

Cache Creek Parkway Plan

Landowner and Community Meeting #2

Saturday, November 4, 2017 – 4:00 p.m. – Cache Creek Nature Preserve

Attendance

Elisa Sabatini, Yolo County
Casey Liebler, Yolo County
Heidi Tschudin, Yolo County
Nancy Ullrey, Cache Creek Conservancy

Landowners and Community Members: Tom Agnew, Jim & Sally Barrett, Paul & Barbara Bludsworth, Jason Carroll, Spencer Defty, David & Karem Dumars, Mark Harrison, Rich Jenness, Janet Levers, Susan Lundquist, Lou Perani, Michael Perrone, Herb & Lynnell Pollock, Lynn Reynolds, Andrew & Sandi Rodgers, Rick Sitts, Ryan & Katy Soden, Bert Swartz.

Meeting Minutes

County staff began the workshop with a presentation on the Parkway Plan. The presentation was broken into three separate segments: 1) Background and history of the Cache Creek Area Plan, 2) Walkthrough of the Parkway Plan, and 3) Walkthrough of the associated Financial Feasibility Analysis. After the presentation, Staff engaged in a question and answer session with the audience as summarized below.

Mrs. Levers asked if each gravel operator pays only for their respective projects. Mrs. Sabatini replied that the operators have to dedicate the properties in a state determined by their development agreement and the "per ton" fees are collected in a pool.

Mr. Defty asked where the built in inflation was in the Feasibility Analysis. Mrs. Tschudin replied that a 4% escalator is built into the "per ton" fee the County receives from the gravel operators, so it stays ahead of inflation. She also noted that the fees provide a dedicated source of funding – no public fund and no general funds are used to support the program. Mr. Defty also expressed his concern about the access by his property and wanted to know when it was negotiated. County staff mentioned that the access easement was in place when Mr. Defty purchased his property – it was included in CEMEX's Development Agreement that was negotiated in the late 1990's.

A question was brought up regarding liability concerns and how it works with regards to the Parkway. Mainly, what happens if someone gets hurt on private property while using the Parkway? Mrs. Sabatini said that staff will check in with County Counsel. (**Follow Up:** Appendix A includes language from the State of California Civil Code that relates to this question).

Mrs. Bludworth asked where the overnight camping locations were in the Parkway Plan. She mentioned that her and her husband live near the Woodland Reiff property. County staff indicated that possible overnight camping locations are identified on only a few properties, such as Capay Open Space. These locations are identified in the site maps in the proposed Parkway Plan.

Mrs. Pollock asked about the projections for use of Parkway properties over time and used Capay Open Space as an example. County staff noted that the Sustainable Parks Study contains some information regarding park use

Mr. Harrison stated it is important to get landowners involved and cautioned that the schedule is too aggressive to get input. He also stated that the scenarios in the Feasibility Analysis may not be the right ones. He asked the County to push back the schedule and make it more realistic. Mrs. Sabatini said that County staff will talk to the County Administrator about the schedule. She mentioned that the schedule is tied to the environmental impact report for the 20-year Cache Creek Area Plan update, which is required to be done by the end of the year. She reminded the group that the deadline has been extended two times already.

Mr. Dumars said that he did not receive the noticing postcard and that he lives along the creek. He questioned how many others were not notified. County staff noted that noticing was conducted based on the latest tax roles and in excess of the legal requirements. Noticing was also provided online.

Mrs. Reynolds said that the link to the County's Parkway Plan page on the postcard did not work. County staff tested the link at the meeting and confirmed that it is operable.

The Dumars asked about the traffic plans to access the sites, and whether access will be improved. Mrs. Sabatini responded that some roads, like County Road 96 (east of Teichert Schwarzgruber), will be improved. Others will not be, however, because the properties do not lend themselves to active use. There was general discussion of appropriate use for each property. County staff noted that this information is provided in the draft plan.

The conversation turned to off-highway vehicle (OHV) use along and inside the creek. Mrs. Sabatini mentioned that the Natural Resources Division has built up a partnership with the Yolo County Sheriff's Department. She discussed that the Natural Resources Division provides matching funds for the Sheriff's Department when applying for State Park grants to fund their OHV Patrol Team. One attendee mentioned that it is difficult to get enforcement on the creek, but others expressed a different experience. There was general discussion about OHV use in the creek. Mrs. Sabatini mentioned that the recent drought allowed for increased OHV use. Minimal water in the creek allowed for a longer riding season. There are also many OHV riders who don't understand what is private property and think the creek is available for legal use.

One attendee asked who will police the Parkway and regulate it? There was general discussion about illegal camping. Mrs. Sabatini noted that the Sheriff has indicated more legal recreational use would help decrease illegal use. Mrs. Sabatini pointed out that the Plan contemplates

controlled access and park hosts. Mrs. Sabatini was asked if the County currently had a park ranger, to which she answered "no," but if we need to look into one in the future we can do that.

Mr. Defty asked if any of part of the fees collected from the gravel mining program go to the roads. Mrs. Sabatini answered that the roads are maintained through separate requirements and conditions of approval and that gravel fees are not used for road maintenance. He followed up by asking who is going to pay for the trail on his land. Mrs. Sabatini replied that paved trails are not proposed on private property – these would be on property that the County owns. She noted that the draft plan assumed the applicability of the Public Trust Doctrine for public access along the creek between parkway properties. This has been the working assumption since the CCAP was developed in the mid-1990s.

Mr. Defty asked what legal recourse exists for public access that relies on private property? Mrs. Sabatini stated that if the County maintains a trail, then it takes on the associated liability. If a person is on private property and gets injured, the landowner has immunity.

Mr. Barrett asked about a scenario where a private landowner is hunting on their private land that extends into the creek, but there is someone walking down the middle of the creek? Mrs. Sabatini replied that the trails are controlled and can be closed at any time. She mentioned that each property will have a management plan.

Mr. Carroll brought up the concern about homeless individuals biking to the properties from Woodland. He mentioned that he understands it is not illegal to be homeless, but that camping illegally will be an issue. He expressed his concerns that the Plan has no policy regarding policing the properties and pointed to the sentence on page 8. He mentioned Sacramento County's recent actions regarding funding more park rangers to deal with homelessness along the American River Parkway. Mr. Harrison questioned how "feasibility" of the Parkway Plan can be discussed without talking about safety, security and enforcement? Mrs. Sabatini replied that the County Parks Department and the Gravel Program are separate. She said that Parks has no park ranger positions, but have used park hosts in the past in locations like at the Cache Creek Campgrounds and Capay Open Space Park. Mrs. Sabatini said that the Plan contemplates the use of property caretakers. Mr. Harrison asked Mr. Carroll to draw upon his experience being a firefighter if somebody on meth will respond to a caretaker giving instructions to live a property. Mr. Carroll replied that it will not help and that the individuals will not care. Mr. Defty mentioned that Woodland is the "federal western regional drop off" for homeless.

Mr. Rodgers expressed concerns about the identification of County Road 96 as being an access point since the road is adjacent to his family's property. Mrs. Sabatini noted that the road is a public road and that improvements to it are part of the conditions of approval for the Teichert Schwarzgruber operation. Mr. Rodgers also described a negative experience he encountered regarding a member of the County's Roads crew failing to fill a pothole. The Bludsworth's also expressed their dissatisfaction with the condition of County Road 19A. Mrs. Sabatini acknowledged the conditions and mentioned that it is a road structural issue (i.e. there is no sub-base, gravel was just paved over).

Mrs. Pollock asked if the County has considered how the trails will be used (i.e. walking, dogs, horses, bikes, OHV, etc.). She mentioned that trail use will have an effect on maintenance. County staff noted that the County may determine that some uses are not allowed on certain properties and trails based on constraints.

Mrs. Sabatini noted that people feel strongly on both sides of the OHV issue. She said that if users are beyond the high-water mark, it is trespassing. It was envisioned by the gravel program that more active use of the properties would be limited to the lake properties and that the rest would be intended for passive use and open space (i.e. hiking).

Mrs. Pollock brought up hunting on County property. Mrs. Sabatini said she knew that hunting is prohibited in County parks, but was unsure about County property. She said she would check with County Counsel. (**Follow Up:** Appendix B includes language from the Yolo County Code that relates to overall weapon's use in the County.)

One member of the audience mentioned that mismanagement of the creek by the gravel companies has led to huge erosion where she lives by Huff's Corner. She cautioned that people in the creek bed are in danger of the erosion. It was brought up that people in the creek enjoy climbing up the steep banks of the creek at that location. She noted that the activity is dangerous and damaging, and involves trespassing. Regarding the first point, Mrs. Sabatini noted that mining in Cache Creek has been prohibited since the mid-1990s. Regarding the second point, she noted that she's never heard of people doing that. A question regarding the liability of property owners if someone got injured climbing the bank on their property was brought up.

Mr. Defty expressed his belief that we should have been mining in the creek all along. He also seconded Mr. Harrison's earlier comments that the schedule needs to be pushed back and inquired about the steps the County took to notice landowners. Mrs. Sabatini mentioned that a postcard was sent out to landowners 2 to 3 weeks in advance of the workshop and that the mailing area was expanded substantially. Mr. Liebler mentioned that over 900 postcards were mailed to provide notice of this workshop.

Mrs. Barrett brought the conversation back to the bank climbing issue. She asked if there was anything that the Cache Creek Technical Advisory Committee could do to address the issue sooner rather than later. County staff expressed this was a trespass issue.

Mrs. Dumars asked when the proposed start of the Parkway Plan was. Mrs. Sabatini explained that the property dedications were negotiated decades ago. She indicated that the projected dates the County will be receiving the properties are listed in the Parkway Plan. She mentioned that it is not a "ribbon cutting" event; rather the properties will trickle in over the next 30 years. Mrs. Dumars asked if the County can do a study on the properties after they come into the Parkway Plan, with the thinking of doing a "post operation" analysis to adaptively management the Parkway. County staff indicated that consideration of each property annually over time is a part of building the annual program budget.

The Bludsworth's asked if the County is going to do anything to clean out the channel. County staff indicated that individual property owners can consider whether they want to apply for permits to undertake in-channel maintenance. The CCAP includes policies and actions to help support in-channel maintenance consistent with the plan. However, Mrs. Sabatini shared the County's troubles with acquiring the proper state and federal permits to do any work in the channel. She mentioned the County has been trying to get a Regional General Permit with the US Army Corps of Engineers since 2011, as well as a sand and gravel extraction permit from the California State Department of Fish and Wildlife since November 2016.

Mr. Jenness asked if the plan contemplates different possible uses. Mrs. Tschudin said that the identified Baseline conditions are already negotiated, but opportunities beyond the baseline are described in the various tiers in the plan.

Mrs. Dumars said that she believes it is not a good idea to access the Correll property through the identified easement. County staff noted that the easement is identified in the plan as having constraints.

Mrs. Levers inquired about the intended use of the Yolo County Flood Control District property. Mrs. Sabatini replied that the intended use is habitat with likely limited access. Mrs. Sabatini informed the group on the County's partnership with the Yolo Habitat Conservancy and how the operations and maintenance on properties with great habitat value will be paid for by the YHC.

Mr. Sitts mentioned that he lives in Wild Wings and that the occasional shooters in the creek affect them. He asked about the potential effects of shooting and bicyclists using the trails. He also expressed concern about illegal camping.

Mrs. Sabatini replied that the County has a division that focuses on homeless services and that she will schedule a meeting with the Homeless Coordinator to discuss best practices and ways to manage homeless issues should they arise along the Parkway. (**Follow Up:** Appendix C includes a summary from a November 20th, 2017 meeting between the Natural Resources Division and County Homeless Services staff.)

Mr. Harrison reiterated that the answers to the questions about overall feasibility of the Parkway need to be answered before the process can move forward. As it relates to operations and maintenance, Mr. Harrison asked why the costs don't increase over time. Mr. Harrison requested a workshop with the County's economist consultant to ask and receive questions directly. With regards to the County's partnership with the YHC, he believes that the assumptions regarding operations and maintenance undertaken by the YHC are speculative. He mentioned that cleaning up human debris left at illegal campsites is very expensive.

Mrs. Tschudin noted the County looks forward to providing answers to all questions and encouraged Mr. Harrison to submit his list of questions so that the County could provide answers. Mr. Harrison concluded that the County has done a wonderful job and that it is time to get down into the weeds on the issues.

Mr. Fulks mentioned that he manages the Putah Creek Riparian Preserve which would have many similarities to the parkway. His experience is that prior to management of the preserve, there were many problems, similar to those brought up by the audience. But after management began, the problems lessened. He said that clearly identified trails and property markers really help. Mr. Fulks said that he coordinates with the Yolo County Sheriff and UC Davis police to address homelessness. He noted the positive effects of fences, designated parking areas, outhouse facilities, permission to enter agreements with property owners, and generally having a presence. Mr. Fulks said that cooperation with landowners is essential. He discussed how he uses a volunteer team to walk the creek. He noted that legitimate users won't tolerate bad behavior once they love a place. Mr. Barrett noted that perhaps the County could use the Sheriff's STAR program to help police the Parkway. Mrs. Sabatini reiterated the relationships built with the Sheriff's Department through OHV efforts. Mr. Fulks concluded that having legitimate users on the trails help deter the negative issues.

The meeting concluded at 6:10 p.m. with Mrs. Sabatini thanking the audience for participating and sharing their concerns.

Prepared by Casey Liebler, Natural Resources Program Assistant.

Appendix A

CALIFORNIA CODES
CIVIL CODE
SECTION 840-848

846. An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

846.1. (a) Except as provided in subdivision (c), an owner of any estate or interest in real property, whether possessory or nonpossessory, who gives permission to the public for entry on or use of the real property pursuant to an agreement with a public or nonprofit agency for purposes of recreational trail use, and is a defendant in a **civil** action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in this **civil** action if any of the following occurs:

(1) The court has dismissed the **civil** action upon a demurrer or motion for summary judgment made by the owner or upon its own motion for lack of prosecution.

(2) The action was dismissed by the plaintiff without any payment

from the owner.

(3) The owner prevails in the **civil** action.

(b) Except as provided in subdivision (c), a public entity, as defined in Section 831.5 of the Government **Code**, that gives permission to the public for entry on or use of real property for a recreational purpose, as defined in Section **846**, and is a defendant in a **civil** action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in this **civil** action if any of the following occurs:

(1) The court has dismissed the **civil** action upon a demurrer or motion for summary judgment made by this public entity or upon its own motion for lack of prosecution.

(2) The action was dismissed by the plaintiff without any payment from the public entity.

(3) The public entity prevails in the **civil** action.

(c) An owner of any estate or interest in real property, whether possessory or nonpossessory, or a public entity, as defined in Section 831.5 of the Government **Code**, that gives permission to the public for entry on, or use of, the real property for a recreational purpose, as defined in Section **846**, pursuant to an agreement with a public or nonprofit agency, and is a defendant in a **civil** action brought by, or on behalf of, a person who seeks to restrict, prevent, or delay public use of that property, may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney's fees incurred in the **civil** action if any of the following occurs:

(1) The court has dismissed the **civil** action upon a demurrer or motion for summary judgment made by the owner or public entity or upon its own motion for lack of prosecution.

(2) The action was dismissed by the plaintiff without any payment from the owner or public entity.

(3) The owner or public entity prevails in the **civil** action.

(d) The California Victim Compensation and Government Claims Board shall allow the claim if the requirements of this section are met. The claim shall be paid from an appropriation to be made for that purpose. Reasonable attorney's fees, for purposes of this section, may not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made, and may not exceed an aggregate amount of twenty-five thousand dollars (\$25,000). This subdivision shall not apply if a public entity has provided for the defense of this **civil** action pursuant to Section 995 of the Government **Code**. This subdivision shall also not apply if an owner or public entity has been provided a legal defense by the state pursuant to any contract or other legal obligation.

(e) The total of claims allowed by the board pursuant to this section shall not exceed two hundred thousand dollars (\$200,000) per fiscal year.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 830-831.9

831. Neither a public entity nor a public employee is liable for an injury caused by the effect on the use of streets and highways of weather conditions as such. Nothing in this section exonerates a public entity or public employee from liability for injury proximately caused by such effect if it would not be reasonably apparent to, and would not be anticipated by, a person exercising due care. For the purpose of this section, the effect on the use of streets and highways of weather conditions includes the effect of fog, wind, rain, flood, ice or snow but does not include physical damage to or deterioration of streets and highways resulting from weather conditions.

831.2. Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach.

831.21. (a) Public beaches shall be deemed to be in a natural condition and unimproved notwithstanding the provision or absence of public safety services such as lifeguards, police or sheriff patrols, medical services, fire protection services, beach cleanup services, or signs. The provisions of this section shall apply only to natural conditions of public property and shall not limit any liability or immunity that may otherwise exist pursuant to this division.

(b) This section shall only be applicable to causes of action based upon acts or omissions occurring on or after January 1, 1988.

831.25. (a) Neither a public entity nor a public employee is liable for any damage or injury to property, or for emotional distress unless the plaintiff has suffered substantial physical injury, off the public entity's property caused by land failure of any unimproved public property if the land failure was caused by a natural condition of the unimproved public property.

(b) For the purposes of this section, a natural condition exists and property shall be deemed unimproved notwithstanding the intervention of minor improvements made for the preservation or prudent management of the property in its unimproved state that did not contribute to the land failure.

(c) As used in this section, "land failure" means any movement of land, including a landslide, mudslide, creep, subsidence, and any other gradual or rapid movement of land.

(d) This section shall not benefit any public entity or public employee who had actual notice of probable damage that is likely to occur outside the public property because of land failure and who fails to give a reasonable warning of the danger to the affected property owners. Neither a public entity nor a public employee is

liable for any damage or injury arising from the giving of a warning under this section.

(e) Nothing in this section shall limit the immunity provided by Section **831.2**.

(f) Nothing in this section creates a duty of care or basis of liability for damage or injury to property or of liability for emotional distress.

831.3. Neither a public entity nor a public employee is liable for any injury occurring on account of the grading or the performance of other maintenance or repair on or reconstruction or replacement of any road which has not officially been accepted as a part of the road system under the jurisdiction of the public entity if the grading, maintenance, repair, or reconstruction or replacement is performed with reasonable care and leaves the road in no more dangerous or unsafe condition than it was before the work commenced. No act of grading, maintenance, repair, or reconstruction or replacement within the meaning of this section shall be deemed to give rise to any duty of the public entity to continue any grading, maintenance, repair, or reconstruction or replacement on any road not a part of the road system under the public entity's jurisdiction. As used in this section "reconstruction or replacement" means reconstruction or replacement performed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways **Code**.

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any trail used for the above purposes.

(c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

831.5. (a) The Legislature declares that innovative public access programs, such as agreements with public land trusts, can provide effective and responsible alternatives to costly public acquisition programs. The Legislature therefore declares that it is beneficial to the people of this state to encourage private nonprofit entities

such as public land trusts to carry out programs that preserve open space or increase opportunities for the public to enjoy access to and use of natural resources if the programs are consistent (1) with public safety, (2) with the protection of the resources, and (3) with public and private rights.

(b) For the purposes of Sections **831.2**, **831.25**, **831.4**, and **831.7**, "public entity" includes a public land trust which meets all of the following conditions:

(1) It is a nonprofit organization existing under the provisions of Section 501(c) of the United States Internal Revenue **Code**.

(2) It has specifically set forth in its articles of incorporation, as among its principal charitable purposes, the conservation of land for public access, agricultural, scientific, historical, educational, recreational, scenic, or open-space opportunities.

(3) It has entered into an agreement with the State Coastal Conservancy for lands located within the coastal zone, as defined in Section 31006 of the Public Resources **Code**, with the California Tahoe Conservancy or its designee for lands located within the Lake Tahoe region, as defined in subdivision (c) of Section 66953 of the **Government Code**, or with the State Public Works Board or its designee for lands not located within the coastal zone or the Lake Tahoe region, on such terms and conditions as are mutually agreeable, requiring the public land trust to hold the lands or, where appropriate, to provide nondiscriminatory public access consistent with the protection and conservation of either coastal or other natural resources, or both. The conservancy or the board, as appropriate, shall periodically review the agreement and determine whether the public land trust is in compliance with the terms and conditions. In the event the conservancy or the board determines that the public land trust is not in substantial compliance with the agreement, the conservancy or the board shall cancel the agreement, and the provisions of Sections **831.2**, **831.25**, **831.4**, and **831.7** shall no longer apply with regard to that public land trust.

(c) For the purposes of Sections **831.2**, **831.25**, **831.4**, and **831.7**, "public employee" includes an officer, authorized agent, or employee of any public land trust which is a public entity.

Chapter 10 WEAPONS

Sections:

- 5-10.01 Discharging rifles at game in certain areas.
- 5-10.02 Discharging weapons in certain areas.
- 5-10.03 Concealed weapons: Additional fees.
- 5-10.04 Discharging firearms near populated areas.
- 5-10.05 Discharging firearms on lands of other persons.
- 5-10.06 Violations: Penalties.

Sec. 5-10.01. Discharging rifles at game in certain area.

(a) *Purpose.* It is the purpose of this section to protect the health and safety of all persons in the County from the danger resulting from the discharging of rifles during the deer hunting season in an area heavily populated with harvest workers.

(b) *Rifle defined.* "Rifle" shall not include 22-caliber rim fire rifles, shotguns, or shotguns firing rifle slugs.

(c) *Prohibited area.* It shall be unlawful during the deer hunting season for any person to discharge a rifle at game in that portion of the County which lies east of U.S. Highway 99-W. (§§ 1, 2, and 3, Ord. 483)

Sec. 5-10.02. Discharging weapons in certain areas.

(a) *Prohibited areas.* Except as otherwise provided in subsection (b) of this section, it shall be unlawful to discharge a weapon in the prohibited areas of the unincorporated territory of the County described as follows:

(1) *East Yolo Area.* Beginning at the intersection of the center line of the Sacramento River and at a point 45 feet northerly of the center line of County Road 126; thence westerly along a line parallel to the center line of County Road 126 and the extension thereof to the center line of the east levee of the East Yolo Bypass; thence southerly and westerly along the center line of the east levee of the East Yolo Bypass to the extension of the center line of Thorpe Road; thence easterly along the extension of the center line of Thorpe Road to the center line of the Sacramento River Deep Water Ship Channel; thence southerly along the center line of the Sacramento River Deep Water Ship Channel to the extension of the center line of the north levee of Lisbon Slough; thence easterly along the westerly extension of the center line of the north levee of Lisbon Slough and along the center line of the north levee of Lisbon Slough and the easterly extension of the center line of Lisbon Slough to the center line of the Sacramento River; thence along the center line of the Sacramento River to the point of beginning;

(2) *Guinda Dump and Park.* Lot 36 of Guinda Colony Tract, said tract being filed in Map Book 1 at page 47 in the office of the County Clerk-Recorder;

(3) *Esparto Park.* A parcel of land being a portion of the Plaza of the town of Esperanza as shown on said Town map filed in Map Book 1 at page 23 in the office of the County Clerk-Recorder, more fully described as follows:

Commencing at the northwest corner of Lot 9 of Block 22; thence north east 65.00 feet to the southwest corner of the Esparto Park, the true point of beginning; thence northerly along the west line of said Park, being the east line of Yolo Avenue (State Highway No. 16), north 10°03'00" east 275.00 feet to the north line of said Park; thence south 79°57'00" east 155.00 feet to the east line of said Park; thence south 10°03'00" west 275.00 feet to the south line of said Park; thence north 79°57'00" west 155.00 feet to the true point of beginning;

(4) *Airport.* The west one-half of Section 34, Township 9 North, Range 1 East, M.D.B. & M., the northwest one-quarter of Section 3, and the north 240.5 feet of the southwest one-quarter of Section 3, Township 8 North, Range 1 East, M.D.B. & M., being

approximately 294.3 acres, more or less.

Excepting therefrom the following described property:

A parcel of land being a portion of the northwest one-quarter of Section 34, Township 9 North, Range 1 East, M.D.B. & M., Yolo County, California, more fully described as follows:

Beginning at the northeast corner of the said northwest one-quarter of Section 34; thence along the north line of said northwest one-quarter south 89°47'25" west 1550.00 feet; thence south 00°06'06" west 825.00 feet; thence south 16°37'23" east 1042.47 feet; thence north 89°47'25" east 1250 feet, more or less, to the east line of said northwest one-quarter; thence northerly along said east line to the northeast corner of said northwest one-quarter, the point of beginning, containing 61.5 acres;

(5) *Sam Combs Park*. Beginning at the northeast corner of Silva's Subdivision as the same appears of record in Map Book 4, pages 68 and 69, Yolo County Records; thence north 89°22'08" east along the south line of Stone Boulevard 903.26 feet to the northwesterly line of State Highway 99 Yolo Section B, also known as Jefferson Boulevard; thence along a curve to the right having a radius of 999.50 feet and distant 15 feet northwesterly and radially from the center line of the main track of the Sacramento-Yolo Port Belt Line Railroad, a distance along the arc of 590.54 feet, the chord of which bears south 61°43'43" west, 581.99 feet; thence south 89°22'08" west, 389.49 feet to the southeast corner of Silva's Subdivision; thence north 0°14'59" west along the east line of said subdivision, 270.00 feet to the point of beginning, containing 4.394 acres of land;

(6) *Clarksburg Boat Ramp*. All that certain real property situate, lying, and being in Township 6 North, Range 4 East, M.D.B. & M., more particularly described as follows:

Beginning at a point on the center line of County Road No. 140 of Yolo County at Station 142+00 which bears the following courses and distances from the southwest corner of Swamp Land Survey No. 756 of said Yolo County: south 74°20' east, 2,605 feet to the intersection of the center line of said County Road and the south line of said Swamp Land Survey; thence north 24°20' east, 558 feet; thence north 42°48' east 520 feet to Station 142+00 of said County road, the true point of beginning; thence from said true point of beginning south 82°00' east, 68.59 feet; north 52°36' east, 85.00 feet; south 34°55' east, 65 feet, more or less, to the mean high tide of the west bank of the Sacramento River; thence in a northeasterly direction along said mean high tide of the Sacramento River, 1,270 feet, more or less, to a point which bears south 35°49'30" east, 90 feet, more or less, from center line station 128+00 of said County road No. 140; thence north 35°49'30" west, 90 feet, more or less, to the center line of County road No. 140 at Station 128+00; thence along the center line of said County road south 54°10'30" west, 430.40 feet; thence south 51°42'30" west, 617.79 feet to Station 138+48.19 B.C., thence continuing along said center line of an arc conclave to the left and having a central angle of 3° 15'30" and a radius of 3,700 feet, a distance of 210.83 feet to Station 140+59.03 E.C., thence continuing along said center line south 48°27' west 140.98 feet to the point of beginning.

Excepting a parcel of land 15 feet in width and being parallel to and contiguous with the center line of the above described County road from Station 128+00 to Station 142+00, the boundaries of said parcel being shortened or lengthened to terminate on the boundaries of the 3.9 acre parcel above described; said parcel containing 3.9 acres, more or less;

(7) *Knights Landing Boat Ramp*. Beginning at a point on the westerly line of State Highway 48 right-of-way, said point being a distance of 40 feet measured at right angles from the intersection of the center line of said right-of-way of State highway and the center line of Sycamore Slough, as defined by Grant of Right-of-Way by River Gardens Farm of California, dated September 8, 1938, recorded September 22, 1938, in Book 117 at page 335, of official records of the County of Yolo; thence from said point of beginning north 38°07'30" west 83.00 feet; thence along the arc of a curve to the left, a distance of 229.23 feet, said curve having a central angle of 32°02' and a radius of 410.00 feet; thence tangent to the preceding curve north 70°09'30" west 166.93 feet to the intersection of the southwesterly line of said State highway right-of-way and the easterly line of the abandoned River Farms Branch of the Southern Pacific Railroad right-of-way; thence continuing along said line north 70°09'30" west, 113.0 feet; thence south 68°30' west, 55 feet; thence along a curve to the left, having a chord bearing south 15°24' east, radius of 1,507.69 feet, an arc length of 314 feet; thence south 24°17' east, 235 feet, more or less, to the center line of Sycamore Slough; thence in an easterly direction along the center line of Sycamore Slough, a distance of 450 feet, more or less, to the westerly line of State Highway 45 right-of-way to the point of beginning, said parcel containing 3.9 acres, more or less; and

(8) *Putah Creek Fishing Access*. Beginning at a point which is situated on the east line of the northwest one-quarter of Section 28, Township 8 North, Range 2 West, where said line intersects the southerly right-of-way line of State Highway 128; and running thence southerly along the east line of the northwest one-quarter of Section 28 to the center line of Putah Creek, thence easterly along said center line to its intersection with the south line of the northeast one-quarter of Section 26, Township 8 North, Range 2 West, thence easterly along the south line of the northeast one-quarter of Section 26 to the southerly right-of-way line of State Highway 128, thence westerly along said right-of-way line to the point of beginning.

(b) *Exception*. The provisions of this section shall not apply to the following:

(1) Persons set forth in subsection (b) of Section 12031 of the Penal Code of the State;

(2) The discharge of shotguns in that portion of the East Yolo area described in subsection (1) of subsection (a) of this section lying south and east of the Sacramento River Deep Water Channel and the Barge Canal and also within an agricultural zone as designated by the zoning regulations of the County; and

(3) The operation of indoor shooting ranges or shooting galleries where permitted by law. (§§ 2, 3, and 5, Ord. 598, and § 2, Ord. 610, as amended by § 1, Ord. 612, § 1, Ord. 621, §§ 1 and 2, Ord. 676, eff. November 14, 1972, § 1, Ord. 785, eff. September 15, 1977, and § 1, Ord. 786, eff. October 20, 1977)

Sec. 5-10.03. Concealed weapons: Additional fees.

As well as the fee determined by the State Department of Justice to be sufficient to reimburse the State Department of Justice for the direct cost of furnishing the report required by Section 12052 of the Penal Code of the State, each applicant for a new license to carry a concealed pistol, revolver, or other firearm, or for the renewal thereof, shall pay to the Sheriff-Coroner at the time of filing his application an additional fee in the sum of Two and no/100ths (\$2.00) Dollars. The Sheriff-Coroner shall transmit all such additional fees to the County Treasury. (§ 1, Ord. 662, eff. January 12, 1972)

Sec. 5-10.04. Discharging firearms near populated areas.

(a) *Areas described.* Except as otherwise provided in subsection (b) of this section, it shall be unlawful to discharge a firearm in the prohibited areas of the unincorporated territory of the County described as follows:

(1) *Davis Area.* Beginning at the intersection of County Road 98 and Putah Creek; thence northerly along the center line of County Road 98 to its intersection with County Road 30; thence easterly along an extension of the center line of County Road 30 to its intersection with County Road 99; thence northerly along the center line of County Road 99 to its intersection with County Road 29; thence easterly along the center line of County Road 29 to its intersection with County Road 104; thence southerly along the center line of County Road 104 to its intersection with County Road 30; thence easterly along the center line of County Road 30 to its intersection with County Road 105; thence southerly along the center line of County Road 105 and an extension thereof to the easterly extension of the center line of County Road 32D; thence easterly along the extension of the center line of County Road 32D and County Road 32D to its intersection with County Road 103; thence southerly along the extension of the center line of County Road 103 to its intersection with the South Fork of Putah Creek; thence along the center line of the South Fork of Putah Creek and Putah Creek to its intersection with County Road 98; but excepting therefrom all territory lying within the City of Davis and all territory of the Regents of the University of California.

(2) *West Sacramento Area.* Beginning at the intersection of a line 45 feet north of the center line of County Road 126 and an easterly extension thereof with the center line of the Sacramento River; thence along the center line of the Sacramento River to its intersection with an extension of the center line of Babel Slough; thence westerly along the center line of Babel Slough and the extension thereof to its intersection with the Sacramento-Yolo Deep Water Channel; thence northerly along the center line of the Deep Water Channel until its intersection with the center line of Thorpe Road; thence westerly along the center line of Thorpe Road to its intersection with the center line of the east levee of the Yolo Bypass; thence northerly along the center line of the east levee of the Yolo Bypass to a line 45 feet northerly of the north right-of-way of County Road 126; thence easterly along a line 45 feet north of the center line of County Road 126 to the point of beginning, excepting therefrom all territory lying within the City of West Sacramento. (As amended by § 1, Ord. 1419, eff. May 10, 2012)

(3) *Woodland Area.* Beginning at the intersection of County Road 25A and County Road 97; thence northerly along the center line of County Road 97 to its intersection with County Road 20; thence easterly along the center line of County Road 20 to its intersection with County Road 97; thence northerly along the center line of County Road 97A to a point one mile north of County Road 20; thence easterly on a line one mile north of County Road 20, which is also the extension of the center line of County Road 18C, easterly to its intersection with County Road 102; thence southerly along the center line of County Road 102 to its intersection with County Road 25; thence westerly along an extension of the center line of County Road 25 to its intersection with County Road 101; thence southerly along the center line of County Road 101 to its intersection with County Road 25A; thence westerly along the center line of County Road 25A to the point of beginning, excepting therefrom all territory lying within the City of Woodland.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Persons set forth Section 25900 of the Penal Code of the State;

(2) Persons necessarily acting in the lawful defense of persons or property; and

(3) The discharge of firearms on the premises of any shooting gallery, practice range, skeet field or similar place conducted at a fixed location, either indoors or outdoors, and with respect to which adequate safeguards have been provided to protect persons and property from injuries. (§ 1, Ord. 900, eff. January 15, 1981, as amended by § 2, Ord. 1419, eff. May 10, 2012)

Sec. 5-10.05. Discharging firearms on lands of other persons.

(a) *Areas described.* It shall be unlawful to discharge a firearm from lands belonging to or occupied by another person without the written permission of the owner of such land, his agent, or the person in lawful possession in the unincorporated territory of the County described as follows: Beginning at the intersection of the center line of the Sacramento River and the southerly boundary of the County of Yolo; thence westerly along the southerly boundary of the County of Yolo to the center line of the Sacramento-Yolo Deep Water Channel; thence northerly along the center line of the Deep Water Channel to its intersection with the extension of the center line of Babel Slough; thence easterly along the extension of the center line of and center line of Babel Slough to its intersection with the center line of the Sacramento River; thence southerly along the center line of the Sacramento River to the point of beginning.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Persons set forth in subsection (b)of Section 12031 of the Penal Code of the State;

(2) The discharge of a firearm by persons on land owned by the United States of America, the State, or the County;

(3) Persons necessarily acting in the lawful defense of persons or property; and

(4) The discharge of firearms on the premises of any shooting gallery, practice range, skeet field, or other similar place conducted at a fixed location, either indoors or outdoors, and with respect to which adequate safeguards have been provided to protect persons and property from injuries. (§ 2, Ord. 900, eff. January 15, 1981)

Sec. 5-10.06. Violations: Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 3, Ord. 900, eff. January 15, 1981)

Cache Creek Parkway Plan & Illegal Camping

On November 20th, 2017, staff from the Natural Resources Division (Elisa Sabatini and Casey Liebler) met with Yolo County Homeless Services staff (Tracey Dickinson, Emily Meza, and Nadia Waggener) to discuss concerns regarding illegal camping and the Cache Creek Parkway Plan. These concerns were brought to the attention of Natural Resources staff by Cache Creek landowners at the November 4th, 2017 Parkway Plan Landowner Workshop #2. Recommendations coming from these preliminary discussions with the Homeless Services Division are as follows:

1) Adaptive Management

It was recommended that the Natural Resources Division develop an adaptive management strategy to guide operations and management of the Parkway properties. Three key components of the plan will include enforcement, maintenance (i.e. clean-up) and outreach services for people experiencing homelessness in the area. Natural Resources will preemptively identify the appropriate contacts for each of these services. For example, enforcement may involve a combination of park host services, landowner coordination and sheriff department resources. Maintenance may involve a combination of county personnel, park host services, and volunteers. Outreach may involve county personnel and sheriff department services. Currently, the magnitude of the homelessness issue along the Cache Creek, is projected to be small in scope. Whether new or increased problems will emerge is unknown. The Natural Resources and Homeless Services Divisions will work cooperatively to develop and implement an adaptive management strategy with appropriate monitoring and reporting to allow for changes should the issue of homelessness or other concerns merit attention.

2) "Eyes on Site"

The Natural Resources and Homeless Services Division discussed the possibility of using the presence of park hosts to reduce the likelihood of people choosing to develop encampments on Parkway Plan properties. Having "eyes on site" will be helpful in discouraging the setup of illegal camps as users prefer camp locations that are less likely to be seen. Having a visible presence at the properties will deter the establishment of camps.

3) Services

In the event that an illegal camp is set up on a Parkway property, the Natural Resources Division will work with Homeless Services and the Sheriff Department to ensure that the camp is removed and that street outreach services are offered to the individual(s). These efforts will be focused on learning more about the individual(s) and ensuring that they are connected with appropriate health and human services.

4) Pre-emptive Training and Procedures

As a component of developing the adaptive management strategy, the Natural Resources Division will consult with County Counsel and the Sheriff Department to put into place in advance appropriate procedures, ordinances, and referral processes to properly and promptly address removal of any illegal encampment.