

County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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www.yolocounty.org

PLANNING COMMISSION STAFF REPORT

October 8, 2009

FILE #2009-027: Appeal of a staff denial of a Certificate of Compliance for approximately eight acres located at 33750 Russell Boulevard in Winters. The project site is a portion of a 20.20-acre A-1 (Agricultural General) zoned parcel. (**Attachment A**).

APPLICANT: Judith and Malcolm Clark
P.O. Box 898
Winters, CA 95694

APPELLANT: Kent N. Calfee
Calfee/Konwinski
611 North Street
Woodland, CA 95695-3237

LOCATION: The property is located at 33750 Russell Boulevard, approximately four miles east of the City of Winters (APN: 038-130-09) (**Attachment B**).

SUPERVISOR DISTRICT: 5 (Chamberlain)

FLOOD ZONE: C (area as outside the 100 and 500 year flood plains)

GENERAL PLAN: Agriculture (Yolo County General Plan)

FIRE SEVERITY ZONE: None


ZONING: Agricultural General (A-1)

SOILS: Brentwood silty clay loam (BrA), 0 to 2 percent slopes (Class I), and Yolo silt loam (Ya) (Class I)

ENVIRONMENTAL DETERMINATION: Statutory Exemption

REPORT PREPARED BY:

REVIEWED BY:


Stephanie Berg, Associate Planner


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **RECEIVE** a staff presentation, hold a public hearing, accept public testimony regarding the appeal; and
2. **DETERMINE** that the Statutory Exemption prepared for the appeal is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);
3. **DENY** the appeal; and
4. **ADOPT** the recommended Findings (**Attachment D**) for denial of the appeal.

AGENDA ITEM 6.4

REASONS FOR RECOMMENDED ACTIONS

Staff recommends denial on the ground that there is insufficient evidence that a legal parcel was ever approved or created. It is not clear that the County ever approved the creation of the disputed parcel. But even if such approval was granted, there is no evidence that the landowner recorded a map, deed, or any other sort of instrument to actually create the parcel following the approval. In the absence of such evidence, the County has no proper basis for issuing a Certificate of Compliance.

BACKGROUND

This item was continued from the September 10, 2009, Planning Commission meeting. The Staff Report prepared for that meeting is included as **Attachment J**. The following discussion briefly recaps the key points of the Background section in that report and recent developments.

On July 20, 2009, planning staff denied a Certificate of Compliance request for 8.01-acres in the A-1 (Agricultural General) zone, located approximately four miles east of the City of Winters on Russell Boulevard. (A Certificate of Compliance application is used to request that the county formally recognize the legality of a specific lot.) In doing so, staff concluded that the 8.01 acres in question are part of a 20.20-acre parcel (APN: 038-130-08), and do not constitute a distinct legal parcel. Staff reached this decision because of the absence of any evidence that the 8.01-acre parcel had ever been created by the recording of a map, deed, or other legal instrument sufficient to create a distinct parcel of land.

Initially, staff understood that the applicants (the Clark family) based their request for recognition of an 8.01-acre parcel on a 1969 Grant Deed describing the 8.01 acres (included with the chain of title in **Attachment E**). While that deed appears to describe the 8.01 acres, it does not convey that land to a third party. Instead, the grantor and grantee are one and the same person, and the deed thus had no legal effect in the opinion of the Office of the County Counsel. Put simply, the deed did not convey the parcel to anyone, thus it could not have created the parcel (legally or illegally). According to the Yolo County Assessor's Office, since the recording of that deed, the 8.01 acres has been maintained and assessed as farmland, and it has not been conveyed independently from the surrounding land as a distinct 8.01-acre parcel.

The applicants (through their attorney) have now clarified that they do not contend that the 1969 deed created the 8.01 acre parcel (see **Attachment K**). Accordingly, the legal significance of the deed no longer appears relevant to this appeal. They now argue instead that the 8.01 acres became a distinct legal parcel on December 9, 1968, when the Board of Supervisors approved a variance. Staff believes this theory is properly rejected for at least two reasons that are described in the following section of this report.

STAFF ANALYSIS

As with the "Background" section above, staff refers the Planning Commission to the attached staff report from the September meeting for an analysis of some of the main points raised by the appeal. The following discussion recaps the analysis in that report and focuses on the remaining disputed issues.

As noted above, staff denied the requested Certificate of Compliance due to lack of evidence that the parcel was ever approved or created. Each issue—County *approval* of the proposed division of land and the subsequent *creation* of a distinct legal parcel—is discussed in turn.

COUNTY APPROVAL OF THE PROPOSED LAND DIVISION

First, staff disagrees with the applicant's theory that approval of the variance by the Board of Supervisors on December 9, 1968, was tantamount to approval of the proposed division of land. Staff acknowledges that relevant portions of the Planning Commission and Board of Supervisors meetings relating to the variance do not clearly explain why the variance was sought. However, provisions of the Yolo County Code and the Master Plan in effect at the time of the variance application offer some insight. Based upon a careful review of those provisions, staff has concluded that the variance was probably sought to obtain relief from the Master Plan's prohibition to create residential parcels in agricultural areas. The Land Division Ordinance in effect at that time incorporated that prohibition by reference. Consequently, the ordinance prohibited any proposed division of agricultural land for residential purposes. Hence the need for relief from this prohibition and the variance application.

Staff believes this is a reasonable conclusion. The applicants disagree for reasons set forth in the letter included as **Attachment K**. Briefly, the applicants' theory is that the "variance" was actually not a variance at all, but a means of obtaining County approval of the proposed creation of a new parcel. They contend that certain language in the meeting minutes—in particular, indications that the variance was "to allow the division" of a parcel—supports their theory. They also contend that it would simply be unreasonable for the County to have had a "two-step process" for obtaining the approval of a land division.

Both staff and the applicants' have done their best to make sense out of the rather sparse record of what happened, and why, in connection with the variance. Staff continues to believe that its conclusions are much more reasonable. Proceedings relating to the variance do not clearly show that the County approved the creation of the alleged 8.01 acre parcel, as opposed to merely affording relief from one of several requirements for a land division set forth in the Land Division Ordinance. And if the Planning Commission agrees, then it can properly deny the appeal on that basis alone. If not, then it must also consider whether the disputed 8.01 acre parcel was ever *created* following County approval of the proposed division.

CREATION OF A SUBDIVISION OF LAND

For the applicants to prevail in this appeal, they must demonstrate not only that the County approved the creation of the 8.01 acre parcel, they must also show that the parcel was created in some manner following that County approval. The Office of the County Counsel has advised that land divisions are not created by government approval alone. Some subsequent action by the subdivider—typically, the recording of a map or deed—is necessary to actually "create" one or more new parcels. Consequently, even assuming that such an approval was given here (which staff disputes), there still needs to be a recorded instrument putting that approval into effect and "creating" the parcel for the County to recognize that parcel today. No such document exists.

This basic principle is reflected in the Land Division Ordinance. It specifically recognizes in Section 2.10 that a "land division" occurs "by the execution of any deed of conveyance, sale or contract for sale after the effective date of this Ordinance." In other words, land is not divided by approval of a proposed land division, but only upon the actual conveyance of parcels to third parties. (The ordinance also authorizes the creation of parcels by the recording of a parcel map following County approval.)

Accordingly, while the Land Division Ordinance does not appear to have required the recording of a parcel map to create a division of land in some instances, it does clearly contemplate some affirmative action by a subdivider to create a parcel following County approval. No such action appears to have occurred with respect to the disputed 8.01 acres. In fact, as explained in the

AGENDA ITEM 6.4

September staff report, notes in the Assessor's Parcel Number books maintained by the Planning and Public Works Department indicate that the variance granted on December 9, 1968, later expired. This, in addition to Section 2.10 of the Land Division Ordinance, is another strong indication that some subsequent action by the landowner was required to actually create the 8.01-acre parcel. And yet more evidence of the need for subsequent action appears in the minutes of the August 20, 1968, Planning Commission meeting. Immediately after considering the variance for the property at issue, the Commission considered a separate matter involving an expired variance to create a new parcel (see p. 11 of the minutes). This further illustrates that something beyond the granting of a variance was required to actually create a parcel.

These facts demonstrate that even if the Board of Supervisors effectively approved the creation of an 8.01-acre parcel in granting the variance on December 9, 1968, the parcel was never created and cannot be recognized today. The applicants have no evidence that the approved variance was ever acted on by the filing of a map or deed conveying the parcel to a third party. The lack of such evidence is determinative.

SUMMARY OF AGENCY COMMENTS

This report has been reviewed by County Counsel.

APPEALS

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

ATTACHMENTS

Attachment A – Site Plan

Attachment B - Location Map

Attachment C - Categorical Exemption

Attachment D - Findings

Attachment E - Chain of Title

Attachment F – APN book page with staff notes indicating expiration of Variance

Attachment G - Land Development Ordinance (adopted in 1965)

Attachment H - Planning Commission Minutes of August 20, 1968 (pgs. 10-11) and November 6, 1968 (pgs. 8-9)

Attachment I - Board of Supervisors' Minute Order

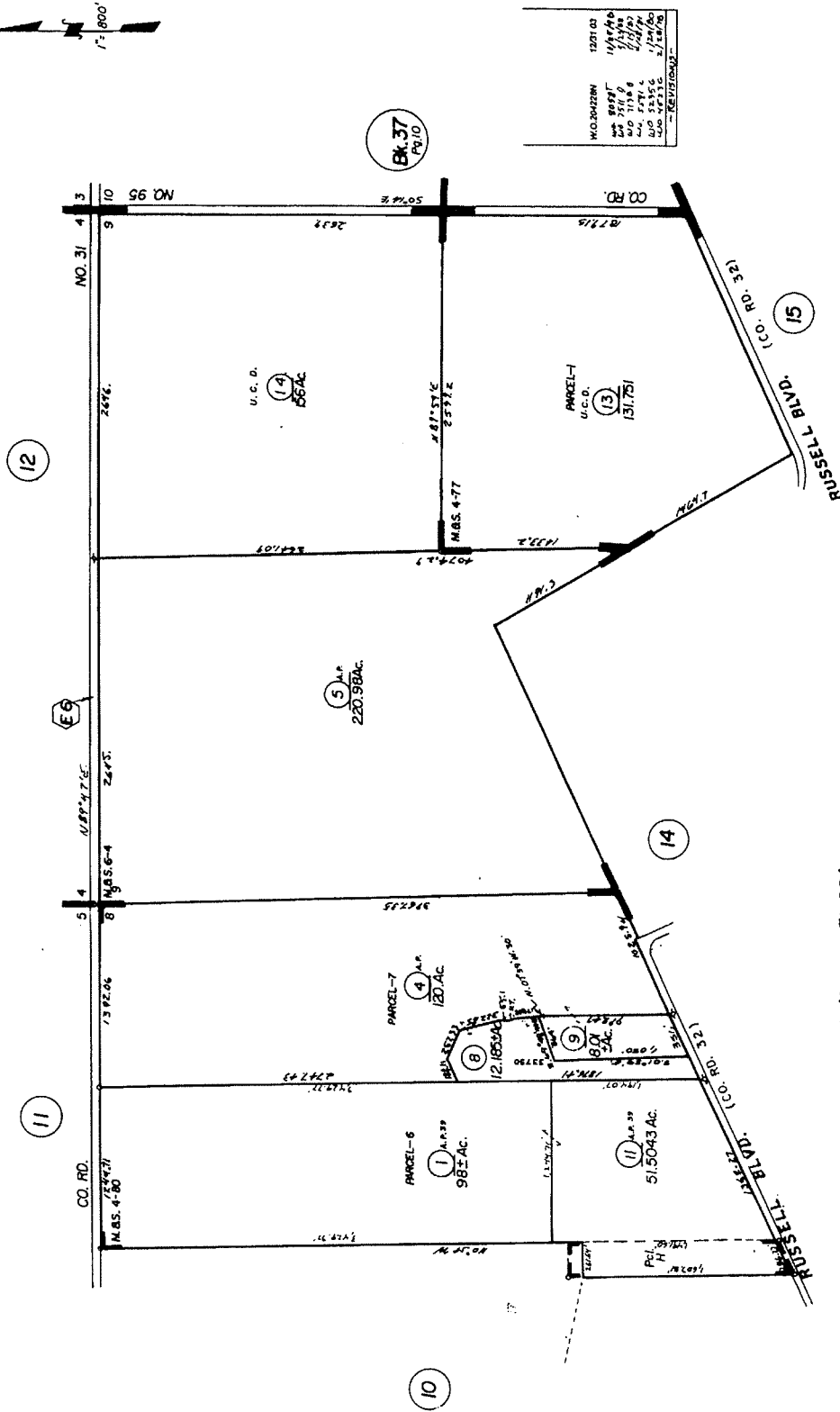
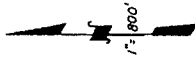
Attachment J – September 2009 Staff Report

Attachment K – September 18, 2009 letter from K. Calfee

CAUTION—These maps ARE NOT to be used for legal descriptions.

38-13

POR. RANCHO RIO DE LOS PUTOS
T8N., R.1E.



- M.B.S. Bk. 4, Pg. 77—E.E. Russel Estate Lands. (formerly 31-02)
- M.B.S. Bk. 6, Pg. 4—Record of Survey. (formerly 31-02)
- M.B.S. Bk. 4, Pg. 80—H.J. Hamel Lands. (formerly 31-02)
- M.B.S. Bk. 10, Pg. 20—W.F. Singleton. (formerly 31-02)

NOTE—Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 38, Pg. 13.
County of Yolo, Calif.

04/05

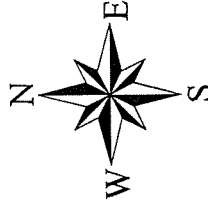
ZF 2009-027

Yolo County

Planning and

Public Works

Clark COC



Scale 1 in = 2000 ft



Printed 9/2/2009



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ATTACHMENT B

Notice of Exemption

To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: **ZF# 2009-027 (Appeal for the denial of the Clark Certificate of Compliance)**

Judith and Malcolm Clark
P.O. Box 898
Winters, CA 95694

Kent N. Calfee
Calfee/Konwinski
611 North Street
Woodland, CA 95695-3237

Project Location: Subject property is located at 33750 Russell Boulevard, approximately four miles east of the City of Winters (APN: 038-130-09).

Project Description: An appeal of a staff denial of a Certificate of Compliance for approximately eight acres of land located at 33750 Russell Boulevard near Winters. The project site is a portion of a 20.20-acre A-1 (Agricultural General) zoned parcel.

Exempt Status:

Statutory Exemption: Projects Which are Disapproved "15270"

Reasons why project is exempt:

§ 15270 applies to projects which a public agency rejects or disapproves. In this case, a Certificate of Compliance request was denied, and a subsequent appeal was filed on behalf of the applicant. The lead agency upholds its decision to deny the Certificate of Compliance, and therefore denies the appeal.

Lead Agency Contact Person: Stephanie Berg, Associate Planner

Telephone Number: (530) 666-8850

Signature (Public Agency): _____ Date:

Date received for filing at OPR:

ATTACHMENT C

FINDINGS
ZONE FILE #2009-027
CLARK CERTIFICATE OF COMPLIANCE APPEAL

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2009-027, the Planning Commission denies the appeal of the denial of the Clark Certificate of Compliance. In support of this decision, the Planning Commission makes the following findings:

(A summary of the evidence to support each FINDING is shown in italics)

California Environmental Quality Act

That the proposed Statutory Exemption prepared for the project is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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

July 27, 2009, Appeal

An appeal was initiated by a letter from Mr. Calfee of Calfee/Konwinski, dated July 27, 2009, in response to a staff denial of a Certificate of Compliance request on July 20, 2009. The primary issue raised in the letter, that a lawful lot division occurred in 1969 through a Variance, lacks merit for the reasons set forth in the staff report prepared for this appeal. The staff report is incorporated herein by this reference. Further, the Planning Commission finds specifically as follows:

The Certificate of Compliance request relies on a Grant Deed, dated November 25, 1969, in which the grantor and the grantee are one and the same person. However, as a matter of California law, a Grant Deed deeded to oneself does not convey real property to anyone. The deed, therefore, had no legal effect, and no parcel was ever "created."

The 1969 Variance, approved by the Board of Supervisors in November 1968, did not constitute a lawful lot division. The Variance merely allowed the property owner at the time to file a land division plat with the Planning Director, as required by the Land Development Ordinance in effect in 1969. By granting the Variance, the Board of Supervisors found that the land division request, which would have been inconsistent with General Plan policies and development regulations in the Land Development Ordinance, was acceptable under a unique set of circumstances. However, according to a staff note in the Planning and Public Works Department records, that Variance request has since expired, and no land division plat was ever filed with the Planning Director within a year of the Variance approval.

The Yolo County Land Development Ordinance No. 649, 1969, allowed property owners to divide their properties into four lots or less by filing a land division plat with the Planning Director, as long as findings could be made that the division was consistent with existing and other planned development in the area, the Master Plan (General Plan), and standards established in the community. The Master Plan, in effect in 1969,

ATTACHMENT D

prohibited residential subdivisions in the agricultural zones, and, thus, a land division request for a 20-acre A-1 zoned parcel would have been denied based on provisions in the Land Development Ordinance that incorporated Master Plan policies. A Variance request was used to identify special circumstances applicable to the 20-acre parcel to justify the creation of two non-farm home sites. Although the Variance was approved by the Board of Supervisors in 1968, the applicant, at the time, failed to file a land division plat with the Planning Director, which would have effectively created the legal parcel, if approved.

Even if such a plat was not legally required at the time, neither the granting of the variance nor the recording of the November 25, 1969 deed could have created the 8.01 acres as a separate parcel. Nor is there any record of other affirmative actions by the landowner to pursue a subdivision of the land after the variance was granted. Consequently, there is no factual or legal basis to grant this appeal, and it is therefore denied.

GUARANTEE

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN.



Westcor

Land Title Insurance Company

a corporation, herein called the Company

GUARANTEES

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

Placer Title Company hereby certifies that the enclosed is the complete chain of title.

Dated: March 23, 2009 at 7:30 AM

WESTCOR LAND TITLE INSURANCE COMPANY

Issuing Agent:

PLACER TITLE COMPANY
YOLO COUNTY TITLE PLANT
1100 MAIN ST. #180
WOODLAND, CA 95695
Agent ID: CA1000



By Mary O'Donnell
President

Attest Patricia A. Bower
Secretary

John Tyler
Authorized Countersignature

CLTA Guarantee Form - Form 309
Rev. 6/6/92

Page 1 of
Commitment Serial No. 007750-MLE

GUARANTEE CONDITIONS AND STIPULATIONS

1. Definition of Terms

The following terms when used in the Guarantee mean:

- (a) "the Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property.

The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.

- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. Exclusions from Coverage of this Guarantee

The Company assumes no liability for loss or damage by reason of the following:

(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

(b) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water: whether or not the matters excluded by (1), (2) or (3) are shown by the public records.

(c) Assurances to title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A)(C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights, or easements are expressly and specifically set forth in said description.

(d) (1) Defects, liens, encumbrances or adverse claims against the title, if assurances are provided as to such title, and as limited by such assurances.

(2) Defects, liens, encumbrances, adverse claims or other matters (a) whether or not shown by the public records, and which are created, suffered, assumed or agreed to by one or more of the Assured; (b) which result in no loss to the Assured; or (c) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of assurances provided.

3. Notice of Claim to be Given by Assured Claimant

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

4. No Duty to Defend or Prosecute

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

5. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 4 above:

(a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(b) If the Company elects to exercise its options as stated in Paragraph 5(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.

(c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgement or order.

(d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligation to the Assured under the Guarantee shall terminate.

6. Proof of Loss or Damage

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgement of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

7. Options to Pay or Otherwise Settle Claims: Termination of Liability

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lien holder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

SCHEDULE A
Plant Information Guarantee

Order No.: 306-7256
Guarantee No.: 007750-MLE
Liability: \$1,000.00
Premium: \$400.00

1. Name of Assured:

COUNTY OF YOLO

2. Date of Guarantee: March 23, 2009 at 7:30 AM

The assurances referred to on the face page hereof are:

That according to the Company's property records subsequent to June 21, 1946 , relative to the following described land (but without examination of those Company records maintained and indexed by name), there are no

DEEDS AND OTHER INSTRUMENTS OF REAL PROPERTY CONVEYANCE

describing said land or any portion thereof, other than those shown below under Exceptions.

The following matters are excluded from the coverage of this guarantee:

1. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof;
2. Water rights, claims or title to water;
3. Tax Deeds to the State of California;
4. Instruments, proceedings or other matters which do not specifically describe said land.

EXCEPTIONS:

SEE EXHIBIT "B" ATTACHED

The land described in this guarantee is described as follows:

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION

PLACER TITLE COMPANY
Policy Issuing Agent for Westcor Land Title Insurance Company

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5.

8. Determination and Extent of Liability

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the exclusions stated in Paragraph 2.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

(a) the amount of liability stated in Schedule A;

(b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 7 of these Conditions and Stipulations, at the time of the loss or damage assured against by this Guarantee occurs, together with interest thereon; or

(c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

9. Limitation of Liability

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.

(c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in setting any claim or suit without the prior written consent of the company.

10. Reduction of Liability or Termination of Liability

All payments under this Guarantee, except payments made for costs, attorney's fees and expenses pursuant to Paragraph 5 shall reduce the amount of liability pro tanto.

11. Payment of Loss

(a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

12. Subrogation Upon Payment or Settlement

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Assured, the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

13. Arbitration

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgement upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title A copy of the Rules may be obtained from the Company upon request.

14. Liability Limited to This Guarantee; Guarantee Entire Contract

(a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.

(c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

15. Notices, Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to Westcor Land Title Insurance Company as follows:

California Customers:

Customers From All Other States:

189 Fulweiler Avenue
Auburn, CA 95603
Phone: (530) 885-8627
Fax: (530) 885-7603

2500 North Buffalo Drive, Suite 245
Las Vegas, NV 89128
Phone: (866) 528-4853
Fax: (702) 251-3186

Order No. 306-7256
Guarantee No. 007750-MLE

EXHIBIT "A" LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF YOLO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

ALL OF PARCEL 7 OF "LANDS OF HENRY J. HAMEL, ET AL" ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF YOLO COUNTY, CALIFORNIA, ON MAY 29, 1928 IN BOOK 4 OF MAPS AND SURVEYS, AT PAGES 79 AND 80.

EXCEPTING THEREFROM:

BEGINNING AT THE CORNER TO FRACTIONAL SECTION 8 AND SECTION 9, TOWNSHIP 8 NORTH, RANGE 1 EAST, M.D.B. & M., AND THE NORTHERLY BOUNDARY OF THE RANCHO RIO DE LOS PUTOS MARKED BY A 3/4 INCH SQUARE IRON BAR AS SHOWN ON THE MAP OF THE LANDS OF HENRY J. HAMEL, ET AL., BOOK 4 OF MAPS AND SURVEYS, AT PAGE 80, YOLO COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTHERLY LINE OF PARCEL 7 OF SAID HAMEL LANDS AND THE NORTHERLY BOUNDARY OF THE RANCHO RIO DE LOS PUTOS SOUTH 65 DEGREES 27' WEST 1025.94 FEET; THENCE LEAVING THE SOUTHERLY LINE OF PARCEL 7, NORTH 0 DEGREES 34' WEST 999.47 FEET; NORTH 07 DEGREES 59' WEST 204.08 FEET; NORTH 14 DEGREES 48' WEST 47.00 FEET; NORTH 05 DEGREES 22' 25" EAST 55.10 FEET; NORTH 13 DEGREES 19' 20" WEST 322.85 FEET; NORTH 65 DEGREES 57' WEST 257.33 FEET; AND SOUTH 66 DEGREES 01' 15" WEST 188.11 FEET TO THE WEST LINE OF PARCEL 7, SAID HAMEL LANDS; THENCE ALONG THE WEST LINE OF PARCEL 7, NORTH 0 DEGREES 34' WEST 2747.43 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTH LINE OF PARCEL 7, NORTH 89 DEGREES 58' EAST 1392.06 FEET TO THE NORTHEAST CORNER THEREOF, THE CORNER COMMON TO SECTIONS 4,5,8 AND 9, TOWNSHIP 8 NORTH, RANGE 1 EAST, M.D.B. & M.; THENCE ALONG THE EAST LINE OF PARCEL 7, THE SECTION LINE COMMON TO SECTIONS 8 AND 9, SOUTH 01 DEGREES 22' EAST 3967.35 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

AN UNDIVIDED 50% INTEREST IN ALL THE RIGHT, TITLE AND INTEREST IN AND TO ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES ASSOCIATED THEREWITH UNTIL JUNE 1, 1991, OR UPON FULL RECONVEYANCE OF THE CERTAIN DEED OF TRUST DATED MAY 15, 1984 IN THE ORIGINAL AMOUNT OF \$170,000.00 RECORDED 1984 AS INSTRUMENT NO. 9334, WHICHEVER OCCURS FIRST.

ASSESSOR'S PARCEL NUMBER: 038-130-008 AND 038-130-009

Order No. 306-7256
Guarantee No. 007750-MLE

SCHEDULE "B" EXCEPTIONS

1. GRANT DEED DATED MAY 31, 1984, BY RUTH H. GREELEY AND GLORIA H. BREMER, GRANTOR, TO MALCOLM BRUCE CLARK AND JUDITH HERSH CLARK, HUSBAND AND WIFE, AS COMMUNITY PROPERTY, GRANTEE, RECORDED JUNE 01, 1984, IN BOOK 1647 PAGE 502, OFFICIAL RECORDS.
2. DECREE OF FINAL DISTRIBUTION DATED SEPTEMBER 04, 1979, BY ESTATE OF GEORGIA E. HUNTER, DECEASED, DISTRIBUTOR, TO RUTH H. GREELEY AND GLORIA L. BREMER, DISTRIBUTEES, RECORDED SEPTEMBER 05, 1979, IN BOOK 1384 PAGE 613, OFFICIAL RECORDS.

NOTE: LEGAL DESCRIPTION CONTAINS SEPARATE PARCEL FOR ASSESSOR'S PARCEL NUMBER 038-130-009

3. GRANT DEED DATED NOVEMBER 25, 1969, BY GEORGIA E. HUNTER, WHO ACQUIRED TITLE AS GEORGIA E. HAMEL, GRANTOR, TO GEORGIA E. HUNTER, AN UNMARRIED WOMAN, GRANTEE, RECORDED NOVEMBER 26, 1969, IN BOOK 927 PAGE 653, OFFICIAL RECORDS.

AFFECTS ASSESSOR'S PARCEL NUMBER 038-130-009 ONLY

(NOTE: GRANT DEED DATED NOVEMBER 20, 1961, BY GEORGIA E. HAMEL HUNTER, GRANTOR, TO EMMA F. DIXON, GRANTEE, RECORDED DECEMBER 01, 1961, IN BOOK 657 PAGE 457, OFFICIAL RECORDS, CONVEYS "EXCEPTED" PORTION ON SCHEDULE A LEGAL DESCRIPTION.)

4. GRANT DEED DATED MAY 20, 1946, BY GEORGE HARTMANN HAMEL, GRANTOR, TO GEORGIA E. HAMEL, GRANTEE, RECORDED JUNE 21, 1946, IN BOOK 241 PAGE 263, OFFICIAL RECORDS.

SAID MATTER AFFECTS THIS AND OTHER PROPERTY.

00002

009333

RECORDING REQUESTED BY

WESTERN TITLE INSURANCE COMPANY
AND WHEN RECORDS MAIL TO

OFFICIAL RECORDS
YOLO CO. - CALIF.
RECORD REQUESTED BY:

WESTERN TITLE INSURANCE CO
JUN 1 9 53 AM '84

PETER McNAMEE
COUNTY RECORDER

NAME: Mr. & Mrs. Malcolm Bruce Clark
ADDRESS: 611 E Street
CITY & STATE: Davis, California 95616

Title Order No. 84725/AMS Escrow No. 84725/AMS

MAIL TAX STATEMENTS TO

NAME: Mr. & Mrs. Malcolm Bruce Clark
ADDRESS: 611 E Street
CITY & STATE: Davis, California 95616

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ 253.00
 Computed on full value of property conveyed, or
 Computed on full value less liens and encumbrances
remaining on the property of sale.

Signature of declarant or agent delivering tax - firm name
WESTERN TITLE INSURANCE COMPANY

APNs 38-130-08 &
38-130-09

Individual Grant Deed

WESTERN TITLE FORM NO. 104

FOR VALUE RECEIVED,

RUTH H. GREENLEY, as her separate property and
GLORIA H. BREWER, an unmarried women

GRANT to

MALCOLM BRUCE CLARK and JUDITH HERSH CLARK,
husband and wife, as community property

all that real property situate in the

unincorporated area of the

County of

Yolo

State of California, described as follows

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

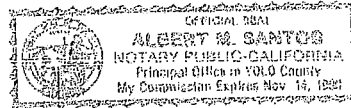
STATE OF CALIFORNIA

County of

Yolo

On May 31st, 1984, before me, the undersigned, County Public
Notary for said State, personally appeared Gloria H. Brewer

personally known to me or proved to me
on the basis of satisfactory evidence to be the person whose name
is subscribed to the within instrument, and acknowledged to me that he executed it.



NOTARY PUBLIC - INSTRUMENT NO. 24 - 1/82

Dated May 25, 1984

Ruth H. Greenley
RUTH H. GREENLEY

Gloria H. Brewer
GLORIA H. BREWER

STATE OF CALIFORNIA

County of

FERRIS

On May 22, 1984, before me, the undersigned, a Notary Public
in and for said State, personally appeared RUTH H. GREENLEY
personally known to me or proved to me
on the basis of satisfactory evidence to be the person whose name
is subscribed to the within instrument, and acknowledged to me that he executed it.

FOR NOTARY SEAL OR STAMP

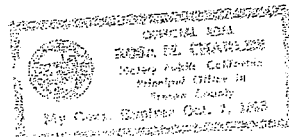


EXHIBIT "A"

All of Parcel 7 of "Lands of Henry J. Hamel, et al." according to the official plat thereof, filed for record in the office of the Recorder of Yolo County, California, on May 29, 1928 in Book 4 of Maps and Surveys, at pages 79 and 80.

EXCEPTING THEREFROM:

Beginning at the corner to fractional Section 8 and Section 9, Township 8 North, Range 1 East, M.D.B. & M., and the Northerly boundary of the Rancho Rio De Los Potos marked by a 3/4 inch square iron bar as shown on the Map of the Lands of Henry J. Hamel, et al., Maps and Surveys, Book 4, page 80, Yolo County Records; thence from said point of beginning along the Southerly line of Parcel 7 of said Hamel Lands and the Northerly boundary of the Rancho Rio De Los Potos South 65 deg. 27' West 1025.94 feet; thence leaving the Southerly line of Parcel 7, North 0 deg. 34' West 999.47 feet; North 07 deg. 59' West 204.08 feet; North 14 deg. 48' West 47.00 feet; North 05 deg. 22'25" East 55.10 feet; North 13 deg. 19'20" West 322.85 feet; North 65 deg. 57' West 257.33 feet; and South 66 deg. 01'15" West 188.11 feet to the West line of Parcel 7, said Hamel Lands; thence along the West line of Parcel 7, North 0 deg. 34' West 2747.43 feet to the Northwest corner thereof; thence along the North line of Parcel 7, North 89 deg. 58' East 1392.06 feet to the Northeast corner thereof, the corner common to Sections 4, 5, 8 and 9, Township 8 North, Range 1 East, M.D.B. & M.; thence along the East line of Parcel 7, the Section line common to Sections 8 and 9, South 01 deg. 22' East 3967.35 feet to the point of beginning.

RESERVING THEREFROM:

Unto the Grantor, their successors and/or assigns, an undivided 50% interest in all the right, title and interest in and to all oil, gas, minerals and other hydrocarbon substances associated therewith until June 1, 1991, or upon full reconveyance of that certain Deed of Trust, dated May 15, 1984, in the original amount of \$170,000.00, recorded 1984, as instrument No. 9111, whichever occurs first.

BOOK 1847 PAGE 503

16161

010111

OFFICE OF THE CLERK
FOR THE SUPERIOR COURT
RECORDS & CLERK
Dahl, Hefner, Stark & Marcis
SEP 5 8 47 AM 1979

PEIL...
COUNTY CLERK 9pd

CERTIFIED COPY

Returns

RKP:gmf 1

DAHL, HEFNER, STARK & MARCOIS
ATTORNEYS AT LAW
555 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 444-6620
AREA CODE 916

FILED
YOLO COUNTY

SEP 4 1979

PETER McNAMEE, Clerk
By CHARLA MARTINEZ

ATTORNEYS FOR Executor

Recorded in W. 997

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

10	In the Matter of the Estate)	No. 15511
11	of)	ORDER SETTLING FIRST AND FINAL
12	GEORGIA E. HUNTER,)	ACCOUNT AND REPORT OF EXECUTOR
13	Deceased.)	AND PETITION FOR STATUTORY AND
		EXTRAORDINARY ATTORNEYS' FEES
		AND DECREE OF FINAL DISTRIBUTION

RUTH H. GREELEY, as Executor of the Estate of GEORGIA E. HUNTER, deceased, having filed herein and rendered to this Court a full, true and correct account of her administration of said estate, which petition was for a final distribution of the estate of said decedent, and said account and petition for distribution having come on regularly for hearing September 4, 1979, and said day having been duly and regularly set for the hearing of the same; and it appearing to the Court, and the Court now finds, as follows:

1. That due notice as required by law has been given of the time and place set for the hearing of said first and final account, and petition for distribution.

2. That said GEORGIA E. HUNTER died on November 4, 1978 in the County of Yolo, State of California, and was a resident of said County and State and left an estate therein.

3. That thereafter and pursuant to proceedings duly held

BOOK 1384 PAGE 113

1 on December 21, 1978, RUTH H. GREELEY was duly appointed Executor
 2 of said estate, and Letters Testamentary were issued to her herein
 3 on December 21, 1978.

4 4. That due and legal notice to creditors of said decedent
 5 have been given in the manner, form, and for the period of time
 6 required by law and the order of this Court; that more than four
 7 months have elapsed since the first publication of notice to
 8 creditors and the time for presentation of claims against said
 9 estate has expired; and that all claims against the estate of said
 10 decedent have been fully paid.

11 5. That an Inventory and Appraisement of the estate of said
 12 decedent was returned and filed with the clerk of the above-entitled
 13 Court on April 6, 1979, showing an appraisal value of \$144,252.65.

14 6. That a Federal Estate Tax Return for the estate of said
 15 decedent has been timely filed, and no tax is due thereunder; that
 16 the California Inheritance Tax herein in the sum of \$4,311.20 has
 17 been paid in full and receipt therefor dated June 14, 1979, is on
 18 file herein.

19 7. That the sole beneficiaries of the estate are the three
 20 adult children of the deceased, GENE HARTMAN HAMEL, GLORIA LORRAINE
 21 BREMER, and RUTH ELIZABETH GREELEY, all of whom have signed
 22 Waivers of Accounting.

23 8. That the petitioner as Executor of the Estate of
 24 GEORGIA E. HUNTER has waived all rights to compensation for services
 25 as such Executor.

26 9. That the attorneys for said Executor, DAHL, HEFNER,
 27 STARK & MAROIS, are entitled to have paid them a statutory fee for
 28 their services rendered herein in the sum of \$4,035.00 and should

DAHL, HEFNER, STARK
 & MAROIS
 ATTORNEYS AT LAW
 433 CAPITAL HALL
 SACRAMENTO 95814
 PHONE 444-3600

BOOK 1384 PAGE 614

1 be reimbursed the sum of \$251.70 for costs advanced by them herein.

2 10. That the attorneys for said Executor, DAHL, HEFNER,
3 STARK & MAROIS, are entitled to have paid them an extraordinary
4 attorneys' fee in the sum of \$250.00 for extraordinary services they
5 have performed herein for the preparation of the Federal Estate Tax
6 Return.

7 11. That the names and addresses of the heirs at law of
8 said decedent, of the beneficiaries, next of kin, devisees and
9 legatees of the decedent are as follows:

10 RUTH H. GREELEY, adult daughter
11 6901 N. Chestnut
Fresno, CA 93710

12 GEORGIA L. BREMER, adult daughter
13 504 College Street
Woodland, CA 95695

14 GENE HARTMAN HAMEL, adult son
15 32550 Old Willets Road
Ft. Bragg, CA 95437

16 ELAINE GREELEY FORCE, adult granddaughter
17 P.O. Box 36
Julian, CA 92036

18 CAROL A. GREELEY, adult granddaughter
19 c/c RUTH H. GREELEY
6901 N. Chestnut
Fresno, CA 93710

20 JAMES A. BREMER, adult grandson
21 240 N. College Street
Woodland, CA 95695

22 SUSAN BREMER WIRTH, adult granddaughter
23 3841 Linden Lane
El Sobrante, CA 94803

24 SALLEY E. BREMER, adult granddaughter
25 3020 Gayland Drive
Modesto, CA 95350

26 GENIE M. POPE, adult granddaughter
27 303 N. Garden Street
Boise, Idaho 83704

28

DAHL, HEFNER, STARK
& MAROIS
ATTORNEYS AT LAW
555 CAPITOL MALL
SACRAMENTO 95834
PHONE 444-5520

1 GEORGIA M. HAMEL, adult granddaughter
 2 257 High Street
 3 Santa Cruz, CA 95060

4 12. That the Court finds that distribution of the estate
 5 should be in accordance with the provisions of the decedent's Last
 6 Will and Testament, dated December 4, 1976, duly admitted to probate
 7 and filed herein. Pursuant to the applicable provisions of decedent's
 8 Last Will and Testament, the assets of the estate should be
 9 distributed as follows:

10 A. To RUTH H. GREELEY and GLORIA L. BREMER, in equal
 11 undivided interests as tenants in common, the real property of the
 12 decedent, more particularly described in the Decree of Distribution
 13 hereinafter entered.

14 B. To RUTH H. GREELEY and GLORIA L. BREMER, in equal
 15 shares, all of the decedent's personal effects, livestock,
 16 automobiles, ranch implements and supplies, riding equipment,
 17 household furniture and furnishings, including all crystal and
 18 silver.

19 C. To GENE HARTMAN HAMEL, a promissory note dated
 20 April 6, 1979, in the principal sum of \$26,700.00, executed in his
 21 favor by RUTH H. GREELEY and GLORIA L. BREMER pursuant to an
 22 election made by them under the Fourth Paragraph of the decedent's
 23 Last Will and Testament.

24 D. To RUTH H. GREELEY, GLORIA L. BREMER and GENE
 25 HARTMAN HAMEL, in equal shares, all of the rest, residue and
 26 remainder of the estate.

27 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

28 1. That said GEORGIA E. HUNTER died in and a resident of
 the County of Yolo, State of California, on November 4, 1978.

DANIEL, NORMAN, STARK
 & HANCOCK
 ATTORNEYS AT LAW
 505 CAPITOL MALL
 SACRAMENTO, CALIF.
 PHONE 444-6400

Doc 1384 Mc 016

1 2. That notice to creditors in the manner, form and for the
2 period of time required by law was published and that the time for
3 filing claims has expired; that all taxes, including California
4 Inheritance Tax and the Federal Estate Tax as shown on a duly filed
5 return, have been paid as well as all claims against said estate.

6 3. That said final account should be, and the same is
7 hereby approved and allowed.

8 4. That all jurisdictional steps necessary to be taken in
9 the probate, and as conditions to distribution of the estate of
10 said decedent, have been taken.

11 5. That RUTH H. GREELEY has waived all rights to compensa-
12 tion as and for the services rendered the estate as Executor during
13 the course of administration.

14 6. That DAHL, HEFNER, STARK & MAROIS, attorneys for the
15 Executor herein, should be paid the sum of \$4,035.00 as statutory
16 attorneys' fees, the further sum of \$250.00 for extraordinary
17 attorneys' fees herein, and the sum of \$251.70 for reimbursement of
18 costs advanced by them herein.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that after the
20 payment of the aforesaid fees, the remaining assets of the estate
21 be, and the same are hereby distributed as follows:

22 1. To RUTH H. GREELEY and GLORIA L. BREMER, in equal
23 undivided interests as tenants in common, the real property of the
24 decedent, more particularly described as follows:

25 ////
26 ////
27 ////
28 ////

DAHL, HEFNER, STARK
& MAROIS
ATTORNEYS AT LAW
525 CAPITOL MALL
SACRAMENTO 95814
PHONE 444-6620

BOOK 1384 PAGE 617

PARCEL 1

"Parcel Seven (7) of lands of HENRY J. HAMEL, et al, according to the map thereof on file in Book 4 of Maps and Surveys, at page 79 and 80, of Yolo County Records, EXCEPTING THEREFROM, beginning at the corner to fractional Section 8 and Section 9, Township 8 North, Range 1 East, M.D.B. & M., and the northerly boundary of the Rancho Rio De Los Putos marked by a 3/4 inch square iron bar as shown on the Map of the Lands of Henry J. Hamel, et al, Maps and Surveys, Book 4, Page 80, Yolo County Record; thence from said point of beginning along the southerly line of Parcel 7 of said Hamel Lands and the Northerly boundary of the Rancho Rio De Los Putos S. 65° 27' W. 1025.94 feet; thence leaving the southerly line of Parcel 7, N. 0° 34' W. 999.47 feet; N. 07° 59' W. 204.08 feet; N. 14° 48' W. 47.00 feet; N. 05° 22' 25" E. 55.10 feet; N. 13° 19' 20" W. 322.85 feet; N. 65° 57' W. 257.33 feet; and S. 66° 01' 15" W. 188.11 feet to the west line of Parcel 7, said Hamel lands; thence along the west line of Parcel 7, N. 0° 34' W. 2747.43 feet to the Northwest corner thereof; thence along the north line of Parcel 7, N. 89° 58' E. 1392.06 feet to the northeast corner thereof, the corner common to Sections 4, 5, 8 and 9, Township 8 North, Range 1 East, M. D. B. & M.; thence along the East line of Parcel 7, the Section line common to Sections 8 and 9, S. 01° 22' E. 3967.35 feet to the point of beginning."

PARCEL 2

"A PORTION of the Southeast quarter of Section 8, T. 8 N., R. 1 E., M.D.B. & M., described as follows:

BEGINNING at a point that is distant S. 65° 27' W. 1025.94 feet from the corner common to fractional Section 8 and Section 9, Township 8 North, Range 1 East, M.D.B. & M., and the northerly boundary of the Rancho Rio De Los Putos marked by a 3/4 inch square iron bar as shown on the Map of the Lands of Henry J. Hamel, et al, Maps and Surveys, Book 4, Page 80, Yolo County Records; thence from said point of beginning N. 0° 34' W. 999.47 feet; N. 07° 59' W. 30.00 feet; thence S. 69° 48' 40" W. 364.00 feet; thence S. 01° 59' E. 1050.00 feet to the Southerly line of Parcel 7 of said Hamel Lands; thence N. 65° 27' E. along said line 351.00 feet to the point of beginning, containing 8.01 acres of land."

2. To RUTH H. GREELEY and GLORIA L. BREMER, in equal shares, all of the decedent's personal effects, livestock, automobiles, ranch implements and supplies, riding equipment, household furniture and furnishings, including all crystal and silver.

1 3. To GENE HARTMAN HAMEL, a promissory note dated April 6,
2 1979, in the principal sum of \$26,700.00, executed in his favor by
3 RUTH H. GREELEY and GLORIA L. BREMER.

4 4. To RUTH H. GREELEY, GLORIA L. BREMER and GENE HARTMAN
5 HAMEL, in equal shares, all of the rest, residue and remainder of
6 the estate.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all other
8 property of every character and nature, which by inadvertance may
9 have been omitted from the Inventory and Appraisement on file
10 herein in the above entitled estate, which may hereafter be dis-
11 covered, wheresoever situated and whatsoever its character, be, and
12 the same is hereby distributed according to the terms of the dece-
13 dent's Last Will and Testament.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that RUTH H.
15 GREELEY after having complied with all the terms and provisions of
16 this Decree of Distribution that she shall be discharged as
17 Executor herein.

18 Done in open Court this 4th day of September, 1979, and
19 presented for signature this 4 day of September, 1979.

20
21
22 WANGEN K. TAYLOR
23 JUDGE OF THE SUPERIOR COURT

24 STATE of CALIFORNIA
25 COUNTY of YOLO
26 I, WANGEN K. TAYLOR, Judge of the above entitled
27 Court, do hereby certify that the foregoing is a true and cor-
28 rect copy of the original as the same appears on the files of said
29 Court, and that I have carefully compared the same with the original.

Witness my hand and the seal of said Superior Court

this 4th day of September 1979
Wangen K. Taylor
Judge of the Superior Court

6841, HEINER, TANK
& HARRIS
ATTORNEYS AT LAW
535 CAPITOL MALL
SACRAMENTO 95814
PHONE 444-8120

15161

BOOK 1384 PAGE 610

3

13110

RECORDING REQUESTED BY
TRANSAMERICA TITLE INS. COMPANY

VOL. 927 PAGE 123
OFFICIAL RECORDS
RECORDED AT REQUEST OF
TITLE INS. CO.
NOV 2 1969
At 39 Min. Past 12 O'clock P.M.
YOLO COUNTY, CALIFORNIA
Recorder \$2.00

AND WHEN RECORDED MAIL TO

Hand
Street
Address
City
State
Zip
GEORGIA E. HUNTER
Route 1, Box 158
Winters, California

MAIL TAX STATEMENTS TO
Documentary Transfer Tax \$ 27.00

Name
Street
Address
City
State
Zip
GEORGIA E. HUNTER
SAME AS ABOVE

Computed on Full Value of Property Conveyed,
or computed on Full Value less Liens and
encumbrances remaining at time of sale.

Signature of Declarant or Agent Determining Tax Firm Name
Georgia E. Hunter

TRANSFER TAX \$ 27.00

GRANT DEED

(Escrow No. 11-69-3D.)

By this instrument dated NOVEMBER 25th, 1969, for a valuable consideration,

GEORGIA E. HUNTER, who acquired title as GEORGIA E. HAMEL

hereby GRANTS to GEORGIA E. HUNTER, AN UNMARRIED WOMAN

the following described Real Property in the State of California, County of YOLO
City of _____

A PORTION of the Southeast quarter of Section 8, T. 8 N., R. 1 E.,
M.D.B. & M., described as follows:-

BEGINNING at a point that is distant S. 65° 27' W. 1025.94 feet
from the corner common to fractional Section 8 and Section 9,
Township 8 North, Range 1 East, M.D.B. & M., and the northerly
boundary of the Rancho Rio De Los Pinos marked by a 3/4 inch square
iron nail as shown on the Map of the Lands of Henry J. Hamel, et al.
Maps and Surveys, Book 4, Page 80, Yolo County Records; thence
from said point of beginning N. 0° 34' W. 999.47 feet; N. 07° 59'
W. 30.00 feet; thence S. 69° 48' 40" W. 364.00 feet; thence S. 01°
59' E. 1050.00 feet to the Southerly line of Parcel 7 of said Hamel
Lands; thence N. 65° 27' E. along said line 351.00 feet to the
point of beginning, containing 8.01 acres of land.

Georgia E. Hunter
GEORGIA E. HUNTER

STATE OF CALIFORNIA

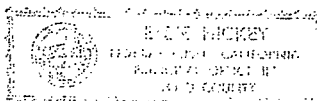
COUNTY OF YOLO

On NOVEMBER 25th, 1969, before me, the undersigned, a Notary Public in and for said
County and State, personally appeared GEORGIA E. HUNTER

known to me to be the
person whose name is subscribed to the within instrument and acknowledged to me that he executed the same

Notary's Signature *Robert Hickey*

Type or Print Notary's Name ROBERT HICKEY
MY COMMISSION EXPIRES: AUGUST 31st 1970



MAIL TAX STATEMENTS AS INDICATED ABOVE

RECEIVED 2/17/70

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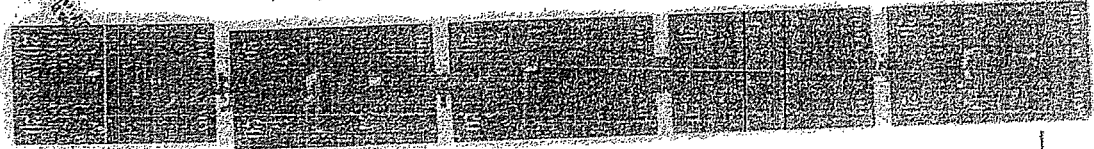
Deed

BOOK 657 PAGE 457 APPLICATION No. 24930

GEORGIA E. HAMEL HUNTER, a widow, party of the first part, hereby Grant to EMMA F. DIXON, a widow, party of the second part, all the real property situated in the _____ County

of Yolo, State of California, described as follows: Beginning at the corner to fractional Section 8 and Section 9, Township 8 North, Range 1 East, M.D.B. & M., and the northerly boundary of the Rancho Rio De Los Putos marked by a 3/4 inch square iron bar as shown on the Map of the Lands of Henry J. Hamel, et al, Maps and Surveys, Book 4, Page 80, Yolo County Record; thence from said point of beginning along the southerly line of Parcel 7 of said Hamel Lands and the northerly boundary of the Rancho Rio De Los Putos S. 65° 27' W. 1025.94 feet; thence leaving the southerly line of Parcel 7, N. 0° 34' W. 999.47 feet; N. 07° 59' W. 204.08 feet; N. 14° 48' W. 47.00 feet; N. 05° 22' 25" E. 55.10 feet; N. 13° 19' 20" W. 322.85 feet; N. 65° 57' W. 257.33 feet; and S. 66° 01' 15" W. 188.11 feet to the west line of Parcel 7, said Hamel Lands; thence along the west line of Parcel 7, N. 0° 34' W. 2747.43 feet to the Northwest corner thereof; thence along the north line of Parcel 7, W. 89° 58' E. 1392.06 feet to the northeast corner thereof, the corner common to Sections 4, 5, 8 and 9, Township 8 North, Range 1 East, M. D. B. & M.; thence along the East line of Parcel 7, the Section line common to Sections 8 and 9, S. 01° 22' E. 3967.35 feet to the point of beginning, containing 120.00 acres of land.

EXCEPTING therefrom a life estate in and to an undivided 1/2 interest in and to all oil, gas and other hydrocarbons, and minerals, now or at any time hereafter, situate therein and thereunder, together with easements and rights necessary, incidental, convenient or otherwise appurtenant to the exploration for, production, storage and transportation thereof.



WITNESS BY hand this 20th day of November 1961 Georgia E. Hamel Hunter

For Recorder's Use Only When Recorded, Mail To Emma F Dixon 5608 Colby Ave. Sacramento Calif. VOL 657 PAGE 457 OFFICIAL RECORDS RECORDED AT REQUEST OF WOODLAND TITLE GUARANTY CO. DEC 1 - 1961 AT 3 MIN. PM 2 O'CLOCK PM YOLO COUNTY, CALIFORNIA \$2.00 RECORDER

STATE OF CALIFORNIA County of Yolo On November 20 1961 before me A. W. Potts a Notary Public, in and for said County and State personally appeared Georgia F. Hamel Hunter known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same. My commission expires Feb 10 1965

241/263

263

4

COMPLETED

GRANT DEED

GEORGE HARTMANN HAMEL, of the City of Davis, County of Yolo, State of California, does hereby grant and convey to GEORGE E. HAMEL, of the County of Yolo, State of California, all his right, title and interest in and to the real property in the County of Yolo, State of California, and more particularly described as follows:

Parcel Seven (7) of Lands of HENRY J. HAMEL, et al, according to the map thereof on file in Book 4 of Maps and Surveys, at page 79 and 80, of Yolo County Records, consisting of One hundred and Forty (140) acres, more or less.

IN WITNESS WHEREOF, said grantor has hereunto affixed his hand the 20th day of May, 1946.

GEORGE HARTMANN HAMEL
George Hartmann Hamel

STATE OF CALIFORNIA
COUNTY OF YOLO SS.

On this 20th day of May, in the year one thousand nine hundred and forty six, before me, CARL E. RODEGERDTS, a Notary Public in and for the County of Yolo, State of California, residing therein duly commissioned and sworn, personally appeared GEORGE HARTMANN HAMEL, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Yolo the day and year in this certificate first above written.

(SEAL) CARL E. RODEGERDTS Notary Public in and
Carl E. Rodegerdts

for the County of Yolo, State of California.

My commission expires Oct. 24, 1948.

Recorded at Request of ROBERT M. COLE JUNE 21st A. D. 1946 at 36 min. past 2 o'clock P. M.

Document Number 3690 WILE I. FISHER RECORDER

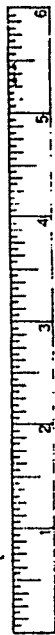
COMPLETED

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: THAT the undersigned, ~~MOORE SORRABY~~, of The City of Davis, County of Yolo, State of California, does by these presents appoint her husband, ~~SORRAB SORRABY~~, of the City of Davis, County of Yolo, State of California as her attorney in fact, for her and in her name, and for her use and benefit, to demand, sue for, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities, and demands whatsoever, which now or shall hereafter become due, owing, payable or belonging to ~~MOORE SORRABY~~ and have, use, and take all lawful ways and means in her name or otherwise for the recovery thereof by attachment, arrest or otherwise, and to compromise and agree for the same and discharge the same for her and in her name to make and deliver; to contract for, purchase, receive, and take lands, tenements, and hereditaments, and accept the same and possession

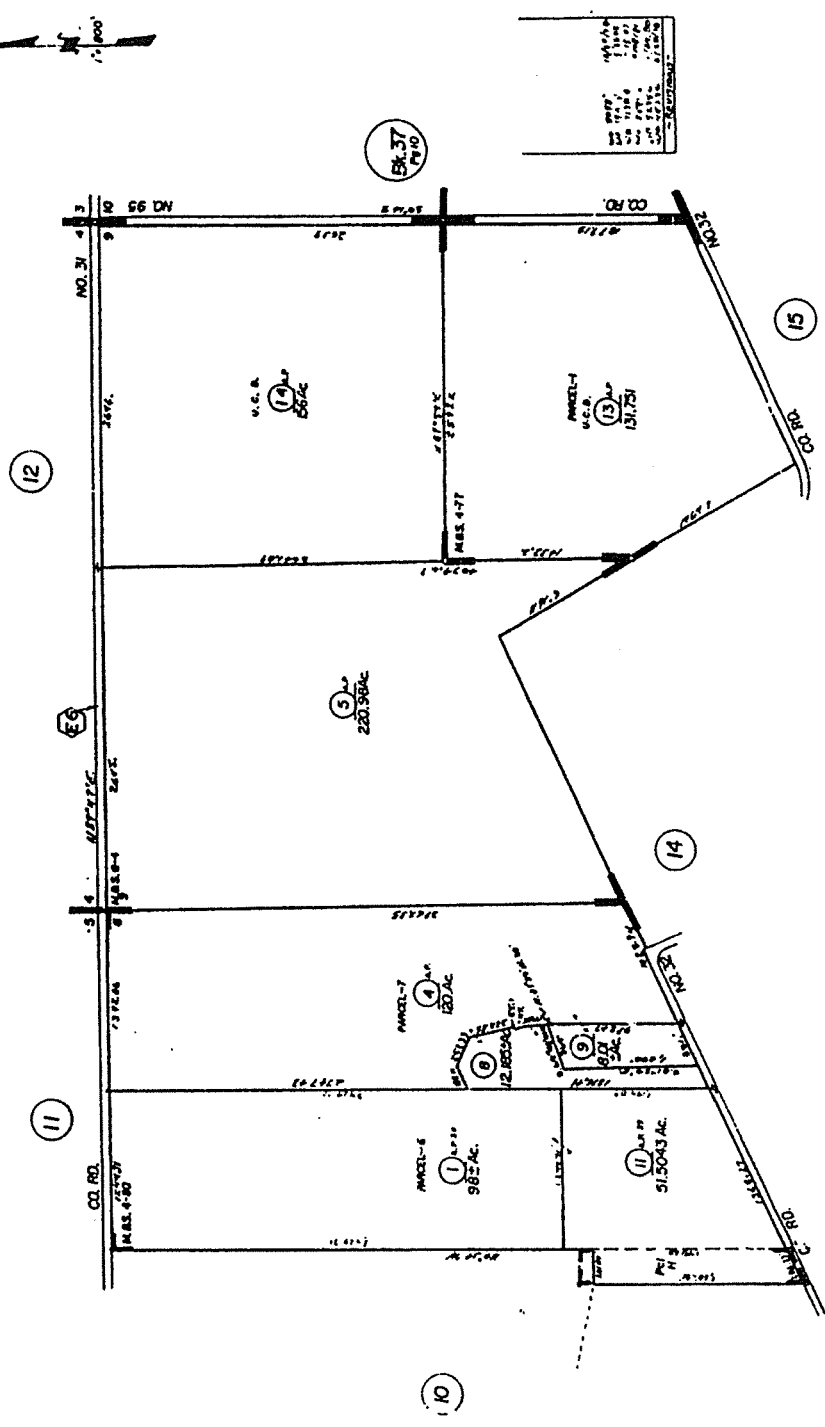
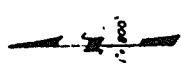
TRIM-RED

1-800-345-7334



POR. RANCHO RIO DE LOS PUTOS
T8N., R.1E.

CAUTION—These maps ARE NOT to be used
for legal descriptions. 38-13



-LEGEND-	
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M.B.S. Bk. 4, Pg. 77—EE. Russel Estate Lands. (formerly 31-02)
 M.B.S. Bk. 6, Pg. 4—Record of Survey. (formerly 31-02)
 M.B.S. Bk. 4, Pg. 80—H.J. Hamel Lands. (formerly 31-02)
 M.B.S. Bk. 10, Pg. 20—W.F. Singleton. (formerly 31-02)

NOTE—Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 38, Pg. 13
 County of Yolo, Calif.

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PRIVACY POLICY NOTICE

Purpose Of This Notice

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of a persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of:

Commonwealth Land Title Insurance Company
Fidelity National Title Insurance Company
First American Title Insurance Company
First American Title Insurance Company of New York
Lawyers Title Insurance Corporation
Montana Title and Escrow Company
National Closing Solutions
National Closing Solutions of Alabama, LLC
NCS Exchange Professionals
North Idaho Title Insurance Company
Old Republic National Title Insurance Company

Placer Title Company
Placer Title Insurance Agency of Utah
Stewart Title Guaranty Company
Stewart Title Insurance Company
Targhee National Title
The Sterling Title Company
Ticor Title Insurance Company
Transnation Title Insurance Company
United General Title Insurance Company
Westcor Land Title Insurance Company
Wyoming Title and Escrow Company

We may collect nonpublic personal information about you from the following sources:

- * Information we receive from you, such as on applications or other forms.
- * Information about your transactions we secure from our files, our affiliates or others.
- * Information we receive from a consumer reporting agency.
- * Information we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- * Financial service providers such as companies engaged in banking, consumer finances, securities and insurance.
- * Nonfinancial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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APR 2 1955

Clerk

ORDINANCE NO. 546

By J. J. THOMAS Deputy

An Ordinance prescribing rules and regulations governing the division or subdivision of land, the preparation and filing of maps, and providing penalties for the violation thereof, and adopting, by reference the "Standard Schedule for Grading Cities and Towns of the United States with reference to their Fire Defense and Physical Conditions" as established by the National Board of Fire Underwriters, current edition, and repealing Ordinance No. 175 passed and adopted December 6, 1941, and all other ordinances or parts of ordinances in conflict with this Ordinance.

The Board of Supervisors of the County of Yolo, State of California do ordain as follows:

CHAPTER 1. TITLE, PURPOSE, ADVISORY AGENCY, SUBDIVISION COMMITTEE AND DEFINITIONS

- Section 1.00 TITLE: This Ordinance shall be known as and may be cited as the "Land Development Ordinance of the County of Yolo".
- Section 1.10 PURPOSE: This Ordinance shall have as its purpose the establishment of the following principles in the interest of protecting the health, safety and general welfare of the people of Yolo County.
- A. Effectuating the objectives established for the development of the County in the Master Plan of Yolo County. In all respects a proposed subdivision, street plan, or land division will be considered in relation to the Master Plan of Yolo County.
 - B. Providing for the creation of reasonable building sites.
 - C. Providing for the construction and installation of streets, roads, alleys, highways, public utilities and other facilities.

- D. Providing for adequate street alignment and means of ingress and egress to property.
- E. Controlling the division of land which is subject to inundation or other detrimental influences which make land unsuitable for many uses.
- F. Providing for planned development subdivisions.
- G. Providing rules and regulations governing the contents of tentative and final subdivision maps, land division plats, street dedication maps, the filing thereof and other matters related thereto.

Section 1.20 ADVISORY AGENCY: The Yolo County Planning Commission is hereby designated as the "Advisory Agency" as to all matters related to the division or subdivision of land, and is hereby charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions.

Section 1.30 SUBDIVISION COMMITTEE: There is hereby established a Subdivision Committee to act in a technical capacity for the Advisory Agency. Said Committee shall consist of the following persons or their duly authorized representatives: The Planning Director, the Director of Public Works, the Public Health Director and the Chief Building Inspector.

Section 1.31 DUTIES: It shall be the duty of the Committee, in addition to other requirements provided in this Ordinance, to examine and review all street dedications and tentative maps of subdivisions and make its recommendations to the Advisory Agency. The Committee shall:

- A. Designate one of its members as chairman.
- B. Hold regular meetings at established dates.
- C. Establish rules of procedure for the meetings.
- D. Publish copies of its rules of procedure and meeting dates.

- E. Review, by request of the applicant or any member of the Committee, decisions concerning records of survey, street dedications and land divisions.

Section 1.32 PUBLIC MEETINGS: Meetings of the Committee shall be open to the public and any officer, person, subdivider or owner interested in any matter before the Committee shall have the privilege of attending any such meeting and making any presentation that may be appropriate.

Section 1.40 DEFINITIONS: All words used in the singular shall include the plural, and the plural the singular; each gender shall include the other; and any tense shall include the other tenses unless the context requires otherwise. The word "shall" is mandatory and the word "may" is permissive.

A. For the purposes of this Ordinance, certain terms and words are herewith defined as follows:

1. "Alley" shall mean a way permanently reserved primarily for vehicular access to the rear or side of properties which also abut on a street.
2. "Arterial" shall mean a four (4) lane street (present or future) which provides for through high volume traffic movements between areas or to a city with intersections at grade and direct access to abutting property subject to necessary control of entrances, exits, and curb use. It usually connects to a thoroughfare street.
3. "Board of Supervisors" shall mean the Board of Supervisors of Yolo County.
4. "Building Site" shall mean a parcel of land exclusive of public streets or alleys ^① occupied or intended to be occupied by a main building or group of such buildings and accessory buildings, ^② together with such open spaces, yards, minimum width and area as are required by the Zoning Ordinance, and having full

frontage on an improved and accepted public street which meets the standards of widths and improvements specified by Yolo County for the street in question, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement and improvements therein is determined by the Commission to be adequate. In subdivided areas a building site is any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot, which meets the area and width requirements of the Zoning Ordinance. NOTE:

As used in this ordinance "Building Site" is not restricted to a parcel of land identified on a filed and recorded subdivision by lot number.

5. "Chief Building Inspector" shall mean the Chief Building Inspector of Yolo County or his authorized representative.
6. "Collector" shall mean a street which provides for traffic movement between Arterials and Land Service streets, and access to abutting properties. It includes, but is not limited to, the principal entrance streets of residential developments and streets for circulation of traffic within such developments.
7. "Commission" shall mean the Yolo County Planning Commission.
8. "Committee" shall mean the Subdivision Committee of Yolo County.
9. "Corner Lot" shall mean a lot bounded by streets on two or more adjoining sides where the angle of intersection between the tangents of the two intersecting streets is less than one hundred thirty-five (135) degrees.
10. "County" shall mean the County of Yolo, California.

11. "Cul-de-sac" shall mean a street which connects to other streets only at one end and having provision for a turnaround at its other end.
12. "Department of Public Works" shall mean the Department of Public Works of Yolo County.
13. "Design" shall include street alignment, gradient and width; the alignment and width of easements; the rights-of-way for drainage sewers and utilities; the size, shape and area of lots; the uses of land; and the construction and installation of all public improvements.
14. "Director of Public Works" shall mean the Director of the Department of Public Works of Yolo County or his designated representative, and shall include the terms County Engineer, County Surveyor and County Road Commissioner.
15. "Dividing Strips" shall mean a separation median or other means of channelization between adjacent or opposing traffic lanes. It may also mean a separation between the traffic lanes on a thoroughfare or arterial and the parallel frontage road which provides access to abutting property.
16. "Double Frontage" shall mean a lot having frontage on two parallel or nearly parallel streets, and having the right of access to both streets.
17. "Expressway" shall mean a multilane highway for through traffic with full or partial control of access with grade separations at some intersections and major rail crossings.
18. "Final Map" shall mean a map prepared as a final map in accordance with the provisions of this Ordinance and the Subdivision Map Act of the State of California, which map is intended to be placed on record in the office of the County Recorder of Yolo County.

19. "Freeway" shall mean a multilane divided highway for through traffic with full control of access and with grade separations at all intersections and rail crossings.
20. "Frontage" shall mean the lot width measured along the property line adjacent to the street right-of-way. On a corner lot the frontage shall be the lesser of two street frontages.
21. "Frontage Road" shall mean a street or road contiguous to and generally paralleling a freeway, thoroughfare, expressway, railroad or through street so designed as to intercept, collect, and distribute traffic desiring to cross, enter, or leave such facility and to furnish access features.
22. "Future Street or Alley" shall mean any real property which the owner thereof has offered for dedication to the County for street or alley purposes but which has been rejected by the Board of Supervisors of the County of Yolo, subject to the right of said Board of Supervisors to rescind its action and accept by resolution at any later date and without further action by the owner, all or part of said property as public street or alley.
23. "Health Department" shall mean the Health Department of Yolo County.
24. "Improvements" shall mean streets, highways, monuments or any facility, fixture or object installed or constructed in accordance with the Improvements Standards and Specifications of the County of Yolo for acceptance or maintenance by the County or other public agencies,
25. "Improvement Security" shall mean a cash deposit, a corporate surety bond or bonds, or an instrument of credit covering faithful performance and labor and materials as set forth in the Subdivision Map Act.
26. "Interior Lot" shall mean a lot other than a
corner lot

27. "Land Division" shall mean any land, improved or unimproved, or portion thereof (shown on the last preceding tax roll as a unit or contiguous units) which is divided into four or less parcels, one or more of which is less than 20 acres in size.
28. "Land Service Street" shall mean a minor street or road primarily for direct access to residential, business, industrial, or other abutting property. It usually connects to a Collector or Arterial street.
29. "Limited Access Way" shall mean a street or highway to which the right of access is restricted to designate places for the purpose of increasing safety and the efficient regulation of traffic.
30. "Lot" shall mean a parcel of land intended for transfer of ownership, lease or building development. (See also Building Site)
31. "Lot Area" shall mean the total horizontal area included within the lot lines, but excluding any portion of such area which has been dedicated or offered for dedication for public street, alley or pedestrian way.
32. "Lot Depth" shall mean the horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.
33. "Lot Lines" shall mean the lines bounding a lot as herein defined.
34. "Lot Width" shall mean the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line. Whenever this definition cannot be applied due to irregularity in the shape of the lot, the "lot width" shall be as determined by the Planning Director subject to appeal and review by the Planning Commission

35. "Master Plan" shall mean the master or general plan of the County or any element, section or portion thereof.
36. "Parcel Map" shall mean a map prepared and processed in accordance with the provisions for parcel maps as set forth in the Subdivision Map Act.
37. "Pedestrian Way" shall mean a way dedicated for public use and designated for use by pedestrians, equestrians and cyclists, and not intended for use as a way for motor driven vehicular traffic.
38. "Planning Department" shall mean the Planning Department of Yolo County.
39. "Planning Director" shall mean the Planning Director of Yolo County or his authorized representative.
40. "Preliminary Plan" shall mean a sketch plan of a proposed subdivision prepared prior to a tentative map, and showing existing conditions and the proposed development thereon.
41. "Public Health Director" shall mean the Public Health Director of Yolo County or his authorized representative.
42. "Public Water System" shall include the water supply of:
 - (a) public water district organized under the laws of the State of California
 - (b) a water company regulated by the Public Utilities Commission, or
 - (c) any mutual water company in existence at the time of adoption of this Ordinance.
43. "Record of Survey" shall mean a map showing or defining one or more lots, easements or rights-of-way as defined by Division 3, Chapter 15 of the Business and Professions Code of the State of California.

44. "Street" shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place, court, circle, drive, or way which has been dedicated to public use and accepted by the County of Yolo, or laid out or constructed as such by the County of Yolo, or made a public street pursuant to law. It does not include a private road or alley.
45. "Subdivider", "Developer" and "Land Developer" shall mean a person, firm, corporation, partnership, association, or their agents, who causes land to be divided or developed in accordance with this Ordinance for himself and/or for others.
46. "Subdivision" shall mean any real property as currently defined in the Subdivision Map Act.
47. "Subdivision Agreement" shall mean a contract between the County and the subdivider, in a form approved by the Board of Supervisors, requiring the subdivider to complete, install or construct improvements as required in this Ordinance.
48. "Subdivision Map Act" shall mean Division 4 Chapter 2 of the Business and Professions Code of the State of California and all amendments or additions thereto.
49. "Tentative Map" shall mean a map prepared for the purpose of showing the design or layout of a proposed subdivision and the existing conditions in and around it, and a general description of the proposed improvements.
50. "Thoroughfare" shall mean a street of major importance with four (4) or more lanes (present or future) generally divided, which primarily provides for the expeditious movement of large volumes of through traffic between traffic generators, communities, or cities. It may have full or partial control of access, and intersections may or may not be at grade.
51. "Zoning Ordinance" shall mean the Zoning Ordinance of the County of Yolo.

CHAPTER 2. LAND DIVISION PROCEDURE FOR FOUR OR LESS LOTS

- Section 2.00** PURPOSE: Pursuant to the authority of the Subdivision Map Act, the County of Yolo finds it necessary and desirable to regulate land division that is not a subdivision. This regulation will encourage the best type of land development within Yolo County, assure adequate access to each proposed building site, assure that the development of land is consistent with the public interest and generally serve to protect land values for the individual.
- Section 2.10** FILING: Prior to land division for the purpose of sale, lease or financing, whether immediate or future, by the execution of any deed of conveyance, sale or contract for sale after the effective date of this Ordinance, the land developer or his agent shall submit three (3) copies of a Land Division Plat, to the Planning Director for approval. This plat shall indicate the proposed land division in a manner which shows the general nature of the development proposed for said land division. Said plat shall be considered in light of existing and other proposed development in the area, the Master Plan and standards established in the community.
- Section 2.20** FORM AND CONTENT: The Land Division Plat shall be accurately drawn to an appropriate scale and shall show the following information:
- A. The boundary lines of the original parcel or parcels, with dimensions, based on available survey data together with a legal description thereof.
 - B. The location of all surface and underground structures and improvements with appropriate dimensions may be required.
 - C. The names, locations and widths of all existing and proposed streets affecting the proposed division.
 - D. The proposed lot lines, with dimensions, and the means of access to each proposed lot.

- E. The proposed use of the lots to be created.
- F. Information on utilities to be used including source or method of water supply and sewage disposal.
- G. Improvement and dedications to be made.
- H. Any other pertinent information as requested by the Planning Director.
- I. The following certificate signed by the legal owner or his authorized agent:

Date _____

I hereby apply for approval of the division of real property shown on this plat and certify that I am the legal owner (or the authorized agent of the legal owner) of said property and that the information shown hereon is true and correct to the best of my knowledge and belief.

Signed _____

Address _____

If the above certificate is signed by an agent of the legal owner, such agent must submit written authorization from the owner with the plat.

Section 2.30 ACTION ON THE LAND DIVISION PLAT: The Planning Director shall, within five (5) working days, advise the land developer, or his authorized agent, by letter or in conference, whether the proposed land division is approved, approved with conditions, or denied.

- A. Approval of the proposed land division ~~may~~^{shall} be made if:
 1. Full development of the property will not violate the Subdivision Map Act.
 2. Development of the property is in conformance with, and subject to, the provisions of this ordinance.
 3. The proposed use and resultant development are in conformance with the Zoning Ordinance and the Master Plan.

- B. Conditional approval may be made if the required conditions assure compliance with Sections 2.30 A:
1. The recording of a Record of Survey or Parcel Map may be required as a condition of approval of the land division plat. Said map or maps shall be recorded when required by the Business and Professions Code of the State of California.
 2. The dedication of street right-of-way to Yolo County Standards may be required of all parcels that do not have full frontage on an accepted public street which meets the standards of widths specified by Yolo County for the street in question.
 3. The installation of improvements shall be provided to the following standards:
 - (a) All streets and easements that are to be dedicated to public use shall conform to the Improvement Standards and Specifications of the County of Yolo.
 - (b) Private streets that are not offered for public use need not be improved providing that there is recorded a private road easement which meets the standards of widths specified by Yolo County for the street in question. However, said street shall be identified as a private street by a sign that conforms to the Improvement Standards and Specifications of the County of Yolo.
- C. If the proposed land division cannot be developed in accordance with Section 2.30A, the Planning Director shall disapprove the land division plat
- D. If, in the opinion of the Planning Director, the proposed land division may ultimately result in a subdivision, the proposed land division shall be referred to the committee.

Section 2.40 EXCEPTIONS: Nothing in this chapter shall apply to the following:

- A. Property boundary adjustments where no new building site is created and the resulting parcels comply with the Zoning Ordinance.
- B. Subdivisions pursuant to the requirements of this Ordinance.
- C. Any parcel or parcels divided into lots or parcels, each of a net area of 20 acres or more.
- D. Leasing of space within buildings or trailer parks.
- E. Mineral, oil, and gas leases.
- F. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

Section 2.50 APPEAL: The land developer may appeal in the following manner, without payment of fee, any decision regarding a land division:

- A. Any decision of the Planning Director may be appealed in writing to the committee. The committee shall review and render a decision within five working days from the date the appeal is submitted.
- B. Any decision of the committee may be appealed in writing to the Planning Commission. The Planning Commission shall review and render a decision on the appeal not later than the next regular meeting after receipt of the appeal by said Commission.
- C. Any decision of the Planning Commission may be appealed to the Board of Supervisors in the same manner as set forth in Chapter 11 of this Ordinance for tentative map appeals, excepting that no notice of public hearing shall be required and no appeal fees shall be charged for such appeal.

CHAPTER 3. PRELIMINARY PLAN

Section 3.00 FILING: Prior to filing a tentative map, a subdivider may submit to the Planning Department, for consideration by the Committee, information concerning a proposed or contemplated development. The Committee shall consider the preliminary plan in light of the Master Plan, present and future development in the area, and standards in the community.

Section 3.10 FORM: The preliminary plan should contain general information describing existing conditions in the vicinity, the proposed development, and the following:

- A. A location map showing the proposal in relation to existing streets, community facilities, special natural features, and other development which would effect the subdivision.
- B. A sketch plan governing the entire area of development with suggested unit break down delineated in simple form and generally to scale, showing the general topography, drainage ways, the subdivision boundaries, existing zoning, the layout of streets and lots, school sites and other features.
- C. The intended land use (residential, commercial, industrial, recreational, and so forth and information on sanitary sewers, storm drainage and other improvements.
- D. Photographs, aerial photos, maps, models or other special information may be submitted to supplement the sketch plan.

Section 3.20 ACTION OF THE COMMITTEE: The committee shall, within thirty (30) days of receipt, advise the Subdivider or his agent on such plans. Such advice may be provided in conference or in writing. It shall make recommendations as to any necessary changes or desirable improvements in the preliminary plan and shall refer the subdivider to such other public and private agencies for further consultations as may be desirable.

It shall indicate the advisability of reserving suitable areas for park, playground, school, and other public or semi-public uses that will be required or suggested in the subdivision; suggest desirable improvement of the street pattern and lot arrangement; and advise on any other items or special problems which may arise.

CHAPTER 4. STREET DEDICATION

Section 4.00 GENERAL: The following procedure is set forth for the dedication of a public street or portion thereof where such dedication does not create a subdivision.

Section 4.10 FILING: The developer or his agent shall file with the Planning Department at least six (6) copies of a map drawn to scale showing the proposed street or street extension together with a description of the proposed street improvements.

Section 4.20 FORM AND CONTENT: The map shall show the location of the proposed street and enough information about the surrounding conditions to indicate how the proposed street will fit into the neighborhood street pattern and serve the interest of the general public. If new lots are to be created by the proposed street, they shall be indicated.

Section 4.30 REVIEW BY COMMITTEE: The Committee shall review the street dedication map within twenty-one (21) days after the filing of said map. In the event that the street fits into the neighborhood street pattern for the area, the Committee may forward it to the Planning Commission with a recommendation of approval, with any conditions deemed appropriate.

In the event that the proposed street dedication does not fit into the neighborhood street plan, the Committee may advise the applicant of changes that are necessary to warrant a recommendation of approval.

Section 4.40 ACTION BY THE PLANNING COMMISSION: The Planning Commission shall consider the street dedication map forwarded by the Committee within thirty (30) days of its filing. The Planning Commission may approve, conditionally approve or deny the map.

Section 4.50 ACCEFTANCE: After approval or conditional approval of the street dedication map, the developer may proceed with the improvements. Said improvements shall conform to the improvement standards and specifications of the County of Yolo and shall be installed pursuant to the applicable requirements of Chapter 6 of this Ordinance and to the satisfaction of the Director of Public Works. The developer shall supply the County with a deed to the street together with a certificate of title or policy of title insurance issued by a title company authorized by the laws of the State of California to write same, showing the names of all persons interested in the land to be dedicated together with the nature of their respective interests therein. Upon acceptance by the County of the completed improvements, said deed shall be recorded by the Director of Public Works.

CHAPTER 5. TENTATIVE MAP

Section 5.00 FILING: When required by this ordinance or the Business and Professions Code of the State of California a subdivider shall file with the Commission a sufficient number of copies of the tentative map to provide for the distribution indicated in Section 5.20. Every subdivider shall at the time of filing a tentative map, pay to the County such fees as prescribed therefore in Chapter 9 of this Ordinance.

The time of filing a tentative map shall be fixed as the date when all maps and information required by this chapter have been filed, checked and accepted as completed by the Planning Director and the required fees paid. If any required data is missing, the Planning Director shall so notify the subdivider or his agent within three (3) working days, in which case no filing shall be accepted until all necessary data is received.

Section 5.10 FORM AND CONTENT: The tentative map shall be prepared by a registered Civil Engineer or licensed land surveyor and shall be drawn to scale sufficiently large as to show clearly the details of the plan (generally 1"=50', 100' or 200'), and the essential dimensions related thereto.

A. This map shall contain the following additional information:

1. The subdivision number.
2. Legal and/or other sufficient description of the property to be subdivided to define the location and the boundaries of the proposed tract.
3. Name and address of:
 - (a) the owner or owners of record;
 - (b) the subdivider and;
 - (c) the engineer or surveyor
4. Widths, approximate locations and identity of all existing or proposed easements, streets, alleys,

reserves and drainage ditches on or adjacent to the proposed subdivision, together with all building and use restrictions applicable thereto.

5. Indication of adjacent tentative or recorded subdivisions, property lines, or any development which will effect or be affected by this development.
6. Topographic data shall be shown in sufficient detail and contour lines shall be shown at sufficient intervals to provide for proper study of drainage, sewage disposal, lot design and road locations. The location of existing buildings on or near the proposed subdivision, and unusual natural features in the area shall be indicated. A rough-grading plan together with preliminary soils data shall be indicated whenever cuts or fills are five (5) feet or more.
7. Location and general description of proposed public improvements.
8. Location and width of adjacent streets and highways existing and proposed, as well as possible future street continuations and an indication of how this development will fit into the neighborhood street plan and the Master Plan of Yolo County.
9. Proposed street names.
10. Approximate radii of all curves.
11. Approximate location of areas subject to inundation or storm water overflow, all areas normally covered by water, and all water courses which are to be preserved and used in the development of the subdivision.
12. Proposed lot layout and typical lot dimensions.
13. Existing and proposed uses of the property, with a statement of the respective proportions of the total area, and number of lots represented by each use.

14. Provisions for domestic water supply proposed by the subdivider, including the source, the location of existing, proposed, active, or abandoned wells, and the future disposition of each well. Information concerning approximate quantity is required when the source is other than public water system.
 15. Provisions for sewage disposal. Data pertaining to soil percolation rates shall be provided for all areas not on public sewer to satisfaction of the County Public Health Director.
 16. Provisions for all other utilities including a list of all firms and/or public districts supplying utility services.
 17. A flow diagram setting forth the manner and direction in which storm run-off will be carried through, and away from the subdivision.
 18. Provision for park and recreation facilities, schools and other needed public areas.
 19. Statement as to the proposed landscaping and tree planting plan.
 20. Date, north arrow, scale and gross area of subdivision.
 21. Boundary lines of any cities, counties, school districts and other public districts within the area of the map.
- B. Any material required by subsection "A" above that can not be placed legibly and completely on the tentative map, shall be submitted in writing with said map.

Section 5.20

DISTRIBUTION OF COPIES: Within five (5) working days from date of filing, copies of the tentative map shall be distributed by the Planning Department to the following departments and agencies for review and report thereon:

- A. Department of Public Works.
- B. Fire District of jurisdiction.
- C. Each school district in which the subdivision is located.
- D. Health Department.
- E. One copy to each city having an active Planning Commission if the proposed subdivision is within three (3) miles of the city limits of said city.
- F. The Planning Commission of each county whose boundary is within one mile of the proposed subdivision.
- G. District Engineer of the State Division of Highways, as requested.
- H. The serving public utility companies.
- I. Other agencies as may be concerned, upon request to the Planning Department.

Section 5.30

ACTION ON TENTATIVE MAP: Within a period of not more than fifteen (15) days from receipt of a copy of any such tentative map, each officer or department to which such copy shall have been transmitted, may file a report with the Planning Department of his or its approval, conditional approval, recommendations or disapproval.

- A. The Planning Department shall report to the Committee its findings and the reports received from the other agencies concerned. The Committee shall review the tentative map and the reports of said departments and agencies within twenty-one (21) days after the filing of said map, unless such time has been extended by agreement with the subdivider.

The Committee may meet with representatives of other agencies as may be concerned and shall present its report and recommendation to the Commission. If the Committee is satisfied with the design of the subdivision

and finds that it is in conformity with the provisions of the law and of this Ordinance, and does satisfy all community needs, it shall recommend approval of the map to the Commission together with any conditions the Committee deems necessary.

If the Committee is not satisfied with the design of the subdivision, it shall recommend to the Commission that the map be disapproved or approved with indicated changes and conditions.

- B. The Commission shall review the report of the Committee within forty (40) days after the filing of the tentative map unless such time has been extended by agreement with the subdivider. If the Commission is satisfied with the design of the subdivision and finds that it is in conformity with the provisions of the law and of this Ordinance, and does satisfy community needs, it shall approve the map. If the Commission is not satisfied with the design of the subdivision, it shall conditionally approve or disapprove the map within said forty (40) days time. If conditionally approved, the Commission shall designate the changes which will be required under the provisions of this Ordinance before a final map may be filed. If disapproved, the Commission shall indicate the reasons therefore. Failure of the Commission to act within forty (40) days after the tentative map was filed, unless such time has been extended, will be deemed to be approval of the map as submitted.

Within five (5) working days after having disapproved or approved the map with conditions, the Commission shall report such action in writing to the subdivider or his engineer, including a copy of the tentative map and indicating any conditions of approval.

Similarly, a copy of said letter and map shall be sent to the Director of Public Works and a copy of each

retained in the files of the Commission for at least three (3) years, after which time said letter and map may be destroyed.

The approval or conditional approval shall be valid for one year within which time the final map may be presented to the Board of Supervisors for acceptance and recordation. Otherwise, the tentative approval expires unless a renewal is requested before said expiration date and is subsequently granted by the Commission.

In the event that an approved tentative map is revised and subsequently approved by the Commission, the most recently approved tentative map shall constitute the only recognized tentative map for further action in the consideration of the filing of the final map.

CHAPTER 6. LAND DEVELOPMENT DESIGN STANDARDS AND OTHER REQUIREMENTS

To insure that land development shall reflect the best interests of the people of Yolo County, all developments under the provisions of this Ordinance shall conform to the standards of design of this Ordinance and the Improvement Standards and Specifications of the County of Yolo as set forth by resolution of the Board of Supervisors.

Section 6.00 STREETS AND HIGHWAYS:

- A. If the circulation element of the Master Plan shows any street located so that any portion thereof lies within the proposed land development, such portion shall be shown as a street or part of a street within such area in the general location shown on the Master Plan, unless an exception is granted pursuant to Section 10.00.
- B. The location, width and alignment of streets shall conform to the Master Plan and be arranged to produce the most advantageous development of the area in which the development lies. The street pattern shall be designed in accordance with the following standards:
 1. The design and construction of public improvements shall be in accordance with the improvement standards and specifications of the County of Yolo as set forth by resolution of the Board of Supervisors and on file in the office of the Clerk of the Board.
 2. In all subdivisions as defined in the Subdivision Map Act, excepting for subdivisions in planned development zones, each parcel of land shall be served by an improved public street.
 3. Where the side, front or rear lines of any lots abut on a freeway, limited access highway, thoroughfare or arterial, the subdivider may be required to dedicate to the County all right of vehicular access to and from such lots across the lot line abutting such freeway, limited access highway, thoroughfare or arterial.

4. Streets which are extensions of existing streets shall continue the centerlines of the existing streets, as far as practicable, either in the same direction or by adjustment curves.
5. Streets within a subdivision entering upon opposite sides of any given street, shall have their centerlines located directly opposite each other if practicable, or said centerline shall be offset at least two hundred feet (200') for land service streets, and at least two hundred fifty feet (250') for all other streets within a subdivision.
6. The centerlines of streets shall intersect one another as nearly at right angles as practical, shall not be excessively curved and shall conform to any table of requirements or formula for sight distance adopted pursuant to the authority of this Ordinance.
7. Where a subdivision adjoins unsubdivided land, adequate or necessary streets in the subdivision shall be extended to said adjacent unsubdivided land to provide access in the event of its future subdivision, and in a manner to provide the most advantageous development of the street pattern in the area.
8. In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the final map and offered for dedication as future streets or future alleys. Certificates providing that the County may accept the offer to dedicate such easements at any time shall be shown on the final map.
9. Except in unusual circumstances, a cul-de-sac street in a residential subdivision shall have a circular end with a minimum radius of forty-nine feet (49')

on property line, and shall not exceed two hundred and fifty feet (250') in length.

10. Alleys not less than twenty feet (20') wide may be required in the rear of properties where driveways to the street are not desirable.
11. Minimum and maximum street grades, minimum radii, sight distances, and minimum length of tangents shall conform to the improvement standards and specifications of the County of Yolo.

Section 6.10 BLOCKS AND EASEMENTS:

- A. Blocks shall not exceed one thousand feet (1000') in length except that blocks abutting thoroughfares shall be designed with at least thirteen hundred and twenty (1320') between intersecting streets.
- B. Intersections involving one or more streets having a right-of-way width of eighty feet (80') or more, and all intersections in industrial and commercial areas regardless of street width, shall have rounded corners of not less than twenty-five foot (25') radius at the property line. All other intersections shall have rounded corners of not less than twenty foot (20') radius at the property line. Chords may be used in lieu of the above required radii.
- C. Pedestrian ways at least eight feet (8') in width and paved full width with a minimum of four inch (4") thick concrete may be required (a) to connect dead-end streets; (b) to provide access to parks, schools, shopping centers, or similar facilities; or (c) other locations where required by the Director of Public Works.
- D. Easements for storm drainage shall be provided as required. In the event that the subdivision is traversed by any water course, channel, lake, stream, or creek, the subdivider shall provide rights-of-way or easements for storm

drainage purposes either conforming substantially with the lines of such water course, channel, lake, stream or creek, or he shall provide necessary rights-of-way or easements shall be adequate to provide for the necessary maintenance of the channels and incidental structures. In no case shall the width of such easement be less than eight (8) feet.

- E. Easements for sewers, water, gas, electricity and other public utilities shall be provided as required. Unless required by the Director of Public Works, public utility easements adjacent to and parallel with public street rights-of-way shall not be permitted when such rights-of-way are available for utility usage under franchise agreement.

Section 6.20 LOTS:

- A. Minimum lot sizes shall conform to the standards established by the Yolo County Zoning Ordinance and the requirements of this Ordinance, whichever is greater.
- B. All lots shall be suitable for the purposes for which they are intended to be sold, leased, rented or used.
- C. Residential lots abutting a limited access way shall normally have access on a frontage road, collector street or land service street.
- D. Side lot lines shall be perpendicular or radial to the street upon which the lot faces, as far as practicable.
- E. The maximum depth of a residential lot shall not be greater than three times the width of the lot.
- F. The requirements for commercial, industrial, agricultural, multiple family, and recreational lots and lots located in planned development zones may vary from the requirements for single family residential development, and shall conform with any applicable County Ordinance.

- G. Lots with double frontage shall be avoided except where further subdivision is anticipated or where special conditions exist and where the Commission deems such an arrangement feasible.

Section 6.30 OTHER GENERAL REQUIREMENTS:

- A. Where a public sewerage facility is available to the subdivision but a public water supply is not, the Planning Commission may, upon the recommendation of the Director of Public Works, require the installation of public water system as a condition to the approval of a tentative map.
- B. The construction and maintenance of wells and septic tanks shall meet the applicable standards or ordinances of the County.
- C. Where the subdivision is of such a size that the Commission deems it proper, it may require the subdivider to designate suitable areas for parks, playgrounds, schools, and other public building sites that may be required for the use of the population in the neighborhood or community.
- D. The Commission may require such measures as will preserve and enhance the scenic values and natural features of the County, and the conditions making for excellence of residential, commercial, industrial, agricultural or recreational development, as the case may be.
- E. Existing trees shall be preserved within any public way whenever, in the opinion of the Planning Commission, such trees are suitably located, healthy and of desirable variety, and when approved grading permits. When required, street trees of an approved type shall be planted in accordance with the Improvement Standards and Specifications of the County of Yolo.
- F. Fire protection facilities, including water supply, fire hydrants, gated connections and appurtenances to provide adequate fire protection, shall be furnished in accordance with the standard established by the National Board of

Fire Under-writers, except that these requirements may be modified by the Planning Commission upon recommendation of the fire district of jurisdiction.

The "Standard Schedule for Grading Cities and Towns of the United States with Reference to their Fire Defense and Physical Conditions", as established by the National Board of Fire Underwriters, 1956 Edition, is hereby adopted and made a part of this Ordinance for all purposes.

- G. Permanent type traffic barriers in accordance with the Improvement Standards and Specifications of the County of Yolo shall be furnished at the dead end of streets adjacent to undeveloped land, until such streets are extended onto the adjacent land.
- H. Street Lighting may be required by the Planning Commission when deemed appropriate.
- I. Failure of the subdivider to make provision for required streets, highways, schools, drainage and other planned public facilities, or to conform to Yolo County Zoning Ordinance regulations shall be reason to disapprove the tentative map.

Section 6.40 IMPROVEMENT STANDARDS: All required improvements shall be in accordance with the "Improvement Standards and Specifications of the County of Yolo" as established by resolution of the Board of Supervisors.

CHAPTER 7. FINAL MAP

Section 7.00 GENERAL: Within one (1) year after approval or conditional approval of the tentative map by the Commission (unless such time shall have been extended) the subdivider may cause said subdivision to be accurately surveyed and a final map prepared and recorded substantially in conformance with the tentative map, including all required alterations and changes, and conforming in all particulars to the provisions of the Subdivision Map Act and of this Ordinance.

Section 7.10 FORM AND CONTENTS:

A. Size, Materials, and Scale. The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgements may be legibly stamped or printed upon the map with opaque ink when recommended by the County Recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The size of each sheet shall be eighteen by twenty-six inches (18'x26"). A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1"). The subdivision number and other designation, all drawings, affidavits, acknowledgements, endorsements, acceptances of dedication and seals shall be within said margin line. The boundary of a subdivision shall be indicated by a border of light blue ink approximately 1/8 inch in width applied to the reverse side of the tracing inside such boundary line and shall not obliterate figures or other data.

The scale of the map shall be one inch equals one hundred feet (1"=100') on large areas and one inch equals fifty

feet (1"=50) or one inch equals forty feet (1"=40') on small or irregular areas, unless otherwise permitted by the Director of Public Works. Variable scales for a single map, or separate pages of a map will not be permitted, except to show details. In any case, the map shall show clearly all details of the subdivision with enough sheets to accomplish this end. Whenever practicable all lots and blocks shall be shown in their entirety on one sheet.

B. Title and Description, Each sheet comprising the map shall contain the following:

1. A title. Said title, consisting of a subdivision number assigned by the Yolo County Planning Department, shall be conspicuously placed at the top of the sheet. In addition to the official title a subdivision name may be shown in smaller letters immediately below the official title.
2. A sub-title. Said sub-title shall be placed below the title and subdivision name and shall consist of a general description of the property being subdivided either by reference to recorded deeds, recorded maps or plat of a United States Survey.
3. Number of the sheet and the total number of sheets comprising the map.
4. Date of preparation, and name of the licensed surveyor or registered civil engineer responsible for the preparation of the map.
5. North arrow, legend, scale and notes. Basis of bearing for survey by reference to recorded deeds or to maps which have been recorded previously, or by reference to the plat of a United States Survey, County Surveyor's map or solar or polaris observation.

6. In case the property included within the subdivision lies wholly in unincorporated territory, the following words shall appear in the subdivision title "County of Yolo; if partly in unincorporated territory and partly within an incorporated city, the following words shall be used "Within and Adjoining the City of _____".

C. Certificates to Appear on Final Map:

1. A certificate signed and acknowledged by all parties, with such exceptions as provided in the Map Act, having any recorded title interest in the land being subdivided consenting to the preparation and recordation of the map, and offering for dedication all parcels shown and intended for public use, subject to any reservation contained in such offer.
2. Seals required by law and this Ordinance.
3. Certificate of either (a) the engineer and his certificate number, or (b) the surveyor and his certificate number, as required by the Business and Professions Code of the State of California.
4. A certificate concerning monument placements.
5. A certificate for execution by the Secretary of the Planning Commission.
6. A certificate for execution by the Director of Public Works.
7. A certificate for execution by the County Official computing redemptions indicating that there are no liens against the subdivision for applicable taxes or assessments.
8. A certificate for execution by the Clerk of the Board of Supervisors indicating approval of the map and action of offers of dedication.
9. A certificate for execution by the County Recorder.
10. A certificate for execution by the engineer making the soils report when such report is required by the County of Yolo.

D. Dimensions, Bearings and Curve Data. The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon. It shall include the following:

1. Radii and arc length or chord bearings, length and central angle for all curves and such information as may be necessary to determine the location of the centers of the curves.
2. Reference to the California Coordinant System, Zone 2, if available.
3. Any other pertinent data as required by the Director of Public Works.

E. Other Designations. The final map shall also show the following:

1. Names of all streets as approved by the Planning Commission.
2. Number of each lot without repetition of numbers in the subdivision.
3. Designation by letter of any lot or parcel proposed to be used for utility or other special purposes, or offered for dedication.
4. Easements.
5. Right of way widths of streets adjoining or adjacent to the subdivision. Right of way widths of streets intersecting adjacent streets shall also be shown. Exact ties to centerline or right-of-way lines of such intersecting streets shall be shown with respect to the proposed subdivision.

F. Monuments. The final map shall show clearly and fully what stakes, monuments or other evidence to determine the boundaries of the subdivision were found on the ground. All adjacent lot lines of adjoining subdivisions

or portions thereof, lot and block numbers, tract numbers and names, section or grant line, township or other required information shall be shown.

Pursuant to the provisions of Section 11566 of the Subdivision Map Act of the State of California the subdivider's engineer shall adequately monument the exterior boundary of the land being subdivided prior to recording the final map.

Monuments shall be installed in accordance with the improvement standards and specifications of the County of Yolo and their location and type shall be shown by symbol on the map.

- G. City and County Boundary Lines. Where any city or county boundary line crosses or adjoins a subdivision, its location shall be clearly shown in relation to lot lines.
- H. Items to Accompany the Final Map. The following items shall accompany the final map when submitted to the Department of Public Works for checking:
 1. Three (3) contact prints.
 2. Traverses of the subdivision boundaries and of each irregular lot and block therein.
 3. A cash deposit or other guarantee as provided in Section 8.30 herein, in an amount estimated by the developer's engineer and approved by the Director of Public Works for the cost of public improvements.
 4. A subdivision agreement signed by the principals of the property to be subdivided.
 5. A statement or certified copy thereof, from the fire district in which the subdivision is located, that said district will serve the subdivision provided that subsequent improvements conform to the specifications and requirements of said district and of their ordinance.

6. A statement or certified copy thereof, from the agency furnishing the public water supply, providing information as to the source and adequacy of the supply, including notification that the agency will serve the subdivision if subsequent improvements conform to the specifications and requirements of the agency.
7. A statement or certified copy thereof, from the district or agency, if any, furnishing sanitary sewage disposal facilities that they will serve the subdivision if improvements conform to the specifications and requirements of the districts or agency.
8. A bond guaranteeing special district assessments, if any, as provided in Section 11603 of the Subdivision Map Act.
9. A statement from the Health Department approving the method of sewage disposal if individual sewage disposal systems are to be used.
10. Complete plans, profiles, details, and specifications of the proposed public improvements together with design calculations as required by the Director of Public Works.
11. Maps and plan checking fees.
12. Any other items required by Federal, State and County law.

Section 7.20

ACTION ON THE FINAL MAP: The subdivider shall file the final map together with the items indicated in Section 7.10 H with the Director of Public Works for checking. If the Director of Public Works determines that substantial conformity has been made to the approved tentative map, the Subdivision Map Act and this Ordinance, he shall so certify on said final map, and, within twenty (20) days of submission or resubmission, shall file said map, together with any other material pertinent thereto, with the Clerk of the Board of

Supervisors for presentation to the Board. If the Director of Public Works determines that substantial conformity to this Ordinance, the Map Act or the approved tentative map has not been made, he shall, within twenty (20) days from the date of submission of the final map for approval, advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions.

Section 7.30. ACTION ON FINAL MAP BY BOARD OF SUPERVISORS: At the next subsequent meeting of the Board of Supervisors, or within a period of ten (10) days after filing of the final map with the Clerk of the Board of Supervisors, the Board shall approve said map if the same conforms to all requirements of the Subdivision Map Act and of this Ordinance.

At the time of approval, said Board shall also accept or reject any or all offers of dedication. As a condition precedent to acceptance to any streets or easements the subdivider shall be required to improve said streets or easements, or, as an alternative, execute an agreement therefor and comply with the provisions of this Ordinance in relation thereto, and the execution of any necessary bonds specified herein.

Upon compliance with the provisions of the Subdivision Map Act and this Ordinance, the map of said subdivision shall be approved, accepted and recorded.

If, at the time of approval of the final map, any streets are rejected, the offer of dedication shall be deemed to remain open and shall not be subject to revocation, and the Board of Supervisors may, by resolution at a later date, and without further action by the subdivider rescind its action and accept and open said street or streets for public use, which acceptance shall be recorded in the Office of the County Recorder. If a resubdivision map or a map showing reversion to acreage of a tract is subsequently filed for approval, any offers of dedication previously rejected shall be deemed to be terminated upon the approval of the later map by the Board of Supervisors.

Section 7.40

RECORDATION OF FINAL MAP: Prior to the recordation of the final map by the County Recorder, a ²map filing certificate, issued to or for the benefit of the County Recorder, shall be furnished by a title company operating under the law of the State of California, certifying that, as shown by the public records, the parties consenting to the recordation of the map are all of the parties having a record interest in the land subdivided whose signatures are required by the provisions of the Subdivision Map Act.

Section 7.50

REVOCATION AND REVERSION TO ACREAGE:

- A. Revocation of a final subdivision map may be made in accordance with the procedure set forth in the Map Act provided that no lots have been sold within the subdivision and no improvements required by this Ordinance have been made within two (2) years after the date of recordation. Such request for revocation shall be made to the Committee. The Committee shall review said request and advise the Board of Supervisors within ten (10) working days whether or not a public hearing should be held on the matter.
- B. Reversions to acreage pursuant to the Subdivision Land Exclusion Law shall be subject to Committee review and said Committee may advise the Board of Supervisors within ten (10) working days whether or not an objection should be filed with the court holding hearings on the matter. If an objection to the proposed reversion is recommended, the Committee shall provide a written statement as to the reasons therefore and recommend whether or not the Board of Supervisors should order representation of the County at the hearings.
- C. Reversions to acreage may be made in accordance with the procedure set forth in the Subdivision Map Act. Said map shall be processed in the same manner set forth for tentative maps in Section 5.30 of this ordinance, excepting that the Planning Commission shall hold a public hearing as set forth in Section 11537 of the Subdivision Map Act. After the Planning Commission has acted on said map it shall be processed in the same manner set forth for final maps in Section 7.20, Section 7.30 and Section 7.40 of this ordinance.

CHAPTER 8. PUBLIC IMPROVEMENTS

Section 8.00 GENERAL:

- A. The developer shall agree to make all required improvements in accordance with the Improvement Standards and Specifications of the County of Yolo and to the satisfaction of the Director of Public Works. Such improvements shall be delivered in good condition, and shall include, but not be limited to, the following:
1. Street grading, installation of curbs and gutters where required, and barriers where required.
 2. Drainage facilities and appurtenances sufficient to protect the development from inundation, flooding and ponding, from storm water, springs, underground water, or other surface waters. All drainage installations shall be designed and constructed in accordance with the Improvement Standards and Specifications of the County of Yolo.
 3. Paving of all streets, pedestrian ways and alleys as required.
 4. Installation of sidewalks as required.
 5. Provision for a domestic water system in accordance with the standards of the utility serving the area or the current Improvement Standards and Specifications of the County.
 6. Provision of sufficient fire hydrants, gated connections and appurtenances to provide adequate fire protection in accordance with the standards of the fire district, serving utility and those of this Ordinance.
 7. Provision of public sanitary sewerage facilities, appurtenances and connections for each lot to the system as approved by the Department of Public Works, and such other agencies as may have jurisdiction, or individual sewage disposal systems as approved by the Health Department.

8. Street name signs at all street intersections.
9. Traffic control signs and safety devices as required by the Public Works Department.
10. Planting of trees as required.
11. Fences or walls approved by the Department of Public Works shall be constructed by the developer along all property lines where the Planning Commission determines a condition hazardous to persons or property may exist.
12. Installation of a system of monuments as required by the Department of Public Works.

Section 8.10

IMPROVEMENT PLANS AND PROFILES: The following improvement plans, prepared under the direction of a registered civil engineer, licensed by the State of California, shall be submitted by the subdivider or developer to the Director of Public Works for approval at the time of submitting the final map in accordance with Section 7.10 H of this Ordinance:

- A. The plans and specifications of all improvements required by the provisions of this Ordinance or the Director of Public Works, as well as of other improvements proposed to be installed by the developer in, over, or under any street or right-of-way, easement or parcel of land where improvements are required or proposed.
- B. A grading plan and soils report showing all earth cuts and/or fills of five feet (5') or more.
- C. A certificate of approval of any of the proposed improvements of concern to a water and sanitary or sanitation district within which all or part of the subdivision may lie.
- D. A report including any data, profiles, contours, design calculations and other information which the Director of Public Works shall require, stating that the drainage

facilities to be installed to serve the proposed subdivision are in full compliance with the requirements of this Ordinance and will accomplish drainage in the manner stated.

E. Plans and profiles and construction details shall be drawn on sheets 24"x36" in size.

Section 8.20 COMPLETION OF IMPROVEMENTS: Concurrently with the acceptance of the final map, the developer shall enter into an agreement with the Board of Supervisors agreeing to have the public improvements completed within the time specified in said agreement. Said agreement shall provide a clause guaranteeing the workmanship and materials provided in all improvements for a twelve months period after acceptance of the improvements by the Board of Supervisors. Said agreement may provide for extension of time under specified conditions. The agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision. Nothing in this section shall preclude the developer, subdivision owner or owners from entering into a contract with the governing body, as authorized under Section 11612 of the Business and Professions Code, to initiate and commence proceedings under the applicable section of the Improvement Act of 1911 for formation of a special assessment district including part or all of the subdivision to finance and construct designated improvements as required for acceptance of the subdivision. When such Assessment District proceedings are used however, the cost of all engineering performed by the subdividers engineer including improvement plan preparation and all other preliminary engineering done by said subdivider's engineer prior to approval of the plans and specifications by the Director of Public Works shall be paid directly by the subdivider and shall not become a charge against the incidental expense of the District. All costs incurred by the County in plan checking and construction inspection and all other charges

incurred subsequent to the approval of the plans shall become a charge on the incidental expenses of the District. The bond or bonds required of contractors for construction under special assessment proceedings shall not be acceptable by the County as faithful performance bonds as required under this Section.

Section 8.30 BOND TO ASSURE COMPLETION OF IMPROVEMENTS: To assure that the improvements required by this Ordinance are satisfactorily completed in accordance with this Ordinance, adequate improvement security shall be furnished by the developer for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the Director of Public Works. Partial release of said improvement security may be made in accordance with the provisions of the Subdivision Map Act.

Said improvement security shall be released by the Director of Public Works upon acceptance of the work or upon revocation or reversion to acreage of the subdivision, and abandonment of all roads and easements, except that such amount as may be determined by the Director of Public Works to guarantee workmanship and materials shall remain in full force and effect for one (1) year after acceptance of the improvements. This amount shall be not less than 15% of the estimate cost of the public improvements or \$500.00, whichever is greater.

CHAPTER 9. FEES

Fees for services performed in conformance with this Ordinance shall be paid in accordance with a schedule of fees adopted by ordinance or resolution of the Board of Supervisors.

CHAPTER 10. EXCEPTIONS

Section 10.09 The Committee may recommend that the Planning Commission authorize conditional exceptions to any of the requirements and regulations set forth in this Ordinance:

A. Application for any such exception shall be made by a verified petition of the subdivider or developer, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision, or street dedication map, whichever the case may be. In order for the property referred to in the petition to come within the provisions of this Section, the Committee must find that all of the following facts apply with respect to the subject property:

1. That there are special circumstances or condition of topography, size, shape, or location affecting said property.
2. That the exception recommended is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
4. That the granting of the exception will not adversely affect the Master Plan.

B. In recommending authorization of any exception under this Section, the Committee shall prepare a report to the Planning Commission containing all facts and findings in connection therewith. The report shall set forth the exception as recommended and the conditions designated. Upon receipt of such report the Planning Commission may approve the tentative map with the exceptions and conditions recommended.

CHAPTER 11. APPEALS FROM COMMISSION ACTION

Section 11.00 If a developer is dissatisfied with the action of the Planning Commission on his tentative map or street dedication he may within fifteen (15) days after such action, appeal in writing to the Board of Supervisors for a public hearing. Also within said fifteen (15) day period, the Planning Commission may forward the map or other document to the Board of Supervisors for review, or the Board of Supervisors on its own motion may direct that the map or document be forwarded to it for a public hearing. Within five (5) working days after receiving the notice of appeal, the Secretary of the Planning Commission shall forward the files on said matter to the Board of Supervisors. Said hearing shall be held within the time limit required by the Map Act. A public notice of such hearing shall be made by the clerk of the Board of Supervisors. The Board of Supervisors may continue such hearing from time to time, not to exceed fifteen (15) days from the date of first hearing without mutual consent. At the time fixed for the hearing the Board of Supervisors shall hear testimony of representatives of the Commission or any witnesses on its behalf and any parties at interest.

The Board of Supervisors shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, recommendation, interpretation, or ruling appealed from or make and substitute such other or additional decision or determination as it may find warranted under the law and facts.

The standards herein established to govern the discretion of the Commission shall apply with equal force to actions of the Board of Supervisors. If the decision be adverse to that of the Commission on any action concerning the administration or enforcement of the provisions of this Ordinance, the action of the Board of Supervisors shall specify the reasons therefore.

The decision of the Board of Supervisors as a result of said hearing shall be expressed by a motion in writing, and the Board shall forthwith transmit a copy thereof to the developer and the Commission.

CHAPTER 12. ENFORCEMENT AND PENALTIES

Section 12.00 It shall be the duty of the District Attorney to enforce the provisions of this Ordinance. All departments, officials and public employees of the County vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall not willfully issue any permit or license for use, construction or purpose in conflict with the provisions of this Ordinance; and any such permit or license issued in conflict with the provisions of this Ordinance shall be null and void. Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for a period not to exceed six (6) months or by both such fine and imprisonment. Each day a violation of this Ordinance continues shall be considered a separate offense.

Section 12.10 Any deed of conveyance, sale or contract to sell, made contrary to the provisions of this Ordinance is voidable to the extent and in the same manner provided in Section 11540 of the Business and Professions Code of the State of California.

CHAPTER 13. VALIDITY, EFFECTIVE DATE, CONTINUATION AND REPEAL

Section 13.00 If any section, subsection, paragraph, subparagraph sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance and the Board of Supervisors does hereby declare that it would have adopted this ordinance and each remaining section, subsection, paragraph, subparagraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more of such section, subsection, paragraph, subparagraph, sentence, clause, or phrase be declared invalid or unconstitutional.

Section 13.10 Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage. Before the expiration of fifteen (15) days after its passage this ordinance shall be published, with the names of Supervisors voting for and against the same, at least once in a newspaper of general circulation published in said County of Yolo, State of California. The provisions of this ordinance shall not apply to any tentative or final map, contract of sale, conveyance, street dedication, or record of survey filed prior to the effective date of this ordinance.

Section 13.20 Continuation of Existing Provisions. The provisions of this ordinance, in-so-far-as they are substantially the same as existing ordinances relating to the same matter, shall be considered as restatements and continuations and not as new enactments.

Section 13.30 Repeal. Ordinance No. 175, passed and adopted December 16, 1941 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, provided, however, that such repeal shall not affect prosecution of any person for

violation of the ordinance hereby repealed if such act or violation occurred prior to the effective date of this ordinance, nor affect any action, decision, recommendation, or requirements heretofore made by the Commission and/or the Board of Supervisors, nor affect any contract or bond executed pursuant to the ordinance hereby repealed, nor affect any rights or causes of action occurring thereunder.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO, STATE OF CALIFORNIA, this 20th day of December, 1965

AYES: Supervisors, McDermott, Combs, Stephens, Conner, Duncan
NOES: Supervisors, None.
ABSENT: Supervisors, None.

Wm. E. Duncan
Chairman of the Board of Supervisors
of Yolo County, State of California

(SEAL)

ATTEST: Laurence P. Henigan
Clerk of the Board of Supervisors

By: Pete E. Lucas
Deputy

MINUTES REGULAR MEETING
YOLO COUNTY PLANNING COMMISSION
AND BOARD OF ZONING ADJUSTMENT
August 20, 1968

The meeting was called to order by Chairman Day at 8:30 AM in the Planning Commission Meeting Room, Continental Building, 203 Lincoln Avenue, Woodland, California.

Voting Members Present: Day, Chairman; Dyer; Johnson; McCready; Turner.

Voting Members Absent : Motley; Woodhouse.

Others Present : Robert A. Peterson, Secretary and Planning Director; Joe Espigares, Supervisor and Ex-Officio Member; Deputy County Counsel Dedman; Janette Roncoroni, Steno.

M I N U T E S

- 1-A-1 It was the consensus of the Commission that action on the minutes of the regular night meeting of July 17, 1968 and the minutes of the August 6, 1968 meeting be continued to the September 3, 1968 meeting since the Commissioners did not receive their mail and have not had an opportunity to read said minutes.

C O R R E S P O N D E N C E

- 2-B-1 Letter requesting continuance for Zone File #598 (Irwin Lowrey, Mobile Home Park).

Director Peterson recalled that this matter was continued from the July 2, 1968 meeting to the September 3, 1968 meeting at the request of applicant's representative so that the necessary engineering and economic studies of the project can be made. He informed the Commission that a letter has been received from Mr. Alan English, representing the applicant, requesting that this matter be postponed again to the first meeting in December so that they will have time to complete their reports. He explained that this matter must be heard on September 3rd since it was continued to that date, and the Commission may then consider the request for a further continuance.

B U S I N E S S: Board of Zoning Adjustment.

- 3-D-1 ZONE FILE #603 Continued Public Hearing for a Use Permit to allow the construction, operation and maintenance of a truck service station in the C-H (Highway Service Commercial) Zone at the southeast corner of the intersection of County Road 8 and future Interstate 5 Freeway. Subject property is designated as Assessor's Parcel No. 19-650-16. Applicant: Atlantic Richfield Oil Company, c/o B. C. Clark, P.O. Box 15677, Sacramento, California.

-----CONTINUED-----

Director Peterson recalled that this matter was originally heard on June 18, 1968. He stated that during that meeting, and subsequent meetings, a need for special consideration of sewage disposal systems on the site was found. He also rec on determined, on May 21, 196 re conditional uses in the

C-H Zone. He indicated that subject site lies in an area designated on the General Plan and zoned for highway service commercial usage. He stated that land surrounding the interchange is planned, zoned and used for agricultural purposes. He informed the Commission that a letter has been received from Mr. B. C. Clark, applicant's representative, requesting that this matter be continued again for four weeks to the hearing date of September 17, 1968 so that the necessary information to satisfy the Yolo County Health Department can be presented.

Chairman Day opened the public hearing.

There being no one present wishing to speak on this matter the public hearing was closed.

It was moved by Commissioner McCready, seconded by Commissioner Johnson, and carried, that this matter be continued to the September 17, 1968 meeting at 9:00 AM as requested by applicant's representative.

4-D-2

ZONE FILE #628 Public Hearing for a Use Permit to allow the storage and distribution of firewood on a 100' x 400' parcel of land located in the M-2 (Heavy Industrial) Zone at the northwest corner of Woodland Avenue and State Highway 16 in Esparto. Subject property is designated as Assessor's Parcel Nos. 21-131-01 & 02. Applicant: Ivan L. Marion, 142 Buckeye Street, Woodland, Property owners: Nick W. Beltrami and William J. Beltrami, P.O. Box 77, W. Sacramento, Calif.

-----CONDITIONALLY APPROVED-----

Director Peterson pointed out subject property on a map of the Esparto area and presented photos of subject property to the Commission. He explained that the applicant proposes to establish an office and wood yard for the distribution of firewood on a parcel of land in the M-2 Zone in Esparto. He stated that subject site would be used for the storage, stacking and sale of firewood brought down from the mountains. He reported that the area is designated on the General Plan and zoned for industrial use. Residential zoning and usage, he continued, exists to the south and agricultural zoning and uses are applied to the land north and west of subject site. He indicated that the parcel under consideration here was formerly used as an gasoline and oil distribution plant and several vacant buildings remain on the site. He stated that another oil distributorship occupies the land east of subject parcel, across Highway 16. He reported that the portion of Woodland Avenue east of subject site is Highway 16. He pointed out that the highway turns north along the eastern boundary of subject site and the site has access to Woodland Avenue opposite the residential frontage.

Chairman Day opened the public hearing.

There being no one present wishing to speak on this matter the public hearing was closed.

Director Peterson stated that the main concern in this matter would be the property owners across the street who have not expressed any objection to the requested Use Permit. He indicated that this property has been used for industrial purposes in the past and he feels the proposed use would be a good interim use for the property. He recommended that the requested Use Permit be approved for the reason that it is essential and desirable to the public comfort and convenience subject to the conditions that the proposed use be operated in a manner that will not be detrimental to surrounding properties and that the property owner may request consideration of an extension of time if subject Use Permit has not

been utilized within one year and such request is submitted to the Commission prior to September 4, 1969.

It was moved by Commissioner Johnson, seconded by Commissioner Dyer, and carried, that the requested Use Permit be approved for the reason that it is essential and desirable to the public comfort and convenience subject to the conditions recommended by the Planning Director.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

5-D-3

ZONE FILE #624 Continued Public Hearing for a Use Permit to allow the construction, operation and maintenance of a mobile home park on a 31.53 acre parcel of land located on the south side of Interstate 80 Freeway, approximately 2300 feet east of the Yolo Bypass, in West Sacramento. Subject property is designated as Assessor's Parcel No. 9-020-12. Applicant: Ray Chatfield, 2001-21st Street, Sacramento, California.

-----CONDITIONALLY APPROVED-----

Director Peterson pointed out subject property on a map of the East Yolo area. He presented a plot plan submitted by the applicant with the Use Permit application. The Director recalled that this matter was continued from the meeting of August 6, 1968 to provide for collection of additional data by staff and applicants and to allow further individual consideration by the Commissioners. He informed the Commission that the staff requested information from the school district as to the impact of the proposed mobile home park on the school system. He stated that a letter was received from J. A. Misfeldt, Superintendent of the Washington Unified School District, which indicated that the school housing problem and the financial impact are the same whether it is a mobile home park development or a conventional residential subdivision, but that at the present time the school district can absorb approximately 100 elementary children and approximately 150 high school children without over taxing their facilities. The Planning Director also informed the Commission that the staff requested information from the school district as to the effect of the abandonment of Harbor Villa Mobile Home Park on the school system. He stated that Mr. Misfeldt indicated the school population was not reduced as much as expected and the assumption was made that many of the mobile homes that were in the Harbor Villa Park were relocated in other parks in the area.

Chairman Day opened the public hearing.

Mr. Chatfield, applicant, distributed copies of a report entitled "Mobile Home Taxation in California" by Jack Kneass, and a letter from Neil Y. Nordlander, Executive Director of the Western Mobilehome Association. He read Mr. Nordlander's letter to the Commission. He pointed out that the mobile home park will be designed to accommodate families but they plan to gradually phase out families in favor of adults only. He stressed that the mobilehome owners represent high quality citizens who are an asset to their community. He indicated that the mobilehome park developer provides and maintains streets, street lights, utility systems and recreational facilities at no expense to the county. He informed the Commission that the proposed development cost is estimated to be approximately \$530,000 plus the cost of the land so the real estate taxes will be increased accordingly to an anticipated \$17,000. This represents, he continued, approximately \$70. per year per mobilehome lot. He stated that it is anticipated that the total value of mobilehomes and individually owned accessory buildings and structures will be over three million dollars which represents an investment of approximately \$15,000 per mobilehome owner.

He pointed out that the in-lieu tax and personal property tax will be nearly \$70,000 per year and that the in-lieu tax is divided equally between the county and the school districts. He noted that mobilehomes are depreciated for tax purposes over an 18 year period with a minimum tax value of 15% of the original market value at the end of the depreciation period. He stated that in view of these factors it can be determined that the in-lieu tax and personal property tax per mobilehome lot will be \$250 per year. He added that the County of Yolo will benefit by the increased number of high quality citizens who will live in the park; by the excellent tax base developed; and the monetary contribution, in the form of purchasing power, to the local economy.

Bob Address, representing Golden State Mobile Home Sales, stressed that the mobilehome dealerships in West Sacramento now sell mobilehomes to prospective Sacramento County residents. He stated that there are few mobilehome lots available on the Yolo County side of the river. He indicated that sales are entirely dependent upon the availability of large deluxe mobilehome lots. He added that Yolo County is losing tax dollars because no space is being provided for mobilehomes. He stressed that he feels this is a very good location for a mobilehome park.

Director Peterson replied, in answer to a question by Commissioner McCready, that there is an existing frontage road at the northerly end of subject property that can be utilized as an access road.

Mr. Chatfield stressed that the total tax contribution per lot per year is in excess of that which could be derived from a single family subdivision which would require considerably more service by the county. He stated that the mobilehome park development represents an excellent interim use of this land. The major monetary investment, he continued, is actually made by the mobilehome owner, leaving the land relatively free of permanent improvements.

Commissioner Turner stated that the mobile home parks that exist in West Sacramento now contribute only approximately \$40 per year per mobilehome.

Mr. Address stated that, when taxes are being considered, it makes a big difference as to the type of trailer and indicated that the Commission should not confuse the taxes paid on travel trailers with trailers used for residential purposes in mobilehome parks.

Chairman Day indicated that he knows that the total taxes contributed by mobile homes to the Davis School District last year was less than \$5,000.

Mr. Chatfield stated that he believes there is only one mobilehome park in Davis and it has 160 units. He indicated that said mobilehome park is mainly utilized by college students and it is not a mobilehome park of the high standards proposed in subject mobilehome park. He stressed that the mobilehome owners represent high quality citizens who are an asset to their community and that the average income of the employed male mobilehome resident is far above the national average.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Commissioner Turner indicated that the taxes are not ~~impractical~~ imperative in this matter because most residences don't even pay enough taxes to pay for the services they obtain. He stated that his main concern is the location of the proposed mobile-

imperative

QAP

home park. He added that any action taken by the Commission on this matter should be considered primarily on the location.

Director Peterson pointed out that the C-H Zone was established for the purpose of serving the traveling public and a trailer park in such zone should normally cater primarily to travel trailers. He recalled, however, that an application for a mobile home park in West Sacramento was denied for the reason that it was located near a subdivision and the residents of the subdivision did not want a mobile-home park constructed adjacent to them. Applicant's park, he continued, would present no problems in this respect since there is no development around subject site. He pointed out that a mobile home park developed at this location will be some distance away from the services it will need, but that all necessary utility services and the sewage disposal are available. He indicated that each Commissioner will have to decide for himself whether this site is appropriate for the proposed use. He recommended that any approval of subject Use Permit be subject to the following conditions:

1. Subject Use Permit be approved as per plot plan presented.
2. That the proposed use be developed in compliance with all the regulations of the Zoning Ordinance with the one exception that off street parking may be installed as shown on the plot plan.
3. That the applicant be in compliance with the regulations of all agencies of jurisdiction.
4. That the access road be constructed to the satisfaction of the Director of Public Works.
5. That the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to September 4, 1969.

It was moved by Commissioner Dyer, seconded by Commissioner Turner, and carried, that the requested Use Permit be approved for the reason that the requested use is essential and desirable to the public comfort and convenience subject to the conditions enumerated by the Planning Director.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

6-D-4

ZONE FILE #618 Continued Public Hearing for a Use Permit to allow the construction of sanitary disposal ponds on a 2.28 acre parcel of land in the A-1 Zone on the west side of County Road 89, approximately 1800 feet south of County Road 6, southwest of Dunnigan. Subject property is designated as a portion of Assessor's Parcel No. 19-191-23. Applicant: William H. Greens, P.O. Box 97, Dunnigan, California.

-----CONDITIONALLY APPROVED-----

Director Peterson pointed out subject property on a map of the County and recalled that this application was considered at the July 16, 1968 meeting and continued at the request of the applicant for additional study by the County Health Department. He informed the Commission that the applicant originally proposed to establish sewage lagoons on a 2.28 acre site but the applicant is now proposing to use a 5 acre site in order to provide adequate sewage as per the requirements of the County Sanitarian. He indicated that subject pond site is proposed to be used in conjunction with commercial uses on the land to be considered for a change of zone

from A-1 C-H as Agenda Item E-1 in one File No. 619. He reported that the area is designated on the General Plan, zoned and used for agricultural purposes. He pointed out that no residences exist in proximity to the proposed ponding site. He reported that a new plot plan was submitted to show the whole area proposed for use. He suggested that, if this requested Use Permit is approved, the applicant be required to screen subject sewage lagoons with planting recommended by the Parks Director.

Deputy County Counsel Dedman replied, in answer to a question by the Planning Director, that it is his opinion that this matter will not have to be readvertised to include the larger acreage since it is in the same general area previously advertised and no additional property owners are involved in the notification.

Chairman Day opened the public hearing.

Hugh Hart, County Sanitarian, stated that this whole area is bad for providing sewage facilities and that sewage effluent must evaporate. He indicated that the previous acreage proposed to be used was not adequate. He informed the Commission that it is his opinion that the best way to provide sewage facilities at this location is by the use of lagoons and that he would submit a letter for the record indicating that he would approve the use of sewage lagoons for the proposed use. He replied, in answer to a question by Chairman Day, that this type of sewage facility will have to be provided at every intersection that is developed in this area. He stated that there will be no problem with the requested screening. He replied, in answer to a question by the Commission, that these lagoons run 5' in depth with 2½ feet below ground and the rest above ground.

Director Peterson indicated that the Director of Parks could recommend the best type of trees and shrubs to be used as screening.

Mr. Greene, applicant, stated that he had considered providing fenced screening until the trees grow.

Mr. W. S. Martin, representing Union Oil Company, explained that the Union Oil Company has also purchased land in this area for the construction of a gas station. He stated that it had just come to his attention that there is a sewage problem in this area. He asked Mr. Hart what effect approval of this application would have on the balance of the interchange.

Mr. Hart replied that if the organizations that propose to develop at this location have not purchased enough land to solve the sewage problems they were going to run into difficulties. He replied, in answer to another question by Mr. Martin, that the sewage area required would have to be estimated on how much sewage there will be including additional area to allow for safety factors.

Mr. Martin stated that he believes that the people who have purchased property in this area should be given consideration in this application. He indicated that there might be some way for the owners to provide a joint sewage facility. He requested that this matter might be continued so further study of the whole area can be made.

Mr. Hart indicated that he feels a central sewage system would be the best for everyone that plans to develop in this area. He stressed that if the property owners do not work together to provide sewage for the proposed uses there will be problems. He added that it would make no difference if Mr. Greene's application is approved because sewage lagoons can be easily changed if a central sewage system is developed later.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Use Permit be approved for the reason that it is essential and desirable to the public health, safety and general welfare subject to the following conditions:

1. That the applicant comply with all the regulations of the agencies of jurisdiction.
2. That screening be installed to the satisfaction of the Director of Parks.
3. That the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to September 4, 1969.

It was moved by Commissioner Turner, seconded by Commissioner Dyer, and carried, that the requested Use Permit be approved for the reason that it is essential and desirable to the public health, safety and general welfare subject to the conditions enumerated by the Planning Director.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

B U S I N E S S: Planning Commission

7-E-1

ZONE FILE #619 Continued Public Hearing for a Change of Zoning from an A-1 (Agricultural General) Zone to a C-H (Highway Service Commercial) Zone for a 6.88 acre parcel of land situated at the southwest corner of the intersection of County Roads 6 and 89, southwest of Dunnigan. Subject property is designated as Assessor's Parcel No. 19-191-24. Applicant: William Green, P.O. Box 97, Dunnigan, California.

-----APPROVED-----

Director Peterson reported that this matter was continued along with the preceding agenda item inasmuch as the proposed development of this requested C-H Zone would use the sewer ponds for waste disposal. He pointed out that the General Plan designation for this area around the interchange of County Road 6 and Interstate 5 was recently changed to provide for highway service commercial usage. He indicated that two other applications for zone change to C-H have been approved in the neighborhood, but not adopted. He reported that the delay in adoption is to assure installation of necessary improvements, which might also be considered in the instant case. Surrounding land to the south and west, he continued, is designated on the General Plan, zoned and used for agricultural purposes. He stated that commercial zoning for the community of Dunnigan extends to the northeast corner of the intersection of County Roads 6 and 89.

Chairman Day opened the public hearing.

Mr. Greene, applicant, informed the Commission that he is proposing to establish a restaurant and service station on subject property.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson suggested that a recommendation be sent to the Board of Supervisors indicating that the application be approved only after satisfactory assurance has been given to the Director of Public Works that applicant will provide the necessary additional street dedication and improvement,

including paving, curb, gutter and sidewalk in accordance with Section III of Board of Supervisors Resolution No. 63-89.

It was moved by Commissioner Turner, seconded by Commissioner McCready, and carried, that the Commission finds the requested zone change to be in conformance with the General Plan, that the public health, safety and welfare warrants the requested zone change if the needed public improvements are installed, and that said zone change be recommended to the Board of Supervisors for consideration as set forth in the Planning Director's recommendation.

B U S I N E S S: Board of Zoning Adjustment

8-D-5 ZONE FILE #629 Public Hearing for a Use Permit to allow day care of four (4) children in a home situated in the R-1 (Residential One Family) Zone at 770 Elder Drive in Broderick. Subject property is designated as Assessor's Parcel No. 14-553-19. Applicants: David & Anette Salazar, 770 Elder Drive, Broderick, California.

-----CONDITIONALLY APPROVED-----

Director Peterson pointed out subject property on a map of the East Yolo area and explained that the applicant proposes to provide day care of 4 children, in addition to her own, 2, in a home in the R-1 Zone in Broderick. He reported that private residences wherein 3 or more children are cared for on an hourly or daily basis for a fee, under license from the County or State, are conditional uses in the R-1 Zone. Subject dwelling, he continued, is in an area designated on the General Plan, zoned and used for low density residential use. He stated that the area was developed as a part of the Elkhorn Village Subdivisions in Broderick. He indicated that Elder Drive is a minor residential street, serving only those dwellings fronting on it. He reported that subject dwelling appears to have a fenced rear yard. He added that the house has been inspected by the Fire and Building Departments and found to meet safety requirements.

Chairman Day opened the public hearing.

Mrs. Salazar, applicant, replied, in answer to a question by Commissioner Turner, that the back yard is entirely fenced and they also have a screened in patio for the children to play in.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Use Permit for the day care of four (4) children be approved as being necessary for the public convenience and general welfare subject to the conditions that such use be restricted to the residence and back yard; that the use be operated in compliance with the regulations of the Welfare, Health, Building and Fire Departments; that the use be conducted in a manner that will not be detrimental to neighboring properties; and that the property owner may request consideration of an extension of time if the Use Permit has not been utilized within one year and such request is submitted to the Commission prior to July 17, 1969.

It was moved by Commissioner Turner, seconded by Commissioner Dyer, and carried, that the application for a Use Permit for day care of four (4) children be approved as being necessary for the public convenience and general welfare subject to the conditions recommended by the Planning Director.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

9-D-6

ZONE FILE #630 Public Hearing for a Use Permit to allow the raising of meal worms for the commercial market as a home occupation in a dwelling located in the R-1 (Residential One Family) Zone at 116-13th Street in West Sacramento. Subject property is designated as Assessor's Parcel No. 12-101-15. Applicant: David L. Lyons, 116-13th Street, West Sacramento, California.

-----CONDITIONALLY APPROVED-----

porch G.A.P.

Director Peterson pointed out subject property on a map of the East Yolo area and presented photos of subject property. He explained that the applicant proposes to raise mealworms for the commercial fish bait market in his home in the R-1 Zone in West Sacramento. He stated that the applicant had explained to the staff that the worms would be raised in containers on a utility porch at the rear of his house and then sold to retail fish bait outlets, with no direct retail sales from the home. He reported that home occupations confined to less than 50% of the floor area of the house, operated by the occupants, with no external evidence of existence and requiring no additions or alterations to the dwelling are conditional uses in the R-1 Zone. Subject home, he continued, is located in an area designated on the General Plan, zoned and used for low density residential use. A commercial area exists on 13th Street approximately one block east of subject site, he indicated. He reported that Thirteenth Street is a narrow collector street, funneling traffic from the residential area through the commercial area to Jefferson Boulevard. He informed the Commission that the applicant advised the staff that he would not be able to attend the meeting.

Chairman Day opened the public hearing.

Joe Phillips, property owner in the area, stated that he was concerned about any traffic that might be generated by the proposed use and if there would be any signs constructed on the property.

Chairman Day stated that the applicant has indicated that there will be no direct sales from the house and that he would not need a sign.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Use Permit be approved as per plot plan presented for the reason that the requested use is essential and desirable to the public comfort and convenience subject to the following conditions:

1. That subject use be operated as provided for in Section 3.050 of the Zoning Ordinance.
2. That no signs be erected on subject property.
3. That subject use be operated in a manner that will not be detrimental to the neighboring properties.
4. That the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and said request is submitted to the Commission prior to September 4, 1969.

After further discussion it was moved by Commissioner Turner, and seconded by Commissioner Dyer, that the requested Use

Permit be approved as per plot plan presented for the reason that the requested use is essential and desirable to the public comfort and convenience, subject to the conditions recommended by the Planning Director.

The motion was carried by the following vote:

Ayes : Day, Dyer, Johnson, Turner.


Noes : McCready.

Absent : Motley, Woodhouse.

Abstaining: None.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

10-D-7



ZONE FILE #631 Public Hearing for a Variance to allow the division of a 20.20 acre parcel into two 5 acre residential building sites and one 10 acre parcel containing two existing dwellings; or as an alternative, one 10 acre residential building site and one 10 acre parcel containing two existing dwellings. Subject property is situated in the A-1 Zone on the north side of County Road 32, approximately 1 mile west of County Road 95, and is designated as Assessor's Parcel No. 31-020-46. Applicant: Georgia E. Hunter, Rt. 1, Box 158, Winters, California.

-----DENIED-----

Director Peterson pointed out subject property on a map of the County and called the Commission's attention to the staff study sketch. He explained the proposed use and stated that minimum lot size in the A-1 Zone is 5 acres. He reported that the applicant has one large dwelling and a small rental unit on the proposed 10 acre site and intends to sell the remaining 10 as two 5 acre building sites or one 10 acre building site. He pointed out that the area is designated on the General Plan, zoned and used for agricultural purposes. Subject 20 acres, he continued, is surrounded by larger acreages on all sides and was once a portion of one of the large parcels. He indicated that a slough provides the northern boundary of the applicant's 20 acres and another slough makes an island of approximately 4 of the 20 acres. He stated that the applicant proposes to retain the island, which is not cultivated, the 2 dwellings and a large permanent pasture area for her own use. He reported that the applicant bases this request on the inadequacy of a 20 acre site as a farming unit, the slough that further reduces the use of the site for farm purposes, and that the minimum density of the A-1 Zone will not be reduced. He added that subject property is designated as prime soil on the generalized Soils Map.

Chairman Day opened the public hearing.

Georgia Hunter, applicant, stated that she has maintained this property for a number of years and does not feel that she can maintain it any longer.

Chairman Day explained to the applicant that the Planning Commission must base its decision on hardship of the land and not hardship of the property owner.

Kurt Hartwig, property owner in the area, indicated that he is opposed to the requested Variance because taxes will be raised if small parcels are allowed to develop in this area. He stated that the adjacent property owners are on vacation now and they might also be opposed to this requested Variance. He suggested that this matter might be continued until they return from vacation.

Wesley Wooden, representing the applicant, stated that he is speaking for the applicant only because he has tried to sell her entire parcel but could not. He replied, in answer to a question by the Commission, that he cannot think of anything unique about the land that would constitute a hardship on the land.

Commissioner Turner suggested that the applicant could lease the land that she finds difficult to maintain.

Georgia Hunter stated that she can see no difference in leasing the land than selling the land.

Chairman Day indicated that residential uses in this area will be detrimental to the surrounding farm land.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Variance be denied for the reasons that the granting of subject Variance would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity; there are no special circumstances applicable to the subject property, such as size, shape, topography, location or surroundings that would deprive the property of privileges enjoyed by other properties in the area; and that the granting of the requested Variance will not be in conformity with the General Plan.

It was moved by Commissioner McCready, seconded by Commissioner Turner, and carried, that the requested Variance be denied for the reasons stated by the Planning Director and because the applicant has not shown adequate grounds for the granting of a Variance.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

11-D-8 ZONE FILE #632 Public Hearing for a Variance to allow the division of a 6 acre parcel of land into two 3 acre parcels, one containing an existing dwelling. Subject property is situated in the A-1 Zone on the south side of County Road 31, approximately 800 feet east of County Road 95, and is designated as Assessor's Parcel No. 31-390-02. Applicants: Richard L. & Maurine Nelson, Rt. 1, Box 2170, Davis, Calif.

-----CONDITIONALLY APPROVED-----

Director Peterson pointed out subject property on a map of the County and called the Commission's attention to the staff study sketch. He explained the proposed division and indicated that a single family dwelling exists on subject 6 acres and this proposal would create one new building site. He recalled that this same request was previously considered in Zone File No. 474, approved May 16, 1967, and since expired. He reported that the area is designated on the General Plan, zoned and used agriculturally. The 6 acres under consideration here, he continued, is separated from adjacent farmland by a slough, Road 31 and several parcels varying in size from $\frac{1}{2}$ acre to 5.89 acres in size. He stated that two of the parcels adjacent to the east of subject site contain dwellings. He reported that Zone File No. 129, approved January 5, 1965, concerned the construction of an addition to the dwelling on the 5.89 acre parcel, 337 feet east of subject site. He indicated that the applicant bases this request on the fact that the land is separated from the surrounding farmland and that other adjacent properties contain less than the required lot area. County Road 31, he stated, is designated as a major thoroughfare in this vicinity

He suggested that thought might be given to conditioning any approval of this application upon dedication of additional right-of-way to provide 50 feet south of the centerline of County Road 31 across applicant's frontage.

Chairman Day opened the public hearing.

Mr. Nelson, applicant, stated that they have been going ahead with their plans for this property because they did not realize the Variance would expire in a year. He stressed that there are other smaller parcels that exist in the area.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Variance be approved for the reasons that due to the size, shape and topography of subject property the strict application of the Zoning Ordinance would deprive subject property of privileges enjoyed by other properties in the area, that the land is separated from the surrounding farmland and that other adjacent properties contain less than the required lot area; subject to the conditions that the property owner dedicate additional right-of-way to provide 50 feet south of the centerline of County Road 31 across applicant's frontage to the satisfaction of the Director of Public Works and that the property owner may request consideration of an extension of time if subject Variance has not been utilized within one year and such request is submitted to the Commission prior to September 4, 1969. The Planning Director added that he believes a 3 acre limitation on the parcels in this area is adequate but stressed that the parcels should not be divided any further.

After further discussion it was moved by Commissioner Dyer, seconded by Commissioner McCreedy, and carried, that the requested Variance be approved for the reasons stated by the Planning Director subject to the conditions recommended by the Planning Director.

Chairman Day advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

B U S I N E S S: Planning Commission

12-E-2 Proposed Street Name Change for Rice Avenue.

Director Peterson pointed out the location of subject street on a map of the East Yolo area. He explained that the construction of an extension of the industrial service road, Rice Avenue, into the Little Poultry Farms Subdivision in West Sacramento will cause a duplication of street names in that Rice Avenue also exists as a residential street in this subdivision. Consideration was given to a name change for the residential Rice Avenue, he stated. He reported that property owners along the residential frontage of subject street were notified of a proposed change and asked to respond with name suggestions on stamped self-addressed post cards enclosed with the notification. He informed the Commission that of the 12 property owners so notified, 3 responded with the following suggestions:

1. Ozzie Stienbrenner suggested Ozland Avenue, but it was determined by the Commission that Ozland Avenue comes close to upsetting policy against naming streets after living persons.
2. Leo G. Johnson suggested the newly constructed street be named Industrial Avenue, but a conflict was shown to

that the designation for "Rice Avenue" between Pecan Street and Maple Street in West Sacramento be changed to "Holly Street".

h.a.p.

exist with this suggestion in that the name Industrial Boulevard has been applied to a street in West Sacramento.

- 3. Alex Craighton suggested any name the Planning Department selected.

The Planning Director reported that since that response the Planning Commission accepted a staff suggestion of Mimosa Street for the new name and several property owners, hearing of this proposal have petitioned that the name be changed to Holly Street. He added that notice of hearing, including both Mimosa and Holly Streets as suggestions, has been sent to those affected. He replied, in answer to a question by the Commission, that there is no conflict with the name suggested by the property owners and that the staff has no objection to the street being named Holly Street.

Chairman Day opened the public hearing.

Stella Craighton, property owner at 2215 Rice Avenue, stated that they would like the street named Holly Street because Mimosa Street is so difficult to remember.

There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was moved by Commissioner Dyer, seconded by Commissioner Turner, and carried, that the Planning Commission recommends that the Board of Supervisors ~~approve Holly Street as the street name change of the extension of the industrial service road, Rice Avenue.~~

13-E-3 Consideration of the Tentative Map of Subdivision No. 1050.

h.a.p. 96

Director Peterson presented a copy of the Tentative Map of Subdivision No. 1050, Rolling Acres, to the Commission. He pointed out the location of subject property on a map of the County. He reported that Subdivision No. 1050 is located on the west side of County Road 95, south of the alignment of County Road 30 and east of Yolo International Airport. He indicated that the Yolo County Planning Commission met on May 18, 1965 and considered the tentative map of Tract #1050. He stated that on that date said tentative map was approved subject to certain conditions. He enumerated the conditions of approval and stated that since that time the tentative approval has been annually renewed until it finally expired. He indicated that this new tentative map was discussed at a staff study meeting held on August 15, 1968, at which meeting the West Plainfield Fire District representatives reported agreement with the subdividers on the provision of four fire fill facilities. It was also pointed out that some provision of maintenance of the fire fill apparatus should be made and Mr. Niederberger, representing the subdividers, suggested a type of association of property owners could be formed to provide funds for maintenance. He indicated that a request was also received from Howard Van Reyper, Director of Public Works, that the County be reimbursed in the amount of \$677 for engineering expenses incurred in connection with an assessment district proceedings initiated following approval of the original tentative map of this subdivision. The Planning Director also indicated that after a series of several meetings pertaining to this subdivision, the Board of Supervisors had indicated they may be willing to accept unimproved private roads on the interior of said subdivision. He indicated that this should be a policy matter to be determined by the Board of Supervisors and the staff would recommend that the street be built to County Standards as per the previous conditions of approval. He reported that the staff recommends that the Tentative Map of Subdivision No. 1050 be approved subject to the following conditions:

1. That all streets be dedicated and improved to Class "C" standards in accordance with the Improvement Standards and Specifications of Yolo County.
2. That utility easements and drainage facilities be provided to the satisfaction of the Director of Public Works.
3. That water supply and sewage disposal be provided to the satisfaction of the County Sanitarian.
4. That fire protection facilities be provided to the satisfaction of the West Plainfield Fire District.
5. That, in the event that the interior streets are approved by the Board of Supervisors as private roads, improvement of County Road 96 be provided to the satisfaction of the Director of Public Works and that the County be reimbursed in the amount of \$677.00 for engineering expenses incurred in connection with an assessment district proceedings initiated following approval of the original tentative map of this subdivision on July 19, 1965.

Chairman Day opened the public hearing.

Herb Niederberger, developer of subject subdivision, stated that they have finally come up with some financing for this development and will reimburse the County for the expenses incurred after the approval of the original tentative map of this subdivision. He indicated that they will meet all the requirements of the Fire Department.

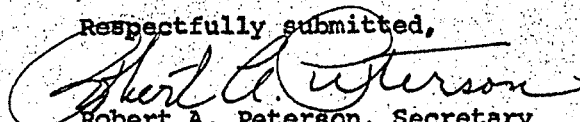
There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was moved by Commissioner Johnson, seconded by Commissioner Dyer, and carried, that the Tentative Map of Subdivision No. 1050 be approved subject to the following conditions:

1. That all streets be dedicated and improved to Class "C" standards in accordance with the Improvement Standards and Specifications of Yolo County.
2. That utility easements and drainage facilities be provided to the satisfaction of the Director of Public Works.
3. That water supply and sewage disposal be provided to the satisfaction of the County Sanitarian.
4. That fire protection facilities be provided to the satisfaction of the West Plainfield Fire District.
5. That, in the event that the interior streets are approved by the Board of Supervisors as private roads, improvement of County Road 96 be provided to the satisfaction of the Director of Public Works and that the County be reimbursed in the amount of \$677.00 for engineering expenses incurred in connection with an assessment district proceedings initiated following approval of the original tentative map of this subdivision on July 19, 1965.

There being no further business, the meeting was adjourned at 11:20 AM.

Respectfully submitted,


Robert A. Peterson, Secretary
Yolo County Planning Commission

MINUTES REGULAR MEETING
YOLO COUNTY PLANNING COMMISSION
AND BOARD OF ZONING ADJUSTMENT
November 6, 1968

The meeting was called to order by Vice-Chairman Motley at 8:32 AM in the Planning Commission Meeting Room, Continental Building, 203 Lincoln Avenue, Woodland, California.

Voting Members Present: Motley, Vice-Chairman; Dyer; Johnson; McCready; Turner.

Voting Members Absent : Day, Chairman.

Others Present : Robert A. Peterson, Secretary and Planning Director; Richard P. King, Associate Planner; Joe Espigares, Supervisor and Ex-officio Member, left at 9:30 AM; Janette Roncoroni, Steno.

M I N U T E S

- 1-A-1 It was moved by Commissioner McCready, seconded by Commissioner Johnson, and carried that the minutes of the October 15, 1968 meeting be approved subject to the following correction: On Page 2, last paragraph, line 4, change location to located.

D I R E C T O R ' S R E P O R T

- 2-C-1 Discussion of Annual Report for 1967-68

Director Peterson recalled that the first draft of the Annual Report was discussed at the last meeting and that a revised draft had been mailed out to each Commissioner for their review. He indicated that the staff has some minor changes to be made in the draft and asked if the Commissioners had any corrections to suggest.

Vice-Chairman Motley pointed out two changes that she thought should be made in the revised draft.

Director Peterson stated that if the Commission feels the report is satisfactory, a final draft including the suggested corrections could be made and submitted to the Board of Supervisors.

It was moved by Commissioner Turner, seconded by Commissioner McCready, and carried, that the suggested corrections be made and a final draft of the Annual Report submitted to the Board of Supervisors.

- 3-C-2 Request for consideration of Use Permit issued to Jay Bailey for operation of a cattle feed yard near Dunnigan (continued from last meeting).

Director Peterson recalled that this matter was continued from the October 15, 1968 meeting to allow the Deputy County Counsel time to determine if subject feed lot is in violation of the conditions of approval of the Use Permit. He informed the Commission that Deputy County Counsel Baker could not be present at this meeting to report on this matter and suggested that the matter be continued to the next regular meeting.

(see page 8-9)

B U S I N E S S: Board of Zoning Adjustment

4-D-1

ZONE FILE #640 Continued Public Hearing for a Use Permit to allow construction, operation and maintenance of a drive-in restaurant on a 140' x 148' parcel of land situated in the C-2 (Community Commercial) Zone on the south side of West Capitol Avenue, approximately 260 feet west of Merkley Avenue, in West Sacramento. Subject property is designated as a portion of Assessor's Parcel No. 9-111-01. Applicant: Dauger Enterprises, Inc., by Hunter Bungay, Secretary, 1416 Q Street, Sacramento, Calif.

CONDITIONALLY APPROVED

Associate Planner King pointed out subject property on a map of the East Yolo area and called the Commission's attention to the staff study sketch.

Director Peterson recalled that this matter and the agenda item following were continued from the October 15, 1968 meeting when it was pointed out that the construction of the two drive-in restaurants would compound a non-conforming parking situation on the entire parcel. He informed the Commission that the staff has consulted with applicant's architect who has prepared a parking layout for the entire parcel. He presented copies of the parking space design to the Commissioners and stated that the entire parcel will be in conformance with the Zoning Ordinance if it is developed as shown on the revised development plan. He added that the Department of Public Works has requested that any approval of the requested Use Permits be conditioned upon construction of needed public improvements, including curb, gutter and sidewalks, along the West Capitol Avenue and Merkley Avenue frontages to the satisfaction of the Director of Public Works and the dedication of a small amount of right-of-way at the intersection to round off a corner.

Vice-Chairman Motley opened the public hearing.

Ron Henderson, representing the applicant, indicated that he feels it will create a traffic hazard if they are required to extend the curb, gutter and sidewalk on Merkley and West Capitol Avenues.

A general discussion of the necessary street improvements followed.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Use Permit be approved for the reason that it will not impair the integrity or character of the neighborhood, nor be detrimental to the public health, safety or general welfare subject to the following conditions:

1. That parking be provided as shown on the revised development plan submitted by the applicant and in conformance with the requirements of the Zoning Ordinance.
2. That public improvements be provided along West Capitol Avenue to the satisfaction of the Director of Public Works.
3. That the property owner may request consideration of an extension of time if subject use permit has not been utilized within one year and such request is submitted to the Commission prior to November 20, 1969.

It was moved by Commissioner Turner, seconded by Commissioner McCready, and carried, that the requested Use Permit be approved for the reason that it will not impair the integrity or character of the neighborhood, nor be detrimental to the public health, safety and general welfare, subject to the conditions enumerated by the Planning Director.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

5-D-2 ZONE FILE #641 Continued Public Hearing for a Use Permit to allow the construction, operation and maintenance of a drive-in restaurant in the C-2 (Community Commercial) Zone at the southwest corner of West Capitol Avenue and Merkley Avenue in West Sacramento. Subject property is designated as a portion of Assessor's Parcel No. 9-111-01. Applicant: Dauger Enterprises Inc., by Hunter Bungay, Secretary, 1416 Q Street, Sacramento, California.

CONDITIONALLY APPROVED

Director Peterson stated that this matter was included in the discussion of the previous Agenda Item (Item 4-D-1).

Vice-Chairman Motley opened the public hearing. (See Item 4-D-1).

There being no one present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Use Permit be approved for the reason that it will not impair the integrity or character of the neighborhood, nor be detrimental to the public health, safety or general welfare subject to the following conditions:

1. That parking be provided as shown on the revised development plan submitted by the applicant and in conformance with the requirements of the Zoning Ordinance.
2. That public improvements be provided along Merkley and West Capitol Avenues to the satisfaction of the Director of Public Works.
3. That the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to November 20, 1969.

It was moved by Commissioner Dyer, seconded by Commissioner McCready, and carried, that the requested Use Permit be approved for the reason that it will not impair the integrity or character of the neighborhood, nor be detrimental to the public health, safety or general welfare, subject to the conditions enumerated by the Planning Director.

6-D-3 ZONE FILE #644 Public Hearing for a Variance to allow the construction of an attached carport within the required side yard set back area on a lot located in the R-2 (Residential One Family or Duplex) Zone at 1104 Grafton Street in Esparto. Subject property is designated as Assessor's Parcel No. 21-143-07. Applicant: Fred Lantz, Rt. 1, Box 69, Esparto, California.

CONDITIONALLY APPROVED

Associate Planner King pointed out subject property on a map of the Esparto area and called the Commission's attention to the staff study sketch.

Director Peterson presented a photo of subject property to the Commission and explained that the applicant proposes to construct a carport, attached to the dwelling, within 3 feet of the side property line on a lot in the R-2 Zone in Esparto. He reported that the minimum sideyard in the R-2 Zone is 6 feet. He indicated that the existing supporting posts for subject carport appear closer than 3 feet from the property line, with a projected eave almost on said property line. He pointed out that the area is designated on the General Plan, zoned and used for low density residential development. Lots in the area, he continued, are predominantly 50' x 150' in size (1500 sq. ft.) developed with single family residences although zoning permits duplexes also. He stated that the applicant indicates that the carport will not interfere with other properties, that the special circumstances requirement does not apply and that the development will be in conformity with existing rules and regulations of the zoning ordinance. He enumerated, from the Zoning Ordinance, the conditions that must be found for the granting of a variance and reported that the carport appears to be partially constructed. He added that a letter received from Mr. & Mrs. V. F. Vieira, property owners in the area, indicates that they have no objection to the granting of the requested Variance.

Vice-Chairman Motley opened the public hearing.

Mr. Fred Lantz, applicant, explained that his neighbor has three pecan trees right next to his property line that drip sap and he needs the carport to protect his car. He stated that he stores his boat in the existing garage at the rear of his property. He informed the Commission that he has constructed four posts for the proposed carport.

Supervisor Espigares left at 9:30 AM.

Mr. Lantz replied, in answer to a question by Commissioner Turner, that the fence was not constructed on the property line but was constructed well onto his property. He indicated that he could cut the over hang of the carport off at the vertical posts. He stressed that he does not intend to enclose the carport and that he merely wants to construct a roof over his parking space.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson pointed out that the Zoning Ordinance permits eaves to extend 3 feet into the required side yard. He called attention to the narrow lots in Esparto. The Director recommended that, if the requested Variance is approved after finding sufficient grounds necessary for the granting of a Variance, such approval be subject to the following conditions:

1. That the eave extend no closer than 3 feet from the side property line.
2. That the carport not be enclosed at any time.
3. That the property owner may request consideration of an extension of time if subject Variance has not been utilized within one year and such request is submitted to the Commission prior to November 20, 1969.

It was moved by Commissioner Johnson, seconded by Commissioner McCreedy, and carried, that the requested Variance be approved for the reason that sufficient grounds necessary for the granting of a Variance have been found, subject to the conditions enumerated by the Planning Director.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

7-D-4

ZONE FILE #646 Public Hearing for a Variance to allow the expansion of an existing warehouse into the required rear yard set back area adjacent to a residential zone on a lot situated in the M-1 (Light Industrial) Zone at 1501 Cebrian Street in West Sacramento. Subject property is designated as Assessor's Parcel No. 9-644-10. Applicant: West Sacramento Investment Group, by Maryanne Ingemanson, 590 Hawthorne Road, Sacramento, California.

-----CONDITIONALLY APPROVED-----

Associate Planner King pointed out subject property on a map of the East Yolo area and called the Commission's attention to the staff study sketch.

Director Peterson explained that the applicant proposes to construct an addition to an existing warehouse in the M-1 Zone in West Sacramento. He informed the Commission that subject addition is proposed to extend to 10 feet from the rear property line which abuts an R-1 Zone. He reported that the Zoning Ordinance requires a rear yard of 25 feet on land in the M-1 Zone adjacent to an R Zone. He pointed out that subject site is located in an area designated on the General Plan, zoned and used for light industrial purposes, principally warehousing. He stated that adjacent land to the east is in the R-1 Zone and developed with single family residences. Land at the rear, or to the north of subject site, he continued, is in the R-1 Zone and used as a high school site. He indicated that the portion of the high school site adjacent to the proposed building is used as a school bus storage area and some sheds are located there. He informed the Commission that the applicant bases this request on the use of the adjacent land as a school corporation yard; the reduction of the lot by a 62.5 foot drainage easement on the east side, and that industrial use of the lot is intended by the General Plan and zoning. The Director recalled previous staff discussions of the proposal, including a conversation with the School Board who had not opposed the reduced setback.. He stated that he does not believe that the property will require screening since the high school site adjacent to the proposed building is used as a school bus storage area. He indicated that a letter was received from Robert S. Brown of the West Sacramento Port Center, Inc., lessee and manager of subject property, that indicated that they believe the request of the applicant is reasonable and that they do not believe that reducing the setback will be injurious to the adjoining land.

applicant

Q&P

Vice-Chairman Motley opened the public hearing.

Maryanne Ingemanson, representing the applicant, replied, in answer to a question by the Commission, that they do not intend to have any openings on the north side of the proposed building.

Robert S. Brown, West Sacramento Port Center, Inc., stated that he had nothing to add to the Director's Report but that he would be glad to answer any questions the Commissioners might have.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Variance be approved for the reason that the applicant has shown sufficient grounds necessary for the granting of a Variance subject to the following conditions:

1. That no materials be stored in the rear area of subject property.
2. That the property owner may request consideration of an extension of time if subject Variance has not been utilized within one year and such request is submitted to the Commission prior to November 20, 1969.

It was moved by Commissioner McCready, seconded by Commissioner Johnson, and carried, that the requested Variance be approved for the reason that the applicant has shown sufficient grounds necessary for the granting of a Variance subject to the conditions enumerated by the Planning Director.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

8-D-5

ZONE FILE #642 Continued Public Hearing for a Use Permit to allow the construction, operation and maintenance of a recreation mobile home park for overnight travel trailers and campers on a 120' x 250' parcel of land located in the C-H (Highway Service Commercial) Zone between Third and Fourth Streets, approximately 180 feet west of Locust Street in Knights Landing. Subject property is designated as Assessor's Parcel No. 19-473-02. Applicant: W. Stanley Young, 3512 El Macero Drive, El Macero, California.

-----CONDITIONALLY APPROVED-----

Associate Planner King pointed out subject property on a map of the County and called the Commission's attention to the staff study sketch.

Director Peterson recalled that this matter was continued from the meeting of October 15, 1968 so the applicant would have time to submit a new plot plan of the proposed development. He informed the Commission that the new plot plan was developed by the staff with the intent of providing as many trailer stalls on the property as possible. He presented copies of the staff plot plan to the Commission pointing out that the plan allows a maximum capacity of 20 camping vehicle stalls and a 20' paved drive to each stall. He stated that the staff would recommend that the applicant be required to install a 3' wide planting area of shrubs between each camping space. He added that this plan would be the maximum density for use of subject property.

Vice-Chairman Motley opened the public hearing.

Mr. Stanley Young, applicant, said that he appreciated the staff effort in preparing the plan and was satisfied with the suggested development.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested proposed use be approved, if developed in accordance with the plot plan submitted by the staff, for the reasons that the

requested use is essential and desirable to the public comfort and convenience and will not impair the integrity or character of the neighborhood, not be detrimental to the public health, safety or general welfare.

It was moved by Commissioner Dyer, seconded by Commissioner Turner, and carried, that the Use Permit be approved as per the plot plan prepared by the staff for the reasons that the requested use is essential and desirable to the public comfort and convenience and will not impair the integrity or character of the neighborhood, nor be detrimental to the public health, safety or general welfare subject to the condition that the property owner may request consideration of an extension of time if subject Use Permit has not been utilized within one year and such request is submitted to the Commission prior to November 20, 1969.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

9-D-6

ZONE FILE #548 Public Hearing for a Variance to allow the retail sale of bread from an existing warehouse located in the M-1 (Light Industrial) Zone at the southwest corner of West Street and Kentucky Avenue, in Woodland. Subject property is designated as Assessor's Parcel No. 26-022-14. Applicant: E. L. Eaton, P.O. Box 975, Woodland, California.

-----APPROVED-----

Associate Planner King pointed out subject property on a map of the Woodland area and called the Commission's attention to the staff study sketch.

Director Peterson presented photos of subject property and recalled that this matter has been discussed at previous meetings at the request of the applicant for an interpretation of a retail sales business in the M-1 Zone. He stated that the Commission's determination at those meetings had been that a retail sales operation is not a permitted use in the M-1 Zone, but that the applicant might apply for a Variance if he thought he could show grounds for the granting of a Variance. He pointed out that the staff study sketch provides an indication of the mixture of land usage in the area. He indicated that retail sales are specifically deleted from the provisions of the M-1 Zone. He reported that the area is designated on the General Plan and zoned for industrial use and that the existing land use is mixed. He stated that the applicant bases this request on the existence of other business in the area engaged in retail sales. He recalled that it was explained at the previous meetings that the retail bread sales operation would be conducted in an existing warehouse where a bread distribution center is to be located and trucks are to be stored. He explained that the problem in the total operation consists of selling bread returned from stores by the delivery trucks.

Vice-Chairman Motley opened the public hearing.

Mr. E. L. Eaton, applicant, stressed that the proposed use is consistent with the other uses in the area.

Director Peterson stated that there are a mixture of different uses in this area along Kentucky Avenue. He recalled that the Commission has previously attempted to change the zoning in this area but the property owners had demanded that the zoning remain M-1. He indicated that it is common for bread companies to sell bread that is returned to their warehouses.

Mr. Eaton replied, in answer to a question from the Commission, that the primary function of the proposed business is wholesale bread delivery.

Director Peterson suggested that the retail sale of bread could be considered as an accessory use.

Commissioner Turner agreed with the Planning Director's statement and indicated that he feels that the requested use will not be detrimental to the surrounding properties.

There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was moved by Commissioner Turner, seconded by Commissioner Dyer, and carried, that the requested Variance be approved for the reason that the applicant has shown sufficient grounds necessary for the granting of a Variance.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

10-D-7

ZONE FILE #649 Public Hearing for a Variance to allow the division of a 20.20 acre parcel of land into one 8 acre building site and one 12 acre parcel containing two existing dwellings. Subject property is situated in the A-1 Zone on the north side of County Road 32, approximately 1 mile west of County Road 95, and is designated as Assessor's Parcel No. 31-020-46. Applicant: Georgia E. Hunter, Rt. 1, Box 158, Winters, California.

-----DENIED-----

Associate Planner King pointed out subject property on a map of the County and called the Commission's attention to the staff study sketch.

Director Peterson explained the proposed division and pointed out that the minimum lot size in the A-1 Zone is 5 acres, but a conditional use permit must be granted to allow construction of one dwelling, other than a farm dwelling, on 5 or more acres. He reported that the applicant has one large dwelling and a small rental unit on the proposed 12 acre site and intends to sell the remaining 8 acres as a residential building site. He indicated that the area is designated on the General Plan, zoned and used for agricultural purposes. Subject 20 acres, he continued, is surrounded by larger acreages on all sides and was once a portion of one of the large parcels. He stated that a slough makes an island of approximately 4 acres of the 20 acre parcel. He indicated that the applicant proposes to retain the island, which is not cultivated, the 2 dwellings and a large permanent pasture area for her own use. He reported that the applicant bases this request on the inadequacy of a 20 acre site as a farming unit, the slough that further reduces the use of the site for farm purposes, and that the minimum density of the A-1 Zone will not be reduced. He recalled that a previous Variance to divide subject property was denied by the Planning Commission and, upon appeal, the Board of Supervisors had reversed the decision and granted the applicant a variance to divide the 20.20 acre parcel of land into one 10 acre residential building site and one 10 acre parcel containing the two existing dwellings.

Vice-Chairman Motley opened the public hearing.

Georgia Hunter, applicant, explained that, because of the location of the existing road that provides access to the rear of subject property, it is impossible to divide the parcel into two ten acre parcels.

Commissioner Turner stated that the Commission did deny the previous Variance and he cannot see any change in condition that provides any grounds for granting this Variance.

There being no other persons present wishing to speak on this matter the public hearing was closed.

Director Peterson recommended that the requested Variance be denied for the reasons that the granting of subject Variance would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity; there are not special circumstances applicable to the subject property, such as size, shape, topography, location or surroundings that would deprive the property of privileges enjoyed by other properties in the area; and that the granting of the requested Variance would not be in conformity with the General Plan.

It was moved by Commissioner Johnson and seconded by Vice-Chairman Motley, that the requested Variance be approved for the reason that the applicant has shown sufficient grounds needed for the granting of a Variance.

The motion failed to carry by the following vote:

Ayes : Dyer, Johnson.
Noes : McCreedy, Motley, Turner.
Absent : Day.
Abstaining: None.

Vice-Chairman Motley advised those present that failure to carry the motion resulted in denial of the application and advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

11-D-8 ZONE FILE #650 Public Hearing for a Use Permit to allow the division of an 18 acre parcel of land into a 5 acre residential building site, a 6 acre residential building site, and a 7 acre residential building site. Subject property is located in the A-1 Zone at the southeast corner of the intersection of County Road 96-B and State Highway 16, three miles west of Woodland, and is designated as Assessor's Parcel No. 25-210-39. Applicant: Olga Wahl, 628 College Street, Woodland, California.

-----DENIED-----

See Item 12-D-9.

Associate Planner King pointed out subject property on a map of the Woodland area and called the Commission's attention to the staff study sketch.

Director Peterson explained the proposed division and reported that the A-1 Zone requires a minimum lot size of 5 acres and provides that dwellings, other than farm dwellings, are conditional uses in the Zone. He pointed out that the area is designated on the General Plan, zoned and used agriculturally. He stated that a number of dwellings on small parcels exist in the area. He reported that the applicant bases this request on the need for small acreage home sites in the area and the existence of similar small sites in the area.

Vice-Chairman Motley opened the public hearing

Mr. Fritz Fricke, property owner in the area, indicated that he is opposed to the requested Use Permit because he is opposed to cutting up more farm land into small parcels. He stated that this proposed division will raise the taxes on surrounding agricultural land.

Director Peterson reported that subject land is prime soil and should be preserved for agricultural use. He stated that 9 dwellings exist now on County Road 96-B but there is A-E zoning to the north of subject site. He added that he believes the land should be kept for agricultural use but that there may be grounds for the granting of the Use Permit.

Commissioner Turner indicated that, although other small parcels exist in the area, there is no reason to continue dividing the land for residential purposes. He stated that this land is prime soil and should be used agriculturally and that this proposal would provide a basis for further divisions in the area.

There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was moved by Commissioner Turner, seconded by Commissioner McCreedy, and carried, that the requested Use Permit be denied for the reasons that subject land is prime soil and should be preserved for agricultural use, that the requested use will impair the integrity and character of the neighborhood and be detrimental to the public health, safety and general welfare.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

12-D-9 ZONE FILE #651 Public Hearing for a Use Permit to allow the division of a 22 acre parcel of land into one 7 acre parcel containing an existing dwelling, and three 5 acre residential building sites in the A-1 Zone on the south side of State Highway 16, approximately 100 feet east of County Road 96-B, three miles west of Woodland. Subject property is designated as Assessor's Parcel No. 25-210-38. Applicant: Leroy Wahl, Rt. 1, Box 1200, Woodland, California.

-----DENIED-----

See Agenda Item 11-D-3.

Director Peterson explained the proposed division and reported that this application is adjacent to the property discussed in Zone File No. 650. He pointed out that the area is designated on the General Plan, zoned and used agriculturally. He indicated that subject property is adjacent to an A-E Zone.

Vice-Chairman Motley opened the public hearing.

Fritz Fricke, property owner in the area, stated that he is opposed to the granting of the requested Use Permit for the reasons that, if approved, it will raise the taxes of surrounding property and he is opposed to cutting up farm land into small parcels.

There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was moved by Commissioner Turner, seconded by Commissioner McCready, and carried, that the requested Use Permit be denied for the reasons that the requested use will impair the integrity and character of the neighborhood and be detrimental to the public health, safety and general welfare.

Vice-Chairman Motley advised those present of the appeal procedure available for decisions of the Board of Zoning Adjustment.

B U S I N E S S: Planning Commission

13-E-1 ZONE FILE #647 Public Hearing for an amendment to the Woodland Area Master Plan to change the land use designation for an area easterly of a proposed Interstate 5 Freeway interchange at the intersection of County Road 101 and State Highway 16, east of Woodland, from an industrial use designation to a highway service commercial use designation;

and

Public Hearing for a Change of Zoning from an A-1 (Agricultural General) Zone to a C-H (Highway Service Commercial) Zone for a 4+ acre parcel of land located on the south side of State Highway 16, approximately 2200 feet east of County Road 101. Subject property is designated as a portion of Assessor's Parcel No. 27-290-05. Applicant: Glen Mills Chrysler-Plymouth Inc., 325 Main Street, Woodland, Calif.

-----CONTINUED-----

Associate Planner King pointed out subject property on a map of the County and called the Commission's attention to the staff study sketch.

Director Peterson explained the proposed amendment to the General Plan and the proposed change of zoning. He reported that the area is designated on the General Plan for industrial use and that M-2 Zoning exists to the north and east. He pointed out that C-H Zoning has been approved for land ¼ mile west at the Interstate 5 interchange. He indicated that in his opinion the approval of this requested Zone Change might constitute spot zoning. He informed the Commission that the applicant had indicated he might consider requesting that the entire parcel be changed if the Commission feels it is necessary. He stated that this property is proposed to be used for the sales and service of new cars. Major repair of automobiles, he said, is not a permitted use in the C-H Zone. He recalled that the Commission had determined that the sales and service of new and used cars is not compatible with the uses allowed in the M-1 and M-2 Zones at their September 17, 1968 meeting. He indicated that the City of Woodland Planning Commission has been asked to give their opinion of this matter but have not had time to discuss the matter. He recommended that this matter be continued until the City of Woodland Planning Commission has had time to study this matter. The Director requested that the Commission give their opinion on whether a zone change to the C-H or the C-3 Zone would be most appropriate for the whole or a portion of subject parcel.

Vice-Chairman Motley opened the public hearing.

Mr. Gary Shaffer, representing the applicant, stated that they do want to use the property for the sales and service of new cars. He indicated that the property has very good access to the freeway and that the Chrysler-Plymouth Corporation has approved this site. He informed the

Commission that the proposed use might also include a tire dealership. He added that they are agreeable to the continuance suggested by the Planning Director, but would like some type of opinion from the Commission on this matter.

Director Peterson read the uses permitted in the C-3 Zone from the Zoning Ordinance. He indicated that in his opinion a C-3 Zone would be a more appropriate zone for a car dealership engaged in major repair of automobiles.

Commissioner Motley agreed with the Planning Director's statement and indicated that she would prefer that the entire parcel be included in the Zone Change.

Director Peterson stated that the property owner did indicate to him that it might be better to have zoning that would allow cleaner uses than the M-2 Zone does since this will be one of the major access points into the city.

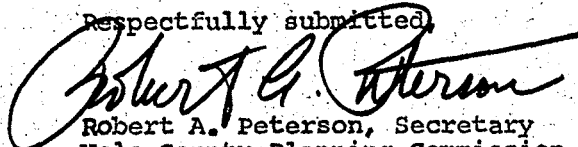
There being no other persons present wishing to speak on this matter the public hearing was closed.

After further discussion it was the consensus of the Commission that C-3 Zoning would be more appropriate at this location and they would prefer that the entire parcel be included in the Zone Change.

It was moved by Commissioner Turner, seconded by Commissioner McCready, and carried, that the Director advise the Woodland Planning Commission of the alternative zoning plans discussed and that this matter be continued to the November 19, 1968 meeting at 9:00 AM to await the recommendation of that Commission.

There being no further business, the meeting was adjourned at 10:35 AM.

Respectfully submitted,


Robert A. Peterson, Secretary
Yolo County Planning Commission

240 DECEMBER 9, 1968

File:
COMMUNICATIONS-AGREEMENT-SERVICES-
University of California-Police-
Davis.

SEE:
AGREEMENT BOOK NO. 4

ORDER NO. 68-1292: APPROVED AGREEMENT NO. 68-106 WITH THE
OF THE UNIVERSITY OF CALIFORNIA AT DAVIS, FOR THE YOLO
COMMUNICATIONS DEPARTMENT TO PERFORM CERTAIN SERVICES FOR
UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, AND AUTHORIZED THE
OF THE BOARD OF SUPERVISORS TO SIGN SAID AGREEMENT.

ion of Supervisor Duncan, seconded by Supervisor Espigares, and duly carried, the above
Order and Agreement were approved by the following vote:

uncan, Edmonds, Espigares, Stephens, Conner. Noes: None. Absent: None.

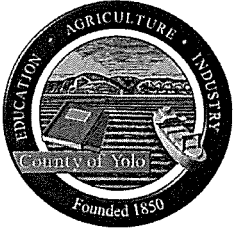
File:
PLANNING-BOARD OF ZONING ADJUST-
MENT-Appeals-1968.

MINUTE ORDER NO. 68-1293: OVERRULED THE BOARD OF ZONING ADJUSTMENT'S
DECISION AND APPROVED THE APPEAL FOR A VARIANCE TO ALLOW THE DIVISION
OF A 20.20 ACRE PARCEL OF LAND INTO ONE 8 ACRE BUILDING SITE AND ONE
12 ACRE PARCEL CONTAINING 2 EXISTING DWELLINGS, AS FILED BY GEORGIA
E. HUNTER. SAID MATTER WAS CONSIDERED AT A PUBLIC HEARING HELD ON
DECEMBER 9, 1968, AT 10:30 A.M. COMMENTS WERE HEARD BY THE BOARD.

Upon motion of Supervisor Stephens, seconded by Supervisor Duncan, and duly carried, the above
Minute Order was so ordered by the following vote:

Ayes: Duncan, Edmonds, Espigares, Stephens, Conner. Noes: None. Absent: None.

File:
ROADS-COUNTY-No. 136.
ROADS-COUNTY-No. 27
-No. 98
-No. 24



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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Woodland, CA 95695-2598
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PLANNING COMMISSION STAFF REPORT

September 10, 2009

FILE #2009-027: Appeal of a staff denial of a Certificate of Compliance for approximately eight acres located at 33750 Russell Boulevard in Winters. The project site is a portion of a 20.20-acre A-1 (Agricultural General) zoned parcel. (Attachment A).	
APPLICANT: Judith and Malcolm Clark P.O. Box 898 Winters, CA 95694	APPELLANT: Kent N. Calfee Calfee/Konwinski 611 North Street Woodland, CA 95695-3237
LOCATION: The property is located at 33750 Russell Boulevard, approximately four miles east of the City of Winters (APN: 038-130-09) (Attachment B).	SUPERVISOR DISTRICT: 5 (Chamberlain)
GENERAL PLAN: Agriculture (Yolo County General Plan)	FLOOD ZONE: C (area as outside the 100 and 500 year flood plains)
ZONING: Agricultural General (A-1)	FIRE SEVERITY ZONE: None
	SOILS: Brentwood silty clay loam (BrA), 0 to 2 percent slopes (Class I), and Yolo silt loam (Ya) (Class I)
ENVIRONMENTAL DETERMINATION: Statutory Exemption	
REPORT PREPARED BY: Stephanie Berg, Associate Planner	REVIEWED BY: David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission either:

1. **CONTINUE** the item to the next regularly scheduled Planning Commission hearing of October 8, 2009; or,
1. **RECEIVE** a staff presentation, hold a public hearing, accept public testimony regarding the appeal, and:

A. **DETERMINE** that the Statutory Exemption prepared for the appeal is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);

B. **DENY** the appeal; and

ATTACHMENT J

C. **ADOPT** the recommended Findings (**Attachment D**) for denial of the appeal.

REASONS FOR RECOMMENDED ACTIONS

The applicants have requested a continuance to the October meeting, as their attorney is unavailable on September 10. Staff does not oppose the continuance. However, should the Commission wish to entertain the appeal in September, staff recommends denial on the ground that there is insufficient evidence that a legal parcel was ever created through a recorded deed conveying real property, or other lawful means. Nothing in the current Subdivision Map Act would allow the parcel in question to be recognized as a legal lot through the Certificate of Compliance process, based upon the particular details of the property in question.

BACKGROUND

On July 20, 2009, planning staff denied a Certificate of Compliance request for 8.01-acres in the A-1 (Agricultural General) zone, located approximately four miles east of the City of Winters on Russell Boulevard. (A Certificate of Compliance application is used to request that the county formally recognize the legality of a specific lot.) The 8.01-acres in question are part of a 20.20-acre parcel (APN: 038-130-08). The applicant (Clark) based the request on a 1969 Grant Deed that describes the 8.01-acre parcel, in which the grantor and grantee is one and the same person. The Office of the County Counsel has advised that the deed thus had no legal effect—it did not convey the parcel to anyone, thus it could not have created the parcel (legally or illegally).

The application prepared for the Certificate of Compliance request included a certified full chain of title, as required, that included four Grant Deeds from 1946 to 1984 (**Attachment E**). The original 'parent' parcel (140 acres) is described in the 1946 deed. In a 1961 Grant Deed, approximately 120 acres were 'excepted out' of the original 140 acres, thereby leaving a 20.20-acre remainder parcel. The current 120-acre A-P (Agricultural Preserve) zoned parcel (APN: 038-130-04) is also owned by the Clarks. The Certificate of Compliance request was made in connection with a proposed conservation easement with the Yolo Land Trust, which would include the entire 140 acres (**Attachment A**).

In 1968, the owner of the 20.20-acre parcel (Georgia Hamel) requested a Variance to allow the division of the parcel into two five-acre residential building sites and one 10-acre parcel containing two existing dwellings; or, one 10-acre residential building site and one 10-acre parcel containing two existing dwellings. The applicant's request was based on the inadequacy of the 20-acre parcel as a suitable farming site, and an inability to maintain the 20 acres. The Variance request was denied at the August 20, 1968 Planning Commission (Board of Zoning Adjustment) hearing because findings could not be made to support the granting of the Variance, because granting the Variance would constitute a grant of special privilege inconsistent with the limitations upon other agricultural properties in the vicinity, and because the request was inconsistent with the General Plan. The Variance was subsequently appealed to the Board of Supervisors who overturned the decision of the Planning Commission and approved the Variance to allow the division of the 20-acre parcel into one 10-acre building site and one 10-acre parcel containing two dwellings.

However, the applicant apparently decided not to proceed to divide the 20-acre parcel in accordance with this variance. On November 6, 1968, a second Variance application was brought before the Planning Commission by the same property owner requesting a Variance to allow the division of the same 20.20-acre parcel into one eight-acre building site and one 12-acre parcel containing two existing dwellings. The applicant had returned with the request because the location

of an existing road that provided access to the rear of the property created limitations for dividing the 20-acre parcel into two 10-acre parcels. The request was denied for the same reasons the previous request was denied. An appeal was again filed, and on December 9, 1968, the Board of Supervisors overruled the Planning Commission's decision and approved the appeal for a Variance to allow the division of a 20.20-acre parcel into one 8-acre building site and one 12-acre parcel containing two existing dwellings.

For reasons that are unknown, in November 1969, Georgia Hamel, as grantor and grantee, recorded a Grant Deed that described the eight-acre parcel. The subject eight-acre portion of the 20-acre parcel was subsequently issued a new Assessor's Parcel Number (APN) shortly thereafter. However, according to information recorded on the Assessor's Parcel Map books kept in the Planning and Public Works Department, a land division plat was never filed with the Planning Director, and a staff note indicates that the Variance expired one year later (**Attachment F**). As noted, the Office of the County Counsel has advised that none of these actions were legally sufficient to create the 8.01 acre parcel in dispute.

STAFF ANALYSIS

As explained briefly above, staff based its current denial of a Certificate of Compliance to recognize the eight-acre parcel due to lack of sufficient evidence that the parcel was ever created, legally or illegally. No land division plat had ever been filed with and approved by the Planning Director, as authorized by the county's "Land Development Ordinance" in effect in 1969 (**Attachment G**). Further, while a Grant Deed technically could have legally conveyed real property and created a parcel at that time, as a matter of California law, a Grant Deed deeded to oneself does not convey real property and thus cannot "create" a parcel. Consequently, it is staff's determination that the eight-acre parcel in question has never been individually conveyed or otherwise created as a separate legal parcel.

The appellant, on the other hand, maintains that the Board of Supervisors' 1968 decision to overrule the Planning Commission's denial effectively constituted approval of a lawful lot division, and has inferred that the Variance request was, in fact, a land division request. However, staff strongly disagrees, based on the evidence at hand. In 1968, the minimum parcel size for A-1 zoned property was five acres, and a Conditional Use Permit was required for constructing a non-farm dwelling unit on parcels at least five acres. The Master Plan in effect at the time prohibited residential subdivisions on agricultural lands, much like the General Plan policies in effect today. Thus, staff has determined that the Variance request was necessary because of this Master Plan policy and the requirement of compliance with such policies in the Land Development Ordinance. Without a Variance, a land division request to divide the 20-acre agricultural property into two non-farming building sites would have been automatically denied.

In other words, before a request could be made to divide an agricultural parcel into two non-farming home sites in 1968, a Variance request had to be submitted, wherein findings would have to be made to identify special circumstances applicable to the subject property to justify the creation of non-farm home sites. However, as indicated by the Planning Director at both 1968 Planning Commission hearings, according to the minutes, no special circumstances applied to the property, which contained Class I prime soils and was in agricultural production. In fact, the 20-acre parcel was surrounded by much larger agricultural parcels on all sides. According to the minutes from the August 20, 1968 Planning Commission hearing, the Chair indicated that, "Residential uses in this area will be detrimental to the surrounding farm land." It is clear from the Planning Commission's closing statements that findings could not be made to approve the Variance request (**Attachment H**). And, more importantly, it is clear that the request focused on the potential residential use of the requested parcel, which would compel denial of the land division request under provisions of the Land Development Ordinance incorporating the Master Plan

prohibition of new residential subdivisions in agricultural zones.

Pursuant to the Land Development Ordinance in effect as of 1968, those wishing to divide their property into four lots or less could file a land division plat to the Planning Director for approval. This action did not require a public hearing, but did require the Planning Director to consider the division in light of existing and other proposed development in the area, the Master Plan (General Plan) and standards established in the community. Within five working days, the Planning Director would advise the property owner by letter or in conference, whether the proposed land division was approved, approved with conditions, or denied. Clearly, a land division request, such as the 20-acre parcel under discussion, could not have been approved by the Planning Director because the request would have been in conflict with the Master Plan and existing uses in the community. Thus, staff has concluded that the Variance request was filed because the Director could not approve a land division plat under these circumstances due to the conflict with the Master Plan, as implemented by the Land Development Ordinance.

Staff disagrees with the appellant's claim that a Variance was used in place of a land division request. This claim has no direct support and is counter to the obvious need for a Variance from the General Plan and Land Development Ordinance prohibition on new residential subdivisions in agricultural zones. It is relatively clear from the Master Plan policies and Land Development Ordinance in effect at the time, that the property owner would not have been able to obtain a division of her property without some other mechanism to relax the standards applicable to agricultural parcel divisions at the time. Whether or not the property owner at the time misconstrued the meaning of the Board of Supervisor's decision to approve the appeal and grant the Variance request is purely speculative and irrelevant. There is no evidence to indicate that the Planning Director approved a land division plat map or otherwise approved the division after the Variance was granted. In fact, notes recorded in the Planning and Public Works Department Assessor's Parcel Map books indicate that the land division never occurred. Assessor's Parcel Number 038-130-09 has never been recognized as a separate legal parcel by the Planning and Public Works Department.

For all of these reasons, staff recommends the Planning Commission uphold the July 20, 2009, denial of a Certificate of Compliance to recognize an 8.01-acre parcel, and recommends denial of the appeal.

SUMMARY OF AGENCY COMMENTS

This report has been reviewed by County Counsel.

APPEALS

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

ATTACHMENTS

- Attachment A** – Site Plan
- Attachment B** - Location Map
- Attachment C** - Categorical Exemption
- Attachment D** - Findings

Attachment E - Chain of Title

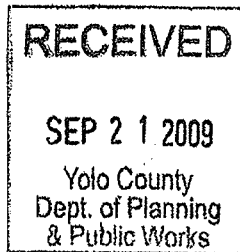
Attachment F – APN book page with staff notes indicating expiration of Variance

Attachment G - Land Development Ordinance (adopted in 1965)

Attachment H - Planning Commission Minutes of August 8, 1968 (pgs. 10-11) and November 6, 1968 (pgs. 8-9)

Attachment I - Board of Supervisors' Minute Order

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DAVID W. CALFEE III
CHRISTOPHER J. KONWINSKI
SARAH B. ORR

September 18, 2009

Ms. Stephanie Berg
Yolo County Planning
292 West Beamer Street
Woodland, CA 95695

Re: Clark Certificate of Compliance Appeal (APN 038-130-09)
Zone File #2009-027
Our File No. C9153

Dear Stephanie:

I have had the opportunity to review your staff report and have some comments and requests. Most importantly, my review of the historical practices of the Planning Department does not support your position.

Staff's position is based exclusively upon the conclusion that all subdivisions of agricultural land for residential purposes violated the Master Plan. Staff has concluded that a "Variance" was required because:

"Clearly, a land division request, such as the 20-acre parcel under discussion, could not have been approved by the Planning Director because the request would have been in conflict with the Master Plan and existing uses in the community. Thus, staff has concluded that the Variance request was filed because the Director could not approve a land division plat under these circumstances due to the conflict with the Master Plan, as implemented by the Land Development Ordinance."

It is apparently staff's position that all subdivisions for residential purposes would have required a two-step process. First, a "variance" would be required and only after obtaining a "variance" could a land division application be pursued. Please provide me with examples from the planning records of situations where a two-step process was required. My research indicates that was never the practice in Yolo County.

ATTACHMENT K

Ms. Stephanie Berg
Yolo County Planning
September 18, 2009
Page 2

I have not done an exhaustive investigation but I have substantial evidence that Yolo County never had a two-step application process. Initially, I interviewed Richard Jenness and Raymond Dowell. You and your colleagues know that Rich and Ray each practiced in this arena in Yolo County for more than forty years. They have processed a very large number of land divisions and subdivisions in Yolo County. Neither Rich nor Ray can recall a single instance where a variance process was required prior to filing an application for a land division.

In addition to conversations with Rich and Ray, I have pulled a few subdivision maps. Attached are copies of the map for subdivision 2051, the subdivision map for Hillcrest Estates and the map for Subdivision 1050, Rolling Acres. All three maps were approved by the appropriate planning authorities and all three subdivided agricultural land for residential purposes. If the staff analysis is correct, all three of these maps would have required a "variance" prior to the application to divide the land. Please provide me with access to any file you may have relative to these subdivisions so that I can confirm whether or not it was County policy to require a "variance" prior to processing a land division. I strongly suspect that no "variance" was required for these or any other land division application. A look at the historical practices of the Planning Department shows that large lot residential projects, like the one at issue, simply did not violate the policy of the Master Plan.

A two-step process was not required because it is unreasonable. When Ms. Hunter approached Yolo County it is clear she sought to divide her property. The text of the minutes cannot be more clear. The minutes of the Planning Commission meeting of November 6, 1968, include the following description of the pending application, "Director Peterson explained the proposed division..." The matter before the Planning Commission was a "proposed division."

Not only is there no record of enforcing a two-step process (variance and subsequent land division), such a practice would be redundant. The land division sought by Ms. Hunter was subject to the Land Division Ordinance. The Director was required to grant a land division if the application met the requirements of Section 2.30A. A necessary issue to be determined by the Director was whether "the proposed use and resultant development are in conformance with the Zoning Ordinance and Master Plan." In the event the Director determined a land division was inconsistent with the Master Plan the applicant had appeal rights. In this case the Director's determination was appealed and overruled.

The only forum provided by County ordinance for determining "consistency" with the Zoning Ordinance and Master Plan is the Land Division Ordinance. That is the primary issue to be decided. It would not make any sense to require a "variance" process to determine consistency as a prerequisite to the Director making the very same determination. It is also critical to note that the statutory "variance" procedure applies only to matters inconsistent with the Zoning Code. There is no procedure available to grant a variance with respect to the Master Plan and the Land

Ms. Stephanie Berg
Yolo County Planning
September 18, 2009
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Division Ordinance does not allow for granting a variance. The Land Division Ordinance mandates a simple determination of consistency with the Zoning Ordinance and Master Plan. In this case, the Board of Supervisors made that determination in favor of Ms. Hunter. Once the Board of Supervisors ruled in her favor, there was nothing more required to create the approved parcels. The Land Division Ordinance does not require a map, a deed to a third party, or anything else to create the new parcels. The parcels were created by the Board's decision itself. Please note that there is not even a requirement for written approval; a verbal approval by the Director "created" parcels. (Land Division Ordinance § 2.30)

I will also take this opportunity to address the "deed" issue in this case. The "deed" argument in the staff report both misstates California law and is a bit of a red herring. We do not contend that the deed from Ms. Hunter to herself created a legal parcel. The Board of Supervisors created the legal parcels. As to California law, I am not aware of any California case holding that "a Grant Deed deeded to oneself does not convey real property and thus cannot 'create' a parcel." However, there is California authority recognizing that a deed to oneself can have significant legal consequences (Civil Code § 683.2 and § 1096). The deed (copy enclosed) from "Georgia E. Hunter, who acquired title as Georgia E. Hamel hereby grants to Georgia E. Hunter, an unmarried woman," had at least three legal consequences. It satisfied concerns raised by Civil Code § 1096, it placed in the official real estate records a legal description of the parcel created by the Board of Supervisors and the Yolo County Assessor relied upon the deed to create assessment parcels for the parcels created by the Board of Supervisors.

Thank you for your consideration of the issues I have raised and please let me know when the requested files may be available. This inquiry is critical inasmuch as it goes to the heart of your analysis. The corner stone of your argument is that all residential subdivisions of agricultural land violated the Master Plan. If that corner stone fails, your position should be reconsidered. The requested files, which are within your exclusive control, will assist in answering the question.

In summary, staff surmises that in the 1960s Yolo County required a two-step process (variance and land division) to divide agricultural land. The two people most knowledgeable about land division practices in the 1960s in Yolo County are Rich Jenness and Ray Dowell and each confirms that the County did not impose a two-step process. Similarly, the enclosed maps and

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undoubtedly many others, perhaps all, did not require a two-step process. I am unaware of any evidence to support staff's speculation that the County ever involved a two-step process. Hopefully, the delay in the appeal hearing will allow time for you to research your files to determine if there is any evidence to support your two-step theory.

Thanks again.

Very truly yours,

CALFEE | KONWINSKI
A Professional Corporation



Ken N. Calfee

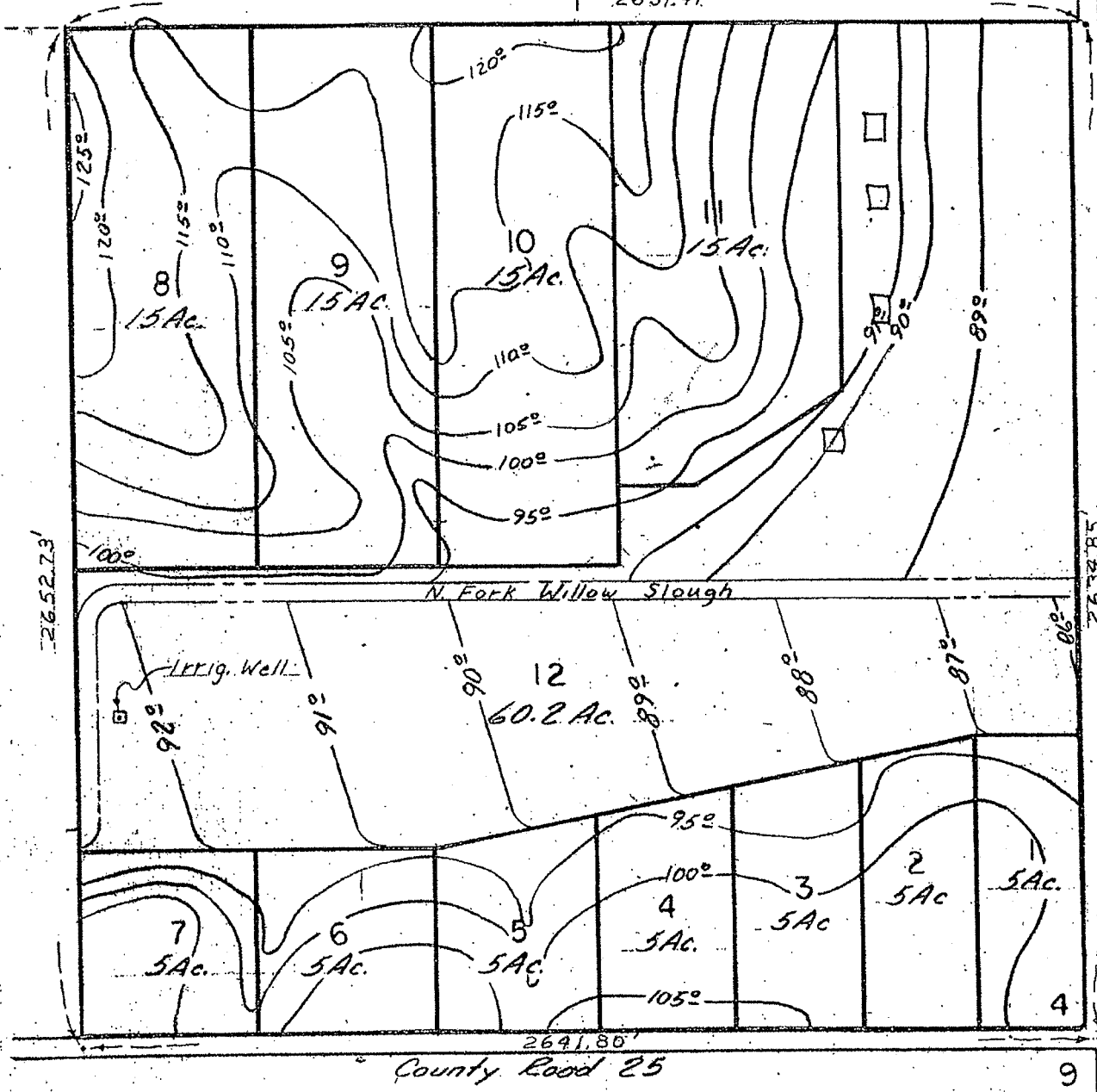
enc.

pm

cc: Bruce and Judy Clark
Phil Pogledich, Esq.
David Morrison
John Bencomo

Hillcrest Estates

2631.41'



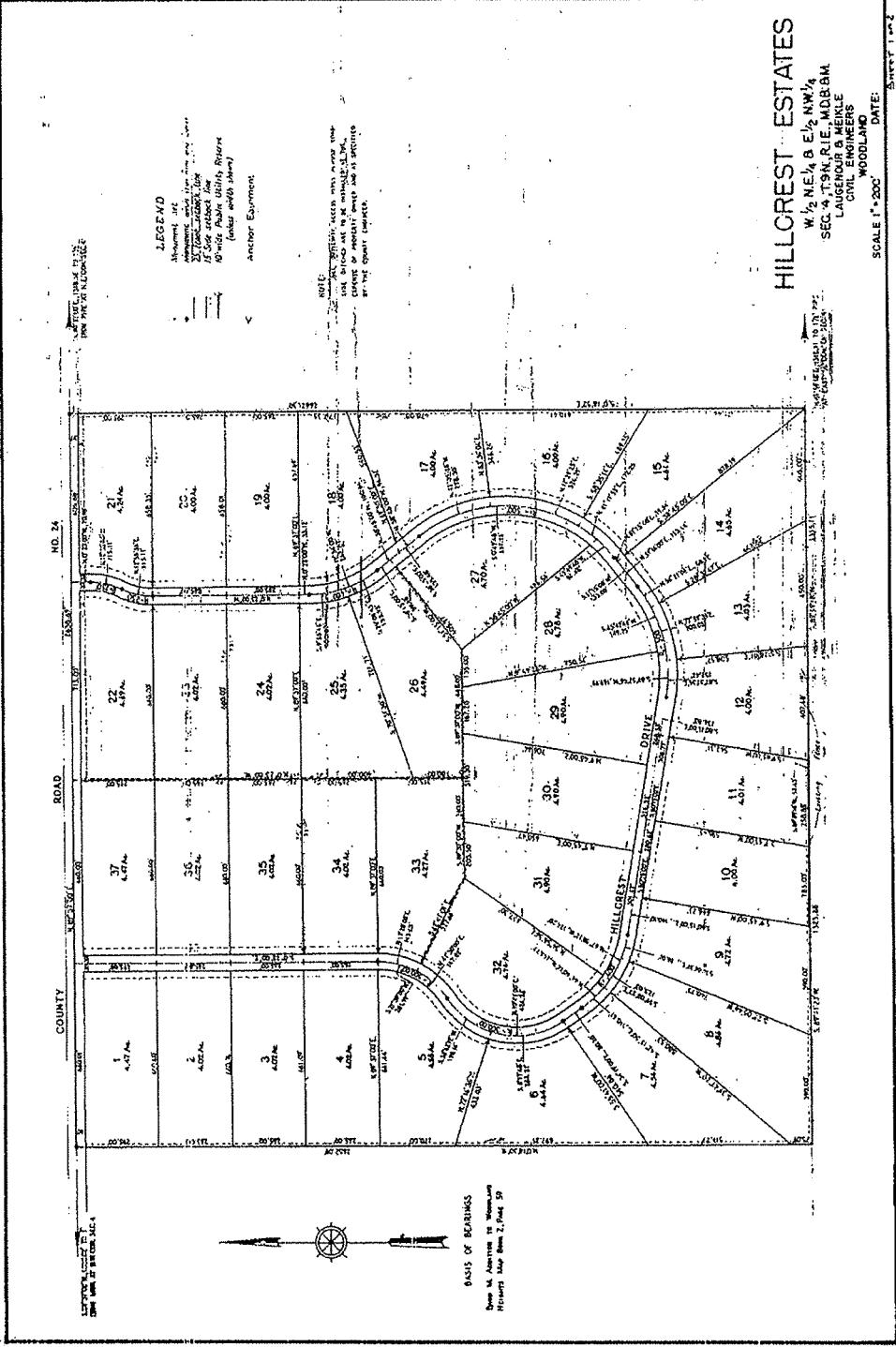
County Road 25

Section Corner

Scale 1"=40'

TENTATIVE MAP
 SUBDIVISION NO. 2051
 HILLTOP ESTATES
 SECTION 4 T9N R1E
 YOLO COUNTY, CALIFORNIA

9 10



SUBDIVISION NO. 1050 ROLLING ACRES

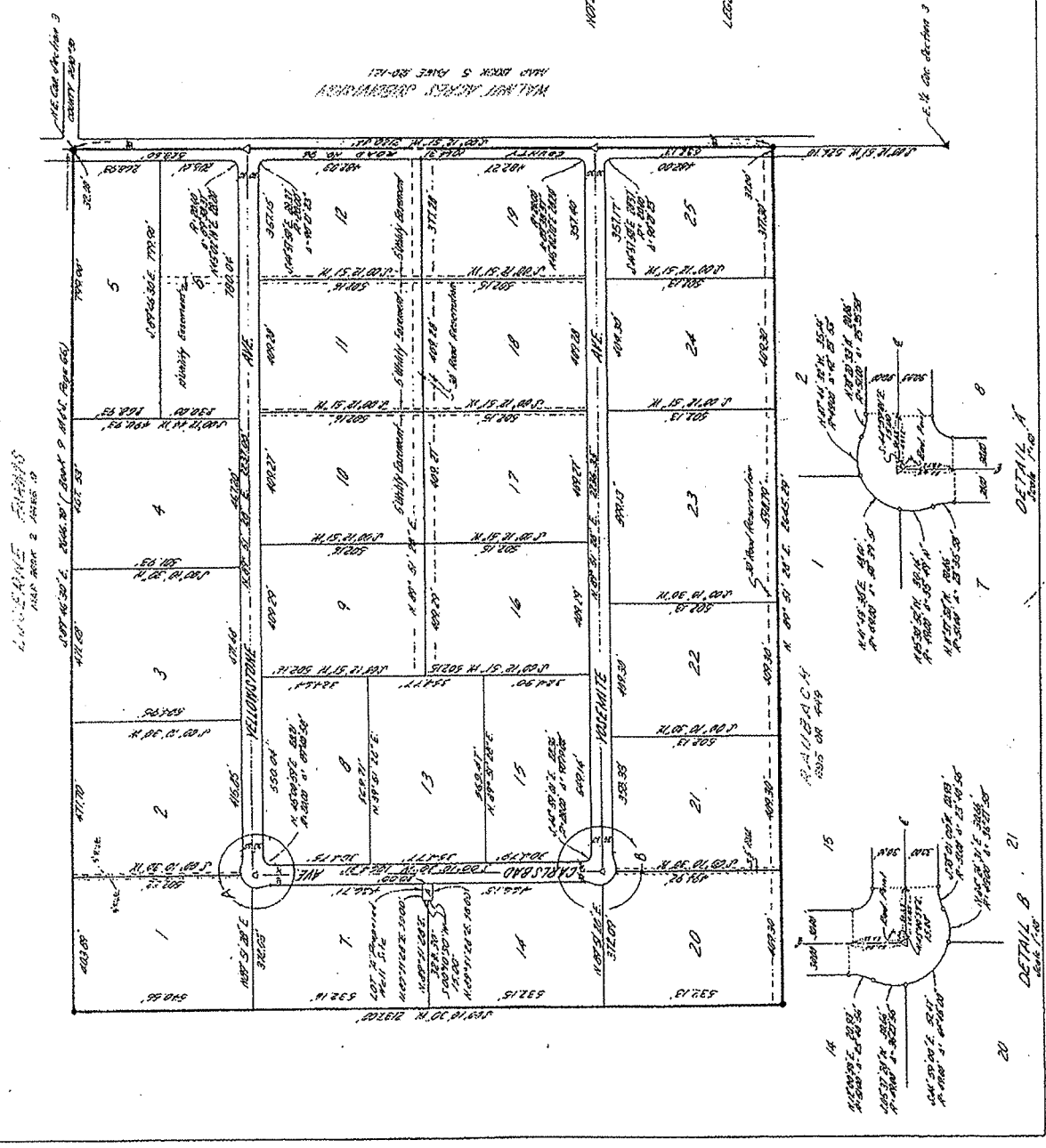
SECTION 3
YOLO COUNTY
T. 8N. R. 1E. M.D.B.&M.
CALIFORNIA

YOLO ENGINEERS & SURVEYORS INC.
WOODLAND
CALIFORNIA

SCALE 1" = 200'

NOTES:
Bearing & Distances along curves are chords.
All street easements have 20.00' radius of property line unless otherwise shown.
All bearings on this map are based upon the first line of section 3 T8N. R1E. E1/4 Sec. 3. The bearing on this line is shown on the current map filed in Book 9 of M.F.P. page 66.

- LEGEND:**
- Subdivision Boundary
 - Cross Measurement Set
 - Corner Measurement Station
 - Measurement Set (90' Iron pipe with 1/2" lead)
 - Measurement Found (3/4" Iron pipe with 1/2" lead)



ACQUISITION DEEDS

This Subdivision is subject to the rights of the following easement owners:

(1) Bank of America National Trust and Savings Association, as executor of the estate of Edie Moore, deceased, recorded in Official Records Book 433, Page 445.

(2) John C. Raubach and Bump Fern Raubach and John L. R. Penn, recorded in Official Records Book 497, Page 449.

(3) James E. Street and Linda E. Street, recorded in Official Records Book 749, Page 104.

Robert J. Davis and Betty J. Davis, Official Records Book 741, Page 490, March 23, 1964;

T. & C., a partnership, Official Records Book 741, Page 484, March 23, 1964;

Carl L. Chandler and Mary E. Chandler, Official Records Book 805, Page 84, August 12, 1965 and Official Records Book 800, Page 189, June 25, 1965;

Harrold Thayer and Roba Mae Thayer, Official Records Book 800, Page 160, June 25, 1965 and Official Records Book 805, Page 170, August 12, 1965;

L. E. Warren and Margaret E. Warren, Official Records Book 749, Page 446, March 4, 1964;

Richard J. Lindholm and Barbara L. Lindholm, Official Records Book 749, Page 448, March 6, 1964;

Don J. Bryant and Beulah J. Bryant, Official Records Book 160, Page 448, March 4, 1964;

William C. Schmahorst and Rosemarie A. Schmahorst, Official Records Book 740, Page 471, March 11, 1964;

Leonard Thomas, Official Records Book 740, Page 412, March 11, 1964;

Don W. Best, Official Records Book 819, Page 324, January 20, 1964;

Doris Acas Ono-Governat Co., Partnership, Official Records Book 740, Page 415, March 11, 1964;

Dean R. Jones, Official Records Book 740, Page 105, March 11, 1964;

Robert E. Schmahorst, Official Records Book 109, Page 342, April 16, 1964;

Richard C. Schmahorst and Dorothy E. Schmahorst, Official Records Book 743, Page 44, April 1, 1964;

Mary Beahm, Official Records Book 741, Page 499, March 20, 1964;

Continental Auxiliary Company, a California Corporation and its successors under the following Deed of Trust: Deed of Trust recorded in 1947, in Book 854 Official Records, Page 402.

By: Richard J. Lindholm Notary Public for the State of California

State of California) page 2
County of Yuba) Notary Public

On this 24th day of October, 1964, in the year 1964 before me WESLEY L. WOODRICK, a Notary Public in and for said County and State, personally appeared W. E. BERRY and J. M. DODD in the presence of LEONARD THOMAS, DONALD W. BEST and DONALD R. JONES as witnesses, all of whom being known to me and being at the time of the execution of the foregoing instrument to me that each of them was of legal age and sane mind, and that they executed the foregoing instrument for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City of Yuba, County of Yuba, State of California, this 24th day of October, 1964.

Wesley L. Woodrick
Notary Public for the State of California
My Commission Expires October 19, 1966

SUBDIVISION NO. 1050
YOLO COUNTY, CALIFORNIA
SHEET 3 OF SHEET 3

3

13410

RECORDING REQUESTED BY
TRANSAMERICA TITLE INS. COMPANY

VOL. 927 PAGE 123
OFFICIAL RECORDS
RECORDED AT REQUEST OF
TITLE INS. CO.
NOV 20 1969
At 39 Min. Past 12 O'clock P.M.
YOLO COUNTY, CALIFORNIA
Recorder \$2.00

AND WHEN RECORDED MAIL TO

Name: GEORGIA E. HUNTER
Street Address: Route 1, Box 158
City: Winters, California
State: California
Zip: _____

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

Name: GEORGIA E. HUNTER
Street Address: SAME AS ABOVE
City: _____
State: _____
Zip: _____

Documentary Transfer Tax \$ 97.00

Computed on Full Value of Property Conveyed,
or computed on Full Value less Licns and
encumbrances remaining at time of sale.

Signature of Declarant or Assent Determining Tax: Georgia E. Hunter

SIGNATURE OF DECLARANT OR ASSENT DETERMINING TAX FIRM NAME

TRANSFER TAX \$ 97.00

GRANT DEED

(EXCISE NO. 11-69-3D.)

By this instrument dated NOVEMBER 25th, 1969, for a valuable consideration,

GEORGIA E. HUNTER, who acquired title as GEORGIA E. HAMEL

hereby GRANTS to GEORGIA E. HUNTER, AN UNMARRIED WOMAN

the following described Real Property in the State of California, County of YOLO

City of _____

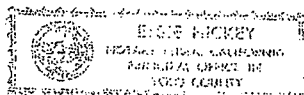
A PORTION of the Southeast quarter of Section 8, T. 8 N., R. 1 E.,
M.D.B. & M., described as follows:-

BEGINNING at a point that is distant S. 65° 27' W. 1025.94 feet
from the corner common to fractional Section 8 and Section 9,
Township 8 North, Range 1 East, M.D.B. & M., and the northerly
boundary of the Rancho Rio De Los Pinos marked by a 3/4 inch square
iron nail as shown on the Map of the lands of Henry J. Hamel, et al.
Maps and Surveys, Book 4, Page 80, Yolo County Records; thence
from said point of beginning N. 0° 34' W. 999.47 feet; N. 07° 59'
W. 30.00 feet; thence S. 69° 48' 40" W. 364.00 feet; thence S. 01°
59' E. 1050.00 feet to the southerly line of Parcel 7 of said Hamel
lands; thence N. 65° 27' E. along said line 351.00 feet to the
point of beginning, containing 8.01 acres of land.

Georgia E. Hunter
GEORGIA E. HUNTER

STATE OF CALIFORNIA } On NOVEMBER 25th, 1969, before me, the undersigned, a Notary Public in and for said
COUNTY OF YOLO } SS. County and State, personally appeared GEORGIA E. HUNTER
person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary's Signature: Elis R. Hickey
Type or Print Notary's Name: ELIS R. HICKEY
MY COMMISSION EXPIRES: AUGUST 31st 1973



MAIL TAX STATEMENTS AS INDICATED ABOVE

13410

927 REC-500

