



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

CHAIR: Leroy Bertolero
VICE-CHAIR: Don Winters
MEMBERS: Jeb Burton; Mary Kimball; Mary Liu; Jeff Merwin; Don Peart

MINUTES

March 13, 2008

ADMINISTRATIVE AGENDA

1. Vice-Chair Winters called the meeting to order at 8:35 a.m.
2. Pledge of Allegiance was led by Commissioner Merwin.

MEMBERS PRESENT: Burton, Kimball, Liu, Merwin, Peart, Winters
MEMBERS ABSENT: Bertolero
STAFF PRESENT: David Morrison, Assistant Director of Planning
Donald Rust, Principal Planner
Craig Baracco, Associate Planner
Philip Pogledich, Senior Deputy County Counsel
Carole Kjar, Secretary to the Director
Andrea Hardy, Office Support Specialist

3. **ADOPTION OF MINUTES OF THE January 24, 2008 MEETING.**

Commission Action

The Minutes of the **January 24, 2008** Meeting were approved with no corrections.

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

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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.

5. CORRESPONDENCE

5.1 Rural-Urban Connection Strategy, SACOG (January 2008).

Vice-Chair Winters acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.

CONSENT AGENDA

6.1 None.

TIME SET AGENDA

7.1 **2008-003:** Establishment of three Williamson Act contracts and rezoning of properties from the Agricultural General (A-1) zone to the Agricultural Preserve (A-P) zone. The sites are located in the Cache Creek settling basin and Yolo Bypass, east of the City of Woodland (APNs: 057-150-01; 027-210-08; 027-210-09; 027-220-14; 027-220-15; and 057-170-09). A Categorical Exemption has been prepared for this project. Owner/Applicant: Dow (S. Berg)

Craig Baracco, Associate Planner, substituting for Stephanie Berg, presented the staff report and answered questions from the commission.

Vice-Chair Winters opened and closed the public hearing. No one from the public came forward.

Commissioner Merwin said that he's always pleased to see farm land being placed under stronger protection, and that he is supportive of the project.

Commissioner Liu stated that it complies fully with the Williamson Act, and that she would support the recommendation of the staff.

Commissioner Peart said he also approves of the Williamson Act Contract being established on the site.

Commissioner Kimball commented that she agrees with her fellow commissioners, and that she is always happy to see land going into Williamson Act.

Commissioner Burton said he doesn't see any issues with the project.

Vice-Chair Winters stated that he agrees with his fellow commissioners.

Commission Action

Recommended that the Board of Supervisors:

1. **HOLD** a public hearing and receive comments;
2. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment B**);
3. **ADOPT** the Findings (**Attachment C**);
4. **APPROVE** the zone change and **ADOPT** the attached ordinance rezoning the properties (**Attachment D**); and
5. **APPROVE** the establishment of three Williamson Act contracts (**Attachment E**).

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

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-003, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Class 17 Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to CEQA § 15317, Class 17 (Open Space Contracts or Easements), the project is categorically exempt from further environmental review. Class 17 covers the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.

General Plan Agricultural Element

That the proposal is consistent with the following General Plan principles:

Agriculture Goal – 1:

Conserve and preserve agricultural lands in Yolo County, especially areas currently farmed or having prime agricultural soils and outside existing planned communities and city limits.

Agriculture Objective – 1:

Recognition of agriculture as the most important industry in Yolo County.

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Agriculture Objective – 4:

Utilization of the Williamson Act, conservation easements, and Agricultural Lands Conversion Ordinance and similar tools to preserve agricultural lands.

Agriculture Policy – 5:

Yolo County shall actively maintain the Williamson Act Land Conservation (Agricultural Preserve) program.

The project is consistent with these policies as it proposes the establishment of a Williamson Act contract for the preservation of prime agricultural land for farming purposes.

Zoning Code

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 of the Yolo County Code, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Board of Supervisors finds that:

1. The public health, safety, and general welfare warrant the change of zone;

The proposed establishment of three separate Land Conservation (Williamson Act) contracts on these properties will satisfy the purpose of the A-P (Agricultural Preserve) zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone is in conformity with the Master Plan;

The project is consistent with the Yolo County General Plan and the Yolo County Agricultural Element in that it supports and promotes a healthy and competitive agricultural community and economy.

3. That the soils found on the subject property are predominately Class I, II, or III soils according to the Soils Survey of Yolo County.

The proposed properties include Class I, II, and III soils.

That in accordance with Section 8-2.401 of the Yolo County Code, the purpose of the Agricultural Preserve (A-P) Zone shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land Conservation Act of 1965, as amended.

Each of the six parcels meet the minimum acreage requirement of 80 acres for the establishment of Agricultural Preserve (A-P) parcels and are farmed to a rotation of row and field crops.

Williamson Act

In accordance with Section 51200 et seq. of the California Government Code, the applicant may agree to establish a new Williamson Act contract, provided that the Yolo County Board of Supervisors finds all of the following:

1. The land is devoted to agricultural use, as defined in Section 51242.

The parcels are actively farmed to a rotation of row and field crops. Historical use of the sites has

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been for agricultural purposes. There are no existing structures on the parcels.

2. The land is located within an area designated as an agricultural preserve.

Agricultural lands that are primarily zoned A-P and enrolled in the Williamson Act surround the subject parcels. Contracts #1 and #3 would join the County's Agricultural Preserve number 90 (AP-090) and Contract #2 would join the County's Agricultural Preserve number 51 (AP-051).

3. Upon approval of the zone change, the applicant shall be required to enter into new Williamson Act contracts with the County for the initial term of ten years.

The new contracts would enforceably restrict the boundaries of each parcel for an initial term, not less than 10 years.

4. The parcels of land subject to contract will be large enough to sustain agricultural use, as defined in Section 51222.

The parcels subject to contract are approximately between 234.5 and 1,267.0 acres and will more than satisfy the requirements of state law.

- 7.2 **2008-004:** Major Variance to reduce front yard setback requirements to allow for the reconstruction of a demolished home located at 38904 Aspen Street, near Kentucky Ave., and West Street, just north of the City of Woodland, in the Agricultural General (A-1) zone (APN: 027-081-13). A Categorical Exemption has been prepared for this project. Owner/Applicant: Medina (C. Baracco)

Craig Baracco, Associate Planner, gave the staff report, and answered questions from the commission.

Vice-Chair Winters opened the public hearing.

Dan Medina, the applicant, said they would like permission to build a larger home on the site to suit their needs.

Vice-Chair Winters closed the public hearing.

Commissioner Peart said he would not be in support of a variance, but he sympathizes with the applicant's loss of the house, and their personal challenges.

Commissioner Kimball stated, in this case, she doesn't have a concern about the variance request, because the area is already not in conformance.

Commissioner Burton said he is concerned that granting the variance would set precedence.

Commissioner Liu said that in this particular situation she would feel very comfortable granting a partial exception.

Commissioner Merwin said he's not in agreement with the inappropriateness of this zoning request.

Philip Pogledich, Senior Deputy County Counsel, explained that granting a variance, and then also asking that the zoning be reconsidered down the road, is almost inconsistent. He said the decision

today on the variance should focus on the current zoning.

David Morrison agreed with Mr. Pogledich that the commission should focus on the merits of the application brought before them today, and not assume that things may or may not happen in the future.

Vice-Chair Winters said he sympathizes with applicant's family and their needs, and would like the possibility of reworking the placement of the home to be considered in order for the variance to be granted.

Commission Action

1. Expressed an intent to deny the variance application as currently proposed and directed staff and the applicant to work together to bring back an amended variance application for consideration at a future meeting that would include front and rear yard setbacks of 25 feet.

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

- 7.3 **2007-078:** General Plan Amendment, Rezoning, Use Permit, and Development Agreement for a precast concrete panel manufacturing facility in the Agricultural General (A-1) zone. The site is located at 40600 County Road 18C, at the intersection of County Road 18C and County Road 100B, north of the City of Woodland (APNs: 027-250-05; 027-250-06; and 027-250-19). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Clark Pacific (D. Rust)

Donald Rust, Principal Planner, gave the staff report, and answered questions from the commission.

David Morrison clarified information about the zoning of the project.

Tim Taron, the applicant's representative, introduced the Clark family, and described the background of their family-owned business. He thanked staff for their hard work and the comprehensive staff report they prepared and presented to the commission.

Mr. Taron reiterated some of the benefits of the project, and stated that the project will mitigate all its impacts on neighbors and environment, and any other aspect that is pointed out in the Mitigated Negative Declaration. He said he hopes the commission will recommend approval of the project, with the conditions, to the Board of Supervisors.

Vice-Chair Winters opened the public hearing, and asked the public to limit their testimony to three minutes.

Brenda Cedarblade, resident at 41070 County Road 18C, stated that this project doesn't support agriculture. She gave binders to the commission including letters from the neighbors expressing their concerns on the project, and explained that they don't support this use because of the impacts it will have on their agricultural businesses, lifestyle, and what they're trying to do with this area of the county.

Kim Elliott, resident on Highway 113, expressed her concerns regarding the proposed rezoning of the Spreckels plant site to accommodate Clark Pacific's move to Woodland. She said she is concerned about the environmental hazards, the noise levels, and the increased traffic problems that might accompany their move to this site; however, her biggest concern is the bad precedent this kind of rezoning would set in the future.

Don Mooney, attorney in Davis representing landowners who are affected by the project, commented that there has not been adequate legal notice for this hearing. He said he thinks this hearing is premature because the public comment period for the Mitigated Negative Declaration doesn't close until March 26, 2008. He recommended that this hearing be continued until the public comment period on the Mitigated Negative Declaration has concluded.

Mr. Mooney stated that they will be submitting additional comments on the Negative Declaration by March 26. He commented that the project description is very vague and ambiguous, and doesn't specify how the project will operate in terms of hours of operation.

Commissioner Burton asked for clarification about the noticing and comment period.

David Morrison said that the notices were mailed out to all surrounding landowners within three hundred feet of the property as required under State law. He further explained that some property owners have a mailing address that is different than their home address and may not have accessed the mail in a timely manner within that ten-day period, but the notices were mailed in accordance with the addresses provided in the assessor's roll as required under State law.

Commissioner Liu asked for an explanation about the March 26 closing date for the public comment period on an environmental document.

Philip Pogledich, Senior Deputy County Counsel, said that so far as he's aware, there's nothing in California law that would require the public comment period to close before the Planning Commission reviews a Mitigated Negative Declaration and other documents relating to a project, and makes a recommendation thereon to the Board of Supervisors.

David Morrison further clarified that the Mitigated Negative Declaration was provided to the Governor's Office of Planning and Research on February 25, the day it was taken in and time date stamped; the comment period runs through March 25, not through March 26 as Mr. Mooney indicated.

Jane Moody, resident of Davis, said she is concerned about open space and heavy industrialization. She said the project needs to be considered in terms of the General Plan, not a quick conditional use.

Matthew Morehart, owner of Best Ranch, said he is concerned about the noise and traffic issues of the project and the industrialization of the area and that he hopes staff does a good job in mitigating these issues. He said he received the documents for review in a timely manner.

Debra Muth, resident of a family owned ranch, expressed her concern about the proposed plant and said that she thinks it will negatively impact where she lives.

Linda Osborn, resident at 14778 County Road 100B since 1973, expressed that she is scared for the environmental impact of the birds that come to Cache Creek throughout the seasons, and that she doesn't want the noise in the country.

Susan Pelican, resident on Road 95 in Woodland, said she thinks this project is a disastrous fast

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train, and that it's a major deviation from the direction of the General Plan, on a toxic site with very little time for reflection or understanding. She questioned the benefit of this project and expressed concern about putting heavy industry on Road 18C instead of putting it in an industrialized area in Woodland, or someplace else in the county. She urged the Planning Commission to look at this project with a great deal of caution.

Ted Wilson, resident on an historic ranch in Woodland, said he and his neighbors are very alarmed at this process, and are concerned with its impact to the air and water quality. He said that they are trying to protect what they built.

Kent Calfee, one of the members of Sugarland Farms that purchased this property in 2002 and recently sold it to Clark Pacific, explained that most of this area hasn't been farmed for over 75 years and can't be reclaimed economically to go back into production. He said he thinks this current proposal is an ideal use of the site, and that, with the Mitigation Plan, noise, dust, and traffic impacts of Clark Pacific will be much less on the neighbors than many agricultural industrial users.

Mr. Calfee said that, to his understanding, the Yolo County Farm Bureau Board unanimously, with two abstentions, passed a resolution supporting this project, which is important in terms of how this project relates to the agricultural community.

Tim Taron responded to public comment, and answered questions from the commission. He also stated that the Woodland site was a preferred site that was purchased by Clark Pacific some time ago, but, unfortunately, they discovered that the soil conditions at the site, the compaction requirements, would not support this kind of operation.

Vice-Chair Winters closed the public hearing.

Commissioner Kimball asked if there is a concern regarding fly ash and mercury in the project.

Mr. Clark said that the majority of their sandblasting does not use fly ash or any other cement.

A five-minute recess was called.

Vice-Chair Winters reopened the public hearing.

Mr. Clark further explained their sandblasting operation, and answered questions from the commission.

Commissioner Burton asked if they have received any complaints about the air quality.

Mr. Clark said that within the last month there are been two complaints from residents in West Sacramento, about 300 feet from the sandblasting area, about the dust.

Howard Spielman, with Health Science Associates, responded to Commissioner Kimball's question. He pointed out that for about the last ten years they have been providing services of a health and safety nature to Clark Pacific in the West Sacramento plant, which has included air sampling to measure employee exposures, and property line sampling to look at what dust levels may be getting off the property during the sandblasting operations. He said that, in all cases, the results of their sampling have been well within any of the either occupational health standards or community ambient air standards for dust.

Mr. Spielman explained that fly ash is not a major component of their operation; it becomes mixed or encapsulated in a cement product, and that, in his judgment, there are no heavy metal issues.

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He said that the majority of their sandblasting is done wet, which is a controlled process.

Commissioner Merwin asked what the nearest residence would be to their proposed sandblasting operation for this project.

Mr. Clark responded that it would be 1,400 feet.

Commissioner Liu asked how far the monitoring or receptor device would be from the sandblasting operation for this project.

Mr. Clark said it would be at the edge of their property, ranging from within a few hundred feet to 1,400 feet.

Commissioner Liu asked how many receptors there would be on this project.

Mr. Clark said that they are working out a plan with Air Quality Control for their approval.

An engineer for Clark Pacific stated that two complaints of a nuisance nature were recently filed with Air Quality, and that the complaints were not verified, no citations were issued, and the issue has been closed.

Commissioner Liu asked if there is a particular condition of approval that covers the air quality receptors and monitoring.

David Morrison clarified that the Air Quality and Monitoring District are the regulators and the experts who are best familiar with how to structure such a monitor program, so they would be the ones determining the number and location of the receptors.

Brenda Cedarblade, resident at 41070 County Road 18C, reiterated that more time is needed to study the project, and expressed further concerns about the Mitigated Negative Declaration, storing product in the buffer areas, use of the property for other agricultural related uses, and air quality.

David Morrison clarified that product storage refers to the ag. buffer for spray fields and not the habitat easement buffer.

Howard Beeman, resident on County Road 95 in Woodland, asked if the workers of this company have been organized into a union that looks out for their health.

Mr. Clark responded that their production employees and field staff are unionized.

Philip Pogledich, Senior Deputy County Counsel, clarified that the purpose of this public hearing is to rebut any testimony made by the applicant, and is confined to the issues that have already been raised.

Jane Moody, resident of Davis, expressed concern about enforcement of the proposed mitigation measures.

David Morrison explained that the mitigation measures and their implementation are outlined in the Mitigation Monitoring and Reporting Program (Attachment D in the staff report).

The public hearing was re-closed.

Commission Liu asked for clarification about the location of sandblasting from the closest receptor

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as noted on Page 16 of the Air Quality Impact Analysis for the Clark Pacific Pre-Cast Concrete Facility, Yolo County, prepared by Donald Ballanti, dated February 2008.

Tim Taron clarified that the 1,400-foot measurement is from the perimeter of the 45-acre production site, so the additional distance is from the perimeter to the actual point within the production area where the sandblasting is to occur. He said that anything that occurs within the perimeter of the site is at least 1,400 feet from the nearest sensitive receptor, which is the nearest residence.

Mr. Taron further stated that they are concerned about the safety of their employees who are as close as 50 feet and it has been consistently shown that those employees are operating in a safe environment; so by definition, anybody outside of their site should be operating in an extremely safe environment.

Commissioner Burton asked for clarification about whether this project fits in with the new General Plan as far as industrial use in this area.

David Morrison explained that this is an application for a General Plan Amendment, and that by definition if the General Plan Amendment is approved, it is consistent with the General Plan. He stated that with regards to the future General Plan Update, the Board of Supervisors had a series of hearings last year to formulate the preferred land use alternative which would be the basis for drafting the new General Plan, and that included within that preferred land use alternative is direction to staff to look at the placement of 160 acres of industrially-zoned land at this location. For purposes of drafting the General Plan and doing the Programmatic EIR, the assumption was that those 160 acres of industrial development would occur in the central and eastern portions of the 250-acre property. He further said that the Board of Supervisors will not be taking final action on the General Plan Update until approximately April 2009, but for the purposes of the Draft General Plan as it's currently being put together, this would be consistent with that vision as being laid out by the Board of Supervisors.

Commissioner Peart stated that he farmed sugar beets in the past, and has made many trips to the Spreckels facility, which was a very dirty and dusty industrial facility. He said he believes this site should have been zoned industrial, and that it will never be farmed again, and that this facility may be far better than what was there prior to 2000.

Commissioner Kimball agreed that the Spreckels facility was a dirty facility with lots of truck traffic, and this project is not changing the use of this facility. She said she toured the facility in West Sacramento, and she was incredibly impressed with their whole facility and their dedication to Yolo County. She added that the preservation of agriculture and habitat are her top priorities, and she sees with all of the things they're doing in this project, there is no danger to reduction of agriculture and the agricultural businesses nearby. She also stated that she is impressed with the habitat plan, however she thinks there could be a little bit different structuring in terms of its final location. She summarized that this is an industrial location, and she is very impressed with the mitigation measures that have been voluntary, and she is inclined to vote in approval of the project.

Commissioner Burton said he is very involved with the City of West Sacramento, and that Clark Pacific is a great neighbor. He stated that the neighbors should be happy with Clark Pacific's diligence and good neighbor policy, and that he is very much in support of the project.

Commissioner Liu concurred with the commission's comments, and stated that all her questions have been answered. She said she thinks the applicant has made an earnest good faith effort to present information to the community and the commission.

Commissioner Liu asked that a condition of approval be added to place a visible, large sign, bright

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in color, designating that County Road 100B is a dead end street. She also asked that other changes be considered in the Conditions of Approval. She concluded that with clarifications to the Conditions of Approval she would support the project.

Commissioner Merwin thanked everybody for their comments, and agreed with the commission that this is a wonderful possibility for a reuse of a property that has been industrial. He said he is very impressed with Clark Pacific's facility in West Sacramento, and their good health and safety concerns, and that he is prepared to move forward with the project.

Commissioner Peart stressed that it is extremely important in our recommendation to point out that we are only talking about the 90 acres that is going to be rezoned, and that the balance will be left in an A-1 zone.

Vice-Chair Winters mirrored the comments of his fellow commissioners and thanked staff and the public for their extensive comments. He said he thinks Clark Pacific has done a very good job as a neighbor in West Sacramento, and will continue to do so in the Woodland area. He added that he is impressed with the extensive mitigations that are proposed by Clark Pacific.

David Morrison thanked Donald Rust, Principal Planner, for his excellent job on the project.

Commission Action

Recommended that the Board of Supervisors:

1. **HOLD** a public hearing on the project;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment C**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. **ADOPT** the Mitigation Monitoring and Reporting Plan implementing and monitoring all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment D**);
4. **ADOPT** the recommended Findings (**Attachment E**);
5. **APPROVE** the General Plan Amendment from Agricultural to Industrial for the 90-acre project site;
6. **APPROVE** the Rezone of the 90-acre project site from Agricultural General (A-1) to Heavy Industrial (M-2);
7. **APPROVE** the Conditions of Approval (**Attachment F**) with the additional comments that the earthen landscaping berm would be a minimum of eight feet high, that three fifteen-foot high walls would be erected around the sandblasting area, and that there will be appropriate truck route signage installed by the applicant;
8. **APPROVE** the Conditional Use Permit; and
9. **APPROVE** the draft Development Agreement (**Attachment G**).

MOTION: Liu SECOND: Burton
AYES: Burton, Kimball, Liu, Merwin, Peart, and Winters
NOES: None

ABSTAIN: None
ABSENT: Bertolero

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL

PLANNING DIVISION – PPW (530) 666-8808

1. The project shall be developed in compliance with all adopted Conditions of Approval and the Mitigation Monitoring Program for Zone File No. 2007-078. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Monitoring Program as contained herein.
2. The project is as described in the Mitigated Negative Declaration and summarized in the Yolo County Board of Supervisors staff report, as modified by the adopted Conditions of Approval and Mitigation Monitoring Plan. 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.
3. 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.
4. Failure to comply with the Conditions of Approval and Mitigation Monitoring Plan as approved by the Board of Supervisors may result in: (1) Non-issuance of future building permits; (2) legal enforcement action; and/or (3) revocation of the Use Permit.
5. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend and hold harmless the County or its agents, officers and employees from any claim, action or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County 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 reasonably determined to be sufficient to satisfy the above indemnification and defense obligation.
6. 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 Division, Code Enforcement, Public Works; **4) LOCAL** Woodland Fire Department.

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7. All construction equipment shall be muffled and maintained in accordance with manufacturer's specifications.
8. All equipment shall be tuned and maintained to use Yolo Solano AQMD required low sulfur fuel. Also, six (6) inches of freeboard shall be maintained on all haul trucks.
9. Construction and operational equipment shall be staged away from any surrounding residences or livestock.
10. The hours of primary production operations shall be 5:00 am to 7:00 pm, except Sundays and Federal holidays.
11. The applicant/operator shall obtain approval from the Planning and Public Works Director for any 24 hour operations. The request shall specify the reason for 24-hour operations, as well as the anticipated duration. Seven (7) days prior to the commencement of a 24-hour operating cycle, the applicant/operator shall prepare a written notification that will be provided to all property owners within 500 feet of the site explaining the longer operating hours and an estimate of how long extended operations will last.. Contact information shall be included on the notification.
12. The access roads within the facility shall remain unobstructed at all times, except for a driveway access gate, which may be closed after normal operating hours. An approved fire department key box is required for any access gate.
13. Fees shall be paid as specified in adopted fee ordinances.
14. All loading areas, access drives, on-site roadways and parking areas shall be surfaced with a dust proof of slag, crushed rock, or equivalent. Areas that are dust proofed shall be required to be maintained on a weekly basis to minimize the creation of airborne dust.
15. All truck access drives into and out of the facility shall be surfaced a minimum of 40-feet wide to facilitate two-way traffic.
16. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the property owner 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. All landscaping, fuel modification measures, fencing and structures shall be maintained regularly by the applicant/operator, so that all facets of the operations are kept in continual good repair, including but not limited to the removal of graffiti and the continued provision of healthy thriving landscaping. The property shall be maintained so that is visually attractive and not dangerous to the health and welfare of the surrounding properties.
17. All costs of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the property owner.
18. 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.

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19. 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.
20. Stockpiled materials shall be kept to overall heights not exceeding 25 feet to reduce the exposure of stockpiled materials to wind erosion.
21. The applicant/operator 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.
22. Drought-resistant, fire retardant vegetation shall be used for any replacement landscaping and erosion control to reduce water consumption and promote slope stability (where applicable). All landscaped areas must be irrigated in a manner designed to conserve water.
23. The operator shall wet down stockpiles on a regular basis and more frequently as needed during windy conditions. The applicant 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.
24. Vehicle speeds on unpaved roads shall not exceed 15 miles per hour.
25. The 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. The glare from the luminous source for the sign shall not exceed one-half (0.5) foot-candle.
26. 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 property owner and/or the applicant shall be liable for the full costs of any such clean-up work.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

27. The septic system shall be maintained so as not to create a public nuisance.
28. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized.
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.

PUBLIC WORKS DIVISION – PPW (530) 666-8811

30. The applicant shall submit a traffic control plan to the Public Works Division for approval prior to the commencement of operation. The plan shall provide engineered designs for traffic movements, improvements, signage, striping, and other features as needed to ensure safe crossing of operational vehicles from the west side of County Road 100B to the east side. Access shall only be allowed at one point on County Road 100B for all operational traffic.

PRIOR TO ISSUANCE OF GRADING PERMITS:

PLANNING DIVISION - PPW (530) 666-8808

31. 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.
32. Mining of native on-site materials is prohibited.
33. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of existing subsurface service and/or utility lines.

BUILDING DIVISION – PPW (530) 666-8775

34. Grading plans shall be submitted to Building Division for review and approval prior to any grading/land disturbance on the site.

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

35. The applicant shall obtain approval of a new permit to operate the public water system for this site. The system must produce water of a quality which 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.
36. Liquid wastes from laboratories, industrial operations, mechanic shops, and similar operations using hazardous chemicals or creating designated waste must not dispose of wastes into the septic system. Waste lines from such operations shall be segregated from the domestic sewage lines. Final disposal of this waste must be done under permit from the Central Valley Regional Water Quality Control Board. Written clearance shall be obtained from the designated California Regional Water Quality Control Board and a copy forwarded to the Division of Environmental Health Division.
37. Domestic sewage shall be disposed into septic system(s) that meet the capacity for the anticipated use. Repairs, replacement or new septic tanks or leach-lines must be done under approved permit from Environmental Health Division.
38. Discovery of previously unknown contamination is possible during construction activities. If, during construction activities, the applicant discovers any potentially hazardous contamination, they shall consult with Environmental Health Division prior to the issuance of grading permit.

PUBLIC WORKS DIVISION – PPW (530) 666-8811

39. The applicant shall submit engineered road improvement, striping and signage plans to the Public Works Division for review prior to applying for an encroachment permit. The following should be incorporated into the plans:
 - Road improvements per Conditions of Approval No. 58 and 59.

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- Provide a dedicated truck hauling route and signage plan.
 - Provide a single ingress and egress access point from each side of County Road 100B to the project site. The exit at the access point shall be controlled by stop sign prior to entering or crossing the flow of traffic on County Road 100B.
 - Provide all appropriate traffic control devices and warning signage per the applicant's traffic control plans need for their business operations.
40. The applicant shall dedicate sufficient right-of-way to provide a minimum 60-foot width along County Road 18C from the California Northern Railroad right-of-way to County Road 100B and a minimum 50-foot width along County Road 100B from County Road 18C to Best Ranch Road. Said dedication shall occur within 90 days of grade permit issuance.
41. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any grading.
42. The construction contractor shall adhere to the erosion control requirements of the Public Works Department and the CVRWQCB.
43. An NPDES permit - Notice of Intent (NOI) – shall be approved by the CVRWQCB prior to the grading of one (1) acre or more prior to issuance of a grading/construction permit.
44. The applicant shall submit a Water Quality Management Plan (WQMP) for review and approval by the Yolo County Public Works Division prior to any grading.
45. Prior to issuance of a grading permit, a Stormwater Management Plan is required.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

PLANNING DIVISION – PPW (530) 666-8775

46. Prior to the issuance of any Building Permit, the applicant shall record a “Right to Farm” Statement. The “Right to Farm” Statement shall serve to disclose that normal farming activities will take place in the area and that normal agricultural activities are not considered nuisances. The “Right to Farm” Statement shall be in accordance with Chapter 6, Article 1 of the Yolo County Code. Said statement shall be approved to form by the County Counsel and shall be recorded in manner to the satisfaction of the Planning and Public Works Director.
47. A fugitive dust control plan shall be approved by the YSAQMD that includes sufficient control measures and minimize fugitive dust emissions. 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.
48. The operator shall prepare a Dust Control Plan and submit it to the YSAQMD for review and approval. The plan shall identify and implement the following measures as recommended in the Air Pollutant Emissions Inventory prepared for the project:
- Tune and maintain all equipment and use YSAQMD required low sulfur fuel. Also, maintain six (6) inches of freeboard on all haul trucks.

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49. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to Woodland Fire District fees, Woodland Unified School District fees, and County facility fees.
50. Prior to the issuance of any Building Permit and/or Flood Hazard Development Permit, all necessary permits as required by Federal, State, and local agencies and districts shall be provided to the Planning and Public Works Department.
51. Prior to construction, any building, sign, or structure to be located on site will require professionally prepared plans approved by the Building Division.

WOODLAND FIRE DEPARTMENT (530) 661-5855

52. The above referenced project is protected by the City of Woodland Fire Department. Prior to any construction occurring on any parcel, 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.

COUNTY SURVEYOR – PPW (530) 666-8775

53. The applicant shall file a Record of Survey/Corner Record whenever each of the following instances occurs:
 - Legal descriptions are written or construction staking is placed based upon a field survey of the boundary or building setbacks.
 - Monuments are set to mark the project site.
 - Pursuant to applicable sections of the Business and Professions Code.

PRIOR TO ISSUANCE OF FINAL OCCUPANCY PERMITS:

PLANNING DIVISION – PPW (530) 666-8775

54. All refueling and maintenance areas shall be protected by impervious surfaces designed to contain spills to the satisfaction of the Building Division and the Environmental Health Division.
55. The applicant will construct and maintain three fifteen-foot high concrete walls around the north, east, and south sides of the sandblasting area within the production area. The walls shall be installed prior to the commencement of operations. County building permit approval shall be obtained for the walls prior to their construction.

WOODLAND FIRE DEPARTMENT (530) 661-5855

56. Prior to final inspection or occupancy of any new or remodeled building, hand portable fire extinguishers are required to be provided. The location, type, and cabinet design shall be approved by the Woodland Fire Department.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

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57. The applicant/developer 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-ft³) 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.

PUBLIC WORKS DIVISION – PPW (530) 666-8811

58. All truck traffic into and out of the proposed project site will be required to utilize County Road 18C between State Route 113 and County Road 100B, and County Road 100B between County Road 18C and Best Ranch Road.
59. The applicant/developer will be required to reconstruct the portions of County Road 18C, from County Road 100B to State Route 113, except area within the California Northern Railroad Right of way, to match current county standards for a two lane rural road with 12-foot lanes and 4-foot wide paved shoulders. The asphalt concrete and aggregate base thicknesses will be based on a proposed traffic index of 9 or better and existing soil conditions, and will be approved by the Director of Planning and Public Works. All road improvements shall be completed within one year of project approval.
60. The applicant/developer will be responsible for coordinating any required encroachment permit for State Route 113 at County Road 18C with Caltrans.

MITIGATION MEASURES

ON-GOING OR OPERATIONAL:

PLANNING DIVISION – PPW (530) 666-8775

61. *II-2. The applicant shall maintain a 100-foot buffer along the northern and eastern boundaries of the project site. The buffer area may be used for outdoor product storage only, and no structures may be constructed or occupied within the buffer area. The Best Ranch Road right-of-way may be included as a part of the 100-foot buffer along the northern boundary.*
62. *II-3. The Developer shall work cooperatively with immediately adjacent landowners to prevent the potential for spray drift of pesticides, herbicides, and other substances listed as “registered pesticides” by the Yolo County Agricultural Commissioner’s Office. Human exposure to registered pesticides is expected to be reduced by the implementation of buffer zones along the northern and eastern boundaries of the project site. However, the following precautions shall also be taken by the Developer to ensure that all feasible steps have been taken to protect human health and safety.*

On a monthly basis, the Developer shall contact immediately adjacent landowners who have historically used registered pesticides within 500 feet of the project site, by certified mail or other method acceptable to those landowners to request prior notice of any registered pesticides scheduled for (a) aerial application within 500 feet of the project site boundary, (b) airblast spraying within 300 feet of the project site boundary, and (c) ground application within 100 feet of the project site boundary.

Upon receiving at least twenty-four (24) hours prior notice from an immediately adjoining landowner who has historically used registered pesticides within 500 feet of the project site, of an intent to apply registered pesticides within the specified distance from the project site boundary, the Developer shall close all outdoor storage within the affected area. No activities

are allowed until the application has been completed and for at least four (4) hours, or until the time required for the chemicals to dissipate (as determined by the Yolo County Agricultural Commissioner), after the cessation of spraying. During this entire period of time, the Developer shall use its best efforts to prevent employees, vendors, and members of the public from entering the area.

63. *II-4. The Developer 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 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.*
64. *III-1. The applicant shall submit a construction dust control plan to the Yolo-Solano Air Quality Management District. This plan shall ensure that dust controls measures are implemented during all phases of project construction and daily operations. 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;*
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
 - 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.*

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

PLANNING DIVISION – PPW (530) 666-8775

65. *I-1. The applicant/developer shall prepare a detailed lighting plan which shall be submitted for review and approval by the Yolo County Planning & Public Works Department. The lighting plan shall include the proposed locations, design, and type of the light fixtures. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from residences and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures. All light fixtures shall be designed, installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. The lighting plan shall demonstrate that illumination levels at adjacent residences will not exceed one-foot candle.*
66. *I-2. The applicant/developer shall submit a detailed Landscaping and Irrigation Plan for the proposed project site to the Planning and Public Works Director for approval. A variety of native trees, shrubs and grasses shall be planted within the 100-foot buffer to preserve the character of the surrounding properties and to help screen the proposed concrete batch plant, other production equipment and the bulk concrete pre-cast structures in the storage area from the view along Best Ranch Road and the property immediately east.*
67. *II-1. The applicant/developer shall create a permanent agricultural conservation easement for 10 acres. The calculation of agricultural land acreage is approximate and the precise amount*

of feasible agricultural land existing on the project site may be slightly more or less than 10 acres. The precise amount of agricultural land to be mitigated shall be determined by the County Agricultural Commissioner following a site inspection to evaluate soil condition and other factors relevant to the existing potential for agricultural use of portions of the site. One acre of agricultural land shall be required for each acre of feasible agricultural land to be converted to industrial use. Mitigation shall be satisfied by either: (1) granting in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity; or (2) upon adoption of an Agricultural Conservation Easement program by the County, payment of in an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of Section 8-2.2416.

Lands eligible as agricultural mitigation shall: (1) have soil quality similar to or better than the land which is converted to a non-agricultural land or use; (2) have adequate water supply for the purposes of irrigation; (3) be located within Yolo County within a two-mile radius of the project site; and (4) not overlap with any other agricultural conservation easement, but may overlap partially with existing habitat easement areas. If no comparable land is available within a two mile radius, lands outside the two two-mile radius area may be obtained for the purpose of the agricultural mitigation provided the land is of equal or better conservation easement market value to the land inside the two mile radius area.

68. *XI-1. The applicant/developer must provide certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C-42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the wastewater treatment system functions properly, meets all applicable legal requirements, and has the capacity required for the proposed project. A copy of the Certification shall be provided to the Environmental Health Manager for review and acceptance. If certification is not possible without repairs or improvements, the applicant shall perform such repairs and improvements as may be necessary to obtain certification, to the satisfaction of the Environmental Health Manager.*
69. ~~*XI-2. The applicant/developer shall have all wells cleaned, inspected, and rehabilitated prior to use, to the satisfaction of the Environmental Health Manager. If rehabilitation is not possible with reasonable repairs, the well(s) shall be abandoned per Yolo County Health Department Standards.*~~
70. ~~*XI-3. The applicant/developer shall test all fire suppression systems and hydrants for adequate fire flow rate. A copy of the tests shall be provided to the Planning and Public Works Department. If deemed inadequate by the Planning and Public Works Director, the applicant shall perform repairs or improvements as needed to meet the requirements, review, and approval of such entity.*~~
71. *IV-1. **Swainson's Hawk, Cooper's Hawk, and White Tailed Kite.** If construction occurs during the breeding season (March-September 15), the project applicant shall conduct pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning & Public Works Department for review. The survey area shall include all potential nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed below.*

If an active nest used by a Swainson's hawk, Cooper's hawk or White Tailed Kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be

affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone or a lesser, equally protective buffer zone as may be authorized by the County, in consultation with CDFG, shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own or the nest is no longer in active use.

72. **IV-2. Swainson's Hawk.** *The applicant/developer shall preserve, to the satisfaction of the Yolo County Planning & Public Works Department, suitable Swainson's hawk foraging habitat to ensure mitigation of habitat value for Swainson's hawk habitat (and other raptors discussed above) lost as a result of site grading and construction.*

In this regard, the applicant/developer shall mitigate for the loss of foraging habitat by either: 1) paying a Swainson's Hawk mitigation fee for the loss of 18 acres of potential foraging habitat disturbed by the development to the Yolo County Habitat Joint Powers Authority, which it shall use to acquire, enhance, and manage suitable foraging habitat elsewhere, or 2) transfer fee simple title or a Swainson's hawk conservation easement in a form, and to an entity approved by, the Yolo County Habitat Joint Powers Authority, together with appropriate management funds (endowment). The fee is currently set at \$8,660 per acre and is subject to change.

73. **IV-3. Valley Elderberry Longhorn Beetle (VELB).** *The observed elderberry shrubs shall be identified, mapped, flagged, and be protected by orange temporary fencing for the duration of the project earthmoving activities. Complete avoidance (i.e., no adverse effects) may be assumed when a 30 m (100 ft) (or wider) buffer is established and maintained around elderberry plants containing stems measuring 2.5 cm (1.0 in) or greater in diameter at ground level. In the event that work must proceed in areas where encroachment on the 30 m (100 ft) buffer has been approved by the USFWS, a minimum setback of at least 6 m (20 ft) from the dripline of each elderberry plant shall be provided.*

74. **IV-4. Silver-Haired Bat.** *Prior to issuance of a grading permit or land disturbance activities, a qualified biologist shall conduct a bat survey of the woodpile located at the southwestern edge of the industrial facility. If the bat is not encountered, the woodpile shall be removed. If a live bat is encountered, the bat shall be monitored and given a chance to leave the area on its own. If the bat does not show signs of leaving, then the qualified biological shall slowly move toward the bat and encourage it to leave the woodpile. If the bat does not leave on its own within 1 working day, the biological monitor shall consult with the CDFG to determine necessary additional measures. If construction is to take place during the maternity roosting season for bat species (May through July), a breeding season survey shall be performed by a qualified biologist to determine the presence/absence of breeding bats in the woodpile prior to activities. If breeding bats are found during the focused survey, the woodpile removal shall be rescheduled to take place in late August, or until all juvenile bats are capable of independent flight, as determined by a qualified biologist in coordination with CDFG.*

75. **IV-5. Giant Garter Snake.**
(i) All grading activity within potential giant garter snake habitat (aquatic habitat and uplands within 200 feet of aquatic habitat) shall be restricted to a period between May 1 and October 1. Because this is during the snakes' active stage, it would allow snakes to actively move away from danger and thereby reduce chances of snake mortality. Additionally, this restriction is timed to avoid grading during the snakes' breeding,

dispersal, fall foraging and over-wintering periods, when they are most vulnerable to disturbance. If grading cannot be scheduled between May 1 and October 1, the Applicant shall contact the USFWS to determine whether additional measures are necessary to avoid and/or minimize take of giant garter snake. Grading shall only occur during the period between October 2 and April 30 upon written USFWS approval.

- (ii) Within 24 hours of the start of construction activities, the panel storage area shall be surveyed for giant garter snakes by a qualified biologist, which shall be repeated no more than 24 hours prior to the re-start of construction activities if grading or construction activity lapses for a period of two weeks or more. If the survey reveals the presence of a giant garter snake construction of the panel storage area shall not commence until appropriate corrective measures have been completed and it has been determined, in consultation with the Fish and Wildlife Service, that the snake will not be harmed.*
- (iii) Between April 15 and September 30, all irrigation ditches, canals, or other aquatic habitat within the construction area shall be completely dewatered, with no ponded water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. The purpose of dewatering the aquatic habitat prior to filling is to compel giant garter snakes to leave the area on their own. A qualified biological monitor shall ensure that dewatered habitat does not continue to support giant garter snake prey, which could attract snakes into the area. Netting and salvage of prey may be necessary if a site cannot be completely dewatered.*
- (iv) Clearing and grading shall be confined to the minimum area necessary to facilitate construction activities as determined by a qualified biologist. Habitat that will be avoided shall be cordoned off, clearly flagged, and designated as an "Environmentally Sensitive Area" by a qualified biologist.*
- (v) All construction personnel shall receive worker environmental awareness training from a USFWS approved biologist prior to commencing any construction-related activities on the project site. This training shall instruct workers on how to identify the giant garter snake and its habitat, and what to do if a giant garter snake is encountered during construction activities.*
- (vi) A USFWS-approved biological monitor shall be present during grading activities within 200 feet of aquatic giant garter snake habitat to ensure that construction activities do not encroach into unauthorized areas. If a live giant garter snake is found during construction activities, the biological monitor shall immediately notify USFWS. The biological monitor shall have the authority to stop construction in the vicinity of the snake. The snake shall be monitored and given a chance to leave the area on its own. If the snake does not show signs of leaving, then the biological monitor shall slowly move toward the snake to flush it toward adjacent habitat away from the construction area. Potential escape routes for giant garter snakes shall be determined in advance of construction. If the garter snake does not leave on its own within 1 working day, the biological monitor shall consult with the USFWS to determine necessary additional measures. Any giant garter snake mortality shall also be reported by the biological monitor within 1 working day to USFWS. Any project-related activity that results in giant garter snake mortality shall cease so that this activity can be modified to the extent practicable to avoid future mortality.*
- (vii) Upon completion of construction activities, construction debris shall be completely removed from the site. If this material is situated near existing giant garter snake aquatic*

habitat, it shall be inspected by a qualified biologist prior to removal to assure that giant garter snakes are not using it for hibernaculae or temporary refuge.

(viii) No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes shall be placed on a project site when working within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir matting, tactified hydroseeding compounds, or other material approved by CDFG and USFWS

76. **IV-6. American badger.** *Prior to issuance of a grading permit or land disturbance activities, a qualified biologist shall conduct pre-construction surveys for American badger in the pre-cast storage panel area two weeks prior to initiation of construction activities. If an American badger or active burrow, indicated by the presence of badger sign (i.e., burrow of suitable shape and size, scat) is found within the construction area during pre-construction surveys, the Department of Fish and Game shall be consulted to obtain permission for animal relocation. If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction.*

77. **IV-7. Burrowing Owl.** *Prior to issuance of a grading permit or land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required.*

If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31 grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1 – August 31), unless approved by the California Department of Fish and Game.

If burrowing owl are detected during pre-construction surveys outside the nesting season (September 1 – January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone of the impact area. A minimum of one week shall be allowed to accomplish this task and allow for owls to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1 - August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

78. **IV-8. Pallid Bat and Hoary Bat.** *Prior to the removal of any on-site buildings and/or mature oak trees, the affected buildings and/or trees shall be surveyed by a qualified biologist to determine if special-status bats are roosting in them. A copy of the biologist's report shall be*

provided to the Planning and Public Works Department prior to demolition. No mitigation is required if no special-status bats are detected.

If special-status bats are present, artificial roosts shall be constructed or purchased, and a qualified biologist shall determine where they shall be located, so as to minimize disturbance during construction or operation of the facilities so that the bats will not be disturbed.

79. **IV-9. Worker Environmental Awareness Program (WEAP).** *In the event that a preconstruction biological survey reveals the presence of any of the listed or otherwise regulated species, a qualified biologist shall establish a WEAP to train all construction workers regarding the presence of any listed or otherwise regulated species, which shall be implemented prior to the initiation of any grading or other construction activities and shall remain in effect during all site disturbance activities (i.e., grading).*
80. **V-1.** *The following mitigation measures shall be included in the construction documents to be used by the project contractor to the satisfaction of the Planning and Public Works Department:*
- (a.) The applicant/developer shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. It is recommended that this be done in a formal meeting as well as in a “toolbox” meeting at the job site.*
 - (b.) All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.*
 - (c.) If potential historical or unique archaeological resources are discovered during construction, all construction work shall be suspended in the immediate vicinity (within approximately 25 feet) to avoid altering the cultural materials and their context pending site investigation by a qualified archaeological or cultural resources consultant retained by the project applicant. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed.*
 - (d.) If the discovery is determined to be a historical or unique archaeological resource, and if avoidance of the resource is not possible, the archaeological or cultural resources consultant shall prepare a treatment plan acceptable to the County. The treatment plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work shall be performed by the archaeological or cultural resources consultant, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the vicinity of the find shall not recommence until treatment has been completed.*
 - (e.) If human remains are discovered, they shall be handled in accordance with state law including immediate notification of the Yolo County Medical Examiner/Coroner.*

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81. *VIII-1. The applicant/developer shall obtain an Industrial National Discharge Elimination System permit (NPDES), which pertains to operational discharges. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation: the SWPPP shall be provided for the review and approval of the Yolo County Planning and Public Works Department.*
82. *VIII-2. All concrete waste and wash out shall be directed to a self-contained system which shall adequately contain and properly dispose or recycle the settling waste to the satisfaction of the Yolo County Planning and Public Works Department.*
83. *VIII-3. The applicant/DEVELOPER shall submit for the review and approval of the Planning and Public Works Department, verification that all new construction is above the base flood elevation and that any grading will comply with the County's Flood Management Ordinance.*
84. *XI-1. A qualified acoustical consultant shall develop a mitigation program to achieve exterior noise levels of 60 dB or less for the homes along County Road 18C between State Highway 113 and County Road 100B, which are identified above as having the potential for significant noise exposure. This program shall be subject to approval by the Planning and Public Works Director and shall be implemented by the Developer prior to the issuance of grading or building permits.*
85. *XVI-3. The applicant shall test all fire suppression systems and hydrants for adequate fire flow rate. A copy of the tests shall be provided to the Planning and Public Works Department and Woodland Fire Department. If deemed inadequate by the Planning and Public Works Director or Woodland Fire Department, the applicant shall perform repairs or improvements as needed to meet the requirements, review, and approval of such entity.*

PRIOR TO FINAL OCCUPANCY:

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

86. *XVI-1. The applicant/developer must provide certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C-42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the wastewater treatment system functions properly, meets all applicable legal requirements, and has the capacity required for the proposed project. A copy of the Certification shall be provided to the Environmental Health Manager for review and acceptance. If certification is not possible without repairs or improvements, the applicant shall perform such repairs and improvements as may be necessary to obtain certification, to the satisfaction of the Environmental Health Manager.*
87. *XVI-2. The applicant/developer shall have all wells cleaned, inspected, and rehabilitated prior to use, to the satisfaction of the Environmental Health Manager. If rehabilitation is not possible with reasonable repairs, the well(s) shall be abandoned per Yolo County Health Department Standards.*

FINDINGS

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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-078, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

California Environmental Quality Act (CEQA) and Guidelines

That the proposed Initial Study/Mitigated Negative Declaration prepared for the project constitutes the appropriate environmental documentation.

Pursuant to the California Environmental Quality Act of 1970 (CEQA) and Guidelines, staff has determined that a Mitigated Negative Declaration (Article 6, Section 15070) is the appropriate level of environmental review for the proposed project after reviewing comments from the Initial Study, and based on the lack of any substantial evidence, in light of the whole record, that the project as mitigated would have a significant effect on the environment. This determination of a Mitigated Negative Declaration reflects Yolo County's independent judgment and analysis for the Clark Precast, LLC proposed pre-cast concrete manufacturing facility project.

The Initial Study prepared for the proposed project identified potential significant impacts in resource areas which include: Agricultural Resources, Air Quality, Biological Resources, Hydrology and Water Quality, and Transportation and Circulation. However, project specific mitigation has been proposed and agreed to by the applicant. Subsequently, the Mitigated Negative Declaration was circulated for a 30-day review period commencing February 25, 2008.

Zoning Code

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 the Yolo County Code (Amendments), the Yolo County Board of Supervisors finds that:

- a. The public health, safety, and general welfare warrant the change of zone;

The proposed rezoning to allow the establishment of a pre-cast concrete manufacturing production facility on this property will satisfy the purpose of the Heavy Industrial Zone (M-2) by providing new jobs to the local economy, tax revenues to County General Fund and road improvement to the local roadways.

- b. The zone is in conformity with the Master Plan;

The proposed project will allow the redevelopment of the former Spreckels site. The proposed zone change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised because the zone change proposal is adequate in size and shape and represents a logical location for the proposed industrial use.

In accordance with Section 8-2.1801 of the Yolo County Code, the purpose of the Heavy Industrial Zone (M-2) shall be to provide areas exclusively for the normal operation of industrial uses.

The proposed zone change will not have a substantial adverse effect on surrounding property, as there is adequate area to allow the redevelopment of the site and the proposed industrial use. The proposed project will not have a significant effect on the environment. Mitigation measures have been identified that will reduce the impacts of the project to a level below significance.

In accordance with Section 8-2.2001 of the Yolo County Code, the purpose of the Planned Development Combining Zone (-PD) classification are suitable for the proposed development.

The proposed zone change is in the public interest, there will be a community benefits, tax revenues and proposed redevelopment will not be compromised because the zone changes has an adequate area for agricultural buffers, setbacks from surrounding properties and represents a logical placement of the purposed industrial use.

In accordance with Section 8-2.2006 of Chapter 2, Title 8 of the Yolo County Code, the applications for rezoning to the -PD Zone shall be made by the owners of all property to be contained therein.

The proposed rezone and establishment of a pre-cast concrete manufacturing production facility will redevelopment the former Spreckels facility The site is adequate in size and shape to accommodate the proposed pre-cast concrete manufacturing and the buffers, setbacks, landscaping and other required features. The General Plan Amendment and Rezone have been filed concurrently with the Conditional Use Permit, if approved, will change the land use of the 90 acre site to Heavy Industrial – Planned Development (M-2-PD).

In accordance with Section 8-2.2804 of Chapter 2, Title 8 of the Yolo County Code, the Planning Commission shall act on Conditional (major) Use Permit applications, when the Planning Commission finds the following:

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

If the rezone is approved, the pre-cast concrete manufacturing production facility is an allowed use in the Heavy Industrial Zone (M-2).

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

The pre-cast concrete manufacturing production facility will contribute to the expansion of the local economy and provide needed tax revenues 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 require adequate landscaping, shielding of buildings and machinery, conservation easements and agricultural buffers to prevent impacts to the aesthetics, agricultural resources, air quality, transportation, public services and biological resources from the proposed pre-cast concrete manufacturing activities.

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

The proposed use is consistent with the proposed rezone to Heavy Industrial designation, including Land Use Policy LU 43 and 44. The proposed project will provide for industrial growth in the County to provide employment, services, and tax base while minimizing hazards and nuisances and while conserving resources and agricultural lands.

LU43. Industry and Commerce Encouraged. In areas designated for industry and commerce, Yolo County shall encourage the initiation and growth of appropriate industry and commerce, with required environmental mitigations, for the purpose of job creation for our citizens, development of our tax base, and as a foundation for the development and maintenance of a healthy and balanced, diversified economy.

LU44. Industrial Location. Industrial designations and zoning shall be applied to appropriate

areas near primary job markets, distribution centers, and transportation systems; and shall be based upon a realistic analysis of anticipated demands for such additional industrial land use space, and with regard to an environmental report.

- e) 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. An existing domestic water well and septic system will serve the project site. County Road 18C and County Road 100B will be improved by the applicant with annual maintenance inspections.

A five-minute recess was called.

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 Brown Act Training (P. Pogledich).

This item was moved to the April 2008 Planning Commission Meeting.

8.2 Overview of Planning Commission By-laws.

David Morrison gave an overview of the rules of conduct for business before the County of Yolo Planning Commission. He said the rules can be revised by the Planning Commission at any time.

8.3 Conditional Uses in the Agricultural Districts (D. Morrison).

David Morrison provided copies of the actual Agricultural Zoning Ordinance and summarized the conditional uses in the agricultural districts. He answered questions from the commission.

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. Personnel/Administrative Items:
- No personnel changes.
 - The Planning and Public Works Department is currently preparing its budget for

Fiscal Year 2008-2009.

- B. Board of Supervisors Agenda:
- Approved the Old Sugar Mill Specific Plan revisions on March 11, 2008, and forwarded the approved revisions to the Delta Protection Commission for their consideration at a hearing on March 27, 2008.
- C. Planning Commission Agenda:
- Giguere Winery in Dunnigan Hills.
 - Contract Division and Lot Line Adjustment with the Staib Family.
 - Recommendations on the In-Channel Mining Ordinance and on the Accessory Structures Ordinance.
 - Brown Act Training.
 - Continuation of the Medina Variance.

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 Peart said he met with Don Clark and another representative from Clark Pacific this past week.
- B. Commissioner Kimball reported that she met with some of the Clarks, as well as some of their representatives; she also toured their plant in West Sacramento. She said she attended a design team meeting, along with Commissioner Merwin and Commissioner Bertolero, and, at the next meeting on Thursday, they'll take a tour of the residential areas that are both good, positive models of development, as well as areas that they would like to potentially not see done in the future in Yolo County.
- C. Commissioner Burton stated that he also met with Don Clark and a representative from Clark Pacific, as well as speaking to Dan Ramos, and a couple of county staff including the Agricultural Commissioner.
- D. Commissioner Liu said she also met with Don Clark and his representative to discuss the Spreckels project, and this morning she drove by 38904 Aspen Street regarding Item 7.2 on the agenda.
- E. Commissioner Merwin reported that he attended a Yolo County Farm Bureau meeting, and a design guidelines meeting, and also met with Don Clark and toured the Spreckels facility.
- F. Vice-Chair Winters said he met with Don Clark and a representative of Clark Pacific, and toured the facility; he also drove by the Aspen Street property (Item 7.2).

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.

- A. Review of the agricultural zones to consider adding discretionary approval for agricultural buildings that exceed a certain size or lot coverage.
- B. Discussion about Antiquated Subdivisions
- C. Clarification regarding compatible areas within Williamson Act Contracts

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:42 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is April 10, 2008, 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