III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are listed in order that they were received. Yolo County conducted a public review session before the Planning Commission to receive oral comments on the Draft EIR on May 14, 2009. The public had a second opportunity to submit both verbal and written comments at a Planning Commission workshop held on June 10, 2009 on the revised Draft General Plan (June 5, 2009) and Draft EIR. Summary notes from these meetings are also included in this chapter as letters 5 and 22, respectively.

If the subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses, in order to review all information on a given subject. Where this occurs, cross-references are provided. Section A, below presents “Master Responses” which are generally more extensive than the individual responses provided in Section B, and may cover several related issues raised by a variety of authors.

A. MASTER RESPONSE

The County has prepared a “Master Response” on the extension of time to comment on Draft General Plan and/or Draft EIR. This response is generally more extensive than the individual responses provided in Section B, and may cover several related issues raised by a variety of authors. The following Master Response is included herein:

Master Response 1 – Extension of Time to Comment Draft General Plan and/or Draft EIR

The General Plan DEIR was released on April 28, 2009, and was available to the public for a 45-day review period, concluding on June 12, 2009. This process fully complied with all State of California Environmental Quality Act (CEQA) requirements. During this time, the DEIR was reviewed by the Planning Commission on May 14, 2009, during a public workshop attended by a total of three members of the public. Staff received 40 comment letters during the public review period, from 28 different organizations and individuals.

Several of the letters requested that the County extend the public comment period for the Draft General Plan and/or DEIR. The primary issues of concern, to those who have requested additional time to comment on the DEIR, are varied, but focus on a few key issues: designating the Covell property as Specific Plan Overlay, reconfiguring the Industrial designation of the Spreckels property, proposed groundwater management policies, and policies for developing the Dunnigan Specific Plan. The current Draft General Plan represents the culmination of a six-year process. Each of the issues cited above were extensively debated during the creation of the Preferred Land Use Alternative in 2007, and have been carried forward into the Draft General Plan first presented over a year ago. These are not new issues, and the Board of Supervisors has already provided clear direction on these
matters. The primary intent of these requests appears to be to delay the General Plan process, by members of the public who disagree with the current direction provided by the Board of Supervisors. Extending the 45-day DEIR public comment period would delay implementation of the various policies and actions in the General Plan. In particular, this could affect the timeline for consideration of the Dunnigan Specific Plan, which has to be consistent with the Draft General Plan, and cannot rely on the EIR until it has been certified. Further delay would also increase consultant costs and delay related implementation. For these reasons, the requested extension of time for the DEIR public review period was not granted.

It should be noted that in several of the above letters, there appears to be some confusion between the Draft General Plan and the Draft EIR. There were a number of references in the various letters to “last-minute” changes, corrections, and typographic errors. There were also concerns that the Planning Commission’s deliberations, and the public’s ability to participate in the public review process, were hampered by the new document under consideration. To clarify, there were no changes to the Draft EIR that was released to the public in April 2009. The only “new” document was staff’s recommended revisions to the Draft General Plan, which had been made available the week prior to the Planning Commission hearing.

The only revisions to the Draft General Plan, recommended by staff to the Planning Commission, were to incorporate the Mitigation Measures included in the DEIR, some editing and corrections, and minor land use changes — many of which had been requested by the individual landowners. All of the changes have been determined not to be significant information, and therefore do not require recirculation of the DEIR, pursuant to Section 15088.5 of the California Environmental Quality Act (CEQA). See Chapter V of this Response to Comments document for more information. It is important to recognize that the recommended Draft General Plan presented to the Planning Commission was primarily the same (except for the changes as noted) as the one accepted by the Board of Supervisors in January 2009. In turn, the January version of the Draft General Plan was much the same as the version presented to the Board of Supervisors and Planning Commission in September 2008. As a result, the public has had the opportunity to comment on a Draft General Plan that has been largely unchanged for the past nine months.

More importantly, the comment period for the Draft General Plan is ongoing. The public is welcome to submit comments on the General Plan anytime before the Board of Supervisors adopts the Final General Plan on November 10, 2009. Comments will be accepted until and/or during the public testimony portion of the hearing on November 10, 2009, when the Board of Supervisors adopts the final General Plan.

B. COMMENTS AND RESPONSES

Following are the individual letters and responses keyed to the comments within each letter.
MARK and VICKI PRUNER  
P. O. Box 3  
Sacramento, California 95811  

Telephone: (916) 447-1121  

April 26, 2009  

MR. DAVID MORRISON  
Assistant Director  
County of Yolo, Planning & Public Works Department  
292 West Beamer Street  
Woodland, CA 95695  

Re: Request to Retain Current Land Use Designations in New Yolo General Plan  
Three Parcels: Clarksburg Avenue, Clarksburg  

Dear David:  

We request that the three parcels listed below keep their present land use designations as general commercial, not residential, in the new Yolo County General Plan. We are the owners of these three parcels.  

These three parcels are:  

1. 52911 Clarksburg Avenue, APN: 043-271-01  
2. 52925 – 52937 Clarksburg Avenue, APN: 043-271-02  
3. 52945 Clarksburg Avenue, APN: 043-271-15  

Thank you. If you need anything further in order to meet this request, please let us know.  

If you have any questions, please do not hesitate to contact me.  

Very truly yours,  

MARK PRUNER  

VICKI PRUNER  

JOSEPH GOMES  

KATHY GOMES  

MICHAEL ELMORE  

VALERIE ELMORE  

cc: Mike McGowan
Letter 1  
Mark and Vicki Pruner  
April 26, 2009

Response 1-1: The authors request a change in land use designation from Residential Low to Commercial Local for three parcels in the town of Clarksburg. The requested changes were included as a part of staff’s recommendation to the Board of Supervisors in Attachment G of the Staff Report for July 20, 2009. The Board of Supervisors accepted the recommendation regarding this request in Minute Order 09-143, on July 21, 2009.
May 4, 2009

Heidi Tschudin
General Plan Project Manager
Tschudin Consulting Group
710 21st Street
Sacramento, California 95811

Dear Ms. Tschudin:

This is in response to your request for comments on the Notice of Availability of the Draft Environmental Impact Report on the Draft General Plan for Yolo County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Map revised December 20, 2002. Please note that the County of Yolo, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
Heidi Tschudin, General Plan Project Manager
Page 2
May 4, 2009

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtml.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Yolo County floodplain manager can be reached by calling Lonell Butler, Building Official, at (530) 666-8803.

If you have any questions or concerns, please do not hesitate to call Jena Critchfield of the Mitigation staff at (510) 627-7266.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
David Morrison, Assistant Director, Yolo County Planning and Public Works Department
Lonell Butler, Building Official, Yolo County
Ray Lee, State of California, Department of Water Resources, Central District
Jena Critchfield, Insurance Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX
Letter 2
Federal Emergency Management Agency
Gregor Blackburn, CFM, Branch Chief
May 4, 2009

Response 2-1: This comment provides an introduction to the comments that follow.

Response 2-2: The author requests that the EIR be reviewed to ensure that it relies on the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). As noted in the comment, Yolo County is a participant in the National Flood Insurance Program (NFIP) program. The County does review, maintain, and incorporate the current FIRMs into the planning and environmental review process, and the 2002 FIRM data was reviewed as part of the preparation of the General Plan update and EIR analysis. Yolo County Geographic Information System (GIS) services rely on digital Q3 electronic GIS data provided by FEMA which was derived from the December 2002 FIRMs for Community Number 060423 (Yolo County). According to FEMA, "The Q3 Flood Data is a digital representation of certain features of FEMA's FIRM product, intended for use with desktop mapping and GIS technology. Digital Q3 Flood data has been developed by scanning the existing FIRM hardcopy..." This data set served as the source for the General Plan 100-year floodplain mapping, the Yolo County floodplain comparison mapping, and floodplain maps prepared for the existing conditions Background Report which provided the bases for the figures in the Draft EIR (see Figures IV.K-4 and IV.K-5). In addition, in Section IV.K, Hydrology and Water Quality, the Draft EIR includes an extended discussion of both the current (based on the sources noted above) and probable future flood hazards on pages 642 through page 651. This section also includes a discussion of preliminary drafts of new FIRMS as revised by FEMA on December 19, 2008.

Response 2-3: The author summarizes a number of NFIP floodplain management building requirements for review and use by the County. The County is aware of these requirements and implements them through Chapter 3 of Title 8 in the County Code, titled “Flood Damage Prevention Ordinance.” Specifically, see Sections 8-3.403, 8-3.501, and 8-3.506.

Response 2-4: The author notes that many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the federal standards, as has the County of Yolo. Please refer to Response 2-3 above.
May 7, 2009

TO: Yolo County Board of Supervisors

CC: David Morrison, Assistant Director, Yolo County Planning & Public Works
    Carla Phillips, Chair, Madison Advisory Committee

FROM: Esparto Citizens Advisory Committee

SUBJECT: KH Communities, LLC application for Madison Development

The Esparto Citizens Advisory Committee (ECAC) supports Yolo County Planning Staff and Madison Citizens Advisory Committee in their recommendation to deny the "fast-track" application by KH Communities LLC for the Madison Specific Plan prior to the 2030 Yolo County General Plan approval.

The scope of this development is too much, too fast when our unincorporated towns still need upgrades to infrastructure to meet the current needs.

We also take exception to the following excerpt from page 3 of the 4/21/09 Staff Report:

"It should also be noted that the Board of Supervisors previously indicated that 75 acres of existing industrial land in nearby Esparto was not economically likely to develop and should instead be considered for residential and commercial uses."

It has always been ECAC's position that Esparto residents do not want this parcel rezoned from its current Industrial status (unless to ag-industrial) to Residential and/or Commercial. We would like to again request that the Board drop this proposed change from the Yolo County General Plan draft as it was neither desired by the Esparto community, nor Planning Staff as we understand it.

Thank you for your consideration.

Sincerely,

Melissa Jordan, Chair
Gretchen Adan
Wayne Belshaw
Colleen Feschenmeyer
Pat Harrison
John Huisman
Giacomo Moris
Patrick Scribner

The Esparto Citizens Advisory Committee is appointed by the Board of Supervisors to act as advisors to the Planning Commission concerning land use matters. The opinions expressed by this committee are not necessarily those shared by the Planning, Resources, and Public Works Department.
Letter 3
Esparato Citizens Advisory Committee
May 7, 2009

Response 3-1: The author indicates opposition to allowing the Madison Specific Plan to proceed in advance of the adoption of the Draft 2030 General Plan update. It should be noted that pursuant to Minute Order 09-106, accepted by the Board of Supervisors on April 21, 2009, the issue of whether or not the Madison Specific Plan application should be accepted has been continued indefinitely, until such time as the applicants can ensure consistency of the proposal with the Draft 2030 General Plan and assurance of adequate staff funding to process the application.

Response 3-2: The author’s exception to the County’s description of the 79-acre site as economically unlikely to develop as an Industrial use is noted. The Draft General Plan as accepted by the Board of Supervisors on January 21, 2009 had designated the 79-acre site as a mix of Residential, Commercial, Public/Quasi-Public, and Open Space uses. Staff recommended to the Board of Supervisors on July 20, 2009, that 79 acres in the Esparto General Plan, located south of State Route 16 and east of County Road 86A, retain its existing land use designation of Industrial. Staff’s recommendation was based on Mitigation Measure LU-1C, in the Draft Environmental Impact Report for the 2030 Countywide General Plan update, which analyzed the effects of the January 21, 2009, Draft General Plan.

Following direction from the Board of Supervisors on July 20, 2009, for staff to meet with the majority owner of the 79-acre site and to resolve all outstanding issues, a modified recommendation was made by staff to revise Policy CC-3.13 by further refining the mix of uses and including specific goals to be accomplished by future development. The applicant concurred with the revised recommendation. The revised language was accepted by the Board of Supervisors in Minute Order 09-143, on July 21, 2009.
May 12, 2009

To: Yolo County Supervisors
   Mike McGowan, Chair
   Helen Thomson
   Matt Rexroad
   Duane Chamberlain
   Jim Provenza
   David Morrison, Yolo County Planning & Public Works Department

Regarding: Yolo County General Plan Update – Recommendation

Dear Chair McGowan and Fellow Supervisors,

There is an urgent need for a new state-of-the-art forensic science training facility. We respectfully request that language be included in the updated County General Plan that will allow the appropriate land use language and designation to encourage the development of a Forensic Outdoor Research and Training facility. Specifically, we request language that encourages the county to work with Federal, State, Local and other agencies to encourage National Security interests as an exemption to restrictive land uses in Agricultural zones.

For example:
AG-1.5 Strongly discourages the conversion of agricultural land for other uses. No lands shall be considered for re-designation from Agricultural to another designation unless all of the following findings can be made:
   A. There is a public need or net community benefit derived from the conversion of the land that outweighs the need to protect the land for long-term agricultural use.
   B. There are no feasible alternative locations for the proposed project that are either designated for non-agricultural land uses or are less productive agricultural lands.
   C. The use would not have a significant adverse effect on existing or potential agricultural production or surrounding lands designated Agriculture.

Requested Change:
Insert language that provides an exception for projects that benefit National Security and promote the extension of the sciences through UC Davis.

Economic Development Goals and Policies should include language that encouraged the County to “work with federal, state, local, UC Davis and other agencies to develop and pursue public and private partnerships to site facilities that benefit and expand training opportunities for forensic sciences”. We recommend including language that bolster ED policies 1.9, 1.12, 2.4 and 2.8.
The following outlines the background regarding the forensic science facility, the benefits it will bring to Yolo County, proposed sites that will require specific exemption to allow for the facility and the operational support and first rate teaching opportunity.

**Project Overview**
We propose to build a Forensic Outdoor Research and Training facility (FORT) in Yolo County. This would be a state of the art center for forensic science and evidence response training in an authentic environment and secure setting for studying and training in all aspects of forensics and crime scene investigation. It would be a West Coast version of the forensic training facilities at Quantico, VA. It would offer research and training opportunities to forensic scientists, academic researchers, crime scene responders, and students in diverse fields of forensics, environmental sciences and engineering.

**Need**
There is an urgent need for a state-of-the-art forensic science training facility in the United States. A National Research Council report (National Academy of Sciences: Strengthening Forensic Science in the United States: a Path Forward, Feb. 2009) found serious deficiencies in the nation’s forensic science system and [called] for major reforms and new research. The U.S. has only a few law enforcement outdoor forensic training facilities, including the FBI Academy in Quantico, VA, and the Anthropology Research Facility at the University of Tennessee, Knoxville.

There is no forensic training facility in the western half of the United States, and a facility of this kind is urgently needed. Crime is a serious and growing problem in the region. California has 20% of the cities with the highest crime rates in 2008 according to FBI statistics and the western states account for 34% of the cities with the highest crime rates. Three California cities, Oakland, Richmond and Compton are in the top twenty.

Additionally, the climate, soils, vegetation and other aspects of the west differ substantially from those of the east as a result calculations about time of death and materials decomposition based on studies in the east do not necessarily apply to situations in the west. Finally, the American west is environmentally more similar to current overseas regions of threat than is the eastern US.

**Background**
The Sacramento Region is the ideal site for the FORT facility. The region includes the urban and rural areas surrounding the state capital in Sacramento, as well as the University of California, Davis (UCD), California State University Chico (CSUC) and CSU Sacramento (CSUS).

Technological amenities at the FORT facility would go well beyond those available at Quantico and Knoxville. The FORT would provide high-speed Internet connectivity, remote sensing capabilities, ground-penetrating radar and modern data based technologies, and access to a wide range of biological collections. Human remains for forensic training and research would be provided and regulated by the UC Anatomical Donation Program. Access to biological collections and diagnostic tools would be coordinated through the UC Davis Biodiversity Consortium, and technological support (diagnostics, database management, high-speed internet, remote sensing) via corporate partners and research and development by university faculty. Technological assistance and implementation of digital networking systems at the FORT site and the installation of a remote sensing grid would be done by corporate partners. These amenities, in an environment that promotes collaborative research, would open the door to developing and testing new technologies, training researchers, students, and law enforcement officials, and improving educational opportunities in a variety of disciplines at local universities.

The vicinity of the City of Woodland is ideal for this facility. A site located on rural land near the city makes the FORT facility convenient for out-of-state and international trainees, local law enforcement,
and faculty and students from UCD and CSUC and CSUS, because of the close proximity of the Yolo County and the Sacramento County Coroner’s Offices, Sacramento International Airport, and living accommodations.

**Benefits**

The FORT facility would benefit forensic scientists, college students, law enforcement officials, first responders, service dogs and their trainers, university research programs, and the community as a whole by providing state-of-the-art research and training facilities. Yolo County and local cities would benefit by hosting an internationally recognized facility that would function as a technology incubator, and from the income derived from visitors to the facility using city facilities and local businesses.

Researchers and students of forensic science need opportunities to conduct research in an outdoor environment. The proposed outdoor laboratory would be ideal for investigating many aspects of forensic science, such as determining time since death, the use of electronic technology and remote sensing for detecting hidden materials, modeling decomposition of remains and materials, among others. We have collaborators from a diversity of scientific disciplines, such as entomology, anthropology, odontology, genetics and toxicology, as well as engineering and criminalistics, because the facility would provide research opportunities unavailable anywhere else.

The FORT facility would serve as a training facility for law enforcement officers in all levels of government. It would provide a much-needed West Coast complement to the FBI’s forensic investigation training sites available at Quantico and Knoxville. The FORT facility would make it possible to increase the numbers of evidence response personnel trained and working in the U.S., broaden their training in environments unique to the western United States, and greatly enhance their capabilities through the use of new technologies only available at the FORT facility. In California, instructional opportunities for law enforcement personnel are even more limited than at the federal level. The best education can be gained with the most realistic experience available, and the proposed FORT facility would be equipped to handle the diverse needs of the law enforcement community while maintaining academic integrity and a respectful environment for whole body donors. Additionally, the secluded environment, with its accessibility to major metropolitan areas, makes this an ideal location as a training facility for first responders from all over the United States preparing for broad-scale disasters.

**Participants**

Participants in the facility planning include faculty members at CSU Chico and UC Davis, the UC Davis Masters Degree Program in Forensics, the UC Anatomical Donation Program, Sacramento Coroner’s Office, Transformatix LLC, Richard Kirkwood and Sheffield Real Estate. In addition, we have support from the County Sheriffs of Butte, Lake, Sacramento and Yolo Counties, and LEACC (Law Enforcement Administrators Council of Yolo Co.).

**Proposed Site**

We are looking at 100 acres in a rural site east of Woodland. The site includes ten acres, with farm buildings, septic system, telephone and electricity. Water is available in abundance and we would be able to modify the site as needed, putting in ponds and elevations. The site is isolated from current and any planned.

The City of Woodland is also proposing to make the Woodland Community Center on East St. available for classes and other activities associated with the FORT facility. This would make it possible to begin offering training programs immediately.

**Operational Support**

Once the basic facility has been constructed and the educational and research programs are in place, a facility fee charged to users would generate capital to defray annual expenditures. This would provide
an ongoing funding that would ensure that the program remains innovative and able to respond to stakeholder needs. By creating a state-of-the-art research facility we would attract first-rate research and teaching faculty from local universities, who would obtain funding for their specific research projects from external agencies, bringing in additional funds for improving and maintaining the facilities.

Conclusion
We recognize that the General Plan is often referred to as the constitution for land use planning and development. Our goal is to provide research and training opportunities for UC Davis and other California State Universities, bring recognition to Yolo County and most of all improve our national security by improving our forensic science capabilities. Please help us by including appropriate General Plan language to accomplish these objectives.

Sincerely,

[Signature]

Lynn S. Kimsey
Professor & Chair of Entomology
Letter 4  
U.C. Davis  
Lynn Kimsey, Professor and Chair of Entomology  
May 12, 2009

Response 4-1: The author requests policy support in the Draft General Plan for a proposed Forensic Outdoor Research and Training Facility (FORT). The Draft General Plan recommended to the Board of Supervisors by staff on July 20, 2009, included the addition of Policy LU-6.14, which stated: “Work with federal, State, and local agencies, and other interests as part of a public-private partnership to develop and pursue site facilities that benefit and expand training opportunities for forensic sciences.” The new policy was accepted by the Board of Supervisors in Minute Order 09-143, on July 21, 2009.

Response 4-2: The requested change to include an exemption in Policy AG-1.5 for scientific projects managed by the University of California – Davis that benefit national security was not recommended as it was duplicative of existing policy language. The proposed forensic facility was already consistent with the findings in Policy Ag-1.5 that allowed for the conversion of agricultural land to non-agricultural uses, and any additional exemption would have been redundant.

Response 4-3: The requested change to include language supporting the proposed forensic facility in Chapter 6 of the Draft General Plan: “Agriculture and Economic Development Element” was not recommended as it would be redundant to Policy LU-6.14.

Response 4-4: This comment provides background, benefits, and discussion of a possible site for the proposed forensic facility. The information provided is appreciated.
WORKSHOP

6.8 Review of the Draft Program Environmental Impact Report (DEIR) for the Yolo County 2030 General Plan and accept oral comments on the DEIR.

Heidi Tschudin, General Plan Project Manager for Yolo County, provided a brief overview of the Draft Environmental Impact Report, and responded to questions from the commission and the public.

Ms. Tschudin gave a description of the workshops on the revised Draft 2030 Countywide General Plan and Draft EIR. She explained that the purpose of the hearings would be to provide an opportunity for the staff to report on recommended changes to the Draft General Plan, for the public and interested agencies to provide comments directly to the Planning Commission, and to receive recommendations from the Planning Commission for consideration by the Board of Supervisors.

Ms. Tschudin encouraged those reviewing the document to start with the summary section, as it will give a good overview of the document, and then follow with Chapter 3, where they can find details of the General Plan. The final section she recommended was the land use section. She stated that she is not advising that the entire document not be read, but that the three sections she mentioned are the most useful.

Chair Kimball opened the public hearing.

Eileen Samitz, former Planning Commissioner in Davis, gave a history of her experience with the General Plan process. She explained that she was at the public hearing because of the Covell Village Property designation, and her belief that it should be zoned agriculture, rather than industrial, due to flood plains. She distributed a map to the commission as a visual aide.

Mr. Linse expressed his amazement at the document's head-on look at the jobs and housing balance. He said that this is really something that they need to look at, and suggested artisan villages, an agricultural village (where people live densely and share a garden or orchard), and senior living. He said that he is glad that it has been brought up, although he doesn’t feel that five years is adequate to monitor it. He also said that he likes the part of the General Plan that talks about trails for hiking and biking, transportation modes and flooding.

Eileen Samitz came forward again to say that she had called Pam Nyberg, President of the Sierra Club-Yolano Group, on the phone and that they have five pages of concerns including the concern about residential and commercial growth reaching into the open space and agricultural areas. She stated that for the record, there is not general support for the Draft General Plan, and that the five pages of concerns were sent to Mr. Morrison.

Mr. Morrison’s response was that he had received those five pages, and had been included in the Draft General Plan workshops. He will follow up with those concerns.

Justin Kudo said that he lives in Davis, and is the Vice-Chair of the Human Relations Commission for the city and he personally feels that Covell Village is a good site. He said he is glad that Yolo County is still looking at it, and he understands the nature of the pass-through agreement. He explained that he works across the street from it, in the business park, and it is kind of a hole in the city. He said that it seems that if you were going to put any kind development on the periphery of the City of Davis, which is where you would put it. He expressed his understanding of the flood plains, and shared some of the challenges that they could encounter; however, they could be resolved.
Yolo County Planning and Public Works Department
May 14, 2009

Ms. Samitz came forward to make a dispute Mr. Kudo’s comment that Covell Village is on the periphery of Davis.

Chair Kimball closed the public hearing.

Chair Kimball thanked Ms. Tschudin for her presentation and said that she looks forward to presenting comments at the June workshops.

Commission Action:

That the Planning Commission:

3. RECEIVE a staff report regarding the Draft Environmental Impact Report (DEIR) for the Draft 2030 Countywide General Plan; and

4. PROVIDE an opportunity for the public to comment on the DEIR (distributed to the Commission and public on April 28, 2009 under separate cover).
Letter 5
Planning Commission Minutes
May 14, 2009

Response 5-1: This comment contains staff’s introduction and overview of the Draft Environmental Impact Report for the Draft General Plan.

Response 5-2: The author is correct in noting that a portion of the Covell/Pole Line property is located within the 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

The author also suggests that the Covell/Pole Line site should be designated as Agriculture. Staff disagrees with the request, as the site is currently surrounded on more than ninety percent of its periphery by existing urban uses, which significantly restrict the ability of the land to be effectively farmed. Requiring that a Specific Plan be developed for the Covell/Pole Line site would allow coordinated planning between Yolo County and the City of Davis to create a project that sensitively addresses the challenges of development at this location. As a result, staff recommended to the Board of Supervisors on July 20, 2009, that the Covell/Pole Line site, located north of Covell Boulevard and west of Pole Line Road, immediately adjoining the City of Davis, retain its existing Industrial designation with an added Specific Plan Overlay. After extensive discussion and public comment, the Board of Supervisors directed that the site’s land use designation instead be changed to Specific Plan, which was accepted in Minute Order 09-143, on July 21, 2009. In the event a proposal for development is eventually submitted for this site, the Specific Plan designation effectively precludes any change from agricultural to industrial or other urban uses without a comprehensive land use planning and environmental review process.

Response 5-3: The author’s comments supporting the Draft General Plan policies requiring a jobs/housing balance; as well as those that support hiking and biking trails, multiple transportation modes, and flood management are appreciated. The potential for artisan and agricultural villages in the Dunnigan Specific Plan would not be precluded in the Draft 2030 General Plan update.

Staff agrees that monitoring the jobs/housing balance every five years may not be sufficient. Instead, staff recommended in Attachment F of the Staff Report for July 20, 2009, that Policy CC-3.3 be revised to require monitoring at the end of each phase of the Specific Plan. This will allow for recommended changes that address any jobs/housing deficiencies be
made prior to approval of the subsequent phase. The Board of Supervisors accepted the recommended language in Minute Order 09-143, on July 21, 2009.

Response 5-4: The author indicates that there is not widespread support for the Draft General Plan. Staff respectfully disagrees. Throughout the past six years and dozens of public workshops and hearings, as well as hundreds of pages of written comments, very few people have expressed opposition to the entire Draft General Plan. A small number of groups and/or organizations have indicated differences with specific policies, land use designations, or other limited portions of the Draft General Plan. Nonetheless, the vast majority of opinions received has typically been supportive of the policy direction and vision described in the Draft General Plan.

Response 5-5: The comments supporting the addition of a Specific Plan Overlay designation to the Covell/Pole Line site are appreciated.

Response 5-6: The comment that the Covell/Pole Line site is not at the periphery of the City of Davis is noted. The subject site is bounded on three sides by the Davis city limits and on much of the fourth side by land owned by the City of Davis. As such, staff believes that while describing the subject property as urban in-fill is more accurate, the description of the site as being located at the edge of the city is also correct.

Response 5-7: This comment includes the closing of the public hearing for this item and the actions taken regarding the Draft EIR.
May 27, 2009

Yolo County Board of Supervisors
Yolo County Planning Department

RE: Response to request for comments regarding DEIR

Dear Members of the Board and Planning Department:

The Yolo Zamora Advisory Committee unanimously voted to send a letter after sub committee review. We believe the thrust to develop Dunnigan represents the least desirable option for the following reasons.

1. Development in this area should depend upon acquisition of jobs to ensure an optimum ratio of housing units to jobs. We believe that striving to ensure an adequate number of jobs in the area is extremely problematic because new jobs will tend to gravitate to incorporated areas (West Sacramento, Woodland and Davis primarily) where infrastructure and supply networks are in place.

2. There is essentially nothing in the Dunnigan area that attracts jobs except I-5 and agriculture. Even if a few employers could be obtained, the number of jobs would not be sufficient to justify developing a reliable water supply and sewage disposal system for the existing town and the new houses.

In other words we are concerned that the incremental build out option with a boot strap approach to adding jobs with housing will not be sufficient to support the development of water and sewer and a total build out at one time would not develop the jobs needed to keep Dunnigan from being a commuter town.

West Sacramento would appear to us as a more desirable alternative because basic infrastructure exists, supply network exists, transportation corridors are close by and industrial sites are waiting to be developed.

Thank you,

Mary Jo Hoes
Chair
Yolo-Zamora Advisory Committee
Letter 6  
Yolo-Zamora Advisory Committee  
Mary Jo Hoes, Chair  
May 27, 2009  

Response 6-1:  
The author indicates that the success of the Dunnigan Specific Plan will depend on the provision of jobs, which will be problematic as businesses will more likely locate in incorporated cities where there are supply networks and infrastructure. Staff disagrees with the conclusion that businesses will more likely locate in incorporated cities. As Dunnigan builds out, it will provide similar supply networks and infrastructure as those in other incorporated cities, reducing any comparative advantage. Similar to other cities, Dunnigan may rely on a variety of incentives for businesses to locate in the community, including enterprise zones, redevelopment agencies, reduced fees, reduced land costs, Community Development Block Grants, business development loans, and others. There are also a number of policies and actions that emphasize and support economic development within the unincorporated communities, including but not limited to: LU-3.3, CC-2.4, CC-3.16, CC-A3, and ED-1.1 through ED-A31 inclusive.

Policy CC-3.3 specifically addresses this issue by requiring that jobs be balanced with housing within each phase, and within the overall Dunnigan Specific Plan. In addition, the wages provided by jobs should match the cost of housing being provided. Mitigation Measure LU-4C provided language to further refine and tighten Policy CC-3.3. Staff is recommending additional revisions to this policy (and Mitigation Measure LU-4c on page 149 of the Draft EIR), as a part of the Final EIR, to provide more specific direction in ensuring that the jobs/housing balance is achieved, as follows:

- Ensure that jobs are created concurrent with housing to the greatest feasible extent. Include requirements to ensure a reasonable ongoing balance between housing and jobs by phase. Strive to match overall wages to home prices.

- For areas within Specific Plans, the amount of land designated for residential and job generating uses shall be evaluated during the Specific Plan process, and land uses must be “re-balanced” by within each phase if necessary, in order to achieve a jobs/housing community-wide balance of 1.2 jobs per household. A jobs/housing monitoring program shall be established as part of each Specific Plan for its planning area. The jobs/housing relationship (balance, phasing, and match) for each Specific Plan area shall be monitored by phase. If one land use sector is out of balance with another, at the end of any
phase, the required jobs/housing relationships are not achieved, the County shall require immediate and effective actions to be taken by the Developer to ensure that balance is achieved. The jobs/housing relationship is rebalanced, prior to approval of any subsequent phase. Such actions may include, but are not limited to the following: change in the amounts of land uses in remaining phases; financial/regulatory incentives to accelerate the development of underdeveloped land uses; smaller phases; limitations on permits for overdeveloped land uses; and/or other actions as may be required.

These requirements are also addressed in Policies CC-2.10, 2.11, and 2.12.

Response 6-2: The author continues her previous point by stating that there is nothing in Dunnigan to attract business or jobs except for Interstate 5 and agriculture. The few employers likely to locate there will not be sufficient to justify the investment in infrastructure for the amount of growth being proposed. Please see Response 6-1.

Response 6-3: The author’s preference that growth proposed within the Dunnigan Specific Plan instead be directed to the City of West Sacramento is noted. However, Yolo County does not have land use authority within any incorporated city and would be unable to require West Sacramento to accept the additional growth anticipated in the Draft 2030 General Plan update. And in any event, it is appropriate to direct growth to the area covered by the Dunnigan Specific Plan for a number of reasons articulated in the Draft 2030 General Plan update and other related documents.
May 31, 2009

Yolo County Planning Commission
292 West Beamer St.
Woodland, CA 95695-2598

Dear Planning Commission Office,

Please copy and distribute the enclosed letter and map attachment to all the Commissioners and alternate Commissioners in time for them to review before the Planning Commission’s review meetings of the Yolo County EIR the week of June 9th, 2009. Please include copies of the letter and the map in their packet as well.

Thank you,

Eileen M. Samitz
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(530) 752-9446 (W)
emsamitz@dcn.org
May 31, 2009

Yolo County Planning Commission
292 West Beamer St.
Woodland, CA 95695-2598

Dear Commissioner,

As a former Planning Commissioner in Davis who also served on two of our city’s General Plan update land use committees, I appreciate the importance of the Yolo County General Plan update. I have great concern about the land use designation of the parcel known as Covell Village which is located at the corner of Covell Blvd. and Pole Line Road. The current Yolo County land use designation for this parcel is industrial and is not appropriate for that land due to the proximity of residential and the fact that it has an enormous flood plain covering more than 180 acres of the 383-acre parcel. For these reasons, and the fact that the land is primarily prime ag land and is successfully farmed every year, the land use designation of this parcel should be changed from industrial to agriculture.

In 2005 the Covell Village project was voted down 60-40 by Davis voters. One of the most compelling reasons was that the EIR clarified that approximately half of the property was in the 100-year flood plain. I have enclosed a copy of the 2005 EIR map illustrating the massive coverage of the 2002 FEMA map of the 100-year flood plain on the parcel. Other reasons why the project was voted down by the citizens included the massive size of the project, the unaffordability of the units and the many problems that could not be resolved including the access, traffic, air quality and safety issues. Given that the State of California now has flood control bills which clarify that the State of California will no longer pick up all of the expenses due to the damage by a flood event, it is imperative to this land be rezoned agriculture. These flood control bills (like AB70 on flood liability) are included in the current draft of the Yolo County General Plan. It has become evident that development like the ones built in Natomas in the floodplain areas were bad planning and the consequences have been devastating when the flood events occurred due to the physical and financial damages. The message is clear that we need to stop building on enormous flood plains like the one at Covell Village. Not only does it conflict with good planning principles but it sets up the city of Davis, as well as the Yolo County, for liability when the flood event happens on the site.

This land parcel has some of the most prime ag land in the region and redesignating it “agriculture” would make it far more compatible with its surroundings than the industrial designation since it is currently being used for agriculture and is completely compatible with its surroundings. The site will always have access issues due to its location and the any large project would present unmitigable traffic, safety, air quality. The other reasoning is to avoid another tragic accident like the one that occurred at Covell Blvd. and Pole Line Road years ago of a semi-truck fatality of a UCD student. We need to protect the health, welfare and safety of the residents of the region. The best solution is to redesignate the 383-acre parcel “agriculture” since that is what the land is being used for currently, and is clearly its optimal use.

In the event that any potential development may be considered it is critical that a minimum of the upper 2/3 of the property be designated agricultural land into perpetuity to prohibit any development on the enormous flood plain region. Keep in mind that these 383 acres of agricultural land were bought by the Covell Village Partners in a bankruptcy sale for an astonishing low price of only $3.1 million dollars almost a decade ago. It is clear that the developers could easily afford to do the required 2:1 agricultural mitigation on the 383-acre site, which would leave the flood plain in the agricultural portion on the site, but they have shown no interest in this scenario to date.
It is becoming evident that the developers plan to defy the wishes and concerns of Davis residents and will try to return with an equally large development proposal with the same impacts, but built in three phases. Again, Davis residents opposed the previous project for many reasons including: 1) it was too large, 2) it had too many traffic and air pollution impacts, 3) it had enormous infrastructure needs which would need to be paid for by the citizens, 4) it had unaffordable housing and 5) most importantly it had an enormous 100-year flood plain covering almost 200 acres. The best solution is clearly to redesignate the 383-acre parcel at Covell Blvd. and Pole Line Road as “agriculture” from its current industrial zoning due to the presence of the huge 100-year flood plain and the enormous traffic, air quality and safety issues that would result if any large urban development occurred here. It is also of great importance that this parcel be designated agricultural to preserve the vast amount of prime agricultural land which is on the majority of the parcel.

Despite the repeated requests by the public to preserve the Covell Village parcel as agricultural land, the developments appear to be trying politically to push the project through by using Davis seniors to advocate for an enormous senior project that would be simply broken up into three phases. A 383-acre senior project at this site would far exceed the needs of Davis citizens and there is no reason why it could not be smaller and there needs to be a discussion as to what location would be the most suitable. By comparison, my own mother lives in a 25-acre senior community in Florida which has all levels of care from independent to assisted living to convalescence and Alzheimer’s units. A facility of the new Covell Village size would have enormous impacts on the community, infrastructure services, traffic, air quality and quality of life.

Another item of concern is that it would be important to consider removal of Policy LU-6.11.f which reads: “Commercial and mixed uses at Covell Blvd./Pole Line Road and coordinated planning with the Hunt Wesson site”. One reason to remove this language is that this prime agricultural land and should be preserved as agriculture, and not urbanized. Another reason is that the Hunt Wesson site is not subject to Measure J, but the Covell Village parcel is subject to Measure J and any language like Policy LU-6.11 creating a linkage handicaps both parcels.

Please help protect the future of Davis and the County. Please change the land use designation of this site at Covell Blvd. and Pole Line Road to “agriculture”.

Thank you for your time and consideration.

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Figure 4.11-1
Project Area within the 100-Year Floodplain
Letter 7  
Eileen Samitz  
May 31, 2009

Response 7-1:  
The author requests that her letter be distributed to the Planning Commission in time for them to review it prior to their June 9, 2009, public hearing on the Draft General Plan and Draft Environmental Impact Report. Copies of all correspondence received from the public were provided to the Planning Commission at the earliest date possible, as is customary Department practice.

Response 7-2:  
The author indicates opposition to the designation of the Covell/Pole Line property as Industrial and instead suggests that it be designated as Agriculture, due to the proximity of residential neighborhoods, potential on-site flooding, increase in traffic and air quality impacts, and the loss of prime farmland. She also cites the significant past opposition of Davis residents to development proposals at this location in the past.

It should be noted that at their July 21, 2009, public hearing regarding the Draft General Plan, the Board of Supervisors directed staff to designate this site as Specific Plan, not Industrial (Minute Order No. 09-143). Please see Response 5-2, above, for further discussion.

Staff agrees that potential flooding is a concern that should be carefully considered when evaluating new development. However, it is not always a sufficient reason to prohibit development. Several unincorporated communities and significant portions of Davis, West Sacramento, and Woodland are all within the 100-year floodplain. Flooding is a potential hazard, much like earthquake zones, high fire risk areas, subsidence, slope instability, tsunami zones, high wind areas, and other issues that are commonly taken into account during the design and construction of projects throughout California. Both the California Department of Water Resources (DWR) and the Federal Emergency Management Agency (FEMA) have strict building standards that must be met by all new construction that is subject to 100-year or 200-year flooding. Any development considered under a future Specific Plan for the Covell/Pole Line site would be subject to these standards, as well as insurance requirements to address potential flooding concerns, unless potential flood hazards are addressed by the construction of flood protection infrastructure or other means.

The Covell/Pole Line site was designated at Industrial in the 1983 Yolo County General Plan. As a result, the decision to allow for the development of farmland at this location was made more than 25 years
ago. Any specific plan that may later be proposed and approved thus would not result in the loss of any additional farmland beyond that already allowed as a matter of right under the existing Industrial designation.

Staff believes that as the site is surrounded by urban uses, current agricultural uses may create noise, spray, dust, night-operations, and other nuisances that present a greater land use conflict over the long-term, than would the proposed Specific Plan designation. Any potential environmental impacts resulting from implementation of a specific plan would be fully addressed during the review process for any future site-specific proposal. Please see Response 5-2.

Response 7-3: The author indicates that half of the Covell/Pole Line site is within the 100-year floodplain, and suggests that the location of development in land subject to flooding should not be allowed, as it would increase County liability and would be bad planning. Please see Response 7-2.

Response 7-4: The author reiterates her request that the Covell/Pole Line site be designated as Agriculture. She states that the proposed Industrial designation would result in the loss of prime farm land, and will create impacts related to traffic, safety, and air quality. The author also suggests that should any development be allowed at this site, that the upper two-thirds of the property be preserved as agricultural mitigation. Concerning the potential impacts of development, please see Response 7-2. Regarding agricultural mitigation at the Covell/Pole Line site, the amount and location of such mitigation would be determined through the future Specific Plan process.

Response 7-5: The author suggests that the owners of the Covell/Pole Line site are proposing to develop a senior housing project with three phases. She also cites past history regarding previous development proposals at this site. With the designation of the Covell/Pole Line site as Specific Plan in the Draft General Plan, any proposed development will require separate environmental review, public noticing, and a series of public hearings in order for it to be considered. Any future Specific Plan will be based on the application and project description submitted at that time. As such, current concepts for development of the site are noted, but do not have any relevance to the Draft General Plan.

Response 7-6: The author suggests the deletion of Policy LU-6.11.f, which encourages commercial and mixed uses at the Covell/Pole Line property, as well as coordinated planning with the former Hunt-Wesson site adjoining to the west. The author believes that linking the two sites may hinder development plans for the Hunt-Wesson property, as it is not subject to Measure J, while the Covell/Pole Line property is subject.
Measure J is a requirement established by the City of Davis that is applicable to areas proposed for annexation into the city. The author is correct that the two sites are treated differently under Measure J. However, the Draft General Plan does not assume that development at the Covell/Pole Line site would necessarily be annexed into the City of Davis or that Measure J will be in effect at the time a development proposal for the site is submitted. As such, Measure J may or may not be relevant. As for the impact of linking the Hunt-Wesson site with the Covell/Pole Line property, the question of whether and how to develop the Hunt-Wesson site is a matter for the City of Davis to decide. However, staff believes that should both properties develop at some time in the future, infrastructure, circulation, open space and other features should be closely coordinated between the two sites so that the adjoining neighborhoods complement one another and work efficiently.
The following are comments regarding the Housing element in the General Plan.

Action HO-A4 Apply resale controls and rent and income restrictions to ensure that affordable housing provided through incentives and as a condition of development approval remain affordable over time. (Policy HO-1.1, Policy HO-1.2, Policy HO-1.4)
Responsibility: Planning and Public Works Department
Timeframe: 2009/2010
Funding: General Fund

Why would anyone want to build or enter into such a project as proposed? It is an infringement on private enterprise. Landlords must be allowed a minimum 3% increase per year to remain solvent.

Action HO-A17 Consider use of Tribal Mitigation Funds for the development of workforce housing in communities along transit routes. (Policy HO-2.1, Policy HO-4.10)
Responsibility: County Administrator's Office, Planning and Public Works Department
Timeframe: Annually
Funding: General Fund

Bicycle registration fees should be accessed first. The county was unable to maintain the county roads, how can it possibly maintain the additional miles of bike trails? Were the roads abandoned in Capay Valley to free up funding for bike trails?

Land Use

The Casino Expansion will completely compromise Capay Valley's night sky. Policy CC-1.3 Protect the rural night sky as an important scenic feature to the greatest feasible extent where lighting is needed.

Policy CC-1.6 New freestanding off-site advertising along rural roads are prohibited unless necessary for directional purposes. Existing non-conforming advertising shall be eliminated whenever possible.

Does this apply to campaign signs and Almond Festival? How about vegetable stands?

Policy CC-1.11 Require the development of open space corridors, bicycle paths and trails integrating waterways, scenic areas and County parks as a part of project approval where appropriate. The intent is to connect each community and city and other special places and corridors, throughout the County.
The reminder to respect private property rights is never included in the language of this document. Preserving private property must be the intent of the county’s policies, also.

Policy CC-2.11 Strive to achieve a match between the prices of dwelling units and the salaries of the jobs provided within each unincorporated community.

This is completely discriminatory. If a rich man should come into the community, then he must find a poor man’s house to live in or build one that is not up to his own personal choosing? It appears Yolo County will disallow upscale housing in each of the unincorporated areas, and only a certain type of person may live there. Is the unincorporated areas of Yolo County being the mitigation for low income housing so that Davis can remain pristine? Low income housing should be the responsibility of the entire county and all of the communities...and especially the incorporated areas are where the jobs, services and infrastructure is placed.

Policy CC-2.13 Require 5 acres of neighborhood parks for every 1,000 people within each unincorporated community.

The Capay Valley parks, then, should be abandoned. There aren’t enough people here to have one.

Policy CC-4.10 Encourage construction and other heavy equipment vehicles (e.g. mining, agriculture, etc.) to use retrofit emission control devices.

Carbon sequestering credits should at least exempt agricultural lands and their ‘emissions’...those emissions are seasonal and the crops, orchards and oak woodlands provide a year-round net gain of C02 to 02 conversion.

Action CC-A9 Prepare a Public Art Ordinance that requires a minimum percentage of the construction budget for development projects (both public and private) over a certain size threshold to be used for public art works. (Policy CC-2.16(v), Policy CC-4.26)
Responsibility: Planning and Public Works Department
Timeframe: 2011/2012

Please clarify...a certain square footage has to be designated for public art work displays, and even private businesses have to hold an ‘open house’ to display the art work that the County chooses?

Action CC-A11 Seek voter approval of an intra-county and/or regional fee or tax for the preservation of agricultural, habitat, or open space land in Yolo County.
LU-47
(Policy LU-6.4, Policy LU-7.1, Policy LU-7.3, Policy LU-7.4, Policy LU-7.5, Policy LU-7.6)
Responsibility: County Administrator's Office, Parks and Resources Department
Timeframe: 2010/2011

This is a blank check. What exactly, will those fees or taxes be applied to? Who will decide where those monies are spent?

Action CC-A16 Establish a countywide system of consistent "comment" areas for each of the existing Community Advisory Committees, to eliminate overlap and to ensure that all discretionary projects are assigned to an Advisory Committee. (Policy LU-5.7)
Responsibility: Planning and Public Works Department
Timeframe: 2009/2010

Editing comments should not be allowed. Restricting comments can stifle comments. All should be considered. Overlap means that the Advisory Committees are in consensus regarding issues.

Action CC-A28 Control farm dwelling site development to avoid cumulative constraints on agricultural operations by establishing specific criteria for approval. Proposed homes that comply with the criteria would be issued Building Permits, while those that are not consistent with the criteria would require approval of a Use Permit. Criteria may apply to both the primary and the ancillary home and would include but not be limited to the following:
- Size of the home(s).
- Location of the home(s) within the property.
- A stewardship plan demonstrating how the property would be farmed.
- Placement of the remainder of the property, outside of any primary and ancillary home site(s), in a permanent agricultural conservation easement.
- Home sites less than 20 acres require a Use Permit. (Policy LU-2.3) 
Responsibility: Planning and Public Works Department, Agriculture Department
Timeframe: 2010/2011

Size of the home should be left to the owner of the property. Placement of the home on the property should be dictated by where the water, electricity and type of soil is located. It is private property. Placement of the remainder of the
property into a permanent ag conservation easement should not apply if it is already in Williamson Act. What if the piece of property is larger than the 80 acres required? The acre or so that is taken up with development should be the mitigation for such development to live on the land that is farmed.

Action CC-A31 Amend the County Code to separate the basis for the Agricultural zoning requirement from the Williamson Act. (Policy LU-2.5)
Responsibility: Planning and Public Works Department
Timeframe: 2009/2010

This is to ensure that there will be multiple levels of control over private property. This is not acceptable.
Letter 8
Vicki Murphy
June 4, 2009

Response 8-1: The author opposes Action HO-A4, on the grounds that it is not economically feasible and is an infringement on private property rights. The action requires that appropriate mechanisms be entered into between the County and developer, to ensure that affordable housing provided through County requirement, remains affordable over time. The County has implemented an inclusionary housing ordinance since 2005 (Chapter 9 of Title 8 of the County Code), and negotiated affordable housing requirements in several Development Agreements and a Specific Plan prior to the ordinance’s adoption. Through these efforts, about 20 units have been constructed and sold to date, with more than 100 additional units approved. The author is correct that affordable housing projects generally require subsidies, but these costs are typically absorbed by the market-rate portions of the development. Affordable housing requirements are common among many California cities and counties and have been regularly upheld by the courts as constitutional.

Response 8-2: The author’s request that bicycle fees be used to pay for the development of work force housing related to the Cache Creek Casino Resort is noted. However, staff is unclear as to the relationship between bicyclists and employee housing that would allow the funds to be used in this manner.

Response 8-3: The author cites Policy CC-1.3 regarding protection of the rural night sky, and asserts that the proposed expansion of the Cache Creek Casino Resort will completely compromise the night view in the Capay Valley. The Rumsey Band of Wintun Indians is a sovereign tribal entity and is not subject to the County’s goals, policies, and actions contained within the Draft General Plan. Staff refers the author to the Tribal Environmental Impact Report, released in September 2008, for information regarding the anticipated impacts from lighting of the proposed casino resort expansion. Staff also notes, however, that the Tribe has suspended the proposed expansion as of the date of preparation of this Response to Comments document.

Response 8-4: The author asks if Policy CC-1.6 regarding restrictions on off-site advertising would apply to the annual Almond Festival and to political campaign signs. A new sign ordinance update was recently adopted by the Board of Supervisors, and it is consistent with this policy. Section 8-2.2406.(e).(6) of the new sign ordinance exempts one temporary sign per parcel, that is less than 32 square-feet in size, located out of the right-of-way, that complies with the California Building Code. As proposed, both
signs for the Almond Festival and political campaign signs would be allowed under the new sign ordinance so long as they adhere to these basic guidelines.

Response 8-5:  
The author notes that the Draft General Plan does not include any language that respects and preserves private property rights. Staff recommended to the Board of Supervisors that Policy LU-5.8 be included in the Draft General Plan, as described in Attachment F of the Staff Report for July 20, 2009. The proposed policy would “Ensure that respect for and protection of private property rights is balanced with all other factors considered by the County in making land use decisions.” The Board of Supervisors accepted the recommended language regarding this request in Minute Order 09-143, on July 21, 2009.

Response 8-6:  
The author opposes Policy CC-2.11, on the grounds that it is discriminatory, in that it appears to discourage high-income housing in unincorporated communities as a means to provide affordable housing mitigation for the City of Davis. The policy strives to match the price of housing with the wages of the jobs being provided within the community. The County does not have any agreement with Davis or any other city to allow for a transfer of affordable housing allotments. The author assumes that only low and middle wage jobs will be developed in unincorporated communities in the future. It is the Draft General Plan’s intent to provide jobs and housing for a wide range of households, including above-moderate income families.

The policy is a key part of the County’s effort to create sustainable, complete communities through the Draft General Plan. Besides the social and economic benefits that this policy would create, its primary purpose is to encourage people to live and work in the same community as a means of lowering the number of vehicle miles traveled (VMT) by each household, which is central to the County strategy of reducing greenhouse gas emissions. Altogether, the author’s concern with Policy CC-2.11 is directly contrary to this fundamental policy underpinning of the General Plan update and a number of specific policies set forth therein.

Response 8-7:  
The author questions whether there is sufficient population within the Capay Valley to justify the provision of community parks. It should be noted that currently there are no community parks located within the Capay Valley. All existing parks within the Capay Valley (Nichols, Cache Creek Campground, Otis Ranch, Capay Open Space) are considered under the Draft 2030 General Plan to be regional or open space parks. The ratio for regional parks is 20 acres for every 1,000 residents in the unincorporated area, as provided for in Policy CO-1.10.

The comment, however, refers to Policy CC-2.13 which establishes a ratio for community parks of 5 acres per 1,000 residents. The current estimated
population for the Capay Valley is approximately 1,600. At the ratio of 5 acres of neighborhood or community parks per 1,000 residents, there is an existing deficiency of 8 acres. At full build-out of the Capay Valley, the deficiency would increase to 9 acres.

Response 8-8:
The author requests that carbon sequestering credits be provided to offset the greenhouse gas emissions of heavy agricultural equipment. The author goes on to state that the emissions are seasonal, while the carbon sequestration associated with crops and oak woodlands occurs year-round. Staff notes that according to Table IV.F.2 in the Draft Environmental Impact Report for the Draft 2030 General Plan update, agriculture accounts for 47.8 percent of the total existing estimated CO₂ equivalency greenhouse gas emissions for unincorporated Yolo County. In total, agricultural emissions far exceed any sequestration benefits. However, the relative benefits and impacts vary by crop.

In recognition of the potential benefits associated with agriculture to reduce greenhouse gas emissions, staff recommended in the Draft 2030 General Plan the inclusion of Policy AG-2.14, to “Recognize the valuable role that agriculture plays in mitigating the effects of climate change, including permanent crops that sequester carbon for long periods of time and the use of farming methods that reduce the use of fossil fuels and pesticides.” It also included Action AG-A4, to “Consider development of a local and/or regional conservation bank to provide credits associated with crops and/or land uses that sequester carbon or greenhouse gas pollutants.”

Response 8-9:
The author appears to misunderstand the nature of a Public Art Ordinance. Such a requirement would not mandate that a business owner hold an open house for the display of art works chosen by the County. Instead it would require that a fee be collected on new construction that would go to the acquisition of art works chosen by the County for display in public areas. The author’s opposition to the proposed ordinance is noted.

Response 8-10:
The author asks whether private businesses would be required to hold public showings of art selected by the County. This appears to be a misunderstanding of how Action CC-A11 would be implemented. The proposed Action would seek voter approval of a regional fee or tax to preserve agriculture, habitat, and/or open space within Yolo County. Specifically, the author asks what the monies raised by the tax would be spent on and who would make the decisions regarding expenditure of the funds. The use of the monies and who would be the governing authority for expending the funds would be spelled out in the ordinance placed on the ballot to establish the regional fee or tax. Any further details would be speculative at this point.

Response 8-11:
The author disagrees with Action CC-A16, which would establish comment areas for each Community Advisory Committee in such a way as
to eliminate overlapping comment areas regarding pending discretionary development projects. Staff agrees. On December 18, 2008, the Planning Commission approved a letter sent to the Board of Supervisors requesting establishment of an ad hoc Citizens Advisory Committee (CAC) Procedures subcommittee of the Planning Commission to address a number of issues, including the comment areas for community advisory committees. The Board of Supervisors approved the request on March 10, 2009 (Minute Order No. 09-58). After several months of work by the subcommittee, and upon recommendation by the Planning Commission, the Board of Supervisors approved revised by-laws for all of the General Plan CACs on October 13, 2009. The newly adopted by-laws include comment areas that generally follow existing Fire District boundaries, but that allow for overlapping comment areas where projects would be located in close proximity to two different communities.

Response 8-12: The author expresses opposition to Action CC-A28, which would establish specific location criteria for rural residential development. In general, the author sees such criteria as an infringement on private property rights, that home site development should be left to site-specific circumstances, and that requiring agricultural preservation is redundant where land is already under an existing Williamson Act contract. The author also opposes CC-A30, which separates zoning requirements from Williamson Act requirements, as being overly intrusive into private property affairs.

It should be noted that the County Code already places a number of restriction on rural residential development, including the size of setbacks, the height of the house, the number of homes allowed without discretionary review, the distance of the home to barns and livestock pens, the size and location of wells and septic systems, etc. Such zoning requirements have been regularly imposed across the country and have been regularly upheld as being constitutional since the landmark Supreme Court case of Village of Euclid, Ohio v. Ambler Realty Co. in 1926. The author’s comments appear to be intended to oppose the degree and/or specific nature of the proposed criteria, rather than the County’s ability to approve them. As a disagreement over policy, the comments are noted.

The subvention funds paid to the County for the loss of property tax revenue associated with the Williamson Act program has been eliminated in the 2009-2010 State budget. This represents a loss of $1.1 million to the County general fund. As a result, the County will be considering a number of options in the coming weeks, including paying for the subsidy out of local funds, non-renewing targeted Williamson Act contracts based on specific criteria, or non-renewing all Williamson Act contracts. Given the possible termination of the Williamson Act program, the Draft General Plan is not redundant in considering alternative agricultural preservation requirements. Historically, the County’s Zoning Code has been significantly intertwined with the Williamson Act program. If the program
ends, it will become legally necessary to separate those elements of the Williamson Act program out of the basic zoning requirements to ensure a consistent and orderly County Code.
June 3, 2009

Honorable Michael McGowan, Chairman
Board of Supervisors
County of Yolo
625 Court Street, Room 204
Woodland, CA. 95695

RE: General Plan Update, Selection of Draft Plan

Dear Members of the Board of Supervisors:

The City of Davis has been following with great interest the evolution of the County’s General Plan Update process. We recognize that this is the opportunity to comment on the Draft Environmental Impact Report, and we also wish to provide comments on policy issues raised by the Draft General Plan and its EIR.

The City strongly supports the County’s long-standing principle of directing development to the incorporated cities and the existing unincorporated communities. We trust that this principle will continue to be pursued during adoption and implementation of the new General Plan. The City assumes that any development on the edge of Davis will occur through the City’s planning process (including Measure J vote, if required) and be annexed to the City. Any development on the edge of Davis will pay its fair share of costs for providing City and County services, including contributions to infrastructure to serve the development. The City assumes that no development on unincorporated land within the City of Davis planning area shall be approved unless mutually agreed upon by the City and the county.

The City supports the Board’s desire to explore opportunities for mutual benefit. (Policy LU-6.11): At this time, we have not had discussion of any specific uses and locations for urban development on the edge of Davis, or a joint determination that the listed uses are appropriate uses or locations. At this time, it is too early to consider specific projects for inclusion in the General Plan document, in advance of those discussions. The City representatives to the County 2x2 are the designated liaisons, and will report back to the full Council as necessary.

We have the following specific comments on the Draft EIR itself:

1. The EIR should provide sufficient detail to evaluate the traffic and noise impacts of development at Pole Line and Covell from impacts of development in the remainder of

Cc: CAO, PPW, City of Davis
Counsel, Heidi Tschudin
Yolo County or the region. The document should also clearly differentiate the change from the existing (agricultural) conditions as well as the change from the current General Plan.

2. Impacts of additional traffic on roads within the City of Davis can be mitigated through payment of traffic impact fees.

3. The map of Fire Districts (Figure IV.G-1) should be modified to show that the City of Davis provides service to the Springlake Fire District south of CR29 (Area B).

4. The City has limited capacity to provide water and wastewater service to new development. The EIR cannot assume that development near Davis will be permitted to tie into City utility systems.

5. The EIR concludes that there is no feasible mitigation when traffic noise increases near existing residential areas. Improvements such as double-pane windows and additional insulation can provide mitigation in additional to sustainability benefits.

Thank you for considering our comments. We recognize the many dimensions that the County must consider with its future General Plan, and that County interests must evolve with changing times and needs. We at the City are facing similar circumstances. Our hope is that we can continue to work closely with the County in staying grounded in the land use planning principles that have distinguished our planning efforts from many others statewide and in this region.

Sincerely,

[Signature]
Ruth Uy Amundson, Ph.D.
Mayor
Letter 9
City of Davis
Ruth Uy Asmundson, Ph.D
June 3, 2009

Response 9-1: The concerns and opinions expressed in the comment, representing the City of Davis’ position on the County’s principle of directing development to the incorporated cities and existing unincorporated communities, are noted for the record and will be considered by the Board of Supervisors in their deliberations on the General Plan.

Response 9-2: This comment notes that the City of Davis supports Policy LU-6.11 regarding ongoing coordination through the County 2x2 process.

Response 9-3: In response to this comment on the Covell/Pole Line property, and the request that the EIR provides sufficient detail to evaluate potential traffic and noise impacts, the County observes that the Covell/Pole Line property has been designated for urban (industrial) development for at least 26 years. In addition, however, please refer to Response 5-2 for information regarding the change in land use designation (from Industrial to Specific Plan) anticipated to occur upon approval of the General Plan update. As a consequence of this change, the Covell/Pole Line property cannot be developed without a comprehensive land use planning and environmental review process (which will include an analysis of traffic and noise impacts). The Specific Plan process will not only allow for a greater discussion about the land uses and intensity most suitable for the site, but will ensure a future public review process under CEQA that is not required currently per the existing General Plan land use designation (Industrial). It should be noted that despite the foregoing, as the change in land use designation in the General Plan update occurred after preparation of the Draft EIR, that document evaluates the potential future traffic and noise impacts associated with full build-out of the parcel as Industrial (see Chapter III, Project Description, sections IV.C, Transportation and Circulation and IV.E, Noise, and Appendix B Land Use Tables).

As noted in response to comment 9-3, the Covell/Pole Line property is designated Industrial in the existing General Plan. The Draft EIR clearly differentiates the change (and evaluates associated impacts) from existing conditions (agricultural uses for the Covell/Pole Line property), as related to the proposed land use designations of the preferred land use alternative (Industrial) in Section IV.B, Agricultural Resources of the Draft EIR, even though this proposed designation was recently revised in the manner described in Response 9-3. The Draft EIR also identifies the changes in Chapter III, Project Description and more specifically in Tables 1 and 2 of Appendix B, and evaluates the land use changes from the current General
Plan (Industrial for the Covell/Pole Line property) to the previously proposed land use designation for the Draft General Plan (Industrial) in the Draft EIR across all of the topical sections in Chapter IV.

Response 9-4: This comment expresses the author’s opinion that impacts of additional traffic on roads within the City of Davis can be mitigated through payment of traffic impact fees. The comment is noted for the record and will be considered by the Board of Supervisors in their deliberations on the General Plan.

Response 9-5: As noted in Section IV.G, Public Services of the Draft EIR, under contractual service agreements, the City of Davis provides service to areas within unincorporated Yolo County, including areas with the Woodland/Springlake fire protection district. However, these agreements do not change the established boundaries of the fire protection districts, and therefore, no change is necessary to Figure IV.G-1.

Response 9-6: The author notes that the City of Davis has limited capacity to provide water and wastewater service to new development, and the EIR cannot assume that new development near Davis will be permitted to tie into City utility systems. No such assumption has been made in the Draft EIR, and the author does not identify where in the Draft EIR this assumption was made. As noted above, the County supports ongoing coordination with the City of Davis regarding development in the unincorporated County in the vicinity of Davis per policy LU-6.11.

Response 9-7: In response to the finding of a significant and unavoidable impact related to the increases in traffic noise from build-out of the proposed Draft General Plan on existing sensitive land uses adjacent to impacted roadway segments throughout the County (Impact NOI-1), the author identifies building improvements of double-pane windows and additional insulation as mitigations to reduce traffic noise increases. In Section IV.E, Noise of the Draft EIR, the Draft General Plan policies that would reduce the potential for noise impacts on existing uses are identified and evaluated. It is the County’s policy, as stated in Policy HS-7.5, to minimize the impact of noise from transportation sources on nearby sensitive land uses. Actions HS-A63 and HS-A65 address applicable land use compatibility standards and required noise analysis/acoustical studies for proposed development of noise sensitive land uses in noise-impacted environments. Actions HS-A70, HS-A72, and HS-A73 also seek to minimize noise conflicts between transportation networks and sensitive land use development. Action HS-A74 requires the Planning and Public Works Department to utilize alternative road surfacing materials, where feasible, that reduce vehicle noise. The County also encourages energy conservation, efficiency, and green design in new construction and existing buildings through policies CC-4.4, CC-4.6, CC-4.7, CC-4.10, CC-4.12, CC-4.13, CO-7.3, CO-7.4, CO-7.6, CO-7.9, and CO-7.10). However, even with implementation of
these policies and other policies and actions included in the Draft General Plan that would reduce noise and improve energy efficiency (see also Draft EIR Section IV.H, Utilities and Energy), no feasible mitigation measures are available that would reduce this impact to a less-than-significant level for all areas of the County where noise levels would increase.

Response 9-8: The author hopes that the City can continue to work closely with the County on land use planning issues, and the County fully supports this coordination as stated in Policy LU-6.11.
Dunnigan Advisory Committee
Dunnigan, Ca 95937

June 3, 2009

Mr. David Morrison, Assistant Director
Yolo County Planning and Public Works

Ms Mary Kimble, Chair and Commissioners
Yolo County Planning Commission

Yolo County Board of Supervisors
Mr. Mike McGowan, Chair and Members of the Board

Ms Robyn Truitt, County Counsel
Yolo County

Dear Mr. Morrison, Mr. McGowan, Ms Kimble & Ms Drvon:

Dunnigan Advisory Committee is excited to be involved in the General Plan process. Our committee would like to forward comments regarding the draft EIR document for the 2030 General Plan.

Our committee’s objective is to relay issues pertaining to the Dunnigan area with the understanding that the General Plan pertains to all areas of the county. Hopefully this local focus will help enable the Dunnigan Specific Plan to proceed smoothly and in accordance with the General Plan.

There are several issues within the EIR draft document which we find to be incompatible with Dunnigan’s interest. We are currently in the process of completing our comments which will be forward to staff and presented both written and orally at the June 10th Planning Commission meeting.

Sincerely,

Bill Weber, Chair
Dunnigan Advisory Committee

BW:dk
Letter 10
Dunnigan Advisory Committee
Bill Weber, Chair
June 3, 2009

Response 10-1: The County appreciates the enthusiasm of the Dunnigan Advisory Committee and its participation in the Draft General Plan update, the Draft Environmental Impact Report (EIR), and the Dunnigan Specific Plan processes.

Response 10-2: The comment refers to issues within the EIR document that are incompatible with the Dunnigan community’s interests, and indicates that these issues will be detailed in future correspondence. Please refer to Comments 13-1 through 13-11, inclusive, which address the correspondence letter that was later received.
Comments/Notes (as the document pertains to the CVGPAC Planning Area) on the YOLO COUNTY 2030 COUNTYWIDE GENERAL PLAN EIR IV. SETTING, IMPACTS, AND MITIGATION MEASURES
C. TRANSPORTATION AND CIRCULATION dated April 2009

Overall, this section of the YC General Plan EIR identifies impacts of the implementation of the plan's policies and finds the majority of the impacts to be "significant and unavoidable" even with proposed mitigation. For example, one of the identified impacts to adopting this element of the plan is that the Level of Service (primarily a measurement of how congested a roadway or intersection is) of some roadways will go below level C. The county is willing to accept some areas of roadways where the LOS is below C because of the consideration they give to factors other than the congestion impact. I feel that accepting a lower than level C for LOS is okay because it means that there will fewer capacity projects will be triggered on the roadways and thus more farmland preserved. The county cites many reasons for allowing a lower than level C LOS (i.e. allowing more congested areas along roadways). Some of the reasons include: preserving agriculture or open space, preserving scenic roadways/highways, and preserving the rural character of the County. I appreciate the GP's overall position in regard to the county's effort to not widen roads when congestion occurs because there are many things to consider other than driver convenience. For example, biker and pedestrian accessibility/safety and rural character are compromised when wider roads are built. Increasing speed also tends to occur when roads are made wider.

Below are excerpts (with some of my comments/notes) from the Transportation and Circulation element that pertain to the CVGPAC planning area
Page 219: "The most recent available accident data for the three-year period between April 2005 and March 2008 reveals that the average accident rate per million vehicle miles on SR 16 [between the Colusa County line and I-5 - TC] and SR 45 have decreased as traffic volumes on these roadways have increased, and is lower than the average accident rate on similar roadway facilities. However, the average accident rate on SR 128 during the three-year period between April 2005 and March 2008 is still greater than the average accident rate on similar roadway facilities."

Table IV.C-2: State Facilities Accident History also demonstrates the decrease in accident rates along SR 16 from the Colusa County line to I-505. From July 1, 2000 to June 30, 2003, the "Actual Accident Rate" was 1.57. From April 1, 2005 to March 31, 2008 the "Actual Accident Rate" decreased to 1.13. The average accident rate is 1.24, according to the Caltrans District 3 TASAS Table B.

Page 231: "The State Route 16 Transportation Concept Report (Caltrans,
December 2004) identifies the 20-year concept and ultimate facility for SR 16 as maintaining the existing two-lane conventional highway with the addition of passing lanes, left-turn lanes, and bicycle facilities in some sections where feasible. Caltrans has established a concept LOS of C for SR 16 between the Yolo/Colusa County line and Mossy Creek Bridge (located north of the Town of Brooks) and LOS D from Mossy Creek Bridge to I-5. The concept report also identifies the need for a traffic signal at the SR 16/County Road 89 intersection within the community of Madison. Caltrans has also prepared the State Route 16 Safety Improvement Project Draft Environmental Impact Report/Environmental Assessment (December 2005) that identifies safety improvements for SR 16 from near the town of Brooks to I-505 (excluding the towns of Capay and Esparto). The project would generally provide 12-foot wide lanes, 8-foot wide shoulders, and left-turn lanes at appropriate locations. The Safety Improvement Project is not anticipated to provide capacity-enhancing improvements."

Page 235:
"State Route 16 (County Road 78 to County Road 85B) – LOS D is acceptable. State Route 16 (County Road 85B to County Road 21A) – LOS E is acceptable. State Route 16 (County Road 21A to Interstate 505) – LOS D is acceptable, assuming that this segment is widened to four lanes with intersection improvements appropriate for an arterial roadway. The County will secure a fair share towards these improvements from planned development. Caltrans and the Rumsey Band of Wintun Indians shall be encouraged to establish a funding mechanism to pay the remainder."

Page 237 & 238:
The Circulation Element identifies the following planned roadway capacity expansion projects needed to accommodate the anticipated land use through 2030 based on the LOS thresholds and other policies of the Draft General Plan.
• County Road 6 – Widen to a four-lane arterial between County Road 99W and the Tehama Colusa Canal.
• County Road 21A – Upgrade to a major two-lane County road standard between County Road 85B and State Route 16.
• County Road 85B – Upgrade to a major two-lane County road standard between State Route 16 and County Road 21A.
• County Road 99W – Widen to a four-lane arterial between County Road 2 and County Road 8.
  "State Route 16 – Widen to a four-lane arterial between County Road 21A and Interstate 505."

The following roadways were identified as needing spot improvements for portions of the identified segment including but not limited to intersection control and lane configuration improvements, passing lanes and/or wider travel lanes.
and shoulders:
- County Road 89 between State Route 16 and County Road 29A.
- County Road 102 between County Road 13 and Woodland City Limit.
- County Road 102 between Woodland City Limit and Davis City Limit.
- State Route 16 between County Road 78 and County Road 85B.
- State Route 16 between Interstate 505 and County Road 98.

Note by TC (refer to page 238): The Transportation Analysis Methodology assumed traffic modeling using the planned Cache Creek Casino expansion as described in the Cache Creek Destination Resort Project Final TEPIR (AES, September 2008). It is my understanding that Yolo County is not in agreement with the casino expansion’s traffic analysis. I’m not sure why the YC general plan would base their traffic assumptions on projected traffic analysis that YC is disputing. This is a question I have for YC about the YC GP traffic analysis assumptions.

Page 259:
"Policy CI-3.1: Maintain Level of Service (LOS) C or better for roadways and intersections in the unincorporated County. In no case shall land use be approved that would either result in worse than LOS C conditions, or require additional improvements to maintain the required level of service, except as specified below. The intent of this policy is to consider level of service as a limit on the capacity of the County’s roadways."

"State Route 16 (County Road 78 to County Road 85B) – LOS D is acceptable.
- State Route 16 (County Road 85B to County Road 21A) – LOS E is acceptable.
- State Route 16 (County Road 21A to Interstate 505) – LOS D is acceptable, assuming that this segment is widened to four lanes with intersection improvements appropriate for an arterial roadway. The County will secure a fair share towards these improvements from planned development. Caltrans and the Rumsey Band of Wintun Indians shall be encouraged to establish a funding mechanism to pay the remainder."

Page 261: Additional exceptions to this policy may be allowed by the Board of Supervisors on a case-by-case basis, where reducing the level of service would result in a clear public benefit. Such circumstances may include, but are not limited to, the following:
- Preserving agriculture or open space land;
- Enhancing the agricultural economy;
- Preserving scenic roadways/highways;
- Preserving the rural character of the County;
- Avoiding adverse impacts to alternative transportation modes;
- Avoiding growth inducement;
- Preserving downtown community environments; or
• Right-of-way constraints determined by the Board of Supervisors to make the improvement infeasible.

No additional mitigation measures are feasible to reduce the impact to the 1983 General Plan LOS policy to a less-than-significant level. Therefore this impact would remain significant and unavoidable in the context of the 1983 threshold. (SU)

Page 268: “Impact CI-8: Build-out of the Draft General Plan could result in increased travel on state facilities that do not meet current design standards. (S)
Caltrans has identified the need to upgrade State Route 16 between the Cache Creek Casino and Interstate 505 as identified in the State Route 16 Safety Improvement Project (SIP) Draft EIR (December 2005). Caltrans is currently in the process of updating the SIP, which is anticipated to generally include realignment of some segments of SR 16, and widening of SR 16 to accommodate 12-foot lanes, 8-foot shoulders, and 12 feet of clear recovery zone beyond the roadway shoulders.

With build-out of the Draft General Plan and other regional traffic, traffic volumes are anticipated to increase on this segment of State Route 16. Action CI-A13 identifies ongoing coordination between Yolo County, Caltrans, and the Rumsey Band of Wintun Indians to fund necessary improvements to State Route 16. Caltrans is in the process of updating the State Route 16 SIP and has a funding source to improve the highway to Caltrans standards. However, until improvements are constructed on State Route 16, planned development would add traffic to roadway segments of State Route 16 that do not meet current Caltrans design standards. For these reasons, this impact would be significant and unavoidable.”

Page 270: The new LOS policy is also intended to limit vehicular trips. As identified in Policy CI-3.1, land use will not be approved that exceeds the identified LOS thresholds. This is a significant change from the 1983 General Plan LOS policy, wherein the policy establishes a trigger point for roadway capacity expansion. The County has indicated that the new policy is an acknowledgment that transportation planning based solely on driver comfort is not an inclusive method of measuring impact. It does not acknowledge other users of the circulation system or other community values.”

Page 271: “Furthermore wider roadways, in general, are: detrimental to rural character and aesthetics, result in greater impacts to biological resources and agricultural land, make it more difficult and less safe for pedestrians and bicycle users to share the road, create induced traffic, adversely affect air quality and climate change goals; make infill and smart growth more expensive and difficult to implement, and do not recognize that congestion changes behavior and supports alternative transit modes.”
The following are Vicki Murphy's notes regarding Highway 16 issues:

In general, no matter what improvements CalTrans makes to Highway 16 between 505 and the Casino, roadway safety will be compromised again by the proposed expansion. Highway 16 will remain unsafe at any speed, and the proposed CalFed improvements that are set to be applied, are obsolete even before they begin.

p.259, CI-3.1: (See above for entire wording...) Regarding the last statement "The intent of this policy is to consider level of service as a limit on the capacity of the County’s roadways", is to use the already deplorable condition of our county roads to be the reason to deny even incremental changes throughout rural areas, creating a virtual lockdown on landowners to remove options that could improve future land uses, and access to properties. Modification and clarification will allow flexibility.

Page CI-30 Action CI-A3 Update the Bicycle Transportation Plan, including the California Delta Trail, a dedicated multi-purpose bikeway between Woodland and Davis, and other potential routes along levees, abandoned railroads, waterways, transmission right-of-ways and willing landowners (Policy CI-5.1, Policy CI-5.2, Policy CI-5.6, Policy CI-5.11, Policy CI-5.15)

Private property rights to be stated as being respected and protected throughout all CI Action items.

Page CI-31 Action CI-A6 Develop a transit plan as a part of each Specific Plan. Condition future development to provide right-of-way or public easements for identified transportation and circulation facilities including bikeways, trails and transit facilities. The transit plan shall include future targets for public transportation ridership, levels of service and measurable steps to achieve the targets. Ensure implementation through the Dunnigan Specific Plan, and other applicable specific plans in each community.

(Policy CI-2.1, Policy CI-2.2, Policy CI-2.3, Policy CI-5.1, Policy CI-5.5, Policy CI-5.6, Policy CI-5.8, Policy CI-5.11, Policy CI-5.12, Policy CI-5.14, Policy CI-5.5, Policy CI-6.1, Policy CI-6.2, Policy CI-6.5, Policy CI-6.9, Policy CI-6.11)

Bicycle license fees should be imposed county-wide on all geared bicycles to provide revenue for construction.
Response 11-1: The author’s support of the Draft General Plan’s approach to allowing Levels of Service (LOS) on County roads to be reduced below LOS C is appreciated.

Response 11-2: The author summarizes a series of texts from the Draft EIR regarding State Route 16. The comments are noted.

Response 11-3: The author summarizes text from the Draft EIR regarding planned roadway improvements by 2030. The comments are noted.

Response 11-4: The author asks why the County is relying on a traffic analysis performed by the Rumsey Band of Wintun Indians for the proposed expansion of the Cache Creek Casino Resort, when the County is disputing the conclusions reached by the Tribe’s traffic analysis. Please see Response 8-3 for an important note on the present status of the planned expansion. As stated in the Draft EIR (page 238): “The modeling also included the planned Cache Creek Casino expansion as described in the Cache Creek Destination Resort Project Final TEIR (AES, September 2008).” In other words, the County relied on the Tribe’s study for the project description, but did not rely on the associated traffic analysis and/or conclusions. Instead, as part of a separate project for Yolo County, Fehr & Peers developed independent trip generation and trip distribution assumptions for the proposed Cache Creek casino expansion. This separated study was titled: “Draft Traffic Impact Study for Cache Creek Casino Expansion (Fehr and Peers, June 10, 2008).” The trip generation and trip distribution assumptions from the separate study were used to manually assign trips from the Cache Creek Casino expansion to the roadway network under 2030 conditions as part of the Draft EIR traffic modeling. The Final EIR has been revised to reference the separate study performed by Fehr and Peers.

Response 11-5: The author provides a summary of Level of Service policy for State Route 16 from Impact CI-2, referring to Policy CI-3.1. The comment is noted.

Response 11-6: Please see Response 11-5.

Response 11-7: The author provides a summary of Impact CI-8, regarding increased traffic volumes on portions of State Route 16 that do not meet current design standards. The comment is noted.
Response 11-8: The author provides a summary of text from page 270 of the DEIR, regarding Policy CI-3.1. The comment is noted.

Response 11-9: The author provides a summary of text from page 271 of the DEIR, regarding Impact CI-8, specifically conflicts with the 1983 Yolo County General Plan Circulation Element policies. The comment is noted.

Response 11-10: The author states that the effect of any improvements to State Route 16 anticipated in the Draft General Plan on traffic safety will be made obsolete by the proposed expansion of the Cache Creek Casino Resort. Given the status of the proposed expansion as of the date of publication of this Response to Comments (see Response 8-3), this concern is moot. Even if the proposed expansion was still moving forward, however, the Draft EIR accounted for the proposed expansion in both its analysis and in the development of appropriate mitigation measures, as described in the following text excerpt from page 238 of the DEIR (emphasis added):

A modified version of SACOG’s regional SACMET travel demand forecasting (TDF) model was used to forecast future traffic volumes for the Yolo County Draft General Plan. The modifications were specific to Yolo County to ensure that the model accurately estimated traffic volumes and could be used in the analysis process to determine the number of lanes for major roadway segments based on anticipated future population and employment growth. Appendix C includes detailed documentation of the transportation modeling and analysis steps including a detailed summary of the model validation. The following provides a summary of the overall process.

Land use inputs for the SACMET model were developed with County staff based on the land use contained in the County of Yolo Revised Draft 2030 Countywide General Plan (January 20, 2009). This version of the SACMET model includes the four Counties of El Dorado, Sacramento, Placer, and Yolo. For the incorporated cities in Yolo County and counties outside of Yolo County, the land use estimates developed by SACOG were used. The modeling also included the planned Cache Creek Casino expansion as described in the Cache Creek Destination Resort Project Final TEIR (AES, September 2008).

It should be noted that the Rumsey Band of Wintun Indians is a sovereign tribal entity and is not subject to the County’s goals, policies, and actions contained within the Draft General Plan. Staff refers the author to the Tribal Environmental Impact Report, released in September 2008, for information regarding the anticipated impacts of the pending casino resort expansion on State Route 16 and any mitigation measures proposed to addressed the impacts therein.
Response 11-11: The author refers to Policy CI-3.1, which uses Level of Service as a limit to the capacity of the County’s roadways. She believes that this is equivalent to using the poor condition of County roads to justify the prevention of any future changes to land use in the rural areas, and advocates greater flexibility in the policy language. As most rural roads operate well within acceptable Levels of Service, this policy would not limit appropriate rural economic development. It would, however, make it more difficult to locate new urban development in areas currently served by inadequate roads. As such, it reinforces numerous policies throughout the Draft General Plan that limit urban development to existing unincorporated communities and selected highway interchanges. The policy also allows for exceptions to be approved by the Board of Supervisors, based on specific circumstances, which allows the flexibility sought by the author. Furthermore, it should be noted that Policy CI-3.10 identifies roadways as targeted trucking corridors for farm-to-market transport and agricultural goods movement corridors. These roadways would be upgraded consistent with current County design standards, as funding allows, thereby furthering rural economic development.

Response 11-12: The author provides a summary of Action CI-A3, regarding a requirement to update the Bicycle Transportation Plan. She suggests that language to respect and protect private property rights be included within all Circulation Element actions. Staff agrees with the need to provide language acknowledging the importance of private property rights, and recommended a new policy, LU-5.8, which states as follows:

Ensure that respect for and protection of private property rights is balanced with all other factors considered by the County in making land use decisions.

The new policy was included as a part of staff’s recommendation to the Board of Supervisors in Attachment G of the Staff Report for July 20, 2009. The Board of Supervisors accepted the recommendation regarding this request in Minute Order 09-143, on July 21, 2009.

Response 11-13: The author provides a summary of Action CI-A6, regarding the requirement for development of a transit plan for each Specific Plan. She suggests that countywide bicycle license fees be imposed to pay for the construction of improvements called for in any future adopted transit plan. As noted in the Action, transit plans are limited to Specific Plan areas (e.g., Covell/Pole Line, Dunnigan, Elkhorn, Knights Landing, and Madison). A countywide fee to pay for selected communities would not be equitable. Section 39004 of the California Vehicle Code strictly limits the amount that any jurisdiction may charge to license a bicycle to $4, with a $2 replacement or renewal fee. Moreover, the County cannot unilaterally impose a bicycle license fee on the cities. As a result, it is unlikely that the number of bicycles in the unincorporated area alone would be sufficient to
significantly fund any transit plan. Instead, the scope, improvements, and funding mechanisms for each future transit plan will be determined in accordance with the needs and priorities of each community.
June 8, 2009

Mrs. Heidi Tschudin
292 West Beamer Street
Woodland, CA 95695-2598

Re: Yolo County General Plan Fire Safety Element Recommendations

Dear Mrs. Heidi Tschudin:

The State Board of Forestry and Fire Protection (Board) is required to review and provide recommendations to the safety element of county and local government general plans when such plans are being updated. This review is in accordance with Government Code (GC) §65302.5 which requires the Board to review the fire safety element when the general plan update contains State Responsibility Areas or Very High Fire Hazard Severity Zones.

Enclosed is a list of standard recommendations titled “General Plan Fire Safety Elements Standard Recommendations” which should be incorporated into the General Plan. Each entity should evaluate their general plan and include the appropriate recommendations from the list.

Please note requirements for response pursuant to GC §65302.5(b). Thank you for the opportunity to participate in your planning process. We hope this input leads to greater protection and reduced cost and losses from wildfires in your jurisdiction.

Sincerely,

Stan Dixon
Chair, State Board of Forestry and Fire Protection

William Hochman, Northern Region Chief
Ernie Loveless, Sonoma-Lake-Napa Unit Chief
General Plan Fire Safety Element

Standard Recommendations

August 29, 2007

State Board of Forestry and Fire Protection

Contents

Purpose and Background

Methodology for Review and Recommendations

Standard List of Recommendations
Standard List of General Plan Safety Element Recommendations

1. General Plan References and Incorporates County or Unit Fire Plan:  □ Yes □ Partial □ No

Recommendation: Identify, reference or create (if necessary) a fire plan for the entity. Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan.

Recommendation: Ensure fire plans incorporated by reference into the GP contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

2. Land Use Planning:

2.1 Goals and policies include mitigation of fire hazard for future development: □ Yes □ Partial □ No

Recommendation: Ensure the fire safe development codes used as standards for fire protection for new development in the VHFHSZ portions of the entity’s jurisdiction meet or exceed statewide standards used for State Responsibility Area in 14 California Code of Regulations Section 1270 et seq.

Recommendation: Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near high or very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

2.2 Disclosure of wildland urban interface hazards including Very High Fire Hazard Severity Zones designations and Communities at Risk designations: □ Yes □ Partial □ No

Recommendation: Specify whether the entity has a VHFHSZ designation and include a map of the zones. Clearly indicate any area designated VHFHSZ pursuant GC 51175. Adopt CALFIRE proposed Fire Hazard Severity Zones including model ordinance terms and conditions developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

3. Housing:

3.1 Incorporation of current fire safe building codes: □ Yes □ Partial □ No

Recommendation: Adopt the International Fire Code Council Urban Interface Model Code for new development in wildland urban interface areas in State Responsibility Areas or local Very
High Fire Hazard Severity Zones. Adopt newly proposed Title 24 CCR Wildland Urban Interface Building Codes.

3.2 Identification of substandard fire safe housing relative to fire hazard area. □ Yes □ Partial □ No

**Recommendation:** Identify plans and actions to improve substandard housing structure conformance with contemporary fire standards in VHFHSZ or SRA. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, community education, and community based solutions.

3.3 Compatibility of development, construction and building standards relative to access, flammability and fire flow. □ Yes □ Partial □ No

**Recommendation:** Ensure existing residential structures, and other "legacy" substandard residential structures, meet current fire safe ordinances pertaining to access, water flow, signing, and vegetation clearing.

3.4 Consideration of occupancy category effects on wildfire protection. □ Yes □ Partial □ No

**Recommendation:** Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other structures with unique occupancy characteristics, are considered for appropriate and unique wildfire protection needs.

3.5 Urban development and wildfire encroachment resistance features. □ Yes □ Partial □ No

**Recommendation:** Ensure residential housing zoning provides minimum fire safe standards, particularly in VHSHSZ or SRA. For example, zone designations that allow less expensive housing should conform to contemporary fire safe building and development standards.

3.6 Fire engineering structures (sprinklers/alarms). □ Yes □ Partial □ No

**Recommendation:** Ensure new development proposals contain specific fire protection plans, actions or referenced codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

4. **Conservation and Open Space:**

4.1 Identification of critical natural resource values relative to fire hazard areas.

□ Yes □ Partial □ No

**Recommendation:** Determine maximum acceptable wildfire size and initial attack suppression success rates for protection of critical natural resources.
4.2 Inclusion of resource management activities to enhance protection of open space (prescribed burning, fuel breaks, vegetation thinning and removal).  □ Yes □ Partial □ No

**Recommendation:** Provide vegetation management fire mitigation measures that provide protection of open space natural resources, reduce fire hazards to adjacent assets, and allow for safe fire suppression tactics.

4.3 Mitigation for unique pest, disease and other forest health issues leading to hazardous situations.  □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies that address unique pest, disease, exotic species and other forest health issues in open space areas relative to reducing fire hazard.

4.4 Integration of open space into fire safety effectiveness.  □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies for reducing the wildland fire hazards within the entity’s boundaries and on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts. Wildland fuels should be treated in those areas to reduce the intensity of fires. Identify goals and policies for engaging adjacent wildland owners regarding hazard mitigation plans on lands with fire hazards that threaten the entity.

4.5 Policies for dedication, construction and maintenance of systematic fire protection improvements in open space.  □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies for incorporating, systematic fire protection improvements for open space. Specifics should include standards for adequate access for firefighting, fuel modifications for open space within and on the perimeter of the entity, mitigation planning with agencies managing open space, water sources for fire suppression, and other fire prevention and suppression needs.

4.6 Urban forestry plans relative to fire protection:  □ Yes □ Partial □ No

**Recommendation:** Ensure residential areas have appropriate fire resistant landscapes and discontinuous vegetation adjacent to open space or wildland areas.

**Recommendation:** Evaluate and resolve existing laws and local ordinances which conflict with fire protection requirements. Examples include conflicts with vegetation hazard reduction ordinances and listed species habitat protection requirements.

5. **Circulation and Access:**

5.1 Existing and planned transportation system incorporates requirements for designs that minimize wildfire damage to natural resources and minimizes hazards to human life.  □ Yes □ Partial □ No
**Recommendation:** Incorporate adequate access for firefighting, especially for existing "legacy" neighborhoods in VHFHSZ, SRA. Goals for standards for access should be consistent to those in 14 CCR 1270.

5.2 Adequacy of existing and future transportation system to incorporate fire infrastructure elements such as turnouts, helispots and safety zones. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies for transportation system fire infrastructure elements or otherwise reference appropriate supporting documents where these topics are addressed.

5.3 Adequate access to high hazard areas. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies that delineate high hazard areas, establish adequate access that meets or exceeds standards in 14 CCR 1270 for lands with no structures, and maintaining conditions of access in a suitable fashion for suppression access or public evacuation.

5.4 Standards for evacuation of residential areas in high hazard areas. □ Yes □ Partial □ No

**Recommendation:** Goals and policies should be established to delineate residential evacuation routes and evacuation plans in high fire hazard residential areas.

6. **Hazard Mapping and Fire Safe Regulations:**

6.1 Fire Hazard Mapping Designations □ Yes □ Partial □ No

**Recommendation:** Specify whether the entity has an official VHFHSZ designation and include a map of the zones. Clearly indicate any VHFHSZ pursuant GC 51175. Adopt CAL FIRE proposed Fire Hazard Severity Zones.

6.2 Adopt or incorporate local fire safe ordinances which meet or exceed standards similar to those in 14 CCR § 1270 for State Responsibility Area. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies for specific ordinances addressing evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

6.3 Geographic specific mitigation measures for fuel modification and fire risk reduction. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies that identify structures that have adequate fuel modification or other features that provide adequate fire fighter safety when tactics call for protection of a specific asset (i.e. which houses are safe to protect).
6.4 Fuel Modification around homes. □ Yes □ Partial □ No

Recommendation: Establish ordinances in VHFHSZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines, (http://www.bof.fire.ca.gov/pdf/s/抄yoil4291finalguidelines9_28_06.pdf) for SRA.

6.5 Adequacy of defense zones. □ Yes □ Partial □ No

Recommendation: Establish goals and policies for wildfire defense zones for emergency services including fuel breaks, back fire areas, or other staging areas that support safe fire suppression activities.

7. **Emergency Services:**

7.1 Map/description of existing emergency service facilities and areas lacking services:
□ Yes □ Partial □ No

Recommendation: Include descriptions, maps, and standards for levels of emergency services. Review, develop or incorporate Local Agency Formation municipal services reviews for evaluating level of service, response times, equipments condition levels and other relevant emergency service information.

Recommendation: Incorporate goals and policies that establish emergency services consistent with state or national standards.

Recommendation: Ensure new development includes appropriate facilities to assist and support wildfire suppression.

7.2 Assessment and projection future emergency service needs: □ Yes □ Partial □ No

Recommendation: Establish goals and policies for new development emergency service needs and ensure appropriate levels of service are established consistent with state or national standards.

7.3 Adequacy of training. □ Yes □ Partial □ No

Recommendation: Establish goals and policies for emergency service training that meets or exceeds state or national standards.

7.4 Inter-fire service coordination preparedness/mutual aid and multi-jurisdictional fire service agreements. □ Yes □ Partial □ No

8. **Post Recovery and Maintenance:** The Recovery and Maintenance recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk.

8.1 Reevaluate hazard conditions. □ Yes □ Partial □ No

**Recommendation:** Incorporate goals and policies that provide for reassessment of fire hazards following wildfire events. Adjust fire prevention and suppression needs commensurate for both short and long term fire protection needs. Develop burn area recovery plans that incorporate comprehensive recovery and fire safe maintenance.

8.2 Incorporate wildlife habitat/endangered species considerations. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies for consideration of wildlife habitat/endangered species into long term fire area recovery and protection plans.

8.3 Native species reintroduction. □ Yes □ Partial □ No

**Recommendation:** Incorporate native species habitat needs as part of long term fire protection and fire restoration plans.

8.4 Evaluation of redevelopment. □ Yes □ Partial □ No

**Recommendation:** In High and Very hazardous areas, ensure redevelopment utilizes state of the art fire resistant building standards with 100 foot set backs (when possible) to ensure adequate defensible space is maintained around structures.

8.5 Long term maintenance of fire hazard reduction mitigation projects □ Yes □ Partial □ No

**Recommendation:** Provide polices and goals for maintenance of fire hazard reduction projects, activities, or infrastructure.

9. **Flood and Landslides:** Recommendations for flood and landslides hazards, risks and vulnerabilities relative to past wildfire should be developed to mitigate potential losses to life, human assets and critical natural resources.

9.1 Establish flood and landslide vulnerability areas related to post wildfire conditions. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies that address the intersection of flood /landslide/post fire burn areas into long term public safety protection plans. These should include treatment assessment of fire related flood risk to life, methods to control storm runoff in burn areas, revegetation of burn areas, and drainage crossing debris maintenance.
10. **Terrorist Preparedness and homeland security impacts on wildfire protection:**
These recommendations are included to ensure that terrorist preparedness actions do not substantially increase fire risk or unduly restrict emergency response.

10.1 Communication channels during incidences. □ Yes □ Partial □ No

**Recommendation:** Establish goals and policies consistent with the Governor’s Blue Ribbon Fire Commission of 2005 for communications and interoperability. Example goals and policies should address fire personnel capability to communicate effectively across multiple frequency bands and update and expansion of current handheld and mobile radios used on major mutual aid incidents.

10.2 Fire prevention barriers. □ Yes □ Partial □ No

**Recommendation:** Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

10.3 Prioritizing asset protection from fire with lack of suppression forces. □ Yes □ Partial □ No

**Recommendation:** Identify and prioritize protection needs for assets at risk in the absence of response forces.

**Recommendation:** Establish fire defense zones that provide adequate fire protection without dependency on air attack.

End Standard Recommendations (version 8/29/07)
Letter 12
California Board of Forestry and Fire Protection
Stan Dixon, Chair
June 8, 2009

Response 12-1: The author provides a list of standard recommendations regarding Fire Safety Elements in General Plans, as a part of their review under California Government Code Section 65302.5 of jurisdictions within the State Responsibility Area that are amending their Safety Elements. He asks that the County include any appropriate recommendations and that we respond in accordance with the above cited section. Staff acknowledges the California Board of Forestry and Fire Protection’s review authority for the Draft 2030 General Plan update. The Board’s recommendations have been reviewed and where appropriate have been incorporated into the Draft General Plan. Please see the policies and actions listed under Goal PF-5, Goal HS-3, and Goal HS-6.

Response 12-2: This comment contains the “General Plan Fire Safety Elements Standard Recommendations,” approved by the State Board of Forestry and Fire Protection. Please see Response 12-1.
June 9, 2009

Mr. David Morrison, assistant Director
Yolo County Planning and Public Works
292 West Beamer Street
Woodland, Ca 95695

Re: Draft EIR Comments

Dear Mr. Morrison:

Dunnigan Advisory Committee would like to present the attached comments on the EIR draft document for your consideration.

Our objective was to identify mitigations to reduce impacts as well as identify impacts that were omitted in the document. Our focus although some what local also intended to address issues that may effect other Specific Plan developments as well. Concerns were identified that are incompatible with Dunnigan’s interest and we suggested mitigations we believe would help to alleviate the potential impacts.

Thank You for considering our comments. We look forward to being an integral part of Dunnigan’s development.

Sincerely,

Bill Weber, Chair
Dunnigan Advisory Committee

BW:dk

Cc: Supervisor Duane Chamberlain
    Yolo County Planning Commission
    Yolo County Board of Supervisors
    Robyn Truitt Drilon, County Counsel, Yolo County
LAND USE/HOUSING

Impact: LU-1 Build out of the Draft General Plan could disrupt or physically divide established communities.

Following are the Policies and Mitigations needed to reduce Impact LU-1 to less than significant.

- **Policy:** New development to be contiguous to existing communities. Assure new development unites all areas of the individual existing communities. *No leapfrog development.*

- **Policy:** Upgrade and develop County Roads 2, 4, 6, 8, 88, and 99W to handle additional traffic.

- **Mitigation:** Narrow Residential Street widths to be not less than 44 feet curb to curb and lined with evenly spaced trees. *This will assure street parking at residential homes, accommodate large emergency vehicles and provide a safe traffic flow on residential streets.*
**Impact:** LU-4 Land uses and development consistent with the Draft General Plan would fail to achieve a job/housing balance in some community areas and could potentially exacerbate an existing job/housing imbalance in some community areas.

Following are the Policies and Mitigations needed to reduce Impact LU-4 to less than significant.

- **Mitigation:** Establish a job/housing monitoring program for Dunnigan Specific Plan after construction of 2000 housing units as well as at the 2 year point, but take into consideration the number of retired residents in the jobs/housing calculation. Require Specific Plan to bring jobs/housing balance to the target of 1.2 jobs per house at every review point before approval of further development.

- **Mitigation:** Aggressive Economic Development program to bring major employers to the area. Commit 40% of Yolo County’s Economic Development Officer efforts to Dunnigan Specific Plan. This will strengthen job opportunities for local residents.

- **Policy:** Establish an aggressive High School Program for Language, Science and Technology. Superior students will be attractive to Science and Technology firms. Strong academic students will entice Science and Technology firms to the area. Such firms are likely to create higher paying job opportunities for local residents and help to achieve jobs/housing balance.

- **Policy:** Develop roadways to connect Dunnigan to valley wineries, recreation areas, farmers markets, organic farms, Cache Creek and other end destination tourist locations.
TRANSPORTATION/CIRCULATION

Impact CI-1: Build out of General Plan could result in increased vehicle miles traveled.

Following are the Policies and Mitigations needed to reduce Impact CI-1 to less than significant.

- **Policy:** Establish a current VMT per household for each of the Specific Plan Communities. Require periodic monitoring and mitigation to reduce the current established VMT 25% as a starting point with the ultimate goal of achieving County set standard of 44 VMT by 2030. *44 VMT is a difficult goal; strong specific measures will be needed to achieve this goal.* 2005 VMT for Dunnigan 93.8 at build out estimated to be 117 as projected in Table 15 C-3.

- **Mitigation:** Dunnigan Specific Plan to include a Transportation Center and shuttle service from within the community to the Transportation Center.

- **Mitigation:** Designate land use and zoning for a Regional Shopping Center outside of the core development area. *Contributes to the reduction of Dunnigan VMT.* Brings revenue to Yolo County from outside of the County.

- **Mitigation:** Aggressive Economic Development program to bring major employers to the area. Commit 40% of Yolo County’s Economic Development Officer to Dunnigan Specific Plan. *Assures jobs for local residents and encourages employers to hire locally.*
Impact CI-2 Build out of the Draft General Plan would add vehicle trips to roadways that would operate below the 1983 Yolo County General Plan level of services (LOS) under cumulative conditions.

Following are the Policies and Mitigations needed to reduce Impact CI-2 to less than significant.

- **Policy:** Maintain Level of Service (LOS) C or better for roadways and intersections in the Dunnigan Specific Plan area. In no case shall land use be approved that would either result in worse than LOS C conditions, or require additional improvements to maintain the required level of service.

- **Policy:** Utilize the existing freeway interchanges.

- **Policy:** Dunnigan Specific Plan to include a PARKWAY COLLECTOR Road on Westside of Interstate 5 and 505 that runs continuous from County Road 2 to County Road 12A.

- **Mitigation: County Road 88:** Upgrade County Road 88 to a PARKWAY COLLECTOR street width per County Standards. *Contributes to maintaining LOS C or better. Improves local traffic circulation. Also Mitigates LU-1.*

- **Mitigation: 4 Lane PARKWAY COLLECTOR – from County Road 6 to County Road 8:** Dunnigan Specific Plan to include 4 Lane Arterial Surface Street west of Interstate 5 between County Road 6 and County Road 8. County to secure a guarantee from developers that said public improvement to be completed concurrent with construction of first 2000 homes. *Contributes to maintaining LOS C or better. Improves local traffic circulation.*

- **Mitigation: County Road 99W:** Dunnigan Specific Plan to include widening 99W as follows, a four lane arterial between County Road 8 north to County Road 5 then transition down to two lanes with a center turn lane from County Road 5 to County Road 2.
- **Mitigation: Two Lane Parkway County Road 8 to County Road 12A:** Dunnigan Specific Plan to include a Major Two-Lane Parkway West of Interstate 5 and Interstate 505 between County Road 8 and County Road 12A at Interstate 505. County to secure a guarantee from developers that said public improvement to be completed concurrent with construction of first 4000 homes. *One more overpass will alleviate traffic impact and help to maintain LOS C. Improves local traffic circulation.*

- **Mitigation: County Road 6:** Dunnigan Specific Plan to include upgrade at Interstate 5 overpass at County Road 6 with two (2) additional on-ramps to eliminate eastbound and westbound left turn maneuvers. County to secure a guarantee from developers that said public improvement to be completed concurrent with construction of first 2000 homes. LOS C. *Contributes to maintaining LOS C or better. Improves local traffic circulation.*

- **Mitigation: County Road 8:** Dunnigan Specific Plan to include upgrade at Interstate 5 overpass at County Road 8 with two (2) additional on-ramps to eliminate eastbound and westbound left turn maneuvers. County to secure a guarantee from developers that said public improvement to be completed concurrent with construction of first 2000 homes. *Contributes to maintaining LOS C or better. Improves local traffic circulation.*

- **Mitigation: County Road 4:** Upgrade County Road 4 (Rd 99W to County Road 88) to a COLLECTOR street width per County Standard. *Contributes to maintaining LOS C or better. Improves local traffic circulation.*

- **Mitigation:** Interstate 5 (County Road 6 to Interstate 505) mitigate to maintain LOS C or better. *LOS D not acceptable per County Ordinance.*

- **Mitigation: County Road 2:** Upgrade overpass at Interstate 5 with Northbound and Southbound on-ramps and off-ramps. *Contributes to maintaining LOS C or better (Impact CI-2). Also Mitigates Impact LU-1.*
PUBLIC SERVICE

Impact PUB-1: Growth associated with build-out of the Draft General Plan would generate a demand for fire protection and emergency services that may exceed the ability of the fire districts and departments to meet established service thresholds.

Following are the Policies and Mitigations needed to reduce Impact PUB-1 to less than significant.

- Dunnigan Specific Plan shall include a continuation of County Road 5 south to County Road 6. *Will reduce response time to existing Hardwood Community to satisfy emergency safety requirements.*
UTILITIES AND ENERGY

Following are the Policies and Mitigations needed to reduce Impact UTIL-2 to less than significant.

**UTIL-2a:** The Draft General Plan shall be amended to include the following new policy in the Land Use and Community Character Element.

- **Policy:** Public purveyors of water and sewer services shall be regulated and monitored by the appropriate agency.

- **Mitigation:** Dunnigan Specific Plan to provide for infrastructure to the existing community to economically utilize (tap into) the water and sewer system. *A major selling point of the development was to provide for the existing community to tap into the water/sewer system.*
HYDROLOGY AND WATER QUALITY

Impact HYD-1: Build-out of the Draft General Plan could result in increased overdraft of County aquifers and a reduction of aquifer recharge resulting in a net reduction aquifer capacity, availability of groundwater resources, and ground surface subsidence.

Following are the Policies and Mitigations needed to reduce Impact HYD-1 to less than significant.

- **Mitigation:** Based on the current water conditions, re-evaluate the water source for the development. *This to assure a sufficient water source is available based on the changing water situation.*

Impact HYD-2: Build-out of the Draft General Plan would expose more people and structures flood hazards and may impede or redirect flood flows, resulting in increased flood hazards.

Following are the Policies and Mitigations needed to reduce Impact HYD-2 to less than significant.

- **Mitigation:** Require a concise designed and clearly defined drainage system for the Dunnigan Specific Plan that covers the entire community including the new development. Clearly define the downstream drainage system to properly maintain and adequately handle the excessive runoff.
INDIVIDUAL COMMENTS FROM COMMITTEE MEMBERS
Hydrology, Utility Comments

1) Currently the land within the Dunnigan Water District is paying a long term $17/ac/year assessment towards building the delivery system and a $14/ac/year administrative assessment. The development area compromises a significant amount of the district income. Who will be responsible for continuing to pay those fees? Will increase the cost to other landowners not in the immediate development area?

2) The develop area will be placed over the existing irrigation distribution system. How will the current system be rerouted without disrupting the current users? Who will be responsible to repair and maintain the new distribution system within the development area? Will the change in the system allow easy access to repair and maintain lines?

3) Where will the water source come from? If Dunnigan Water District cannot or will not supply water to the development area where will it get its water? How will groundwater users be protected from overdraft of current private wells? What safeguards will be in place to monitor and prevent or stop subsidence or groundwater overdraft?

4) What will be the requirement to supply an adequate storage of water for fire hydrants for emergency calls?

5) What are the requirements to assure there will be groundwater recharge?

6) On occasions all runoff control facilities on site will have reached their capacity due to the extremely fast drainage from the hills to the west. The downstream drainage system will need to be defined and properly maintained to adequately handle the excessive runoff. A clear defined drainage system needs to be formatted for the whole community including the new development area.

7) Will a drainage District need to be formed and who will be the ones paying for the necessary plans and improvements that will be needed?

8) What type of water and sewage facilities will be allowed? Where will the water and sewage facilities be placed and who will be monitoring them?

9) How will the discharge of the treated water and sewage be handled? During treatment there will be additional chemicals or byproducts produced or generated; how will they be disposed of and or monitored?

10) There are indications that a dual sewage system may be required in the future, one for liquids and one for solids that will be handled separately. There needs to be a requirement to accommodate these and other future changes that if not provided for now will cost everyone else down the road.
11) One of the major selling points of the development was that the new infrastructure would be built large enough to allow the existing community the ability to tap into the system. How can we assure that the system will be placed in a location that is economically feasible for the existing community to utilize?

12) If the existing community property owners wish to continue the use of their own private systems what assurances do they have that they would not be mandated to hook up to the new system?
Letter 13
Dunnigan Advisory Committee
Bill Weber, Chair
June 9, 2009

Response 13-1: The author provides introductory comments, indicating that the suggested changes are intended to address areas that they felt were overlooked in the Draft General Plan and/or were incompatible with Dunnigan’s interests. The comments are noted.

Response 13-2: The author suggests including a new policy requiring new development to be contiguous with existing communities and that prohibits leapfrog development. Staff believes that the Draft General Plan already includes policies that adequately address this issue, including Policies LU-3.1, LU-3.4, LU-3.7, LU-3.9, CC-1.7, and CC-2.15.

Response 13-3: The author suggests including a new policy to require upgrades of County Roads 2, 4, 6, 8, 88, and 99W. He also suggests a new Mitigation Measure to require narrow residential streets of not less than 44-feet in width and lined with trees. Policy CI-3.1 in the Draft General Plan already requires portions of County Roads 6 and 99W, and Interstate 5 within Dunnigan to be expanded. According to the traffic modeling prepared for the Draft General Plan by Fehr and Peers Associates and utilized in the DEIR, all other roads within the Dunnigan Specific Plan area will meet defined Levels of Service and further expansions are not necessary. Policy CC-2.16.F requires narrow streets with trees that form a shade canopy. The width of the new streets will be determined through the County’s Development Standards and the Specific Plan process.

Response 13-4: The author suggests several proposed mitigation measures that would reduce Impact LU-4 to a Less than Significant Level. Impact LU-4 is stated as follows: Land uses and development consistent with the Draft General Plan would fail to achieve a jobs/housing balance and match in some community areas and could potentially exacerbate an existing jobs/housing imbalance in some community areas. The author’s proposed measures include: a jobs/housing monitoring program for the Dunnigan Specific Plan; aggressive economic development efforts by the County to attract businesses to Dunnigan; and a high school program that focuses on language, science, and technology; and the development of roads to connect Dunnigan with regional tourist destinations.

The proposed mitigation measures all solely address the Dunnigan Specific Plan area. However, Impact LU-4 evaluates the environmental effects of the entire Draft General Plan, including communities other than Dunnigan. As noted on page 150 of the Draft EIR:
...a jobs/housing balance or match is infeasible for several community areas due to physical, environmental and market constraints. While implementation of the policies and actions included in the Draft General Plan and amended above would reduce the severity of this impact, no additional feasible mitigation measures are available to attain a jobs/housing balance and match for all community areas or for the unincorporated County as a whole. Therefore, this impact would remain significant and unavoidable.

Some of the measures could not be applied equally to all communities. For instance, it would not be possible to dedicate 40 percent of the Economic Development Manager’s time to each of the dozen or so communities within the unincorporated area. As the measures would not ensure a jobs/housing balance in all communities, staff does not agree that they would lessen the effect of Impact LU-4 to a less-than-significant level.

As for the proposed measures themselves, the responses are as follows:

- Regarding the monitoring and enforcement of a jobs/housing balance in the Dunnigan Specific Plan, please see Response 6-1.

- The County’s Economic Development Manager (EDM) will be extensively involved in creating opportunities to facilitate the success of the jobs/housing balance in Dunnigan. However, it is not practical to firmly set staff priorities over the next 20 years through the Draft General Plan. As Dunnigan develops and achieves various population levels, it will be easier to attract jobs. There would likely not be an ongoing demand for 40 percent of the EDM’s resources throughout the 20-year Dunnigan Specific Plan. At the same time, other communities and/or regional issues may require immediate and focused attention, as the economy changes and new challenges arise. Regardless, the Draft General Plan contains 93 policies and implementation measures dedicated to economic development, to be carried out primarily by the EDM, which will benefit both Dunnigan and the rest of the County.

- The curriculum of the new high school will be the responsibility of the Pierce Joint Unified School District and is not subject to the goals and policies of the Draft General Plan.

- The issue of roads is not clear. There are existing County roadways that connect Dunnigan to all of the listed destinations, including recreation areas, Cache Creek, organic farms, wineries, etc. These roads may not provide a direct connection, nor are they necessarily well-maintained. However, there is no nexus for requiring improvements to the countywide road network be made the responsibility of the developer for the Dunnigan Specific Plan.
Response 13-5: The author suggests policies and mitigation measures intended to further reduce the amount of vehicle miles travelled (VMT) within the Dunnigan community. These include: starting out the VMT reduction goal at 25 percent less than current usage, and working to achieve 44 miles per household per day by 2030; include a transportation center within the community, as well as shuttle service to the center; allow for a regional shopping center outside of the core area; and commit 40 percent of the Economic Development Manager’s time to Dunnigan. Each of these points are addressed separately below.

Staff agrees that achieving the VMT goal will require a dedicated effort, but strongly disagree with the suggestion to increase the threshold initially and phase in reductions over the 20-year life of the Dunnigan Specific Plan. As long as the policies of the Draft General Plan are implemented, particularly the jobs/housing balance, the VMT threshold will be met. If the jobs/housing is not achieved, then additional measures will be taken by the County to ensure compliance, including possible limitations on further development. Specifically, the author is referred to page 251 of the Draft EIR, as follows:

Reasonableness checks were performed for the Dunnigan Specific Plan area to determine if the threshold of 44 VMT generated per household could be achieved. Based on the long distance between the Dunnigan Specific Plan area and other regional attractions such as the City of Woodland, approximately 80 percent of trips would need to be internalized to achieve the VMT threshold unless a high level of carpool and transit use occurs for off site trips. Therefore, it is essential that the prescriptive policies in the Draft General Plan for the Specific Plan areas are implemented (Policies CC-3.3 through CC-3.13) to achieve the VMT threshold, especially matching jobs to housing in Policy CC-3.3.

To further ensure that the jobs/housing balance will be achieved throughout the 20-year Specific Plan, and the subsequent success of the VMT threshold, staff has made the following revisions to Policy CC-3.3:

Ensure that jobs are created concurrent with housing to the greatest feasible extent. Include requirements to ensure a reasonable ongoing balance between housing and jobs by phase. Strive to match overall wages to home prices.

For areas within Specific Plans, the amount of land designated for residential and job generating uses shall be evaluated during the Specific Plan process, and land uses may must be “re-balanced” within each phase, phase if necessary in order to achieve a jobs/housing community-wide balance of 1.2 jobs per household. A jobs/housing
monitoring program shall be established as part of each Specific Plan for its planning area. The jobs/housing relationship (balance, phasing, and match) for each Specific Plan area shall be monitored by phase. If, at the end of any phase, the required jobs/housing relationships are not achieved, one land use sector is out of balance with another, the County shall require immediate and effective actions to be taken by the Developer to ensure the balance the jobs/housing relationship is achieved or rebalanced, prior to approval of any subsequent phase. Such actions may include, but are not limited to the following: change in the amounts of land uses in remaining phases; financial/regulatory incentives to accelerate the development of underdeveloped land uses; smaller phases; limitations on permits for overdeveloped land uses; and/or other actions as may be required.

Staff agrees with the author’s suggestion for a potential transportation center within the community. The author is referred to Policy CI-3.18, the fourth bullet, which reads: “Build or fund a transportation center where various public transportation modes intersect.”

Concerning the author’s suggestion of a regional shopping center located outside of the core community area, Policy CC-3.6 of the Draft General Plan allows for 212 acres of land to be designated as Commercial General (CG). As defined on page LU-14 of the Draft General Plan, the CG designation includes regional and highway serving retail uses. The location and zoning of any CG designated lands will be determined through the Dunnigan Specific Plan process.

With regards to the commitment of the resources of the Economic Development Manager, please see Response 13-4.

Response 13-6:

The author suggests policies and mitigation measures to reduce the Levels of Service (LOS) within Dunnigan to less than those in the 1983 County General Plan. These include widening County Roads 7, 88, and 99W to four lanes; upgrades of the interchanges of County Roads 2, 6, and 8 with Interstate 5; a new two-lane road extending from County Road 8 to County Road 12A; and improvements to both County Road 4 and Interstate 5. The acceptable LOS for all County roads in the 1983 General Plan is LOS C. The author is suggesting that LOS A or B should be used in Dunnigan for the 2030 Draft General Plan. It should be noted that these improvements would come at the same time as Dunnigan is projected to grow from its current population of approximately 1,000 to nearly 25,000.

The Draft General Plan currently proposes several of the improvements suggested by the author, including County Road 99W, the interchanges of County Roads 6 and 8 with Interstate 5, and the improvements to Interstate 5 itself. However, staff disagrees with the idea of improving Levels of
Service within Dunnigan to better than those in the 1983 General Plan. As indicated on page 212 of the Draft EIR.

It should be noted that this traditional methodology used to analyze the roadway system does not consider the potential impact on walking, bicycling, and transit. Pedestrians, bicyclists, and transit riders are all users of the roadway system but may not be fully recognized in the traffic operations analysis and the calculation of LOS. The LOS thresholds in Table IV.C-1 are based on driver’s comfort and convenience. Identifying the need for roadway improvements based on the resulting roadway LOS can have unintended impacts to other modes such as increasing the walking time for pedestrians. In evaluating the roadway system, a lower vehicle LOS may be desired when balanced against other community values related to resource protection, social equity, economic development, and consideration of pedestrians, bicyclists, and transit users.

In addition, page 258 of the Draft EIR states:

The Draft General Plan accepts these lower LOS values. This reflects a change in policy for the unincorporated County to acknowledge that transportation planning based solely on roadway LOS, which considers only driver comfort and convenience, is not desirable since it fails to acknowledge other users of the circulation system and other community values. In evaluating the roadway system, a lower vehicle LOS may be desired when balanced against other community values related to resource protection, social equity, economic development, and consideration of pedestrians, bicyclists, and transit users. In addition, roadway LOS is directly linked to roadway infrastructure costs. A higher LOS results in higher expenditure of infrastructure dollars for wider roadways that do not necessarily serve all users of the circulation system and result in less than optimum utilization of the roadway. For example, LOS C on a typical two-lane County road represents about 40 percent utilization of the roadway’s capacity. Furthermore wider roadways, in general, are inconsistent with maintaining rural character and aesthetics, cause greater impacts to biological resources and agricultural land, and discourage use by pedestrians and bicyclists.

Response 13-7: The author suggests including a Mitigation Measure to require a road connection between County Roads 5 and 6 in Dunnigan, to provide better emergency response time, particularly with regards to fire protection services. Staff believes that the Draft General Plan already includes policies that adequately address this issue, including Policy CC-2.16.M, N, and HH. The specific issue of providing an additional connecting road between Roads 5 and 6 is a matter best addressed through the current Dunnigan Specific Plan process.
Response 13-8: The author suggests including a Mitigation Measure that would include a new policy to require water and sewer services to be regulated by the appropriate agency. The Measure would also require sewer and water infrastructure to be extended to the entire community of Dunnigan. Municipal-level sewer and water systems are regulated by a number of agencies, including the California Department of Health, the Local Agency Formation Commission, and the California Public Utilities Commission. These agencies are outside the jurisdiction of Yolo County and are not obligated to implement the General Plan. No change is needed, however, to trigger their regulatory oversight of these utilities. With regards to the need for community-wide infrastructure, the Draft General Plan already has such a requirement, as described in Policy CC-3.5 and Table LU-11. The policy requires municipal water and tertiary sewer treatment systems to serve the entire town as part of the Dunnigan Specific Plan.

Response 13-9: The author suggests a Mitigation Measure to re-evaluate the water source for the build-out of development allowed within the Draft General Plan. Development of the Dunnigan Specific Plan or any other large project will not be allowed to proceed until an adequate and reliable water supply has been established, as indicated on pages 458 of the Draft EIR. For individual projects that meet the thresholds established in SB 610 (a 500 unit residential development, or its equivalent, or a project that would increase in the number of the public water system's existing service connections by 10 percent.) preparation of a water supply assessment (WSA) would be required to ensure that sufficient water was available to service the project. WSAs would be required for the following specific plan areas and community areas based on development allowed under the Draft General Plan: Dunnigan (8,281 dwelling units); Knights Landing (1,413 dwelling units); Madison (1,496 dwelling units); and Esparto (1,506 dwelling units)... WSAs would be completed for Dunnigan, Knights Landing, Madison, and Elkhorn during the Specific Plan process.

The author is also referred to Policy CO-5.16 of the Draft General Plan.

Response 13-10: The author suggests a Mitigation Measure to require a concise and defined comprehensive storm water drainage system for the Dunnigan Specific Plan area, including downstream areas needed to maintain and accommodate the runoff. The Draft General Plan already has such a requirement, as described in Policy CC-3.5 and Table LU-11. The policy requires a municipal storm drainage system to serve the entire town, as well as minimum 200-year flood protection, as a part of the Dunnigan Specific Plan. The specific issue of how storm drainage will be achieved and managed, including downstream capacity and maintenance, is a matter best addressed through the current Dunnigan Specific Plan process.
Response 13-11: The author includes several varied comments from individual members of the Dunnigan Advisory Committee regarding hydrology and utilities within the Draft General Plan. The comments and staff responses are as follows:

a. The author asks who will pay the long-term and administrative assessments to the Dunnigan Water District, which makes up a large part of the District’s income, as the Dunnigan Specific Plan builds out. The Dunnigan Water District (DWD) will continue to pay its long-term obligations. Staff believes that the author refers to the concern that development of the Dunnigan Specific Plan would take a large portion of irrigated farmland out of production, which in turn would reduce the income of the DWD and impair its ability to continue meeting the District’s fiscal needs. The financing of the District, as well as the financing of the municipal improvements, operations, and services needed for new growth, will all be addressed as a part of the Dunnigan Specific Plan.

b. The author asks how the existing irrigation distribution system within the Dunnigan Specific Plan area will be rerouted. The author goes on to ask who will be responsible for repair and maintenance, and whether access will be provided to the new system alignment for maintenance activities. The rerouting of the existing irrigation distribution system, as well as access to the new alignment, will be developed as a part of the drainage improvements for the Dunnigan Specific Plan. Repair and maintenance would remain the responsibility of the Dunnigan Water District, where applicable.

c. The author asks where water will come from to supply the Dunnigan Specific Plan. If water is not provided by the Dunnigan Water District, then who will provide it. If groundwater is used, how will existing well owners be protected from overdraft. Finally, what safeguards will be put in place to monitor and prevent subsidence and/or overdraft.

There are several options as to what type of entity will provide water within the Dunnigan Specific Plan. It may be an independent special district, such as the Dunnigan Water District or a Community Service District. It could be a private water company such as Dunnigan Water Works, or it could be a County-managed special district like a County Service Area. The type of entity, the scope of infrastructure improvements required, and financing will be determined through the Dunnigan Specific Plan process. Please see Response 13-9, above, for information regarding the preparation of a water supply assessment as part of the Dunnigan Specific Plan process.
As indicated on page 674, the Draft General Plan includes a number of policies and actions that would reduce the impact on groundwater recharge. These include Policies CO-5.1, CO-5.4, CO-5.5, CO-5.12, CO-5.14, CO-5.18, CO-5.19, CO-5.21, and CO-5.28; as well as Actions HS-A.9, CO-A69 through CO-A79, CO-A80, and CO-A87. In addition, the Draft EIR proposes two Mitigation Measures to address the potential for groundwater overdraft and subsidence. Measure HYD-1A (Policy CO-5.3) would manage the County’s groundwater resources on a sustainable yield basis, while HYD-1B (Policy 5.33) would work to increase the artificial recharge of aquifers with surplus surface water supplies. With the inclusion of these mitigation measures, the potential for groundwater overdraft and subsidence would be reduced to a less-than-significant level.

d. The author asks what the requirement will be regarding water storage for fire hydrants. The most important factor regarding fire hydrants is pressure. Water storage is related in that it is one of the factors that goes into determining available pressure in a water system. Generally, fire hydrants in the United States have a pressure of 50 to 80 psi (pounds per square inch). Water and fire system specifications will be included as a part of the Dunnigan Specific Plan process.

e. The author asks how groundwater recharge will be required. The author is referred to the following policies and actions, which are among those that encourage or require groundwater recharge: PF-2.4, CO-5.32, CO-5.33, CO-A75, CO-A83, CO-A88, CO-A89, and CO-A93.

f. The author suggests that a concise and defined comprehensive storm water drainage system for the Dunnigan Specific Plan area be required, including downstream areas needed to maintain and accommodate the runoff. Please see Response 13-10.

g. The author asks if a Drainage District for the Dunnigan Specific Plan will be formed, and if so, who would pay for the plans and improvements to the new district. The governance of services within Dunnigan will be established through the Specific Plan process. The initial costs of developing the plans and improvements for a drainage system would be paid for by the developers. However, operations and maintenance of such a system, whether as part of a drainage district or otherwise, would be paid for by those benefiting from the service.

h. The author asks what type of water and sewer facilities will be provided in the Dunnigan Specific Plan, where they will be located,
and who will monitor them. The type and location of sewer and water services within Dunnigan will be established through the Specific Plan process. The operation of municipal water systems is regulated and monitored by the California Department of Health. The operation of sewage treatment systems is regulated and monitored by the California Central Valley Regional Water Quality Control Board. All of this is described in numerous other responses to Letter 13, set forth above.

i. The author asks how the discharge of treated sewage and water will be handled in the Dunnigan Specific Plan. Also, if sewage treatment will involve chemical use, how it will be disposed of, and how the treatment process in general will be monitored. The type of wastewater treatment system to be used for Dunnigan has not yet been determined and will be resolved through the Specific Plan process. However, most forms of municipal wastewater treatment involve chemical use in varying degrees. As required under Policies CC-4.12, CO-5.15, and CO-5.32, treated wastewater will be encouraged for re-use as non-potable water for non-edible landscaping. Typically, wastewater treatment facilities are self-monitoring; however they must regularly report their findings and are subject to inspection and regulation by the Central California Regional Water Quality Control Board.

j. The author suggests that a dual treatment system for sewer will be required in the future, one that addresses liquids and solids separately. The comment goes on to recommend that any such facilities in the Dunnigan Specific Plan be designed to accommodate this need and any other likely future regulatory requirements. Please see Response 13-11.i above.

k. The author asks how to ensure that sewer and water infrastructure will be extended to the entire community of Dunnigan, including existing developed areas. Please see Response 13-8 for a reference to policies in the General Plan that address this matter.

l. The author asks what assurances would be provided to residents of existing developed areas within the Dunnigan Specific Plan that they would not be required to connect to future municipal water and/or sewer treatment systems. The Draft General Plan does not include any such assurances and in fact requires that all residents connect to municipal sewer treatment and water systems when they are made available. These requirements are contained in Actions PF-A3 and CO-A97.
ECAC

ESPARTO CITIZENS ADVISORY COMMITTEE

C/O YOLO COUNTY PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT
292 West Beamer Street, Woodland, CA 95695-2598. (530) 666-8775 FAX (530) 666-8726

June 9, 2009

TO: Yolo County Planning Commission

CC: David Morrison, Assistant Director, Yolo County Planning & Public Works

FROM: Esparto Citizens Advisory Committee

SUBJECT: Yolo County Draft Environmental Impact Report

The Esparto Citizens Advisory Committee has reviewed the draft Yolo County General Plan and has many concerns and comments. The following condensed comments are considered priorities and submitted for consideration by the Planning Commission:

LAND USE:

ECAC supports mitigation LU-1c which retains the existing 79 acres of industrial zoned land south of Esparto. Also, acceptable would be an Agricultural Industrial zoning.

Table LU-8 depicts 521 new residential units for Esparto, on top of the potential for 985 units on existing land already zoned for residential. The 1996 Esparto General Plan called for 500 additional houses over a 10 year period. The rezoning of land around the town to residential in conjunction with this plan accommodated that growth — and more. It was realized recently that the current zoning actually allows approximately 500 additional houses bringing the potential growth to around 1000. The town of Esparto still needs to absorb the impact of the current approved housing developments on the infrastructure and schools — which have not kept pace with the subdivisions. ECAC feels that there is no need for the County’s General Plan to provide for additional residential growth beyond 985 units.

LU-8.5. The ECAC supports that schools be located within the growth boundary and CC-2.16 for Schools to be in walking distance.

LU-2c, Policy CC-1.2, why was discretionary review of scenic impact development proposals stricken? Is this now covered by CC-A34, or are these in conflict with each other now?

Goal CC-2.13 affirms the requirement for 5 acres of parks per 1000 people. We appreciate the good revision to clarify the parks be “proximate to neighborhoods”.

Inclusion of Agricultural Industry in the Agriculture land use designation is another concern. “Smart Growth” will be difficult, if not impossible, because it eliminates the County’s ability to control the location of concentrated agricultural industry employment centers. This will result in more industrial type (ground covered over and not used for production) operations like the recent Westside Transplants and Mariani Nut being located in the middle of farmland and not near housing centers. For example, Westside Transplants would have been better located in the industrial land south of SR-16 at Esparto rather than in farmland on CR-27. Mariani Nut should have been located in poorer land closer to Winters. Agricultural Industry should be made part of the Industrial land use designation.

CIRCULATION:

The ECAC has some concerns with the designation of farm-to-market roads. We have field-to-processor/user/warehouse transportation needs. The roads used for the movement of the crop harvest are, and will have to continue to be, shared with farm equipment. There aren’t enough roads for separate routes for the movement of trucks and farm equipment. More specifically, CR-19, CR-23 and CR-24 are
primary roads for the east/west movement of farm equipment in the central county. If trucks in the central county are to be limited to a specific east/west road, that road should be SR-16. SR-16 is no more than two miles from the central county east/west roads that the draft general plan identifies as farm-to-market and is usable for farm equipment due to the automobile traffic load. SR-16 should also be the designated route for casino buses. Casino buses have started to travel CR-23 and that has the potential for disaster given the road's use by very large farm equipment.

HOUSING:

We oppose the concept of "encourage private roads in new developments."

Page HO-7 states that "Yolo County remains able to meet its housing need through the production of new housing in non-residential areas, particularly in agricultural areas." This is in conflict with the County's stated objective of preserving agricultural land. Have alternatives to meeting the housing requirement been evaluated sufficiently? Vertical residential growth in the towns for example? There should be a sincere effort to preserve every acre of good soil possible.

Page HO-68 refers to the Esparto park and bridge impact fee of $2900. This amount has been identified as too low and we recommend the County perform the needed analysis to increase this fee as part of the General Plan revision. Especially, as the County considers reduced involvement in the town parks maintenance.

Page HO-80 projects and increase in residences in agricultural areas due to a trend toward small farms growing organic and specialized crops. How will the County encourage and ensure that these residences will be functional farms and not just country bedrooms for commuters.

Page HO-80 states "The Esparto CSD has a well-functioning water and wastewater systems and adequate technical and financial capacity to continue to accommodate new development through incremental expansion of its existing systems." This statement seems far from reality.

Thank you for the opportunity to comment.

Sincerely,

Melissa D. Jordan, Chair
Gretchen Adan
Wayne Belshaw
Colleen Fessenden
Pat Harrison
John Hulsman
Giacomo Moris
Patrick Scribner

The Esparto Citizens Advisory Committee is appointed by the Board of Supervisors to act as advisors to the Planning Commission concerning land use matters. The opinions expressed by this committee are not necessarily those shared by the Planning, Resources, and Public Works Department.
Letter 14
Esparato Citizens Advisory Committee
June 9, 2009

Response 14-1: The author notes that the issues described in their letter are considered to be priorities of the Esparato Citizens Advisory Committee. The comment is noted.

Response 14-2: The author’s support is noted for Mitigation Measure LU-1C, which would keep the 79-acres of land located south of State Route 16 and east of County Road 86A designated as Industrial.

Response 14-3: The author expresses her opposition to creating additional residential growth in Esparto, due to the impacts on infrastructure and schools. The comment appears to primarily address the proposed mixed use development located on 79-acres currently designated as Industrial, located south of State Route 16 and east of County Road 86A. Please see Response 3-2.

Response 14-4: The author indicates support for proposed Policy LU-6.5, which would encourage schools to be located within the growth boundary for each community, and within walking distance of a majority of the homes served by the school. The comments are appreciated.

Response 14-5: The author asks why language was deleted from Policy CC-1.2, regarding the discretionary review of scenic highways. She also inquires if there is a conflict with Action CC-A34. Concerning the first comment, the language that was deleted is redundant to numerous other policies in the Draft General Plan that continue to protect and regulate scenic highways, including Policies CC-1.13 through CC-1.19, inclusive. Action CC-A34 requires that discretionary review of all development proposals evaluate the potential for impact to the rural landscape and views (not limited to only scenic highways). Action CC-A34 is much broader in scope than the previous wording of Policy CC-1.2, in recognition that there are valuable viewsheds and landscapes that need to be addressed outside of the scenic highway corridors. As such, staff does not see a conflict between the referenced policy and action.

Response 14-6: The author indicates support for Goal CC-2.13, which would require that community parks be located proximate to residential neighborhoods. The comments are appreciated.

Response 14-7: The author expresses opposition to allowing Agricultural Industrial uses on land designated in the Draft General Plan as Agricultural. The concern is
that agricultural industrial employment centers should be located on Industrial designated land within existing unincorporated communities, to further the jobs/housing balance and “smart” growth policies integrated into the Draft General Plan.

Response 14-8: The author expresses concern regarding Policy CI-3.10, which establishes a system of targeted trucking corridors (as listed in Table CI-1) for farm-to-market transport and agricultural goods movement, with the highest priority for funding improvements. She notes correctly that these roads are intended to be shared by both farm equipment and passenger vehicles. Instead, the author recommends that the east-west targeted truck corridor for the central portion of the County be designated as State Route 16. She also suggests that State Route 16 be designated for casino busses.

The author appears to misunderstand the intent of the policy. CI-3.10 does not limit agricultural trucks and farm equipment to the roads listed. Except in limited circumstances (such as aggregate trucks covered by Development Agreements under the Cache Creek Area Plan, or overweight/oversized trucks that are directed to specific bridges and/or roadways), both trucks and busses are allowed to travel down any public right-of-way. Policy CI-3.10 indicates which roads will be prioritized for funding to be maintained to accommodate larger volumes of truck traffic. State Route 16 is not included in this list, as its maintenance is the responsibility of the State of California. Under the Draft General Plan, both trucks and busses will still be able to travel all appropriate County roads and State highways.

Response 14-9: The author opposes Policy CC-4.36 which encourages private roads in new development. Staff disagrees with the request to modify or eliminate this policy. County road maintenance budgets are increasingly strained, which hinders its ability to perform scheduled repairs and improvements on public roads. Private roads reduce the burden on county taxpayers. In addition, since private roads can better control the amount of traffic allowed, they can be designed to be narrower and more pedestrian and bicycle friendly than public roads, which furthers several goals within the General Plan supporting smart growth and complete streets.

Response 14-10: The author questions whether a portion of Yolo County’s housing needs should be met by allowing for residential development on agricultural lands. The comments indicate a conflict between the preservation of farmland and the provision of on-site farm housing, and suggests instead vertical residential growth be encouraged within unincorporated communities.

Yolo County has long been one of the leaders in agricultural preservation within California, and the proposed policies in the Draft General Plan strengthen the county’s historical commitment. Allowing the people who
own farms to live on their land, and accommodating housing for family members and/or agricultural employees is critical to promoting agricultural preservation. The alternative of encouraging farm owners and farm workers to live in towns and commute to the agricultural fields severs the relationship between the farmer and the land, creates greater economic disincentives for small family farmers, and results in environmental impacts associated with traffic and air pollution.

Almost ninety percent of the housing provided for through the Draft General Plan update will be located within the unincorporated communities, which will reinforce a pattern of development that currently results in nearly ninety percent of the county’s population living on less than five percent of the land area.

Response 14-11: The author requests that the County perform analysis to update the existing parks and bridge impact fees for projects within Esparto. Staff agrees with the need. Please note Action PF-A21, which would “Adopt appropriate regulations to require park land dedication and adopt park impact fees for all new development projects in both the incorporated and unincorporated areas to pay for the planning, acquisition, and development of parks and open space.” Also, please note Policy PF-12.8, which would “Ensure that fees and assessments used to fund facilities and services are paid for by those who benefit, and are reviewed regularly to ensure the fee/assessment reflects the true cost.”

Response 14-12: The author cites text from page HO-85 of the Draft General Plan, and asks how small farms growing organic and specialized crops will be functional farms, instead of housing for urban commuters. There are many policies and actions in the Draft General Plan that specifically address this issue, including but not limited to: LU-2.2, LU-2.3, LU-3.8, AG-1.2, AG-1.3, AG-1.4, AG-1.5, AG-1.13, AG-1.14, AG-A5, AG-A6, AG-A7, AG-A9, AG-A23, and AG-A25.

Response 14-13: The author cites text from page HO-89 of the Draft General Plan, and disagrees with the characterization of the Esparto Community Services District as well-functioning, with adequate technical and financial capacity to accommodate new development through incremental expansion. However, she does not provide any evidence or facts to support her assertion. The comment is noted.
June 9, 2009

David Morrison, Assistant Director
Yolo County Planning and Public Works

Ms. Mary Kimble, Chair and Commissioners
Yolo County Planning Commission

Yolo County Board of Supervisors
Mr. Mike McGowan, Chair and Members of the Board

Ms. Robyn Truitt Drivon, County Counsel
Yolo County

Dear Mr. Morrison, Mr. McGowan, Ms. Kimble and Ms. Truitt Drivon:

As an interested and concerned resident of Dunnigan, California in Yolo County, I respectfully submit my comments on the Draft Environmental Impact for Yolo County General Plan Update—6/2009

The proposed General Plan Update is a description of the urbanization of Yolo County. To propose such a plan with the extensive loss of agricultural land and native habitat is to redesign the appearance of much of the County. It is vital that elected decision makers consider not only the alluring stimulus of an increased tax base, but also the probable negative consequences which can result in detriments to quality of life for County residents.

To allow development in flood plain areas is foolhardy, potentially putting residents at risk as well as resulting in property destruction and blight. Quoting from Mitigation Measure HYD-2, “While implementation of the policies and actions included in the Draft General Plan would reduce the severity of the impact, under build-out of the Draft General Plan new growth would occur within flood zones. Other than avoiding all development within floodplain areas, which the County does not consider to be practical or feasible, there are no mitigation measures available to reduce this impact. Therefore, this impact would remain significant and unavoidable.”

To allow development without a thorough knowledge of water resources—groundwater as well as surface water is unwise. Regardless of opposition from those who consider groundwater a personal property right and a groundwater study
as invasion of that right, the welfare of the County community needs to be a first priority. From Hydrology, page 638, “In Yolo County as much as 4 feet of land subsidence due to groundwater withdrawal has occurred since the 1950’s...” and “During the period of 1950 to 1976 the basin experienced a large decline in storage due to overdraft.” Groundwater and surface water are not autonomous sources but are interactive and groundwater recharge from the many surface water sources undoubtedly occurs in the county. Surface water from the Sacramento River managed by the Bureau of Reclamation for the Central Valley Project has recently been extremely limited. Long-term reliance upon that surface water supply is unwise and a loss of that supply will also affect groundwater resources. A groundwater management study as outlined by the California Department of Water Resources needs to be done as a part of the General Plan update. A total water asset evaluation is needed. Very careful planning for the wise use of all water sources is a first step in planning for future development.

It is not clear how Specific Plans for designated areas within the County would interface with this Plan—“...this document is a Program EIR for the General Plan update and may function as a project-level EIR for later specific projects based on the outcome of subsequent project/an/or site review and analysis. The effects of General Plan land uses and implementation actions are analyzed in this document as specifically and comprehensively as possible in order to limit or preclude the need, consistent with State law for further CEQA compliance.” (Project Description, page 93)

- Does this document contain enough detail to negate the need for further studies?
- Who will decide whether further environmental studies are needed?
- Would a developer using this plan as a mandate, find it possible to avoid doing any further studies that might indicate a need for mitigation?
- Will local needs for communities receive a priority status as the Specific Plans are developed or will this General Plan Update be the law for all Yolo County lands?

Mitigations which begin with the verb, encourage rather than require are not enforceable and while they sound fine, they are impractical. Please review all mitigation language and substitute enforceable requirements.
Underlined passages in the quotations are for my emphasis and were not in the original documents.

Thank you for allowing my comments to be included in the responses to the Draft Environmental Impact Study for the Yolo County General Plan Update.

Sincerely,

Jan Nilsson
P O Box 148
Dunnigan, CA 95937
530-681-1995
Response 15-1: Staff strongly disagrees with the comment that the Draft General Plan update can be characterized as the urbanization of Yolo County. The Draft General Plan proposes maintaining more than 93 percent of Yolo County in agriculture, open space, and parks. The area proposed for new development is one-half of one percent of the County. Where new development is allowed to occur, it may do so only by incorporating higher residential densities, mixed uses, and compact neighborhoods within a clearly defined growth boundary. The Draft General Plan represents an environmentally sensitive and fiscally responsible approach to accommodating the needs of existing communities and future residents, while aggressively protecting its valuable agricultural and open space resources.

Response 15-2: The author states that allowing development within the floodplain is foolhardy, putting both residents and property at unnecessary risk. It should be noted that large portions of the Cities of Woodland, Davis, and West Sacramento, are or will likely soon be mapped into the 100-year floodplain, as will be the communities of Madison, Clarksburg, Knights Landing, and Yolo. Although the risks associated with flooding are of serious concern, they are not unlike the risks of developing near an earthquake fault, downstream of a water storage dam, on slopes subject to erosion, within a high fire hazard area, or any other environmental conditions that potentially affect tens of millions of California residents. More importantly, with the proper engineering and design of structures within the floodplain, the risk to life and property damage can be significantly reduced.

Response 15-3: Staff agrees with the author that both surface and ground water resources within Yolo County require comprehensive analysis and planning. The Draft General Plan contains nearly 30 actions that deal with various aspects of water resource evaluation, as well as programs to improve water availability and/or quality. Such an undertaking will require significant time and funding to complete and needs to be done in close coordination with the County’s many partners (e.g., water districts, cities, special districts, universities, tribal nations, etc.). Even though a water study is not feasible to do within the time frame of the Draft General Plan, this does not mean that development may proceed without further review. The Dunnigan Specific Plan will not be able to move forward without extensive analysis of the availability and reliability of the water needed to serve new
growth, as well as review in the Project Environmental Impact Report. Please see Response 13-9 for additional information.

Response 15-4: The author asks several questions concerning the relationship between the General Plan and the Dunnigan Specific Plan. The Environmental Impact Report for the Draft General Plan contains broad analysis regarding many of the regional and/or cumulative impacts associated with future development of the Dunnigan Specific Plan. Additional analysis and studies will be needed to address site-specific or local impacts. In addition, the Dunnigan Specific Plan is described in fairly broad terms in the Draft General Plan. As the Specific Plan is refined and more details are provided in the application, additional analysis and studies will be required to consider the impacts of the more detailed project description. County staff has already determined that a Project EIR will be needed for the Dunnigan Specific Plan. Work on the Project EIR will begin soon after the release of this Response to Comments document.

The Draft General Plan update is expected to be adopted as the governing land use document for most unincorporated lands within Yolo County. Community plans, area plans, and specific plans are all subsidiary to the General Plan and must be consistent with its goals, policies, and actions.

Response 15-5: The author requests that the word “require” be substituted for the word “encourage” in all mitigation measures in the Draft EIR, as “encourage” is not an enforceable term. A search by staff indicated that the following mitigation measures include the word “encourage:”

- LU-4f to encourage employers to hire local residents;
- LU-4g and LU-5 to encourage the Rumsey Band of Wintun Indians to adopt a general plan;
- LU-4h to encourage DQ University and UC-Davis to include a mix of uses on their lands to achieve a jobs/housing balance and reduced emissions;
- CI-1a to encourage the use of low or zero-emission vehicles, bicycling, and telecommuting;
- CI-1e to encourage the Rumsey Band of Wintun Indians to fund improvements to State Route 16;
- AIR-1 to encourage the implementation of Yolo-Solano Air Quality Management District best management practices;
- PUB-2c to encourage the use of development agreements to fund and construct school sites;
- UTIL-2b to encourage Community Service Districts to consider surface water from Cache Creek or the Sacramento River as a source of municipal water; and
- BIO-4a to encourage the avoidance of active wildlife nursery sites during construction.
In most of these instances, the County does not have the legal authority to require independent entities, such as state or federal agencies, tribal nations, or local districts to carry out policies or actions. In other cases, the County does not have the ability or authority to mandate who employers may hire or limit the types of vehicles that people may drive. The California Environmental Quality Act (CEQA) requires that all reasonable measures be taken to mitigate a particular environmental impact. True, mitigation measures must be enforceable, but organized programs to encourage behavior can be quantified and carried out, even if the results may not be guaranteed. It is also important to note that even with implementation of the above mitigation measures, all but one of the affected impacts (LU-5) remain significant and unavoidable.
David Morrison  
Planning and Public Works Department  
292 West Beamer Avenue  
Woodland, CA 95695

Dear Mr. Morrison:

It has just come to our attention that the hard copy of the General Plan that people obtained from the county is not the same as the on-line version. Apparently, the on-line version is being updated, and even some of the policy numbers are different, so that people with the hard copy are not necessarily talking about the same policies as those using the on-line version. We have been using an on-line version down-loaded about three weeks ago. That may also not be the same as the current on-line version.

In order to get this all reconciled, we are requesting an extension for the dead-line for General Plan comments for another 45 days. Please let us know as soon as possible, whether this is possible, as I believe the comments are due Friday.

Sincerely,

Pamela S. Nieberg  
Chair, Yolano Group Sierra Club  
3010 Loyola Drive  
Davis, CA 95618  
530-756-6856  
pnieberg@dcn.davis.ca.us
Letter 16
Sierra Club – Yolano Group
Pamela Nieberg, Chair
June 9, 2009

Response 16-1: The author indicates that there have been several versions of the Draft General Plan available to the public, which has created confusion for those commenting on the Draft General Plan and/or Environmental Impact Report. Please see Master Response No. 1 regarding requests for an extension of time to comment on the Draft General Plan and/or Environmental Impact Report.

Response 16-2: The author requests a 45-day extension to the public review and comment period for the Draft General Plan. Please see Master Response No. 1 regarding requests for an extension of time to comment on the Draft General Plan and/or Environmental Impact Report.
Hi,

Caltrans requests that Yolo County accept our comments on the Yolo County General Plan Draft EIR on June 19th—one week after the comment deadline.

We are requesting the extension in part to have a meeting between Caltrans and Yolo County on June 12th regarding SR 16 and the Casino expansion inform our comments in the letter. Additionally, submitting our letter on June 19th would allow our scheduled meeting on the General Plan DEIR to occur prior to Caltrans submission of its formal CEQA comments, which would be beneficial.

Please let me know if the comments can be accepted on June 19th. Thanks.

Alyssa Begley
Chief, Office of Transportation Planning-South
Caltrans District 3 Transportation Planning
2800 Gateway Oaks Drive (MS 19)
Sacramento, CA 95833
Email: alyssa_begley@dot.ca.gov
Desk: (916) 274-0635
Cell: (916) 708-5380
Fax: (916) 263-1796
Letter 17
Caltrans
Alyssa Begley, Chief, Office of Transportation Planning - South
June 10, 2009

Response 17-1: Please see Master Response No. 1 regarding requests for an extension of time to comment on the Draft General Plan and/or Environmental Impact Report.
David Morrison

From: B Cedarblade [brenda@historiconelsonranch.com]
Sent: Wednesday, June 10, 2009 12:12 PM
To: David Morrison; Philip Pogledich; John Bencomo; Don Mooney; Matt Gonzalez; westervin@yolocounty.org
Subject: Violation @ GP Meeting 11 am today

I wish to comment on the Planning Commission meeting for the General Plan this morning and I was not allowed to comment on the new map that was presented only this morning after commissioners discussed it. The commissioners said the map was for clarification and would not let me speak. The maps and changes were not in any of the docs, the writing on the map is illegible and is adjacent to our property and contains 160 acres of Heavy Industrial. After clarification to the commissioners, I was prevented from being given my 3 minutes to be able to comment on the map. The map now shows changes to Industrial on Class 1 soil which Tim Mirimontes Farm Bureau said would be opposed to. Commissioners accept the changes and the public did not have time to review or comment on these changes.

These changes are significant and the process, I feel this action was a violation of my rights and further emphasizes that this has not been a fair and equitable process for Industrial changes next to us that are not compatible with our use. I should have the right to comment and point out our issues with this map on this in the meeting prior to the board voting and approving the map. The action and way this process came about was either a mistake or deceptive. With all due respect, what Ms. Kimbell did by preventing me to comment on the map and having clarification prior to its being adopted was an action that I will ultimately result in harm to our ranch and us.

I hereby request and feel I have the right for the EIR comment period is extended for review by my consultants and attorney's. Don Mooney is on vacation for the next month.

Adopting the Land Use element without public process is wrong. Plus adding the use of trains at this location, was not properly analyzed in the EIR and did not take into consideration the impacts to our ranch from vibration, noise, hours of operation, and impacts to road traffic and hazards such as Agriform hauling AQUA which is a very hazardous material which run onto the road from their facility adjacent to the rail line. Plus, there is the issue of the levees not being up to standard and flood plain issues and prior history of levee breaches and flooding in this area from Wallace Ranch.

I am opposed to any more industrial adjacent to us as it will negatively impact our ranch and permitted use to a greater degree than that which Clark Pacific is having currently. Spreckels was 40 acres, the county added another 40 acres last year and that was supposed to be all. Today, we found out there is 160 acres and it is on land that is CLASS 1, in the best area of farm land in the county. If Charlie Rominger an agricultural advocate, were alive today, I do not think this would be happening.

This is not moving Industrial away from us, it is creating more Industrial and impacts to both us and adjoining agricultural uses.

Furthermore additional Industrial at this site violates policies of Agricultural Preservation and Protection:
1. Clark Pacific is closing the site use at Spreckels next week, we do not know who the new business to
locate here will be.

2. Clark Pacific does not own the site a LLC that includes Danny Ramos per conversation with him yesterday, owns the site

3. A new Industrial user can locate here with unknown impacts to our use.

4. They are not under restrictions which allows 24 hours of operation which is a significant impact to our use and enjoyment of our property

5. Clark Pacific owns 300 acres adjacent to the City of Woodland limits appropriate for Industrial with water, sewer, roads and compatible land uses this expansion is in an agricultural land with sensitive adjacent land uses including a facility for mentally ill, organic farmer, and our horseshows, riding / horse program for adults with disabilities

6. The map, Yolo County and general plan should not refer to this site as Spreckels as there are no longer any signs, uses by Spreckels on this site. Most people at our ranch are new and have no idea where or what the site was. The site at 40600 has a sign titles Clark Pacific and I feel this is a more appropriate title.

I do not have the planning commissioners emails, David M. can you please forward this and email me.

I feel that this action has harmed us personally and our business, the information presented by the county was not accurate.

Also, this combined with the actions by the county in the past year.

The fact the county is the one that told us we could build Ag exempt and told this to other barns in the county. Then after my opposition to Spreckels zoning change, Kent Calfee an attorney and property owner of Spreckels next door along with a competitor Marleen Botter who owns a competitive ranch and did not have her permits, licenses and other issues turned us in. Then the county removed our Ag exempt status on our barn and required a higher level of occupancy and expense and not doing this to any other barn when there were 30 turned in and there are 70 in the county. After getting permits for a mobile registered DMV William Scottsman mobile trailer, that no one else has had to do along with engineering, structural and tie downs (so it is no longer mobile and we needed it for use at other sites), and the new permit required for the barn (we had to do all new engineering, elevations, surveying and obtaining a LOMA form FEMA for the ranch, we received a letter from the county stating we had not done anything and had 14 days to vacate the horses on our ranch! We have had to get new permits, Title 21 for electrical which no other barn has had to do, they did not even have a classification for a barn. When we are and were the only barn in this county with Permits, licenses and zoning compliant with our use. Requiring us to do things no other barn has had to do, and then putting in an Industrial use next to us that is not compatible and will operate 24 hours a day is not right, fair or equitable to us personally or our business. The fact that Mariani Nut went in after us and their ag processing center is in an Ag exempt structure which is clearly defined and prohibited in the Ag exempt doc, indicates to me that we or I am being singled out for selective enforcement in an attempt to deter me from the process financially, politically and socially. The fact we were charged to meet with Planning employees and Duane Chamberlain a Supervisor said he has never been charged to met with the people from the department as well as other people that had violations indicates that I am being singled out from others and punished by the county for my views and opposition to zoning change next to us. This includes the death threats I have received by phone and email and reported to the Yolo County sheriff's office and a week later our worker and family being shot at on the ranch in the middle of the day with 3 bullets by 4 ilegal's on the adjacent property caught with a high powered rifle, meth and let go after I asked that they be arrested. Also our files being lost at the Yolo County Assessors office, Planning Dept loosing permits and docs, Springlake Fire Dept loosing our file this past year and
our home being broken into and having our permits file taken, so we have had to recreate our docs and have done so. I can site many other examples of the selective enforcement and public process that have been directed at me this past year by Yolo County people and offices.

I did not get to comment on the issues and typo and general policies in the General Plan, So I will email them but was the reason I came here today and now the commissionrs will not hear these prior to voting on the plan, as I was blindsided and needed to comment on these significant changes and impacts to our ranch.

My cell phone is 530-304-0140 and address is Historic Nelson Ranch
http://www.historicnelsonranch.com Woodland Ca 95776

Brenda Cedarblade
Letter 18  
Brenda Cedarblade  
June 10, 2009

Response 18-1: The author states that she was prevented from commenting on the map submitted by the Clark-Pacific company regarding their requested changes to the configuration of the proposed Industrial designation of the Spreckels site. Consequently, she feels that her rights were violated and that her inability to comment resulted in an unfair and inequitable public process. Staff does not concur with the author’s comments. The adopted minutes for the June 10th, 2009, Planning Commission public hearing on the Draft General Plan indicate that the author testified at least seven times, and was afforded three minutes to speak for each testimony. The Planning Commission hearing was for the purpose of making a recommendation and did not result in a final action being taken. As a result, the author submitted written comments on the Clark-Pacific proposal after June 10th, and testified regarding this issue during the public hearings on the Draft General Plan before the Board of Supervisors on July 20 and 21, 2009. She has not been disenfranchised or prevented from commenting on the Clark-Pacific proposal, as evidenced by the several comment letters included and responded to in this Final EIR.

Response 18-2: Please see Master Response No. 1 regarding requests for an extension of time to comment on the Draft General Plan and/or Environmental Impact Report.

Response 18-3: The author alleges that the Land Use Element is being adopted without adequate public process. Staff strongly disagrees with this assertion. Over the past six years, the County has held more than 65 public workshops and hearings, including meetings in each of the four cities and eight unincorporated communities. This includes a summit meeting of the Board of Supervisors and all four City Councils that was attended by more than 100 people, and was broadcast on local cable television. Staff reports, background studies, environmental documents, meeting minutes, and other information have been posted on the Internet since the update process began. During this time, staff has received thousands of comments from hundreds of individuals and organizations. Public comment will continue to be accepted through the final hearing to consider the Draft General Plan on November 10, 2009. As such, the concern that there has not been adequate public process is not credible.

Response 18-4: The author states that the Draft EIR did not consider several impacts of the proposed Industrial designation of the Spreckels site on her adjoining property, including noise, vibration, roads, night-time operations,
hazardous materials associated with the nearby Agriform facility, and flooding. Staff disagrees with the author’s comments. In each case, specific citations to the DEIR indicate how these issues were comprehensively and adequately addressed.

With regards to trains and noise, this issue was analyzed, as demonstrated by the following text excerpted from pages 315-16 of the Draft EIR. It should be noted that the railroad line was in place at the time that the author’s horse stable was approved for commercial operations.

**California Northern Railroad Company.** The California Northern rail line is a freight line that runs through Davis and Woodland, and along Interstate 5 past Dunnigan. The freight line schedule varies depending on seasonal demands. The rail line carries an average of two trains daily, using between one and 50 rail cars and one or two locomotives, traveling at an average speed of 15 mile per hour. The estimated railroad noise level at 100 feet from the railroad centerline is approximately 45 dBA Ldn. The estimated distance to the 65 dBA Ldn contour is 11 feet from the rail line.

With regards to trains and vibration, this issue was analyzed, as demonstrated by the following text excerpt from the Draft EIR can be found on pages 330 and 331:

**Railroad Noise.** Train operations in Yolo County are not assumed to increase during the planning horizon covered by the Draft General Plan. However, in the event that train traffic does increase, noise associated with trains is unlikely to significantly change from existing noise conditions. The calculated existing railroad noise levels, detailed in the existing noise environment section, evaluated a conservative scenario that assumed a “worst case” railroad operations scenario. The analysis assumed the maximum estimated number of locomotives, rail cars, and train-passings per day for each of the railroad operators. Future railroad noise levels are not expected to increase over the calculated existing train-related noise levels. Also, the Draft General Plan does not include any proposed policies or actions that would result in any increase in railroad activity throughout the County. Therefore, implementation of the Draft General Plan would not result in any permanent increase in ambient noise levels from railroad noise sources.

Additionally, the Draft General Plan does not include any proposed development, policies, or actions that would result in an increased exposure of people residing or working in an area of the County to excessive railroad noise levels. It is the County’s policy, as stated in Policy HS-7.5, to minimize the impact of noise from transportation sources, including rail lines, on nearby sensitive land uses. The County
also supports improvements to at-grade crossings to eliminate the need for train warning horns in, near, or through communities, as stated in Policy HS-7.6. According to Policy HS-7.7, the County also encourages railroad companies to adopt operational strategies that reduce the potential for noise and interrupted traffic flow. It is also the County's policy, as shown in Policy HS-7.1, to ensure that existing and planned noise sensitive land uses are compatible with the current and projected noise environment. The County’s Policies HS-7.3, and HS-7.4 protect important agricultural, commercial, industrial, and transportation uses from encroachment by noise sensitive land use development; where any noise sensitive land use development is proposed in existing impacted areas, greater exterior noise levels may be allowed provided all available reasonable and feasible exterior noise level reduction measures have been implemented. Actions HS-A63 and HSA65 address applicable land use compatibility standards and required noise analysis/acoustical studies for proposed development of noise sensitive land uses in noise-impacted environments. Actions HSA70 and HS-A73 also seek to minimize noise conflicts between transportation networks and sensitive land use development. Therefore, implementation of the Draft General Plan is anticipated to generally result in less-than-significant noise impacts from railroad noise sources.

In extreme cases, excessive ground borne vibration from trains has the potential to cause structural damage to buildings. The Draft General Plan does not include any proposed development, policies, or actions that would result in an increased exposure of people residing or working in an area of the County to excessive ground borne vibration levels from railroad sources. Implementation of the Draft General Plan Policies HS-7.1, HS-7.3, and HS-7.4, would restrict noise sensitive land use development in areas already impacted by existing railroad ground borne vibration levels. Therefore, implementation of the Draft General Plan would not result in exposure of persons to or generate excessive vibration from railroad sources.

Concerning the impact of the Industrial designation at the Spreckels site on nearby roadways, an extensive discussion of the transportation analysis methodology can be found on pages 238 and 239 of the Draft EIR, and in Appendix C of the DEIR. While the Spreckels site was not found to have significant impacts for the majority of issues analyzed in the Transportation and Circulation chapter of the DEIR, the following analysis would apply. This text is excerpted from pages 267 and 268 of the DEIR:

**Impact CI-7: Build-out of the Draft General Plan could result in increased travel on roadways that do not meet current design standards (S)**
The County of Yolo Improvement Standards (Department of Planning and Public Works, August 5, 2008) identify current County design standards, including roadway cross-sections, structural sections, and sight distance requirements. Vehicle, bicycle, and/or pedestrian travel are anticipated to increase on roadways that do not currently meet County design standards with build-out of the Draft General Plan. Policy CI-3.10 specifies upgrading the existing County road system to be consistent with current County design standards as transportation funding allows. In addition, a list of the highest priority roadways is identified to be upgraded.

The Draft General Plan also includes the creation of special districts in Specific Plan areas and other areas where appropriate to fund the operation and maintenance of County roads (Action CI-A22). However, implementation of upgrades to the County roadway system is limited by lack of funding sources. For these reasons, this impact would be significant and unavoidable.

Mitigation Measure CI-7: None available.

While implementation of the policies and actions included in the Draft General Plan would reduce the severity of this impact, no additional feasible mitigation measures are available. Therefore, this impact would remain significant and unavoidable. (SU)

With regards to night-time operations, this issue was analyzed, as demonstrated by the following text excerpt from the Draft EIR can be found on pages 756 and 757:

According to the Illuminating Engineering Society of North America’s (IESNA’s) guidance document RP-33-99, *Lighting for Exterior Environments*, park and rural settings are classified as zone LZ1 (Dark), with little concentrated ambient illumination. Areas within this category have population densities of less than 200 people per square mile, according to the last U.S. census. Applying IESNA RP-33-99 to Yolo County, the majority of agricultural and other lands outside the boundaries of existing developed areas would be included in this category and could be adversely impacted by additional development that includes substantial exterior lighting, as new sources would contribute light pollution to surrounding areas and could disrupt local nocturnal ecosystems. Developed areas within the County would be classified as either LZ2 (Low) or LZ3 (Medium), depending on their population, and would be less-significantly affected by exterior lighting schemes proportionate to existing exterior lighting in these areas and their surroundings (i.e., these areas already have an existing amount of light pollution and new sources would generally not contribute significantly to elevate light pollution levels)...
Mitigation Measure VIS-2: Implement Mitigation Measure LU-2b.

Implementation of this mitigation measure and the policies in the Draft General Plan will reduce this impact, but the potential impacts that may result are still considered significant and unavoidable. (SU)

As required by Mitigation Measure LU-2b that revises Policy CC-4.11, a lighting study shall be prepared for developments that propose outdoor nighttime lighting, subject to site conditions and available technical information as determined by the County lead department. The technical study must meet CEQA standards, applicable industry standards for nighttime lighting, such as those of the U.S. Green Building Council’s Leadership in Energy & Environmental Design, 
*New Construction & Major Renovation Reference Guide*, and the County’s nighttime lighting requirements. The County’s requirements include outdoor light fixtures that are low-intensity, shielded and/or directed away from residences and the night sky and use low-glare lamps or other similar lighting fixtures. All light fixtures must be designed, installed and shielded in such a manner that no light is emitted from the fixture at angles above the horizontal plane. Lighting plans must demonstrate that illumination levels at the project site boundary will not exceed 1 foot candle.

The Agriform facility cited in the author’s comments is located within the City of Woodland, which is an incorporated entity that is not subject to the County’s goals, policies, and actions contained within the Draft General Plan. With regards to flooding, this issue was analyzed, as demonstrated by the following text excerpt from the Draft EIR can be found on pages 674 and 675:

FEMA’s evaluation of flood risks rely on certification of levee integrity, and FEMA FIRMs will map an area as subject to flood hazards if levee integrity is not verified. Some levees, particularly those that protect parts of the City of Woodland and unincorporated Yolo County, the vicinity of Cache Creek and the town of Yolo, currently provide a 10-year level of flood protection rather than the 100- year federal standard or the 200-year Central Valley Flood Protection Program standard. Without work to improve these levees, additional development in Yolo County’s floodplain could put more residents at risk of flooding hazards. The local levees have been assumed to provide adequate protection since their acceptance into the Sacramento River Flood Control Project in 1918. However, recently, where insufficient geotechnical information exists to evaluate the integrity of the levees, the State Department of Water Resources (DWR) has taken the position, in conjunction with FEMA, that levees may not be recertified. The DWR has completed geotechnical evaluations of the urban Sacramento River Flood Control Project.
levees within the County, and proposed to do additional (as yet unknown) evaluations of non-urban levees in the next two years. As such, the local levees face potential reclassification on future federal flood protection maps; On December 19, 2008, FEMA released preliminary drafts of revised FIRMs for Yolo County. The revised maps incorporate new standards which assume that any levee where there is not evidence to support federal certification (indicating structural integrity) will fail…

Siting structures in flood zones can result in direct impacts to new development related to flooding. In addition, structures that impede flood flows can cause a backwater effect, potentially raising flood levels, causing more severe flooding impacts to existing vulnerable areas or by exposing new areas that would not have previously flooded to new flooding impacts…

**Impact HYD-2: Build-out of the Draft General Plan would expose more people and structures flood hazards and may impede or redirect flood flows, resulting in increased flood hazards. (S)**

Mitigation Measure HYD-2: None available.

While implementation of the policies and actions included in the Draft General Plan would reduce the severity of this impact, under build-out of the Draft General Plan new growth would occur within flood zones. Other than avoiding all development within floodplain areas, which the County does not consider to be practical or feasible, there are no additional mitigation measures available to reduce this impact. Therefore, this impact would remain significant and unavoidable. (SU).

Response 18-5: The author expresses her opposition to the designation of an additional 70 acres of Industrial land at the Spreckels site in the Draft General Plan. She bases her opposition on the loss of prime farmland, and the potential impacts of future industrial facilities at this site on her commercial horse stable, including 24-hour operations, and unknown effects. She also states that the information presented by County staff during the Planning Commission hearings held on June 9 and 10, 2009, regarding the Spreckels site was inaccurate.

The author does not indicate which information presented by staff to the Planning Commission was inaccurate. As such, staff cannot respond to unspecified allegations. Her opposition to the proposed land use change at the Spreckels site is noted.

Response 18-6: The author makes several allegations that she asserts is reflective of a coordinated campaign by the County of selective enforcement, threats, and harassment to punish her for her opposition to the expansion of Industrial
designated land at the Spreckels site. Staff strongly denies the assertions, including the unsupported charge that the County is using its powers to punish the author for her comments on the Draft General Plan. It is important to note that, to date, the author’s Use Permit has not been rescinded nor has she been fined, despite her continuing non-compliance with state and local building and planning requirements in connection with the construction of several structures on her property. The standards applied to her buildings and commercial use are the same as those applied to comparable property owners throughout the unincorporated area. The instances she cites are either inaccurately portrayed, reflect a misunderstanding of the facts by the author, and/or factually incorrect. The comments are noted.
June 10, 2009

Mr. David Morrison, Assistant Director
Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, California 95696

Subject: Draft Environmental Impact Report (DEIR) for the Yolo County 2030 Countywide General Plan

Dear Mr. Morrison,

Staff of the Delta Protection Commission (Commission) has reviewed the subject document and is providing this letter of comment to reiterate the comments submitted to you on November 19, 2008 (see attached letter). For your reference comment letters dated September 19, 2007, December 26, 2006, and June 10, 2005 are also attached.

It appears for the most part that comments provided to the county by the Commission to date, relative to the general plan update have been taken into consideration. However, it is requested that the following comments previously provided be also taken into consideration:

- Delete all references from the term “properly adopted” from policy CO-1.13, as it could be interpreted to imply that the policies of the Commission’s Management Plan have not been formally adopted when in fact they were formally adopted in 1995.

- The phrase “The effect of the Delta Protection Act (DPA) the DPC’s subsequent actions is generally to freeze in place the land use mix in place from 1992 at the time of adoption of the DPA”, (Impact LU-4), should be provided in a way that reflects that the provisions of the Delta Protection Act are to protect and preserve the cultural heritage and strong agricultural base in the Primary Zone, and direct new residential, commercial, and industrial development within the existing communities where appropriate services are available.

Your consideration of the Commission’s comments in the General Plan process are appreciated.
Mr. David Morrison  
June 10, 2009  
Page Two

It should be noted that the Commission is in the process of revising the policies of the Management Plan and it is anticipated that amendments will be considered for adoption by the Commission by the end of 2009.

If you need further clarification on any of the information provided, I am available at (916) 776-2292 or linda.fiack@delta.ca.gov.

Sincerely,

Linda Fiack  
Executive Director

cc: Mike McGowan, Supervisor, Yolo County Commissioner, Delta Protection Commission

Attachments
4. Commission Letter Dated June 10, 2005
November 19, 2008

David Morrison, Assistant Director  
Department of Planning and Public Works  
County of Yolo  
292 W. Beamer Street  
Woodland, California 95695-2598

SUBJECT: County of Yolo Draft 2030 Countywide General Plan

Dear Mr. Morrison:

Staff of the Delta Protection Commission (Commission) has reviewed the subject draft document. As noted in previous letters of comment provided by the Commission on June 10, 2005 and September 19, 2007 (attached) the area covered by the County’s General Plan includes portions of the Primary and Secondary Zones of the legal Delta. Therefore, the policies of the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) adopted by the Commission in 1995 are to be included within the General Plan (and update) as called for in the Delta Protection Act (Act). The comments noted herein are provided for your consideration in the final draft of the plan and related documents.

As noted in correspondence dated December 26, 2006 (attached), Commission staff has suggested that the County consider incorporating the policies of the Management Plan as a “Delta Element” or “Delta Chapter” in the updated General Plan for convenient reference and that the checklist developed by Commission staff in coordination with planning staff from the five Delta counties be utilized as a tool for assuring policy consistency.

In general, the Draft Plan acknowledges the Act and the policies of the Management Plan, however, repeatedly the goals/policies of draft Plan Elements include a statement that...“Within the Delta Primary Zone ensure compatibility of...(stated goal or policy) with applicable properly adopted policies of the Land Use and Resource Management Plan of the Delta Protection Commission.” Recognizing that the policies of the Management Plan were formally adopted in 1995 as called for in the Act, it is unclear as to...
what is meant by “properly adopted.” Thus, it is recommended that the term properly adopted be deleted from citation in the following components of the Draft Plan: Goals CI-10 and LU-4, and Policies CO-3.4; CO-5.9; AG-6.3; HS-2.5; and PF-12.5, and any other areas of the document in which the term is stated.

In the Housing Element of the Draft Plan there is a section entitled Governmental Constraints which notes the Commission and provides reference to the interpretation of Management Policies by the Commission as it relates to residential development in the Primary Zone. It is recommended that this section, which expresses concern relative to “policy interpretation”, include detailed notation of the Appeal process legally adhered to by the Commission.

Draft General Plan Policy CO-9.18 provides support for the establishment of a Delta Conservancy to provide funding and collaboration on improvements to Delta management. It is suggested that clarification be provided as to what is meant by “Delta management” and that Management Plan Environment Policy P-3 and Recommendation R-5, Land Use Recommendation R-1, and Agriculture Policy P-7 be taken into consideration in support of this proposed policy.

Draft General Plan Policy CI-8.1 and CO-9.9 include statements relative to dredging and levee maintenance to support activities of the Port of Sacramento. It is recommended that language be included to support the reuse of dredged material, as determined to be feasible, for Delta levee maintenance or wildlife habitat enhancements (Management Plan Utilities and Infrastructure Recommendations R-3 and R-4, and Land Use Recommendation R-4).

Draft General Plan Table CI-1 addresses roadways and targeted trucking corridors with highest priority for improvements, and includes Clarksburg Road from State Route 84 to South River Road. It is suggested that Management Plan Utilities and Infrastructure Policy 5 be considered as reference relative to the subject of transportation on Delta roadways.

Draft General Plan Policy HO-7.2 advocates amendment of the Act and/or Management Plan to encourage the development of limited new and/or improved infrastructure to serve affordable housing and other appropriate development in legacy towns. While the language acknowledges the potential desire of the County to seek amendment to pertinent policies of the Management Plan to attain the cited objective, it is recommended that this section also include reference to existing Management Plan Policies, including Utilities and Infrastructure Policies 2 and 3 that shall be adhered to pending actual adoption and formal amendment of such policies.

Draft General Plan Policy CO-3.3 encourages the extraction of natural gas where compatible with both on-site and surrounding land uses and when performed in a manner that does not adversely affect the environment. It is recommended that Management Plan Utilities and Infrastructure Policy P-1, which promotes locating new construction in existing utility or transportation corridors, or along property lines, be taken into consideration.
Draft General Plan Goal LU-4, Delta Land Use and Resource Management, and related policies, particularly LU-4.1, LU 4.2, CO-9.14, CO 9.15, CO 9.21, CO 9.22, and HO 7.1 and HO 7.2 reflect the County's intent to seek amendment to the Management Plan to accomplish desired outcomes. It is recommended that the currently adopted policies of the Management Plan, particularly in the Land Use and Agriculture Chapters, that shall be adhered to pursuant to the Act and inclusion in the General Plan, be recognized and cited pending formal amendment of such policies.

Draft General Plan Action AG-A-11 promotes development of a special area plan to govern land use management within the bypass. It is suggested that this section acknowledge the process currently underway as the Lower Yolo Bypass Planning Forum co-sponsored by the Delta Protection Commission and the Yolo Basin Foundation as this process reflects consistency with pertinent policies of the Management Plan.

Draft Plan Policies CO-9, CO-9.14 and CO-9.16 address efforts to support agricultural tourism and the establishment of agricultural conservation easements in support of agriculture. Relative to areas in the Delta where such policies would apply, it is suggested that the agricultural easement program development process currently underway within a forum facilitated by Commission staff that includes participation from Yolo County entities and representatives (Land Trust, Ag Commissioner, HCP Manager and planning staff) be noted as a resource for implementing the proposed policies.

The Economic Strategy within the Draft General Plan includes a citation "Work with the DPC to ensure policies that will not harm agriculture." It is unclear as to the meaning of this citation. As the Management Plan includes policies that are in support of Delta agriculture, it is recommended that the citation be clarified as to specific reference or be omitted.

It is recommended that the Draft Plan Water Goals and Policies in the Conservation and Open Space Element include reference to Management Plan Water Policy P-2 which recommends best management practices be implemented in coordination with local vector control districts in the construction and management of any wildlife or agriculture seasonal flooding programs to minimize mosquito breeding.

Draft Plan Policy CO-9.20 discusses recognition of efforts associated with programs involved in developing TMDLs for mercury within the Delta. As Yolo County staff has been involved in the Mercury TMDL Collaborative initiated and facilitated by the Commission, it is suggested that the process be referenced as a resource for accomplishing this Draft Policy.

Draft Plan Policies on Recreation and Access, particularly CO-1.25, CO-1.12, CI-A3, and CO-A7 discuss trail connections including the Bay Delta Trail. It is suggested that the process for planning of The Great California Delta Trail, underway by the Commission pursuant to the requirements of Senate Bill 1556 be referenced as a resource for accomplishing these draft
policies. It is also suggested that with respect to CI-A3, language be added to include The Great California Delta Trail in the Yolo County Bicycle Transportation Plan update as this will provide the opportunity to secure regional funding sources through designation as a planned priority.

Draft Plan Policy HS-6.3 and Actions HS-A32 and HS-A34 discuss Delta emergency preparedness and public education regarding flood risks and emergency response plans. It is suggested that the provisions of Senate Bill 27, the Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008 be incorporated as a resource reference for implementing this proposed policy and the associated proposed actions.

The initiatives and processes underway by the Commission that have been cited herein for consideration as potential resources for implementation of relevant Draft Plan Policies and Actions that include the Lower Yolo Bypass Planning Forum, Ag Easement Program, The Great California Delta Trail, Delta National Heritage Area, and Delta Emergency Planning and Response, as well as processes underway by other Delta initiatives that may be of relevance including Delta Vision, Bay Delta Conservation Plan, Delta Risk Management Strategy, Long Term Management Strategy for Dredging, and the State Water Plan Update are available through links on the Commission’s web site at www.delta.ca.gov. It is also reiterated that legislation that has been enacted relative to the Delta, including but not limited to, SB 5, AB 162 and AB 70 be taken into consideration relative to pertinent proposed Draft Plan Policies and Actions.

Also of relevance is that the Commission has embarked upon the process for updating its Management Plan pursuant to priorities established with the adoption of the Commission’s 2006-2011 Strategic Plan. The process began in March of 2008 and is targeted for completion in early 2009.

For your convenience, a concise format of the Management Plan policies is attached.

Please contact me at (916) 776-2292 or lindadpc@citlink.net if you need additional information relative to the comments provided.

Sincerely,

Linda Fiack
Executive Director

Attachment

cc: Mike McGowan, Supervisor, County of Yolo
Commissioner, Delta Protection Commission
Ms. Heidi Tschudin, Tschudin Consulting Group
September 19, 2007

Ms. Heidi Tschudin, Principal
Tschudin Consulting Group
710 21st Street
Sacramento CA 95814

SUBJECT: Yolo County General Plan and Related Element, Updates

Dear Ms. Tschudin:

In that recent notices and proposals relative to the update underway of the Yolo County General Plan, and related elements, include reference to portions of the legal Delta, and the Primary and Secondary Zones of the legal Delta, staff is taking the opportunity to reiterate the comments provided to you at the onset of the General Plan update process in the attached letter dated June 10, 2005.

Also attached, is the letter from the Commission dated December 26, 2006 requesting that the County consider the inclusion of a Delta Element in the updated General Plan to assure inclusion of the policies of the Commission’s Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan).

As you know, the Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing threats to the resources of the Primary Zone of the Delta from increasing urban encroachment having the potential to impact agriculture, wildlife habitat, and recreation resources and uses. Pursuant to the Act, the Management Plan was completed and adopted by the Commission in 1995.

The Management Plan sets out findings, policies, and recommendations in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs. As mandated by the Act, the policies of the Management Plan are incorporated in the General Plans of local entities having jurisdiction within the Primary Zone, including Yolo County.

Commission staff appreciates the continued opportunity for communication between the Commission and the County. As previously requested, please provide the Commission with all notices and documents pertaining to the update, as well as notices of relevant Planning Commission and Board of Supervisors meetings, by sending them to: Delta Protection Commission, P. O. Box 530, Walnut Grove, California 95690, or electronically to dpc@citlink.net.
Ms. Heidi Tschudin
September 19, 2007
Page Two

Sincerely,

Linda Fiack
Executive Director

Attachments

cc: David Morrison, Assistant Director
    Yolo County Planning and Public Works Department
    292 W. Beamer Street
    Woodland, California 95695-2598
December 26, 2006

John Bencomo, Director
Planning, Resources and Public Works
292-W. Benner Street
Woodland, California 95695

Dear Director Bencomo:

There is significant potential for Delta counties, including Yolo (County) and the Delta Protection Commission (Commission) to work in concert to address challenges and take advantage of opportunities to adaptively manage the unique resources of the Delta utilizing a delta-wide approach.

As a member of the Delta Protection Commission, represented by Supervisor McGowan, the County participated in the development of the 2006-2011 Strategic Plan adopted by the Commission on July 27, 2006. This five-year business plan provides the foundation for the Commission to continue to effectively implement the policies and recommendations of the Commission’s Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan) as called for in the Delta Protection Act (Act). You will recall that the Management Plan has been adopted by the County, along with the other Delta counties, through incorporation into its General Plan.

The successful implementation of the Program, Funding and Leadership Strategies of the Strategic Plan, including the 2006-2007 tasks for program administration and Management Plan implementation is, for the most part, dependent on delta-wide integration through rapport between local jurisdictional entities and the Commission. To this end, discussions have already taken place and will continue, with staff of the five Delta counties, to collaboratively develop and implement concepts relative to enhanced integration of the Management Plan into local general plans, particularly those in the process of being updated.

The concept of developing a Delta checklist for use in the planning review stage when a proposed project/activity involves lands located within the Delta has been discussed with daily planning staff of your Department (Eric Parfrey). Utilizing the input received from Mr. Parfrey and planners from the other four Delta counties, Commission staff is drafting a Delta project checklist for further discussion and consideration as a local planning tool.

Commission staff has also met with the County’s contract planner (Heidi Tschudin) relative to the concept of including a Delta Element in the County’s General Plan (during the update process) that would address the Act and the policies of the Management Plan. As with the checklist, this proposal has been discussed with the other three Delta counties currently undergoing general plan updates.
In light of the general plan update discussions that have been recently facilitated by County staff before the Planning Commission, and in other forums and workshops, staff of the Commission recommends these concepts be taken into consideration along with the comments previously submitted to the County by the Commission relative to the general plan update. For your convenience, the Commission’s February 18, 2005 and June 10, 2005 comment letters are enclosed for your reference.

Also, please add the following contact information to the appropriate mailing lists in order for the Commission to receive notice of future Planning Commission meetings and Clarksburg Citizens Advisory Committee meetings: dpc@citlink.net (for electronic copies) or P. O. Box 530, Walnut Grove, California 95690 (for hard copies). Notices of meetings of the Board of Supervisors are already electronically received by the Commission from the Clerk of the Board.

With a new year fast approaching, the Commission looks forward to continued representation by the County on the Commission and to your Board’s support in pursuing these concepts. It is through collaborative efforts such as the programs facilitated by the Commission that those who live, work and play in the Delta will be effectively represented in regional and statewide planning.

I invite you to visit the Commission’s web site at www.delta.ca.gov and, as always, I am available at (916) 776-2292 or lindadpc@citlink.net to provide you with detailed information about the Commission.

Sincerely,

Linda Fiack
Executive Director

Enclosures

cc: Frank Sieferman, Chair, Board of Supervisors
    Mike McGowan, Chair, Delta Protection Commission
    Sharon Jensen, County Administrator
    Eric Parfrey, County Planner
    Heidi Tschudin, Contract Planner
June 10, 2005

Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695-2598

Attention: David Morrison, Assistant Director

Subject: Preferred Alternative for Yolo County General Plan

Dear Mr. Morrison:

Thank you for continuing to inform the Commission of staff reports and public meetings regarding the Yolo County General Plan Update. I have reviewed the Recommended Preferred Alternative for the Comprehensive Yolo County General Plan Update dated June 7, 2005. The County's General Plan includes thousands of acres of land located in the Primary Zone of the Delta.

As you know, the Delta Protection Commission was created under the Delta Protection Act of 1992 with the intent of protecting and enhancing recreation, wildlife habitat and agriculture in the Primary Zone of the Delta. The Commission adopted a regional land use plan in 1995 and the local governments with lands in the Primary Zone were required to ensure their general plans conform to the Commission's regional plan. Yolo County met the requirements of the Act, by adopting the Commission's plan as an area plan.

Actions of the County regarding the Primary Zone may be appealed to the Commission by an aggrieved party.

When the County prepares the updated General Plan and the Environmental Document, the County should include information about the Land Use and Resource Management Plan for the Primary Zone of the Delta (Land Use Plan) and how the proposed updated General Plan will conform to and implement the adopted Land Use Plan.
Thank you for the opportunity to review the Recommended Preferred Alternative memo. Please call if you have questions regarding these comments.

Sincerely,

Margit Aramburu
Executive Director

Cc: Chairman Mike McGowan
Letter 19
Delta Protection Commission
Linda Fiack, Executive Director
June 10, 2009

Response 19-1: This comment provides an introduction to the comments and reiterates comments submitted to the County on the Draft General Plan on November 19, 2008, September 19, 2007, December 26, 2006, and June 10, 2005 (previous letters are provided via an attachment to the comment letter). In regards to the request that all references of the term “properly adopted” be deleted from policy CO-1.13, the County has complied with this request, per the Draft General Plan January 20, 2009.

Response 19-2: The concerns expressed in the comment, representing the author's position on the effect of the Delta Protection Act as represented in Section IV.A, Land Use and Housing of the Draft EIR, are noted for the record and will be considered by the Board of Supervisors in their deliberations on the General Plan. The County believes that the quoted statement is accurate and no change to the Draft EIR is necessary.

Response 19-3: The comment that the Commission is in the process of revising the policies of the Management Plan is noted.

Response 19-4: This “comment” consists of attachments to the comment letter (i.e., previous letter sent by the DPC to the County). The comment is noted.
June 10, 2009

Yolo County Planning
625 Court St
Woodland CA

Subject: General Plan Notice, Comment Period, and Factual Information

This letter is written on behalf of Dunnigan Water Works (DWW) as it would appear the following facts would be of importance to any action to be taken by the Yolo County Planning Commission and the Yolo County Board of Supervisors regarding changes to the County General Plan and Draft EIR:

1. No formal notice or copies of the proposed General Plan and Draft EIR were provided to DWW.
2. Up until June 8, 2009 DWW and myself were under the impression the final date for comment was June 12, 2009.
3. California Public Utilities Commission, Decision 07-04-018, on April 12, 2007 provided a Certificate of Public Convenience and Necessity for DWW to operate in Yolo County, copy is attached.
4. Decision 07-04-018 certified the boundary of DWW to be as indicated on the attached service area map.
5. DWW obtained the Certificate of Public Convenience and Necessity from the California Public Utilities Commission at the direction of Yolo County Board of Supervisors, per Conditions of Approval for Dunnigan Truck and Travel Center.
6. References contained in the Draft EIR to existing water and sewer service do not appear to be accurate. The Draft EIR does not properly identify DWW, actually avoids any reference to DWW, in particular on pages 437, 438, 446, and 467.

Should you have any questions or require additional information regarding the above facts please let me know.

Sincerely,

[Signature]
Frank Brommen, P.E.
Frank B & Associates

Attachments

CC: Yolo County Board of Supervisors and California Public Utilities Commission

134 Davis • Santa Paula, CA • 93060
Phone: 805-525-4200 • Fax: 805-525-7284
frank.brommen@verizon.net
Decision 07-04-018  April 12, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Dunnigan Water Works (DWW) for a Certificate of Public Convenience and Necessity to Extend a Public Utility Water System in Dunnigan, County of Yolo and to Establish Rates for Service.

Application 06-03-027
(Filed March 27, 2006)

OPINION ISSUING CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY

I. Summary

This decision issues Certificates of Public Convenience and Necessity (CPCN) to Dunnigan Water Works\(^1\) (DWW) to operate as a public utility, and extend existing water and sewer systems in the Township of Dunnigan, Yolo County (Dunnigan). This decision allows DWW to continue current monthly water and sewer flat rates. This proceeding is closed.

II. Background

Grant Park Development (GPD) acquired land permitted for the Happy Time RV Park (RV Park) and the Country Fair Estates Mobile Home Park (MH Park) in May 1998. GPD has provided water, sewer, trash, and cable TV services

\(^{1}\) The applicant is Grant Park Development Inc., dba Dunnigan Water Works.
to the RV and MH Parks, and DWW’s office since the acquisition. GPD began to transact its water and sewer business as DWW beginning September 24, 2002.

DWW filed Application (A) 06-03-027 (Application) on March 27, 2006, requesting a CPCN to extend an existing water system and provide sewer service in Dunnigan, and to establish new rates for water and sewer service. The Application was assigned to the Commission’s Water Division, and reassigned to the Administrative Law Judge’s (ALJ) Division on November 16, 2006. No protests to the Application have been received.

On December 19, 2006, a prehearing conference (PHC) was held to identify parties to the proceeding, establish a service list, identify issues, and determine whether evidentiary hearings were necessary. On December 26, 2006, in response to a request of the assigned ALJ, DWW provided additional documents in support of its Application. On January 9, 2007, a telephonic PHC was held to discuss additional matters regarding DWW’s request for new water and sewer rates. During the January 9 PHC, DWW stipulated that the Application should only address DWW’s request for CPCNs for water and sewer service, and that DWW would request changes in water and sewer rates later through a general rate application. An ALJ Ruling on January 18, 2007, identified and received exhibits into evidence.

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2 There are a total of 310 spaces in the RV and MH Parks.

3 No party has requested evidentiary hearings.

4 See, January 11, 2007 ALJ Ruling Summarizing Telephonic PHC.

5 At the request of the Water Division, DWW currently charges water and sewer rates based on similar rates charged by the City of Woodland, the nearest municipal water and sewer system.
Although DWW provided various service area maps, none of these maps sufficiently defined the proposed water and sewer service areas. On February 23, 2007, at the request of the assigned ALJ, DWW provided a map that identifies DWW’s proposed water and sewer service territory.6

III. Existing Water and Sewer Systems

A. Water System

DWW’s existing water system includes two wells with a total capacity of approximately 550 gallons per minute (gpm), which can be increased to a maximum of 900 gpm by exchanging the existing pumps with higher capacity pumps.7 DWW estimates that current peak water usage for the RV and MH Parks is approximately 154 gpm.8 The wells supply two master meters serving the RV and MH Parks through Schedule 80 PVC pipe, and C-900 main piping.9 Current water storage capacity is 255,000 gallons.

B. Sewer System

DWW’s existing sewer system consists of Schedule 40 ABS lateral piping, C-900 main line piping, a primary submersible wastewater grinder lift station pump, and a secondary submersible wastewater grinder lift station pump. Sewage is transported to an existing sewage treatment facility and pond.

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6 See Exhibit 63.
7 Exhibit 53, pp. 4-5.
8 Exhibit 45, p. 1.
9 Application, Section VI.
IV. Proposed Water and Sewer Systems

DWW proposes to expand its existing water and sewer systems to new commercial properties currently being developed in Dunnigan. DWW estimates that by 2011 it will have 22 commercial customers, plus the existing RV and MH Parks and the DWW office. The estimated water usage by new commercial properties would be the equivalent of 939 new customers, using 5/8 by ¾ inch meters. Total peak water demand from existing and future customers is estimated to be 486 gpm, or approximately 88% of the existing well pumping capacity of 550 gpm.

DWW states that even without the wells operating, it could meet the current fire flow requirement of 1,500 gpm for 2.8 hours from its 255,000 gallon storage capacity. DWW further states that if the fire protection standard were increased to 2,500 gpm, additional storage would be necessary which DWW would add to the system.

V. DWW Application for CPCNs and New General Rates

This proceeding addressed DWW's request for water and sewer CPCNs. We also considered the applicability of the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code Sections 21000-21177 (2005), and Commission General Order (GO) 103. Although DWW's Application included a request to establish new general rates for water and sewer service, as discussed above,

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10 This estimate includes a fire service.

11 The local standard is provided by the Yolo County Fire Department.

12 DWW states that the current local fire protection standard requires 2 hours at this flow rate.
DWW stipulated that its request in this Application should be limited to its request for water and sewer CPCNs.

VI. CPCN Requirements

For a small water provider like DWW, the provisions of the Public Utilities Code, the Commission’s Rules of Practice and Procedure (Rules), and Resolution M-4708 (August 28, 1979) set forth requirements and criteria that must be satisfied before a CPCN is granted.

A. Public Utilities Code

The Public Utilities Code contains both substantive and procedural requirements for an entity to be considered a public utility and issued a CPCN. Section 2701 defines a Commission-regulated water utility as a person or entity that “sells, leases, rents, or delivers water to any person, firm, corporation, municipality, or any other political subdivisions of the State, whether under contract or otherwise, . . . .” Judicial decisions have also required that the entity dedicate or hold out its property to public use. (Thayer v. California Development, 164 Cal. 117 (1912).)

In this proceeding, DWW affirmatively seeks public utility status. DWW’s Application indicates it will continue to provide water and sewer service to the RV and MH Parks that in turn distribute water and provide sewer service to persons in the RV and MH Park spaces. DWW proposes that these water and sewer services be extended to new commercial developments, either currently under construction or planned in the Dunnigan area. Under the substantive law, DWW will operate as a public utility.

The Public Utilities Code also includes several procedural requirements. The applicant for public utility status must file a certified copy of its articles of incorporation or charter and evidence that the applicant has received any
necessary consent of public agencies. The code also requires that the Commission, in evaluating the application, consider the potential impact of utility operations on community values, recreation and park areas, historical and aesthetic values, and the environment.

In its Application, DWW has provided its Articles of Incorporation (Ex. 1), filed with the California Secretary of State on July 15, 1980. DWW has also provided copies of its Yolo County Business License (Ex. 54), a water treatment Operator Grade 1 Certificate from the California Department of Health Services (Ex. 55), a Yolo County Health Department Permit (Ex. 56), Yolo County Board of Supervisors Minute Order (January 6, 2004) approving commercial development in Dunnigan (Ex. 57), and a fee invoice from the State Water Resources Control Board for wastewater discharge. DWW has submitted all the formal documentation required by statute for the issuance of water and sewer CPCNs.

As we are issuing CPCNs to the operator of existing water and sewer systems there are no identified impacts to recreation and park areas or historical and aesthetic values. In addition, as we are imposing rate and quality-of-service regulation on a water and sewer provider, community values will be enhanced. Any impact to the environment is addressed under the discussion of CEQA. (See Part VIII, infra.)

B. Rules of Practice and Procedure

Rule 3 sets forth requirements that must be satisfied as part of an application for a CPCN and to authorize rates. The relevant requirements of

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14 Id., § 1002(a).
Rule 3 includes a full description and map of the system, identification of potential competitors, financial information, ratesetting information, and facts supporting the issuance of a CPCN. Perhaps the most important provision of Rule 3 is the requirement that the application demonstrate "[f]acts showing that public convenience and necessity require … the proposed construction or extension, and its operation." The Application demonstrates that public utility regulation is necessary to safeguard existing RV and MH Parks customers, and future commercial customers, who have no water supply or sewer service alternatives, ensure reasonable and fair rates for both ratepayers and the company, and monitor water and sewer services in a rural area remote from these services.

Rule 3 also requires more specific financial information including estimates of operating revenues and expenses. DWW has provided these estimates from 2006 through 2011 in Exhibit 53.

C. Resolution M-4708

Commission Resolution M-4708 sets forth six basic criteria that are used to evaluate the application of small water companies (Class D companies, i.e., those serving less than 500 customers). We also apply these criteria to DWW’s proposed sewer operations. As pertinent to this application, the resolution specifies that the Commission will issue CPCNs only when the water or sewer company is able to remain financially viable, render adequate service and no other existing viable water or sewer providers are available to serve the proposed area. Therefore we consider each of these criteria:

15 See Ex. 5.
Financial Viability - DWW’s financial statements (Ex. 3) indicate a current net worth of approximately $27.2 million, which substantially exceeds the 2007 ($4.3 million) and 2011 ($4.1 million) net amounts for total water and sewer plant in service. In addition, DWW estimates that at proposed rates in 2007 and 2011, both water and sewer revenues will exceed operating expenses and provide a positive return on investment (Ex. 53). Although we are not addressing new water or sewer rates in this Application, DWW states that it will file a general rate increase application to establish new water and sewer rates following resolution of this Application.

On the basis of these financial indicators, DWW’s water and sewer operations appear to be self sufficient and viable.

Adequate Service - DWW has been providing water and sewer service to the RV and MH Parks since May 1998. During these years of operation, no customers have complained to the Commission. The record does not indicate that future service will be impacted by planned growth in the water and sewer systems as DWW’s current water system can provide an adequate water supply at required pressures, and planned construction of sewer facilities will meet sewer demand.16 DWW also states that additional water supply can be provided if necessary through construction of an additional well,17 and as discussed above, the pressure switches on the well pumps can be adjusted to increase water system pressure.

16 See Ex. 39.

17 TR 17.
DWW appears able to provide current adequate water and sewer service, and will be able to provide adequate water and sewer service after planned construction and system improvements are completed.

Other Viable Water and Sewer Providers - No other potentially viable water or sewer providers exist to serve the Dunnigan area. The nearest water provider is located in the City of Woodland approximately 18 miles south of Dunnigan. There are many miles of unincorporated rural land and farmland between the City of Woodland and Dunnigan.

In summary, DWW meets the conditions contained in Resolution W-4708.

VII. General Order (GO) 103

GO 103 sets forth the Commission’s rules governing water service and the minimum standards for design, construction, and operation. We address three issues that implicate GO 103 requirements.

A. Water Quality

GO 103 requires that a public utility supplying water for human consumption (a) hold a permit as provided by the state’s Health and Safety Code, and (b) comply with the laws and regulations of the state or local Department of Health Services. The evidence indicates that DWW was issued a domestic water supply permit by the Yolo County Health Department valid to May 31, 2007 (Ex. 56), and an operator license from the California Department of Health Services, Drinking Water Program issued November 1999 (Ex. 55).

38 GO 103 at Para. II(1)(a).
B. Water Mains

GO 103 requires that water mains be at least 6 inches as the minimum diameter,\textsuperscript{19} and covered by at least 30 inches of dirt in streets and alleys.\textsuperscript{20} The approved plans for development of the property by GPD (Ex. 27 and Ex. 28) indicate that DWW water mains will be 10-inch diameter C-900 PVC, and will be installed with a minimum of 36 inches of cover. Thus, the proposed DWW water mains meet the requirements of GO 103 with regard to minimum diameter and depth.

C. Water Pressure

Commission GO 103 requires a minimum operating pressure of 40 pounds per square inch (psi), except that during a peak demand hour, the operating pressure may be 30 psi.\textsuperscript{21} DWW states that it will meet these pressure demands by adjusting the pressure settings for system pumps.

DWW’s approved plans and current health department permits satisfy the applicable requirements of GO 103.

VIII. California Environmental Quality Act (CEQA)

CEQA (Pub. Resources Code Sections 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. Although the Commission has previously held that the mere granting of a CFCN involving existing facilities is exempt from CEQA,\textsuperscript{22} in this proceeding, DWW proposes

\textsuperscript{15} Id. at Para. III(1)(a).

\textsuperscript{20} Id. at Para. IV(3)(a).

\textsuperscript{21} Id. at Para. II(3)(a).

\textsuperscript{22} Decision 05-11-030, p. 18.
expansion of its existing water and sewer services as well as other construction in Dunnigan. As a condition of its proposed construction, DWW obtained a Mitigated Negative Declaration from the Yolo County. (Ex. 37.)

Since the proposed CPCNs are subject to CEQA and the Commission must issue a discretionary decision without which the project cannot proceed, this Commission must act as either a Lead or a Responsible Agency under CEQA. The Lead Agency is the public agency with the greatest responsibility for supervising or approving the project as a whole (CEQA Guidelines, Section 15051(b)).

In this instance, Yolo County is the Lead Agency for the proposed construction, and the Commission is a Responsible Agency. On June 6, 2003, the Yolo County Planning and Public Works Department adopted the Mitigated Negative Declaration for the proposed construction including expansion of the water and sewer systems. The Mitigated Negative Declaration contains site-specific environmental impact analyses and required mitigation measures including a requirement for additional plans and technical reports in order to obtain approval and required permits from the Regional Water Quality Control Board allowing expansion of wastewater discharge due to expanded sewer service. The Mitigated Negative Declaration concludes that all potential adverse environmental impacts can be mitigated through mitigation measures imposed on the proposed project.

As the Responsible Agency under CEQA, the Commission’s role is limited to reviewing the environmental consequences of DWW’s proposed expansion of its water and sewer services as part of its discretionary approval of this Application. In general, the Commission must consider the Lead Agency’s Environmental Impact Report or Negative Declaration prior to acting upon or
approving the project. (CEQA Guidelines, Section 15050(b).) We have reviewed the considered Yolo County’s Mitigated Negative Declaration and find that this document is adequate for our decision-making purposes under CEQA. We find that the Lead Agency reasonably concluded that while the proposed expansion of the water and sewer systems may have a significant effect on the environment, all potentially significant effects can be avoided or mitigated as a result of mitigation measures imposed on the project.

IX. Rates

In its initial Application, DWW requested to establish new water and sewer rates. During the proceeding, DWW stipulated that this Application should only address DWW’s request for water and sewer CPCNs and that DWW would file a separate application for a general rate increase. Therefore, we will not address any changes in water and sewer rates, but will allow DWW to continue to charge RV and MH Parks occupants, and DWW’s office, DWW’s current flat rates of $13.05 and $18.70 per month for water and sewer service, respectively. (Ex. 53, p. 7.)

X. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Public Utilities Code Section 311(d). Rule 14.6(b) of the Commission’s Rules provides that the 30-day comment period may be reduced upon the stipulation of all parties to the proceeding. All parties stipulated to a 10-day comment period with no reply comments. No comments were received.

XI. Assignment of Proceeding

John A. Bohn is the assigned Commissioner and Bruce DeBerry is the assigned ALJ in this proceeding.
Findings of Fact

1. GPD (a California Corporation organized in 1980) has provided water, sewer, trash, and cable TV services to the RV and MH Parks since May 1998.

2. GPD began to transact its water and sewer business as DWW beginning September 24, 2002.

3. DWW stipulated that the Application should only address DWW’s request for water and sewer CPCNs, and that DWW would request changes in water and sewer rates through a general rate application.

4. Total peak water demand from existing and future water customers is estimated to be 486 gpm, or approximately 88% of the existing well pumping capacity of 550 gpm.

5. DWW can meet the current Yolo County Fire Department’s fire flow requirement of 1,500 gpm for 2.8 hours using its 255,000 gallon storage capacity.

6. As a Responsible Agency under CEQA, the Commission’s role is to review the environmental consequences of DWW’s proposed extension of its water and sewer systems, and consider the Lead Agency’s Mitigated Negative Declaration.

7. As we are imposing rate and quality-of-service regulation on a water and sewer provider, community values will be enhanced.

8. We have considered Yolo County’s Mitigated Negative Declaration adopted June 6, 2003, and conclude that it is adequate for our decision-making purposes under CEQA.

9. DWW submitted all of the formal documentation required by statute for the issuance of water and sewer CPCNs.

10. DWW provided financial information including estimates of operating revenues and expenses from 2006 through 2011.
11. DWW appears to be financially self-sufficient and viable, as DWW’s net worth substantially exceeds estimated water and sewer plant in service in 2011, and estimated operating revenues exceed expenses and will provide a positive return on investment.

12. During the period DWW has been providing water and sewer service to the RV and MH Parks, there have been no customer complaints to the Commission.

13. DWW appears able to provide current adequate water and sewer service.

14. DWW appears able to provide adequate water and sewer service after planned construction in the Dunnigan area.

15. No other potentially viable water or sewer providers exist to serve the Dunnigan area.

16. DWW obtained a domestic water supply permit from the Yolo County Health Department valid to May 31, 2007.

17. DWW’s approved plans for extension of the water system in Dunnigan require 10-inch diameter water mains and a minimum of 36-inches of cover.

Conclusions of Law

1. DWW has satisfied all of the applicable requirements of Public Utilities Code Sections 1002(a) and 1004, and Rule 3.

2. DWW’s approved plans and current health permits satisfy the applicable requirements of GO 103.

3. Once granted a CPCN, DWW will be classified as a Class D water utility.

4. DWW has satisfied the applicable requirements of Commission Resolution M-4708.
5. Public utility regulation of DWW is necessary and convenient to safeguard future water and sewer customers who have no water or sewer service alternatives.

6. DWW should be awarded CPCNs authorizing it to operate as a public water and sewer utility within the state of California with all the rights and obligations thereof.

7. In being awarded water and sewer CPCNs, DWW assumes the obligation to serve as set forth in the Public Utilities Code (including, but not limited to, Sections 451 and 453).

8. The approval of DWW’s Application, as provided herein, should be conditioned upon the completion of the CEQA Mitigated Negative Declaration approved by the Lead Agency.

9. DWW should be allowed to continue to charge RV and MH Parks occupants, and DWW’s office, DWW’s current flat rates of $13.05 and $18.70 per month for water and sewer service, respectively.

ORDER

IT IS ORDERED that:

1. Dunnigan Water Works (DWW) is granted Certificates of Public Convenience and Necessity for operation of a water utility and a sewer utility within the service area known as Dunnigan, Yolo County, as generally described in Exhibit 63. DWW shall fulfill its obligation to serve, as set forth in the Public Utilities Code and prior decisions and orders of the Commission. DWW shall comply with all California Environmental Quality Act mitigation measures specified by Yolo County.
2. DWW is authorized to charge the current flat rates of $13.05 and $18.70 per month for water and sewer service, respectively.
3. Application 06-03-027 is closed.
   This order is effective today.
   Dated April 12, 2007, at San Francisco, California.

MICHAEL R. PEEVEY
   President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners
Dunnigan Water Works

Placer County

Service Area Map

Scale in Miles

0 0.5 1

1: 35,000

Produced by the Yuba County Planning and Public Works Department - November 2006

Service Area Boundary

Service Area Boundary

Co. Rd. 9

(To be inserted by utility)

Advice Letter No. 1-W

Decision No. D-07-04-018

Issued by

Jerry Burger, Vice-President

(To be inserted by Cal. P.U.C.)

Date Filed JAN 11 2008

Effective APR 14 2008

Resolution No.
Letter 20
Frank B & Associates
Frank Brommenschenkel
June 10, 2009

Response 20-1: The author indicates for the benefit of the Planning Commission and the Board of Supervisors that no formal notice was provided to Dunnigan Water Works, a private water provider with 228 connections (according to Resolution WS-462 of the California Public Utilities Commission, dated May 21, 2009). The same documents indicate that Grant Park Development is the owner of Dunnigan Water Works. The co-owners of Grant Park Development are listed as Mel Smith and Jerry Burger. Mr. Smith was Chair of the Dunnigan Advisory Committee until 2008, and regularly received notices and updates related to the Draft 2030 General Plan and EIR. He is also listed separately on the County’s mailing list for individual notification. In addition, Mr. Smith has regularly participated in workshops and hearings regarding the Draft General Plan and EIR. Although formal notice was not sent separately to Dunnigan Water Works, notice has been regularly sent to one of its owners.

It should be noted that separate formal notice is not required. Section 65352 of the California Government Code establishes the noticing requirements for local jurisdictions when processing a General Plan update or General Plan Amendment. Paragraph (a),(7) of the section requires that notice be sent to the following:

A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

As noted previously, Dunnigan Water Works has 228 service connections and does not qualify under the above provision. However, staff have updated their mailing list to specifically include Dunnigan Water Works for all future General Plan and Dunnigan Specific Plan noticing.

Response 20-2: The author is correct that the last day to submit public comments for inclusion in the Response to Comments document of the Final Environmental Impact Report (FEIR) regarding the Draft General Plan was June 12, 2009. Additional comments may be submitted regarding the DEIR after the June 12, 2009, deadline, but they may not be addressed in the Final EIR. Comments on the Draft General Plan may be submitted
anytime prior to the close of the final hearing for adoption, which is expected to occur on November 10, 2009.

Response 20-3: Staff acknowledges the issuance of a Certificate of Public Convenience and Necessity by the California Public Utilities Commission (PUC) to Dunnigan Water Works.

Response 20-4: Staff also acknowledges the certification by the (PUC) of a service area boundary for Dunnigan Water Works.

Response 20-5: The author indicates that the Certificate of Public Convenience and Necessity was obtained by Dunnigan Water Works from the PUC as a requirement for approval of the Dunnigan Truck and Travel Center (DTTC) application (Zone File No. 2002-001). Staff acknowledges the requirement. The DTTC application consisted of requests for an overlay zone, a tentative parcel map, and use permit to develop truck-related highway commercial uses on approximately 100 acres, located south of County Road 8 and west of Interstate 5, in the town of Dunnigan. The DTTC was approved by the Yolo County Board of Supervisors on January 6, 2004. Condition of Approval No. E.5 for the DTTC stated as follows:

The Master developer shall obtain approval from the California Public Utilities Commission (PUC) for sewer and water facilities. The Master developer shall demonstrate to the PUC that:

a) Present and/or future customer demand exists and that the proposed water and wastewater systems are both technically and financially viable public utilities.

b) Proposed revenues would be generated at a rate level not exceeding that charged for comparable service by other water purveyors in the general area.

c) The public utility would be self-sufficient (i.e. expenses would be supported without their being allocated between the proposed utility and other businesses).

d) The service provider would have a reasonable opportunity to derive a fair return on its investment, comparable to what other utilities are currently granted.

e) The service provider shall employ adequate staffing to operate the wells, distribution systems and storage tanks, and make repairs.

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

Response 20-6: The author suggests that references to Dunnigan Water Works were omitted in the Draft Environmental Impact Report (DEIR). Specifically, on Pages 437, 438, 446, and 447 of the DEIR, regarding the analysis of Water Supply and Infrastructure in the Utilities and Energy chapter.
437 refers to “…private shared systems serving two mobile home parks…” One of the private shared systems is Dunnigan Water Works, serving the Country Fair Estates Mobile Home Park and Happy Time RV Park. The other is the Campers Inn RV and Golf Resort. The Final EIR (FEIR) has revised the text to specifically reference both private systems. Similarly, Table IV.H.1 on Page 438 does not reference either of the private systems. The text has been revised in the FEIR to correct the oversight.

Page 446 discusses public water districts that serve agricultural uses in the incorporated and unincorporated areas of the County. From the available information provided by the California Public Utilities Commission, Dunnigan Water Works does not have any agricultural service connections. Page 447 describes agencies that regulate water service and distribution, not the utilities themselves. In neither case are changes to the DEIR required.

Response 20-7: This comment contains Decision 07-04-018 of the Public Utilities Commission of the State of California regarding an application by Dunnigan Water Works for a Certificate of Public Convenience and Necessity to extend a public utility water system and establish rates for service in Dunnigan. The comment is noted.
June 10, 2009

Yolo County
Planning Commission
Vice Chair Jeb Burton

Re: Draft Environmental Impact Report for the 2030 Countywide General Plan;
70 Acre Site in Esparto (APN #s 049-110-18, 19 and 20)

We hereby submit the following comments on the Draft Environmental Impact Report for the
2030 General Plan related to the 70 acre site ("Site").

In our view there has been a disconnect in the development of the land use plan designation for
the subject 70 acre from the direction provided by the BOS for a Mixed Use designation for this
property going back to 2007. Despite the unanimous Board direction to designate this Site as
Mixed Use in 2007 (Minute Order 07-200, see enclosed map), staff initially defined and limited
the uses in 2008, as discussed below, and now the Draft Environmental Impact Report moves to
unilaterally reverse the Board's action by leaving the Site's designation as Industrial. As an
observer, and active participant in this General Plan Update, we are compelled to ask for your
assistance to return to the Board's explicit direction in 2007 which we believe represents the
aligned interests of Yolo County and the landowner as evidenced by the prior actions of the
BOS.

We are specifically seeking a general Mixed Use designation for the site that provides flexibility
to respond to market demands in the future and minimizes the potential need for further General
Plan Amendments to move a development proposal for the site forward. The general Mixed Use
designation will also allow the site to resolve agricultural buffer needs based on actual
development proposals to the satisfaction of the BOS when those specific development proposals
come before you for approval.

It is our belief that the Mixed Use designation for the site actually has much higher job creation
potential in the market as typical light industrial uses are very low in jobs created per acre of use.
The flexibility of Mixed Use also has a much higher potential for development in the near term
as flexibility to respond to market demand is key today.
The ability to provide both work force housing and supporting commercial services, for example, is a key factor to making this type of co-dependent development a reality. Retaining the industrial designation is simply to loose an opportunity and to reject the reality of what makes development viable and effective.

Our specific request is to maintain the Mixed Use designation for the entire 70 acres without defining use acreages other than allowable percentages.

Sincerely,

John Deterding
Letter 21
John Deterding
June 10, 2009

Response 21-1: The author disagrees with staff’s initial recommendation regarding the designation of 79 acres as Industrial in the Esparto General Plan, located south of State Route 16 and east of County Road 86A. Please see Response No. 3-1.

Response 21-2: The author suggests that the 79-acre site should instead be designated as a mix of uses, including commercial, residential, and light industrial. Staff agrees with the proposed change in designation to mixed uses. Please see Response No. 3-1.
ADMINISTRATIVE AGENDA

1. Chair Kimball called the meeting to order at 8:34 a.m.

2. Pledge of Allegiance was led by Commissioner Bertolero.

MEMBERS PRESENT: Bertolero, Kimball, Merwin, Reed, and Williams

MEMBERS ABSENT: Burton and Winters

STAFF PRESENT: David Morrison, Assistant Director of Planning
Heidi Tschudin, General Plan Project Manager
Philip Pogledich, Senior Deputy County Counsel
Don Rust, Principal Planner
Aundrea Hardy, Office Support Specialist
Marcus Neuvert, Yolo County IT
Judith Malamut, LSA Associates, Project Manager for the Draft EIR

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3. ADOPTION OF MINUTES OF THE May 14, 2009 MEETING.

Adoption of the Minutes of the May 14, 2009 Planning Commission meeting were postponed until the July 2009 meeting, due to the lack of a quorum.

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Yolo County Planning and Public Works Department
Public Hearing, Revised Draft General Plan and DEIR
June 10, 2009
Page 2 of 24

4. CORRESPONDENCE

4.1 Great Valley Center Letter.

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

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5. PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present agenda, was opened by the Chair. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

Chair Kimball opened the public hearing.

Brenda Cedarblade, Yolo County resident and land owner, commented on the May 14, 2009 minutes; specifically agenda item 6.4, zone file 2009-010, regarding the appeal of administrative actions related to Use Permit #2004-030. She said that a correction was needed on the statement regarding Debbie Yager reading a prepared statement. Ms. Cedarblade stated that Ms. Yager turned a letter in, but it was not a prepared statement. She added that she was going to take the tape recording and have everything translated, so that the Planning Commission would have a complete set of minutes from that meeting. Ms. Cedarblade also indicated that she would have a transcription prepared for the original meeting when they were granted their Use Permit. If the commission wanted to adopt the transcription into the minutes, it would provide a more accurate record.

Chair Kimball recommended that Ms. Cedarblade provide her recommendation on the specific items she would like to see changed rather than the full minutes.

David Morrison, Assistant Director of Planning Services, said that if Ms. Cedarblade had comments or corrections on the minutes, that she may submit those to the planning department, and they will take them into consideration; however, without a court certified transcription, staff would not recommend that they adopt them as minutes. He said that if there were elements that needed correction, then they would take the suggestions and review them for return of the adoption of the minutes at the July meeting.

Ms. Cedarblade stated that they are having a court agent transcribe the minutes, and that the reason it is important, is because the decision was challenged and would go to the Board of Supervisors. Therefore, they want to make sure that everything is transcribed.

Chair Kimball closed the public hearing.

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TIME SET AGENDA

6. PUBLIC HEARING NO. 1 ON THE REVISED DRAFT 2030 COUNTYWIDE GENERAL PLAN, AND DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)

The Planning Commission conducted its first of up to three workshops on the revised Draft 2030
Countywide General Plan and Draft EIR. The purpose of the hearings was to provide an opportunity for the staff to report on recommended changes to the Draft General Plan, for the public and interested agencies to provide comments directly to the Planning Commission, and to receive recommendations from the Planning Commission for consideration by the Board of Supervisors.

a. Summary of proposed revisions to the Draft 2030 Countywide General Plan.

Mr. Morrison provided introductory comments and introduced some of the Land Use changes that staff has recommended since the January 2009, Board of Supervisors' meeting. He clarified an error in the materials showing the Covell property recommended for a land use change from AG to SP. He corrected the record to show that staff recommendation for the site as remaining IN with the addition of the SPO overlay. A error in the staff report was also identified—item 13 on page 10 of the staff report should be deleted. He recommended that the commission start with Chapter 1 and move forward through each subsequent chapter.

Heidi Tschudin, General Plan Project Manager, went over some of the major policy changes, reviewed the staff report, comments that they had received, and answered clarifying questions from the commission.

Ms. Tschudin also indicated that for the Dunnigan area, they are introducing a new quantifiable threshold for VMT. It would be implemented through the Dunnigan Specific Plan that is in the process of being developed, and would be a mandated maximum threshold. Its implementation would affect how the community is designed, and would involve ongoing monitoring to ensure that actual VMT levels are being achieved. It would also identify a process for making modifications in the future, should the VMT not stay at or below the threshold. Additionally, the EIR identifies that the same threshold should strive to be achieved in other specific plan areas, but it would not necessarily be a mandate. She said that the scope and intensity of proposed land use changes in Dunnigan require the VMT threshold to be enforced, compared to the amount of growth recommended in other communities.

Ms. Tschudin said that she is sure that many commissioners have been following the climate change issue. It is a significant issue for the planning profession, and will have impacts on all aspects of land use development. The manner in which communities are designed and built has direct consequences for the amount of green house gasses generated, which in turn effects global climate change. In fact, the majority of green house gasses are the result of infrastructure and development decisions. The Draft General Plan is establishing a land-use pattern that will accommodate residents, businesses, and infrastructure in a way that will reduce future greenhouse gas emissions. Limiting contributions to climate change has been a primary focus of the General Plan process and EIR.

Ms. Tschudin went on to say that motor vehicle use is responsible for between 30 and 40 percent of green house gas emissions, depending on location. The three variables involved are vehicle technology, fuels, and vehicle use. There is only one of these variables that local government can affect, and that is vehicle use. The other two are controlled at the federal level. The General Plan proposes to reduce emissions associated with vehicle use through several means: by providing transportation alternatives, by managing the demands for transportation, by modifying how future communities are designed, and how existing communities are redeveloped. The General Plan also embodies a new way of measuring our effect on the environment by looking at vehicle miles traveled as a way to measure the generation of green house gasses, and the effect on climate change. Overall, the number of vehicle miles travelled per household will decline as there is an increase in the accessibility between land-uses, the density of land-uses, and the mix
of land-uses. As an example, the target density in new developed areas allowed in this General Plan will be eight dwelling units per acre, as compared to the four to six units per acre that is typical now. The General Plan also provides a mix of land-uses in all of the areas where new development is allowed, including strong downtowns that allow people to use alternate transportation modes as opposed to having to drive everywhere. The General Plan even addresses the width of roadways, the capacity of roadways, the need for a grid pattern, etc. All of those factors will contribute to lowering the VMT threshold.

Ms. Tschudin continued by explaining that the reason she was providing all of this information is that it is important to understand the connection between the abstract number used in VMT analysis, and why it is being recommended in the EIR as a policy with which all new development will have to comply. In the EIR, Fehr and Peers did a ground-breaking analysis, using regional data to compare VMT per household data between urban areas, such as Woodland or Davis, with rural areas. Previously, there was little analysis available regarding climate change issues in agricultural areas and small towns. Fehr and Peers also evaluated the proposed General Plan policies to see what impact they would have on reducing VMT, and concluded that they would result in a major reduction. This is significant, as the policies being proposed in this General Plan have not been adopted anywhere else in the State of California.

The Planning Commission began review of the Final Draft Version of the Draft General Plan. Chair Kimball provided an opportunity for members of the public to provide public comment prior to the commission’s review of each chapter.

CHAPTER 1
INTRODUCTION AND ADMINISTRATION

Chair Kimball opened the public hearing.

Ms. Cedarblade requested a thirty-day extension, due to the changes that were proposed at Spreckels. She explained that the changes were very significant to her and her husband, and that she needs time to review those proposals with their consultants and land use attorneys. In addition, she commented that the copy of the Draft General Plan that she obtained the prior week from the county is different than the latest online edition. She said that other residents had issues with changes being made in Esparto and Dunnigan, and hadn’t realized newer revisions were available online. Ms. Cedarblade said that she didn’t understand the changes proposed for Spreckels because the wording was too small to read on the map handed out at the beginning of the meeting. She added that the Farm Bureau specifically said during the Clark Pacific General Plan Amendment process that they would not support additional land being changed from Agriculture to Industrial at the Spreckels’ site.

A discussion followed regarding extension requests and when the request should be made.

Frank Sieferman, President of the Yolo County landowners association, commented that he did not have an opportunity to look at the latest Draft General Plan, and that he was there to request a thirty-day extension for further review of the latest document.

Yvonne LeMaitre, Wild Oak Farms, requested an extension of time, as they didn’t know of the existence of the revised Draft General Plan document. She said that she was still reviewing the January 2009 document, and that hey still need time to go over the revised Draft General Plan with the people they hired to review it. She commented that if the public is looking at living with this document for the next twenty years, the process needs to slow down to provide more time for input, and ensure that it is something that they all can live with. Ms. LeMaitre also indicated that staff may not be aware that there
have been discussions of lowering the Fremont Weir and flooding the Yolo Bypass up to 45 days a year. That action would take away all of the farming that is currently being done within the Bypass, including the rice farming owned by the State of California.

Rita Moore, representing the Yolo County Fairground, requested an extension of time for the Draft General Plan, because they haven’t had time to review the plan in its final form.

Chair Kimball clarified that this hearing is not the only opportunity to present comments on the Draft General Plan, and that the Board of Supervisor’s will be considering the Planning Commission’s recommendation the week of July 20, 2009.

Mr. Morrison confirmed that the deadlines for comment on the Draft Environmental Impact Report as June 12, 2009. He stated that they allowed for a 45-day comment period as required under state law. He further clarified that the public may comment on the recently released final version of the Draft General Plan up until the Board of Supervisors’ meeting the week of July 20, 2009. Mr. Morrison added that the schedule for the General Plan is set by the Board of Supervisors, and it is not within the purview of the Planning Commission to change the schedule; therefore, any requests for an extension should be directed to the Board of Supervisors.

Chair Kimball closed the public hearing.

Commissioner Bertolero said that it seemed very straightforward.

Commissioner Reed had no comment on Chapter 1.

Commissioner Williams had no comment on Chapter 1

Commissioner Merwin said that it looks good.

Chair Kimball said that the changes look satisfactory, and she had no further comment.

**Commission Action**

That the Planning Commission recommend approval of Chapter 1, Introduction and Administration, with no changes:

MOTION: Reed   SECOND: Bertolero
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

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CHAPTER 2
VISION AND PRINCIPLES

Chair Kimball opened and closed the public hearing.

No one from the public came forward.
The commission had no comment.

**Commission Action**

That the Planning Commission recommend approval of Chapter 2, Vision and Principles, as presented by staff.

MOTION: Merwin    SECOND: Williams
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

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**CHAPTER 3**

**LAND USE AND COMMUNITY CHARACTER**

Ms. Tschudin provided information on the chapter and answered questions from the commission.

Commissioner Reed recommended that they modify Policy LU-6.11 as follows:

- e) Life science, biotechnology and related research uses. along the Interstate 80 corridor.
- f) The possibility of commercial and mixed uses at Covell Boulevard/Pole Line Road and coordinated planning with the Hunt Wesson site.

Commissioner Reed further recommended that they modify Policy CC-3.1 as follows:

Prepare a Specific Plan or Master Plan for the Covell/Pole Line Road property. (DEIR MM LU-2a)

Chair Kimball asked for further information regarding Policy LU-6.12:

Coordinate with and encourage the Rumsey Band of Wintun Indians to prepare, adopt, and implement a long-range tribal general plan for tribal trust land and meet or exceed a vehicle miles traveled (VMT) threshold of 44 miles generated per household per weekday.

Ms. Tschudin explained that it was intended to apply to all tribal trust holdings in whatever manner they choose to develop them.

Mr. Morrison added that Commissioner Kimball is correct in that the 44 mile per day threshold is primarily geared towards residential uses, and is not applicable to the casino resort. In adapting this to their operations, the tribe would have to come up with equivalent measures to reduce VMT. The proposed policy would be a way to encourage more car-pooling, more busses for employees, and other alternative transportation for customers to reduce their overall VMT, and in turn, that of the casino resort. Because the county has set VMT up as a residential threshold, it would have to be adapted to other types of land-uses in the future as needed.

Ms. Tschudin said that currently, the Tribal Trust property is a job center with no workforce housing. One of the issues that the EIR identified is that Tribal Trust land is one of several areas within the unincorporated area (UC-Davis and DQ University are other examples) where the county does not have...
land-use authority. However, what occurs within these areas may have significant effects on the county’s job/housing balance, as well as vehicle trip distribution and generation. Therefore, from the perspective of CEQA, there is an obligation to identify reasonable feasible mitigation measures, to the extent that the county can assist in implementing such measures. The reason the mitigation measure is included, is that the county has a formal relationship with the tribe and could strive to implement the policy language through the various tribal-county agreements. The county obviously can’t tell the tribe what to do on trust land, without mutual agreement. Ideally, with any large job center, the operators would be willing to work with the county to create workforce housing to reduce greenhouse gas emission impacts.

Chair Kimball opened the public hearing.

Chris Ferenze, representing John Deterding, submitted a comment letter for the 2030 Draft General Plan to the commission, related to seventy-acres located southeast of Esparto. He said that in their view, there has been a disconnect in the land use designation of the seventy-nine acre subject site between the direction provided by the Board of Supervisors (dating back to 2007) and staff’s recent recommendation. Despite the unanimous direction from the Board of Supervisors to designate this site as mixed use, staff initially defined the uses in 2008 and then unilaterally reversed the Board of Supervisors’ action by recommending that the site designation be left as industrial. As an observer and active participant in the General Plan update, Mr. Deterding asked that the commission assist in returning the designation of this property back to mixed use, as explicitly directed by the Board of Supervisors in 2007, which represents the aligned interests of Yolo County and the landowners. Mr. Deterding is specifically seeking a mixed-use designation, which will provide flexibility to respond to changes in market demand, and to minimize the potential need for a future General Plan amendment. The mixed-use designation will also allow the project to resolve the agricultural buffer needs, when a specific development proposal comes before the commission for approval. Mr. Deterding is specifically seeking a mixed-use designation, which will provide flexibility to respond to changes in market demand, and to minimize the potential need for a future General Plan amendment. The mixed-use designation will also allow the project to resolve the agricultural buffer needs, when a specific development proposal comes before the commission for approval. It is the owner’s belief that a mixed-use designation for the site has a much higher job creation potential, compared to typical light industrial uses, which have very low job creation rates on a per acre basis.

Lydia Delis-Schlosser, representing the Davis Neighbors Inc, formally known as North Davis Land Company, and owners of the Pole Line property, said that they welcome any discussion with Yolo County in conjunction with the City of Davis regarding the Covell/Pole Line property. They understand that it may be in the best interest of both the county and the city to require that any proposed development at the Covell/Pole Line property be evaluated through the Specific Plan process. She said that it is their belief that the direction of the staff report, regarding Policy CC-3.1, is a sound approach. Their current intentions are described in a letter submitted to the Board of Supervisors on November 20, 2008.

Eileen Samitz, former Davis Planning Commissioner, addressed the Planning Commission regarding the land use designation of the Covell/Pole Line site. She submitted a letter to the Planning Commission and expressed her concern over both the current industrial designation, as well as the proposed Specific Plan overlay. She said that there are major problems with the site, and many reasons as to why the site should be re-designated as agriculture. Ms. Samitz provided a map of the site and said that almost two-hundred, out of the three-hundred and eighty-three acres of the project site, are within the 100-year floodplain. She added that there is now a flood control law, which states very clearly that cities and counties that are foolish enough to build on flood plains will no longer have the state to bail them out. The existing industrial designation isn’t appropriate, because the area is now surrounded by residential uses. In addition, there was a recent fatality involving a semi-truck and a UC Davis student. It is clear that an industrial designation is no longer appropriate for this site. The area within the flood zone should not be built at any time in the future. Ms. Samitz asked that the commission keep in mind the amount of water that would need to be provided by the community, as well as other municipal service...
impacts. Ms. Samitz added a final comment to the commission regarding her support of a one hundred acre business park along Interstate 80.

Debbie McEvers, Yolo County landowner, spoke to the commissioners regarding their decision on the choice of designating one of two properties as General Commercial along Interstate 505. She said that this particular item had come up on December 19, 2006. It was voted on, and staff recommended dropping the County Road 12A location, in favor of the County Road 14 interchange, which is a full interchange and centrally located. A follow-up discussion and vote, at a March 27th Board of Supervisors meeting, also confirmed that the County Road 14 location was the best location for development. In addition, during the July 17th meeting, there was specific wording in the document which said that the County Road 14 alternative was better. The reasons cited included being situated on flat terrain within a hilly area, and its existing development as a paintball park, which will minimize the loss of agricultural land. This site provides an area for future infrastructure to be consolidated, and avoids area drainages. After the vote, however, the County Road 12A alternative was reintroduced back into the wording, due to arguments made by the attorney for the landowner. The board directed that this issue be considered in the Environmental Impact Report (EIR), but the EIR showed nothing different between the two properties. Ms. McEvers reiterated the positive aspects of utilizing County Road 14 and explained why County Road 12A would not be the better selection.

Jay Ziegler, on behalf of Don Clark and Clark Pacific, reviewed a brief chronology of actions pertaining to the Spreckels/Clark Pacific site in order to provide context for their request that the area designated as Industrial be reconfigured to avoid dedicated Open Space lands, and instead relocate Industrial land to the west, to facilitate access to the existing rail line.

Ms. Cedarblade, neighbor to the Spreckels site, advised the commission that she was going to first comment on the impacts to their ranch, and then on the policies within the document where she thinks the additional language is needed. She said that comments she had submitted previously were not included in the packet. She said that with regards to Clark Pacific, they are not shown as an LLC on the ownership title, and that they are closing down next week. The problem with the proposed change to designate more land as Industrial, is that she doesn’t know what businesses may be located in any future new industrial area. Once it changes, there will be little to protect the surrounding agricultural businesses, including hers.

Ms. Cedarblade went on to say that last year there was a hurried change to designate a portion of the site as Industrial for Clark Pacific. The Draft General Plan is largely silent concerning the protection of agricultural uses from nearby heavy industrial facilities. There are organic farmers that may be impacted by dust coming off of the Clark Pacific site, and now additional unknown heavy industrial operators will also locate there. Ms. Cedarblade stated that she does not feel that the Draft General Plan is fair or equitable to their use, and is encroaching on their ranch. She feels it will result ultimately in an inverse condemnation of their property. She also said that they are the only horse barn in the county that has its Use Permit, Business License, and is compliant with zoning. Clark Pacific has resulted in a loss of boarders to their business. She explained that her property is not just farmland, it is a sensitive ancillary agricultural use. They put on high-end horse shows, operate riding programs for adults with disabilities, and provide an organic community garden, all of which is basically incompatible with heavy industrial users and their off-site impacts. She said that her stable doesn’t provide the number of jobs that Clark Pacific does, but they do generate a large amount of sales tax and hotel tax when people come in for shows. When Clark Pacific was approved for industrial use, they were allowed to operate twenty-four hours. She and other farmers in the area do not have adequate screening to protect them from the changes to the nighttime views. They are also not protected from the heavy truck traffic or vibration created by the Clark Pacific facility. Considering the amount of change being proposed at this site, a Specific Plan needs to be done, so that it is fair for all of the neighbors that live around the industrial
area. Finally, Spreckels is a California brownfield area. In 2000, Yolo County tested the surrounding wells for Hexavalent Chromium. The EPA found PCBs on the site.

There was a discussion regarding the comment process and time limits for addressing the Planning Commission.

Chair Kimball encouraged Ms. Cedarblade to work with staff to submit further detailed comments.

Bill Weber, Dunnigan Citizens Advisory Committee Chairman, said that the committee is concerned about how future growth in Dunnigan will be addressed. He explained that the committee put together a packet of concerns addressing the Draft EIR, which are being submitted at this time for the commission's consideration. In particular, the committee felt that the jobs/housing section was very important for the success of the community. Job creation is needed, as well as a monitoring program to ensure that the balance with housing is maintained. The monitoring program should limit housing growth when an insufficient number of jobs are being created.

Mel Smith, Dunnigan resident, and member of the Dunnigan Citizens Advisory Committee, explained the process that the committee used to review the Draft EIR, and how they identified suggested policies and mitigations that they believe would help to reduce identified significant impacts. He concluded his comments with a summarized version of their written comments.

Erich Linse, Dunnigan resident, told the commission about one of the mitigations that the Dunnigan Citizens Advisory Committee voted on the prior evening. It would require monitoring of the job/housing balance in the Dunnigan Specific Plan after construction of the first two thousand housing units, as well as after two years, instead of five years as proposed. They also recommend requiring the specific plan to ensure a balance of 1.2 jobs per house at every review point before approval of further development is allowed. The balance calculations should take into consideration the number of retired people. He said that he thinks that the focus on the vehicle miles traveled (VMT) is helpful to the community and that he is glad that it is being considered now. This will force the developer to do a better job along the way, and can save individuals a lot of trouble. Mr. Linse concluded by explaining why he felt the VMT would prove to be useful in the long run.

Chair Kimball closed the public hearing.

A short recess was called.

The Planning Commission reconvened and Chair Kimball requested that Mr. Morrison explain the newly submitted Spreckels/Clark Pacific map.

Mr. Morrison explained his understanding that Clark Pacific is asking to move 20 acres of IN from the southeast area of the property to the northwest – basically an equal exchange. Mr. Morrison showed these areas to the Planning Commission and audience on the overhead projector. Because the EIR examined the effects of a total of 160 acres of IN at the site, staff believes this will not result in a change in the EIR conclusions. The Chair then moved to commissioner's comments on the Land Use and Community Character chapter.

Commissioner Merwin said that he was pleased to see the suggestions that were made at their previous series of hearings, and how well they have been incorporated along the way. He explained that it is a large document, and he is very comfortable with the effort that has gone into it.

Commissioner Williams had no further recommendations for Chapter 3.
Commissioner Bertolero asked for clarification on the zoning of the Covell site, and the process for analyzing flooding on that site through the specific plan. He also asked for clarification on the Interstate 505 interchange selection. He acknowledged the written comments from the Dunnigan Citizens Advisory Committee and asked if their comments would be addressed in the specific plan.

Staff provided clarification for Commissioner Bertolero in that site-specific flooding issues would be addressed through future development applications. Staff confirmed that the Interstate 505 interchange decision would be decided later, after further analysis per Policy CC-3.15 and Action CC-A14. Staff agreed that much of the CAC’s comments appeared to apply at the specific plan level.

Commissioner Bertolero addressed the changes to the Spreckels’ site, and said that he felt that if they were giving up open space acreage, he doesn’t see any reason why they shouldn’t be entitled to reacquiring that on another part of their property. He added that he does see a lot of potential there with the railroad spur, and personally thinks that in moving that industrial away from neighboring conflicts, there is actually going to be less conflict with neighboring uses than the way it is currently laid out. He would like to see the commission approve that recommended change.

Commissioner Reed reiterated his recommendation for the two specific language changes that he spoke of earlier, and added that he is in agreement with the change for the Spreckels’ site.

Chair Kimball echoed what several others said about the addition of the VMT evaluation, and job/housing balance. She said that it is certainly ground breaking in California, and is happy to see that Yolo County is leading the pack. In regards to the Covell site, she is very comfortable with the specific plan overlay for that area, as well as the Elkhorn Specific Plan, and has no concerns with the addition of potential high density, upper level housing there. She addressed the industrial zoning of the Esparto area staying the same, and said that she is glad to see that the Esparto Advisory Committee concurs with that decision. She explained that she is a little torn on it, but is going to support the staff on keeping it industrial. She acknowledged the comments made by Debbie McEver and the two possible interchange sites, and concluded her comments by saying that in regards to the Spreckels’ site, she concurs with her fellow commissioners that use of rail is better for the environment, roadways, and neighbors than trucks.

Commission Action

That the Planning Commission recommend approval of Chapter 3, Land Use and Community Character with the recommended staff changes as well as the following changes:

Policy LU-6.11:
  e) Life science, biotechnology and related research uses. along the Interstate 80 corridor.
  f) The possibility of commercial and mixed uses at Covell Boulevard/Pole Line Road and coordinated planning with the Hunt Wesson site.

Land Use and Community Character, General Action:
Make other edits throughout the Chapter to recognize and reference the Covell Specific Plan consistent with the approach taken for the other specific plans.

MOTION:       Reed  SECOND: Bertolero
AYES:          Bertolero, Kimball, Merwin, Reed, and Williams
NOES:          None
ABSTAIN:       None
CHAPTER 4
CIRCULATION ELEMENT

Mr. Morrison and Ms. Tschudin provided information on the Circulation Element and answered questions from the commission. There was discussion of the VMT threshold. Policy CI-3.18 was clarified as being a "second tier" of actions. The "first tier" are community design principles, which are already incorporated throughout the Draft General Plan. The commission and staff discussed an error on Figure CI-3B. The future bike trails on the deep ship channel through Clarksburg and along South River Road were to have been deleted based on the commission’s direction back in November. The commission also discussed that the word “biennial” should be deleted from CI-3.20, to provide flexibility in the frequency of monitoring.

Chair Kimball opened the public hearing.

Ms. Cedarblade said that one of the major impacts to their ranch is the truck traffic generated by industrial uses, and the vibration created by the trucks. Clark Pacific is required to use County Road 100B to Highway 113, so that the trucks don’t run past their ranch. However, if there is a change in use, or additional industrial operators, there won’t be the same kinds of restrictions, so she would like additional policies, or a plan added, so that their property is protected from the significant industrial changes going on next door. Ms. Cedarblade stated that she does not agree with the industrial changes that are being proposed on land that is Class I soil. The circulation problems and amount of dust coming off of trucks will impact the surrounding properties. She provided further information on the dust and the traffic from the neighboring Clark Pacific site, and recommended protection or coverings on trucks for industrial uses in agricultural areas to protect organic farms and crops from exposure to unnatural chemicals. This would be similar to requirements on trucks hauling concrete or aggregate.

Ms. Cedarblade concluded her comment by stating that she can’t read the map regarding the Clark Pacific site provided at the hearing today, which prevents her from effectively commenting on the proposed changes shown on the map. This is a violation of the public process and her rights. The proposed change is an addition that was not originally in the staff report, so it wasn’t like the public was able to study it beforehand. She stated that she is being singled out regarding the ag exempt status of her stable buildings, and that no other horse facilities in Yolo County are having to go through what they are being required to do. She added that Yolo County is going through a process to circumvent her rights and to get her to shut up and that she feels that what the county is doing is wrong.

Ms. Samitz expressed her concern regarding the level of acceptable level of services defined for County Road 102. She said that levels of service (LOS) D and E are very serious matters that do not take into account the 1800-unit project that is being proposed at Covell and Pole Line. She wanted them to understand that during the Pole Line overcrossing issue, there was a huge process involved in preparing the corridor plan. Through this process, the City of Davis made peace with the residents along Pole Line Road regarding the impacts expected to occur, by not imposing additional severe impacts to make the neighborhood unlivable. Ms. Samitz read the definitions for service levels D and E, and said that the LOS D and E would not be tolerable, especially because of the past history of proposed development on that site. She added that County Road 102 currently has impacts, and she thinks that it is being significantly underestimated because of the Spring Lake community and the proposed new project that is under discussion.

Chair Kimball requested clarification from staff on LOS D and LOS E.
Jim Burchill commended Ms. Tschudin and Mr. Morrison and stated that the Draft General Plan was very good. He requested clarification on an item in the Draft EIR document related to Policy HS-2.8 in the Health and Safety Element. He read, "Consider and allow for ecological benefits of flooding while balancing public safety and protection of property."

Chair Kimball asked Mr. Burchill for direction on where he was reading from, and then explained that the commission was currently on the Circulation Element, and had not yet moved into the review of the Health and Safety Element or the Draft EIR.

Mr. Burchill said that he would submit his comments in writing.

Mr. Mel Smith made a comment regarding a policy located under CI-2 impact, where the county standard is that no development shall be approved that reduces the level of service beyond LOS C except in limited cases (Policies CI-3.1 and CI-3.2). He said that in a specific plan area like Dunnigan, the funding mechanism should be to get the road improvements necessary to keep the roads at LOS C or better. If they can’t do that, then they shouldn’t be allowed to build their houses. That is why the first policy that the Dunnigan Citizens Advisory Committee asked to be included is to maintain LOS C or better for roadways and intersections in the Dunnigan Specific Plan. In no case should land use be approved that would either result in worse than LOS C, or require additional improvements to be made at a later date using county funds. He said that the county cannot let a developer come into an area and build housing without building the roads to handle the additional traffic being brought into the community. Public funds will have to be used to upgrade these roads at a later date, due to the traffic congestion projected at all intersections and roads. There are two policies that this impact has concluded in the DEIR to be significant and unavoidable. He stated that these impacts aren’t unavoidable. Mitigations and policies should be identified to reduce the impact to less than significant. The advisory committee has identified three policies and nine mitigations to keep their roads at a LOS C or better.

There was discussion about the LOS concept. Staff pointed out fundamental differences between the Draft General Plan and what the Dunnigan citizen representatives were advocating. There was also discussion about whether the county can require trucks to cover their loads.

Mr. Linse spoke of where they may want speedy access and egress in Dunnigan so that they could be a highway services stop and raise money for the county.

Chair Kimball closed the public hearing.

Ms. Tschudin and Mr. Morrison provided the commission with feedback from the public comments and answered questions.

Commissioner Bertolero commented that there will be a possibility of success in using VMT in Dunnigan, because it is going to be all new, and there will be a large volume of growth. In an existing community, when you add in a housing project or some small commercial, it is difficult to effect the overall VMT, due to the incremental nature of infill development. Commissioner Bertolero said that in the letter from the Dunnigan Landowner Group, they indicated that they would like 40 percent of the Economic Development Officer’s time. He expected that they would want more time than that because Dunnigan is going to represent most of the growth.

Commissioner Reed said that he thinks that the Dunnigan Specific Plan will address many of the issues under discussion, and he appreciates Mr. Morrison taking the time to explain the LOS.
Commissioner Williams stated that for the first time, he really understands the impact that the VMT will have, and also said that he appreciated the explanation. He is looking forward to when the commission reviews the Dunnigan Specific Plan, because it is going to be a great exercise.

Commissioner Merwin concurred with his fellow commissioners regarding the explanation of the LOS, as is excited about the VMT threshold. He also spoke to the language on page CI-12, item 9, regarding the definition of different bikeway classes. He expressed concern about proposed Class II bike lanes on Old River Road between West Sacramento and Woodland, as well as South River Road through the Clarksburg area. He said that those are exceedingly dangerous corridors for bicyclists. There is limited room to add a striped bike lane one way, let alone two. He recommended removing the references to bike routes on those roads, due to the potential liability.

Mr. Morrison advised the commission that he had a correction. He had indicated earlier that the bike lane along the deep ship channel was in error; that it should have been omitted. However, in talking to Mr. McNeil-Caird, the map was directly taken out of the adopted Yolo County Bicycle Transportation Plan from 2006. It is an existing county policy document, so he wanted to ensure that the commission was aware that if they change that map, then the county will have to go back and change the Yolo County Bicycle Transportation Plan, once the General Plan is adopted.

Commissioner Merwin recommended that they correct the map, and shared his idea for an alternative. He recommended that they use existing county roads that are lightly traveled, to place a Class III designation. He proposed designating Willow Point Road, from Clarksburg to Z Line Road, and then south to Courtland Road.

Mr. Morrison clarified the direction given by Commissioner Merwin regarding the bikeways and classifications.

Chair Kimball commented on the LOS and said that she strongly supports the change of thought on this issue. She referenced a trip that she had recently taken to Orange County and how LOS was treated there. She said her experience in Orange County is not what she wants to see for Yolo County.

Commission Action

That the Planning Commission recommend approval of Chapter 4, Circulation Element with the proposed changes to figure CI-3B – Eliminate the bike trails on the deep ship channel levee, Old River Road, and South River Road; add a Class III route as described by Commissioner Merwin.

MOTION: Merwin SECOND: Reed
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

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CHAPTER 5
PUBLIC FACILITIES AND SERVICES

Ms. Tschudin provided information and responded to questions from the commission, including a discussion of whether Policy PF-4.6 is still relevant.
Chair Kimball opened the public hearing.

Mr. Smith said that his group only has one mitigation item, which is listed under the PUB-1 impact. Their request was that the Dunnigan Specific Plan include a continuation of County Road 5 to County Road 6. The reason is to facilitate access from the proposed location of the fire station in the Specific Plan. Otherwise, there would be delayed response time due to the roundabout way required to get from the new fire station to the County Road 5 neighborhood.

Ms. Cedarblade commented on Policy PF-2.3, regarding the definition of open space, and the design of new storm water facilities to enhance recreational, habitat, and/or aesthetic benefits, as well as to integrate with existing parks and open space features. She recommended that they add language to ensure that additional mitigation be required if mitigated open space is subsequently developed. In addition, she spoke on Policy PF-10.2, to streamline the permitting process for the production of energy alternatives (including but not limited to photovoltaic, solar, wind, biofuels, and biomass). Ms Cedarblade said that alternative energy was great, but there are significant environmental impacts that also need to be addressed. There needs to be proper CEQA review and protection for adjacent properties.

Chair Kimball closed the public hearing.

Commissioner Merwin asked for clarification regarding Action PF-A9.

Commissioner Williams said that he appreciated Action PF-82, which would integrate school facilities with adjoining community parks. He recommended that if growth occurs in Dunnigan, the idea of combining a community library with a local school library be investigated.

Mr. Morrison informed the commission about a couple of local communities that are joining libraries with the school district and directed the commission to PF-7.3 about pursuing joint use agreements.

Commissioner Bertolero agreed with the language change for Item 8 on page PF-28, from Dependent Child Care to Dependent Care, and said that he does not see any problems with chapter 5.

Commissioner Reed had no comment on chapter 5.

Chair Kimball asked about buffers between schools and agricultural land. She recommended that they include some language in the General Plan to that effect.

A discussion followed about buffers for schools, jurisdiction, buffer requirements, and future schools in Dunnigan. Staff clarified that school site criteria is set by the state.

**Commission Action**

That the Planning Commission recommend approval of Chapter 5, Public Facilities and Services as presented by staff.

**MOTION:** Bertolero **SECOND:** Reed

**AYES:** Bertolero, Kimball, Merwin, Reed, and Williams

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Burton and Winters
CHAPTER 6
AGRICULTURE AND ECONOMIC DEVELOPMENT

Ms. Tschudin and Mr. Morrison answered questions and provided further clarification on subjects from Chapter 6, to the commission. There was discussion of agricultural buffers in Policy LU-2.

Chair Kimball opened the public hearing.

Ms. Cedarblade commented on the 300-foot setbacks and said she would like to see them maintained, especially where there are adjoining incompatible land uses. She also requested that they add a policy specifically requiring a minimum 300-foot buffer between industrial and agricultural uses, due to the potential for off-site industrial impacts on farming and habitat. She also discussed the policy regarding farm labor housing, and cautioned the commission that they should take into consideration the green buffer between Davis and Woodland. She said she would like to see more farm labor housing in the county; however, developers use the concept as a way to get housing into agricultural areas. She thinks that either the county should be proactive in ensuring that housing is directed to farm labor, or the policy should be removed that from the General Plan. In addition, she asked that they include a definition of what a truck farmer is, and also suggested removing the word “production” under Policy AG-1.5, C.

Ms. Cedarblade said that she would like to see the Williamson Act maintained on entire parcels to prevent developers from allowing incremental development in the agricultural areas. On Action AG-A14, Ms. Cedarblade recommended adding the word "historic structures.” On Action AG-A13, she said that those have many offsite impacts, and if they are put next to ag areas, there is the threat of fires, and things that are being brought in and stored, and they really need to require permits. In regards to Action ED-A1, she said that she believes that the policy should be deleted, as it refers to tasks that are responsibility of the Chambers of Commerce and tourism bureaus. The county shouldn’t take on additional projects as it is already broke. The citizens need county employees to work on real projects, not building websites.

Ms. Samitz agreed with all of Ms. Cedarblade’s comments and expressed her concern about the 1:1ag+ mitigation policy currently in effect in Yolo County. She stated that Davis has a 2:1 mitigation policy and that it works very well. If Yolo County is really committed to preserving ag land, they need to step up to the plate, because the developers are very anxious to pave over as much ag land as possible. She commended the idea of the 300-foot setback; however, she understands if a lesser standard is adopted. A minimum 150-foot buffer is what Davis uses and it works well. She asked that the Covell/PoleLine site be preserved as farmland, particularly the northernmost two-thirds. She said it is successfully farmed every year, and with the risk of the floodplain, it does not make any sense to develop there.

Chair Kimball closed the public hearing.

Commissioner Bertolero asked for clarification from Ms. Cedarblade regarding the version of the Draft General Plan to which she was referring.

There was clarification about the version being used at the hearing and the version that Ms. Cedarblade was using. It was found that Ms. Cedarblade was using an older version, as the new version was released immediately after her purchase. The policy numbering was the same; therefore; her policy references matched the book being used by the commissioners; however, the page numbers were different which was causing quite a bit of confusion.
Commissioner Bertolero commented on the 1:1 mitigation policy and verified that it was a policy voted on by the Board of Supervisors.

Mr. Morrison clarified that the 1:1 ag mitigation policy requirement was acted on previously by the Board of Supervisors and is in the County Code. The county also requires separate 1:1 or greater mitigation for habitat impacts. The two requirements cannot be “stacked”.

Commissioner Bertolero said that in regards to the 100-foot ag buffer, it is best that there is a minimum in place, and then make the decision for expanding it on a case-by-case basis.

Commissioner Merwin said he was pleased that many of the comments and input that they discussed in January had been incorporated into the current document. He acknowledged Ms. Cedarblade’s concerns regarding biofuels production, and said that he thinks the intent was not to allow the industrial production of such fuels in agricultural lands, but to enable a farmer to produce his own biofuel and not make him have to go through extensive regulatory hurdles. He is comfortable with the language as written.

Commissioner Reed thanked Mr. Morrison for his clarification on the buffer.

Chair Kimball concurred with Commissioner Reed, and advised Ms. Samitz that there are many that would like to see a 2:1 agricultural mitigation policy, and that the issue will continue to be worked on. She thanked Ms. Tschudin and Mr. Morrison for the great deal of work they had done on the General Plan and for including most of comments that had been previously made by the commission.

**Commission Action**

That the Planning Commission recommend approval of Chapter 6, Agriculture and Economic Development as presented by staff.

MOTION: Reed SECOND: Bertolero
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

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CHAPTER 7
CONSERVATION AND OPEN SPACE

Staff provided clarification and answered questions from the commission. There was discussion regarding Policy CO-2.44 and the source of the 3:1 ratio for Tiger Salamander habitat.

Chair Kimball opened the public hearing.

Ms. Cedarblade said that she would like to see a minimum 300-foot agricultural buffer. She also requested that the definition of ag exempt (as it relates to building permits) be included in the General Plan due to her past experience. Ms. Cedarblade clarified her earlier comments regarding biofuels and biomass. She also commented on Action CO-A2, which would establish permanent areas of agriculture and open space between cities and unincorporated towns to ensure the continued distinctiveness of each community. She said that the Draft General Plan needs to define open space. In addition, she spoke of an item that had been struck from the current document regarding agricultural lands in Yolo County. She said that Yolo County has one of the highest densities of nesting Swainson’s Hawks in
California and she would like to see their protection kept in the Draft General Plan because it is part of what makes Yolo County special. She also addressed Policy CO-2.15 (from the January version of the General Plan), regarding minimizing the loss and supporting the restoration of suitable habitat for rare and threatened endangered species. This had also been struck from the current document. She requested that they reinstate the deleted policy, because it was well written and strengthens Yolo County's commitment to Swainson's hawk preservation. In addition, she requested that they correct the name of her ranch by replacing the language “farm” with “ranch.” Ms. Cedarblade said that Action CO-A97, which would require service hook-up for all water users within a community when new domestic water services are made available, could be detrimental to farmers that rely on ag wells for their fields or houses. She added that the Draft General Plan needs to allow exemptions to this policy. She also indicated that she would like to see habitat areas included in Action CO-A106.

Chair Kimball encouraged Ms. Cedarblade to submit further comments in writing because Ms. Cedarblade was using the page numbers from the January 2009 Revised Version of the General Plan, rather than the recently released copy, and the references were unclear.

Ms. Samitz commented on the process and said that she just heard several significant comments, and there is a huge problem when the public can’t really articulate what the important issues are because of the discrepancy between the two documents. She stated that she isn’t sure what happened, but it has been badly handled, and she wishes that the commission would reconsider an extension because of the importance of this issue. She said that there should have been a better way of cross-referencing, and that her issue is the process. She agreed with Ms. Cedarblade’s comments.

Chair Kimball clarified the process of where and when comments would be received, along with the timelines to receive comments.

Commissioner Reed followed up to clarify that some of the comments that are being offered by the public concern decisions that have already been made by the Board of Supervisors.

Chair Kimball closed the public hearing.

Commissioner Reed restated his support for a change in Policy CO-2 regarding the buffer requirement.

Commissioner Bertolero said that of all the documents that they had to go through, the DEIR was the most important. Since they had already gone through the prior versions of the Draft General Plan, he had focused on the underlined recommendations by staff, and did not see any problem with the changes.

Chair Kimball agreed with Commissioner Bertolero and with the change to the wording for the buffer requirements in regards to the riparian area.

**Commission Action**

That the Planning Commission recommend approval of Chapter 7, Conservation and Open Space, with the changes recommended by staff; and

Policy CO-2.22 Include a new second sentence: “A larger buffer is preferred.”
Policy CO-2.38 Change “implementation” to “development of approved projects.”

**MOTION:** Reed  **SECOND:** Bertolero

**AYES:** Bertolero, Kimball, Merwin, Reed, and Williams

**NOES:** None
Ms. Tschudin pointed out that the odd numbered pages are incorrectly shown with HO coding and they will be corrected to HS coding. Staff answered questions from the commission.

Chair Kimball opened the public hearing.

Ms. Cedarblade addressed the commission regarding previous comments on the policy numbers. She discussed the confusion between the different versions of the Draft General Plan and expressed her displeasure at the process. She said that it was a violation of her Brown Act rights. She explained that she has an event that will prevent her from having time to type out her comments; therefore, she felt that she should be granted extended time beyond the three minutes granted to each speaker.

Ms. Tschudin explained the timelines for the DEIR and the Draft General Plan and clarified that everyone has until June 12 to comment on the DEIR, but until, at least, July 20, 2009, to comment on the Draft General Plan.

There was a discussion regarding the different versions of the Draft General Plan that had been posted and/or released, as well as the confusion between them. Ms. Tschudin offered to sit down with any member of the public and go over the documents with them.

Chair Kimball again recommended that any member of the public that would like to provide comments for the Draft General Plan could do so directly with staff.

There was further discussion of the three-minute limit allotted to members of the public for addressing the commission on each chapter.

Ms. Cedarblade again stated that there was a violation of her Brown Act rights. She went on to say that she was going to turn her complaint over to the authorities, because she should have three minutes to comment just like everybody else.

In an effort to move forward, Chair Kimball provided Ms. Cedarblade with an additional three minutes.

Ms. Cedarblade informed the commission that there was not a policy in Chapter 8 to fix existing levees, with a preference to wide setback levees. To provide 100-year flood protection for Cache Creek, the existing levees need to be fixed. The Draft General Plan should include a policy to that effect. In regards to Action HS-A 20, she felt that it was great, but they also need a policy to encourage raising the existing levees. If the existing levees along Cache Creek between County Road 102 and Highway 113 were to be raised three to seven feet, they will have sufficient freeboard to meet the 100-year level of protection set by the Army Corp of Engineers through the FEMA process for the City of Woodland. In addition, Ms. Cedarblade stated that she had submitted a letter of comment that had not been included in the commission’s packet, although it seemed that everybody else’s document had been provided to the commission. She felt that she was being singled out in her exclusion from the public process.

Ms. Cedarblade continued her comment on the Health and Safety Chapter, specifically concerning Actions HS-A33 and HS-A35. She said that if industrial uses such as the Agri-Form facility are going to be placed in an agricultural area, the Draft General Plan needs to include a policy to require emergency
response plans for heavy industrial users with hazardous materials. This is especially true when dealing with chemicals that have the ability to cause problems for nearby populated areas. She said that FEMA informed her that such companies must provide her with an evacuation plan, due to the horses and the people that she has at her public events.

Ms. Samitz commented on the problems with the process of the Draft General Plan hearing. She also commented on flood issues, AB 70 flood liability, its correlation with the Covell site, and the need not to build within a flood plain.

Chair Kimball closed the public hearing.

Commissioner Bertolero said that there seemed to be some confusion as Ms. Cedarblade seemed to be referring to the DEIR and at the moment they were speaking on the Draft General Plan. Other than that, he said that he did not have anything additional regarding the chapter.

Commissioner Reed had no comment on the chapter, and thanked Ms. Tschudin for taking the time to respond to public concerns and comments on the documents and process.

Commissioner Williams had no further comment.

Commissioner Merwin also thanked staff and the consultants for doing their best and guiding them safely through the documents. He commented on the numerous documents, and said that it is a complicated and confusing process, no two ways about it. He said that they are not reading and digesting the entire document again, but rather reading the changes that were made since the last time they went over the entire document. He said that he is uncomfortable when people feel like they aren’t being heard. However, when a person has been repeating the same thing over and over again since the start of the process, they can only be accommodated to a certain extent without disrupting the process. He said that he is sorry that people are upset, but at some point, everyone has to move on. He added that he is comfortable with the Health and Safety chapter.

Chair Kimball agreed that she is comfortable with the session, and reiterated that in the past, she has found public testimony valuable in her experience, but has found it even more valuable to submit comments in writing or to work one-on-one with staff.

Commissioner Reed added that sometimes it is difficult for people when their recommendation is not followed. He has offered a lot of comments that decision-making bodies have chosen not to follow, and he has also had to accept that and move on.

**Commission Action**

That the Planning Commission recommend approval of Chapter 8, Health and Safety, as presented by staff.

**MOTION:** Reed  **SECOND:** Bertolero  
**AYES:** Bertolero, Kimball, Merwin, Reed, and Williams  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Burton and Winters  

**CHAPTER 9**

**HOUSING ELEMENT**
Ms. Tschudin answered questions from the commission including an inquiry regarding a countywide groundwater ordinance. Staff responded that County Counsel’s office is working on this item.

Chair Kimball opened the public hearing.

Mr. Smith said that he is confused by the General Plan process. He said that he came here today thinking that the commission was going to take action on the Draft EIR.

The commission explained that they intend to do that immediately after review of the changes in the Draft General Plan.

There was further discussion on the DEIR comment period and the Draft General Plan comment process.

Ms. Samitz agreed with Mr. Smith’s comments and concerns. She said that this is nothing like the process in Davis. She added that she did not have time previously to respond to a comment made earlier by one of the commissioners regarding the coordination of mixed uses at the Covell site with the adjoining Hunt-Wesson property. She said that such an action would clearly go against a policy made by the Davis Housing Element Steering Committee. The Davis policy keeps development of the two parcels separate, because one is subject to Measure J and the other is not. Combining the two properties would compromise the planning of each individual property. She said that none of the discussion on this subject was valid, as she didn’t have a chance to make that point before the commission voted. Therefore, the commission’s policy recommendation should be reversed.

There was clarification from the commission about their decision.

Erich Linse explained to the commission that the process is difficult, but that the next time they go through a General Plan, it will probably be easier for them. He also commented on the need to prove water availability before growth in Dunnigan is allowed. Mr. Linse said that many people were comfortable with the idea of using municipal and industrial water from the canal, but the action earlier this year to limit users to only a 5% allocation requires another look at its viability as a water source. He believes that a grant has been applied for by Dunnigan Water District to drill wells and develop better knowledge regarding the extent of local aquifers. He said that a well was drilled this spring at County Road 6 and County Road 88. It was about 1,000 or 1,100 feet deep, but not very productive. That is why one of the water experts in Dunnigan has been very concerned about proposed growth from the beginning. Comments have been submitted requesting that water availability be re-evaluated.

Chair Kimball closed the public hearing.

Ms. Tschudin took a moment to address some of the earlier comments from the public regarding the General Plan process and timelines for submitting comments.

Mr. Morrison added his thoughts and comments to Ms. Tschudin’s explanation, and reiterated it was appropriate to move forward with the process.

There were no further comments from the commission.

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staff with the following change to page HO-49 (3rd bullet under i) – clarify “distance requirements”.

MOTION: Reed  SECOND: Merwin  
AYES: Bertolero, Kimball, Merwin, Reed, and Williams  
NOES: None  
ABSTAIN: None  
ABSENT: Burton and Winters

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b. Summary of the Draft Environmental Impact Report

Ms. Tschudin provided information on the Draft Environmental Impact Report and answered clarifying questions from the commission.

Commissioner Bertolero had some minor editing changes that he will provide in writing to Ms. Tschudin at a later date.

A short recess was called.

The commission reconvened, and discussion continued on the DEIR. There was discussion that the jobs/housing numbers do not reflect self-employment. There was also discussion of water meters. Staff indicated that use of meters will be up to the water provider. In addition, there was discussion of the preference for urban areas to be on surface water and for rural areas to be on groundwater.

The commission directed staff, when translating Mitigation Measure UTIL-2b into the policies, clarify that the intent is not to supplement groundwater, but rather to replace it with water obtained from other sources. In addition, the intent of the commission is to allow for more efficient use of water, and to transition municipal services from ground water use to surface water.

Chair Kimball opened the public hearing.

No one from the public came forward. Chair Kimball closed the hearing.

Commissioner Bertolero made a motion to approve the Draft Environmental Impact Report with the changes discussed, and accepted by the commission today, including the rejection of Mitigation Measure NOI-2 as duplicative of policies and actions already in the Draft General Plan, and rejecting the alternative General Plan scenarios in the Draft EIR.

Commission Action

Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

1. **RECOMMEND** certification of the Draft Environmental Impact Report including rejection of Mitigation Measure NOI-2 as duplicative of policies and actions already in the Draft General Plan, rejection of the alternative General Plan scenarios analyzed in the DEIR, and the following clarification to Mitigation Measure UTIL-2b and related policies CC-3.7E, CC-3.9H, CO-5.31: add “as an alternative source of water.” to the end of each sentence.

MOTION: Bertolero  SECOND: Reed
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AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

Commission Action

RECOMMEND adoption of the Final Draft General Plan (dated June 10, 2009) including:

a) revision to Figure LU-1 and elsewhere throughout the General Plan to include appropriate references to the Covell Specific Plan;
b) revision to Figure LU-7 and elsewhere throughout the General Plan to include appropriate references to the added residential component of the Elkhorn Specific Plan area;
c) corrections to tables and text to reflect final land use acreages and other final numbers; and
d) any other modifications directed by the Planning Commission as documented in earlier actions in these minutes.

MOTION: Reed SECOND: Bertolero
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

Commission Action

DIRECT staff to transmit the Planning Commission’s actions in writing to the Board of Supervisors pursuant to state law.

MOTION: Merwin SECOND: Williams
AYES: Bertolero, Kimball, Merwin, Reed, and Williams
NOES: None
ABSTAIN: None
ABSENT: Burton and Winters

Commissioner Bertolero commended the Draft General Plan team on their work

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REGULAR AGENDA

7. DISCUSSION ITEMS

7.1 None

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8. DIRECTOR’S REPORT

A report by the Assistant Director on the recent Board of Supervisor’s meetings on items relevant to the Planning Commission and an update of the Planning and Public Works Department activities for the month. No discussion by other commission members will occur except for clarifying questions. The
commission or an individual commissioner can request that an item be placed on a future agenda for discussion.

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

8.1 Mr. Morrison had nothing to report.

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9. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

9.1 Commissioner Bertolero brought the commission up to date on the progress of the Ad Hoc subcommittee. In addition, he attended two Esparto Advisory meetings, a Capay Valley, a Madison, and a Dunnigan Advisory committee meeting. He plans to attend the Knights Landing Advisory meeting. He also spoke to Clark Pacific regarding their proposed General Plan change.

9.2 Commissioner Reed reported that he met with a representative of the Clark Pacific company regarding the change they had discussed earlier.

9.3 Commissioner Merwin stated that he attended the Yolo County Farm Bureau meeting, and spoke with Don Clark, in addition to receiving an email from him. He also attended the Ad Hoc subcommittee meeting in May.

9.4 Commissioner Williams reported that he has attended several of the advisory committee meetings including Knights Landing, Dunnigan, and Yolo-Zamora. He also attended a Dunnigan Water Board meeting, and a TANC meeting.

9.5 Chair Kimball reported that she also received a call yesterday from Jay Ziegler representing Clark Pacific and spoke to him about the changes. She updated the commission on the Yolo Ag Alliance progress and thanked Mr. Pogledich for his work with that group.

Mr. Morrison thanked the commission for all of their hard work.

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10. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

1. Use Permit request from University Retirement Community in Davis.

2. Knaggs Family lot line adjustment.

3. Draft Ordinance on ag conversion to habitat.
4. Draft Ordinance on transmission lines.
5. Presentation about Farm Credit Financing, and how it related to property division.
7. Sign Ordinance.

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11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 3:43 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is July 9, 2009, in the Board of Supervisors’ Chambers.

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

Respectfully submitted by,

David Morrison, Assistant Director
Yolo County Planning and Public Works Department
Response 22-1: The comment summarizes the actions taken by the Yolo County Planning Commission on Items 1-5 of the June 10, 2009, Regular Agenda, which were not related to the Draft General Plan or the Draft EIR. It also includes a summary of the staff presentation regarding introductory comments and an overview of the changes recommended to the Draft General Plan since the January, 2009, Board of Supervisors’ meeting.

Response 22-2: Please see Master Response No. 1 regarding requests for an extension of time to comment on the Draft General Plan and/or Draft Environmental Impact Report.

Response 22-3: The comment summarizes Planning Commission discussion and actions related to Chapters 1 (Introduction and Administration) and 2 (Vision and Principles) of the Draft General Plan, as well as the staff presentation regarding Chapter 3 (Land Use and Community Character Element) of the Draft General Plan.

Response 22-4: The speaker disagrees with staff’s initial recommendation regarding the designation of 79 acres as Industrial in the Esparto General Plan, located south of State Route 16 and east of County Road 86A. The speaker suggests that the 79-acre site should instead be designated as a mix of uses, including commercial, residential, and light industrial. Staff agrees with the proposed change in designation to mixed uses. Please see Response No. 3-1.

Response 22-5: Staff appreciates the speaker’s comments supporting the proposed requirement to evaluate any proposed development of the Covell/Pole Line property through the Specific Plan process.

Response 22-6: The speaker suggests that the Covell/Pole Line site property should be designated as Agriculture, due to flooding, adjoining urbanization, water use, and traffic impacts. Staff believes that these issues can be adequately addressed through the Specific Plan process. Please see Responses 5-1 and 7-2.

Response 22-7: The speaker opposes a proposed 100-acre business park along Interstate 80, which she indicates is a policy in the Draft General Plan. Staff assumes that the speaker is referring to Policy LU-6.11.(e). It should be noted that this policy was revised by staff in Attachment F to the July 20, 2009 Staff Report and this revision was subsequently supported by the Board of
Supervisors, accepted in Minute Order 09-143, on July 21, 2009, as follows:

Coordinate with the City of Davis to explore mutual opportunities regarding the following projects:

e) Life science, biotechnology and related research uses. along the Interstate 80 corridor.

Response 22-8: The speaker indicates her support for selecting the interchange of County Road 14 and Interstate 505 as the preferred choice for designating 15 acres as Commercial General for future highway commercial development. The comments are noted.

Response 22-9: The speaker requests a change in the configuration of the draft General Plan land use designation for the proposed 160-acre Spreckels Industrial site located east of State Route 113 and north of County Road 18C, approximately one mile north of the City of Woodland. The proposed change would include the change in designation of 18 acres from Industrial to Open Space along the southern and eastern borders of the former Spreckels property. In addition, the speaker requests the change of an equal amount of land from Agriculture to Industrial in the western portion of the property. The Planning Commission recommended the proposed changes on June 10, 2009. They were also included as a part of staff’s recommendation to the Board of Supervisors, in Attachment G of the Staff Report for July 20, 2009. However, the Board of Supervisors modified the speaker’s request to approve only 142 acres of Industrial and the 18 acres of Open Space, as accepted in Minute Order 09-143, on July 21, 2009.

Response 22-10: The speaker indicates that comments she had previously submitted to the County regarding the Draft General Plan and Draft EIR had not been included in the Planning Commission packet. All comments received by the County during the 45-day public comment review period were provided to the Planning Commission for their June 10, 2009 hearing, as well as to the Board of Supervisors for their July 20-21, 2009, hearing. All comments received have been included and addressed in this Response to Comments document and the Final EIR.

Response 22-11: The speaker suggests that if the County chooses to expand the Industrial site adjoining her property, it may be developed by other users than Clark-Pacific, who currently occupy the existing Industrial site. These new unknown users may create additional unforeseen impacts to nearby agricultural properties. She added that the Draft General Plan is largely silent regarding any protections of farmland from adjoining industrial uses, and that this lack of protection will ultimately result in the closure of her commercial horse stable.
As indicated in pages 85-88 of the Draft Environmental Impact Report (EIR), the existing 91 acres of land designated as Industrial at the Spreckels site, as well as another 69 acres of additional land proposed for Industrial designation on that site, were included in the Project Description, which was the subject of analysis for the Draft EIR. (It should be noted that the Board of Supervisors approved 51 rather than 69 acres of additional Industrial land -- along with 18 acres of Open Space -- as reflected in Minute Order 09-143, on July 21, 2009.) Analysis of the specific impacts of the existing and additional Industrial land (including Spreckels) on adjoining agricultural properties is discussed in Impact LU-2 (pages 134-138) of the Draft EIR, which recommends Mitigation Measures LU-2b and LU-2c to reduce this impact. Measures LU-2b and LU-2c have been incorporated into the Draft General Plan as revisions to Policy CC-4.11 and Action CC-A34. However, even with the adoption of these Measures, the Draft EIR found Impact LU-2 to be significant and unavoidable.

Staff strongly disagrees that the Draft General Plan is silent regarding the protections of farmland from adjoining uses. Policies and Actions that provide this protection include, but are not limited to: LU-2.1, LU-3.5, CC-1.2, CC-1.8, CC-1.12, CC-A9, CC-A34, AG-1.5, AG-1.11, and HS-A63.

Response 22-12:
The speaker describes her commercial stable facility, including high-end horse shows, riding programs for disabled adults, and an organic community garden. She contends that these activities are incompatible with potential impacts that include lack of screening, dust, night lighting, truck traffic, vibration, and groundwater contamination. Staff disagrees.

Concerning screening, the speaker appears to be referring to impacts from the existing uses allowed within the current Industrial area. It should be noted that these impacts have been previously addressed in a Mitigated Negative Declaration certified by the County, which was the subject of a lawsuit by the speaker against Yolo County. All of the grounds for the lawsuit were dismissed by the Superior Court, except for the issue of the impact of 24-hour operations, which the Court ordered to be evaluated through a Focused Environmental Impact Report (EIR). Potential visual impacts related to any future uses within the 41-acres of proposed Industrial designated land described in the Draft General Plan will be addressed through Policies CC-1.2, CC-1.3, CC-1.8, CC-1.12, CC-4.11, and Action CC-A34.

For a discussion regarding dust, please see Responses 22-22 and 28-139, and Policy CO-6.6. Regarding potential noise, vibration, and traffic impacts, please see Response 18-4. Concerning potential ground water contamination, the Draft General Plan contains nearly 30 actions that deal with various aspects of water resource evaluation, as well as programs to improve water availability and/or quality. Staff also notes that any future
The user of the expanded Industrial area at the Spreckels site will be required to maintain a Storm Water Pollution Prevention Plan (SWPPP) with the County, and Waste Discharge Requirements from the Central Valley Regional Water Quality Control Board.

Response 22-13: The speaker suggests that a Specific Plan should be required for this site to provide additional protections for agricultural neighbors. Policy CC-3.3 of the Draft General Plan requires that areas within Specific Plans be evaluated to achieve a balance of 1.2 jobs per household. Other areas where a Specific Plan is required include Covell/Pole Line, Dunnigan, Elkorn, Knights Landing, and Madison. As described in Policy LU-3.3 (Table LU-9), the 142-acre Spreckels site is intended to be solely industrial. A specific plan is neither a necessary nor practical means of regulating any future industrial development of the additional 52 acres of land designated “Industrial” as part of the General Plan update. In contrast, each of the specific plan areas listed above is intended to be an area of mixed uses, including residential, commercial, industrial, and public areas. This is not intended at the Spreckels site, and providing proportionate acreages for the housing, parks, roads, and other features needed to serve the existing 91 acres of industrial land at Spreckels would consume nearly the entire 240 acre-site, likely resulting in much greater impacts than those considered under the Draft General Plan.

Response 22-14: The speaker states that the Spreckels site is a California “brownfield” area. She goes on to say that on-site wells have been tested for hexavalent chromium, and that the Environmental Protection Agency has found polychlorinated biphenyl (PCB) on-site. The property is not listed on the U.S. EPA website as a brownfield site, nor has staff been able to find any other records indicating that the Spreckels site has been designated a brownfield. The Spreckels property is not currently listed on the State Department of Toxic Substances (DTS) website as a Federal Superfund Site, State Response Site, Voluntary Clean-up Site, Permitted Site, or Corrective Action Site. There are no records that staff is aware of regarding the significant presence of hexavalent chromium in the on-site wells.

The Spreckels site is listed on the DTS website as having had an action beginning in 1983 regarding lead acetate, asbestos, PCBs, and refuse contamination due to an on-site landfill. Site screening of contaminated soils occurred and the case was closed in 1990, and the impacted area is still inspected annually. (The speaker may be confusing this site with a separate location, also previously owned by the Spreckels company, that was the subject of an action regarding solvents or non-petroleum hydrocarbons. That action was also closed in 1990, and it occurred on a Spreckels property located on Kentucky Avenue and County Road 101, within the City of Woodland.) In 2003, a new case was opened at the Spreckels site regarding PCBs, organic liquid mixtures, acid solutions,
lime sludge, and asbestos. This case is being regulated and overseen by the Central Valley Regional Water Quality Control Board (CVRWQCB). The County has considered that matter and concluded that it has no bearing on the change in land use designation proposed as part of the General Plan update. Moreover, the case currently being overseen by the CVRWQCB is focused on the existing 91-acres of Industrial designation, and excludes the 41-acre portion of the Spreckels site proposed for Industrial designation as a part of the Draft General Plan.

Response 22-15: The comments summarize a discussion of the Planning Commission regarding the three-minute limit placed on each speaker during the public hearing.

Response 22-16: The speaker expressed the need for a strong jobs/housing balance monitoring program that limits or prohibits growth if jobs are not created. Please see Response 13-5.

Response 22-17: The speaker summarized comments made by the Dunnigan Advisory Committee in their June 9, 2009, letter. Please see Responses 13-1 through 13-11, inclusive.

Response 22-18: The speaker advocates monitoring the jobs/housing balance for Dunnigan after the first 2,000 homes or first two years. In addition, the jobs/household target of 1.2 would have to be met at each phase before further development could be approved. He also expressed support for the Vehicle Miles Traveled (VMT) policy. Regarding the jobs/housing balance, please see Response 13-5. Staff appreciates the support for the VMT policy.

Response 22-19: The comment summarizes Planning Commission discussion and actions related to Chapter 3 (Land Use and Community Character Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 4 (Circulation Element) of the Draft General Plan.

Response 22-20: The speaker suggests that policies be added to the Draft General Plan to redirect trucks associated with the nearby industrial operations away from the segment of County Road 18C in front of her stable facility, to limit traffic and vibration. Policy CI-3.1 in the Draft Environmental Impact Report (EIR) states that Level of Service (LOS) C will be maintained for all roadways and intersections in the unincorporated County, except for a number of exempted road segments. County Road 18C is not included in the list of exempted roads. LOS C is the standard for all County roads set in the 1983 General Plan, as established in Policy CIR 7. The proposed designation of 41-acres of Industrial land at the Spreckels site will not create additional traffic on County Road 18C that will reduce conditions below LOS C. The potential effects of vibration are analyzed in Impact NOI-4 on page 334 of the Draft EIR. It recommends Mitigation Measure
NOI-4, which has been incorporated into the Draft General Plan as Action HS-A61.

Response 22-21:
The speaker’s opposition to designating Class I soil as Industrial is noted.

Response 22-22:
The speaker states her concern about the dust associated with truck traffic. She suggests that trucks be required to cover their loads to limit impact on organic crops in the area, particularly cement and aggregate trucks. Most trucks are already required to cover their loads under existing State law. However, trucks carrying asphalt or aggregate are specifically exempted under California Vehicle Code Section 23114.(e), so long as certain conditions are met, as follows:

1. In addition to subdivisions (a) and (b), a vehicle may not transport any aggregate material upon a highway unless the material is covered.

2. Vehicles transporting loads composed entirely of asphalt material are exempt only from the provisions of this section requiring that loads be covered.

3. Vehicles transporting loads composed entirely of petroleum coke material are not required to cover their loads if they are loaded using safety procedures, specialized equipment, and a chemical surfactant designed to prevent materials from blowing, spilling, or otherwise escaping from the vehicle.

4. Vehicles transporting loads of aggregate materials are not required to cover their loads if the load, where it contacts the sides, front, and back of the cargo container area, remains six inches from the upper edge of the container area, and if the load does not extend, at its peak, above any part of the upper edge of the cargo container area.

Response 22-23:
The speaker indicated that she was unable to read the map provided as a hand-out to illustrate a proposed change in the configuration of the expanded Industrial designation next to her property. In addition, the map had not previously been made available to the public prior to the meeting. As a result, she believed that she was prevented from fully participating in the public hearing, which was further evidence of a coordinated campaign by the County to harass her. Staff notes that the hand-out was submitted by a member of the public to the Planning Commission on June 10, 2009, the day of the public hearing regarding the Draft General Plan. The County is not responsible for the legibility and/or clarity of the materials submitted to it by the public. Similarly, the County does not require all public comments to be submitted in advance of a public hearing for prior review. As previously noted, the speaker was allowed more than 20 minutes of testimony during the June 10, 2009, public hearing and was
allowed the opportunity for full participation in the process. Please see Response 18-1.

Response 22-24:

The speaker suggests that the proposed policy to allow Levels of Service (LOS) D and E on County Road 102 should be modified to require at least LOS C. She believes that they do not take into consideration future development in the Spring Lake area or of the Covell/Pole Line property, and that the resulting traffic congestion would make adjoining neighborhoods unlivable. Staff notes that the only segment of County Road 102 where LOS E would be acceptable is the portion located north of the City of Woodland, between County Road 17 and the city limits. In addition, as stated on page 238 of the Draft Environmental Impact Report (EIR), the proposed Levels of Service assume future improvements to County Road 102, including intersection control and lane configuration improvements, passing lanes and/or wider travel lanes and shoulders. Maintaining a LOS C on County Road 102 would likely require expanding the roadway to four lanes from the town of Knights Landing to the Davis city limits. The policies in the Draft General Plan accept a slight increase in traffic congestion, rather than the significant impacts that would be created by a major road project. As stated on page 258 of the Draft EIR:

This reflects a change in policy for the unincorporated County to acknowledge that transportation planning based solely on roadway LOS, which considers only driver comfort and convenience, is not desirable since it fails to acknowledge other users of the circulation system and other community values. In evaluating the roadway system, a lower vehicle LOS may be desired when balanced against other community values related to resource protection, social equity, economic development, and consideration of pedestrians, bicyclists, and transit users. In addition, roadway LOS is directly linked to roadway infrastructure costs. A higher LOS results in higher expenditure of infrastructure dollars for wider roadways that do not necessarily serve all users of the circulation system and result in less than optimum utilization of the roadway. For example, LOS C on a typical two-lane County road represents about 40 percent utilization of the roadway’s capacity. Furthermore wider roadways, in general, are inconsistent with maintaining rural character and aesthetics, cause greater impacts to biological resources and agricultural land, and discourage use by pedestrians and bicyclists.

Development of both the Spring Lake community and the Covell/Pole Line site were anticipated and accounted for in the traffic modeling for the Draft EIR. The speaker is referred to Appendix C of the Draft EIR – Transportation and Circulation Data – for more specific information regarding modeling assumptions.
Response 22-25: Staff appreciates the speaker’s comments regarding the quality of the Draft General Plan. The speaker also requests clarification of a statement in the Draft EIR that would consider the ecological benefits of flooding, while balancing public safety and protection of property. The speaker refers to Policy HS-2.8, which states: “Consider and allow for the ecological benefits of flooding while balancing public safety and the protection of property.” In essence, the policy acknowledges that there are substantial benefits to riparian habitat by re-establishing the historical meander patterns of rivers and streams. However, the policy also recognizes that homes, businesses, roads, infrastructure, and other improvements have been historically located in close proximity to rivers and streams. As a result, the intent is to generally encourage watercourse widening and riparian habitat restoration, in a way that does not endanger lives or structures in the surrounding area.

Response 22-26: The speaker suggests that policy should be required to maintain a Level of Service C or better within the Dunnigan Specific Plan at all times. Please see Response 13-6.

Response 22-27: The speaker also supports higher Levels of Service within the Dunnigan Specific Plan to facilitate highway commercial development. Please see Response 13-6.

Response 22-28: The comment summarizes Planning Commission discussion and actions related to Chapter 4 (Circulation Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 5 (Public Facilities and Services Element) of the Draft General Plan.

Response 22-29: The speaker suggests that a policy be included in the Draft General Plan that requires the Dunnigan Specific Plan to include a road extending from County Road 5 south to intersect with County Road 6, in order to facilitate the response time for a planned new fire station. Staff disagrees that this subject is best addressed in the Draft General Plan. The circulation plan showing the location of streets, and the public facilities plan, showing the location of fire stations, will both be addressed through the Dunnigan Specific Plan. Without the detailed information developed through the Specific Plan, it would be premature to identify specific infrastructure improvements through the Draft General Plan.

Response 22-30: The speaker suggests that Policy PF-2.3, regarding the integration of storm water facilities with recreation and open space uses, be revised. She asked that it include language to require mitigation to offset any loss of open space when it is developed. Open Space is defined in the Draft General Plan (see page LU-13) as: “...public open space lands, major natural water bodies, agricultural buffer areas, and habitat. The primary land use is characterized by “passive” and/or very low-intensity management...” Storm water detention basins are only allowed within the Open Space land...
use designation “...when designed with naturalized features and native landscaping, compatible with the open space primary use.” Staff believes that detention basins as defined above are consistent with the intent of the Open Space land use category and are not a “development” activity. Any intensive development of an area designated as Open Space would require a General Plan Amendment and further review under the California Environmental Quality Act (CEQA). Mitigation in the form of conservation easements may be considered as a part of any future CEQA document for proposals to develop Open Space land.

Response 22-31: The speaker comments about Policy PF-10.2, regarding the streamlining of the permit process for alternative energy projects. She supports alternative energy, but has concerns about the potential environmental impacts associated with their construction and operation. This policy does not preclude appropriate environmental review under the California Environmental Quality Act (CEQA) of individual alternative energy projects and any comprehensive permitting process that may result from implementation of this policy. Further, staff notes that the Significance Criteria for determining whether or not an impact may have a significant impact on the environment include: (a) increasing reliance on non-renewable energy sources; and (b) failure to encourage the use of alternative fuels, renewable energy sources, and energy conservation (page 509 in the Draft Environmental Impact Report). These impacts are determined in the Draft EIR to be less-than-significant. As such, deleting Policy PF-10.2 would increase the potential of a significant environmental impact.

Response 22-32: The comment summarizes Planning Commission discussion and actions related to Chapter 5 (Public Facilities and Services Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 6 (Agriculture and Economic Development Element) of the Draft General Plan.

Response 22-33: The speaker suggests that a minimum buffer of 300 feet should be required between industrial and agricultural uses. Staff agrees. It should be noted that the minimum agricultural buffer for all farm/urban interface is 300 feet, as required in Policy LU-2.1, which in part states: “New urban (non-agricultural) development should be setback a minimum of 300 feet from adjoining agricultural land where possible, but special circumstances can be considered by the decision-making body.”

Response 22-34: The speaker suggests that the County take the Davis-Woodland green belt into consideration when determining farm labor housing policy. She indicated that developers will get approvals for farm labor housing and then build market-rate homes instead. She believes the County should be proactive in ensuring that farm labor housing is built, or remove the policies that support it. Staff notes that farm labor housing is already
regulated under Sections 8-2.404.(a) and 8-2.603.(l) of the Yolo County Code which requires a Use Permit for farm labor camps of six persons or less. Farm labor housing for six persons or more are regulated by the California Department of Housing and Community Development. Policies that support farm worker housing, should be included in Housing Elements of the General Plan where appropriate, according to Section 65583.(a).(7) of the California Government Code, which requires that Housing Elements contain “an analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter…”

Response 22-35: The speaker asked that the word “production” be removed from Policy AG-1.5.(c). She also asked for a definition of “truck farm.” Staff agrees that “production” too narrowly defines the range of potential activities that may be impacted by adjoining urban development. As a result, staff has made the following revision to Policy AG-1.5:

C. The use would not have a significant adverse affect on existing or potential agricultural production activities on surrounding lands designated Agriculture.

With regards to the speaker’s question, a “truck farm” is an agricultural operation that grows fruits, vegetables, or other farm commodities for direct sales to the consumer. Typically, these are smaller, more intensive farms that often focus on specialty crops.

Response 22-36: The speaker indicates that she would like to see Williamson Act contracts apply to the entire parcel, instead of allowing the contract to cover only a portion of the property, which encourages phased development to occur. Williamson Act contracts that cover only a portion of a property, or partial contracts, are very uncommon and typically occurred decades ago. All parcels placed into Williamson Act successor agreements are required under Section 8-2.408(c).2 of the County Code to be legal parcels. Partial contracts are not allowed. It should be noted that at the time of this Final EIR, the County is considering non-renewal of all Williamson Act contracts in response to the State’s elimination of subvention funding to reimburse the County for the costs of the Williamson Act program. Also, at the present time, the County is no longer entering into new Williamson Act contracts.

Response 22-37: The speaker suggests that the words “historic structures” be added to Action AG-A14. Staff is unclear with regards to the speaker’s suggestion. Action AG-A14 creates reduced development standards to promote economic development for agricultural and rural businesses. Should such businesses be located within a historic structure, the same incentives would
equally apply to them. There is no need to separately list historic structures within this Action.

Response 22-38: The speaker references Action AG-A13, regarding the reduction of development restrictions on new and/or expanded agricultural processing, agricultural sales, and bio-energy production. She has concerns about the potential environmental impacts associated with the construction and operation of such facilities and believes that they need to have a full permit review process. Regarding bio-energy production, please see Response 22-31.

Response 22-39: The speaker references Action ED-A1, regarding the creation of an economic development website. She believes that such efforts should be made by Chambers of Commerce and tourism bureaus. The speaker would prefer to see scarce County resources used for real projects, instead of building websites. The comments are noted.

Response 22-40: The speaker expressed support for the comments made by the prior commenter. She also suggested that Yolo County adopt a 2:1 agricultural mitigation ratio, similar to the one adopted by the City of Davis. The comments concerning the prior speaker are noted. Regarding a 2:1 agricultural mitigation requirement, this issue was extensively discussed by the Board of Supervisors in October 2, 2007, and March 18, 2008. It is staff’s opinion that any mitigation in excess of 1:1 could be supported only if the indirect effects of farmland conversion justified the additional requirement. As a result, staff contracted with Bay Area Economics to perform a study to estimate the incremental economic impacts that a decline in agricultural output might produce within Yolo County, as well as within a larger five-county study region.

The BAE study concluded that critical agriculture-supporting infrastructure companies typically rely on farming in regions extending beyond Yolo County. As a result, it is not possible to determine the minimum amount of productive farm acreage in Yolo County needed to maintain agricultural economic viability. Similarly, BAE was not able to identify a minimum number of agricultural acres that, if preserved, could guarantee the survival of farming within the County. Without being able to identify such thresholds, BAE was not able to quantifiably support requirements beyond the 1:1 ratio as mitigation for agricultural land conversion.

Regarding the requirements of the City of Davis (Section 40A.03.0 of the Davis Municipal Code), there are several different ratios for mitigating agricultural land. Each case is based on different ratios, depending on site specific factors, as well as the concepts of “adjacent mitigation” lands and “remainder mitigation” lands, as follows:
• 5:1 mitigation is required if a project mitigates using lands outside the priority open space areas.
• 2:1 mitigation is required where development projects adjacent to agricultural properties are required to purchase a farmland easement along the perimeter of the project, at least one-quarter mile wide. It is also required for lands adjacent to the required minimum adjacent mitigation land or within “city designated priority open space acquisition areas,” including the green belt between Davis and Woodland.
• 1:1 mitigation is required when mitigation is proposed that is located at the urbanized perimeter (adjacent to or within one-quarter mile of the city limits) of a development project.

Davis city staff indicates that no development projects have actually purchased and dedicated easements to the city based on the most recently revised program.

Response 22-41: Staff appreciates the speaker’s support of Policy LU-2.1 regarding the 300-foot buffer. The speaker also indicated that the City of Davis’ buffer requirement is only 150 feet, which is noted.

Response 22-42: The speaker reiterated her support for preserving most or the entire Covell/Pole Line site as agricultural. Please see Response 5-1.

Response 22-43: The comment summarizes Planning Commission discussion and actions related to Chapter 6 (Agriculture and Economic Development Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 7 (Conservation and Open Space Element) of the Draft General Plan.

Response 22-44: The speaker advocates for a minimum 300-foot agricultural buffer that should only be reduced under limited circumstances. The author is referred to Policy LU-2.1. Please see Response 22-33.

Response 22-45: The speaker suggests including a definition of “agricultural exemption” in the Draft General Plan, due to the difficulty she has encountered during her past experience with the term. The speaker is referring to a term used in Section 301.2.1.2 of the County Code, which defines a specific type of structure that does not require a building permit under some circumstances. The term is not used anywhere in the Draft General Plan, therefore it does not require definition. However, in the interest of disclosure, the definition from the County Code is provided herein:

Agricultural Buildings. A building permit shall not be required for an agricultural building that satisfies all of the following conditions:
1. The proposed building is an agricultural building as defined in the California Building Code Sec. 202, which provides as follows:

   **Agricultural Building** is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation nor a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public.

2. The Director of Planning and Public Works or designee determines that the proposed building is located in an A-1, an A-P, or an AGI Zone and its use and location comply with all the regulations of Chapter 2 of Title 8 of the Yolo County Code, the Zoning Regulations of the County, including but not limited to, the provisions for setbacks and site plan approvals, comply with the provisions for setbacks contained in the California Building Code, and also comply with all other applicable state and federal laws.

3. The proposed building is constructed in accordance with the standards of Title 7 of the Yolo County Code, which concerns building regulations.

4. No water or electricity shall be provided to the interior of the proposed building other than electricity for lighting and ventilation, water for livestock, and such other limited purposes as are reasonably necessary for the permitted uses of the building. No mechanical permit will be allowed.

5. All necessary plumbing and/or electrical permits have been issued.

6. The Fire Chief of the local fire district has determined in writing that the proposed building complies with the provisions of the Uniform Fire Code as adopted by the County, including but not limited to, those concerning fire department access and water supply, and that the location of the proposed building as set forth in the site plan complies with any reasonable conditions required to attain compliance, including, but not limited to, reasonable conditions imposed because of limitations in water supply. Determinations by the Fire Chief shall be subject to review by the Board of Appeals.

7. The Director of Planning and Public Works or designee determines that the proposed building complies with the provisions of Chapter 3 of Title 8 of this Code, which Damage Protection.

8. The Director of Environmental Health or designee has determined that the proposed building complies with all laws enforced by the
Environmental Health Department of the County, including but not limited to, the provisions of Title 6 of this Code, which concern Sanitation and Health, including but not limited to, water quality.

9. The proposed building shall be no closer than 60 feet from the boundary of a parcel of land that is not zoned for agricultural uses.

Response 22-46: The speaker clarified earlier comments she made during the Planning Commission public hearing regarding biofuels and biomass. Her comments are noted.

Response 22-47: The speaker requests a justification of Action CO-A2 on page CO-16 of the Draft General Plan, regarding the establishment of permanent agricultural and open space buffers between cities and communities. She also requests a definition of open space. The idea of permanent green belts between cities and/or communities in Yolo County is not new. A Memorandum of Understanding was signed by the Cities of Davis, Woodland, and the County of Yolo more than ten years ago to prohibit urban development from the area located between County Roads 27 and 29. This action would extend the concept to other cities and communities, to reduce the intensive growth pressures that commonly occur to land between two urban areas, which accelerates agricultural conversion. The action also reinforces the County’s commitment to hard-edge boundaries between urban areas and agriculture, as opposed to the soft-edge transition zones that typically characterizes urban sprawl. Finally, by creating and maintaining buffer areas between communities, the action intends to nurture the unique and distinct identity of each town or city, compared to the sameness of communities absorbed into larger urban areas.

For the definition of Open Space, the speaker is referred to page LU-13 of the Draft General Plan.

Response 22-48: The speaker suggests reinstating language on page CO-21 of the January 20, 2009, Draft General Plan version, which stated: “Yolo County has one of the highest densities of Swainson’s hawk nesting densities in California. Along with Solano, San Joaquin and in part Sacramento Counties, this region forms the core of the remaining population of hawks in the State.” She indicates that the Swainson’s hawk is part of what makes Yolo County special. Staff disagrees with the proposed changes. Although the Swainson’s hawk is a prominent part of the County’s wildlife landscape, there are 37 other special-status species in the County and specifically highlighting the Swainson’s hawk in this discussion is not necessary for effective implementation of the General Plan (which includes policies protecting the Swainson’s hawk and its habitat). To provide similar information on more than three-dozen other species would not further the goals of the Draft General Plan and would add significant length to the document.
Response 22-49: The speaker requests that a prior version of Policy CO-2.15, regarding minimizing the loss and supporting the restoration of habitat for rare, threatened, and/or endangered species, be reinstated in the Draft General Plan. The speaker refers to the September, 2008, version of the Draft General Plan, which contained the following proposed policy:

Minimize loss and support the restoration of suitable habitat for rare, threatened and endangered species including but not limited to Swainson’s hawk, valley elderberry longhorn beetle, burrowing owls, giant garter snake, and California tiger salamander.

The current Draft General Plan contains Policy CO-2.4, which reads:

Coordinate with other regional efforts (e.g., Yolo County HCP/NCCP) to sustain or recover special-status species populations be preserving and enhancing habitats for special-status species.

Staff believes that the two policies achieve the same goals and intents. It is not feasible to restore the extent of habitat that existed perhaps a century ago. Instead, the County’s focus is on ensuring that there is sufficient habitat to maintain sustainable populations of sensitive species. The new wording recognizes the central role that the Yolo Natural Heritage Program, as well as State and Federal agencies, will play in special-status species recovery efforts.

Response 22-50: The speaker requests that Table CO-7 on page CO-52 of the Draft General Plan be revised to change “Camillus Nelson Farm” to “Camillus Nelson Ranch.” Although the first term is the one that is used in the County Historical Resources Survey, the U.S. Park Service National Register of Historic Places refers to the site as the Nelson Ranch. Staff has corrected the table as follows:

Camillus Nelson Farm - Ranch

41070 County Road 18C, Woodland

Response 22-51: The speaker suggests that Action CO-A97, requiring all water users within a community to connect to a municipal water system when available, should exempt farmers. Staff agrees and has made the following revision:

Require service hook-up for all non-agricultural water users within a community when new domestic water services are made available.

Response 22-52: The speaker suggests that Action CO-A106 on page CO-79 of the Draft General Plan, which would regulate land uses so as to avoid or mitigate the impacts of air emissions on sensitive uses, include habitat areas. Staff disagrees. The impacts of air emissions on endangered, threatened, or sensitive species is already addressed under Policies 2.39 and 2.42 of the
Draft General Plan. However, it should be noted that revisions have been made to Action CO-A106 (Mitigation Measure AIR-3 on page 301 of the Draft EIR), which were included as a part of staff’s recommendation to the Board of Supervisors, in Attachment G of the Staff Report for July 20, 2009, and supported in Minute Order 09-143, on July 21, 2009.

Regulate the location and operation of land uses to avoid or mitigate harmful or nuisance levels of air emissions to the following sensitive receptors: residential uses, hospitals, and nursing/convalescent homes and similar board and/or care facilities, hotels and lodging, schools and day care centers and neighborhood parks. Home occupation uses are excluded. New development shall follow the recommendations for siting new sensitive land uses consistent with the CARB’s recommendation as shown in the table below. (Policy CO-6.1, Policy CO-6.2)

### Recommendations on Siting New Sensitive Land Uses

<table>
<thead>
<tr>
<th>Source</th>
<th>Category Advisory Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeways and High-Traffic Roads</td>
<td>Avoid concentrating sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.</td>
</tr>
<tr>
<td>Distribution Centers</td>
<td>Avoid concentrating sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). Take into account the configuration of existing distribution centers and avoid concentrating residences and other new sensitive land uses near entry and exit points.</td>
</tr>
<tr>
<td>Rail Yards</td>
<td>Avoid concentrating sensitive land uses within 1,000 feet of a major service and maintenance rail yard. Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.</td>
</tr>
<tr>
<td>Ports</td>
<td>Avoid concentrating sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the CARB on the status of pending analyses of health risks.</td>
</tr>
<tr>
<td>Refineries</td>
<td>Avoid concentrating sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.</td>
</tr>
</tbody>
</table>
Chrome Platers
Avoid concentrating sensitive land uses within 1,000 feet of a chrome plater.

Dry Cleaners Using Perchloroethylene
Avoid concentrating sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines, provide 500 feet. For operations with 3 or more machines, consult with the local air district.

Do not concentrate sensitive land uses in the same building with perc dry cleaning operations.

Gasoline Dispensing Facilities
Avoid concentrating sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50 foot separation is recommended for typical gas dispensing facilities.

Notes:
1. These recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.
2. Recommendations are based primarily on data showing that the air pollution exposures addressed here (i.e., localized) can be reduced as much as 80% with the recommended separation.
3. The relative risk for these categories varies greatly. To determine the actual risk near a particular facility, a site-specific analysis would be required. Risk from diesel PM will decrease over time as cleaner technology phases in.
4. These recommendations are designed to fill a gap where information about existing facilities may not be readily available and are not designed to substitute for more specific information if it exists. The recommended distances take into account other factors in addition to available health risk data (see individual category descriptions).
5. Site-specific project design improvements may help reduce air pollution exposures and should also be considered when siting new sensitive land uses.
6. This table does not imply that mixed residential and commercial development in general are incompatible. Rather it focuses on known problems like dry cleaners using perchloroethylene that can be addressed with reasonable preventative actions.
7. A summary of the basis for the distance recommendations can be found in Table 1-2 (see ARB’s *Land Use Handbook*).

Response 22-53: The speaker expresses concern about the public process resulting from the confusion by several speakers between the three versions of the Draft General Plan provided to the public over the prior ten months. She stated
that the confusion supports the need for an extension of time to comment on the Draft EIR. Please see Master Response No. 1. The speaker also said that there should be a clearer method of cross-referencing in the Draft General Plan, and that she agreed with the comments of previous speakers. The comments are noted.

Response 22-54: The comment summarizes Planning Commission discussion and actions related to Chapter 7 (Conservation and Open Space Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 8 (Health and Safety Element) of the Draft General Plan.

Response 22-55: The speaker expressed confusion regarding the process, particularly with regards to the various versions of the Draft General Plan available. She indicated that it was a violation of her Brown Act rights. The speaker also stated that she had an upcoming event and did not have time to type out her remarks, therefore she should be allowed an additional three minutes to testify. Concerning the different versions of the Draft General Plan, please see Master Response No. 1.

Regarding the Ralph M. Brown Act (California Government Code Section 54950 et. Seq.), Section 54954.3.(b) states:

The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

Under this provision, so long as the Planning Commission acts fairly with respect to the interest of the public and in accordance with its own adopted procedures, it has great discretion in regulating the time and manner of testimony by interested members of the public. Rule 12.3 of the Rules of Conduct for Business before the County of Yolo Planning Commission state:

**Testimony.** The Chair may limit testimony as follows to facilitate the business of the Commission:

a) Principal Proponent (usually the applicant or his or her agent) – five (5) minute statement;

b) Other proponents – three (3) minute statement;

c) Principal Proponent – three (3) minute rebuttal.

A spokesperson for any group may be permitted five (5) minutes. Subject to the will of a majority of the Commissioners in attendance, the Chair may impose limitations on the number of witnesses heard, and the nature and length of testimony and may direct that a group of
persons having the same or similar views on a matter appoint a spokesperson to address the Commission. The above time limits may be waived or modified by the Chair or by a majority of the Commissioners in attendance.

It should also be noted that the Chair of the Planning Commission granted the speaker an additional three minutes to comment in light of her personal scheduling issue, and that all members of the public were allowed up to three minutes on each of the many topics presented to the Planning Commission at that meeting.

Response 22-56: The speaker indicates that there is no policy in Chapter 8 regarding the maintenance and repair of existing flood control levees. She supports Action HS-A20, but feels that it is inadequate as it also needs to encourage raising the existing levees along Cache Creek, to provide flood protection for the City of Woodland. Staff disagrees with the comment regarding no policies regarding flood control levees. The author is referred to Policy HS-2.2, Actions HS-A6, HS-A15, HS-A16, HS-A19, HS-A20, HS-A21, HS-A23, HS-A29, and HS-A36. Regarding flood protection along lower Cache Creek, please refer to Action HS-A37.

Response 22-57: The speaker states that previous comments regarding the Draft General Plan and Draft EIR were not included in the Planning Commission packet for June 10, 2009. As a result, she believes that she is being singled out for exclusion from the public process. The Planning Commission has been provided with copies of all comments submitted throughout the General Plan update process. For their November 3, 2008, hearing, the Commission had been provided with the speaker’s written comments of September 16, 20, and 21, 2008. The speaker commented extensively at the June 10, 2009, Planning Commission hearing, and at the public hearings before the Board of Supervisors on July 20 and 21, 2009. In addition, the speaker provided 54 pages of comments on June 11 and 12, 2009, which are evaluated in this Response to Comments document. As such, staff believes that the speaker has not been excluded and in fact has been provided with ample opportunity to participate in the public process.

Response 22-58: The speaker references Action HS-A35 and says that the Draft General Plan needs to include a policy to protect agricultural operations from adjoining heavy industrial uses, including emergency evacuation plans. This is especially true for facilities such as Agriform, which contains hazardous materials. She adds that the Federal Emergency Management Agency has stated that heavy industrial companies must provide her with an evacuation plan, which would get visitors and horses at her commercial stable to safety. There are numerous policies that protect agricultural land uses from adjoining urban development. Please see Response 22-11. Staff believes that an additional policy specifying protection against industrial development is unwarranted. It should be noted that the Agriform Farm
Supply Company referred to by the speaker is located within the Woodland city limits and is therefore not under the authority of the Draft General Plan. Action HS-A35 already requires the development of emergency response and evacuation plans by the County Office of Emergency Services.

Response 22-59: The speaker comments on the problems with the process regarding the confusion between the various versions of the Draft General Plan in circulation, and the impacts that it is having on the ability of people to comment. She also reiterates that development is not appropriate within area of extensive flooding on the Covell/Pole Line site. Regarding different versions of the Draft General Plan, please see Master Response No. 1. Regarding flooding and the Covell/Pole Line site, please see Response 7-2.

Response 22-60: The comment summarizes Planning Commission discussion and actions related to Chapter 8 (Health and Safety Element) of the Draft General Plan, as well as the staff presentation regarding Chapter 9 (Housing Element) of the Draft General Plan.

Response 22-61: The speaker expressed confusion regarding the process, particularly with regards to the various versions of the Draft General Plan available. He asked for clarification with regards to whether or not the Planning Commission would be taking action on the Draft EIR. Concerning the different versions of the Draft General Plan, please see Master Response No. 1. The speaker was informed by the Chair of the Planning Commission that action would be considered regarding the DEIR that same day. The Commission recommended that the Board of Supervisors certify the Draft EIR, on June 10, 2009.

Response 22-62: The speaker agreed with the comments made by the speaker in Response 22-54, and noted that the County Planning Commission’s process was very different from the process in the City of Davis. The comments are noted.

Response 22-63: The speaker indicates her opposition to Policy LU-6.11.f, which encourages commercial and mixed uses at the Covell/Pole Line property, as well as coordinated planning with the former Hunt-Wesson site adjoining to the west. The speaker states that the policy is in conflict with the policies of the City of Davis Housing Element steering committee, as well as the City of Davis, particularly with regards to Measure J. She believes that linking the two sites may hinder development plans for the Hunt-Wesson property, as it is not subject to Measure J, while the Covell/Pole Line property is subject. The speaker also indicated that because she did not have an opportunity to state these concerns prior to the Planning Commission’s vote to recommend the Land Use Element, that the decision regarding the Covell/Pole Line property should be reversed.
With regards to concerns expressed about Policy LU-6.11.(f), please see Response 7-4. It should be noted that while there are numerous policies under Goal LU-6 encouraging the County to coordinate with other local jurisdictions, the Draft General Plan is not required to be consistent with the policies of the City of Davis General Plan, or any other locally adopted planning document, nor vice-versa. Concerning the ability of the speaker to provide these comments during the discussion of the Land Use Element, the speaker was provided with three minutes to make her points. What material she chose to present during those three minutes was at her discretion. That she chose not to provide certain information during this time does not affect the Planning Commission’s recommendation. Her comments were made a part of the record, through their inclusion in the Response to Comments document, as a part of the Environmental Impact Report, and will be available to the Board of Supervisors for their final decision on the Draft General Plan, scheduled for November 10, 2009.

Response 22-64: The speaker cites several issues related to the potential for limited water supplies to support future urban growth in Dunnigan and reiterates the Dunnigan Advisory Committee’s request to have a mitigation measure to re-evaluate water availability for the Specific Plan. Please see Response 13-9.

Response 22-65: The comment summarizes Planning Commission discussion and actions related to Chapter 9 (Housing Element) of the Draft General Plan. It also includes a summary of the staff presentation and Planning Commission actions regarding the Draft Environmental Impact Report for the Draft General Plan.

Response 22-66: The comment summarizes the actions taken by the Yolo County Planning Commission on Items 7-11 of the June 10, 2009, Regular Agenda, which were not related to the Draft General Plan or the Draft EIR.
RAINFOREST HOMES, INC.

961 GARCIA AVENUE, SUITE G, PITTSBURG, CA. 94565 (925) 432-0607

Supervisor Michael McGowan, Chair
Yolo County Board of Supervisors
625 Court Street
Woodland, California 95695

June 10, 2009

Re: 70 acres of land owned by John Deterding, Esparto

Dear Supervisor McGowan:

I am writing you to clearly state my opposition to the staff position relating to mitigation measure LU-1c of the Draft EIR in reference to 79 acres of vacant land owned by John Deterding. It is my understanding that staff is seeking to maintain the industrial land use designation despite the Board direction of 2008 and the amount of time and effort that the landowner has placed into development plans as a mixed use land designation.

We have been working with Mr. Deterding for the past year in the development of a proposal for senior housing and a solar energy farm. We were introduced to Mr. Deterding after we presented a senior project conceptual plan to the County in 2008. While we had agreement from the owner, Bill Gilmore, the Esparto Community Advisory Board was concerned that we would have to amend the circulation plan thus causing a request for a General Plan Amendment. By any means a difficult process and one with no certainty. Staff concurred with the General Plan Amendment application and we were forced to seek another location. We did pay a preliminary application fee which could have been avoided had we been told in the beginning of the obstacle. The good that did come out of the initial process was our introduction to Mr. Deterding.

The Esparto Advisory Board and members of the community that we spoke with all were very supportive of the senior project and clearly indicated to us that there was a need in for the type of project we wished to develop.

Mr. Deterding's property offers highway exposure, excellent land use development opportunities for the community and potential job creation. The highway exposure would be a key element of our project, our plan to provide a landscape buffer zone and off highway entrance into the senior community is an ideal fit for this property. We have already hired architects, identified financing options and laid out what we believe will be an asset to the County and in particular Esparto.
We are committed to develop with Mr. Deterding a strong project with strong community support. While the City of Davis is known for its environmental leadership, we will, if approved, build a green project that can be used as an example for other rural counties throughout California.

As to the issue of job creation. Mr. Deterding continues to leave acreage available for compatible rural industrial development. It is our belief that the land that Mr. Deterding is in control of, properties within the east and south perimeters can be utilized as solar energy farms. We have confirmed with Wes Ervin and the Agricultural Commissioner that this is doable and permissible in Yolo County. This can be an exciting potential development in job creation and agricultural industrial recruitment.

To our knowledge the land in question has been for at least two General Plans designated as industrial with little to no activity for development in that time period. We would submit that without the traditional methods of industrial recruitment, i.e., redevelopment or tax incentives the opportunities for family wage jobs are not outstanding. We do believe, however, that the use of solar energy to reduce energy costs anywhere from 10-15% over a twenty-year period can be an attractive incentive for agricultural industrial uses. We have discussed our energy plan with solar investors who concur with our concepts. The overall benefit to the Esparto community and governmental agencies can also be significant using this model.

We would urge you to maintain the current General Plan Land Use designation and reject the staff recommendation. We believe firmly in that when one is prepared for challenges there merely become opportunities. We would like to maintain our schedule to develop a project that Yolo County and Esparto can be proud of.

Thank you for allowing me to share my thoughts.

Sincerely,

[Signature]

George Harris

President, Rainbow Homes, Inc.

c.c. Members Board of Supervisors

Yolo County Planning Commissioners
Response 23-1: The author disagrees with staff’s initial recommendation regarding the designation of 79 acres as Industrial in the Esparto General Plan, located south of State Route 16 and east of County Road 86A. Instead, the author suggests that the 79-acre site should be designated as a mix of uses, including commercial, residential, and light industrial. Staff agrees with the proposed change in designation to mixed uses. Please see Response No. 3-1.
- Goal CO-1, not sure I like the part about appropriate use, since it’s too open to interpretation. Should be tightened up.
- Gateway park in the coast range, figure CO-2, is going to raise some hackles in the ranching community but it’s not anything new.
- Policy CO-1.3 should include something about connecting people to nature/ag or education on importance of open space not just recreation. Recreation seems to be oft repeated. This is one thing associated with open space but not the only important value.
- CO-1.7 not sure what this means exactly—support efforts by willing landowners and non-profits to provide new opportunities for outdoor recreation?
- CO-1.15—connectivity for?? Species in the NCCP? If it’s general needs to be stated. Connectivity is used so widely and often it almost becomes meaningless. Generally connectivity and creating larger blocks of natural habitat are a good thing but even so, it depends on what species you are talking about.
- CO-1.17 thought out of county mitigation was generally unacceptable, not generally acceptable as the policy states. This should read as out-of-county mitigation should be discouraged unless projects meet the following criteria...
- CO-1.18 why does Tuleyome get called out here? They are part of BRBNA.
- CO-1.19 what is “...and incorporating the Great Central Valley initiative to create an agricultural heritage park.”?
- 1.20 should read Bureau of Land Management or Department of the Interior. The Bureau of the Interior sounds like an interior landscaping department. What would the county do with DQ and why would they want it to transfer to the county given budget crisis now and in the future? What does this have to do with open space?
- 1.21 Although I understand the theory that the county thinks a legal OHV park will reduce illegal OHV use I still don’t think any OHV park should ever be developed—they are destructive to any land type and any use is going to lead to trespass and abuse on neighboring lands. This has been shown time and again on many OHV parks throughout the state. I suggest David or Heidi read “Off Road to Ruin” at http://www.eatwild.org/pdfs/ORV_report.pdf. Furthermore encouraging fossil fuel based recreation just does not jibe with the other climate change and less impacting recreation the county is encouraging elsewhere.
- 1.22 landscaping is not the correct word here, should be restoration.
- 1.26 curious why a California Indian Heritage center would be located in West Sac? Why not Woodland or Capay Valley?
- 1.27 support improved access for bank fishing but educate and provide signage about garbage, leaving waste fishing line and lures, otherwise do not create improved access b/c it leads to garbage left by irresponsible users.
- 1.28--nice (support relocation of governor’s mansion to Yolo County)
- CO-A10 open space tax should include all land protection not just county resource parks.
- CO-A11 and A12 creating more boat launches along riparian areas is not good policy for protection of open space and natural areas, esp. not motorized boat launches.
- Pg CO-20 last paragraph second sentence talks about hibernating animals. We don’t have many, if any, species in this area for which hibernation is an issue. Might be better to put timing of migration, reproduction and/or estivation or other natural processes rather than hibernation.
- Sentence on CO-27 is repetitive. “Prairie grasslands provide important habitat for small rodents, ground-nesting birds, and a variety of reptiles and burrowing mammals, and are important foraging habitat for birds and mammal species.” Last part of sentence can be deleted.
- Pg CO-28 first paragraph under section C second sentence—shouldn’t the table list all, not “most” listed species?
• Same paragraph bald eagle should not be capitalized (or capitalize if fully then capitalize golden eagle). Below under bald and golden eagle act both species names are capitalized—should be consistent.
• CO-31 Safe harbor is administered by Audubon California Landowner Stewardship Program. Some point in this section should mention the RCD’s permit coordination program.
• CO-2.9 what does “Protect riparian areas to maintain and balance wildlife values.” mean?
• CO-2.12. Fire for oak recruitment is dubious. Maybe infrequent fire, 10-20 year + intervals, but more frequent would discourage recruitment. More emphasis needs to be placed here on returning fire as a natural ecosystem process and to encourage recruitment of fire adapted natives and knocking down weeds (that are not fire adapted).
• Reword 2.13 as follows: Promote the use of oak woodlands conservation banks to mitigate for development impacts and provide carbon sequestration for greenhouse gas emissions under the State Climate Action Reserve. There’s no state carbon credit program as stated although there’s a proposed cap and trade program.
• CO 2.14 wording is confusing. 10 acres is too much. Possible to reduce to 5? Where does the number 10 come from anyway? Needs to be justified if county is unwilling to change it.
• CO 2.17 winter flooding of rice fields not just any field. Need to expand on “berms” what kind of berms? Widening the watercourse? Should say watercourses or specify which watercourses.
• CO-2.20 restricting mowing during nesting season is good in concept but may need exceptions when mowing is needed during spring to control non-native weeds. Some weeds, such as medusahead and goatgrass, may be more detrimental to grassland bird species than an occasional mowing, fire or other types of control as long as they are done judiciously and in such a way to still allow successful nesting for this guild.
• CO 2.22. Prohibiting development within a minimum 100 feet from the top of banks is not enough and such a width cannot be applied to all riparian systems given differences in vegetation, soil, slope, stream order, roughness, etc. If a single number has to be applied why not make it 300’ in a development given surrounding impermeable land use, more people and houses? Even that may not be enough esp. the closer you get to the bypass or Sac River.
• CO 2.25 e.g. needs to have a comma after it. Check throughout doc.
• CO 2.38 prior to implementation of what?
• CO-2.44 use of acronym CTS should be avoided
• CO-A25 and 26 use of acronyms for NHP is inconsistent—suggest avoiding any acronyms
• CO-A27 change wording to “…and establish buffers…” Lots of grammatical errors throughout such as this
• CO-A28 “… damage by animals, people and insects
• CO-A30 this program already exists, albeit through multiple organizations. Why not change wording to “support existing programs…”
• CO-A31 ordering of bullets is strange here. Vernal pools are somewhat of an unusual feature in and of themselves so “unusual features” as a criteria for VP preservation is odd—should be removed
• Climate change section needs to incorporate and/or cross reference habitat protection/restoration and agriculture role in mitigating climate change and increasing ecosystem services such as carbon sequestration.

EIR comments
• Didn’t really have time to read through the EIR thoroughly but here are some general comments
• In the Global Climate Change section page 360 following is mentioned: “…build-out urban and other land uses will occupy 12 percent of the land and generate 59 percent of the GHGs.” If development produces 59% of future GHG’s developers must mitigate for that, preferably by purchasing in-county carbon credits or helping fund easements, land protection and restoration that guarantees carbon
sequestration such as wetlands, oak woodlands. This would be in addition to mitigation required for destruction of habitat for listed species.

- In GCC-1 the EIR states that “While implementation of the policies and actions included in the Draft General Plan would reduce the severity of the impact on global climate change, no additional mitigation measures are available to reduce this impact to a less-than-significant level. This impact is considered significant and unavoidable.” This is unacceptable and not unavoidable to some extent. See previous bullet.

- There has to be some kind of incentives for motor vehicle drivers and agricultural operators to reduce emissions. County doesn’t have to encourage this but certainly staff can be on the look out for federal, state, stimulus, incentive $’s to be made available to help ease transition here, esp. for small businesses that might be hit hard in a cap and trade system and be required to change vehicles but may need assistance or tax breaks.

- Some minor thing in the EIR biological section. P 559 Yerba Santa is not an understory species. P 560 no mention of remnant stands of native grasses or forbs.

- P 613 states Impact BIO-1: Build-out of the Draft General Plan may result in loss or destruction of riparian habitats and the wildlife and plants that depend on those habitats. If this is the case plans for build out must provide large enough buffers in or avoid riparian areas to ensure their viability. There is a good bio resource assessment suggested, but perhaps the county could step up and say no net loss of riparian given the projected 217 acre impact. Mitigation may no longer be enough given 95-97% loss of riparian areas in the Central Valley.

- Impact BIO-2. Jury’s out on vernal pool restoration. Perhaps development in and around vernal pools should be prohibited. And why would any development in wetlands/floodplain be allowed anyway?

- Similar comments for oak woodlands, reduction of wildlife habitat and adverse effects on special status species although oak woodlands, for instance are not as imperiled as riparian habitat. I still have an issue with the arbitrary 10 acre trigger policy for oaks.

- The GP or EIR never mention non-listed species whose populations may be declining. It may be worth mentioning, not regulating, that these populations need to be carefully monitored and actions may need to be taken to prevent them from being listed in the future, esp. those that are declining but not yet listed.
Letter 24  
Vance Russell  
June 10, 2009  

Response 24-1: The author suggests that the language in Goal CO-1, specifically the “appropriate use” of natural resources, is subject to interpretation. The goals in a General Plan provide policy and implementation guidance over a wide range of possible situations. The appropriate use of water, for example, may include municipal use for towns or cities, agricultural use for irrigation, environmental use for habitats and species, and/or recreational use. As the author does not provide any suggested language to address his concern, the comment is noted.

Response 24-2: The author notes that Figure CO-2: “Future Parks and Trails” includes a proposed gateway park in the western foothills, and indicates that it will be controversial among some ranchers. Staff notes that although the Draft General Plan’s support for a future trail along the Blue Ridge has received a number of letters opposing the concept, there has been little to no concern expressed about a gateway park in the Capay Hills. In any event, the establishment of any park in this location would occur only after extensive planning and public outreach, which would allow for resolution of landowner concerns.

Response 24-3: The author suggests that recreation is frequently mentioned in the policies under Goal CO-1, but that open space has other values, including education about nature, agriculture, and the importance of maintaining open space. Staff agrees, and interprets recreation to include educational activities. In this regard, many county recreational facilities have successfully incorporated educational programs into their operation. Also, staff refers the author to Action CO-A17, which states:

In order to strengthen an appreciation of natural resource values, local place, and identity, include educational programs, materials, and signs in resource parks that address water, geology, plants, animals, events, and people.

Response 24-4: The author asks the intent of Policy CO-1.7, which supports efforts by willing landowners and non-profit groups to provide new opportunities for outdoor recreation. This policy recognizes that the appreciation for and access to open space is not limited to the County and/or other governmental entities. Groups like Putah Creek Council, Cache Creek Conservancy, Tuleyome, and the Yolo Basin Foundation have been invaluable in expanding the public’s access to open space. Similarly, there are a number of landowners, such as Yolo Cattle Company, various
commercial horse stables, recreational vehicle parks, and others who offer private sector alternatives for outdoor recreation. The Draft General Plan supports all such efforts to enhance the public’s appreciation for open space through education and recreation.

Response 24-5: The author asks what the purpose is of connectivity in Policy CO-1.15. He notes that connectivity is only of value for some species, and would like clarification as to whether it is used here in a general or specific sense. The use of the word “connectivity” is used in Policy CO-1.15 in the general sense. It is not specific to any one species.

Response 24-6: The author suggests that Policy CO-1.17 be revised so that out-of-county mitigation is discouraged unless certain criteria are met. Staff agrees and recommends that Policy CO-1.17 be revised as follows: “Out-of-county mitigation easements in Yolo County for the loss of open space, agriculture, or habitat in other jurisdictions, and flood easements in Yolo County are not acceptable, provided the easements unless the project meets all of the following criteria:…” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-7: The author asks why the Tuleyome organization is mentioned specifically in Policy CO-1.18, as they are part of the Blue Ridge Berryessa Natural Area (BRNBA) which is also referenced. Staff agrees and recommended that Policy CO-1,181 be revised to delete the reference to Tuleyome as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-8: The author also asks what is meant in Policy CO-1.19, with regards to the Great Central Valley Initiative and an agricultural heritage park. The policy refers to the Central Valley Vision, an initiative undertaken by the State Parks Department targeting the Sacramento and San Joaquin Valleys, as well as the Delta, to acquire and develop new park lands to meet an underserved and rapidly growing population within the state. One of the areas in which the Central Valley Vision intends to focus is agricultural heritage to preserve and showcase this region’s history and contributions. It should be noted that Policy CO-1.19 was revised to delete the phrase “the Great Central Valley initiative to create” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-9: The author indicates that the reference in Policy CO-1.20 should read either Bureau of Land Management or Department of Interior, not the
Bureau of the Interior. Staff agrees and recommended that Policy CO-1.20 be revised to refer to the Department of the Interior as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-10: The author opposes the Draft General Plan’s support for an off-road vehicle park in Policy CO-1.21, indicating that they are destructive of the environment and create problems on adjoining properties. Staff supports a full analysis of potential environmental impacts during the review process for any site-specific proposal. The author’s concerns, if validated, could serve as a basis for denial of an off-road vehicle park at the conclusion of that review process. But this debate does not need to resolved in the General Plan or its EIR. The Draft General Plan is intended to address the broad and diverse needs of the public that are reasonably foreseeable at the time of its preparation, and this certainly includes the recreational use of off-road vehicles in the unincorporated area. The author’s opposition is noted.

Response 24-11: The author suggests that the word “landscaping” in Policy CO-1.22 be replaced with “restoration.” Staff agrees and recommended that Policy CO-1.22 be revised to replace the word “landscaping” with “restoration” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-12: The author asks why the California Indian Heritage Center (CIHC) is proposed to be located in West Sacramento, instead of Woodland or Capay. This will be a State facility within the California State Parks system, to replace the State Indian Museum currently located next to Sutter’s Fort in Sacramento. The committee that made the site selection based it on several criteria that were developed through a lengthy review process among many Tribal entities from throughout the State, as described in the October, 2003, letter released by the CIHC Task Force. Neither Woodland nor Capay would have qualified under the required criteria. Staff is proud to have this pre-eminent facility located within Yolo County.

Response 24-13: The author supports Policy CO-1.27, regarding bank fishing, but suggests that there needs to be language requiring signage and programs to educate the public about the need to reduce garbage, including lures, lines, etc. Staff believes that this issue is addressed in Action CO-A17, which states: “In order to strengthen an appreciation of natural resource values, local place, and identity, include educational programs, materials, and signs in resource parks that address water, geology, plants, animals, events, and people.” No further change is required.
Response 24-14: Staff appreciates the author’s support for Policy CO-1.28, which recommends moving the California Governor’s mansion to Yolo County.

Response 24-15: The author suggests that Action CO-A10 should expand the countywide parcel tax to include all land protection and not just County resource parks. The author is referred to Actions CC-A12 and CC-A23 for additional examples of countywide revenue programs to protect land.

Response 24-16: The author suggests that Actions CO-A11 and CO-A12 would create more boat launches along riparian areas, and opposes the concept as motorized boats are detrimental to the protection of open space and natural areas. It is not the intention of either Action to support or oppose the creation of new boat launches. They simply refer to the need to provide recreational opportunities along major waterways and to cluster any developed facilities in such a manner as to minimize the impact on habitat. Due to their seasonal nature, it is unlikely that either Cache or Putah Creeks would have significant motorized boat activity. Rafting, however, is particularly popular on the upper portion of Cache Creek. The Sacramento River currently has three County-managed (State owned) boat launch facilities at Knights Landing, Elkhorn, and Clarksburg. A fourth launch is located within the City of West Sacramento. As the regional population increases over the 20-year timeframe of the Draft General Plan, it is likely that additional facilities, either public launches or private marinas, will be needed. As noted in Response 24-10, the Draft General Plan is intended to address the broad and diverse needs of the public. The author’s opposition is noted.

Response 24-17: The speaker references the last paragraph on page CO-20 of the Draft General Plan and says that there are few species in Yolo County for which hibernation is an issue. He suggests instead that the paragraph be revised to refer to timing of migration, reproduction and/or estivation, and other natural processes. Staff agrees and recommended that page CO-20 be revised to substitute “migration, reproduction and/or estivation” for “hibernation” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-18: The author indicates that a sentence on page CO-27 is repetitive: “Prairie grasslands provide important habitat for small rodents, ground nesting birds, and a variety of reptiles and burrowing mammals, and are important foraging habitat for bird and mammal species.” He suggests that the last clause be deleted. Staff agrees and recommended that page CO-27 be revised to delete the phrase as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The
Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-19: The author references page CO-28 of the Draft General Plan and suggests that the second sentence in Section C be revised to indicate that the table lists “all,” not “most” listed species. Staff agrees and recommended that Policy AG-3.1 be revised to delete “All” and replace it with “These” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-20: The author suggests that “bald eagle” and “golden eagle” should not be capitalized and that this be done consistently throughout the document. Staff agrees and recommended that page CO-28 be revised to make “bald eagle” and “golden eagle” lower case font as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-21: The author references page CO-31 in the Draft General Plan and indicates that the safe harbor program is administered by the Audubon California Landowner Stewardship Program. He suggests that this section also mention the Yolo County Resource Conservation District permit coordination program. Staff agrees and recommended that page CO-31 be revised to add the following sentence: “This program is administered by the Audubon California Landowner Stewardship Program.” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-22: The author asks what Policy CO-2.9 means when it refers to: “Protect riparian areas to maintain and balance wildlife values.” Riparian areas are home to a great number of species with different needs. For instance, flooding may be beneficial to some migratory fish species, depending upon the timing of the flood, but could deprive bird species of forage and/or garter snakes of burrows. The purpose of this policy is for the County to take a wide range of potential effects into consideration when looking at the management of riparian areas.

Response 24-23: The author expresses skepticism about Policy CO-2.12, with regards to the benefits of fire recruitment for oak trees. The author instead suggests that the policy emphasize fire as a natural ecosystem process and encourage the recruitment of fire-adapted native plant species. Staff agrees. The Draft General Plan recommended to the Board of Supervisors by staff on July 20, 2009, included the following revision to Policy Co-2.12. The new
policy was accepted by the Board of Supervisors in Minute Order 09-143, on July 21, 2009.

Policy CO-2.12 Support the use of controlled fire management where feasible and appropriate as a natural ecosystem process, to reduce the threat of catastrophic wildfire, to encourage oak recruitment, and to meet other resources management objectives in higher elevation woodland and chaparral communities.

Response 24-24: The author suggests revising Policy CO-2.13 as follows: “Promote the use of oak woodlands conservation banks to mitigate for development impacts and provide carbon sequestration for greenhouse gas emissions under the State Climate Action Reserve.” The author also states that there is no state carbon credit program. Staff agrees with the author’s intent, but has modified the wording to clarify the policy. The Draft General Plan recommended to the Board of Supervisors by staff on July 20, 2009, included the following revision to Policy CO-2.13. The revised policy was accepted by the Board of Supervisors in Minute Order 09-143, on July 21, 2009.

Policy CO-2.13 Promote the use of oak woodlands conservation banks to mitigate for both losses due to development impacts and to provide carbon sequestration for greenhouse gas emissions under the proposed applicable State carbon credit programs.

Response 24-25: The author suggests that the wording of Policy CO-2.14 is confusing. He also believes that allowing for 10 acres of oak woodland removal is too much. The author asks what the justification is for a 10 acre exception and suggests that five acres would be more appropriate. The author appears to misunderstand the policy. Policy CO-2.14 does not allow for the loss of 10 acres of oak woodland. It allows for limited losses of oak trees in small isolated groves, but not to the extent that forests of 10 acres or more are fragmented. Even then, the policy clearly requires that any lost trees be mitigated. The County’s commitment to oak woodlands is found throughout the Draft General Plan, as evidenced by Policies and Actions CC-1.5, CC-1.15, CC-1.17, CO-2.2, CO-2.3, CO-2.16, CO-A25, CO-A26, CO-A27, CO-A28, CO-A29, and others.

Response 24-26: The author references Policy CO-2.17, and suggests that it be made more specific to rice fields, instead of any agricultural field. He also suggests that the term “berms” be discussed to explain what kinds of berms are intended in this policy. The author also suggests that “watercourse” be replaced with “watercourses.” Staff disagrees. Although rice is the most frequently type of crop grown during flooded conditions (pasture is another example), flooding at other times of the year can provide important benefits to wildlife. In particular, fallow, safflower, and grain fields (such as barley) that are flooded after harvest provide valuable habitat for
migratory waterfowl. With regards to berms, they can provide cover and forage for ground-nesting birds, as well as connective corridors between extant habitat. Staff agrees with the proposed correction to the last bullet under Policy Co-2.17, which will be revised as follows:

- Widening watercourses, including the use of setback levees.

Response 24-27:

Staff appreciates the author’s support of Policy CO-2.20, with regards to restrictions on mowing during the nesting season. The author also suggests that an exception may need to be included to control non-native weeds. The policy referenced states: “Encourage the use of wildlife-friendly Best Management Practices to minimize unintentional killing of wildlife, such as…” As these are only practices to be encouraged, and are not intended to be explicit, further revision to address non-native weeds is not required.

Response 24-28:

The author disagrees with Policy CO-2.22, which establishes a minimum 100-foot setback for all new development from the top of bank for any riparian area. He states that it is not uniformly applicable due to varieties of soil, slope, vegetation, stream conditions, etc. He suggests instead that the number be increased to 300 feet, and that even larger setbacks may be required for the Yolo Bypass and Sacramento River. Staff disagrees. A 100-foot riparian setback is a tool commonly used throughout California and is a generally accepted practice in jurisdictions nationwide. The author indicates that a 100-foot setback is too inflexible to address site-specific conditions, but then recommends a 300-foot setback which would similarly be inapplicable to varied conditions. He offers no citations or other support for increasing the riparian setback to 300 feet.

The suggestion of a 1,000 foot setback from the Yolo Bypass and/or Sacramento River is particularly problematic. Such a limit on new construction would essentially prohibit new development in Clarksburg, much of Knights Landing (including the proposed Specific Plan area), and would nearly eliminate the proposed Elkhorn Specific Plan area. Again, no citations or support for the 1,000-foot buffer is offered by the author.

However, staff generally agrees that larger buffers provide generally greater water quality, flood control, and wildlife benefits. Consequently, the Draft General Plan recommended to the Board of Supervisors by staff on July 20, 2009, included a revision to Policy CO-2.22, which added the following second sentence: “A larger buffer is preferred.” The revised policy was accepted by the Board of Supervisors in Minute Order 09-143, on July 21, 2009.

Response 24-29:

The author suggests that CO-2.25 needs to have a comma inserted after e.g., and that similar grammatical errors occur throughout the document. Staff agrees and has made the change wherever appropriate.
Response 24-30: The author references Policy CO-2.38 and asks what action would follow its implementation. Staff agrees and recommended that Policy CO-2.38 be revised as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009, as follows:

Where applicable in riparian areas, ensure that required state and federal permits/approvals are secured prior to implementation development of approved projects.

Response 24-31: The author suggests avoiding the use of the undefined acronym CTS in Policy CO-2.44. Staff agrees and recommended that Policy CO-2.44 be revised to define the acronym CTS (California tiger salamander) as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-32: The author states that the use of the acronym NHP (Natural Heritage Program) in Actions CO-A25 and CO-A26 is inconsistent. He suggests avoiding any acronyms in the document. Staff agrees with the first comment and has deleted the words “…with the NHP…” from Action CO-A25. Although eliminating the use of all acronyms throughout the document would likely improve clarity, the use of acronyms has been a regular and increasingly used tool of government operations for the past 75 years. To assist the reader, the Draft General Plan includes a glossary of common acronyms beginning on page AB-1.

Response 24-33: The author suggests revising Action CO-A27 to read: “…and establish buffers…” He also notes that there are numerous grammatical errors throughout the document. Staff agrees and recommended that Action CO-A27 be revised to substitute “establish” for “establishment” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009. The comment regarding grammatical errors is noted. Staff has done its utmost to correct grammatical, punctuation, and other written errors wherever discovered as part of the Final 2030 General Plan.

Response 24-34: The author suggests revising Action CO-A28 to include: “…damage by animals, people, and insects.” Staff agrees and recommended that Action CO-A28 be revised to add “insects” as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.
Response 24-35: The author suggests revising Action CO-A30 to read: “support existing programs…” Staff agrees and recommended that Action CO-A30 be revised as follows: Develop a program to encourage landowners to participate in programs that restore degraded creek resources by: …as part of Attachment F, in its recommendations to the Board of Supervisors on July 19, 2009. The Board accepted the recommendation and directed it to be included in the Final 2030 General Plan for consideration, on July 20, 2009.

Response 24-36: The author believes that the order of the bulleted items in Action CO-A31 is strange, and suggests that “unusual features” be deleted from the list as redundant. Staff notes that the sequence of the listed bullets does not imply any priority, and that the order of their presentation is not significant. Staff agrees with the author that vernal pools in general are unusual features, but also acknowledges that there is a range of variability within vernal pools that warrant retaining the proposed criterion.

Response 24-37: The author suggests that the section on Climate Change discuss the role that habitat protection and restoration, as well as agriculture, plays in mitigating climate change and providing carbon sequestration. The author is referred to pages 356-360 of the Draft Environmental Impact Report (EIR). As noted on Table IV.F-2 of the Draft EIR, agriculture accounts for nearly 47 percent of all existing greenhouse gas emissions within the unincorporated area of Yolo County. Even when the four cities are included, agriculture still accounts for more than 31 percent of all existing greenhouse gas emissions. The net impact of habitat on greenhouse gas emissions is more difficult to determine, as indicated on page 358 of the Draft EIR. Although forests and similar long-term growth tends to sequester carbon, wetlands in particular tend to be net sources of additional greenhouse gas emissions. Page 358 of the Draft Environmental Impact Report (EIR) indicates that the impact of wetlands on carbon sequestration is not clearly understood. Any carbon sink created may be more than offset by associated methane emissions, resulting in a net increase in greenhouse gas. In fact, wetlands are estimated by the U.S. Environmental Protection Agency to generate one million metric tons of equivalent CO₂ annually.

Response 24-38: The author suggests that developers be required to mitigate for the estimated 59 percent of greenhouse gas emissions that they will generate under the full build-out of the Draft General Plan in 2030. This would be done by purchasing carbon credits, or by funding easements and/or restoration projects that result in carbon sequestration, such as wetlands or oak woodlands. Staff agrees and is recommending a new Action, as a part of the Final Environmental Impact Report (EIR), to require greenhouse gas reductions for all non-exempt projects until such time as a Climate Action Plan (CAP) is in place. As required in Action CO-A115, the CAP will
provide emission reduction targets and specific strategies for achieving the required targets. The new Action is as follows:

Action CO-A115.1 In the interim until the GHG Emissions Reduction Plan/Climate Action Plan is in effect, the following significance thresholds shall be used for project analysis:

• Projects consistent with the General Plan and otherwise exempt under CEQA – Assumed to be de minimus.

• Projects consistent with the General Plan and subject to CEQA – Net zero threshold to be achieved by the applicant as follows:
  - Apply practical and reasonable design components and operational protocols to reduce project GHG emissions to the lowest feasible levels;
  - Use verifiable offsets to achieve remaining GHG reductions. To the greatest feasible extent, offsets shall be: locally based, project relevant, and consistent with other long term goals of the County. (Policy CO-8.9)

Responsibility: Planning and Public Works Department; Parks and Resources Department
Timeframe: Ongoing

Response 24-39: The author disagrees with the conclusion of a significant and unavoidable impact for Impact GCC-1, concerning global climate change. He indicates that the conclusion is unacceptable, as the impact can be avoided by requiring urban development to mitigate in a manner that fully offsets the impact through credits or restoration that results in carbon sequestration. The author also cites Comment 24-38. The impacts to greenhouse gas emissions are described in pages 358-362 of the Draft Environmental Impact Report (EIR). Staff disagrees with the author, as the purchase of carbon credits or similar offsets for new urban development does not reduce the amount of greenhouse gas emissions that would be increased as a result of the Draft General Plan’s implementation. Preserving an existing forest to offset additional tons of emissions still leaves a net increase in greenhouse gas. In addition, the long-term effects of carbon sequestration remain unclear, as indicated on page 358 of the Draft EIR. Moreover, 41 percent of the greenhouse gas emissions in 2030 would be attributed to agriculture and would not be offset by a strategy focusing on urban development. Credits or offsets represent reasonable mitigation measures that must be considered under the California Environmental Quality Act (CEQA), but they do not reduce the overall impact, which remains significant and unavoidable. Please see Response 24-38.
Response 24-40: The author suggests the use of incentives for vehicle drivers and agricultural operators to reduce greenhouse gas emissions, especially for small businesses to assist them with the new requirements. Staff agrees and refers the author to Policies CC-4.9, AG-2.14, ED-5.1, and ED-5.2, as well as Actions CC-A27, AG-A4, AG-A10, ED-A26, and ED-A31.

Response 24-41: The author notes that on page 559 of the Draft EIR, Yerba Santa should not be referred to as an under-story species. On page 560 of the Draft EIR, there is no mention of remnant stands of native grasses or forbs. Yerba Santa is a shrub occurring in grasslands and oak woodlands and should appropriately be identified as part of the shrub layer of these communities. Native grasses were noted as occurring at the Yolo County Grassland Park. Remnant stands of native grasses and native forbs may also occur at other locations in the County.

Response 24-42: The author expresses concern over the loss of riparian habitats in the County and the wildlife and plants that depend on these habitats. As noted in the Draft EIR, the Draft General Plan contains numerous policies that protect riparian habitats and their associated wildlife and plants (see subsection (1) of the impacts analysis, Adverse Effect on Riparian Habitats starting on page 610). In addition, the Draft EIR identifies measures that should be included in the biological resource assessment required by Policy CC-4.11, which establishes the site specific information needed to submit a planning application. The comment suggesting a policy to require no net loss of riparian areas is noted.

Response 24-43: The author references Impact BIO-2 in the Draft EIR, regarding the potential loss or destruction of wetlands and vernal pools, as well as the wildlife that depend on these habitats. He indicates that the success of vernal pool restoration has not yet been established, and recommends that development in and around vernal pools be prohibited. The author also suggests that development be prohibited within the floodplain.

Vernal pool restoration that is implemented and monitored appropriately does successfully provide many of the functions and values of natural vernal pools including providing habitat for native plants and animals. Vernal pool creation and restoration is particularly appropriate for mitigating impacts to low quality pools that may be severely degraded and low quality seasonal wetlands that support few vernal pool species. In these cases, the properly created and monitored vernal pools provide superior habitat values to the low quality wetlands. High quality vernal pools and playa pools that have long geologic history are most appropriately avoided as it is difficult to recreate the complex functions and values of such pools. These types of vernal pools would be identified early on as part of the environmental review as required under Mitigation Measure LU-2b. The appropriateness of mitigation or avoidance would then be assessed based on the quality of the habitats present.
Although development on wetlands and floodplains may often be avoided, there are legitimate reasons that development may occur in these areas. As described in subsection 2 of the Draft EIR impact analysis - Impacts to Wetlands and Vernal Pools, starting on page 617, the Draft General Plan contains numerous policies that seek to avoid development in such areas or to mitigate those impacts fully. Examples of projects that may appropriately or necessarily be constructed or operated in wetlands or floodplains include infrastructure projects such as road widening and bridge construction or retrofit, operation and maintenance of existing facilities such as pumps and docks, habitat restoration activities such as levee construction or repair and construction of water control structures to control the hydrology of features, and construction of structures that serve agricultural operations. Also, see Response 7-2.

Response 24-44: The author expresses concern for impacts to oak woodlands and the reduction of wildlife habitat. The author also notes a concern for the policy that sets the limit for avoiding fragmentation of oak woodlands to tracts of 10 acres or larger. Like other sensitive habitats in the County, the Draft General Plan contains numerous policies that preserve oak woodlands and the plants and animals that inhabit this habitat. The policies are identified and their applicability to preserving oak woodlands is discussed in the subsection 3 of the Impact Analysis, Impacts to Oak Woodlands starting on page 619. In addition to the policies and actions written into the Draft General Plan, the Draft EIR also includes revisions to policies to Mitigation Measure BIO-3 that requires mitigation for impacts to oak woodlands regardless of tract size. The 10-acre trigger that is referred to is the size of tracts that projects must avoid fragmenting the forest, but even smaller areas require mitigation for impacts to this community as specified in Mitigation Measure BIO-3.

Response 24-45: The author expresses concern over the non-listed species that may decline and is concerned that the Draft General Plan and Draft EIR do not address such species. The Draft EIR contains Subsection 1.c - Special-status Plant and Wildlife Species, starting on page 565, which includes both listed and non-listed species that may be declining. The policies in the Draft General Plan related to preserving special-status species and their habitats are identified and their applicability to preserving such species are discussed in Subsection 5 of the Impact Analysis - Impacts to Special-Status Species, starting on page 626. Impact BIO-5 specifically addresses impacts to these species and the need to avoid and mitigate impacts to these species and their habitats.