



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

PLANNING COMMISSION STAFF REPORT

May 14, 2009

FILE #2008-065 Use Permit for the construction and operation of a private hunting lodge and five cabins on property zoned A-P (Agricultural Preserve). The proposal includes a main hunting lodge and five two-bedroom cabins; a 3,000 square foot caretaker residence; and several accessory structures.

APPLICANT: Clark Sather
353 Folsom Street
San Francisco, CA 94105

OWNER: Roosevelt Ranch LLC
591 Redwood Highway, Suite
3215
Mill Valley, CA 94941

LOCATION: Corner of County Roads 12 and 97, approximately four miles west of Knights Landing (APN: 055-070-03) (**Attachment A**).

SUPERVISOR DISTRICT: 5 (Chamberlain)

GENERAL PLAN: Agricultural

ZONING: Agricultural Preserve (A-P)

SOILS: Yolo silt loam (Class I), Sacramento silty clay loam (Class III), willow clay, flooded (Class IV), Capay silty loam, flooded (Class IV).

FLOOD ZONE: A (inside the 100-year flood plain)

FIRE HAZARD AREA: None

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

REPORT PREPARED BY:

Craig Baracco

Craig Baracco, Associate Planner

REVIEWED BY:

David Morrison

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Mitigated Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment D**); and

4. **APPROVE** the Use Permit and Variance subject to the Conditions of Approval (**Attachment E**).

REASONS FOR RECOMMENDED ACTIONS

The proposed hunting lodge meets all the requirements of the County Zoning Code and General Plan. The proposed facility will provide for recreational use of the property, that is consistent, and compatible with surrounding agricultural uses, and the rural nature of the area. Due to the restricted nature of the site, and the number of buildings proposed, placing the caretaker's residence greater than 250 feet away from the main lodge is appropriate.

PROJECT DESCRIPTION

The project is a Use Permit application to build and operate a private hunting lodge and five cabins. The proposed building site is located within a 10-acre exemption to a conservation easement placed on the property in November of 2003, that comprises 2,660 acres of the Roosevelt Ranch property (**Attachment F**). Approximately 240 acres of the property is in active agriculture, and is currently planted in wheat. The total area of the Ranch is 2,900 acres. The proposed lodge and cabins are located within parcel #055-070-03, which has been designated for this project shown on the Location Map and Site Plan.

The proposed lodge facility includes a main living area with a kitchen and common rooms. Each of the five detached bedroom sleeper cabins will have two bedrooms and a bathroom, but no individual kitchen facilities. Septic facilities will be constructed for the buildings under permit from Yolo County Environmental Health.

In addition to the lodge and five cabins, proposed accessory structures shown on the Site Plan include a water filter shed, an electrical shed, a storage shed, and a water storage tank. Existing structures to remain on site include a 6,000 square foot barn and an 80-square foot water shed (well head).

The project will incorporate minimal exterior path lighting adjacent to the main lodge living area. Exterior lighting on the proposed structures will be used minimally as required for safety and security.

The owners, who consist of five separate families in a limited liability partnership, intend to stay at the residence, along with their families (and occasional family friends as guests) primarily on weekends throughout the year.

In the future, the owners plan to construct an additional three-bedroom ancillary dwelling to accommodate a full-time ranch manager. This caretaker's residence is proposed to be located more than 250 - feet from the main lodge building. The applicant's are asking for a variance for this requirement, due to the circumstances of the site. This caretaker's residence is sited within 250-feet of the existing barn, and will not disturb any actively farmed areas. There will be continual farming activity on adjacent parcels that are part of the Roosevelt Ranch, regular pest management, wetlands management, and general upkeep of the planned structures by the ranch manager.

Access to the site is controlled via a locked gate at the intersection of County Roads 12 and 97. The owners will continue to use this as the entry to the site, and proposed lodge and cabins, along with the existing gravel roads leading to the 10-acre developable portion of the easement.

Within this 10-acre building site, the owners propose to upgrade the existing gravel driveway and develop an open parking area to provide seven parking spaces.

Surrounding Land Uses and Setting: Land uses surrounding the site consist of agricultural lands characterized by row crops and rice cultivation. The nearest rural residence is over one mile from the proposed hunting lodge. The parcel is designated Agricultural by the Yolo County General Plan, is zoned Agriculture Preserve (A-P), and is currently in an active Williamson Act contract.

STAFF ANALYSIS

The proposed hunting lodge is allowed as a conditional use in the A-P as a form of "rural recreation." "Rural Recreation" is defined as outdoor sporting or leisure activities that require large open space areas, and do not have any significant detrimental impact on agricultural use of lands. Such activities that involve the construction of permanent buildings require the approval of a conditional use permit.

Variance. The proposed site plan places the caretaker's residence 484-feet from the main lodge. Second homes in the agricultural zone are normally required to be placed within 250-feet of each other. The applicant is requesting a variance to this requirement as part of their application, on the grounds that restrictions to the project site make them unable to meet the clustering requirement.

A number of restrictions are present on the site. The overall buildable area is restricted due to the conservation easement placed on the property, and the presence of wetlands and open water on much of the site. The need to fit the main lodge, five sleeper cabins, the necessary area for leach fields and replacement area, as well as integrate existing accessory structures into the site plan, severely limits the potential placement of the caretaker's residence.

Given the nature of the project, building restrictions on the site, and that no active farmland will be affected by the placement of the residence, staff supports granting of a variance for the caretaker's residence.

The following issues were examined in the course of reviewing this project through the environmental and development review process.

Williamson Act. The State Department of Conservation, in a response to this project, suggested that the proposed use is not compatible with the requirements of the Williamson Act. County staff does not concur with this analysis. The Williamson Act allows for both agricultural and open space uses of subject properties, and allows residences related to those uses. In this case, both the hunting lodge, cabins, and caretaker residence serve either the open space or agricultural use of the property, and are allowed under the Agricultural Preserve Zone and the Williamson Act.

Agriculture. Both the Yolo County Agricultural Commissioner and Yolo County Farm Bureau's, response to this project, expressed concerns about potential impacts to surrounding agricultural operations due to birds inhabiting the Roosevelt Ranch and damaging crops on neighboring properties. The Agricultural Commissioner recommended that conditions of approval be placed on the project to either ensure that migrating birds stay on the property, or that crop damage to surrounding properties is mitigated.

Such concerns are beyond the scope of this application. The existing wildlife habitat has been in place on this property for several years. The conservation easement was placed on this property in November of 2003. The proposed facility will not increase the number of birds on the property. No nexus exists between the Use Permit and the potential impact. Therefore, staff has not

included conditions of approval or mitigation measures to address the issue of crop damage from wildlife. Such issues could be examined as the Planning Commission considers regulation of wetland habitat creation and restoration projects.

Flooding/Safety. The entire site is in the A or 100-year floodplain. All project buildings will be required to elevate their lowest floor to one foot above base flood elevation. The Zamora Fire Protection District has expressed concerns over access to property during flood events. The fire district is requiring that the applicants sign a Hold Harmless agreement so that the fire district is not responsible for not being able to respond to a fire or medical event at the property during a flood event. This requirement has been included as a condition of approval.

Biology. According to a Biological assessment of the property, the project site is a potential Giant Garter Snake habitat as well as potential foraging habitat for Swainsons Hawk. Mitigation measures are incorporated into the project to ensure no potential harm come to Giant Garter Snakes found on the property as well as to mitigate for the loss of Hawk habitat. While no construction is proposed in wetland areas, the proposed project site is surrounded on three sides by wetlands and open water. A mitigation measure is included in the project to ensure there will be no impacts to surrounding wetlands due to soil erosion or siltation.

AGENCY RESPONSES

A Request for Comments was prepared and circulated for the proposed project from January 14, 2009, to January 28, 2009. The project was reviewed in a meeting of the County Development Review Committee on January 28, 2009. An Initial Study/Mitigated Negative Declaration was prepared and circulated from April 13, 2009 to May 13, 2009. The Yolo Zamora Citizen's Advisory Committee reviewed this project on March 23, 2009 and voted unanimously to recommend approval of this project. A summary of comments is provided below:

| AGENCY | COMMENTS | RESPONSE |
|----------------------------------|---|-------------------------------------|
| Yolo County Environmental Health | The applicant is required to seek approval from the Central Valley Regional Water Quality Control Board (CVRWQCB) to determine if there is a potential for the generation of liquid waste that would be detrimental to the groundwater resulting from the project's wine production activity. | Included in Conditions of Approval. |
| Zamora Fire Protection District | Concerns over emergency access during flooding. Require the applicants sign a Hold Harmless agreement. | Included in Conditions of Approval. |
| Yolo County Public Works | Grading greater than one acre will require a SWPP. | Included in Conditions of Approval. |

| | | |
|---------------------------------------|---|--|
| Yolo County Building Division | Applicant is required to obtain building permits and pay all applicable fees. | Included in Conditions of Approval. |
| Yolo County Agricultural Commissioner | Address crop damage due to migrating birds. | Discussed in <u>STAFF ANALYSIS</u> section above. |
| State Department of Conservation | Project not compatible with Williamson Act | Discussed in <u>STAFF ANALYSIS</u> section above. |

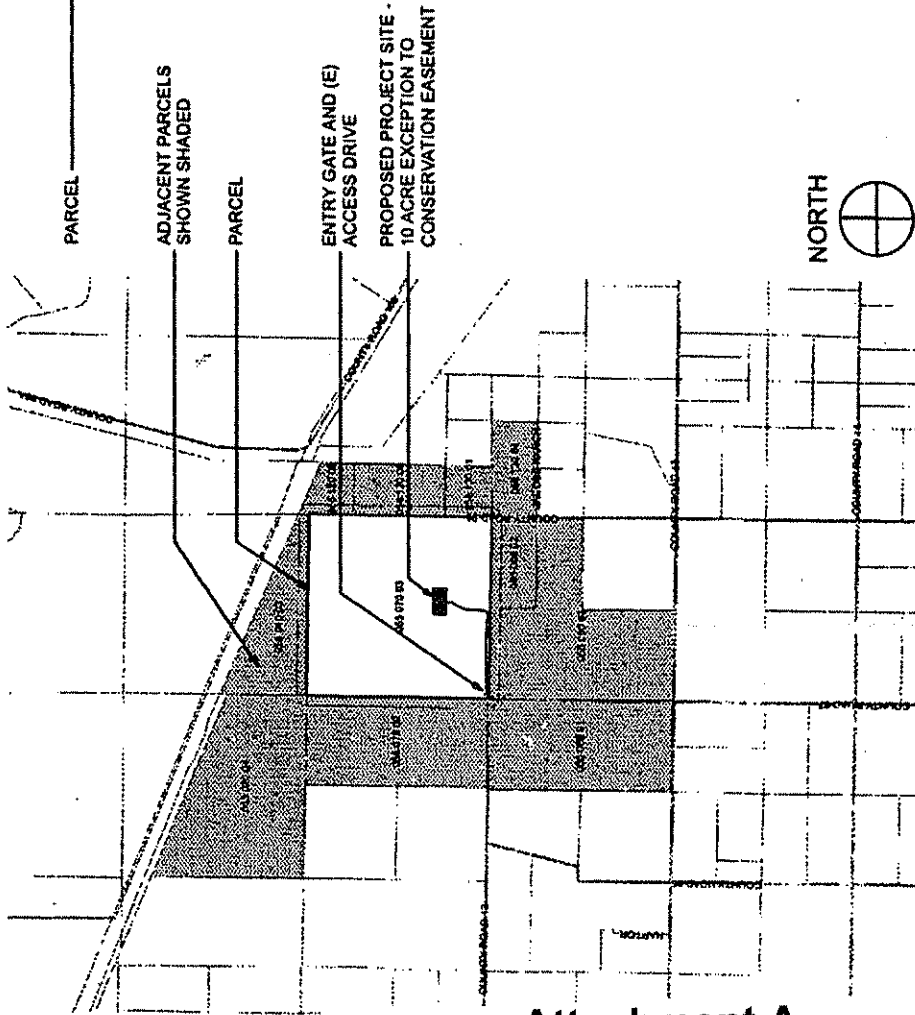
APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen days** from the date of the action. A written notice of appeal specifying the grounds for appeal and an appeal fee **immediately** payable to the Clerk of the Board must be submitted at the **time of filing**. The Board of Supervisors may sustain, modify, or overrule this decision.

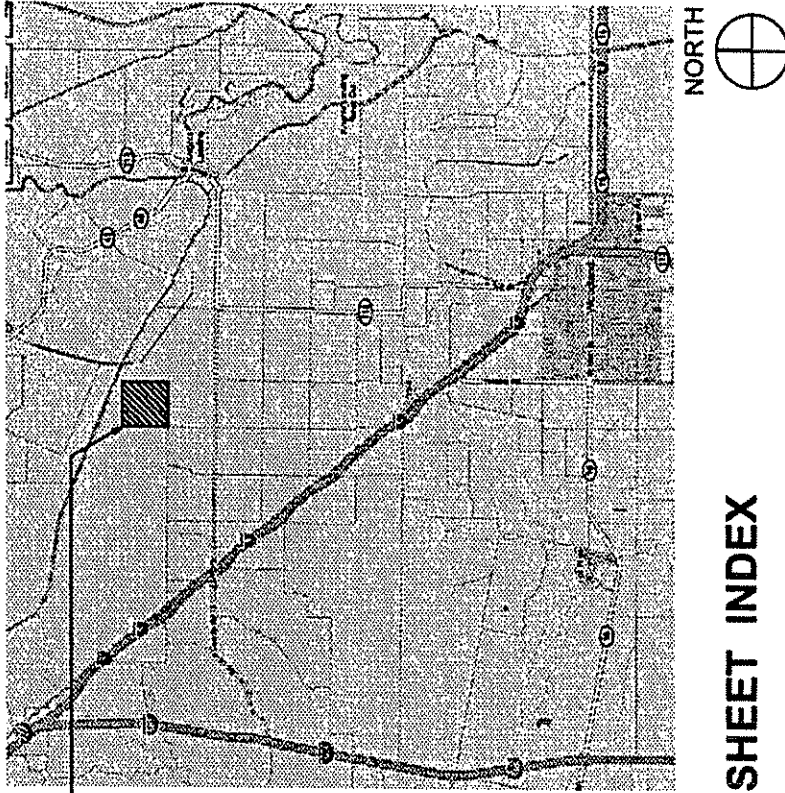
ATTACHMENTS

- Attachment A** - Project Location
- Attachment B** - Site Plan/Elevations
- Attachment C** – Mitigated Negative Declaration
- Attachment D** - Findings
- Attachment E** - Conditions of Approval
- Attachment F** – Existing Conservation Easement

LOCATION MAP
N.T.S.



VICINITY MAP
N.T.S.



SHEET INDEX

- A0.1 COVER SHEET
- A1.1 SITE PLAN
- A2.1 FLOOR PLAN
- A3.1 EXTERIOR ELEVATIONS

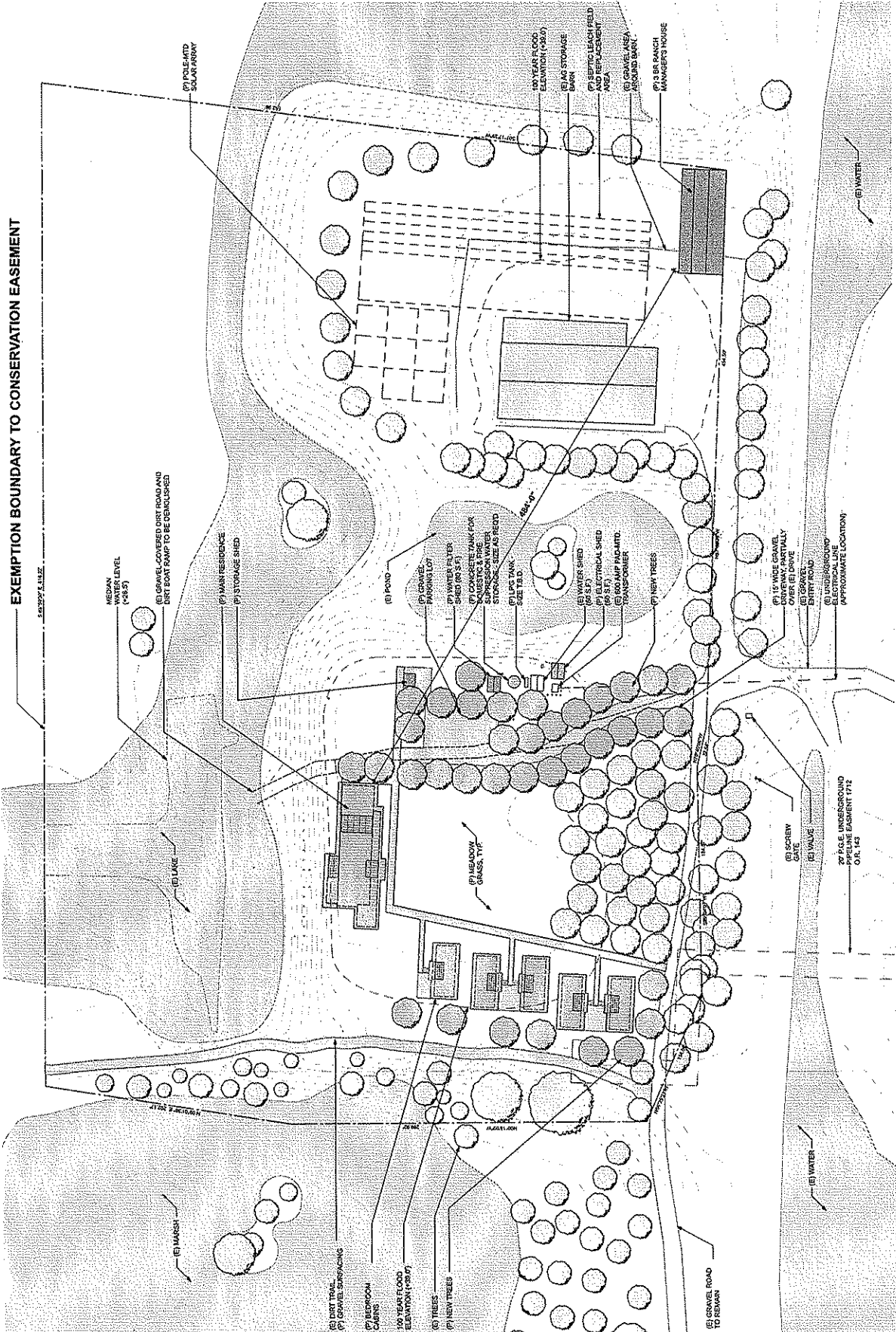


Walker|Worner
 ARCHITECTS
 252 Felton Street
 San Francisco, California 94102
 415.318.8900 Highline
 415.218.8939 Peninsula

ROOSEVELT RANCH
 A P N N 055-07-003
 YOLO COUNTY, CALIFORNIA

ISSUES:
 PLANNING CODE:
 ORDINANCE:

SITE PLAN
 SCALE: AS NOTED
 DATE: 01/11/17
 SHEET: **A1.1**



EXEMPTION BOUNDARY TO CONSERVATION EASEMENT



LEGEND
 (E) = EXISTING
 (P) = PROPOSED

1 SITE PLAN
 SHEET 17

Attachment B
 Site Plan/Elevations

THIS PLAN IS THE PROPERTY OF WALKER WORNER ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WALKER WORNER ARCHITECTS.

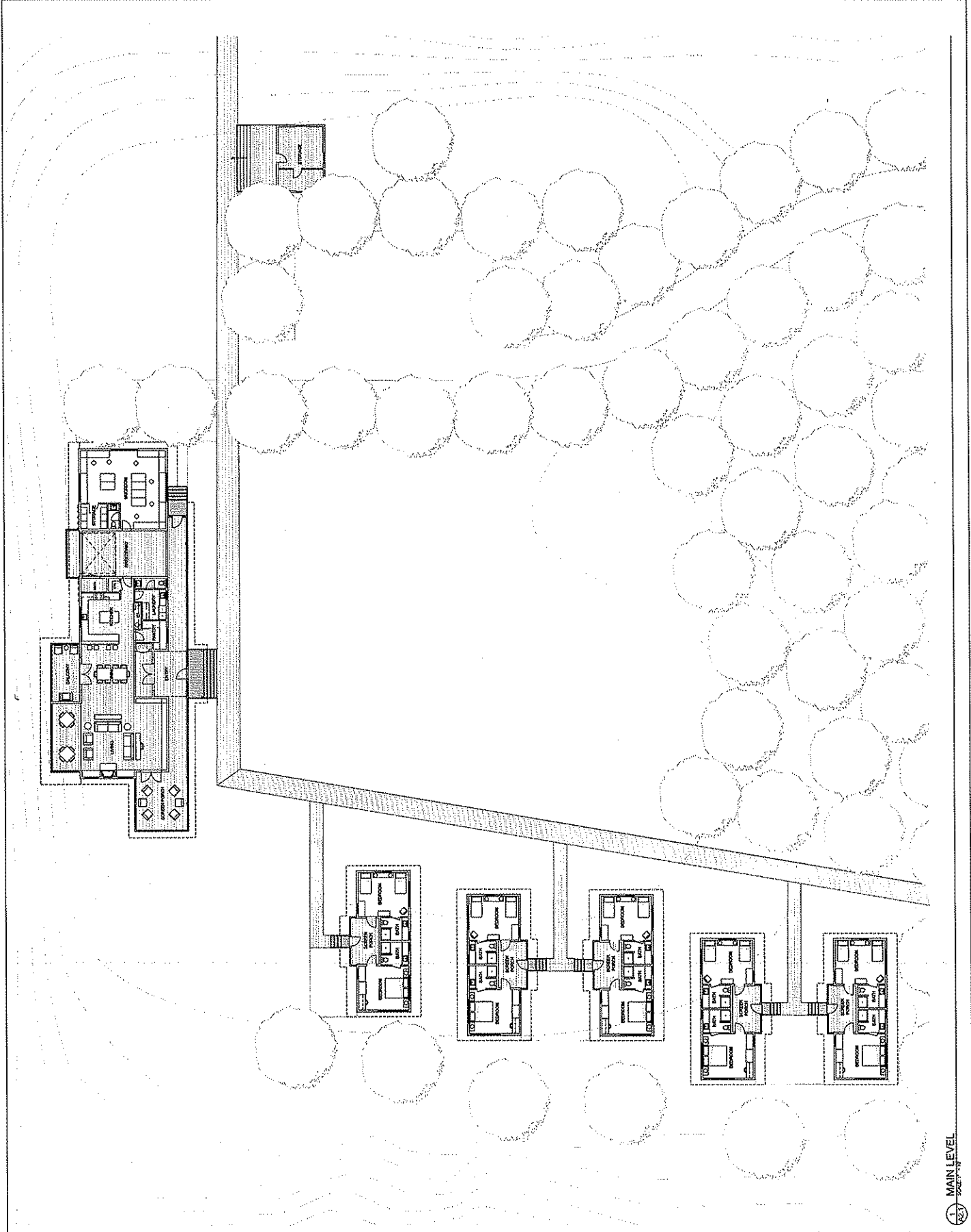


Walker|Warner
 ARCHITECTS
 353 Pelham Street
 San Francisco, CA 94102
 415.318.8930 telephone
 415.318.8939 facsimile

APN # 055-07-003
 COUNTY ROAD 12
 YOLO COUNTY, CALIFORNIA

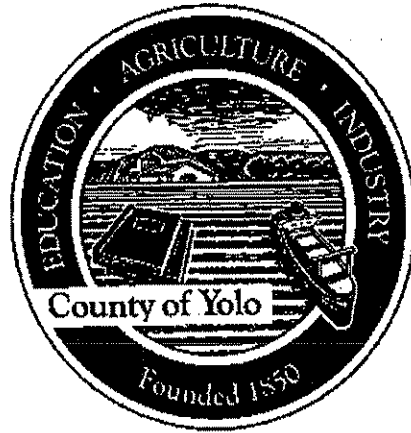
ROOSEVELT RANCH

| | |
|----------|-------------------|
| ISSUED: | PLANNING CONCEPTS |
| DATE: | 02/27/19 |
| SCALE: | AS SHOWN |
| PROJECT: | ROOSEVELT RANCH |
| DATE: | 02/27/19 |
| PROJECT: | A2.1 |



1 MAIN LEVEL
 2019-02-27

THIS DOCUMENT IS THE PROPERTY OF WALKER|WARNER ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR DISTRIBUTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF WALKER|WARNER ARCHITECTS IS STRICTLY PROHIBITED.



**YOLO COUNTY PLANNING AND
PUBLIC WORKS DEPARTMENT**

**INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
ZONE FILE # 2008-065
Roosevelt Ranch Hunting Lodge**

April 2009

Attachment C

Initial Study / Mitigated Negative Declaration

1. **Project Title:** Zone File No. 2008-065 (Roosevelt Ranch Hunting Lodge)
2. **Lead Agency Name and Address:**
Yolo County Planning and Public Works
292 West Beamer Street
Woodland, CA 95695
3. **Contact Person and Phone Number:** Craig Baracco, Associate Planner, (530) 666-8833 or e-mail at Craig.Baracco@yolocounty.org
4. **Project Location:** T1N R1E SEC 12, four miles west of the town of Zamora. (APN# 055-070-03) (See Figure 1, Vicinity Map).
5. **Project Sponsor's Name and Address:**
Clark Slather
Roosevelt Ranch LLC
591 Redwood Highway, Suite 3215
Mill Valley, CA 94941
6. **General Plan Designation(s):** Agricultural, County of Yolo
7. **Zoning:** A-P (Agricultural Preserve), County of Yolo
8. **Description of the Project:** The project is a Use Permit application to build and operate a private hunting lodge and five cabins. The proposed building site is located within a 10-acre exemption to a conservation easement placed on the property in November of 2003 that comprises 2,660 acres of the Ranch property. Approximanty 240 acres of the property is in active agriculture and is currently planted in wheat. The total area of the Ranch is 2,900 acres. The proposed lodge and cabins are located within parcel #055-070-03 has been designated for this project shown on the Location Map and Site Plan.

The proposed lodge facility includes a main living area with a kitchen and common rooms. Each of the 5 detached bedroom sleeper cabins will have two bedrooms, a bathroom, but no individual kitchen facilities. Septic facilities will be constructed for the buildings under permit from Yolo County Environmental Health.

In addition to the lodge and five cabins, proposed accessory structures shown on the Site Plan include a water filter shed, an electrical shed, a storage shed, and a water storage tank. Existing structures to remain on site include a 6,000 square foot barn and an 80 square foot water shed (well head).

The project will incorporate minimal exterior path lighting adjacent to the main lodge living area. Exterior lighting on the proposed structures will be used minimally as required for safety and security.

The owners, who consist of five separate families in a limited liability partnership, intend to stay at the residence along with their families (and occasional family friends as guests) primarily on weekends throughout the year.

In the future, the owners plan to construct an additional three-bedroom ancillary dwelling to accommodate a full-time ranch manager. This structure is sited within 250 feet of the existing barn and will not disturb any actively farmed areas. There will be continual farming activity on adjacent parcels that are part of the Roosevelt Ranch, regular pest management, wetlands management and general upkeep of the planned structures by the ranch manager.

Access to the site is controlled via a locked gate at the intersection of County Roads 12 and 97. The owners will continue to use this as the entry to the site and proposed rldge and cabins along with the existing gravel roads leading to the 10-acre developable portion of the easement. Within this 10-acre building site, the owners propose to upgrade the existing gravel driveway and develop an open parking area.

- 9. **Surrounding Land Uses and Setting:** The project site is four miles west of the town of Zamora at the northwest corner of County Roads 97 and 12. Surrounding properties are all zoned for agriculture and are in active production, primarily rice cultivation. The nearest rural residence is over one mile from the proposed hunting lodge.
- 10. **Other public agencies whose approval is required:** Yolo County Environmental Health; Zamora Fire Protection District.
- 11. **Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and Local Codes and Regulations including, but not limited to, County of Yolo Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

Planner's Printed name

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. A determination that a "Less Than Significant Impact" would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be "less than significant."
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
8. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. AESTHETICS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- (a)(b) *No Impact.* The proposed hunting lodge facility and cabins are not located within view of any scenic highways or vistas. The proposal would not damage scenic resources. The adjoining roadways are not listed or designated as "scenic highways" and there are no scenic resources on or within view of the project site.
- c) *Less than Significant Impact.* The project will introduce a number of new buildings into previously undeveloped rural land. The designs of the proposed buildings are consistent with and will improve upon building designs typically found in agricultural and open space areas. The buildings will be screened by existing and proposed vegetation and intergraded into existing terrain. The buildings are not of a size or height that would prove detrimental to the existing visual character of the site.
- d) *Less than Significant Impact.* The project will incorporate minimal exterior path lighting adjacent to the main living area. Exterior lighting on proposed structures will be used minimally as required for safety and security. A condition of project approval will require the developer to submit a lighting plan for approval, prior to the issuance of any grading or building permits, to ensure glare and light pollution from any proposed light sources is minimal.

II. AGRICULTURAL RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Conflict with existing zoning for agricultural use or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- (a) *No Impact.* The proposed project will not convert any existing agriculture land. The proposed hunting lodge is located within a 10-acre exemption to a conservation easement that comprises 2,660 acres of the Roosevelt Ranch property. 240 acres of land currently in wheat cultivation will remain unaffected.
- (b) *No Impact.* The project parcel is currently zoned A-P (Agricultural Preserve) and in active Williamson Act Contract. Under the Yolo County Zoning Code, hunting and associated activities fall under the definition of "rural recreation." Rural recreation is defined as outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agriculture lands in the general vicinity of the activity. If the rural recreation involves the use of permanent builds such as found in this project, a conditional use permit is required. The project is a conditional use allowed under A-P zoning and consistent with an agricultural setting and the requirements of the Williamson Act Contract.
- (c) *Less than Significant Impact.* Concerns have been raised as to the potential for birds from the project site adversely impacting neighboring farming operations by consuming crops. While such issues do arise whenever wetlands are found within close proximity to active farmland, these concerns reflect existing baseline conditions on the site and are not a result of the proposed project. The conservation easement has been in effect on this property since November, 2003. The proposed project does not include any additional improvements or activities that will change the use of the conservation easement portion of the property by resident or migrating birds. The presence of the hunting lodge and five cabins will not affect neighboring properties with regards to crop loss from existing birds on the property.

III. AIR QUALITY:

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

The Yolo Solano Air Quality Management District (YSAQMD) has published a set of recommendations that provide specific guidance on evaluating projects under CEQA relative to the above general criteria (YSAQMD, 2007). The Handbook for Assessing and Mitigating Air Quality Impacts (Handbook) identifies quantitative and qualitative long-term significance thresholds for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources. These thresholds include:

| | |
|--|--|
| Reactive Organic Gases (ROG) | 10 tons per year or 54 pounds per day (ppd) |
| Oxides of Nitrogen (NOx) | 10 tons per year or 54 ppd |
| Particulate Matter (PM ₁₀) | 80 ppd |
| Carbon Monoxide (CO) | Violation of a state ambient air quality standard for CO |

Development projects are considered cumulatively significant if:

1. The project requires a change in the existing land use designation (i.e., general plan amendment, rezone); and
 2. Projected emissions (ROG, NOx, or PM₁₀) of the project are greater than the emissions anticipated for the site if developed under the existing land use designation.
- a) *Less than Significant Impact.* The project would not substantially conflict with or obstruct implementation of the Yolo Solano Air Quality Management District Air Quality Attainment Plan (1992), the Sacramento Area Regional Ozone Attainment Plan (1994), or the goals and objectives of the Yolo County General Plan.
 - b) *Less than Significant Impact.* The Yolo-Solano Region is a non-attainment area for state particulate matter (PM₁₀) and ozone standards, and the Federal ozone standard. The project would contribute to air quality impacts, including PM₁₀, during construction activities that include grading the site. However, this is only a temporary or short-term increase in PM₁₀. This impact is considered less than significant because any potentially sensitive receptors would be exposed to minor amounts of construction dust and equipment emissions for short periods of time with no long-term exposure to potentially affected groups. Long term, some additional PM₁₀ may result from dust raised by vehicles driving on the site. Such dust is expected to be minimal, consistent with effects typically found in an agricultural area, and unlikely to affect sensitive receptors located over one mile away. The size of the proposed construction does not trigger thresholds for project-related air pollutant emissions and would not exceed significant levels as set forth in the 2007 YSAQMD Handbook.
 - c) *Less than Significant Impact.* Effects on air quality can be divided into temporary construction-related effects and those associated with long-term aspects of the project. Temporary construction impacts are addressed in (b) above. Long-term mobile source emissions from operation of the proposed hunting lodge are not expected to exceed thresholds established by the Yolo-Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts (2007). Therefore, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant. However, the YSAQMD encourages all development projects to reduce air quality impacts by incorporating specific design features into the project. Specific design features that would decrease area source emissions may include "green" building components incorporated into the project where feasible, such as:
 - A duct system within the building thermal envelope, or insulated to R-8³.
 - A passive cooling strategy including passive or fan-aided cooling planned for or designed into the structure, a cupola or roof opening for hot air venting, or underground cooling tubes.
 - Outdoor lighting designed for high efficiency, solar-powered or controlled by motion detectors.
 - Natural lighting in buildings.
 - Using building siting and orientation to reduce energy use.
 - Summer shading and wind protection measures to increase energy efficiency.
 - Use of concrete or other non-polluting materials for parking areas instead of asphalt.
 - Use of landscaping to shade buildings and parking lots.
 - Use of photovoltaic and wind generators.
 - Installation of energy efficient appliances and lighting.
 - Installation of mechanical air conditioners and refrigeration units that use non-ozone depleting chemicals.

- d) *Less than Significant Impact.* The nearest sensitive receptor in the project vicinity is a home more than one mile from the proposed site. The air pollutants generated by the proposed project would be primarily dust and particulate matter during the construction phases of the storage facility, as described in (b) above. The project would have very limited potential to expose sensitive receptors to minimal pollutant concentrations from construction equipment. However, dust will be controlled through effective management practices, such as water spraying during construction activity. "Green" building features incorporated into the project's design are also encouraged to address operational emissions (see response (c), above). Therefore, there will be a less than significant impact to sensitive receptors.
- e) *No Impact.* The proposed project and associated uses would not create any additional objectionable odors. No hazardous materials or waste are anticipated to be stored onsite.

IV. BIOLOGICAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

a) *Less than Significant Impact with Mitigation Incorporated.* While located near existing wetland features, the building sites for the lodge, cabins and other structures do not include any wetlands. The project proposal includes new construction on vacant land. Several acre of the project site would be graded for the installation of the central residence, five sleeper cabins, a caretaker's residence and several accessory buildings. The remainder of the property will be undisturbed. Therefore, development of the building site could have an adverse effect on sensitive or special status species, such as the

Swainsons Hawk and Giant Garter Snake. The following mitigation measures will insure that the project will have a less than significant impact on biological resources.

Mitigation Measure 1

- All constructions activities on the project must be conducted during the Giant Garter Snake active season (May 1 through October 1), when the snakes are most active and presumably capable of avoiding danger by themselves.
- All individuals working on the site shall be made aware of the potential for Giant Garter Snake to occur within or on the periphery of the construction site and shall check under and around their equipment for Giant Garter Snakes prior to beginning work for the day.
- Any materials accumulated during construction shall be stockpiled more than 200 feet from suitable Giant Garter Snake aquatic habitat, and shall be lifted, not pushed, during removal.
- If Giant Garter Snakes are observed within the construction area, the United States Fish and Wildlife Service shall be notified.

Mitigation Measure 2

The applicant shall mitigate for the loss of Swanson Hawk foraging habituate. Either payment of an in-lieu mitigation fee of \$8,660 per disturbed acre, or the securing of a conservation easement of equivalent size, shall be required prior to issuance of the first building or grading permit.

If an active nest used by a Swainson's hawk, or other foraging raptor, is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game (DFG) and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with the DFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

- b)c) *Less than Significant Impact with Mitigation Incorporated.* According to the current project site plan, no direct impacts to potentially jurisdictional wetland features are proposed for this project. However, indirect impacts could occur to the wetlands and ponds within the site area from a potential increase in siltation from the proposed action. Therefore, the following mitigation measure shall be required:

Mitigation Measure 3

Prior to the start of any grading or construction activities, silt fencing shall be placed a minimum of ten feet from all wetlands identified on the project site that could be potentially affected by siltation from the construction zone. All construction activities within the project site shall incorporate and follow construction Best Management Practices including, but not limited to, the use of ESA fencing, silt fencing, or straw wattles where appropriate.

- (d)(e)(f) *No Impact.* The project would not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

V. CULTURAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *No impact.* The project site is not known to have any historical significant characteristics as defined by the criteria within the CEQA Guidelines.
- b) *No Impact.* The project site is not known to have any archaeologically significant characteristics as defined by the criteria in the CEQA Guidelines.
- c) *No impact.* No paleontological resources are known or suspected and no unique geologic features exist on the project site.
- d) *Less than Significant Impact.* No human remains are known or predicted to exist in the project area. However, the potential exists during construction to uncover previously unidentified resources. Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

VI. GEOLOGY AND SOILS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42. | | | | |
| ii) Strong seismic ground shaking? | | | | |
| iii) Seismic-related ground failure, including liquefaction? | | | | |
| iv) Landslides? | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

subsidence, liquefaction or collapse?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

a) *Less than Significant Impact.*

(i) The project site can be expected to experience moderate to strong ground shaking during future seismic events along major active faults throughout Northern California or on smaller active faults located in the project vicinity. However, the project will comply with all applicable Uniform Building Code and Yolo County Improvement Standards requirements in order to obtain Building Permit approval from the Yolo County Planning and Public Works Department.

(ii) Any major earthquake damage on the project site is likely to occur from ground shaking and seismically related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur during a major event but damage should be no more severe in the project area than elsewhere in the region. Framed construction on proper foundations constructed in accordance with current Uniform Building Code requirements is generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking.

(iii) Geologic hazard impacts that are associated with expansive soils include long-term differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines. However, under the Yolo County Code, any future dwelling units would be required to provide a geotechnical report for the building foundation in order to obtain a Building Permit from the Yolo County Planning and Public Works Department.

(iv) The project site is relatively level, with gentle sloping variation, and approval of the project would not expose people or structures to potential landslides.

b) *Less than Significant Impact.* Existing Yolo County regulations require that a Storm Water Pollution Prevention Plan (SWPPP) be obtained before any grading can occur on one acre or more, which requires the use of soil erosion control techniques in order to reduce the possibility of any significant soil erosion from occurring. As a condition of project approval, the applicant will be required to prepare a SWPPP before a grading permit can be obtained.

c) *Less than Significant Impact with Mitigation Incorporated.* The project will be required to submit a soils report, prior to issuance of a grading permit and before the first building permit submittal, in order to determine if it is located on unstable geologic materials, which could potentially affect the stability of the underlying materials or on underlying materials to result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The following condition of project approval will insure that development of the project will not result in degradation of the underlying materials:

Mitigation Measure 4

Prior to construction of the project and issuance of a grading permit, the applicant will be required to submit a soils report, prepared by a registered civil engineer, which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for structures and embankments required to accomplish the proposed grading; and where necessary, slope stability studies, and recommendations and conclusions regarding site geology. If necessary, and upon determination of the Director of Planning and Public Works, the project may require additional reports, such as a foundation and soils investigation and/or a geotechnical report.

- d) *Less than Significant Impact.* Geologic hazard impacts that are associated with expansive soils include long-term-differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines. With the implementation of Mitigation Measure 4, above, and as long as foundation and underground pipeline construction follows generally accepted geotechnical procedures minimizing consequences of expansive soil, no substantial risks should occur.
- e) *Less than Significant Impact.* The project will be required to conform to all state and local codes, including the regulatory authority of Yolo County Environmental Health (YCEH). The sewage disposal system must have capacity for all the residential buildings proposed, including the main residence, caretaker's residence and five sleeper cabins. As a condition of project approval, the sewage disposal system must be submitted to YCEH for approval, prior to issuance of a building permits.

VII. HAZARDS AND HAZARDOUS MATERIALS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* Construction of the proposed project would require the transport, storage, use, handling and disposal of different types of hazardous substances including fuel, oil, lubricants, and solvents. However, transport, use, and disposal of hazardous materials will be stored and handled in accordance with all applicable federal, state, and local requirements, including Yolo County Environmental Health regulations and be limited to the duration of construction. Long term, the project will not include the routine transport, use, or disposal of hazardous materials
- b) *Less than Significant Impact.* Construction of the proposed project will involve the use of equipment that uses small amounts of oils and fuels and other potentially flammable substances typically associated with construction activities. However, the risk of construction-related release of hazardous materials for the proposed project will be minimal because the transport, use, and disposal of any construction related hazardous materials will be stored and handled in accordance with all applicable federal, state, and local requirements, including Yolo County Environmental Health regulations, as described above. Long term, there are no reasonably foreseeable conditions involving the release of hazardous materials into the environment?
- c) *Less than Significant Impact.* The proposed project may result in hazardous emissions or hazardous materials. However, as stated in (a) and (b) above, emissions and/or handling of hazardous materials will comply with all applicable requirements and/or conditions of project approval. Normal construction techniques and materials would be used for any onsite structures and no hazardous materials are anticipated to be used or removed from the site. The project is not located within a quarter mile of a school.
- d) *No Impact.* The project site is not located on a site and/or near a site that is included on a list of hazardous materials sites compiled by the Yolo County Environmental Health Department-Hazardous Waste Site Files pursuant to Government Code 65962.5. The proposed project would not expose people to known existing sources of potential health hazards.
- e)f) *No Impact.* The project is not located within an airport land use plan, or within two miles of a public airport or public use airport
- g) *Less than Significant Impact.* The project would not interfere with any adopted emergency response or evacuation plans.
- h) *No impact.* The project site is not located in a designated service wildland fire area and, therefore, would not be at risk from wildland fires.

VIII. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Significantly deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* Project related runoff associated with build out of the facility is proposed to be channeled into existing irrigation ditches. Existing sheet flow drainage on the site flows towards the south. The applicant would also be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). Impacts on water quality and discharge of pollutants into the storm water collection system, or violations of existing water quality standards or waste discharge requirements, is considered to be less than significant.
- b) *Less than Significant Impact.* The proposed uses would utilize an existing well to serve it water needs. The addition of ten additional bedrooms, primarily used on weekends, is not expected to significantly impact existing groundwater supplies.
- c) *Less than Significant Impact.* The project will result in very limited modified drainage patterns to accommodate the construction of new proposed buildings. Parking areas will be gravel covered, with all-purpose weather access roads. Absorption rates would likely decrease and run-off would increase slightly onsite, but would be accommodated by the onsite drainage improvements so as not to impact adjoining areas. The overall effect of the proposed project would not substantially alter the existing drainage pattern of the project site or the surrounding area and would not, therefore, result in substantial erosion or siltation on- or off-site.
- d) *Less than Significant Impact.* The proposed project has the potential to change absorption rates, drainage patterns, and the rate and amount of surface runoff. Absorption rates would likely decrease and run-off would increase slightly onsite, but would be accommodated by an onsite drainage system so as not to impact adjoining areas. The project site is surrounded on three sides by wetland and/or standing water. The site posses considerable natural capacity to retain water on-site.
- e) *Less than Significant Impact.* See response to (a) and (d) above. The project applicant would be required to submit a SWPPP for regulation under the National Pollutant Discharge Elimination

System (NPDES) for the disturbance of an area one acre or greater. In addition, grading plans would be required for any proposed construction to address erosion control and drainage. The project would not provide significant additional sources of runoff pollution.

- f) *Less than Significant Impact.* See (a) and (e), above. No additional impacts to water quality are anticipated.
- g) *Less than Significant Impact.* The subject site is in flood zone "A", as designated by the Federal Emergency Management Agency (FEMA), and subject to 100-year flood flows. All buildings on the site will be required to be built one foot about base flood elevation, in compliance with county regulations.
- h) *Less than Significant Impact.* None of the proposed buildings are large enough or located in an area where they might impede flood flows.
- i) *No Impact.* The project site is not located immediately down stream of a dam or adjacent to a levee that would expose individuals to risk from flooding.
- j) *Less than Significant.* The project area is located near standing water, but none of size that would pose a seiche or tsunami hazard. In addition, the project site is relatively flat and is not located near any physical or geologic features that would produce a mudflow hazard.

IX. LAND USE AND PLANNING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *No impact.* The project is a hunting lodge and cabins located in an isolated rural setting, a long distance from any existing community.
- b) *Less than Significant Impact.* As discussed in section II c) above, the proposed project is allowed as a "rural recreation" use. The project is consistent with the Yolo County General Plan, and with Yolo County zoning requirements for a conditional use.
- c) *Less than Significant Impact.* The County does not have an adopted HCP or NCC, but has a draft plan. Impacts will be less than significant after mitigation measures in the Biological Resources section are implemented.

X. MINERAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------|--------------------------------|--|------------------------------|-----------|
| | | | | |

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *No impact.* The project site is not designated as an area of significant aggregate deposits, as classified by the State Department of Mines and Geology.
- b) *No Impact.* See response to X(a).

XI. NOISE

| Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* Operation of the hunting facility and cabins will generate noise from discharge of fire arms. However, the ranch property is thousands of acres in size and located over a mile from any existing residences. A condition of approval will restrict the discharge of firearms near the outer edge of the Ranch Property. The noise generated by hunting activities is consistent with other noises found in agricultural area and are expected to be less than significant.
- b) *Less than Significant Impact.* Potential ground borne vibration may occur during construction of the project. However, this is not expected to be significant and would be short term.
- c) *No Impact.* See (a), above. The proposed hunting facility and associated uses would not increase overall ambient noise within the immediate vicinity and would not create a substantial permanent noise source.

- d) *Less than Significant Impact.* Construction of the hunting facility would involve the use of trucks and equipment that create noise, as indicated in (b), above. However, temporary and periodic impacts related to construction noise are expected to be less than significant. Operation of the hunting facility and cabins will generate noise from discharge of firearms. Please see a) above.
- e) *No Impact.* The project is not located within an airport land use plan nor within two miles of a public airport or public use airport
- f) *No Impact.* See response to (e) above.

XII. POPULATION

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- (a) *Less than Significant Impact.* The proposed project would provide temporary housing for up to five families, but the facility will be used primary used as a rural recreation facility on weekends. The only long term housing provided by the project is the proposed caretaker's residence. A single home will not have a significant impact on population growth in the area.
- b)c) The project is being constructed on a currently vacant parcel. The proposed hunting lodge and cabins would not displace any existing housing, and would not displace any people.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives for any of the public services:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-----------------------------|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* The Zamora Fire District provides primary service to the project site. Any new development will be required to pay a fair share amount for the fire protection equipment and facilities needed to provide adequate service through development fees collected prior to building permit issuance.
- b) *Less than Significant Impact.* The project would not significantly impact police services provided by the Sheriff's Department. Site security will be provided by a locked gate on the entrance
- (c)(d)(e) *No Impact.* The proposed hunting facility and cabins would not increase the need for schools, parks or other public facilities and services.

XIV. RECREATION

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *No Impact.* The project would not require the construction of additional recreational facilities nor substantially increase the use of existing recreational facilities.
- b) *No Impact.* No additional recreational facilities will be required by the proposed project.

XV. TRANSPORTATION/TRAFFIC

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase on either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

NEGATIVE DECLARATION/INITIAL STUDY CHECKLIST

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- (a)(b) *Less than Significant Impact.* Construction of the proposed self-storage facility would generate limited number of truck trips for the construction phases for the project. This traffic increase is only temporary during construction activity. Long-term changes to local traffic circulation resulting from the proposed project include one residential caretaker (with onsite residence) and weekend visits to the site by up to five families. The site is currently served by existing county roads which have extremely light existing traffic loads. Total impacts related to an increase in traffic are expected to be less than significant.
- c) *No Impact.* The project will not change air traffic patterns.
- d) *Less than Significant Impact.* The project connects to an existing country road with an existing all weather driveway. The project is not expected to increase hazards and is considered a less than significant impact.
- e) *Less than Significant Impact.* The project would be required to comply with the requirements of the Zamora Fire Protection District. The proposed project would not result in inadequate emergency access.
- f) *Less than Significant Impact.* A gravel parking area will be provided that will serve all the project's needs for off-street parking.
- g) *No Impact.* The project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Impacts

- a) *Less than Significant Impact.* The proposed project will require a septic system design that meets state and local requirements, including permit requirements as determined by Yolo County Environmental Health. A condition of project approval will require the project to be approved by Environmental Health before issuance of a building permit. The sewage disposal system will be required to have capacity for the main residence, sleeper cabins, and caretaker residence. Therefore, impacts from the project would be considered less than significant.
- b) *Less than Significant Impact.* The project area is not served by existing water or wastewater treatment facilities and will not result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities. The project will be served by an existing on-site well and newly constructed septic system.
- c) *Less than Significant Impact.* Storm water from the project site is will be address though on-site drainage improvements.
- d) *Less than Significant.* The project will use an existing on-site well to serve the project. The well must meet requirements for a domestic water source. This will require meeting all state and local code regulations, and approval by Yolo County Environmental Health. Existing groundwater supplies should be more than adequate to meet the increased demand from the facility.
- e) *No Impact.* See response to (b), above.
- f) *No Impact.* The existing County landfill would adequately accommodate the project. The project would not impact disposal capacity at the landfill.
- h) *No Impact.* The proposed project would be required to comply with all solid waste regulations as implemented and enforced by Yolo County.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plan or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion of Impacts

- a) *Less than Significant Impact.* Based on the information provided in this Initial Study, any potential environmental impacts caused by the project would be considered less than significant with the implementation of the mitigation measures identified in Section IV Biological Resources. No important examples of major periods of California history or prehistory in California were identified; and the habitat and/or range of any special status plants, habitat, or plants would not be substantially reduced or eliminated.
- b) *Less than Significant Impact.* Based on the analysis provided in this Initial Study, potential cumulative impacts of the project would be less than significant .
- d) *No Impact.* Based on the analysis provided in this Initial Study, there will be no impacts to human beings.

REFERENCES

- Project description and site plans provided by the applicant.
- Letter of Biological Findings and Preliminary Wetlands Assessment Gallaway Consulting (March 24, 2009)
- Yolo County General Plan
- General Plan Update Background Report, January 2005
- Yolo-Solano Air Quality Management District Handbook for Assessing and Mitigating Air Quality Impacts (July 2007)

FINDINGS

Roosevelt Ranch Use Permit and Variance ZF 2008-065

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-065, the Yolo County Planning Commission finds the following:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act and Guidelines (CEQA)

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

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

General Plan

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

OO-6: No net loss of wetland and/or riparian habitat.

RG-3: Utilize recreational opportunities to attract a greater number of tourists and visitors to Yolo County.

RO-3: Provision of adequate and diversified recreational opportunities and facilities to meet the demands of an expanding population.

RP-8: The County shall encourage and support the development of private recreational facilities that preserve scenic and environmentally sensitive resources and that do not result in the creation of land use conflicts.

Zoning

In accordance with Section 8-2.404.5 of the Yolo County Code, the Planning Commission finds the following:

The requested land use is listed as a conditional use in the zoning regulations and is allowed under the following authorization:

The property is zoned Agricultural Preserve (A-P). The proposed new uses are consistent with the A-P designation under Section 8-2.604.5. Rural recreation with permanent buildings is listed as a conditional use. "Rural Recreation" is defined as outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands.

ATTACHMENT D

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

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

Pursuant to Section 8-404.5 (a), the proposed hunting lodge is allowed within the Agriculture Preserve Zone through the Conditional Use Permit review and approval process.

Use Permit

In accordance with Section 8-2.2804 of the Yolo County Code, the Planning Commission finds the following:

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

The proposed new use provides a valuable recreational service to residents. It is desirable for uses of this type to be located in a rural area to take advantage of existing open space.

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

The proposed project will not create any significant effect on the character of the surrounding agricultural area. The proposed building is consistent with or improves upon other designs found in the rural area. The project will meet, as part of the Conditions of Approval, all relevant health and safety regulations. Therefore, the proposed project does not pose a detrimental effect to public health, safety or general welfare.

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

Compatibility with General Plan Policies is discussed at #2 above. This project is in conformity with General Plan policies RG-3, RO-3 and RP-8.

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

As conditioned and with mitigation measures incorporated, adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided in this project as approved.

Variance

In accordance with Section 8-2.2904 of Article 27 of the Yolo County Zoning Regulations the Planning Commission finds:

Any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized, shall constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

All A Zoned properties require that primary and secondary residences are located within 250-feet of each other. The applicant is requesting two residences be allowed up to 484-feet from each other. The granting of a variance will be a result of practical restrictions on the construction site and not constitute a grant of special privilege.

That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is not

ATTACHMENT D

found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

A number of restrictions are present on the site. The overall buildable area is restricted due to the conservation easement placed on the property, and the presence of wetlands and open water on much of the site. The need to fit the main lodge, five sleeper cabins, the necessary area for leach fields and replacement area, as well as integrate existing accessory structures into the site plan, severely limits the potential placement of the caretaker's residence. The special circumstances necessary to grant a variance exist.

That the granting of such variance will not be in harmony with the general purpose and intent of this chapter, and will be in conformity with the Master Plan.

Granting the variance would be compatible with the Yolo County Zoning Code, specifically policies to encourage and support the development of private recreational facilities.

CONDITIONS OF APPROVAL

Roosevelt Ranch Use Permit and Variance

ZF 2008-065

Planning Division (530) 666-8833

1. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF 2008-065). Construction shall be limited to those structures shown on the approved Site Plan (**Attachment B**). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this use permit, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.
2. The use allowed under this Use Permit (ZF 2008-065) shall commence within one (1) year from the date of approval by the Yolo County Planning Commission, or said permit shall be deemed null and void without further action.
3. The caretaker's residence shall be permitted to be built 484-feet from the main residence, as depicted on the Site Plan (**Attachment B**). This provision applies only to this residence and no other.
4. The applicant shall keep the site area free from flammable brush, grass, and weeds. All structures on the site shall be adequately maintained and free from graffiti.
5. The applicant shall pay fees in the amount of \$2,043 (\$1,993 for state filing fee, plus \$50 county processing fee), under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of the Notice of Determination, to cover the cost of review of the environmental document by the California Department of Fish and Game.
6. All on-site lighting shall be directed away from neighboring properties and the night sky.
7. All buildings and landscaping shall be designed, constructed, and completed utilizing materials consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Planning and Public Works Department.
8. A seven-space parking lot shall be provided on the site. An all-weather surface such as gravel shall be maintained and parking spaces clearly marked.
9. No firearms shall be discharged with 300-feet of any property line of the Roosevelt Ranch property.

County Counsel (530) 666-8172

10. In accordance with Section 8-2.2415 of the Yolo County Code, the applicant shall agree to indemnify, defend, and hold harmless the county or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the county or its agents, officers, or employees to attach, set aside, void, or annul an approval of the county, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

ATTACHMENT E

11. The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action, or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action. The county may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Building Division (530) 666-8775

12. The applicant shall obtain building permits for all structures prior to commencement of their construction. New construction shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed structures shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
13. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.
14. The subject parcels are located in the A Flood Zone. The applicant shall be required to either raise all proposed buildings out of the 100-year flood hazard area by elevating the pads of the buildings so that the finished flood elevations would be one-foot above the base flood elevation or to construct the buildings to dry-proofing standards as required by the California Building Code and Federal Emergency Management Agency standards.

Public Works

15. The applicant shall submit a grading and drainage plan for the site, for review and approval of County Public Works, and submit and meet all the requirements of a Stormwater Pollution Prevention Plan.

Zamora Fire District (530) 713-5417

16. Prior to issuance of any building permits, the applicant shall sign a Hold Harmless agreement and submit a letter stating that the Zamora Fire Department and Zamora Fire Protection District are not responsible in any way for not being able to respond to any fire or medical aid events on this property during flooding.

Environmental Health Department (530) 666-8646

17. Prior to beginning sales, the applicant shall obtain a food handling permit and meet all required inspections and regulations for the preparation, and handling of food, as approval by Yolo County Environmental Health.
18. The water system may be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. The construction of a new domestic well, or use of an existing well, will be required to be done under permit by Yolo County Environmental Health.
19. Prior to the issuance of any building permits, an approvable sewage disposal plan shall be submitted to, and approved by Environmental Health.

Mitigation Measures (530) 666-8833

The following Mitigation Measures identified in the first circulation of the Initial Study/Mitigated Negative Declaration for the project are added as project approval conditions (these items have the original numbering in the Initial Study document).

Mitigation Measure 1:

All construction activities on the project must be conducted during the Giant Garter Snake active season (May 1 through October 1), when the snakes are most active and presumably capable of avoiding danger by themselves.

All individuals working on the site shall be made aware of the potential for Giant Garter Snake to occur within, or on the periphery of the construction site and shall check under and around their equipment for Giant Garter Snakes prior to beginning work for the day.

Any materials accumulated during construction shall be stockpiled more than 200-feet from suitable Giant Garter Snake aquatic habitat, and shall be lifted, not pushed, during removal.

If Giant Garter Snakes are observed within the construction area, the United States Fish and Wildlife Service shall be notified.

Mitigation Measure 2

The applicant shall mitigate for the loss of Swainson's Hawk foraging habitat. Either payment of an in-lieu mitigation fee of \$8,660 per disturbed acre, or the securing of a conservation easement of equivalent size, shall be required prior to issuance of the first building or grading permit.

If an active nest used by a Swainson's hawk, or other foraging raptor, is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game (DFG) and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with the DFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

Mitigation Measure 3

Prior to the start of any grading or construction activities, silt fencing shall be placed a minimum of ten-feet from all wetlands identified on the project site that could be potentially affected by siltation from the construction zone. All construction activities within the project site shall incorporate and follow construction Best Management Practices including, but not limited to, the use of ESA fencing, silt fencing, or straw wattles where appropriate.

Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in the following actions:

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

RECORDING REQUESTED BY:
Fidelity National Title Company of California

AND WHEN RECORDED MAIL TO
USDA
430 G Street Suite #4164
Davis, Ca. 95616

Escrow No.: 06-1002199-MEM
Locate No.: CAFNT0957-0957-0001-0001002199
Title No.: 06-1002199-KR



Yolo Recorder's Office
Freddie Oakley, County Recorder
DOC- 2008-0014002-00

Recd 102-Fidelity National Title
Wednesday, MAY 07, 2008 10:08:00
Ttl Pd \$46.00 Nbr-0000764765
VRB/RG/1-13

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Easement Deed

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

(recoverh)(10-04)

13

Description: Yolo, CA Document-Year.DocID 2008.14002 Page: 1 of 13
Order: 01 Comment: pk

Attachment F
Existing Conservation Easement

WARRANTY EASEMENT DEED

WETLANDS RESERVE PROGRAM
AGREEMENT NO. 66-9101-3-34

THIS WARRANTY EASEMENT DEED is made by and between, RR Conservancy, LLC, a California Limited Liability Company, (hereafter referred to as the "Landowner"), Grantor(s), and the UNITED STATES OF AMERICA, by and through the Commodity Credit Corporation (CCC) (hereafter referred to as the "United States"), Grantee. The Landowner and the United States are jointly referred to as the "Parties". The acquiring agency of the United States is the Natural Resources Conservation Service (NRCS), United States Department of Agriculture

Witnesseth

Purposes and Intent. The purpose of this easement is to restore, protect, manage, maintain, and enhance the functional values of wetlands and other lands, and for the conservation of natural values including fish and wildlife and their habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education. It is the intent of CCC to give the Landowner the opportunity to participate in the restoration and management activities on the easement area.

Authority. This easement deed acquisition is authorized by Title XII of the Food Security Act of 1985, as amended (16 U.S.C. § 3837), for the Wetlands Reserve Program.

NOW THEREFORE, for and in consideration of the Fair Value received, the Grantor(s), hereby grants and conveys with general warranty of title to the UNITED STATES OF AMERICA and its assigns, the Grantee, forever, all rights, title and interest in the lands comprising the easement area described in Part I and appurtenant rights of access to the easement area, but reserving to the Landowner only those rights, title and interest expressly enumerated in Part II. It is the intention of the Landowner to convey and relinquish any and all other property rights not so reserved. This easement shall constitute a servitude upon the land so encumbered, shall run with the land in perpetuity and shall bind the Landowner, (the Grantor(s)), their heirs, successors, assigns, lessees, and any other person claiming under them.

SUBJECT, however, to all valid rights of record, if any.

PART I. Description of the Easement Area. The lands encumbered by this easement deed, referred to hereafter as the easement area, are described on EXHIBIT A which is appended to and made a part of this easement deed.

TOGETHER with a right of access for ingress and egress to the easement area across adjacent or other properties of the Landowner. Such a right-of-way for access purposes is described in EXHIBIT B which is appended to and made a part of this easement deed. *There is NO exhibit B.*

PART II. Reservations in the Landowner on the Easement Area. Subject to the rights, title, and interest conveyed by this easement deed to the United States, the Landowner reserves:

- A. **Title.** Record title, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.
- B. **Quiet Enjoyment.** The right of quiet enjoyment of the rights reserved on the easement area.
- C. **Control of Access.** The right to prevent trespass and control access by the general public subject to the operation of State and Federal law.
- D. **Recreational Uses.** The right to undeveloped recreational uses, including hunting and fishing, and including leasing of such rights for economic gain, pursuant to applicable State and Federal regulations that may be in effect at the time.

2

E. Subsurface Resources. The right to oil, gas, minerals, and geothermal resources underlying the easement area, provided that any drilling or mining activities are to be located outside the boundaries of the easement area unless activities within the boundaries are specified in accordance with the terms and conditions of EXHIBIT C.

PART III. Obligations of the Landowner. The Landowner shall comply with all terms and conditions of this easement, including the following:

A. Prohibitions Without otherwise limiting the rights of the United States acquired hereunder, it is expressly understood that the rights to the following activities and uses have been acquired by the United States and unless authorized by the United States under Part IV, are prohibited of the Landowner on the easement area:

1. haying, mowing or seed harvesting for any reason;
2. altering of grassland, woodland, wildlife habitat or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying the vegetative cover;
3. dumping refuse, wastes, sewage or other debris;
4. harvesting wood products;
5. draining, dredging, channeling, filling, leveling, pumping, diking, impounding or related activities, as well as altering or tampering with water control structures or devices;
6. diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means;
7. building or placing buildings or structures on the easement area;
8. planting or harvesting any crop; and
9. grazing or allowing livestock on the easement area.
10. disturbing or interfering with the nesting or brood-rearing activities of migratory birds.

B. Noxious plants and pests. The Landowner is responsible for noxious weed control and emergency control of pests as required by all Federal, State and local laws. A plan to control noxious weeds and pests must be approved in writing by CCC prior to implementation by the Landowner.

C. Fences. Except for establishment cost incurred by the United States and replacement cost not due to the Landowner's negligence or malfeasance, all other costs involved in maintenance of fences and similar facilities to exclude livestock shall be the responsibility of the Landowner.

D. Taxes. The Landowner shall pay any and all real property and other taxes and assessments, if any, which may be levied against the land.

E. Reporting. The Landowner shall report to CCC any conditions or events which may adversely affect the wetland, wildlife, and other natural values of the easement area.

PART IV. Allowance of Compatible Uses by the Landowner.

A. General. The United States may authorize, in writing and subject to such terms and conditions CCC may prescribe at its discretion, the use of the easement area for compatible economic uses, including, but not limited to, managed timber harvest, periodic haying, or grazing.

B. Limitations. Compatible use authorizations will only be made if, upon a determination by CCC in the exercise of its discretion and rights, that the proposed use is consistent with the long-term protection and enhancement of the wetland and other natural values of the easement area. CCC shall prescribe the amount, method, timing, intensity, and duration of the compatible use.

PART V. Rights of the United States. The rights of the United States include.

A. Management activities. The United States shall have the right to enter onto the easement area to undertake, at its own expense or on a cost share basis with the Landowner or other entity, any activities to restore;

protect, manage, maintain, enhance, and monitor the wetland and other natural values of the easement area. The United States, at its own cost, may apply to or impound additional waters on the easement area in order to maintain or improve wetland and other natural values.

B. Access. The United States has a right of reasonable ingress and egress to the easement area over the Landowner's property, whether or not the property is adjacent or appurtenant to the easement area, for the exercise of any of the rights of the United States under this easement deed. The authorized representatives of the United States may utilize vehicles and other reasonable modes of transportation for access purposes. To the extent practicable, the United States shall utilize the access identified in exhibit B.

C. Easement Management. The Secretary of Agriculture, by and through CCC may delegate all or part of the management, monitoring or enforcement responsibilities under this easement to any entity authorized by law that CCC determines to have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities. State or federal agencies may utilize their general statutory authorities in the administration of any delegated management, monitoring or enforcement responsibilities for this easement. The authority to modify or terminate this easement (16 U.S.C. § 3837e(b)) is reserved to CCC in accordance with applicable law.

D. Violations and Remedies - Enforcement. The Parties agree that this easement deed may be introduced in any enforcement proceeding as the stipulation of the Parties hereto. If there is any failure of the Landowner to comply with any of the provisions of this easement deed, the United States or other delegated authority shall have any legal or equitable remedy provided by law and the right:

1. To enter upon the easement area to perform necessary work for prevention of or remediation of damage to wetland or other natural values; and,
2. To assess all expenses incurred by the United States (including any legal fees or attorney fees) against the Landowner, to be owed immediately to the United States.

PART VI. General Provisions.

A. Successors in Interest. The rights granted to the United States shall accrue to any of its agents, successors, or assigns. All obligations of the Landowner under this easement deed shall also bind the Landowner's heirs, successors, agents, assigns, lessees, and any other person claiming under them. All the Landowners who are parties to this easement deed shall be jointly and severally liable for compliance with its terms.

B. Rules of Construction and Special Provisions. All rights in the easement area not reserved by the Landowner shall be deemed acquired by the United States. Any ambiguities in this easement deed shall be construed in favor of the United States to effect the wetland and conservation purposes for which this easement deed is being acquired. The property rights of the United States acquired under this easement shall be unaffected by any subsequent amendments or repeal of the Wetlands Reserve Program. If the Landowner receives the consideration for this easement in installments, the Parties agree that the conveyance of this easement shall be totally effective upon the payment of the first installment.

TO HAVE AND TO HOLD, this Warranty Easement Deed is granted to the United States of America and its assigns forever. The Landowner covenants that he, she or they are vested with good title to the easement area and will warrant and defend the same on behalf of the United States against all claims and demands. The Landowner covenants to comply with the terms and conditions enumerated in this document for the use of the easement area and adjacent lands for access, and to refrain from any activity not specifically allowed or that is inconsistent with the purposes of this easement deed.

Dated this 15th day of April, 2008.

Landowner(s): RR Conservancy, LLC, a California Limited Liability Company (Seal)
BY: [Signature] (Seal)
Larry Newton Kelley, Jr.
Managing Member

Acknowledgment

STATE OF CALIFORNIA

COUNTY of _____, on this _____ day of _____, 2008,
before me, the undersigned, a Notary Public in and for said state, personally appeared _____
known or proved to me to be the person(s) described in and who executed the foregoing instrument, and
acknowledged that _____ executed the same as _____ free act and deed,

IN TESTIMONY WHEREOF, I have hereunto set my hand and Official Seal the day and year first above
written.

(NOTARIAL SEAL)

Notary Public for the State of California
Residing at _____
My Commission Expires: _____

This instrument was drafted by the Office of the General Counsel, U.S. Department of Agriculture, Washington,
D.C. 20250-1400.

OMB DISCLOSURE STATEMENT

Public reporting burden for this collection of information is approximately (60) minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture Clearance Office OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0578-0013), Washington, D.C. 20503.

5

State of California
County of Sacramento

On April 15, 2008 before me,
Beverly M. Rager, Notary Public (here insert name and title of the officer),
personally appeared Larry Denton Kelley, Jr

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Beverly M Rager (Seal)



(notary)(12-07)

6

Exhibit A-1

Land Description

Parcel 1, A portion of R&R Conservancy

ALL that real property situate in the unincorporated area of the County of Yolo, State of California, being a portion of Section 13, Township 11 North, Range 1 East, Mount Diablo Base and Meridian described as follows:

Beginning at a $\frac{1}{4}$ " x 24" rebar with 1 $\frac{1}{2}$ " aluminum cap stamped "COR ESMT R.C.E 20418" at the Southeast corner of the North half of the Northeast Quarter of said Section 13 as shown on that certain map entitled "RECORD OF SURVEY FOR JACK WALLACE" filed in the office of the county recorder of said County on January 16, 1976 in book 11 of Maps and Surveys, at page 43, and is distant the following two(2) courses from a railroad spike at the West Quarter corner of said section 13 as shown on said map: (1) North 89° 51' 44" East and 5,320.56 feet, along the East-West centerline of said Section 13 to a 1 $\frac{1}{4}$ " iron bolt at the East Quarter corner of said Section 13, thence(2) North 00° 34' 57" West 1,332.02 feet along the East line of the South half of said Northeast Quarter. From said "Point of Beginning" along the South line of said North half North 89° 51' 06" West 726.05 feet thence North 00° 30' 31" West 300 feet, thence South 89° 51' 06" East 726.05 feet to the East line of said Section 13, thence South 00° 30' 31" East to the "Point of Beginning"

7

EXHIBIT A-2

Land Description

Parcel 2 A portion of R&R Conservancy

ALL that real property situate in the unincorporated area of the County of Yolo, State of California, being a portion of Section 11, Township 11 North, Range 1 East, Mount Diablo Base and Meridian described as follows:

Beginning at a ¼" x 24" rebar with 1 ½" aluminum cap stamped "COR ESMT R.C.E 20418" at the Southeast corner of the North half of the Northeast Quarter of said Section 13 as shown on that certain map entitled "RECORD OF SURVEY FOR JACK WALLACE" filed in the office of the county recorder of said County on January 16, 1976 in book 11 of Maps and Surveys, at page 43, and is distant the following two(2) courses from a railroad spike at the West Quarter corner of said section 13 as shown on said map: (1) North 89° 51' 44" East and 5,320.56 feet, along the East-West centerline of said Section 13 to a 1 ¼" iron bolt at the East Quarter corner of said Section 13, thence(2) North 00° 34' 57" West 1,332.02 feet along the East line of the South half of said Northeast Quarter. From said "Point of Beginning" along the South line of said North half North 89° 51' 06" West 2,657.85 feet to a ¼" iron pin with a 1 ¼" head at the Southwest corner of said North half; thence along the West line of said North half, North 00° 26' 11" West 1308.78 feet to an axel, said point being accepted as the Northwest corner of said North half; thence along the North line of the Northwest Quarter of said Section 13, North 89° 59' 33" West 2651.96 feet to a ¼" x 24" rebar 1 ½" aluminum cap stamped "COR ESMT R.C.E 20418" at the Northwest corner of said Northwest Quarter;

8

thence along the South line of said Section 11, South $89^{\circ} 38' 38''$ West 2,452.03 feet
(point of beginning parcel 21); thence North $00^{\circ} 21' 22''$ West 726.0 feet; thence South
 $89^{\circ} 38' 38''$ West 300.0 feet; thence South $00^{\circ} 21' 22''$ East 726.0 feet to the South line
of said Section 11; thence North $89^{\circ} 38' 38''$ East 300.0 feet (point of beginning
parcel 2).

9

Exhibit C to Warranty Easement Deed

Revised July 7, 1998

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

This Indemnification and Hold Harmless Agreement ("Agreement") is made this 15th day of April 2008 by and between NATURAL RESOURCES CONSERVATION SERVICE, United States Department of Agriculture ("NRCS"), and RR Conservancy, LLC, a California Limited Liability Company (the "Landowners").

1. NRCS has entered into an agreement with Landowners whereby certain real property owned by Landowners and more particularly described in Exhibit A, which is attached hereto and made a part hereof ("Property") will become subject to a Wetlands Reserve Program Easement and associated documents, all of which are herein called WRP documents.
2. Based upon a Preliminary Report from Fidelity National Title Company, dated September 19, 2006, Order Number 06-1002199-kr ("Preliminary Report") the title held by Landowners to the Property appears to be subject to an exception of certain outstanding interests in waters, minerals, oil, gas and other hydrocarbon substances, and other gaseous materials located on, in or under the Property, (collectively "Outstanding Mineral Interests"), which are shown in either the Preliminary Report exceptions and/or the legal description of the property.
3. Because of the objectives of the Wetlands Reserve Program as set forth in the WRP documents, it is necessary to limit the seasons during which drilling is conducted on the Property subject to the WRP documents and to provide for the selection of sites for drilling and related activities that will not unreasonably interfere with the WRP documents.

NOW THEREFORE, NRCS and Landowners mutually covenant and agree as follows:

4. A. No drilling or other related operations, including but not limited to exploration, will be conducted by Landowner on the Property during the month of **February, March, April, May and June**. If parties other than Landowner conduct such activities, Landowners are subject to the indemnification and hold harmless provisions of this document.
- B. At present, there are no drilling or other related operations, including but not limited to exploration, on the subject easement area.
- C. NRCS will agree to the selection of drilling sites which may be used during the months of **October, November, December and January**. No NRCS approval will be required in the months of **July, August, and September**. NRCS will also agree to the location of access routes for exploration, drilling and related activities on the Property. NRCS will be reasonable in the selection of these sites and routes taking into account the standard that such agreement will

not unreasonably interfere with the purposes of the WRP program. Any work-sites will be restored prior to January 31 of each year.

D. Landowners, and each of them, hereby agree that they will not exercise any of their respective mineral interest in the Property, or cooperate with the owner or any Outstanding Mineral Interests, in any manner which would unreasonably interfere with the purpose of the WRP documents.

E. If the exercise of any Outstanding Mineral Interests noted in the Preliminary Report unreasonably interferes with the purposes of the WRP documents, Landowners agree to indemnify and hold harmless NRCS for any damage to the Wetland Program Easement which are proximately caused by the exercise of any Outstanding Mineral Interests. Landowners also agree to take any action which has a reasonable chance of success, that might stop the exercise of any above mentioned Outstanding Mineral Interests.

5. If any party hereto fails to perform its obligations because of strikes, fires or other casualties, acts of God, legal acts of public authorities, or other causes not within the control of the party to perform, and which cannot be reasonably forecast or provided against, than that party's failure to perform shall be excused for a period equal to such cause.
6. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one instrument.
7. This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the matters set forth herein and contains all of the covenants and agreements between the parties regarding said matters. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or in writing, have been made by any party or anyone acting on behalf of any party which are not embodied in this Agreement and no other alleged agreement, statement, or promise shall be valid or binding.
8. If an action at law or in equity is necessary to enforce or interpret the terms of this Agreement, if the United States is the prevailing party it shall be entitled to recover reasonable attorneys' fees and costs. If the Landowners are the prevailing party, they are entitled to recover reasonable attorney's fees and costs only pursuant to the Equal Access to Justice Act (28 U.S.C. 2412 and 5 U.S.C. 504).
9. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.
10. The covenants and agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the parties hereto.

11. No change, amendment or modification of this Agreement shall be valid unless the same be in writing and signed by the parties hereto.

12. This Agreement shall be construed and governed pursuant to the applicable laws of the State of California and the laws of the United States.

NATURAL RESOURCES CONSERVATION SERVICE
United States Department of Agriculture

LANDOWNERS:

RR Conservancy LLC, a California Limited Liability
Company

BY: 

Larry Benton Kealey, Jr.

Managing Member

By _____

NOTARIZATIONS

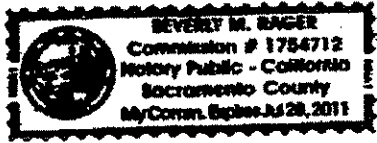
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On 4/24/08 before me, Beverly M. Rager Notary Public

personally appeared Larry Denton Kelley, Jr



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Beverly M. Rager
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Indemnification and Hold Harmless Agreement

Document Date: April 15, 2008 Number of Pages: _____

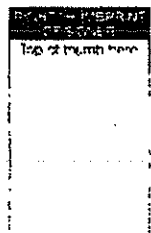
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer is Representing: _____

Signer is Representing: _____

© 2007 National Notary Association • 9750 De Soto Ave. P.O. Box 2402 • Channahon, IL 61311 • 815-424-2402 • www.NationalNotary.org Item #5907 Reorder Call Toll Free 1-800-976-6827

END OF DOCUMENT