



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

April 9, 2009

FILE #2002-001: Proposed extension of time of one year for Tentative Parcel Map #4565 (Dunnigan Truck and Travel Center) approved on January 6, 2004 to divide a 100 acre parcel in Dunnigan into four parcels and a remainder parcel (**Attachment A**).

APPLICANT: Mel Smith/Jerry Burger
Grant Park Development
P.O. Box 61
Paso Robles, CA 93447

LOCATION: Southwest corner of I-5 and County Road 8 in Dunnigan (APN: 052-060-11) (**Attachment B**)

GENERAL PLAN: Commercial

ZONING: Highway Services Commercial-Planned Development (CH-PD)

SUPERVISORIAL DISTRICT: 5th

SOILS: Tehama (TaA) loam (Class II), Rincon (Rg) silty clay loam (Class II), Arbuckle (AaA) gravelly loam (Class II), and Yolo (Ya) silt loam (Class I)

FLOOD ZONE: A and C

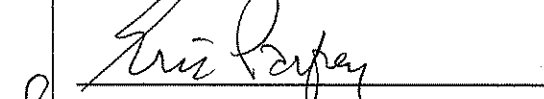
FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:


Donald Rust, Principal Planner

REVIEWED BY:


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed extension of Tentative Parcel Map #4565;
2. **ADOPT** the recommended Findings (**Attachment D**); and
3. **DENY** the proposed time extension of the Tentative Parcel Map # 4565.

REASONS FOR RECOMMENDED ACTIONS

The Tentative Parcel Map for this project was approved over five years ago. Despite three previous extensions, the applicant has yet to complete several conditions of the Tentative Map, including several key provisions relating to highway improvements, wastewater treatment, and the provision of a performance bond. According to State officials, the wastewater treatment approval process will not be completed until early 2010 at the earliest.

Given the slow pace of progress thus far, staff is concerned that at least some aspects of the proposed subdivision and related improvements could ultimately be incompatible with the infrastructure and improvements of surrounding future land uses. Full completion of all phases of the project will take several years under the best of circumstances and may require coordinating improvements with up to five different phase developers. In the intervening time, however, the surrounding area is expected to be the subject of a comprehensive specific plan and related development effort that will, among other things, provide an infrastructure network—including a municipal water and wastewater system—that serves the entire town.

In addition, the applicant argues that they are not obligated to provide the required performance bond for the cost of public improvements to service the first phase of development. The applicant's unwillingness to provide a performance bond for the project may place the county at risk, as well as create public safety issues, if the developer cannot complete the infrastructure improvements. Approving an extension of the Tentative Parcel Map in this situation would frustrate, rather than promote, the purposes of the Map Act and related provisions of the Yolo County Code.

For the reasons stated above, staff strongly recommends that the Planning Commission deny the requested extension.

BACKGROUND

Project Description

The applicant has proposed a fourth one-year time extension for Tentative Parcel Map TPM # 4565 the Dunnigan Truck and Travel Center (DTTC) Master Development project, originally approved by the Board of Supervisors on January 6, 2004. The TPM consists of 4 parcels, and remainder parcel, that are to be subdivided from a 100-acre parcel for the purpose of developing a highway commercial project (**Attachment A**). The four parcels consist of the first four phases of the project (totalling 45 acres), with the remainder parcel (Phase 5, 55 acres) to be developed at a later date. A Planned Development Master Plan was adopted for the project, which contemplated a phased development.

The original plan for the project envisioned Phase 1 (13 acres) being developed as a travel center providing truck, RV and auto fueling, a fast food restaurant, a convenience store, truck supplies, a truck drivers' lounge, and overnight truck parking. Phase 2 (the next 12 acres) would include a tire store, a truck wash, travel oriented retail shops, a lounge and restaurant, and more overnight truck parking. The third phase (10 acres) would include another restaurant, a 60-room motel, and parking. The fourth phase (10 acres) would include a new and used truck dealership, parts, and repair services. There are no development plans at this time for the remainder parcel (55 acres).

History

This is the fourth one-year time extension application for this project. Under the Subdivision Map Act, a Tentative Parcel Map can be extended for one year increments, up to a maximum of eight

years. The Planning Commission granted the first one year extension on March 9, 2006.

The Planning Commission considered a second one-year year extension on March 9, 2007. At the conclusion of the hearing on March 9, 2007, the commission voted to continue the matter for a period of 60 days and directed the applicant to complete six actions. The actions included completion of fencing and signage at the existing wastewater treatment ponds; constructing monitoring wells; obtaining approval from the Regional Water Quality Control Board (RWQCB) of a Workplan to prepare a Report of Waste Discharge for the proposed Dunnigan Truck and Travel Center and another related Grant Park development; submission of a Master Landscaping and Irrigation Plan to the county; and posting a performance bond with the County for the full amount of improvements for the first phase of the project.

On May 10, 2007, the Planning Commission again reviewed the progress that had been made. By May, the applicant had complied with most of the items. The applicant met with RWQCB staff on March 20, 2007; completed the installation of fencing and signage at the existing wastewater treatment ponds; submitted a Groundwater Monitoring Well Installation Workplan to the RWQCB staff and completed construction of the monitoring wells; and retained an engineer to begin preparation of the Report of Waste Discharge, as well as conceptual plans for the expansion and upgrade of the wastewater treatment system. A Master Landscaping and Irrigation Plan was also submitted to the County. Following the public hearing, the Planning Commission approved the second one-year extension until January 6, 2008.

At the January 24, 2008, Planning Commission Meeting, staff recommended that a third extension be granted to allow the applicant additional time to complete the required actions by January 6, 2009, and the Planning Commission approved the recommended action. The Planning Commission's action included an intent that no further extensions would likely be granted (**Attachment E**).

On January 5, 2009, the applicant submitted an application for the fourth one-year time extension for tentative Parcel Map # 4565 and provided a check for all outstanding fees and the required fees for the time extension application in the amount of \$14,780.

STAFF ANALYSIS

To date, the applicant has not complied with the following conditions of approval (COA) for the Tentative Parcel Map, which require submittal of various plans and permits. A more detailed discussion of some of these issues is provided below.

1. COA B-12: Submit utility plans for street lights approved by PG&E.
2. COA C-2: Provide evidence of CalTrans approval of proposed work in state right of way shown on improvement plans. (A state encroachment permit would be acceptable evidence.)
3. COA C-3: Enter into a franchise agreement with the county for installation and maintenance of private utility facilities (sewer and water) in county right-of-way.
4. COA E-3: Submit construction plans for the wastewater treatment system.
5. COA E-4: Submit water supply system designed by licensed engineer.
6. COA C-2: Provide a performance bond (or other guarantee) for all on- and off-site infrastructure improvements along with a current (or updated) cost estimate.

Utility Plans

On August 17, 2007, the applicant submitted preliminary engineering plans for on- and off-site

improvements for the entire 100-acre project. The engineering plans have been reviewed and revised by the applicant to address the County's concerns. However, to date the developer has not submitted drawings to show how the underground 'dry' utilities (gas, electric, streetlight, and phone) will be installed.

Cal Trans Approval

In September 2008, Caltrans provided a letter to Laugenour & Meikle (Alice Jahn) regarding the status of the encroachment plan review (file# 0306-6MC0073) for the widening of County Road 8 and Interstate 5 freeway ramps at County Road 8 for the DTTC project. Per staff conversation with Don Schmitt, Office of Encroachment Permits on March 30, 2009, Caltrans is waiting for the applicant to provide the plan review and inspection fee in the amount \$7,283 and right-of-way dedication documents to obtain clearance of the Right-of-Way Division, in order to issue the encroachment permit.

Wastewater Treatment System Approval

The Dunnigan Truck and Travel Center project proposes to receive wastewater treatment and disposal service from Dunnigan Water Works, a private utility also operated by the applicant, which operates a series of evaporation ponds that serve the Country Fair Estates mobile home park on the east side of the I-5 freeway. The wastewater treatment system must be upgraded to serve the project. The applicant must submit a complete Report of Waste Discharge (RWD) to the Central Valley Regional Water Quality Control Board (RWQCB), to begin the State permitting process that would allow the expansion of the wastewater treatment plant to service the project, as well as a related Grant Park Development project on the other side of the I-5 freeway.

The applicant provided a revised RWD (Title 22) report to the RWQCB for their review. However, as indicated in a letter dated October 2, 2008, from Ms. Anne Olson to the applicant, the report also requires the California Department of Public Health (CDPH) to review and approve the report. The report was accepted by CDPH on March 4, 2009 with five (5) items that still need to be addressed by the applicant. In addition, Ms. Olson has reiterated that it would take RWQCB staff and the State board about nine months to process the RWD and schedule it before the State board for approval. It appears that the applicant will not be able to obtain the required permits from the RWQCB until December 2009 at the earliest, more likely the first quarter of 2010, due to the numerous projects currently ahead of the DTTC project. As a result, the applicant would require an additional extension request next year in order to complete this requirement.

Performance Bond

The county has required the applicant to provide a performance bond in accordance with the Subdivision Map Act, and Sections 8-1.903 and 8-1.1004 of the Yolo County Code. The required performance (surety) bond guarantees that the public infrastructure improvements will be installed per approved construction plans to the satisfaction of the county. Performance bonds are commonly used in the development of real property. The bond assures that if any unfortunate or unforeseen event prevented the developer from satisfactorily completing the public improvements (e.g., roads, storm water drain, sewer, water, lighting, etc.), that the county would be able to complete the needed improvements using the bond money. Without the bond, if the developer fails to complete the public improvements and abandons the project, the county would be liable for impacts to public health and safety of having unfinished and/or substandard work within the public right-of-way. Work to either complete the improvements or remove them would have to be done at county cost, which is particularly problematic in the current fiscal climate.

On January 30, 2009, the applicant's attorney, Charles Daugherty, send a letter to the County

Counsel regarding the overall process of the DTTC project and the desire of the applicant to record the Final Map. In the letter, Mr. Daugherty indicated that, in his opinion, his clients are not obligated to enter into an Improvement Agreement or required to provide a performance bond as part of the DTTC project.

On March 3, 2009, a meeting has held to discuss the letter dated January 30, 2009. In attendance were County Counsel staff, Planning and Public Works staff, the applicant, the applicant's legal counsel, and Peter Sihdu, a preliminary buyer of Parcel 1 (Phase 1 of the master development) and his legal counsel. During the meeting, County Counsel indicated that they have reviewed Mr. Daugherty's letter along an opinion by the State's Attorney General and related provisions of the Subdivision Map Act. County Counsel agreed that the County cannot require the applicant to provide an Improvement Agreement for the project. However, County Counsel also concluded that the requirement for the performance bond is enforceable, pursuant to the Subdivision Map Act and provisions of the Yolo County Code (in particular, Section 8-1.1004). The applicant and Mr. Sihdu indicated at the meeting that they would confer and provide a proposal to address the performance bond requirement and related improvements.

The first phase of the Dunnigan Truck and Travel Center is a proposed Chevron truck stop facility on 13 acres, to be constructed by Peter Sidhu. Mr. Sidhu has entered into escrow to purchase the 13-acre property from the applicant. The applicant has previously indicated to the Planning Commission and staff that Mr. Sidhu has also agreed to put up a security bond to cover the amount of the first phase on-site improvements, which is estimated at approximately \$3.4 million. To date, the specifics of this arrangement, and the form of the bond, have not been provided to staff. Nor has Mr. Sidhu indicated that he is willing to provide a bond in any amount.

On March 27, 2009, the applicant's attorney provided a response to the county's request for a formal proposal to resolve the outstanding issues. However, the letter reiterated Grant Park Development's position as stated in the January 30, 2009 letter, that a performance bond cannot be required. Staff continues to strongly disagree with Mr. Daugherty's position.

AGENCY COMMENTS

The Dunnigan Advisory Committee voted 11-3-0 to recommend approval of the time extension at their meeting of January 15, 2008.

ATTACHMENTS

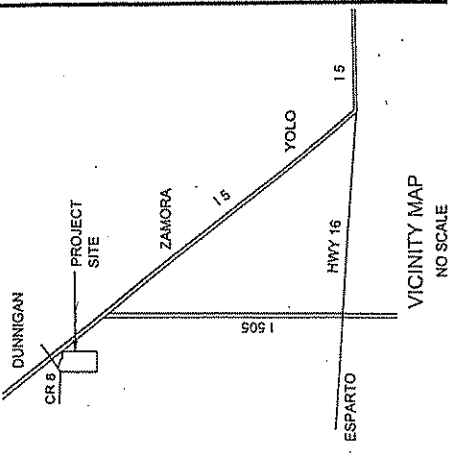
- A:** Tentative Parcel Map #4565
- B:** Vicinity Map
- C:** Original Conditions of Approval
- D:** Findings
- E:** Planning Commission minutes from the January 24, 2008 meeting
- F:** Correspondence

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ATTACHMENT A

Tentative Parcel Map #4565

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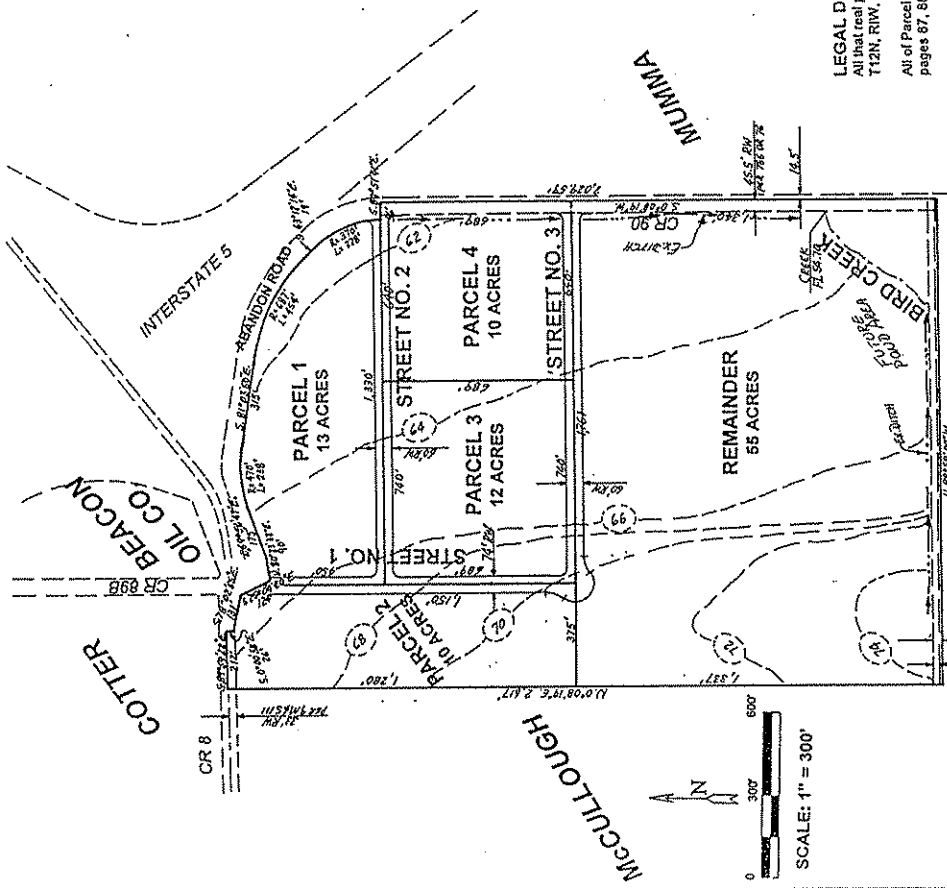
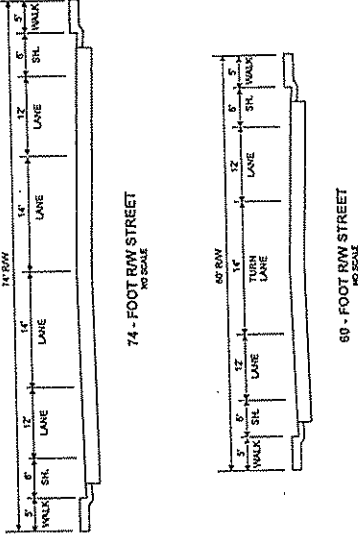
OWNER AND SUBDIVIDER:	Grant Park Development c/o Mel Smith P.O. Box 61, Paso Robles, CA. 93447
ENGINEER:	Richard Chambers, RCE 24608 NK Engineering & Surveying Co, Inc. 724 "C" Street Davis, CA. 95616
NO OF LOTS:	4 lots and a remainder
AREA:	100 AC
LAND USE:	Existing is one lot and Proposed are 4 lots and a remainder
ZONING:	Existing and Proposed is HSC/1D
SERVICES:	Gas & Electricity by PG&E, Drainage is private, Water & Sewer is by Dunningan Water Works, telephone is Pacific Bell
FLOOD ZONE:	All in zone C except Bird Creek is zone A
AP. NO.:	52-060-11

NK
ENGINEERING AND SURVEYING CO., INC.
724 "C" STREET
DAVIS, CA. 95616

TENTATIVE PARCEL MAP NO. 4565
GRANT PARK DEVELOPMENT

DESIGNED BY: *RWC*
DRAWN BY: *EAD*
DATE: 12/11/11
SCALE: 1" = 300'

APPROVED: *Richard Chambers, RCE 24608*
DRAWING NO.: 20112-11
SHEET: 1



LEGAL DESCRIPTION
All that real property in the County of Yolo, State of California, being in Section 27, T12N, R1W, MDN described as follows:
All of Parcel 2 of Parcel Map No. 3957 as recorded in Book 10 of Parcel Maps on pages 87, 88 and 89 of Yolo County Records.

- NOTES:**
- The existing trees and contours along Bird Creek in the southeast corner of the site are not shown.
 - The project site drains to the east. The drainage ditch on the west side of CR 90 will carry runoff to Bird Creek. There is an existing drainage ditch along the southern property line that carries storm water to Bird Creek. A drainage pond will be constructed in the south east corner of the remainder Parcel to retain runoff and release it at the existing runoff rate into Bird Creek. See the PD standards for additional details on public facilities and services, design standards, and phasing.



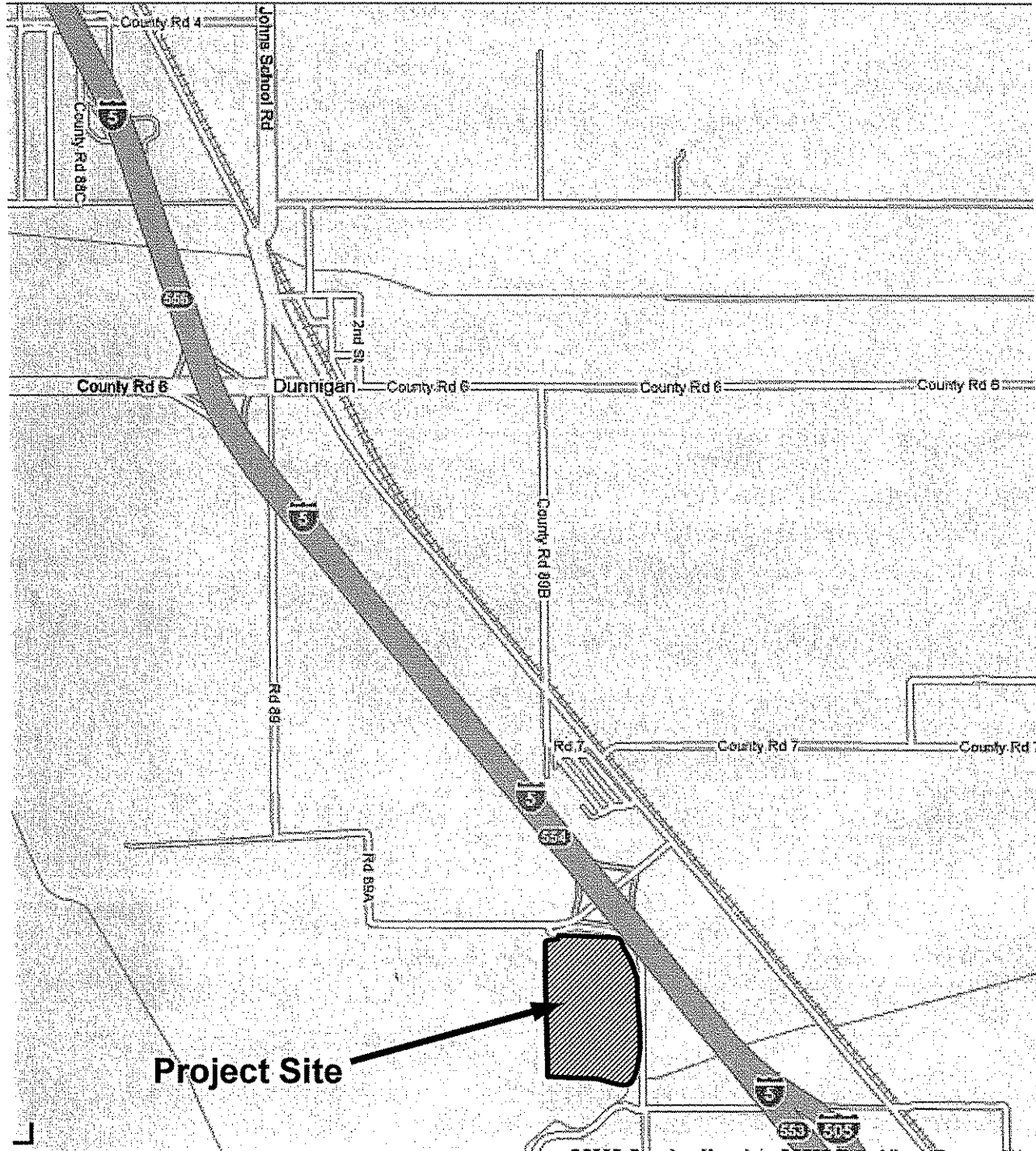
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ATTACHMENT B

Vicinity Map

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VICINITY MAP



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ATTACHMENT C

Original Conditions of Approval

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MOTION: McGowan. SECOND: Yamada. AYES: Thomson, Sieferman, Jr., Yamada, Pollock, McGowan.

Agenda Item No. 44
Vacation of Bridge over Bretona Creek

Minute Order No. 04-12: Continued public hearing to January 27, 2004 at 10:00 a.m. to consider Resolution to vacate a small segment of county Road 90A from the east side of the bridge over Bretona Creek to the western terminus (dead end) and remove the existing bridge.

MOTION: Pollock. SECOND: Yamada. AYES: Thomson, Sieferman, Jr., Yamada, Pollock, McGowan.

Agenda Item No. 45
Dunnigan Truck and Travel Center

Received an overview from the Planning and Public Works Department regarding a Development Plan for the Dunnigan Truck and Travel Center.

The Board of Supervisors recessed at 10:55 a.m. and reconvened at 11:05 a.m. All members were present. Chair McGowan presided.

Minute Order No. 04-13: At the conclusion of a public hearing to consider a Planned Development Establishment, Tentative Parcel Map (TPM#4565) and Conditional Use Permit for the Dunnigan Truck and Travel Center, Planned Development in Dunnigan, the Board took the following action:

- A. Adopted the Tiered Mitigated Negative Declaration, Tiered from the Certified Dunnigan General Plan and Specific Development Projects Environmental Impact Report (EIR)(SCH#93053066), prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.
- B. Adopted the Mitigation Monitoring and Reporting Plan implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) Guidelines.
- C. Adopted and authorized the Chair to sign Ordinance No. 681.203, rezoning certain property from Commercial Highway Planned Development (C-H-PD) to Commercial Highway, Planned Development Fifty-Six (C-H-PD-56) for the Dunnigan Truck and Travel Center Planned Development.
- D. Adopted the Findings and the following Conditions of Approval for the Dunnigan Truck and Travel Center:

Conditions

A. PLANNED DEVELOPMENT FIFTY-SIX (PD-56) ARCHITECTURAL REQUIREMENTS:

1. All commercial buildings within the DTTC-PD shall be so arranged on the site to create "courtyards", where practical. Should the site design

preclude such arrangement, buildings should be linked visually through architectural style, colors and materials, signage, landscaping, and design details. Final design and architectural plans shall be submitted to the Planning and Public Works Director for review and approval prior to Building Permit issuance for each parcel. The design review submittal shall include, but not be limited to, the following:

- a) A detailed plot plan showing building footprint(s); driveway placement; parking areas; vegetation placement; fence locations and heights; sign locations; heights, and design; as well as any other structures and improvements;
 - b) Floor plans and elevations for all building sites;
 - c) Material board with samples of all exterior materials and colors, as well as a full-color architectural rendering of front elevations;
 - d) Landscape and irrigation plans indicating tree species, size, location, and planting and fencing details.
2. Design elements and architectural characteristics that should be incorporated into the DTTC-PD shall include:
- a) Variety of surface texture;
 - b) Wall articulations and relief such as awnings, trellises, etc;
 - c) A comprehensive sign program that is incorporated into the design of the project;
 - d) Significant landscaping that complements the buildings;
 - e) Incorporating reveals, recesses, projections, cornices, trim elements and other architectural features to provide visual interest;
 - f) Varying rooflines to break up the apparent mass of the buildings.
3. The DTTC-PD shall be so designed with a consistent architectural theme that employs elements to visually unify the buildings and signage for each parcel. Subsequent buildings constructed on individual parcels shall maintain the architectural character of the development.
4. Building elevations within the development shall be distinct and not appear as "Corporate franchise buildings". Architecture utilizing bright colors and materials to enhance visibility and a style that can be characterized as "generic" shall be discouraged. Buildings that are stylized in an attempt to utilize the building for advertising are also discouraged.
5. Exterior materials within the DTTC-PD should include masonry, plaster, stucco, textured block and brick. Other materials may be considered on a case-by-case basis.
6. Large areas of bright, intense colors shall also be discouraged. While more subtle colors usually work the best for the overall color, brighter accent colors are more appropriate for trim, windows, doors, and key architectural elements.
7. Roof designs for the DTTC-PD shall be integral with the architectural design of the buildings and shall not detract from that design. Roof materials should be functional, durable, and consistent with the quality of materials employed on the buildings they serve. Roof elements such as parapet caps, projecting cornices, and corner details should be used to define a roof. Roof mounted equipment shall be fully screened as seen

from the ground level through the use of architectural features (i.e. parapets, etc.)

8. Colors or logos identified with an individual company should be employed as accent features to a building and should not be incorporated as a main architectural feature.
9. All buildings within the DTTC-PD should be oriented with the main entrance toward the adjoining street. Siting exceptions may include buildings, which orient around parking or shared open space. The siting and design of buildings should also consider the appearance from the streets.
10. Where practical, all landscaping strips shall include landscaping berms, low wall and shrubs to screen the parking lots to help reduce the scale of the adjoining street. All interior vehicle landscaping should have a minimum dimension of six (6) by eight (8') foot planters.
11. The use of landscaping and accent paving shall be required of all parcels to beautify the project entrance as viewed from the street. The vehicular entrance to a project should be clearly defined and provide adequate site distance for vehicles and pedestrians. Designs shall include covered walks, seating areas, and other features to help create a pedestrian friendly experience.
12. Drive through facilities (fast-food, restaurants, etc.) must not face the public street. Stacking areas for vehicles shall be screened from view and be designed as an integral component of the on-site circulation system.
13. Vacant building pads shall be landscaped with hydro-seed, sod or other suitable plant materials until such time building construction commences.
14. All loading areas shall be located at the rear of a building where they will be screened from view and where noise, odors, and other potential nuisance impacts to surrounding properties may be minimized. Access to loading and storage areas should be incorporated into the circulation plan for the site and should provide separation from pedestrian and auto circulation.
15. Where practical, shared parking and common driveways shall be required.
16. All parking lots shall be designed in a manner that accommodates safe pedestrian access between buildings on the site and between buildings on the street. This can be accomplished through the use of separate walkways with textured paving, or trellises to accent and clearly define crosswalk areas and accent landscaping.
17. Trash receptacles must be fully enclosed with durable materials that are architecturally compatible with the design of the buildings. Enclosures must be landscaped and screened. Trash enclosures shall be conveniently located for collection and maintenance.
18. Service Station islands or other open canopies should be integrated architecturally and be compatible with the character of the building(s) on the site. Architectural design elements should include thick columns and

pitched roofs, which match the main structure on the site.

19. A comprehensive sign program for the entire DTTC-PD shall be required. Pole-mounted signs visible from the freeway shall consolidate multiple tenants onto a single sign face, where practical. The comprehensive sign program shall include recognition of the town of Dunnigan. Said signage shall be in accordance with Yolo County Sign height requirements. Such signage shall utilize a single monument sign on each frontage that identifies the overall name of the development. Signs for individual tenants shall be incorporated into the design of the project consistent with the guidelines of the sign program.
20. Signs shall be designed with permanent (non-changeable) graphics that are either back-lit or illuminated by means of recessed light fixtures at the sign base. Back-lit-sign letters fixed directly to the sign face are encouraged over cabinet signs or other types of lettering. Flashing or message-board signs are not allowed.
21. Monument type signs are preferred for business identification whenever possible. Individual pole signs are discouraged. Where two or more tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign at the front entrance identifying the businesses. Monument signs should be no taller than six feet and shall be integrated with landscaping around the base.

B. MISCELLANEOUS CONDITIONS:

1. The Final Map and construction plans shall comply with the Planned Development No. 56 Ordinance, as adopted by the Yolo County Board of Supervisors and contained in Zone File 2002-001. Each commercial establishment shall be subject to design and site plan approval by the Planning and Public Works Director in accordance with the adopted Dunnigan Truck and Travel Center, Planned Development Master Plan, Conditions of Approval and Mitigation Measures. The Master developer shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Measures contained herein. The Master developer shall comply with both the spirit and the intent of all applicable requirements of the Dunnigan General Plan, County Code, Conditions of Approval, and Mitigation Measures.
2. The Dunnigan Truck and Travel Center, Planned Development shall remain substantially consistent as proposed. Any subsequent substantive changes in the project (as determined by Yolo County) may only occur subject to approval by the Yolo County Planning Commission.
3. The project shall be constructed and developed, including, private and public improvements, in compliance with all Federal and State laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc, shall be operated and maintained by the individual property owner in such a manner, and with such frequency, to ensure

the public health, safety, and general welfare. 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.

5. The Master and Phase developers shall pay all appropriate fees prior to Building Permit Issuance, Final Inspection and Issuance of a Certificate of Occupancy subject to agencies of jurisdiction. Impact fees shall include, but not limited to: Pierce Unified School District fees, Dunnigan Fire Protection District fees, and County Facility fees.
6. The Master developer shall be responsible for the demolition and removal/abandonment of existing improvements on the subject site, including the abandonment of any wells and septic systems. All such demolition and removal shall be completed prior to the issuance of building permits for the subject properties.
7. The Master and Phase developers shall acquire any required permits from the Yolo/Solano Air Quality Management District for both mobile and stationary source emissions. Said permits shall be submitted to the Planning and Public Works Department prior to issuance of building permits.
8. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within seventy-five (75') shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. If human skeletal remains are encountered during construction, all work within seventy-five (75') shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American Heritage origin, the appropriate Native American community as identified by the Native American Heritage Commission shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
9. Concurrent with the submission of the Final Map, a Master landscaping and irrigation plan shall be submitted by the Master developer in accordance with the adopted Dunnigan Truck and Travel Center, Planned Development. Said Master landscaping plan shall be approved by the Planning and Public Works Director prior to the approval and Filing of the Final Map. The Master Landscape Plan shall provide heavy landscaping in agricultural setback areas, the proposed detention basin and wastewater ponds to provide a visual transition between the rural land uses and new development. Subsequent Phase developers shall submit site development landscaping and irrigation plans which comply with the Master Landscaping plan.
10. The Master developer shall restrict public access from adjoining

agricultural lands in order to deter trespassing onto adjoining agricultural properties from the public parking lots and pedestrian ways. The Master developer shall construct six-foot (6') high fencing, including berms and hedgerows, which shall enclose the site. Said fencing shall commence at the northwesterly property line in a southerly direction, thence, east along the southerly property line and terminate at the south side of Commerce Way. The design and materials of the fence shall be subject to approval by the Planning and Public Works Director. Plain Chain link fencing and fencing with slats shall be prohibited.

11. Prior to approval of the plans for the proposed hotels/motels, an acoustical report must be submitted which shows how interior noise levels would be kept at or below an Ldn of 45 dB in the motel/hotel rooms. Additionally, the motels/hotels should be laid out so that swimming pools and courtyard areas are shielded from the freeway noise by the buildings.
12. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with the County Service Area No. 11, minimum requirements. Street light locations and specifications shall be shown on the Improvement Plans and shall be approved by the Pacific Gas and Electric, County and CSA No. 11, prior to approval of the Final Map.
13. Prior to the Filing of the Final Map, the developer 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 a manner to the satisfaction of the Planning and Public Works Department.
14. 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.
15. The Master and Phase developers understand and agree that there is a jobs/housing balance raised in the Dunnigan General Plan EIR and that Program Three of Goal Two of the adopted Yolo County Housing Element requires the County to establish a housing trust fund to raise capital for the development of housing affordable to low- and very low income households. The Housing Trust fund will include a "nexus" study to determine the correlation between non-residential development and the need for affordable housing. The Housing Trust funds will be derived from a per square footage fee on all commercial and industrial development. The Master and Phase developers are aware that the County is in the process of developing such a study to determine how to implement the Dunnigan General Plan in a fair and appropriate manner. The Master and Phase developers are further aware that the out growth of such a study may be the creation of a funding mechanism to allow the County to levy fees for the construction of affordable housing. Should such a mechanism be established by the County, prior to the issuance of a Certificate of

Occupancy, the Master and Phase developers shall participate in an assessment district, or similar fair and appropriate mechanism, to provide funds for affordable housing in compliance with the Dunnigan General Plan and Yolo County Housing Element.

16. Prior to the recording of the Notice of Determination, the applicant shall submit assessment fees pursuant to Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4. Prior to the Filing of the Final Map, The developer shall mitigate for the loss of Swainsons Hawk habitat according to the California Department of Fish and Game Swainsons Hawk Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish and Game.

17. The Final Map shall be prepared on the Basis of Bearing being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8-1902(f) of the Yolo County Code.

18. The Final Map shall be prepared and recorded within two (2) years of approval of the Tentative Subdivision Map, unless an extension of time is approved by the Planning Commission.

19. The applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's 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 is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate 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 operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

20. **Failure to comply with the CONDITIONS OF APPROVAL as approved by the Board of Supervisors may result in the following actions:**

- non-issuance of future building permits;
- legal action.

C. ENGINEERING/BUILDING:

1. All building plans and grading plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Engineering and Building Standards prior to the commencement of any construction.
2. Prior to the approval of the Final Map, the Master developer shall

submit for review and approval, engineered design improvement plans for all on-site and off-site infrastructure and improvements, including design details of the proposed round-a-bout, which shall have a inscribed circle diameter of 190 feet, and all street and intersection improvements for Phase I-5 of DTTC. Concurrent, with the submission of improvement plans, the Master developer shall submit detailed cost estimates for all on-site and off-site infrastructure and improvements. Such cost estimates shall be of sufficient amount for construction of all required and proposed on-site and off-site public and private improvements including, but not limited to: grading, roadbase work, paving, sidewalk, curb and gutters, sewer, water and storm drainage infrastructure, signing and striping, lighting, landscaping and irrigation, fencing, and all necessary improvements required for infrastructure development. Said cost estimates shall also be accompanied by all necessary information (including a bond or other guarantee in the amount of the cost estimate to secure, implementation, and construction of all on and off site of improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code. Concurrently with the Final Map approval, the Master developer shall enter into an Improvement agreement with the County in accordance with Section 8-1.1003, securing completion of public improvements within an agreed amount of time.

3. Prior to Filing of the Final Map, the Master developer shall enter into a franchise agreement, or comparable legal authorization as required by County Counsel and Caltrans for the installation and maintenance of private utilities in the Public and State right-of-ways.
4. The applicant shall be responsible for installation and/or relocation cost of any public utilities required to service the project. Public Utilities shall be installed in accordance with adopted Uniform Code requirements and are subject to review and approval by Yolo County Engineering, Caltrans, Yolo County Building Division and utility service provider. Any utility easements required for the purpose of serving the project shall be obtained by, and the responsibility of, the developer (documentation, recordation, etc.) and are subject to review and approval by the Director of the Planning and Public Works Department prior to construction and/or grading of the project.
5. In accordance with Section 8-1.709 of the County Code, a preliminary soils report for the project site shall be prepared by a registered civil engineer and accepted by the County Building Official prior to the approval of the Final Map. If indicated by the soils report, a soil investigation for each lot shall be prepared by a registered civil engineer and accepted by the Chief Building Official prior to the approval and filing of the Final Map.
6. Prior to Final Inspection, the Developer shall furnish, install, pay all costs for water and sewer service connections and extensions to the existing main lines designed and constructed in accordance with the approved Improvement Plans and Standards and approved by the Yolo County Engineering Division, Caltrans and Yolo County Building Division.
7. Encroachment permits shall be obtained from the Planning and Public

Works Department and Caltrans prior to any work within the County and State right-of-ways.

8. Lots shall be graded to drain to the street. A complete hydrology/hydraulic report shall be prepared by a registered civil engineer and approved by the Planning and Public Works Director prior to the Approval and Filing of the Final Map. The report shall specify the starting water surface elevation where connection to the existing storm drain system is proposed. The report shall include specific verification that the existing storm drain system to which stormwater from this development will be added has the capacity to contain the additional stormwater flows from the development during a one-hundred (100) year, twenty-four (24) hour storm event, without adversely affecting other properties served by the existing storm drain system.
9. A stormwater drainage/flooding easement shall be granted to the public on the Final Map in the area of the detention basin. Surface drainage shall be designed to accommodate a ten (10) year, one (1) hour storm event. All drainage conveyances shall be designed to provide positive drainage. Surface drainage shall be designed to prevent flooding on surrounding properties, County and State rights-of-ways.
10. Concurrent with Final Map submittal, the developer shall submit complete engineered plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Said drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Planning and Public Works Director prior to Approval and Filing of the Final Parcel Map.
11. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to October 15 of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to October 15 of each year. Engineered grading plans shall be submitted to the Planning and Public Works Director concurrent with the Final Map.
12. Natural gas, electricity, cable TV, and telephone services shall be installed in a common utility trench, as specified by the Planning and Public Works Director, in cooperation with affected service providers. Standard 12.5 foot Public Utility Easements shall be granted adjacent to all public street right-of-ways.
13. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider. Where practical all electrical, cable TV, and telephone services shall be installed in a common utility trench. Electrical Transformers serving the property shall be effectively screened from the public way with landscaping or other effective means as approved by the Planning and

Public Works Director, in cooperation with affected service providers.

14. Any topsoil excavated during the construction of the project shall be stockpiled and used on the subject site. Topsoil shall not be transported from the site to any other property. Stockpiling of materials and vehicle parking areas shall be located at least 100 feet from County Roads and Interstate 5.
15. All internal roads shown on the Final Parcel Map shall be dedicated to Yolo County, in accordance with Article 9 of Title 8 of the County Code. All improvements within the County right-of-way shall be constructed to Yolo County Standards and to the satisfaction of the Planning and Public Works Director prior to the issuance of Building Permits. The proposed abandonment of County Road 90 shall not occur until such time road improvements serving adjacent properties and the DTTC-PD are completed.
16. Where sidewalks transition into curbs at intersections, a standard sidewalk ramp shall be constructed in accordance with Yolo County standards and Americans with Disability Act (ADA) requirements. All improvements shall be to the satisfaction of the Planning and Public Works Director.
17. The Master developer shall acquire all necessary right-of-way dedication for the project. Said right-of-way shall be shown on the Final Map and engineered improvement plans submitted for the project. Any necessary additional off-site right-of-way shall be the responsibility of the Master developer including acquisition costs. All necessary legal descriptions and exhibits for recordation shall be prepared by the Master developer and submitted to the Planning and Public Works Department.
18. Detailed internal parking and circulation plans for the project shall be submitted to the Planning and Public Works Department concurrent with grading and building permit application. Said circulation plans shall include details on anticipated circulation patterns, drive aisle locations, curbing, striping, directional signing, accent paving, etc. Proposed vehicle and RV/semi truck parking space quantities shall be reviewed by the Planning and Public Works pursuant to County Zoning Code Parking requirements. Any other site plan revisions as required shall be incorporated and submitted concurrent with the parking and circulation plan. Details and final layout of parking and circulation areas shall be reviewed and approved by the Yolo County Planning and Public Works Director prior to Building Permit issuance. Where appropriate, and as determined by the Planning and Public Works Director, internal access between parcels shall be provided.
19. At the discretion of the County, a reimbursement agreement may be prepared between the County of Yolo and the Master Developer for partial reimbursement of road and infrastructure improvements benefiting off-site properties. For the preparation of such an agreement, the Master developer agrees to provide a breakdown of the actual costs with verification thereof to the satisfaction of the Planning and Public Works Director prior to final acceptance of the DTTC-PD improvements. The developer agrees that the quantity and

formula are the fair and responsible amount of reimbursement based on benefit to other parties and total developed costs. The reimbursable amount, if any, will be based on the actual fees.

D. DUNNIGAN FIRE DISTRICT:

1. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be reviewed the Woodland Fire District and the Dunnigan Fire Protection District Chief prior to the issuance of Building Permits and shall be subject to review and approval by the Planning and Public Works Director.
2. The Phase developers shall obtain approval of a Hazardous Materials Business Plan from the County Health Department, prior to issuance of any Certificate of Occupancy.
3. All structures that are 5,000 square feet or more in size shall be constructed with approved NFPA 13 fire sprinkler protection in accordance with the Yolo County Fire Sprinkler Ordinance. Plans for fire sprinkler systems shall be submitted to the Woodland Fire Department Fire Prevention Office for review and approval. A plan review and inspection fee is required by the Phase developers at plan submittal.
4. Prior to the Issuance of a Certificate of Occupancy, building addresses shall be posted in accordance with CFC Article 9.
5. If required, the Master developer shall provide storage for fire flows for the development. This storage could be provided in ground-level bolted steel tanks located at a well site. Standby fire pumps would also be required to move the water into the distribution system. The exact size of the temporary storage tanks would be approved by the Woodland Fire District and Dunnigan Fire District during the design of the water system and are subject to review and approval by the Planning and Public Works Director.
6. Fire hydrants and fire flow requirements shall be provided in conformation with the Uniform Fire Code and shall be approved by the Woodland Fire District and Dunnigan Fire District Chief and the Director of Planning and Public Works prior to the issuance of building permits. In addition, prior to the issuance of Certificate of Occupancy, the Phase developers shall work with the Dunnigan Fire District to ensure that emergency response times to the project site are consistent with accepted State and/or industry standards.

E. PUC/RWQCB/ENVIRONMENTAL HEALTH:

1. The Master developer shall obtain a Construction Activities Storm Water Permit from the California Regional Water Quality Control Board prior to commencement of construction activities. Said permit shall be submitted to the Yolo County Planning and Public Works Department prior to the issuance of grading permits.
2. The Phase developers shall submit "Will Serve" statements for both water and wastewater from the Dunnigan Water Works concurrently

with the submission of Building permits.

3. Prior to the Filing of the Final Map, the Master developer shall submit to the Planning and Public Works Department and the California Regional Water Quality Control Board construction plans for the wastewater treatment system designed by a licensed civil engineer. Said plans should include, but not be limited to the following items: wastewater treatment study to determine wastewater treatment capacity; locations of ponds; fencing of ponds; chlorination; pond lining material; construction specifications and details; design calculations; geotechnical evaluation; facility maintenance and operations plan, schedules and personnel. Design considerations should include:
 - a) The DWW shall purchase sufficient land to permit the largest ultimate wastewater disposal ponds to be constructed when needed.
 - b) The DWW shall establish a buffer zone between residential uses and proposed wastewater facilities which should be maintained. No odor sensitive land uses (such as sludge) should be allowed to encroach within 150 feet of residential land uses.
 - c) The DWW shall provide heavy landscaping along the western border to provide natural odor masking by vegetation.
 - d) If sludge is to be air-dried on site, this activity should occur at the far eastern end of the facility putting maximum possible distance between drying sludge and residential land uses. If order problems occur from sludge drying on-site, sludge should be removed to an off-site location or mechanical dryers should be used.

A copy of said approval from the California Regional Water Quality Control Board shall be provided to the Planning and Public Works Department and the County Health Department prior to the issuance of any Grading and/or Building Permits for pond construction.

4. Prior to Filing of the Final Map, the Master developer shall submit a water supply system designed by a licensed civil engineer to the Regional Water Quality Control Board, Yolo County Environmental Health, Yolo County Planning and Public Works Department and Dunnigan Fire Protection District Chief. Said plans may include, but not be limited to the following items: domestic water supply wells; irrigation water supply wells; emergency water supply wells; well depths; well locations; construction specifications and details; design calculations; support design calculations, domestic well monitoring specifications; well geotechnical evaluation; water management plan and a facility maintenance and operation plan.

A copy of said approval from the California Regional Water Quality Control Board, Yolo County Environmental Health, and Dunnigan Fire Protection District shall be provided prior to the issuance of any Grading and/or Building Permits.

5. The Master developer shall obtain approval from the California Public Utilities Commission (PUC) for sewer and water facilities. The Master developer shall demonstrate to the PUC that:
 - a) Present and/or future customer demand exists and that the

- proposed water and wastewater systems are both technically and financially viable public utilities.
- b) Proposed revenues would be generated at a rate level not exceeding that charged for comparable service by other water purveyors in the general area.
 - c) The public utility would be self-sufficient (i.e. expenses would be supported without their being allocated between the proposed utility and other businesses).
 - d) The service provider would have a reasonable opportunity to derive a fair return on its investment, comparable to what other utilities are currently granted.
 - e) The service provider shall employ adequate staffing to operate the wells, distribution systems and storage tanks, and make repairs.

A copy of the PUC Certification shall be submitted to the Planning and Public Works Department prior to Filing of the Final Map.

- 6. The DWW shall irrevocably offer for dedication to the County any wells, equipment, and right-of-way used to supply water (groundwater and/or imported surface water) to developments; the project applicant, or the applicant's successor in interest shall operate and maintain such wells, equipment and right-of-way to supply the development with potable water in accordance with the rules and regulations of the State and the County in perpetuity; County may accept the subject well, equipment and right-of-way for operation and maintenance as part of a future community water system, if such a community system is developed in the future; and, payment to the project applicant for capacity of the well exceeding the requirements of the development for which the well was installed will be determined by the County. The County is under no obligation to accept such well, equipment and right-of-way for operation and maintenance.
- 7. All new well sites for the community water system shall be sited in coordination with the County Department of Environmental Health, in order to avoid potential contamination. The design engineer for any new community well shall establish the depth of solid casing for that well to limit draw down at nearby shallow wells. New community wells should not be located near enough to existing shallow wells to create draw down problems.

F. MITIGATION MEASURES (see attached Mitigation Monitoring and Reporting Plan)

- 1. All buildings shall comply with the seismic safety standards of the Uniform Building Code. This would include designing and constructing all new buildings to resist the effects of the maximum predicted shaking intensities (MM VI-VII) in compliance with the 1997 Uniform building code.
- 2. Subsurface utilities and pipelines shall be designed to accommodate minor differential displacements in areas underlain by unconsolidated

alluvial materials.

3. Concurrent with submission of the Final Map, the developer shall have a licensed geotechnical engineer conduct a detailed evaluation of the soil conditions for the project site. If expansive soils are determined to be present on the project site, the primary contractor shall employ standard engineering practices that would mitigate the effects associated with expansive materials. Any recommendations regarding soil preparation, structural setback requirements, foundation types, and site drainage made by the licensed geotechnical engineer shall be required as "Conditions of Approval" for the development of the project site.
4. As a component of the required engineered grading plans, the applicant shall submit a detailed erosion control plan for the specific development to minimize sedimentation in the Bird Creek channel. The plan should contain detailed measures to control erosion of stockpiled earth and exposed soil, provide for re-vegetation of graded slopes before the first rainy season and following construction, and specify procedures for monitoring of the plan's effectiveness. The plan shall include, but not be limited to the following:
 - a. Limit the amount of grading as much as possible during the design phase of the project.
 - b. Follow local grading ordinances and recommendations of the developers' geotechnical engineer during grading operations.
 - c. All construction and grading should be restricted to the dry season, April 15 to October 15. All stabilization measures required to provide at least temporary protection against erosion during the rainy season would be installed by October 15. If grading operations cannot be completed before the commencement of the rainy season, temporary erosion control measures shall be designed to intercept sediments and debris that may be eroded from the development site.
 - d. Provide for erosion control on all bare areas during the potential rainy season (October 16 through April 14).
 - e. Revegetate exposed soils as soon as possible after completion of grading and construction activities.
 - f. Leave existing vegetation undisturbed until construction is actually ready to begin.
 - g. Immediately revegetate (using drought tolerant, native, fire/frozen tolerant plants) all disturbed areas or otherwise protect them from both wind and water erosion upon the completion of grading activities.
 - h. Direct runoff away from all areas disturbed by construction.
 - i. Restrict the operation of vehicles or the riding of horses off of designated roads and trails.
 - j. Construct temporary sediment basins, sediment ponds, and silt traps and basins where needed for use during project construction.
 - k. Limit the wet weather of unpaved overflow parking areas to the extent necessary to avoid soil erosion and turf damage, and include inspection of the areas after each use to monitor their condition and ensure their readiness for the next time the areas are needed.

- I. Minimize the use of heavy equipment near drainageways to prevent destruction of the local ecosystem and to prevent addition of sediment to the drainageways.
5. To ensure that construction mitigation is utilized, final approval should not be given to the DTTC-PD project until the developer or contractor submits a satisfactory construction mitigation plan. This plan should specify the methods of control that will be utilized, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The construction dust mitigation plan should, at a minimum, include the following:
 - a) Provision of equipment and staffing for watering of all exposed or disturbed soil subsurfaces at least twice daily, including weekends, and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized.
 - b) Watering or covering of stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
 - c) Regular sweeping of construction area and adjacent street of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic.
 - d) Enforcement of a speed limit of 15 miles per hour for all construction vehicles when off pavement.
 - e) All materials transported by truck will be covered or wetted down.
 - f) All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded.
 - g) Suspension of earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes.
 6. A single-lane roundabout with an inscribed diameter of 190 feet shall be installed on County Road 8 at the project access point. The developer shall widen CR8, between the I-5 southbound ramps and the project access, to provide a four-lane section. The four-lane section of CR8 shall include two interior lanes that feed the roundabout at the western terminus and the CR 8 overpass of I-5 at the eastern terminus of the section; the outer lane on eastbound CR8 shall terminate at a right turn onto the southbound on-ramp to I-5, while the outer lane on westbound CR8 will terminate at a right turn onto CR89B. The existing portion of this segment of CR8 shall be resurfaced.

1.2(a) The intersection of CR8/CR99W shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane and an exclusive eastbound left turn lane.

1.2(b) The intersection of CR8/I-5 Northbound Ramps shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane, an exclusive eastbound left turn lane, and an exclusive westbound right turn lane.

1.2(c) The intersection of CR8/I-5 Southbound Ramps shall have a traffic signal installed and be widened to provide an exclusive

southbound left turn lane, an exclusive westbound left turn lane, and an exclusive eastbound right turn lane.

1.3(a) The intersection of CR8/I-5 Northbound Ramps shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane, an exclusive eastbound left turn lane, and an exclusive westbound right turn lane. The project shall also pay a fair share of the improvements required under the General Plan No Project scenario.

1.3(b) The intersection of CR8/I-5 Southbound Ramps shall have a traffic signal installed and be widened to provide an exclusive southbound left turn lane, an exclusive westbound left turn lane, and an exclusive eastbound right turn lane. The project shall pay a fair share of the improvements required under the General Plan No Project scenario and fund the installation of the exclusive eastbound right turn lane.

1.3(c) A single-lane roundabout shall be installed on CR8 at the project access point. The project should widen CR8, between the I-5 southbound ramps and the project access, to provide a four-lane section as described previously. The existing portion of the segment of CR8 shall be resurfaced.

The following table provides a preliminary mitigation plan for all of the improvements needed for the study intersections, including the mitigation plan described above for the Truck Stop Project. This overall mitigation plan is based on the DTTC-PD as well as the Auction Yard TIS. The table also shows mitigation previously conditioned on the development project at the northeast quadrant of the interchange.

MITIGATIONS	NE QUADRANT	TRUCK STOP	AUCTION YARD	37-ACRE HC
1. CR 8/I-5 SB Ramps				
Install 3-way Stop Sign		Phases 1&2		Reimburse (40%)
Install Traffic Signal		Phase 3 ¹		Reimburse (40%)
Install southbound Left turn lane		Phase 5		Reimburse (40%)
Install westbound left turn lane		Phase 5		Reimburse (40%)
Install eastbound right turn lane		Phases 1&2		Reimburse (40%)
2. CR 8/I-5 NB Ramps				
Install 3-way Stop Sign		Phase 3		Reimburse (40.5%)
Install Traffic Signal		Reimburse		

¹ Should the 37-acre Truck HC Parcel develop prior to Phase 3 of the Truck Stop Project, the project would be responsible for implementing this mitigation measure, with subsequent reimbursement from the Truck Stop Project.

Install northbound left turn lane		Phase I & 2		Condition
Install eastbound left turn lane		Reimburse 53.5%		
Install westbound right turn lane	Condition			
3. CR 8/CR 99W				
Install Traffic Signal			Condition	
Install northbound left turn lane			Condition	
Install eastbound left turn lane	Condition			
Install southbound right turn lane	Condition			
4. CR 8/Truck Stop Access				Reimburse (41%)
Install Roundabout		Phases 1&2		
5. County Road 8				Reimburse (41%)
Widen from I-5 to CR 89B		Phases 1&2		
Widen from I-5 to CR 99W	Condition			
6. County Road 99W				
Improve north of CR 8	Condition			
Improve south of Pilot Truck Stop			Condition	

7. All native trees with trunk diameters exceeding 12 inches and existing riparian habitat should be mapped as part of the Master landscaping plan submittal for the DTTC-PD. Said landscape plans should be reviewed to determine whether sensitive vegetation resources would be adversely affected by the proposed development plan, including construction-related impacts and long-term affects due to changes in drainage or irrigation. Treatment of trees to be preserved shall be addressed as a tree preservation component of the Landscape Plan for development. Standards contained in the tree preservation component of the Plan should include the following:
- a) Trees to be retained should be identified in the field through flagging or other obvious marking methods prior to any grading.
 - b) Tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
 - c) Paving within tree driplines should be prohibited or stringently minimized, using porous materials such as gravel, loose boulders, cobbles, wood chips or bark mulch where hardscape improvements are necessary for access in the vicinity of trees.
 - d) Trenching should be prohibited within tree driplines. Any

² Should phases 3-5 of the Truck Stop Project develop prior to the 37-acre Truck HC parcel, that project would be responsible for implementing this mitigation measure, with subsequent reimbursement from the 37-acre Truck HC parcel.

- required utility line poles within the dripline should be installed by boring or drilling through the soil.
- e) Landscape irrigation within tree driplines should be minimized. Turf or any landscaping with high water requirements should be prohibited. Permanent irrigation improvements should be limited to bubbler, drip, or subterranean systems.
8. Bird Creek and the proposed detention basin shall be preserved and enhanced as open space features and wildlife corridors. A minimum of 100 feet shall be provided from the top of both sides of the creek bank. Where well-developed riparian cover is absent, a mosaic of native riparian and upland species trees and shrubs shall be established along the creek corridors to provide protective cover for wildlife and enhance the habitat of the setback area. The creek preservation and enhancement effort should be a required component of the Landscape Plan, prepared by a Landscape Architect familiar with native plants and restoration of riparian habitat.
9. Any proposed modifications to the Bird Creek channels shall be coordinated with representatives of the CDFG and U.S. Army Corps to ensure that the concerns and possible requirements of both agencies can be easily incorporated in the proposed plans. Jurisdictional determinations and appropriate mitigation may be required subject to the provisions of Section 404 of the Clean Water Act and Sections 1601-1606 of the CDFG Code.
10. Future landscaping along riparian and wildlife sensitive areas and private developments within the DTTC-PD shall emphasize the use of native tree species to the extent possible. Suitable native species for use in landscaping improvements include: valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), live oak (*Quercus agrifolia*), Fremont cottonwood (*Populus Fremonti*), California buckeye (*Aesculus californica*), and Black Walnut (*Juglans hindsii*).
11. The applicant shall be required to consult with the California Department of Fish and Game to mitigate for the loss of Swainson Hawk foraging habitat in accordance with CDFG and Yolo County Habitat Mitigation requirements. A copy of the fully executed habitat management agreement with the CDFG shall be submitted to the Yolo County Planning and Public Works Department prior to the issuance of grading permits or initiation of site improvements, which ever occurs first.
12. A pre-construction survey shall be conducted by a qualified biologist and submitted to the Planning and Public Works Department. If raptor nests are encountered, an appropriate buffer zone shall be established based on topography, vegetation screening, and adjacent habitat, and construction activities shall be prohibited within the zone during the nesting season (nesting season is typically from May through August).
13. If identified, representatives from CDFG and USFWS shall be consulted to determine whether the nest tree or burrow shall be protected and a permanent buffer established to ensure future use or whether the nest site may be destroyed once the young have fledged.

14. The project applicant shall consult with the Dunnigan Fire Protection District and reach a mutual agreement that provides reasonable offsets for the project's impacts to fire protection services. Said agreement shall be based on the fee schedule proposed by the DTTC-PD or Fire District Impact Fee Study, when adopted.
15. The DTTC-PD Master Plan shall be amended to reflect the following:
 - a) The developer shall establish a Landowner Association for all parcel owners for maintenance of common private facilities including, but not limited to: detention basin, drainage improvements, landscaping, etc. within the DTTC-PD project area. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be operated and maintained by the property owner and/or the Landowners Association utilizing Best Management Practices, and in such a manner, and with such frequency, to ensure public health safety and general welfare.
 - b) All costs of ownership, operation and maintenance and replacement of private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be the responsibility of the property owner and/or the Landowners Association. The Landowners Association shall be adequately funded for the purpose of ongoing and long term maintenance of all facilities, improvements, infrastructure systems, equipment, common areas, etc., including the accumulation of a sufficient reserve funds for long-term major repair and/or replacement of the water well and service lines, sanitary sewer system, storm drainage system including detention basin, any private roads, common truck and automobile parking area and all other common facilities as necessary.
 - c) The Master developer shall submit developer CC&R's for review Prior to Filing of the Final Map; Recordation of CC&R's against each parcel shall occur concurrently with Filing of Final Map.
16. Prior to issuance of building permits, the phase developers shall submit construction plans which comply with the following minimum requirements for light and glare:
 - a) Outdoor night lighting shall be focused downward and/or shielded. Roadway and pavement surfaces should be selected to minimize upward reflected light.
 - b) All outdoor lighting should be turned off after 11:00 PM if not in use unless needed for safety and security. Safety and security lighting (except street lighting) can usually be at lower levels when the area is not at use.
 - c) A lighting design should attempt to conceal lights to avoid glare. When concealing lights, avoid placing lights too close to an object to avoid reflected glare.
 - d) Lighting fixtures should be selected that can be shielded, if a potential problem exists, after installation.

- e) Non-glare glass shall be used in all buildings to minimize and reduce impacts from daytime glare.
- f) Structure exterior materials shall be composed of a
 - g) minimum of 50 percent low reflectance, non-polished finishes.
 - h) Bare metallic surfaces on new structures shall be painted to minimize reflectance.
 - i) Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixtures. All light fixtures shall be installed and shielded in such a manner that not light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the County with certification that adjacent areas will not be adversely affected and that off site illumination will not exceed 2-foot candles.

E. Approved the following two conditions and directed Supervisor Lynnel Pollock and Supervisor Helen Thomson to finalize the language with County staff:

1. The Master and Phase Developers understand and agree that the petition adopted by the Local Agency Formation Commission (LAFCO) allows County Service Area Number 11 the ability to provide other urban services beyond lighting that may include, but not limited to: water and/or wastewater, storm water and road maintenance. The Master and Phase Developers are further aware and agree that the County may annex the Dunnigan Truck and Travel Center, Planned Development property into the CSA 11 to fund these urban services. Should annexation be sought by the County, the Master and Phase Developers shall waive any objection to the formation and/or extension of the County Service Area (CSA No. 11) and shall participate in the CSA 11.
2. The Master and Phase Developers understand and agree that the Policies and Goals of the Dunnigan General Plan and objectives of the Dunnigan Truck and Travel Center, Air Quality Section are aimed at mitigating Air Quality Impacts caused by the Dunnigan Truck and Travel Center. As such, the developer of Dunnigan Truck and Travel Center (Parcel 1) shall employ Best Available Control Technology (BACT) to reduce air emissions resulting from idling trucks. BACT shall include *IdleAire Technologies* or equivalent equipment to provide the truck stop with a computer-controlled service module that provides central heating, ventilation, air-conditioning (HVAC), high-speed Internet access, voice-over IP (VOIP) telephone connections and cable TV service to parked trucks.

F. Approved the Tentative parcel Map (TPM#4565) in accordance with the Conditions of Approval.

G. Approved the Development Plan for the Dunnigan Truck and Travel Center for Expansion Area 2 of the Dunnigan General Plan.

- H. Approved a Conditional Use Permit for the proposed expansion and upgrade of existing wastewater treatment facilities owned and operated by the Dunnigan Water Works (DWW), a privately owned, public water and wastewater purveyor.

MOTION: Pollock. SECOND: Thomson. AYES: Thomson, Sieferman, Jr., Yamada, Pollock, McGowan.

Agenda Item No. 37
Budget Scenarios

Minute Order No. 04-14: Took the following action relative to budget scenarios to mitigate potential state budget reductions:

- A. Received and filed the staff report.
- B. Considered the budget contingency scenarios.
- C. Discussed various methods for reducing the budget including a reduction in retirement benefits, furloughs, golden handshake, fundraising possibilities, review of the County's legislative platform, review of memberships and conferences, and increase in sales tax.
- D. Directed staff to provide a status report on the state budget crisis with the midyear budget monitor report on January 27, 2004.

MOTION: Pollock. SECOND: Yamada. AYES: Thomson, Sieferman, Jr., Yamada, Pollock, McGowan.

Agenda Item No. X-1
Cache Creek Resource Management Plan

Minute Order No. 04-15: Approved and authorized the Chair to sign letter to Assemblywoman Wolk and Assemblyman LaMalfa requesting urgent legislative action to reinstate Public Resources Code Section 2715.5 which provides for the Cache Creek Resource Management Plan (CCRMP) to be considered as a functional equivalent reclamation plan under the Surface Mining and Reclamation Act (SMARA).

MOTION: Pollock. SECOND: Yamada. AYES: Thomson, Sieferman, Jr., Yamada, Pollock, McGowan.

The Board of Supervisors recessed at 12:12 p.m. and convened in Closed Session on the following matters:

Conference with legal counsel-anticipated litigation
Initiation of litigation pursuant to Government Code
Section 54956.9(c) 2 case(s)

Threat to public services and facilities
Consultation with Sheriff's Department

ATTACHMENT D

Findings

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FINDINGS REGARDING THE DUNNIGAN TRUCK & TRAVEL CENTER (ZF 2002-001)

A. Introduction

The applicant for the Dunnigan Truck and Travel Center (DTTC) Master Development project (the "Project") has submitted an application to the County of Yolo for a fourth time extension for Tentative Parcel Map # 4565, originally approved by the Board of Supervisors on January 6, 2004. The proposed subdivision will divide a 100-acre parcel into four (4) single-parcels: Parcel 1 proposed as a 13-acre parcel, Parcel 2 proposed as a 10-acre parcel, Parcel 3 proposed as a 12-acre parcel, and Parcel 4 proposed as a 10-acre parcel, and a remainder parcel of 55 acres located at the southwest corner of Interstate-5 and County Road 8, in the Town of Dunnigan within the unincorporated area of Yolo County (APN: 052-060-11). The subdivision will proceed in a phased manner, with each parcel constituting a separate phase. The subject Final Map, representing the first phase, proposes to create a 13-acre parcel and 87-acre remainder. The completion of all required improvements associated with a particular parcel/phase is required prior to the recordation of a Parcel Map for the next parcel/phase.

B. California Environmental Quality Act (CEQA) Guidelines

In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of pertinent information in the public record and comments received, the project is exempt from further environmental review and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines.

C. Proposed one-year time extension of Tentative Parcel Map # 4565

In denying the time extension for the Project, the Planning Commission considers the factors set forth in Article 8 (Tentative Maps), as well as the applicable provisions of Articles 9 (Final Maps and Parcel Maps), and Articles 10 (Public Improvements) of Chapter 1 (Land Development), Article 20 (Planned Development (C-H/PD) Zone) of Chapter 2 (Zoning) of Title 8 of the Yolo County Code, and the Subdivision Map Act. The Planning Commission also weighs related issues of public health, safety and welfare, as reflected below. Altogether, for the following reasons and for those additional reasons set forth in the Staff Report and related testimony on this matter, the Planning Commission finds that considerations of public health, safety, and welfare support the denial of the requested extension.

1. The proposed subdivision, together with the provisions for its design and improvements is consistent with the General Plan.

The proposed commercial subdivision and Master Development Plan are consistent with the Dunnigan General Plan, Yolo County Development Standards, and Zoning Ordinance. The adopted Planned Development (PD) classification is a combining zone applied on parcels that have been determined to be suitable for the proposed development, subject to approved detailed development plans and/or regulations, pursuant to Planned Development regulations of the County Code. Development of the subject property will be in accordance with the adopted Planned Development Fifty-six (PD-56) Zone.

The Dunnigan General Plan delineates this subject site as Commercial Highway. Likewise, the subject property is within the Highway Services Commercial (C-H) Zone and includes a Planned Development combining Zone designation. The subject Final Map proposes uses compatible with the C-H/DP Zoning designation for the subject property.

Given the slow pace of progress thus far, however, the Planning Commission is concerned that the at least some aspects of the proposed subdivision and related improvements could ultimately be incompatible with surrounding land uses and improvements. As noted below, at least one more extension of the Tentative Parcel Map will likely be necessary due to permitting delays for expansion of the wastewater treatment plant. Many other conditions of the Tentative Parcel Map also remain unfulfilled. Accordingly, even the single new parcel associated with Phase 1 is not likely to be created for at least one more year (or longer). And in light of the applicants' apparent refusal to fund the improvements associated with that parcel, additional time—perhaps years—will pass before the next phase of the project can proceed.

Altogether, this means that full completion of the project could take several additional years even under the best of circumstances. In the intervening time, however, the surrounding area is expected to be the subject of a comprehensive specific plan and related development effort that will, among other things, provide an infrastructure network—including a municipal water and wastewater system—that serves the entire town. The applicants' apparent refusal to provide a bond for improvements associated with Phase 1, as well as their reluctance to enter into an improvement agreement, means that the County may have to coordinate development of the site with at least two (if the subdivider develops all improvements associated with subsequent phases) and perhaps as many as five (if the subdivider sells each parcel following its creation) separate parties over a period of many years.

Such a process would not only be unduly complicated, but could also lead to numerous incompatibilities with surrounding land uses and infrastructure. Denial of the requested extension is thus an appropriate means of avoiding such problems.

2. The conditional approval shall be valid for two years, within which time the final map may be presented to the Board for acceptance and recordation, or the parcel map may be recorded. Otherwise, the tentative approval shall expire unless a renewal is requested before such expiration date and is subsequently granted by the Planning Commission.

The Board of Supervisors originally approved the Dunnigan Truck and Travel Center (DTTC) Master Development project on January 6, 2004. The Planning Commission granted the first one-year extension on March 9, 2006. The Planning Commission considered a second one-year year extension on March 9, 2007 and approved the second one-year extension until January 6, 2008.

At the January 24, 2008, Planning Commission Meeting, staff recommended that a third extension be granted to allow the applicant additional time to complete the required actions by January 6, 2009, and the Planning Commission approved the recommended action. The Planning Commission's action included an intent that no further extensions would likely be granted.

3. A Performance (surety) Bond, as provided in Section 8-1.1004 of Article 10 of Chapter 1 of Title 8 and other provisions of the Yolo County Code, in an amount estimated by the

developer's engineer and approved by the Director of Public Works for the cost of public improvements.

The applicant has indicated on several occasions its unwillingness to provide a performance (surety) bond for the project. The performance bond guarantees that the public infrastructure improvements will be installed per approved construction plans to the satisfaction of the county. Performance bonds are used in the development of real property, the county has require the subdivider to provide a performance bond in accordance with the Subdivision Map Act, and Sections 8-1.903 and 8-1.1002 of the Yolo County Code. A performance (surety) bond assures that the county would be able to complete the infrastructure improvements if the subdivider fails to do so.

While the County could instead consider accepting a performance bond from the buyers of each parcel created by the project, it is not required to do so. And as no such offer has been made in connection with the first parcel to be created, it is clear that under the present circumstances no bond will be provided for the improvements that must be secured. Approving an extension of the Tentative Parcel Map in this situation would tend to frustrate, rather than promote, the purposes of the Map Act and related provisions of the Yolo County Code.

4. That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

All issues regarding health, safety, and general welfare of the project will be dealt in accordance with the appropriate regulatory agency prior to filing of a Final Parcel Map, issuance of a building permit, or occupancy of any commercial establishment. However, due to the applicant's unwillingness to provide a performance (surety) bond for the project, the lack of a bond and Improvement Agreement may place the county at risk, as well as creating public safety issues, if the developer cannot complete the infrastructure improvements. For the reasons stated under Item 3, above, the Planning Commission thus finds that denial of the requested extension is appropriate.

5. The plans and specifications for all improvements required to be installed by the developer in, over, or under any street or right-of-way, easement, or parcel of land where improvements are required or proposed for this project shall be submitted to the Director of Public Works for approval prior to submitting the final map.

The applicant has not completed the work necessary to satisfy various conditions of approval relating to this subject. Specifically, the applicant has not: (1) Submitted improvement plans for street lights to PG&E for review and approval; or (2) Submitted improvement plans to Caltrans for review and approval of proposed work in state right of way. The applicant has also stated that it will not provide a performance bond (or other guarantee) for all on and off site infrastructure improvements. Nor has it entered into a franchise agreement with County for installation and maintenance of private utility facilities (water supply and wastewater treatment systems) designed by a licensed engineer. All of these items are required prior to recording of the Final Parcel Map.

Pursuant to the Subdivision Map Act, the proposed time extension should be denied due to the failure—as well as the apparent refusal—of the applicants to meet or perform a number of specific conditions imposed by the Board of Supervisors on January 6, 2004, and the Planning Commission recommendation from the January 24, 2008 meeting.

6. A certificate of approval of any of the proposed improvements of concern to a water and sanitary or sanitation district within that will serve the subdivision.

The wastewater treatment system owned and operated by the applicants must be upgraded to serve the project. The applicant must submit a complete Report of Waste Discharge (RWD) to the Regional Water Quality Control Board (RWQCB), to begin the State permitting process that would allow the expansion of the wastewater treatment plant to service the project. However, the RWQCB staff from indicated that it would take RWQCB staff and the State board about nine months to process the RWD and schedule it before the State board for approval. It appears that the applicant will not be able to obtain the required permits from the RWQCB until December 2009 at the earliest, more likely the first quarter of 2010, due to the numerous projects currently ahead of the DTTC project.

Obtaining such permits, of course, is only the first step to completing the work necessary to upgrade the wastewater treatment system. In light of the numerous difficulties that have arisen to date in connection with this project, the Planning Commission is greatly concerned that the necessary upgrades will not occur in a reasonable timeframe thereafter. This concern is compounded by the applicants' apparent refusal to provide a bond guaranteeing the completion of such improvements, which raises the possibility that both the County and a future buyer of the site will have no recourse if the applicants are later unable to provide wastewater service.

ATTACHMENT E

Planning Commission minutes from the
January 24, 2008 meeting

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**Yolo County – Planning Commission
Minutes of the January 24 Meeting
AGENDA ITEM 8.2**

2002-001: Third Extension of Time of one year for Tentative Parcel Map #4565 to divide a 100-acre parcel into four parcels with a remainder parcel in the Highway Services Commercial-Planned Development (CH-PD) Zone. The site is located at the southwest corner of I-5 and County Road 8 in Dunnigan (APN: 052-060-11). A Categorical Exemption has been prepared for this project. Owner/Applicant: Burger/Grant Park Development (E. Parfrey)

Eric Parfrey, Principal Planner, gave the staff report, and answered questions from the commission. He introduced Wes Ervin, the Economic Development Manager for Yolo County.

Wes Ervin, Economic Development Manager, said he was brought in at the request of Planning and Public Works Director Bencomo, to work with the applicant, the Planning Division, and others, to help expedite and move this project forward as much as possible. He stated that, in the last eight or nine months, he has observed significant effort towards compliance with the conditions. Mr. Ervin advised that the sales tax revenues for this project would be about \$160,000 on an annual basis to the county.

Chair Bertolero opened the public hearing.

Jerry Burger, co-applicant, explained the project and expressed his concerns. He asked for an extension of time for the project, and requested that their parcel map be recorded. He introduced his co-applicant and partner, Mel Smith.

Mel Smith, co-applicant, spoke about the history of the project, and the reasons the one-year extension should be granted. He also asked that the parcel map be recorded and sent to the Board of Supervisors.

Commissioner Merwin reiterated that this is the third and final one-year extension for the project. He asked Mr. Smith if this is sufficient time to do what the county is asking. Mel Smith said, yes.

Deanna Kirkland, secretary for the Dunnigan Advisory Committee, said that she and the Advisory Committee think it's now time for staff and the applicants to proceed with this project, because Dunnigan needs the project, the county needs the revenue, and this project will help alleviate some of the truck traffic.

Erich Linse, resident of Dunnigan, recommended approval of the one-year extension, and pointed out that this project has outstanding business potential. He also expressed concerns about traffic circulation, parking, and drainage.

Chair Bertolero closed the public hearing.

Commissioner Merwin said he thinks it's appropriate to grant the one-year extension.

Commissioner Liu stated that the one-year extension should be granted, and that it's a very worthy development that will benefit the Dunnigan area. She asked that, in addition to the recommended actions, the information from Eric Parfrey's memo regarding past due fees, dated January 24, 2008, be added to the Conditions of Approval.

Commissioner Burton agreed that the one-year extension should be approved, and said he feels that the fees should be paid.

Commissioner Kimball agreed that the economic impact to this project is significant; however, she said the Planning Commission cannot approve a project that has conditions of approval that have not been met. She said she will approve the one-year extension, and expressed that she firmly believes that half of the bill should be paid.

Commissioner Peart concurred with his fellow commissioners. He said he supports the one-year extension, and hopes that the applicant can complete the conditions of approval by the January 6, 2009 deadline.

Chair Bertolero said he concurs with his fellow commissioners.

Commission Action

1. **HELD** a public hearing and received testimony on the proposed extension of Tentative Parcel Map #4565; and
2. **APPROVED** the third and final extension of time of one year for Tentative Parcel Map #4565 to January 6, 2009, with the recommended Condition of Approval, Findings, and Categorical Exemption;

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

CONDITION OF APPROVAL

1. As a condition of the one-year time extension, the applicant shall agree to pay at least one-half of the outstanding balance of staff time cost for the project that is owed to Planning and Public Works Department (currently \$14,780), within 30 days of the approval. The remaining payment of the outstanding bill shall be received before the Final Subdivision Map is submitted to the county for adoption at the Board of Supervisors. If the payment for at least one-half of the outstanding bill is not received by the county within 30 days of the time extension approval by the Planning Commission, this time extension shall be nullified and revoked, based upon non-compliance with the condition of approval.

FINDINGS *(A summary of 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 #2002-001, the Yolo County Planning Commission finds the

following:

California Environmental Quality Act (CEQA) Guidelines

1. In determining that the proposed Categorical Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of pertinent information in the public record and comments received, the ministerial project is exempt from further environmental review and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Additional Findings:

2. An extension of time shall be approved only when it is found that circumstances under which the subdivision map was granted have not changed.

The project as approved remains consistent with the current Dunnigan General Plan and the zoning of the property. There has been no change in the existing or proposed uses on the surrounding properties. In addition, no other information has been provided during the public hearing process that indicates any change in circumstances.

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ATTACHMENT F

Correspondence

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Law Offices of
Charles V. Daugherty
a Professional Corporation

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March 27, 2009

Robin Truitt Drivon
County Counsel
County of Yolo
625 Court Street
Room 201
Woodland, California 95695

Re: Dunnigan Truck and Travel Center-Tentative Parcel Map No. 4565

Dear Ms. Drivon:

Thank you for your letter of March 11, 2009. Unfortunately, after you had prepared your letter but before I had received it, I had a very productive call with your deputies, Phil Pogledich and Dan Cederborg. I think it is important that I reconcile that call with your letter to insure that all of the parties are on the same page.

As we discussed in our phone call, my client's position remains that, Grant Park Development (GPD) "the Subdivider" is not required as part of the tentative parcel map to complete any improvements or to provide the County with a bond for those improvements. The conditions of approval place that obligation, and correctly so, on the "Developers" for each phase of the project,

My client does not dispute the County's contention that improvement agreement(s) between the County and the Developers(s) to provide for completion of such improvements, may be required and in fact my client fully supports that approach, however my client is under no obligation to provide a performance bond or other security for the completion of improvements contained in a Developer Improvement Agreement and such agreements cannot be required prior to recordation of the Parcel Map.

On behalf of my client I have researched the Attorney General's Opinion cited by the County in your letter (a copy of which was provided to us at our March 3, 2009 meeting) and I can find no support for the County's conclusion from this Opinion that the County may require the posting of a bond covering the improvements for this project prior to the recordation of the parcel map. As a matter of fact the only authorities I can find that even cite this Opinion, are *California Real Estate 2d Digest Real Estate Sales s 116, (2008)*; and *Lincoln Place Tenants*

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Robin Truitt Drivon

March 27, 2009

Re: Dunnigan Truck and Travel Center-Tentative Parcel Map No. 4565

Page 2 of 4

Association v. City of Los Angeles 155 Cal App. 4th 425. Neither reference supports the opinion of the County but rather they each set forth the standard position of the Code that “In general, a local agency may not require that the construction of offsite and onsite improvements under the provisions of *Government Code section 66411.1* be completed prior to the recordation of a parcel map.”

In my reading of the AG Opinion there are only two instances, under which the County may require security prior to recordation of the parcel map. Those two instances are as follows:

1. Where the County has in place an “authorizing local ordinance” that provides the County with the authority to require security prior to recordation. As the Opinion clearly sets forth, *Government Code section 66499* provides no statutory mandate for such security and the security requirements of *Government Code section 66411.1* can only be used when there is an “authorizing local ordinance” that extends the security requirements of *section 66411.1* as such provisions pertain to the requirements for construction. If Yolo County has such an “authorizing local ordinance” my client has not seen it nor is it referred to in your letter. In reviewing the local ordinances for Yolo County, I found that Article 9 of the Yolo County Code deals specifically with Parcel Maps however there is no reference contained therein authorizing bonds for public improvements as a condition of issuing a Parcel Map. Article 10 of the Yolo County Code deals specifically with Public Improvements that the Developer (as opposed to the Subdivider) must install and that section is limited to “Final Maps” and not “Parcel Maps” which is consistent with the State’s Subdivision Map Act as it pertains to subdivisions of 5 or more parcels.
2. The other instance under which the County may, according to the AG Opinion, require security is where the improvements are not secured and the subdivider is no longer the owner of the parcel. Clearly that is not the case here. My client is the subdivider and is still the owner of the property.

My client, having satisfied the requirements set forth in the Conditions of Approval, has, under *Government Code Section 66498.1*, a vested right to proceed with the recordation of the parcel map and for the County to now add additional conditions such as requiring security for the improvements as a condition to issuance of the Parcel Map would seem totally contrary to the clear intent of *Government Code Section 66498.9* which states as follows:

By enactment of this article, the Legislature intends to accomplish all of the following objectives:

- (a) *To establish a procedure for the approval of tentative maps that will provide certain statutorily vested rights to a subdivider.*
- (b) *To ensure that local requirements governing the development of a proposed subdivision are established in accordance with Section 66498.1 when a local agency approves or conditionally approves a vesting tentative map. **The private sector***

Robin Truitt Drivon

March 27, 2009

Re: Dunnigan Truck and Travel Center-Tentative Parcel Map No. 4565

Page 3 of 4

should be able to rely upon an approved vesting tentative map prior to expending resources and incurring liabilities without the risk of having the project frustrated by subsequent action by the approving local agency, provided that time periods established by this article have not elapsed.

- (c) *To ensure that the local agencies have maximum discretion consistent with Section 66498.1, in the imposition of conditions on any approval occurring subsequent to the approval or conditional approval of the vesting tentative map, so long as that discretion is not exercised in a manner which precludes a subdivider from proceeding with the proposed subdivision. (Emphasis added)*

My client is therefore of the opinion that for the County, as the local agency, to now require the subdivider to provide a bond for the construction of the improvements when there is no existing enabling local ordinance, is a requirement that is simply frustrating the project and is precluding my client from proceeding with this proposed subdivision.

On the issue of my client's ability to post the bond as referenced on page 1, paragraph 4 of your letter please understand that to post the bond would require my client to pledge the land as security for the bond. To do that my client would first have to have a recorded Parcel Map and secondly once my client pledges the land then they would be unable to close the escrow with Mr. Sidhu as my client could not deliver clear title. While the bond requirement presents significant legal issues as set forth above, providing the bond from this standpoint is a procedural issue and not an issue of financial viability.

As you have correctly pointed out in the closing paragraph of your letter, the County may in fact "ultimately conclude that it is not appropriate to relax or otherwise modify any of the conditions of approval except as noted above." My client does not dispute that authority and in fact is most thankful that the County would even consider such a request for Mr. Sidhu's benefit however, the issues of the recordation of the parcel map and the relaxation or modification of the conditions of approval that are placed on subsequent Developers are not related issues. My client has a right to the recordation of the Parcel Map at this time regardless of the out come of the issues related to future Developer Agreements

My client will, in coordination with Mr. Arostegui's office, provide the County with a proposal concerning the relaxation or modification of the conditions of approval for the County's review but in the mean time, my client must insist that the County record the parcel map.

Robin Truitt Drivon

March 127 2009

Re: Dunnigan Truck and Travel Center-Tentative Parcel Map No. 4565

Page 4 of 4

Thank you for your attention to this matter and please call me should recordation of the Parcel Map present a problem at this time.

Sincerely yours,

Charles V. Daugherty

cc: Phillip J. Pogledich
Dan Cederborg
Grant Park Development
Anthony Arostegui
Jennifer Purski



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

March 4, 2009

PWS No. 5790005

Ms. Anne L. Olsen, P.E.
Water Resource Control Engineer
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

**RE: COMPLETE REPORT OF WASTE DISCHARGE, DUNNIGAN WATER WORKS
WASTEWATER TREATMENT FACILITY, YOLO COUNTY**

The California Department of Public Health (CDPH) has received the October 2, 2008 letter and reviewed the *Engineering Report for the Production, Distribution and Use of Recycle Water* ("Title 22 Report") for Dunnigan Water Works (PWS #5790712), published September 22, 2008. The CDPH finds the engineering report acceptable subject to the following the recommendations and concerns described below:

1. Waterline separation adjacent to the southern fenced and bermed reuse and overflow area will need to be at least 100 horizontal feet. According to Title 22, Chapter 16, Article 4, Section 64572.(f), new water mains shall not be installed within 100 feet of wastewater disposal ponds, which CDPH will consider classifying the overflow and reuse area.
2. Groundwater sources in close proximity (within 1,000-feet) to the wastewater treatment facility (WWTF) shall be monitored for raw water bacteriological quality monthly with analytical results that report in terms of presence or absence of total or fecal coliform, or E.coli in the sample, whichever is determined appropriate by the CDPH or its primacy agency.
3. Effluent from the WWTF will be sampled and analyzed for bacteriological activity daily to verify recycled water classification. According to Title 22, Chapter 3, Article 6, Section 60321, disinfected secondary-23 recycled water shall be sampled at least once daily for total coliform bacteria. The samples shall be taken from the disinfected effluent and shall be analyzed by an approved laboratory. This will be to determine if recycle water quality does not exceed a most probable number (MPN) of 23 per 100 milliliters in any of its results of the last seven (7) days for which analyses have been completed, or

have the number of total coliform exceed a MPN of 240 per 100 milliliters in any 30 day period.

4. Effluent from the WWTF directed to the southern reuse and overflow area passes near the Happy Time RV Park and County Fair Estates Mobile Home Park. To provide barriers/safeguards to prevent tie-ins with purple pipe, DWW shall have an ordinance in place to limit recycle water use as specified in Title 22, Division 4, Chapter 3, Article 3, Sections 30304(c), 60305(e), 60306(b) and 60307(b). Specifically, the Ordinance or Rules of Service are to designate disinfected secondary-23 recycled water for irrigation use.
5. Air gaps shall be used for backflow protection where potable water is used at sewer lift stations. A reduced pressured principle back flow prevention assembly may be provided in lieu of an air gap if approved by the water supplier and CDPH or its primacy agency.

If you have any questions, please contact me at (916) 449-5668.

Sincerely,



David R. Lancaster, P.E.
Sacramento District Engineer
Drinking Water Field Office

Cc:

Mel Smith, Owner
Grant Park Development, LLC

Kim Wilhelm, P.E., Chief
Northern California Drinking Water Section

Jeffery Stone, P.E., Chief
CDPH – Recycled Water Unit

Wayne Taniguchi
Yolo County Environmental Health Department

Eric Parfrey
Yolo County Planning Department

Heather O'Connell, P.E.
Water Resources Engineering Associates

Law Offices of
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January 30, 2009

Dan Cederborg
Asst. County Counsel
625 Court St, Rm. 201
Woodland, CA 95695

Re: Dunnigan Truck & Travel Center

Dear Mr. Cederborg:

This firm represents Grant Park Development (GPD) the company that applied for the parcel map for the Dunnigan Truck and Travel Center. That application came before the Board of Supervisors and their tentative parcel map was approved with conditions on January 6, 2004, a copy of which is attached hereto. The tentative map submitted by GPD and approved by the Board proposed a four parcel development with certain conditions for approval.

In September of 2006, GPD entered into an escrow to sell phase one of the projects to one Pritam Sidhu (Buyer) a Chevron dealer for installation of a Chevron branded truck and travel center on the site. The escrow is contingent upon the issuance of a Parcel Map for the project by Yolo County so that GPD may transfer clear title to the buyer. An issue has arisen between the GPD and the Buyer concerning the interpretation of certain key terms contained in the Board of Supervisors approval of January 6, 2004 and the attached conditions of approval. The matter was mediated between the Buyer and GPD on January 15, 2009, in Sacramento before JAMS mediator Don Person who crafted a solution to the matter that requires your input.

In a nut shell, the matter revolves itself around the differing code requirements between a Parcel Map and a Final Subdivision Map. In the Government Code if a division of land creates between two and four parcels, only a Parcel Map is required as opposed to developments of five or more parcels where a Final Subdivision Map is required. (Gov. Code, Section 66424) The difference of course is in the improvements required for each. Under an application for a Parcel Map, public improvements are not a requirement of subdividing the land they are a requirement for the development of the land. Unlike a Final Subdivision Map, security or improvements may not be required at recordation of a Parcel Map. (Gov. Code Sections 66418.1, 66411.1 (a), 66411.1 (b))

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Dan Cederborg
Asst. County Counsel
Re: Dunnigan Truck & Travel Center
January 30, 2009
Page 2 of 3

Unfortunately, in the approval of the GPD application the Board of Supervisors have used the term "Final Map" liberally through out the document leading to confusion by both planning staff and the Buyer. As you can readily see from the attachment, the Board starts off on the right foot. On the first page of the attachment (page 8 on the County minutes) the Board acknowledges that they are approving a "Tentative Parcel Map (TCM#4565" which is of course step one for approval of a Parcel Map for development of four or less parcels. It is after that that the problems start.

On page four of the attachment (page 11 of the County minutes) and from then on through out the document the Board refers to "the Final Map", an incorrect term that applies only to a subdivision of five or more parcels. On page 8 of the attachment (page 15 of the County minutes) the conditions of approval discuss the Master Developer's (GPD) obligations as "(including a bond or other guarantee in the amount of the cost estimate to secured implementation, and construction of all on and off site of (sic) improvements) in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code. Concurrently with the Final Map approval the Master developer etc, etc" As a consequence both the Buyer and members of the Planning Staff have apparently interpreted this reference to a Final Map as granting to the local authority the right to require the posting of a bond by GPD for the public improvements as a condition precedent to the recording of the Parcel Map. This of course flies directly in the face of Government Code Sections 66411.1 (a) and (b).

During the last two years, since the opening of escrow with Buyer, GPD have completed the long list of requirements contained in the conditions of approval and are basically ready to move forward with the Sidhu escrow.

On September 11, 2007, GPD submitted to Yolo County their final Parcel Map for approval. On September 4, 2008, County Surveyor Ken Misner returned the Parcel Map to GPD with "no further comments" thus leaving no reason at this point why the Parcel Map should not record. What my clients are seeking from the Office of County Counsel is your affirmation and concurrence that both GPD and the Mediator are correct in their position that Government Code Sections 66411.1 (a) and (b) are applicable and that the requirement for posting of a bond by GPD for public improvements are not a legal requirement for the issuance of the Parcel Map for this development.

The Buyer in this matter is readily able to post what ever bond is required for the public improvements associated with this project at the time he applies for a construction permit and

Dan Cederborg
Asst. County Counsel
Re: Dunnigan Truck & Travel Center
January 30, 2009
Page 3 of 3

has in fact submitted a sample letter of credit in a form approved by Planning Staff. Thus pursuant to the suggestion of the Mediator, Mr. Person, we are soliciting County Counsels' input so that this matter may be resolved.

Thank you in advance for taking the time to review this matter and I would enjoy discussing this matter with you in person at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charles V. Daugherty", with a long horizontal flourish extending to the right.

Charles V. Daugherty

cc: Wes Ervin
Economic Development Mgr.
625 Court St, Rm. 202
Woodland, CA 95695

cc: Robyn Truitt Drivon -
County Counsel
625 Court St, Rm 201
Woodland, CA 95695

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Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegg
Governor

2 October 2008

Mr. Mel Smith
Grant Park Development, LLC
5160 Road 99W
Dunnigan, CA 95937

COMPLETE REPORT OF WASTE DISCHARGE, DUNNIGAN WATER WORKS WASTEWATER TREATMENT FACILITY, YOLO COUNTY

I have reviewed the 12 August 2008 revised Report of Waste Discharge (RWD) for the subject facility, as well as the 22 September 2008 *Engineering Report for the Production, Distribution, and Use of Recycled Water* ("Title 22 Report"). The RWD contains the information that we requested in our 11 September 2007 letter, and is therefore complete.

As you may know, the California Department of Public Health is responsible for reviewing the Title 22 Report, and the Regional Water Board cannot adopt Waste Discharge Requirements (WDRs) until CDPH has approved that report and provided its recommendations to us. Pending CDPH approval, we anticipate that the Regional Water Board may consider revised WDRs for the facility in the first quarter of 2009.

If you have any questions, please call me at (916) 464-4740.

ANNE L. OLSON, P.E.
Water Resource Control Engineer

cc: Dave Lancaster, California Department of Public Health, Sacramento
Bruce Sarazin, Yolo County Environmental Health Department, Woodland
Wes Ervin, Yolo County Economic Development Department, Woodland
Eric Parfrey, Yolo County Planning Department, Woodland
Jerry Burger, Grant Park Development, LLC, Paso Robles
Heather O'Connell, Water Resource Engineering Associates, Ventura

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DEPARTMENT OF TRANSPORTATION DISTRICT 3

703 B Street
 PO BOX 911
 MARYSVILLE, CA 95901-0911
 PHONE (530) 741-4403
 FAX (530) 741-4236
 TTY (530) 741-4509



*Flex your power!
 Be energy efficient!*

September 8, 2008

0306-6MC0073

03-YOL-5-R23.79

Alice Jahn
 Laugenour & Meikle
 P.O. Box 828
 Woodland, CA 95776

Dear Alice Jahn

Your plans to widen County Road 8 and the Interstate Highway 5 freeway ramps are acceptable. We have the following comments on the Right of Way dedication:

RIGHT OF WAY ENGINEERING

RE: Exhibit Map 3146, Christopher W. Lerch PLS

1. True Point of Beginning is located on existing right of way line; move leader arrow and note to the top of the area of dedication to more clearly indicate the location of point.
2. Line 3 "L3" is also on the top line of the dedication area and needs to be moved to the top to better locate the line being described.
3. No access symbol line must be shown along new right of way line. ||| Example: line of course is continuous, not broken!

RE: Legal Description:

1. In the second paragraph replace the word "BEGINNING" with: "TRUE POINT OF BEGINNING is a point....."
2. Professional Stamp and signature moves to end of description; see legal jacket included in email correspondence 7/31/08, GM
3. Text of legal description starts and ends on sheets titled "EXHIBIT A" without company letterhead or other internal file information.
4. Remove "Containing 0.14 acres of land, more or less."
5. Remove "End of Description"
6. The first paragraph on second sheet shall read: "The basis of bearings and distances....." If, it is a true statement.

Laugenour & Meikle

September 8, 2008

Page 2

7. Add clause at end of description for no access and abutter's rights.

Place legal description text into Deed jacket provided. If you have any questions please contact Gay Mürdock @ 530-741-7372 or Dave Thibeault @ 530-741-5305

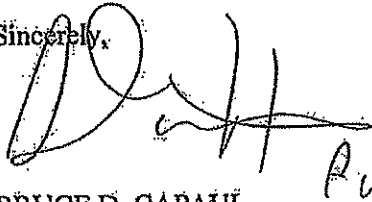
(Deed Jacket provided by electronic transfer (email) 7/31/08 to Laugenour and Meikle).

The total fee for review and inspection is \$8266.00. Your payment of \$984.00 is acknowledged. The balance due \$7282.00.

Upon receipt of the fee and notice from R/W that the dedication documents are acceptable and ready to be Recorded, the Permit will be issued and forwarded to you.

Refer to our file number 0306-GMC0073 on correspondence regarding this Permit. If you have any questions you may contact Don Schmitt at (530) 741-4407.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce D. Capaul', with a stylized flourish at the end.

BRUCE D. CAPAUL

Chief, Office of Encroachment Permits

cc Joe Koski, Permits