rust, Principal Planner, gave an update of the current goals and programs of the 2002 – 2007 Housing Element for the County of Yolo, as requested by the Planning Commission on July 12, 2007. In addition, he explained the Regional Housing Needs Allocations for the County of Yolo, as established by the Sacramento Area Council of Governments between 2000 and 2007.

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7.4 Scoping session for the update of the Yolo County Housing Element of the General Plan (D. Morrison/D. Early)

David Morrison recommended that, since no one from the housing groups is present, the commission move on to the next item.

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7.5 Update on the General Plan Update (D. Morrison)

David Morrison, Assistant Director, explained the Board of Supervisors' action, at their July 17, 2007 meeting. He highlighted that the Board of Supervisors expanded the Clarksburg General Plan area; asked staff to reevaluate Dunnigan; approved Esparto, approved Knights Landing, but added language about flood control; asked that Madison come back; approved Monument Hills/Yolo, and Zamora; revised Elkhorn to go from 100 acres to 400 acres for commercial-industrial property, and also included language about it being a gateway; added 12A as an alternative to Road 14 and asked that it come back. They removed the 505/Road 27 area from the preferred land use alternative; approved the agricultural-commercial-industrial area in Winters and included language about the buffer for the housing authority; removed the three Davis areas and included language that said these would be addressed in policies, however, there will be no growth assumed in the General Plan for new development on the edge of Davis. They recommended the Spreckels' site; took the Woodland east area out along Road 22 out of the preferred land use alternative; approved the Capay Valley ag. district; expanded the Clarksburg ag. district to go up to West Sacramento; added the Dunnigan Hills ag district and asked that this item be brought back to the Board.

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8. DISCUSSION ITEMS

None.

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## 9. 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.

Assistant Director David Morrison brought the commission up to date on the following:

- A. Aundrea Hardy, Office Support Specialist, will be starting employment with PPW in two weeks, and a new Assistant Director for Public Works, Panos Kokkas, will be replacing Rick Moore in the Roads Division.
- B. The Parks Division of the Planning and Public Works Department was split off to form a new Parks and Resources Department. Their new director is Warren Westrup.
- C. Board of Supervisors' Agenda Items:
  - On September 25, 2007, the Orcioli Subdivision will be going back to the Board, as well as ag. mitigation in-lieu fees, the animal control ordinance, and the Capay Valley General Plan.
  - On October 2, 2007, the Story, Parker and Capay Cottages Subdivisions will be presented to the Board.

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## 10. 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 said he took a tour of the Davis cell tower sites on September 10, 2007, and attended the Dunnigan Advisory Committee Meeting on August 15, 2007, the Esparto Citizens Advisory Committee Meeting and the Design Review Committee Meeting on August 21, 2007, the Yolo-Zamora Citizens Advisory Committee Meetings on August 29, 2007 and September 10, 2007, and the Madison Advisory Committee Meeting on September 6, 2007.
- B. Commissioner Kimball stated that she's been working on the Design Review Committee, and they are almost finished with the industrial guidelines. She expressed that staff, and the intern, have been great. She said that, in the future, she is planning to join Commissioner Bertolero at the Yolo-Zamora Citizens Advisory Committee Meetings.

Commissioner Kimball said she attended a successful Yolo Land Trust event last

Sunday, "A Day in the Country" at the historic Harlan Ranch on County Road 98, attended by over 800 people, and that it was a real testament to this community's continued desire to preserve agriculture.

- C. Chair Peart reported that he attended the Dunnigan Advisory Committee Meeting, and he read and heard a lot of concerns about the ag. district. He also apologized for missing the last Planning Commission Meeting; he said it was the second meeting he had missed in almost ten years.
- D. Commissioner Liu said she went on a field trip to look at the various cell towers in the Davis area.
- E. Commissioner Winters said he, also, attended a field trip to look at the cell towers, and he participated in a community meeting of some of the landowners in the Binning Farms area in the North West Quadrant.

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#### 11. 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.

There was no discussion of future agenda items.

David Morrison announced that he will be on vacation in October, and that Eric Parfrey will be sitting in for him at the October 11, 2007 Planning Commission Meeting.

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#### 12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:05 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is October 11, 2007 in the Board of Supervisors' Chambers.

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