

BOARD OF SUPERVISORS

AGENDA

Meetings are located at:
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8th Street, Marysville and www.co.yuba.ca.us. Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

MAY 1, 2012

1:00 P.M. YUBA COUNTY WATER AGENCY CANCELLED

3:30 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

6:00 P.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.

I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Griego

II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker

III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

A. Clerk of the Board of Supervisors

1. Approve minutes of the regular meeting of April 17, 2012. (158-12)

B. Community Development and Services

1. Approve amendment to agreement with Yuba Sutter Training Zone to continue aquatic recreation services for summer 2012 and authorize the Chairman to execute same. (159-12)

IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

V. **COUNTY DEPARTMENTS**

A. Board of Supervisors

1. Appoint a Board and public member to the Marysville Redevelopment Agency Oversight Board and take action as appropriate. (160-12)

VI. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

A. Ordinance - Hold public hearing, waive reading, and adopt ordinance adding Chapter 7.40 addressing marijuana cultivation as a public nuisance to the Yuba County Ordinance Code. (Second reading) (Continued from April 17, 2012) (15 minute estimate) (137-12)

VII. **CORRESPONDENCE** - (161-12)

- A. Letter from Sutter-Yuba Substance Abuse Advisory Board regarding support for a local fee to fund enforcement and compliance checks to reduce underage access to tobacco.
- B. Notice from Planning Department advising of scoping meeting May 16, 2012, 6:00 p.m. in Board Chambers regarding preparation of draft environmental impact report/assessment for Recology's Conditional Use Permit.
- C. Letter from Yuba County Clerk/Recorder Registrar of Voters advising of opportunities for observation of the election processes and procedures associated with the June 5, 2012 Presidential Primary Election.

VIII. **BOARD AND STAFF MEMBERS' REPORTS:** This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

IX. **ADJOURN**

NO COMMITTEE MEETINGS

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting.

To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors at (530) 749-7510.

PUBLIC INFORMATION

PUBLIC COMMUNICATIONS: Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Board, provided that no action shall be taken unless otherwise authorized by law. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.

AGENDA ITEMS: The opportunity of the public to be heard on an item shall be provided during the consideration of that item. In the interest of time, the Board has limited the length of such comment or input on each item to 15 minutes total, with a limit of no more than 5 minutes per person or group. The period for public comments on a particular item may be extended upon a majority vote of the Board. These time limits do not apply to applicants appearing before the Board on behalf of their applications.

ACTION ITEMS: All items on the Agenda under the headings "Consent," "County Departments," Ordinances and Public Hearings," "Items of Public Interest," and "Closed Session," or any of them, are items on which the Board may take any action at this meetings.

PUBLIC HEARINGS: All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Board has limited each person or group input to no more than 3 minutes. Any person or group may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

ORDINANCES: Ordinances shall not be passed within five days of their introductions, nor at other than a regular meeting or at an adjourned regular meeting. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings. Passage of ordinances will be held at second readings, after reading the title, further reading is waived and adoption of the ordinance is made by majority vote. An urgency ordinance may be passed immediately upon introduction. The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading.

INFORMATIONAL CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

SCHEDULED LUNCH BREAK: Between the hours of 12:00 noon and 1:00 p.m. and at the discretion of the Chair, the Board will recess one hour for lunch.

SPECIAL MEETINGS: No public comment shall be allowed during special meetings of the Board of Supervisors, except for items duly noticed on the agenda.

PUBLIC INFORMATION: Copies of §6.7 shall be posted along with agendas.

End



CONSENT

AGENDA

THIS PAGE INTENTIONALLY LEFT BLANK

The County of Yuba

BOARD OF SUPERVISORS



APRIL 17, 2012 – MINUTES

The Honorable Board of Supervisors of the County of Yuba met in special session on the above date, commencing at 9:30 a.m., within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Roger Abe, and Hal Stocker. Mary Jane Griego was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Clerk of the Board of Supervisors Donna Stottlemeyer. Chairman Stocker presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Vasquez
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve MOVED: Mary Jane Griego SECOND: John Nicoletti
 AYES: John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker
 NOES: None ABSENT: None ABSTAIN: None

A. Administrative Services

1. Approve renewal of Off-Airport Operator agreement and use permit between with Young Family Living Trust and authorize the Chairman to execute same. (116-12) Approved.
2. Approve lease agreements with Gordon Murdoff for Airport Ground Lease Site No. 5 Aircraft Hangars No. 4 and 6 and authorize the Chairman to execute same. (117-12) Pulled from agenda at the request of department.

B. Agricultural Commissioner

1. Adopt resolution authorizing specific agreements, cooperative agreement, grants and memorandums of understanding to be executed by Agricultural Commissioner. (Protective Inspection Committee recommends approval) (118-12) Adopted Resolution No. 2012-25, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION AUTHORIZING THE AGRICULTURAL COMMISSIONER TO EXECUTE CERTAIN CONTRACTS, AGREEMENTS, COOPERATIVE AGREEMENTS, GRANTS, MEMORANDUM OF UNDERSTANDINGS FOR FISCAL YEAR 2012/2013 OR MULTI YEAR AS LISTED BELOW."
2. Approve agreement with Applied Forest Management Inc. for Yuba Watershed Protection and Fire Safe Council activities and authorize the Chairman to execute same. (Protective Inspection Committee recommends approval) (119-12) Approved.

3. Approve Title III Projects from Secure Rural Schools and Community Self Determination Act of 2000 for Fiscal Years 2012-2013 and 2013-2014 as Priority 1/Fire Safe Council Education and Outreach Coordinator \$40,000 and Priority 2/Roadside Clearing \$5,000 per fiscal year. (Protective Inspection Committee recommends approval) (120-12) Approved.

C. Auditor-Controller

1. Authorize Budget Transfer in the amount of \$10,000 from Account No. 101-0400-412-23.00 (Professional Services) to various accounts to cover shortfalls. (121-12) Approved.

D. Clerk of the Board of Supervisors

1. Appoint Gloria Rodriguez and Joginder Sekhon to the First Five Yuba Commission for terms to end April 28, 2014 and April 27, 2015 respectively. (122-12) Approved.
2. Approve minutes for meetings of March 27 and April 3, 2012. (123-12) Approved as written.

E. Community Development and Services

1. Approve plans, specifications, and authorize advertisement for bids for Woodruff Lane Hazard Elimination Safety Project and authorize the Chairman to execute same. (124-12) Approved.
2. Adopt resolution declaring intention to levy and collect assessments within Gledhill Landscaping and Lighting District for Fiscal Year 2012/2013. (125-12) Adopted Resolution No. 2012-26, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION TO ADOPT ENGINEER'S REPORT AND DECLARE INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN GLEDHILL LANDSCAPING AND LIGHTING DISTRICT."
3. Approve agreement with 123 Engineering Inc., for realignment of La Porte Road over New York Creek and bridge replacement on Smartsville Road over Vineyard Creek and authorize the Chairman to execute same. (126-12) Approved.
4. Approve Amendment No. 1 with Drake Haglan and Associates for Smartsville (Chuck Yeager) Road Bridge Replacement at Vineyard Creek and authorize the Chairman to execute same. (127-12) Approved.
5. Accept Wheeler Ranch Phase I Improvement project at Feather River Boulevard and Plumas Arboga Road as complete and authorize the Public Works Director to sign and record Notice of Completion. (128-12) Approved.
6. Accept Spenceville Road at Camp Far West Intersection Improvement project as complete and authorize the Public Works Director to sign and record the Notice of Completion. (129-12) Approved.

F. County Administrator

1. Approve response to the 2011/2012 Grand Jury Report entitled Jail Inspection and authorize the Chairman to execute same. (130-12) Approved.

G. Public Guardian

1. Approve Memorandum of Understanding with Sutter-Yuba Mental Health for the period of July 1, 2012 through June 30, 2014 and authorize the Chairman to execute same. (131-12) Approved.

2. Authorize Budget Transfer in the amount of \$1,500 from Account No. 101-0000-362-65.03 (Targeted Case Management) to Account No. 101-4100-427-62.00 (Fixed Assets) for the purchase of a new printer. (132-12) Approved.
3. Authorize Budget Transfer in the amount of \$1,328 from various line items to Account No. 101-4100-427-29.00 (Travel) to cover shortfalls and to meet client needs. (133-12) Approved.

IV. SPECIAL PRESENTATION

- A. Present proclamation declaring month of May 2012 as Mental Health Month. (Five minute estimate) (134-12) Chairman Stocker read and presented the proclamation. Sutter-Yuba Mental Health Director Dr. Brad Luz recapped services provided and commended Board members for their contributions.

V. PUBLIC COMMUNICATIONS:

Victim-Witness Program Manager Jason Roper recapped Victim Rights Week and the Candlelight Vigil.

VI. COUNTY DEPARTMENTS

A. Community Development and Services

1. Approve temporary suspension of the Yuba County Trails Commission due to lack of resources and attendance. (Yuba County Planning Commission recommends approval) (Five minute estimate) (135-12) Planning Director Wendy Hartman recapped the history of the commission and responded to Board inquiries.

The following individual spoke:
Mr. William Appleby, Marysville

MOTION: Move to suspend two months of Commission meetings and continue the matter for two months to allow staff to review and explore alternatives to suspension of the commission and include Mr. Appleby and return in June

MOVED: Mary Jane Griego

SECOND: Roger Abe

AYES: Mary Jane Griego, Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

Chairman Stocker formed a Trails Commission Ad hoc appointing Supervisors Nicoletti and Griego as representative to work with staff and bring forward recommendation.

B. Emergency Services

1. Adopt resolution authorizing the Director of Emergency Services or its designee to execute a Memorandum of Understanding for the establishment and maintenance of a multi-agency Hazardous Materials Response Team within the jurisdictions of Yuba and Sutter Counties. (Ten minute estimate) (136-12) Manager Scott Bryan recapped the purpose of the agency and responded to Board inquiries.

MOTION: Move to adopt resolution

MOVED: Roger Abe

SECOND: Mary Jane Griego

AYES: Roger Abe, Mary Jane Griego, Andy Vasquez, John Nicoletti, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-27, which is on file in Yuba County Resolution Book No. 43, entitled:
"SIGNATURE RESOLUTION AUTHORIZING THE COUNTY DIRECTOR OF EMERGENCY SERVICES OR ITS DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THOSE ENTITIES LISTED WITHIN SAID MOU FOR THE PURPOSE OF THE FORMATION OF THE YUBA-SUTTER HAZARDOUS MATERIALS RESPONSE TEAM."

The Board recessed at 10:23 a.m. and reconvened at 10:34 a.m. with all present as indicated above.

VII. ORDINANCES AND PUBLIC HEARINGS: The Clerk read the disclaimer.

- A. Ordinance - Hold public hearing, waive reading, and introduce ordinance adding Chapter 7.40 addressing marijuana cultivation as a public nuisance to the Yuba County Ordinance Code. (First reading) (45 minute estimate) (137-12) Community Development and Services Director Kevin Mallen recapped the process and development of the proposed ordinance regarding conditions which constitute a public nuisance when cultivating medical marijuana, provided a Power Point presentation depicting examples of defined cultivation areas for various parcel sizes. Mr. Mallen recapped two clerical clarifications and responded to Board inquiries.

Chairman Stocker opened the public hearing.

The following individuals spoke:

Mr. Zachary B. Cross, Marysville
Mr. Brian Huett, Olivehurst
Mr. Nate Bradley, Yuba Growers Association
Ms. Julie Lortz, Clipper Mills
Ms. Kathie Thelen, Browns Valley
Mr. Bryan Davies, 95838
Mr. C. Lee Boutt, Olivehurst
Mr. Ed Vasquez, Yuba County
Mr. Jonathan Finegoud, Moonshine
Mr. Daniel Aspin, Brophy
Mr. William Montero, Olivehurst
Ms. Elisse Wright, Sacramento
Mr. James Ledberth, Jones Road
Mr. Cody Zinn

Chairman Stocker recessed the meeting at 12:05 p.m. and reconvened at 12:17 p.m.

Public comments continued:

Mr. Ivan Pack, Chapman Avenue
Ms. Cathy Bailey, Linda
Mr. Noel Coward
Mr. Tommy Boggus
Mr. Liness Kelley
Mr. Sam McConnell
Ms. Cheryl Cooper

MOTION: Move to close public hearing

MOVED: Mary Jane Griego SECOND: Hal Stocker

AYES: Mary Jane Griego, Hal Stocker Andy Vasquez, John Nicoletti, Roger Abe,

NOES: None ABSENT: None ABSTAIN: None

Following additional Board discussion, Supervisor Griego moved to bring ordinance back to the ad hoc committee, not to introduce ordinance, and continue ad hoc for 6 weeks to address concerns and take into consideration the public comments from today. Motion failed for lack of a second.

MOTION: Move to waive reading and introduce ordinance

MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Roger Abe, Hal Stocker

NOES: Mary Jane Griego ABSENT: None ABSTAIN: None

Board consensus was to continue the Ad Hoc Committee to address collective issues and complaint process.

- B. Ordinance - Hold public hearing, waive reading, and reintroduce ordinance amending Section 2.25.010 relating to a regular Board of Supervisors meeting held outside the County seat. (First Reading) (Ten minute estimate) (110-12) County Counsel Angil Morris-Jones recapped ordinance to hold a regular meeting outside the Government Center, noticing requirements, and responded to Board inquiries.

Chairman Stocker opened the public hearing. No one came forward.

MOTION: Move to close public hearing and introduce ordinance

MOVED: John Nicoletti SECOND: Mary Jane Griego

AYES: John Nicoletti, Mary Jane Griego, Andy Vasquez, Roger Abe, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

- C. Ordinance - Hold public hearing, waive reading, and introduce ordinance repealing and re-enacting various Chapters of the Yuba County Consolidated Fee Ordinance Code relating to departmental fees. (Finance and Administration Committee recommends approval) (First Reading) (Fifteen minute estimate) (138-12) Management Analyst Grace Mull recapped fee changes and responded to Board inquiries.

Chairman opened the public hearing. No one came forward.

MOTION: Move to close public hearing and introduce ordinance

MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andy Vasquez, Mary Jane Griego, Roger Abe, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

- D. Hold public hearing and adopt resolution adopting the mitigated negative declaration and mitigation monitoring plan and approving of Change of Zone 2009-0004 (Lanza) subject to attached conditions of approval; and adopt ordinance changing zone from Single-Family Residential (R-1) to Medium Density Residential (R-2) for APN 020-133-012. (30 minute estimate) (139-12) Associate Planner Kevin Perkins recapped location of project and provided a Power Point presentation which highlighted some of the mitigations required and responded to Board inquiries.

Following Board discussion Public Works Director Mike Lee and Planning Director Wendy Hartman responded to Board inquiries.

Chairman Stocker opened the public hearing.

The following individuals spoke:

Ms. Gertrude McGrady, Alicia Avenue

Mr. Sean O'Neil

MOTION: Move to close public hearing

MOVED: Mary Jane Griego SECOND: Hal Stocker

AYES: Mary Jane Griego, Hal Stocker, Andy Vasquez, John Nicoletti, Roger Abe,

NOES: None ABSENT: None ABSTAIN: None

MOTION: Move to adopt resolution

MOVED: Mary Jane Griego SECOND: Andy Vasquez

AYES: Mary Jane Griego, Andy Vasquez, John Nicoletti, Roger Abe, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

Adopted Resolution No. 2012-28, which is on file in Yuba County Resolution Book No. 43, entitled: "RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND APPROVAL OF CHANGE OF ZONE 2009-004 (LANZA) SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL."

MOTION: Move to adopt ordinance

MOVED: Mary Jane Griego SECOND: Roger Abe

AYES: Mary Jane Griego, Roger Abe, Andy Vasquez, John Nicoletti, Hal Stocker

NOES: None ABSENT: None ABSTAIN: None

Adopted Ordinance No. 1515, which is on file in Yuba County Ordinance Book No. 23, entitled: "AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA."

VIII. CORRESPONDENCE - (140-12)

- A. Notice from Sutter-Yuba Mosquito and Vector Control District advising of public health pesticide application to waters under district jurisdiction. Received
- B. Notice from the State of California Fish and Game Commission regarding proposed regulatory action relating to election of commission officers. (Copy provided to the Yuba County Fish and Game Advisory Commission) Received
- C. Schedule of Proposed Actions from the United States Forest Service regarding Plumas National Forest for the period of April 1, 2012 to June 30, 2012. Received
- D. Letter from Safety Belt Safe U.S.A. regarding Safety Seat Checkup week. Received

IX. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Griego left the meeting at 1:59 p.m. and returned at 2:02 p.m.

Supervisor Vasquez: Area 4 Agency on Aging meeting held April 13, 2012 established a North San Juan meal site serving Camptonville residents

Supervisor Nicoletti: Met with Joanne Neft, author of a cookbook specializing in local grown foods prepared at peak of harvest season

Supervisor Abe: Memorial Adjournment - Mr. Donald Jackson

Supervisor Stocker:

- Met with Joanne Neft, author of a cookbook specializing in local grown foods prepared at peak of harvest season
- Ongoing visits with local farmers in the foothill area regarding the possibility of farmers markets and Agri-tourism

X. ADJOURN: 2:04 p.m. by Chairman Stocker in memory of Mr. Donald Jackson.

Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

Approved: _____

THIS PAGE INTENTIONALLY LEFT BLANK

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



159-12

BUILDING
749-5440 • Fax 749-5616

CODE ENFORCEMENT
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES
749-5460 • Fax 749-5464

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION
749-5430 • Fax 749-5434

May 1, 2012

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: KEVIN MALLEN, CDSA DIRECTOR
RYAN MCNALLY, PARKS AND LANDSCAPE COORDINATOR 

SUBJ: APPROVE THE AMENDMENT TO THE AGREEMENT WITH THE YUBA SUTTER TRAINING ZONE
TO CONTINUE TO PROVIDE AQUATIC RECREATION SERVICES FOR SUMMER 2012

RECOMMENDATION:

Approve the amendment to the the original Agreement with the Yuba Sutter Training Zone to continue providing aquatic recreational services through Summer 2012.

BACKGROUND:

Originally executed March 1, 2011, the Agreement with the Yuba Sutter Training Zone as the County's recreation provider is set to expire June 30, 2012. Unfortunatley, this would terminate halfway through this summer's aquatic recreation program planned at the OPUD pool complex.

DISCUSSION:

To ensure continuity, staff proposes to extend the Agreement term from June 30, 2012 through September 30, 2012 at no additional cost to the County. The Yuba Sutter Training Zone will continue to provide services as detailed in the original Agreement in regard to aquatic recreation, allowing our flagship aquatic program to enjoy success again for another year.

COMMITTEE ACTION:

Due to the routine nature of this amendment to add two additional months, the Land Use and Public Works Committee was bypassed for this item.

FISCAL IMPACT:

No fiscal impact to the General Fund.

FIRST AMENDMENT TO AGREEMENT

Between
COUNTY OF YUBA

And
YUBA SUTTER TRAINING ZONE

The Agreement (Agreement) heretofore entered into by and between the County of Yuba (County) and the Yuba Sutter Training Zone (Contractor) for the RECREATION COORDINATOR PILOT PROGRAM, dated March 01, 2011, is hereby amended as follows.

WHEREAS, County and Contractor desire to amend said Agreement by adjusting the completion date to allow for the management of the Yuba County Recreation Aquatics program which extends beyond the original term of said Agreement.

NOW, THEREFORE, the parties mutually agree to amend the Agreement as follows:

The completion date shall be adjusted to September 30, 2012.

Scope of Services shall remain as detailed in the original Agreement.

The total fee shall remain as detailed in the original Agreement.

Except as amended herein, all other terms, provisions, and amendments to the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties, by their duly authorized representatives, have executed this First Amendment to the Agreement this ____ day of _____, 2012.

COUNTY OF YUBA

YUBA SUTTER TRAINING ZONE

_____, Chair

Chris Gill, President

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
ANGIL MORRIS-JONES
County Counsel

Pan Geronzi

THIS PAGE INTENTIONALLY LEFT BLANK



COUNTY
DEPARTMENTS

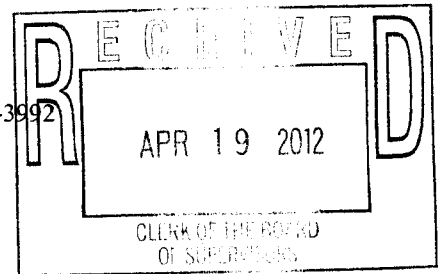
THIS PAGE INTENTIONALLY LEFT BLANK



CITY OF MARYSVILLE

160-12

526 "C" Street • P.O. Box 150 • Marysville, CA 95901 • (530)749-3901 • Fax (530)749-3992



April 17, 2012

The Honorable Hal Stocker
Yuba County Board of Supervisors
915 Eighth Street, Suite 109
Marysville, CA 95901-5273

Dear Chairman Stocker:

The Marysville Community Development Agency, the City's Redevelopment Agency (RDA), was dissolved effective February 1, 2012, by virtue of Assembly Bill 1X26 (AB1X26). As a result of the dissolution of the RDA, the City has become the Successor Agency and has to handle administrative matters and wrap-up pending RDA business. The Successor Agency is overseen by an "Oversight Board" composed of seven members. Two members are appointed by the County Board of Supervisors. One member appointed by the Board of Supervisors and one member of the public appointed by the Board of Supervisors.

Due to the requirements of State law, please make your appointment as soon as possible, and no later than April 30, 2012. Please notify me with the name and contact information for your appointment by e-mail at bfangman@marysville.ca.us or if you have any questions, you may contact me by phone at 530-749-3947. A meeting of the Oversight Board will need to be held by May 7, 2012. Thank you for your assistance with this matter. I look forward to hearing from you soon.

Sincerely,

Billie J. Fangman
City Clerk

cc: Yuba County Board of Supervisors
Donna Stottlemeyer, Clerk to the Board

THIS PAGE INTENTIONALLY LEFT BLANK



*ORDINANCES
AND
PUBLIC HEARINGS*

THIS PAGE INTENTIONALLY LEFT BLANK

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone – (530) 749-5430 • Fax – (530) 749-5424
 915 8th Street, Suite 123
 Marysville, California 95901
www.co.yuba.ca.us



749-5440 • Fax 749-5616

CODE ENFORCEMENT
 749-5455 • Fax 749-5424


ENVIRONMENTAL HEALTH • CUPA
 749-5450 • Fax 749-5454

HOUSING & COMMUNITY SERVICES
 749-5460 • Fax 749-5464

PLANNING
 749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
 749-5420 • Fax 749-5424

To: Yuba County Board of Supervisors

From: Kevin Mallen, CDSA Director 

Date: April 17, 2012

Subject: Medical Marijuana Cultivation Ordinance

Recommendation:

1. On April 17, 2012, introduce the attached Ordinance creating Chapter 7.40, Medical Marijuana Cultivation Ordinance.
2. On May 1, 2012, adopt the attached Ordinance creating Chapter 7.40, Medical Marijuana Cultivation Ordinance.
3. Once adopted, direct staff to monitor and evaluate performance of the Ordinance and report back to the Board in December 2012.

Background/Discussion

Creating a marijuana cultivation ordinance to reduce conditions that create a public nuisance was first discussed at a workshop held by the Board on December 13, 2011. Subsequent to the Board's December 13, 2011 workshop, CDSA, the Sheriff's Office, the District Attorney and County Counsel took the public input and Board direction obtained at the workshop and reviewed how other jurisdictions throughout the State were handling this issue, along with review of court actions and federal law enforcement actions, and created a proposed ordinance that was presented to the Board on February 28, 2012. The Board did not vote to move forward with introducing the ordinance as proposed, but instead formed an Ad Hoc Committee consisting of Supervisors Griego and Nicoletti to study the issue further, and explore and identify alternative thresholds and limits to those of the proposed ordinance.

The Ad Hoc Committee met with staff and interested parties on March 6th, March 20th, and April 3rd to gather additional information, which led to further refinement of the ordinance proposed on February 28, 2012. Based on the work performed through the Ad Hoc Committee, a refined ordinance is being presented to the Board for consideration today. The refinement of the ordinance through the Ad Hoc Committee process has resulted in changes to the February 28th version, with the highlights as follows:

- The Exceptions section of the ordinance has been changed from being solely a plant count threshold based on parcel size to a two part threshold that includes a maximum square footage of cultivation area and a mature plant count. The term Defined Area of

Cultivation was used to describe the cultivation area and the term was explained in the Definitions section of the ordinance.

- The Indoor Cultivation section of the ordinance has been changed to encourage indoor cultivation to be located in accessory structures and only allowed within the habitable portion of the residence when an accessory structure or outdoor cultivation is not available. In addition, when using the habitable portion of a residence there are limitations such as a maximum defined area of cultivation within the residence of 50 square feet which cannot be located within the kitchen.
- The Outdoor Cultivation section of the ordinance has been changed to encourage outdoor cultivation be located as close as possible to the cultivator's residence and as far away as possible from neighboring residences. In addition, the minimum parcel size threshold to allow outdoor cultivation was removed, and a property line setback distance was utilized that varies based on how large the cultivation area is. There is also a varying setback to schools and youth oriented facilities based on how large the outdoor cultivation area is.
- Article 4, Enforcement of the ordinance was modified to clarify that the person violating the ordinance is subject to a misdemeanor charge, and violation of the ordinance is subject to any administrative penalties and remedies available to the County.

Everyone involved in the Ad Hoc Committee meetings agreed that this is a difficult issue to tackle and that counties and cities throughout the State are struggling with this issue. The ordinance as presented represents a tremendous amount of time, input, and analysis dedicated to trying to get the ordinance right the first time. However, due to the level of complexity of this issue, it is recommended that the Board consider adoption of the ordinance as presented, and direct staff to evaluate its performance this year, and in December of 2012 return to the Board with an evaluation report.

Committee Action:

This item was prepared as a result of direction by the full Board at the February 28, 2012 Board meeting to work with the Ad Hoc Committee on this topic and return with a refined ordinance.

Fiscal Impact:

Enforcement costs for violation of the ordinance can be recovered through the County's administrative remedies available in the County's current Ordinance Code.

Attachments:

Ordinance, Chapter 7.40

ADDENDUM

CHAPTER 7.40 – MARIJUANA CULTIVATION

The following are minor edits to the proposed text of Chapter 7.40 Marijuana Cultivation that are intended to provide additional clarification.

7.40.140 Definitions

v. "Youth-Oriented Facility" means preschool, elementary school, middle school, high school, public park, large family day care or day care center ~~preschool~~ as defined in Chapter 12.05 and Chapter 12.120 of the Yuba County Ordinance Code,.....(*remainder of definition is unchanged*).

7.40.310 Indoor Cultivation

3.vii. The defined area of cultivation is not more than fifty (50) square feet in area and contains no more than 6 mature marijuana plants.

ORDINANCE NO. _____

**AN ORDINANCE ADDING CHAPTER 7.40 ADDRESSING MARIJUANA
CULTIVATION AS A PUBLIC NUISANCE TO THE YUBA COUNTY ORDINANCE
CODE**

The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman of the Board of Supervisors
of the County of Yuba, State of California

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM
ANGIL MORRIS-JONES:

By: *Pat Garamone*

THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Chapter 7.40 of Title VII of the Yuba County Ordinance Code is hereby enacted as set forth in its entirety herein below:

CHAPTER 7.40

MARIJUANA CULTIVATION

Sections

7.40.100 Authority

7.40.110 Purpose & Intent

7.40.120 Findings

7.40.130 Scope

7.40.140 Definitions

7.40.200 Conditions Creating Public Nuisance

7.40.300 Exceptions

7.40.310 Indoor Cultivation

7.40.320 Outdoor Cultivation

7.40.330 Fencing

7.40.400 Enforcement Authority

7.40.410 Right of Entry / Inspection

7.40.420 Violations

7.40.430 Responsibilities

7.40.440 Penalties and Remedies

7.40.450 Private Right of Action

7.40.460 Enforcement Costs

7.40.470 Severability

ARTICLE I GENERAL PROVISIONS

7.40.100 Authority

Pursuant to authority granted by Article XI Section 7 of the California Constitution, Section 11362.83(c) of the California Health and Safety Code and Section 25845 of the California Government Code, the Yuba County Board of Supervisors does hereby enact this Chapter.

7.40.110 Purpose & Intent

The purpose and intent in adopting this Chapter is to acknowledge State law as it relates to medical marijuana and to reduce conditions that create public nuisances through enacting these regulations governing the number and location of marijuana plants cultivated by qualified patients and their caregivers within the Board's jurisdictional limits.

7.40.120 Findings

- a. The Federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies marijuana as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision.
- b. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of marijuana for medical purposes.
- c. Division 10 of the California Health and Safety Code, Uniform Substance Control Act, makes it unlawful, under State law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- d. In 1996, the voters of the State of California approved Proposition 215, "The Compassionate Use Act", (codified as Health and Safety Code Section 11362.5) which was intended to decriminalize cultivation and possession of medical marijuana by a seriously ill patient, or the patient's primary caregiver, for the patient's personal use, and to create a limited defense to the crimes of possessing or cultivating marijuana. The Act further provided that *nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.*
- e. The State enacted SB 420 in 2004 (known as the "Medical Marijuana Program Act", codified as Health and Safety Code Section 11362.7 et seq.) to expand and clarify the scope of The Compassionate Use Act of 1996 by creating the medical marijuana *Identification Card* system, creating reasonable regulations for cultivating, processing, transporting and administering marijuana, as well as limiting the amount marijuana a qualified individual may possess. The Medical Marijuana Program Act defines a

"primary caregiver" as an individual who is designated by a qualified patient or by a person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person and is further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.

- f. The County's geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, provide conditions that are favorable to outdoor marijuana cultivation, thus growers can achieve a high per-plant yield. The Federal Drug Enforcement Administration reports that various types of marijuana plants under various planting conditions may yield averages of 236 grams, or about one-half (1/2) pound, to 846 grams, or nearly two (2) pounds.
- g. The strong distinctive odor of marijuana plants may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and/or armed robbery.
- h. The strong and distinctive odor of marijuana plants creates a need to ensure that smells that disrupt the use of adjacent properties are minimized, much in the same way that the County has ordinances currently in place to minimize the smells associated with raising livestock.
- i. The unregulated cultivation of marijuana in the unincorporated area of Yuba County can adversely affect the health, safety, and well-being of the County, its residents and environment. Comprehensive civil regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and indoor electrical fire hazards that may result from unregulated marijuana cultivation, and that are especially significant if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana are thereby allowed to be concentrated in one place.
- j. The immunities from certain prosecution provided to qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the County will achieve a significant reduction in the complaints of odor and the risks of fire, crime and pollution caused or threatened by the unregulated cultivation of marijuana in the unincorporated area of Yuba County.
- k. Nothing in this Chapter shall be construed to allow the use of marijuana for non-medical purposes, or allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County of Yuba, Yuba County District Attorney, the Attorney General of State of California, or the United States of America.
- l. Children (minor under the age of 18) are particularly vulnerable to the effects of marijuana use and the presence of marijuana plants is an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children (including schools, parks, and other similar locations).

7.40.130 Scope

The provisions of this Chapter shall apply generally to all property throughout the unincorporated area of the County of Yuba.

7.40.140 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- a. "Code" means the Yuba County Ordinance Code
- b. "Code Enforcement Officer" means any person employed by the County of Yuba and appointed to the position of code enforcement officer.
- c. "Costs of Enforcement" or "Enforcement Costs" means all costs, direct or indirect, actual or incurred related to the performance of various administrative acts required pursuant to the enforcement of this Chapter, which include but are not limited to: administrative overhead, salaries and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, as well as time expended by County staff in calculating the above expenses. The costs also include the cost of an Administrative Law Judge (ALJ), the cost of time and expenses associated with bringing the matter to hearing, the costs associated with any appeals from the any decision rendered by any hearing body, the costs of judicially abating a violation and all costs associated with removing, correcting or otherwise abating any violation including administrative penalties of this Chapter.
- d. "County" means the County of Yuba
- e. "Cultivation" means the planting, growing, harvesting, drying, processing, or storage of one or more marijuana plants or any part thereof in any location, indoor or outdoor, including from within a fully enclosed and secure building.
- f. "Defined Area of Cultivation" means a single, flat, horizontal area of rectangular shape and visible boundaries, wherein all portions of cultivation, including all of the marijuana plant canopy, resides within and that vertically projects no higher than the fence or wall screening the cultivation from public view.
- g. "Enforcing Officer" means the Code Enforcement Officer or the Sheriff, or the authorized deputies or designees of either, each of whom is independently authorized to enforce this Chapter.
- h. "Fence" means a solid wall or a barrier connected by boards (redwood or cedar), masonry, rails, panels, or any other materials typically utilized for residential fences (subject to the approval of the Community Development and Services Agency) for the purpose of enclosing, securing, and screening space from public view. The term "fence" does not include retaining walls.
- i. "Indoors" means within a fully enclosed structure, with a solid roof, floor, and walls. The structure must be securable against unauthorized entry and constructed of solid

materials such as 3/8" or thicker plywood, glass, or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

- j. "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- k. "Marijuana plant" means any mature or immature marijuana plant including the stalks of the plant, or any marijuana seedling, that is capable of producing marijuana. A "mature" marijuana plant is one whose sex can be determined by visual inspection.
- l. "Minor" means a person less than 18 years of age.
- m. "Outdoors" means any location that is not "indoors" within a fully enclosed and secure structure as defined herein.
- n. "Parcel" means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (commencing with Section 66410 of the Government Code) and also means parcels that are described, recorded and kept in official County records specifically including documents and maps used by the County Assessor's Office, the County Tax Collector's Office and the County Recorder's Office.
- o. "Primary Caregiver" shall have the same meaning as "primary caregiver" as defined in the California Health and Safety Code, commencing with Section 11362.7(d), and as further defined in the California Supreme Court decision *People v. Mentch* (2008) 45 Cal.4th 274.
- p. "Public View" shall mean as viewed at ground level, without the use of a ladder or similar device, from any place the general public has a lawful right to be including the public right of way, a public way or neighboring premises.
- q. "Qualified patient" shall have the same meaning as "qualified patient" as defined in the California Health and Safety Code, commencing with Section 11362.7(f).
- r. "Residence" shall mean the habitable portion of a building designed for and occupied exclusively for living purposes, including one-family, two-family, mobile home within a mobile home park, and multifamily dwellings, but not including hotels, motels, trailers, tents, converted transit vehicles, boarding or lodging houses, or any type of temporary structures.
- s. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

- t. "School Bus Stop" means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in California Vehicle Code Section 233, or school pupil activity buses, as defined in Vehicle Code Section 546.
- u. "Sheriff" or "Sheriffs Office" means the Yuba County Sheriffs Office or the authorized representatives thereof
- v. "Youth-Oriented facility" means preschool, elementary school, middle school, high school, public park, large family day care or day care center as defined in Chapters 12.05 and 12.120 of the Yuba County Ordinance Code, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

ARTICLE 2 PUBLIC NUISANCES DECLARED

7.40.200 Conditions Creating Public Nuisance

A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:

- a. Any person owning, leasing, occupying or having charge or possession of any parcel of land within the unincorporated area of the County to cause or allow such parcel of land to be used for the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.
- b. The cultivation of marijuana on a parcel that does not have an occupied legally established residence in conformance with the Yuba County Ordinance Code.
- c. The cultivation of marijuana on a parcel by anyone other than a qualified patient or a primary caregiver who occupies the parcel as their primary place of residence.
- d. Marijuana plants in public view.
- e. Marijuana plants accessible to a minor (under the age of 18).
- f. The cultivation of marijuana in a manner that exceeds the exceptions of Section 7.40.300 of this Chapter.
- g. The improper use, storage and/or disposal (per the manufacturer's instructions and/or any law that governs same) of chemicals, fertilizers, gas products (CO₂, butane, etc.) or any other products or equipment associated with the cultivation of marijuana.
- h. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.

ARTICLE 3

EXCEPTIONS, INDOOR, OUTDOOR, AND FENCING

7.40.300 Exceptions

This ordinance shall not apply to cultivation where all of the following conditions are met:

- a. The cultivation occurs on a parcel with an occupied dwelling, and
- b. The cultivation is conducted by a qualified patient or primary caregiver who occupies the dwelling as their place of residence, and
- c. The cultivation is in accordance with sections 7.40.310, 7.40.320, and 7.40.330 of this chapter, and
- d. The cultivation does not encroach beyond the defined area(s) of cultivation or exceed the quantities listed below:
 1. For parcels less than one (1) acre in size with one residence, defined areas of cultivation that do not exceed one hundred (100) square feet in total, and do not contain more than 6 mature marijuana plants in total.
 2. For parcels at least one (1) acre but not greater than twenty (20) acres in size with one residence, defined areas of cultivation that do not exceed two hundred and fifty (250) square feet in total, and do not contain more than 12 mature marijuana plants in total.
 3. For parcels larger than twenty (20) acres in size with one residence, defined areas of cultivation that do not exceed five hundred (500) square feet in total, and do not contain more than 25 mature marijuana plants in total.
 4. For parcels containing multiple residences, in addition to the parcel limitations identified in 7.40.300d1, 2, and 3, an additional indoor defined area of cultivation within each of the secondary residences that do not exceed fifty (50) square feet of area and do not contain more than 6 mature marijuana plants per residence.

7.40.310 Indoor Cultivation

This ordinance shall not apply to indoor cultivation of marijuana that:

- a. Only occurs in a single defined area of cultivation per structure as defined by 7.40.140f and is not in public view. Additionally, the indoor cultivation shall not be accessible to minors and shall not be in violation of the County's Building and Zoning Ordinances by conforming to one of the following:
 1. Indoor cultivation of marijuana shall occur in an accessory structure that is greater than 120 square foot in size and has received an approved building permit from Yuba County.
 2. Indoor cultivation of marijuana shall occur in an accessory structure that is 120 square foot or less in size, and all of the following requirements are met:

- i. The structure is not located within the front yard setback, is setback from the property line a distance consistent with the zoning the parcel is located within, and in no case located within five (5) feet of a property line, and
 - ii. The structure is one story in height, and
 - iii. The structure has a roof, floor, and walls constructed of solid materials such as 3/8" or thicker plywood, glass, or equivalent materials, and
 - iv. All necessary building permits are obtained, including those needed for any plumbing, mechanical or electrical equipment.
- 3. Indoor cultivation of marijuana shall occur within the habitable portion of a residence, and all of the following requirements are met:
 - i. The residence is occupied by the qualified patient or primary care giver, and
 - ii. There is no area to cultivate outdoors that doesn't violate the requirements of 7.40.320 or there is no existing accessory structure that conforms to the requirements of 7.40.310, and
 - iii. The lighting used for cultivation does not exceed 1200 watts, and
 - iv. No gas products (CO2, butane, etc.) are used, and
 - v. The cultivation is not located within the kitchen, and
 - vi. The residence maintains at least one operable bathroom, and
 - vii. The defined area of cultivation is not more than fifty (50) square feet in area and contains no more than 6 mature marijuana plants.
- b. No portion of any structure shall be altered unless a building permit has first been obtained, and under no circumstance shall any alteration create a fire-life-safety hazard.

7.40.320 Outdoor Cultivation

- a. Outdoor cultivation of marijuana shall not occur outside a single defined area of cultivation (as defined by 7.40.140f) per parcel; and shall not be in public view, shall be surrounded by a fence as required by 7.40.330, and shall not be accessible to minors.
- b. All outdoor cultivation shall not be located on parcels in a manner that increases the potential to create a public nuisance, and shall reduce the potential by:
 - 1. First and foremost, locating the area of cultivation on the parcel as far away as possible from neighboring residences, and
 - 2. Locating the area of cultivation on the parcel as close as possible to the cultivator's residence for security purposes, but taking into consideration the need to keep the cultivation away from neighboring residences, and
 - 3. For parcels less than one (1) acre in size, locating the area of cultivation no greater than twenty (20) feet from the cultivator's residence.
- c. Outdoor cultivation of marijuana shall not be located within:
 - 1. Ten (10) feet of the property line and within three hundred (300) feet of a school, school bus stop, park, or youth-oriented facility on parcels with outdoor cultivation on one hundred (100) or less square feet.

2. Fifty (50) feet of the property line and within six hundred (600) feet of a school, school bus stop, park, or youth-oriented facility on parcels with outdoor cultivation on more than one hundred (100) square but no more than two hundred and fifty (250) square feet.
3. One hundred (100) feet of the property line and within one thousand (1,000) feet of a school, school bus stop, park, or youth-oriented facility on parcels with outdoor cultivation on more than two hundred and fifty (250) square feet but no more than five hundred (500) square feet.
- d. The distances specified in this section shall be the horizontal distance measured in a straight line to the closest area in which the medical marijuana is cultivated.

7.40.330 Fencing

Outdoor cultivation shall be fully surrounded by a solid fence at least six (6) feet but not greater than (8) feet in height with a locking gate and conform to the following:

- a. Fencing materials shall be in compliance with Section 7.40.140h, and
- b. Fences over six (6) feet in height will require proof of an approved building permit, and
- c. Marijuana plant(s) shall not be higher than the fence, and
- d. The fence and gate must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.
- e. Bushes or hedgerows shall not constitute an adequate fence under this Chapter.

ARTICLE 4 ENFORCEMENT

7.40.400 Enforcement Authority

The Office of the Yuba County Sheriff and/or the Director of the County Department that has been assigned responsibility for administration of Code Enforcement services are hereby designated to enforce this Chapter.

7.40.410 Right of Entry/Inspection

Whenever necessary to enforce the provision of this Code, or whenever an Enforcement Officer has reasonable cause to believe that there exist in or upon any parcel any such violation which makes such parcel unsafe, dangerous or hazardous, the Enforcement Officer may enter upon such premises at a reasonable time to inspect the same or to perform any duty imposed upon the Enforcement Officer by this Code. If such entry is refused, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.

7.40.420 Violations

- a. It is unlawful and a violation of this Chapter for any person to permit a public nuisance to exist upon real property in which such person has an ownership or possessory interest.

- b. It shall be unlawful and a violation of this Chapter to do anything in contrary to the guidelines set forth in this Chapter.
- c. Each person violating this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, which any violation of any provision of this Chapter is committed, continued, or permitted by any such person. Any violation which persists for more than one day is deemed a continuing violation.
- d. Each person violating this Chapter is subject to being charged a misdemeanor for said violation and, upon conviction, punishable up to a \$1,000 fine or 1 year in jail or both a fine and jail.

7.40.430 Responsibilities

- a. Regardless of whether an owner is in actual possession of his or her real property, it is the duty of every owner of real property within the unincorporated area of Yuba County to prevent a public nuisance from arising on, or from existing upon, his or her real property.
- b. No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist upon any property within their control and shall not cause a public nuisance to exist upon any other property within the unincorporated limits of the County of Yuba. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Yuba to remove, abate and prevent the reoccurrence of any public nuisance upon such land.

7.40.440 Penalties and Remedies

- a. Any violation of this Chapter shall be deemed a public nuisance and is subject to any enforcement process authorized by law or as outlined in this Code and specifically by Chapter 7.36 of the Yuba County Ordinance Code.
- b. As authorized by Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner of property is responsible for a condition that may be abated in accordance with this Chapter, the court may order the owner to pay treble the costs of abatement.
- c. Nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Yuba or any other governmental entity to enforce County ordinances, to abate any and all nuisances, or employ any remedy available at law or equity.

7.40.450 Private Right of Action

Nothing contained in this Chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this Chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, or for whatever other or additional relief the court deems appropriate. The remedies available under this Chapter shall be in addition to, and shall not in any way restrict other rights or remedies available under law.

7.40.460 Enforcement Costs

All costs associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist.

7.40.470 Severability

If any section, subsection, sentence, clause, or phrase of this Chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

THIS PAGE INTENTIONALLY LEFT BLANK

Defined Area of Cultivation (DAC) for Parcels less than 1 acre / Accessory Structure

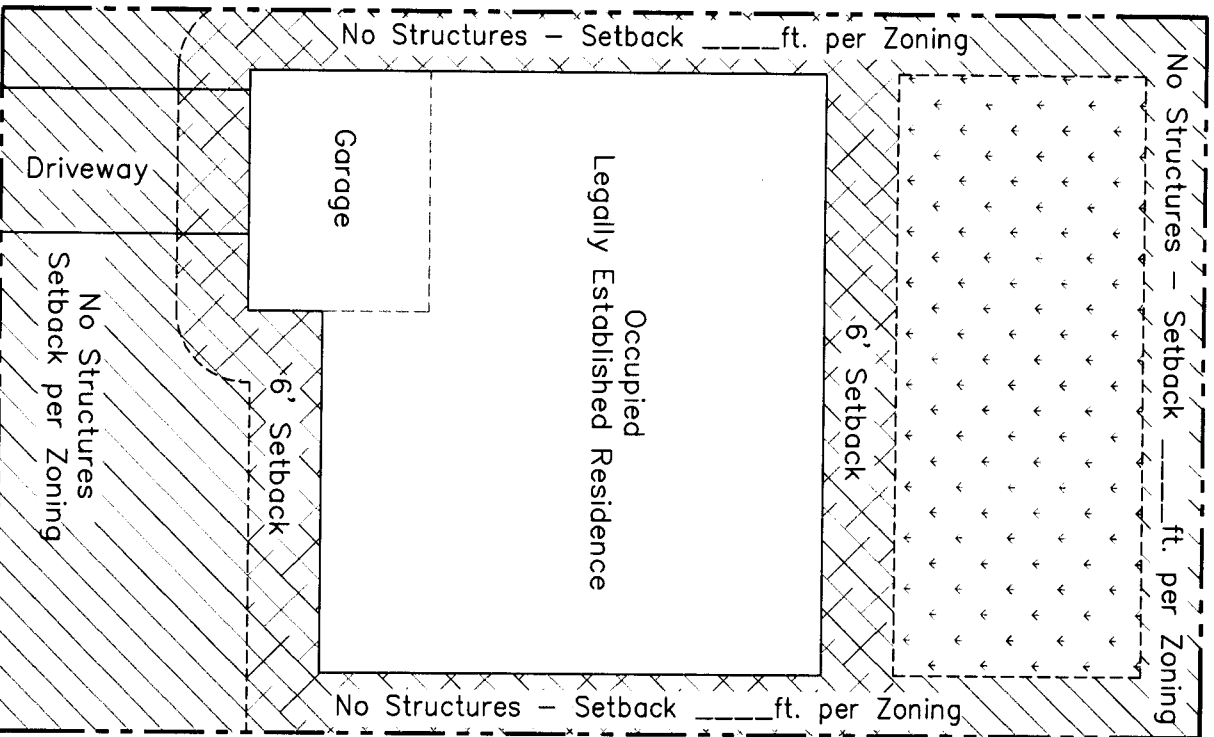


May 1, 2012

Cultivation Standards

Parcel Size:	Less than 1 Acre
Maximum Grow Area (DAC):	100 Sq. Ft.
Maximum # of Mature Plants:	6
Grow Method:	Indoors
Option:	Accessory Structure

- Accessory Structure:
- Placed outside all yard setbacks
(See Planning Dept. for Zoning Setback Information)
 - Placed 6' from all other structures
 - Must conform to Chapter 10.05 of the Standards of Building Construction, and the Yuba County Code
 - Roof, floors and walls constructed of solid materials
 - Must be lockable & restrict access from minors and unauthorized entry
 - Building permit is required if any of the following:
 - Structure is greater than 120 Sq. Ft.
 - Plumbing – installed/present
 - Mechanical – installed/present
 - Electrical – installed/present



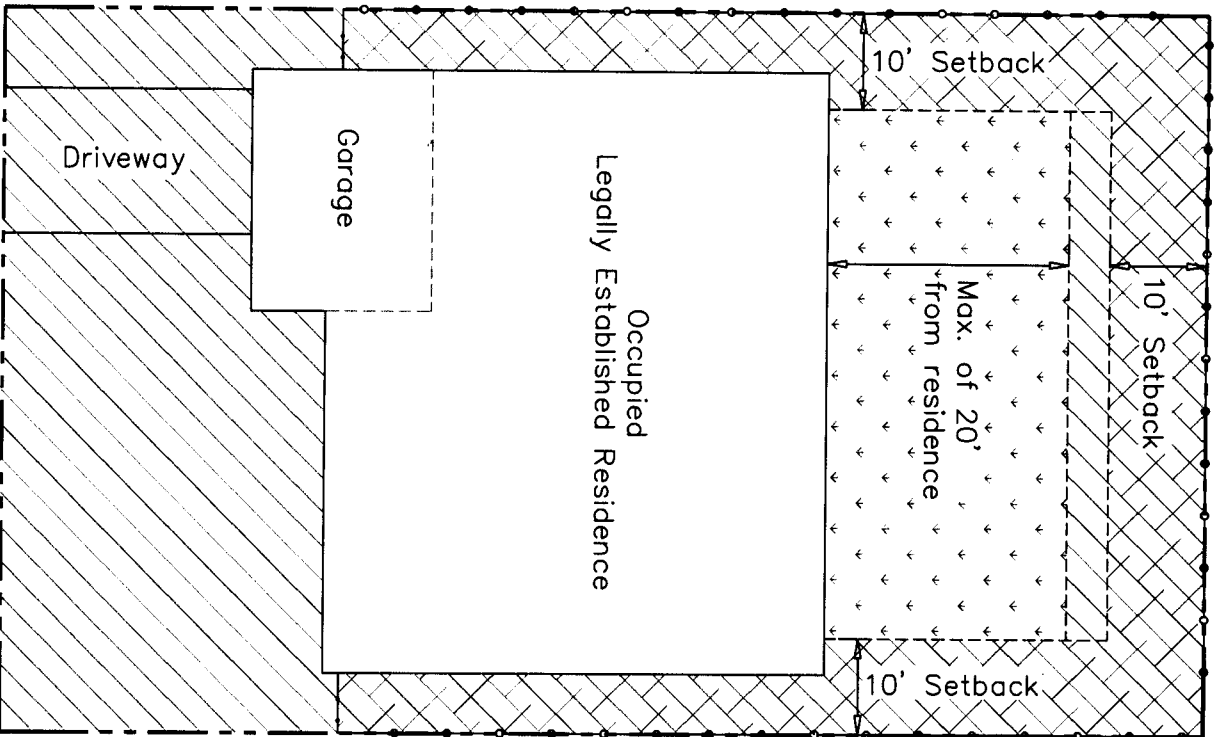
Legend

- Property Line
- 6 ft. Setback from all other structures
- No Structures Setback
- Structure for DAC may be located in this area

Defined Area of Cultivation (DAC) for Parcels less than 1 acre / Outdoors



May 1, 2012



Cultivation Standards

Parcel Size: Less than 1 Acre
 Maximum Grow Area (DAC): 100 Sq. Ft.
 Maximum # of Mature Plants: 6
 Grow Method: Outdoors

Defined Area of Cultivation shall:

- Be a single defined area
- Have visible boundaries
- Be outside the 10 ft. setbacks
- Be no greater than (20) feet from cultivator's residence
- Be as far away as possible from neighboring residences
- Be as close as possible to the cultivator's residence
- Be surrounded by a fence (6-8) feet tall and secured
- Keep cultivation below top of fence line and out of public view
- Not be accessible to minors (under age of 18 years)
- Not be within (300) feet of a school, school bus stop, park, or other youth-oriented facility

Legend

- Property Line
- Fence
- Setback Areas
- No Grow Areas
- DAC may be located in this area



Defined Area of Cultivation (DAC) for Parcels more than 1 acre / Accessory Structure

Cultivation Standards

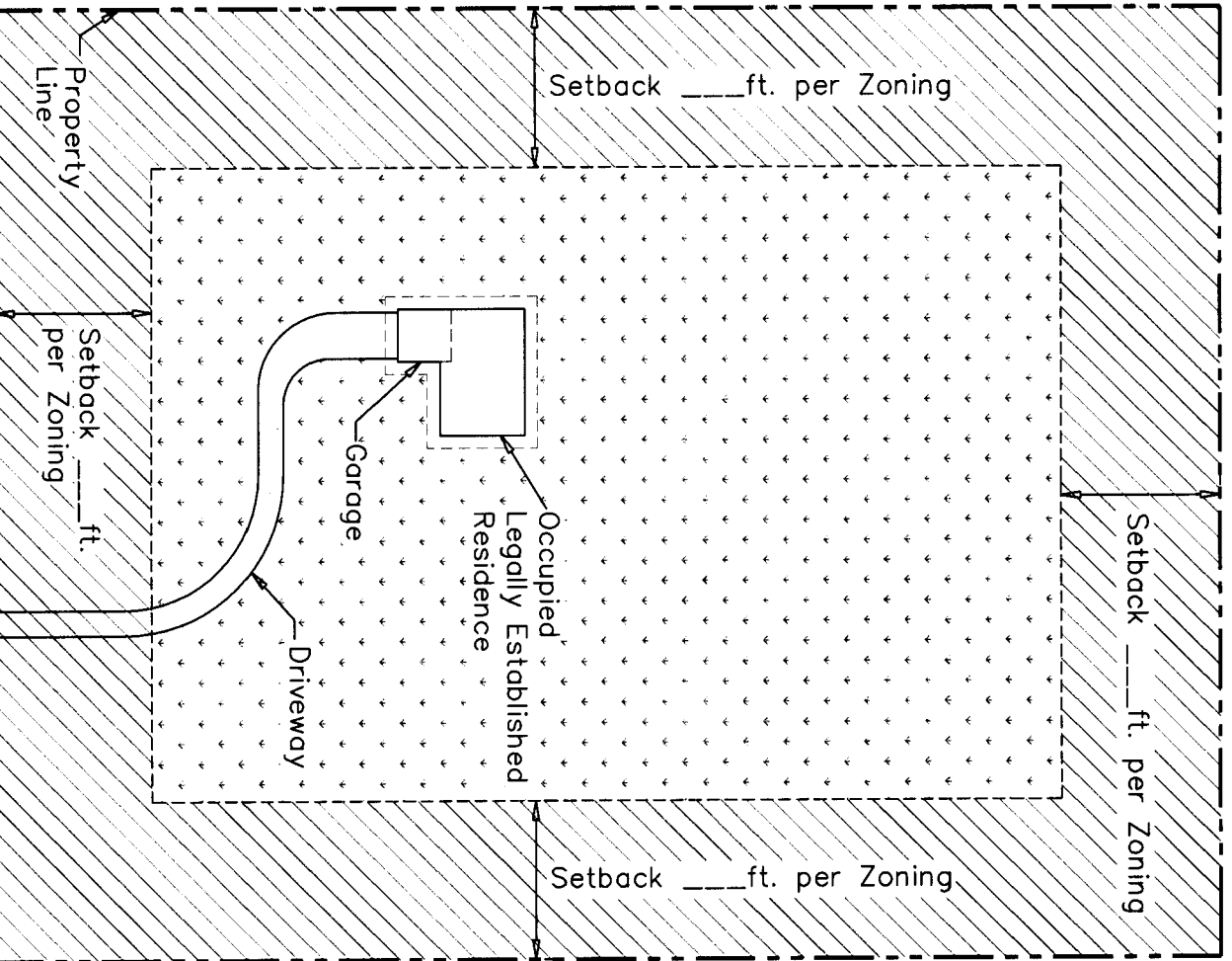
<u>Parcel Size:</u>	1-20 Acres
<u>Maximum Grow Area (DAC):</u>	250 Sq. Ft.
<u>Maximum # of Mature Plants:</u>	12
<u>Property Line Setback:</u>	Per Zoning
<u>Grow Method:</u>	Accessory Structure
<u>Parcel Size:</u>	20+ Acres
<u>Maximum Grow Area (DAC):</u>	500 Sq. Ft.
<u>Maximum # of Mature Plants:</u>	25
<u>Property Line Setback:</u>	Per Zoning
<u>Grow Method:</u>	Accessory Structure

Accessory Structure:

- Placed outside all setback requirements
(See Planning Dept. for Zoning Setback Information)
- Placed 6 feet from all other structures
- Must conform to Chapter 10.05 of the Standards of Building Construction, and the Yuba County Code
- Roof, floor and walls constructed of solid materials
- Must be lockable & restrict access from minors and unauthorized entry
- Building permit is required if any of the following:
 - Structure is greater than 120 Sq. Ft.
 - Plumbing – installed/present
 - Mechanical – installed/present
 - Electrical – installed/present

Legend

- Property Line
- Setback Areas
- Structure for DAC may be located in this area





Defined Area of Cultivation (DAC) for Parcels more than 1 acre / Outdoors

Cultivation Standards



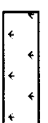
Parcel Size:	1-20 Acres
Maximum Grow Area (DAC):	250 Sq. Ft.
Maximum # of Mature Plants:	12
Property Line Setback:	50
Distance from Youth Facilities:	600
Grow Method:	Outdoors

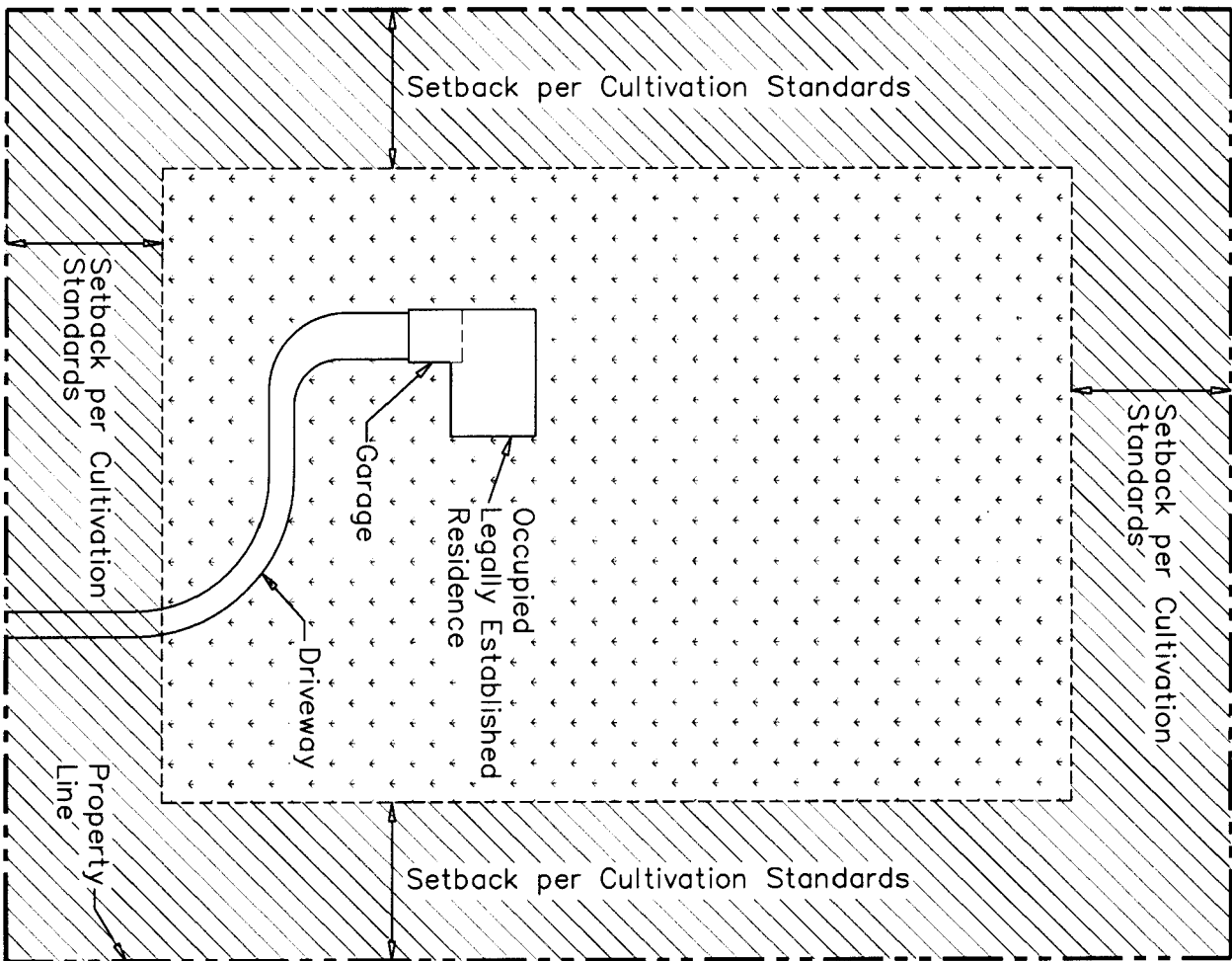
Parcel Size:	20+ Acres
Maximum Grow Area (DAC):	500 Sq. Ft.
Maximum # of Mature Plants:	25
Property Line Setback:	100
Distance from Youth Facilities:	1,000
Grow Method:	Outdoors

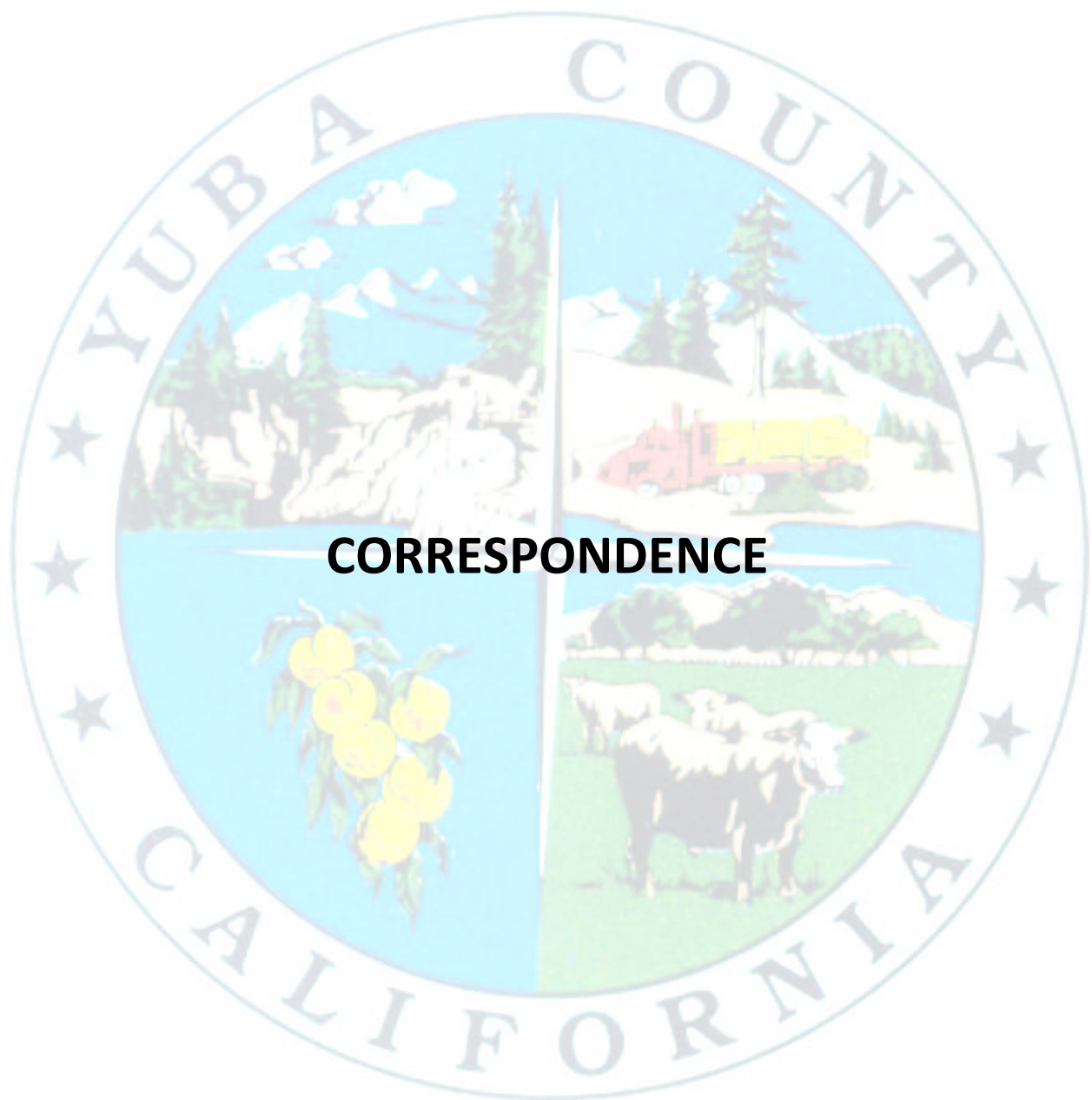
Defined Area of Cultivation shall:

- Be a single defined area
- Have visible boundaries
- Be outside the required setbacks
- Be as close as possible to the cultivator's residence
- Be as far away as possible from neighboring residences
- Be surrounded by a fence (6-8) feet tall and secured
- Keep cultivation below top of fence line and out of public view
- Not be accessible to minors (under age of 18 years)
- Not be within required distance of a school, school bus stop, park, or other youth-oriented facility

Legend

	Property Line
	Setback Areas
	DAC may be located in this area







THIS PAGE INTENTIONALLY LEFT BLANK

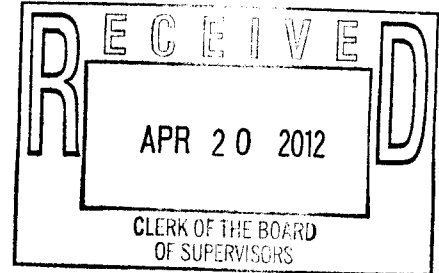
161-12

SUTTER-YUBA
SUBSTANCE ABUSE ADVISORY BOARD

1965 Live Oak Blvd.
Yuba City, CA 95991
(530) 822-7200

April 17, 2012

Chairman Hal Stocker
Yuba County Board of Supervisors
915 8th St., Suite 109
Marysville, CA 95901



Dear Chairman Stocker:

Can you believe that every single day, 1,500 more of America's youth become regular smokers? Are youth in Sutter County smoking cigarettes? The following statistic should answer that question. In November and December 2011, Sutter County Public Health, in conjunction with the Yuba City Police Department, visited over 40 stores in the local area that sell tobacco. Five of these stores or 10% sold either cigarettes or tobacco paraphernalia to a youth decoy. This is twice the state rate of tobacco sales to minors and is not acceptable.

The sale of tobacco products to minors is illegal and a public health problem because most adult smokers begin smoking before they can legally buy tobacco. Nearly 80% of all adult smokers first become regular smokers before the age of 18 and 90% do so before leaving their teens. Tobacco retailers need to be part of the solution. What can be done? Current laws that protect our kids from purchasing cigarettes are not doing what they were designed to do. State Law (AB71) requires retailers to purchase a \$100 one-time only state license to sell cigarettes. However, this bill, enacted to prevent smuggling and counterfeiting of cigarettes, does little to reduce underage sales. (1) The STAKE Act, a program created to take action against businesses that illegally sell tobacco to minors is under-funded and can only do compliance checks in about 3% of stores that sell tobacco (in Sutter County, that is only 2 out of the 90 stores that sell tobacco). Enforcement programs DO work, but they must be funded. California cities and counties with strong licensing ordinances have seen their youth sales rates fall dramatically. In Elk Grove, rates dropped from 38% to 5.8%. In Sacramento County rates decreased from 20.6% to 10.6%.

Currently, Sutter County does not have a local tobacco licensing law. Retailers in our area are only required to pay the \$100 one-time fee to the state. A local fee would provide sufficient resources for law enforcement to conduct on-going youth sales compliance checks, thereby reducing underage access to tobacco.

The Sutter-Yuba Substance Abuse Advisory Board is in support of this campaign effort. Please join us in helping to pass a local ordinance and keep our youth from starting to smoke.

Sincerely,

Tom Collins, Chair
Substance Abuse Advisory Board

A handwritten signature in black ink that reads "Tom Collins". The signature is written in a cursive, flowing style.

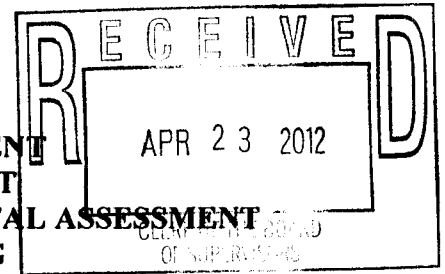
and

Substance Abuse Steering Coalition of Sutter-Yuba-Colusa Counties

(1) Center for Tobacco Policy & Organizing, 2006

(2) SAMHSA, Calculated based on data in 2006 *National Household Survey on Drug Use and Health*

**YUBA COUNTY PLANNING DEPARTMENT
NOTICE OF PREPARATION OF DRAFT
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT
AND NOTICE OF SCOPING MEETING**



April 20, 2012

TO: Responsible Agencies, Trustee Agencies, and Interested Parties
RE: Notice of Preparation of an integrated Draft Environmental Impact Report and Environmental Assessment ("Draft EIR/EA") for the Recology Green Rail Project and Amendments to Recology's Conditional Use Permit and Solid Waste Facility Permit for the Ostrom Road Landfill and Notice of EIR/EA Scoping Meeting

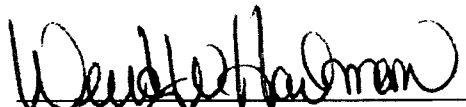
The Yuba County Planning Department (the "County") is planning to prepare an integrated Draft Environmental Impact Report and Environmental Assessment ("Draft EIR/EA") for the Recology Green Rail Project and certain amendments to the Conditional Use Permit and Solid Waste Facility Permit for Ostrom Road Landfill (the "Project"), described in detail below. The Draft EIR/EA will meet the requirements of the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA"). Pursuant to 32 CFR §989.7(c), 40 CFR §1506.5(b) and 14 CCR §15222, the CEQA and NEPA analysis is being integrated into a single document because the local and federal components of the Project are interrelated.

PUBLIC SCOPING MEETING: A public scoping meeting on the Draft EIR/EA will be held on May 16 at 6:00 PM, Government Center, Board of Supervisors Chambers, 915 8th Street, Marysville, California. The purpose of the Draft EIR/EA public scoping meeting is to solicit the views of interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, involved federal agencies, and Yuba County, as to the appropriate scope and content of the Draft EIR/EA. Representatives from Recology and Yuba County will be present to offer a summary of and answer questions regarding the Project

NOTICE OF PREPARATION COMMENT PERIOD: This Notice of Preparation ("NOP") initiates the CEQA/NEPA scoping process. The comment period for this NOP will run from April 21, 2012 to May 21, 2012. Please address comments, questions, and responses to:

Wendy Hartman, Planning Director
Yuba County Planning Department
915 8th Street, Suite 123
Marysville, CA 95901
Email: WHartman@co.yuba.ca.us

Date: April 18, 2012

Signature: 
Wendy Hartman, Planning Director

PROJECT DESCRIPTION:

This project has two primary components: (1) the Recology Green Rail project, and (2) modifications to the Conditional Use Permit ("CUP") and Solid Waste Facility Permit ("SWFP") for the Recology Ostrom Road Landfill ("Landfill") to clarify that the waste tonnage intake and truck trip limits apply only to waste disposed of in the Landfill and not to beneficial re-use material ("BRM," one type of which is Alternative Daily Cover, also known as "ADC").

The Green Rail Project

Recology seeks the necessary approvals to (a) construct a rail-to-truck staging and unloading facility ("Unloading Facility") on Recology's property adjacent to the Recology Ostrom Road Landfill, in Yuba County and (b) construct new – and repair and upgrade existing – rail segments to complete a rail spur from the Unloading Facility to the main north-south rail line (near the intersection of State Route (SR)-65 and South Beale Road). If approved and constructed, the spur and Unloading Facility will be used to transport waste originating in the City and County of San Francisco ("CCSF"), starting in approximately 2015. The waste – which is currently collected and transported by truck to the Recology San Francisco Solid Waste Transfer and Recycling Center ("SF Center") – will be: (1) loaded into steel containers and lidded and sealed at the SF Center, (2) transported by truck to the Union Pacific Rail Road ("UPRR") Oakland Rail Yard at 5th Avenue, (3) loaded onto a train, (4) sent by rail to the Unloading Facility, (5) unloaded at the Unloading Facility, and (6) hauled by truck from the Unloading Facility across Recology property (i.e., without using any public road) to the Landfill. The then-empty steel containers will be (a) transported by truck from the Landfill back to the Unloading facility, (b) loaded onto a train, (c) sent by rail back to the UPRR Oakland Rail Yard at 5th Avenue, (d) unloaded at the UPRR Oakland Rail Yard at 5th Avenue, and (e) transported by truck back to the SF Center.

The Landfill already has the entitlements to accept the types and quantities of waste anticipated, and, if the waste stream were to come on line today, Recology could – under its existing entitlements – transport it to the Landfill by truck. The Green Rail project is designed to facilitate the construction of the facilities necessary to transport the waste by rail.

Construction will include the following improvements:

- Recology Ostrom Road Rail Spur and Unloading Facility (Yuba County): Construction of (i) an Unloading Facility to allow for the delivery and unloading of sealed steel containers of waste and the reloading of empty containers, (ii) a proposed 1.8-mile long new rail spur line and staging area to access the Unloading Facility, and (iii) an at-grade railroad crossing at Jasper Lane.

- Beale Air Force Base (Beale AFB) Rail Spur: Replacement of 100 feet of former rail spur track and repairs to 2.8 miles of existing rail spur track on Beale AFB property.
- UPRR Rail Wye near SR-65 at South Beale Road (Yuba County): Improvements to the existing wye, replacement of 500 feet of former rail spur track connecting the Beale AFB Rail Spur to the UPRR main rail line, installation of a UPRR mainline switch and signalization on UPRR right of way by UPRR.
- UPRR Oakland Rail Yard at 5th Avenue: Construction by UPRR of facilities at the rail yard for transferring containers from trucks to rail-cars.
- SF Center: Modification of loading bays and a new girded building housing a container lidding station.

Recology anticipates seeking the following approvals and entitlements in connection with the Green Rail Project: (1) modification of the Conditional Use Permit for Ostrom Road Landfill; (2) an approval from the California Public Utilities Commission ("CPUC") for construction of an at-grade crossing at Jasper Lane; (3) an easement from the United States Air Force for improvements to and use of a rail spur controlled by Beale Air Force Base; (4) an encroachment permit from the County to construct within in a flood plain; (5) an encroachment permit from Caltrans for improvements on SR-65; (6) a grading permit from the County; (7) a permit from the County to abandon the three wells on the Project site; and (8) approval by CCSF of Recology's rate application associated with the transportation and disposal of CCSF's waste.

Ostrom Road Landfill Permit Amendments

The Project also proposes amendments to the Recology Ostrom Road Landfill CUP No. 92-06 (as amended) and the related SWFP No. 58-AA-0011, to clarify that (1) the existing tonnage and truck limits (3,000 tons per day and 170 trucks per day, respectively) in the permits apply only to waste disposed of in the Landfill ("Refuse"), and (2) the tonnage of materials brought to the Landfill for alternative daily cover, soil amendments, road-bed or other beneficial reuse activities – and the trucks used to transport that BRM (currently, approximately 150 trucks per day) – do not count against those limits. However, the Draft EIR/EA will analyze any new impacts associated with BRM's transportation to and acceptance at the Landfill.

PROJECT LOCATION:

Recology Ostrom Road Rail Spur and Unloading Facility Site

The Recology Ostrom Road Rail Spur and Unloading Facility will be constructed on (a) property owned by Recology that is currently used for grazing and storage and (b) Jasper Lane. The site is located in the southern portion of unincorporated Yuba County approximately 10 miles east-southeast of the City of Marysville and approximately 3.5

miles north of the City of Wheatland city limits. The site is located immediately south of the Beale AFB and north of Best Slough. Access to the site is provided via SR--65 to South Beale Road and then Ostrom Road.

The Recology Ostrom Road Rail Spur and Unloading Facility site is designated in the Yuba County 2030 General Plan as "Natural Resources" and zoned as "AE-80" Exclusive Agricultural (80-acre minimum parcel size). Surrounding land uses in the area of this site include agriculture, the Recology Ostrom Road Landfill, and the Beale Air Force Base. A landfill gas-to-electricity plant is located on the Ostrom Road Landfill site. The plant uses collected methane to power generators that produce electricity for distribution to the surrounding power grid. The power plant is operated in conjunction with a landfill gas flare to ensure that the site has sufficient plant capacity to meet landfill gas control requirements. A single-family residence (mobile home) owned by Recology and leased to a tenant is also located immediately north of the unloading facility site on Assessor's Parcel Number (APN) 015-080-018 at the "S" turn on Ostrom Road. The Yuba County Water Agency recently constructed a water canal along the south and west sides of APN 015-070-011 to convey irrigation water to southern Yuba County.

The proposed improvements at the Recology Ostrom Road Rail Spur and Unloading Facility site include construction of the proposed Unloading Facility, which will be located at 5900 Ostrom Road on portions of three parcels totaling 723 acres (APN 015-070-011, 015-070-088, and 015-080-018) that are owned by Recology. The proposed improvements also include construction of the proposed portion of the rail spur extending from the Unloading Facility westward (parallel to and south of Ostrom Road) across Recology property, across Jasper Lane, and across another portion of Recology property to the existing Beale AFB spur at the intersection of South Beale Road and Ostrom Road.

Beale Air Force Base Rail Spur Site

The Beale AFB Rail Spur site extends from the intersection of South Beale Road and Ostrom Road southwest (parallel to and on the southeast side of South Beale Road) to the UPRR Wye adjacent to the UPRR valley main rail line (that runs parallel to and northeast of SR-65). (Figure 1.) The Beale AFB rail spur is an existing, lightly-used, rail line servicing Beale AFB. A portion of the rail at the southeastern junction of the wye is in disrepair and the tracks are incomplete such that currently, the Beale AFB rail spur can only be accessed from the north on the UPRR valley main rail line. The Beale AFB Rail Spur site is located in unincorporated Yuba County and is designated in the Yuba County 2030 General Plan as "Natural Resources" and zoned as "AE-80" Exclusive Agricultural (80-acre minimum parcel size). Surrounding land uses in this area include single-family residences, agriculture, UPRR tracks, SR-65, South Beale Road, and Dry Creek.

UPRR Rail Wye Site

The UPRR Rail Wye site is an approximately 500-foot segment of rail right-of-way connecting the UPRR valley main rail line (which parallels SR-65) and the Beale AFB rail spur. The UPRR Rail Wye site also includes access roads to service the rail and

support infrastructure. Property located between the northwest and southeast junction of the wye area is developed with a communications tower and support equipment. (Figure 1.)

The UPRR Rail Wye site is located approximately three miles southwest of the Recology Ostrom Road Rail Unloading Facility site. It lies approximately three miles northwest of the City of Wheatland on SR-65. The UPRR Rail Wye site is located in unincorporated Yuba County and is designated in the Yuba County 2030 General Plan as "Natural Resources" and zoned as "AE-80" Exclusive Agricultural (80-acre minimum parcel size). Surrounding land uses in this area include single-family residences, agriculture, UPRR tracks, SR-65, South Beale Road, and Dry Creek. Access to the UPRR Rail Wye site is provided via SR-65 to South Beale Road.

UPRR Oakland Rail Yard at 5th Avenue

The UPRR Oakland Rail Yard at 5th Avenue is located north of and adjacent to I-880 roughly between 5th Avenue and the 16th Avenue exit overpass in the City of Oakland. (Figure 1.) The entire site and connected rights-of-way are all owned and operated by UPRR. The site is zoned M40/S-4 heavy industrial. The rail yard contains up to 14 parallel tracks and is located southeast of the Port of Oakland on the UPRR main rail line running through the City of Oakland. Surrounding land uses in this area include the Port of Oakland, a residential neighborhood and Laney College to the north, marinas, other industrial facilities and industrial parks, a Bay Area Rapid Transit ("BART") facility and rail line, and a hotel to the south and southeast.

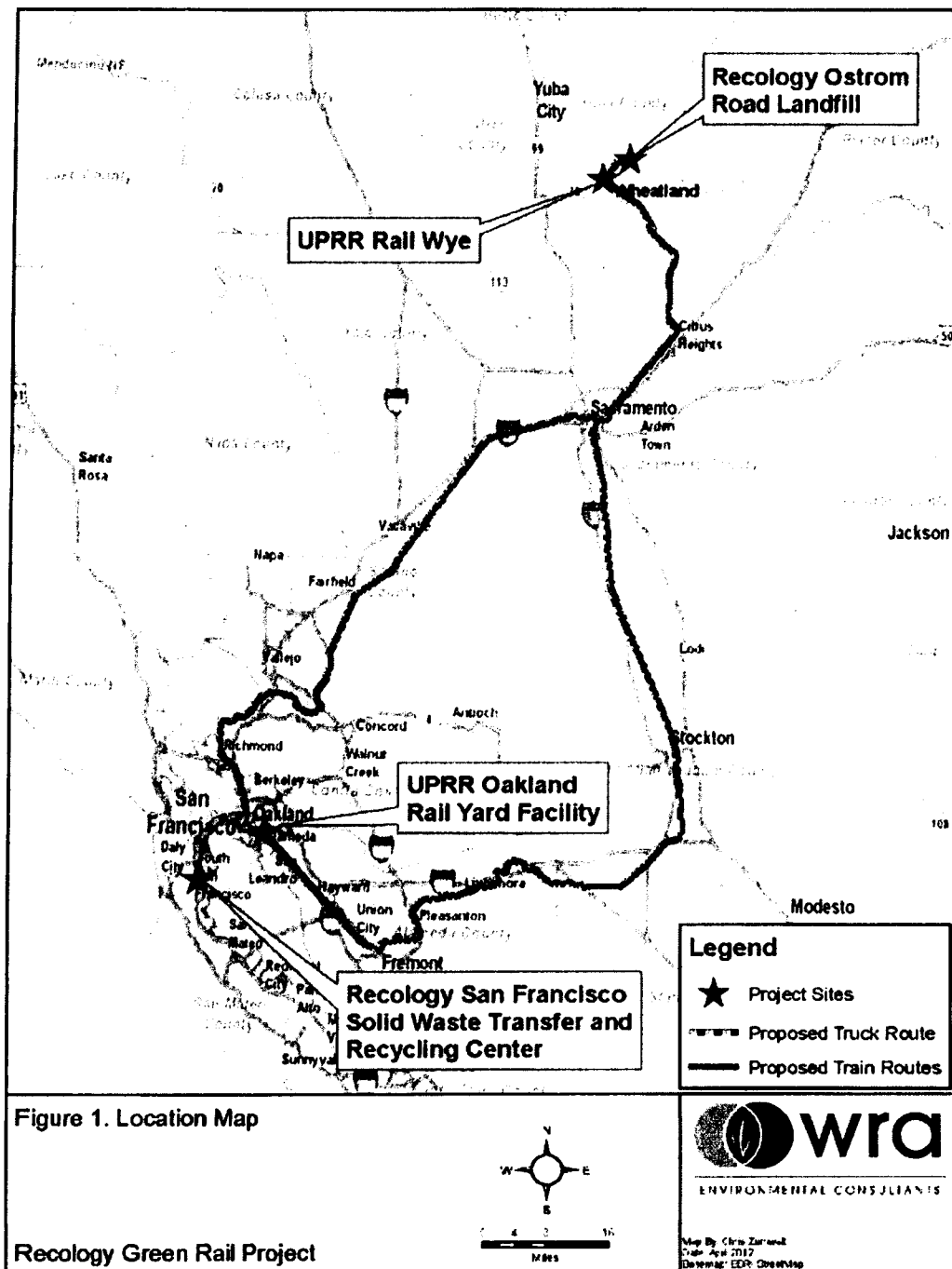
Recology San Francisco Solid Waste Transfer and Recycling Center ("SF Center")

The SF Center site is located in the City and County of San Francisco and the City of Brisbane (in San Mateo County) at 501 Tunnel Avenue in San Francisco (Figure 1). The 22-acre site is comprised of 17 parcels and is owned by Recology. The site is bounded by US-101 and Alana Way on the east, Beatty Road/Avenue on the south (except for San Mateo County APN 005-152-330, which is adjacent to and south of Beatty Road), Tunnel Avenue on the west, and Lathrop Avenue, Little Hollywood Park and a residential neighborhood on the north. The primary access roads to the site are Beatty Road/Avenue, Alana Way, and Tunnel Avenue. Dump Road and Recycle Road, off of Beatty Avenue and Tunnel Avenue, respectively, are two private roads that are also used to enter the property. In general, the SF Center site is comprised of the following APNs: San Francisco County Nos. 4991-007, 4991-008, 4991-009, 4991-082, 5091-010, 5091-011, 5099-002, 5104-001 and 5104-004 and San Mateo County Nos. 005-152-020, 005-152-030, 005-152-040, 005-152-220, 005-152-280, 005-152-290, 005-152-310, 005-152-330 and 005-152-340.

The site is zoned as light industrial and heavy industrial within San Francisco, and heavy commercial and commercial mixed use within the City of Brisbane. Surrounding land uses in the SF Center area include single-family residences, the Bayshore Caltrain Station, a PG&E electrical substation, and a former Southern Pacific Railroad

maintenance yard, now primarily vacant land to the west. US-101 lies to the east and across that, a townhome community, Candlestick Park, Bay View Park, and an office park. Little Hollywood Park and a mixed single-family and multi-family residential neighborhood lie to the north.

Figure 1 – Project Location



PROBABLE ENVIRONMENTAL EFFECT TOPICS:

As required by CEQA and NEPA, the Draft EIR/EA will identify and evaluate any potentially significant adverse impacts, whether direct or indirect, that may result from the Project. The Draft EIR/EA will also determine whether mitigation measures and/or alternatives can be implemented that will mitigate those impacts to a level that is less than significant. All impacts will be evaluated against existing conditions in the vicinity of each of the Project's components as of the date of the issuance of this NOP. Each section will analyze the impacts associated with (1) Project construction and (2) the anticipated transport of waste from the SF Center to the Ostrom Road Landfill.

The Draft EIR/EA will address the following environmental issues as to the Project as a whole, including, but not limited to:

- Aesthetics
- Agricultural Resources
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Zoning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Circulation
- Utilities

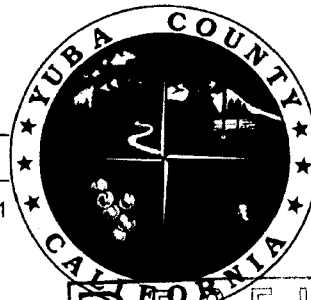
The County of Yuba

CLERK RECORDER – REGISTRAR OF VOTERS

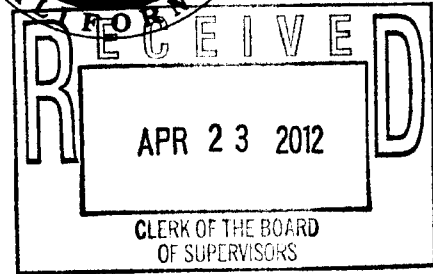
915 8th Street, Suite 107
Marysville, CA 95901-5273

• Elections (530) 749-7855
• Recorder (530) 749-7850

• Clerk (530) 749-7851
• Fax (530) 749-7854



Ms. Terry A. Hansen



April 23, 2012

Dear Candidate and Interested Parties:

You are invited to be present during any of our election processes and procedures associated with the June 5, 2012 Presidential Primary Election. Our schedule of activities is as follows:

- **Logic & Accuracy Testing** – Logic and accuracy testing of the electronic voting equipment is currently scheduled for May 14, 2012 to begin at 9:00 a.m. The purpose of this testing is to ensure the accuracy of the ballot counting system. Location: County Clerk/Recorder/Elections Department, 915 8th St., Suite 107, Marysville.
- **Vote by Mail Ballot Mailings** – Beginning May 7, 2012 and continuing through May 29, 2012. By statute, beginning May 7, 2012, Vote by Mail ballots are mailed to over 12,000 permanent Vote by Mail voters. After May 7, 2012, Vote by Mail ballots will be mailed to any eligible voter who requests a ballot. As Vote by Mail ballots are received they will be keyed in and signatures will be verified. If signatures do not match when compared or a signature is missing, efforts will be made to contact the voter. Location: County Clerk/Recorder/Elections Department, 915 8th St., Suite 107, Marysville.
- **Vote by Mail Ballot Processing** – Elections Code §15101 allows election officials to begin processing Vote by Mail ballots seven (7) business days prior to the election. Saturday, May 29, 2012 at 8 a.m. the Election office will begin processing received Vote by Mail ballots. Activities include: opening ballot envelopes, removing ballots, preparing the ballots to be counted, and processing ballots through the ballot counter. Location: County Clerk/Recorder/Elections Department, 915 8th St., Suite 107, Marysville.
- **Election Day** – Polling sites will be open from 7 a.m. to 8 p.m. on Election Day. Any person is allowed to observe any procedure at the polls (except as to how a person voted). Persons are permitted to observe voting but **MUST NOT INTERFERE** with the duties of the Elections Officers. Observers may not handle official ballots or intrude upon the voting process.

Election Night – After the polls close, results from the Vote by Mail ballots will be released by the Elections Office and online at <http://elections.co.yuba.ca.us> Election officials will bring ballots and results cartridges from the polls to the County Clerk/Recorder/Elections Department for the votes to be totaled. Result cartridges and ballots from the precincts will be tabulated at the central counting location and totals released periodically throughout the night. At the end of the evening, semi-official

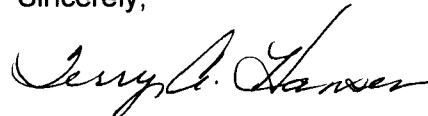
election night results will be available in hardcopy at the office and online at <http://elections.co.yuba.ca.us>. Ballot tabulation will be lengthy and may continue to the next day and up to 28 days following the election. Location: Yuba County Board of Supervisors Chambers, 915 8th St., Marysville and/or Elections Office – Suite 107.

- Canvass – Thursday, June 7, 2012, will begin the official canvass of the vote, which includes processing all remaining ballots, researching provisional ballots, duplicating damaged ballots, auditing the polls, and conducting a 1% manual tally of paper ballots and a 100% manual tally of Touchscreen votes as required by statute and regulation. Canvass activities typically last between one and two weeks but may continue for up to 28 days. Location: County Clerk/Recorder/Elections Department, 915 8th St., Suite 107, Marysville.
- Pursuant to Elections Code §15372, the elections official shall prepare a certified statement of the results of the election within 28 days of the election. Location: County Clerk/Elections Department, 915 8th St., Suite 107, Marysville.

Individuals are also invited to serve on the Election Observer Panel. Observers appointed to the panel will be provided a list of all polling places and an introduction letter for visiting polling sites on Election Day. They will also be provided a copy of the Election Observer Panel Plan. Individuals may apply to be a member of the Election Observer Panel by contacting the Yuba County Elections Office at 749-7855

Thank you for your interest in our electoral system.

Sincerely,



Terry A. Hansen
Yuba County Clerk / Recorder
Registrar of Voters

CC: Appeal Democrat
Democratic Central Committee
KUBA Radio
Republican Central Committee
Yuba County Board of Supervisors
Hispanic Alliance