



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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

PLANNING COMMISSION STAFF REPORT

November 12, 2009

FILE #2009-027: Findings for Planning Commission approval of the Clark Certificate of Compliance for a 12.19-acre parcel and 8.01-acre parcel located off Russell Boulevard east of the City of Winters in the A-1 (Agricultural General) zone (**Attachment A**).

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

LOCATION: The property is located at 33750 Russell Boulevard, approximately four miles east of the City of Winters (APNs: 038-130-08 and 038-130-09) (**Attachment B**).

GENERAL PLAN: Agriculture (Yolo County General Plan)

ZONING: Agricultural General (A-1)

SUPERVISOR DISTRICT: 5 (Chamberlain)

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

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 Cormier, Associate Planner

REVIEWED BY:

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. **DETERMINE** that the Statutory Exemption prepared for the approval of the Certificate of Compliance is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment B**); and
2. **ADOPT** the FINDINGS (**Attachment C**) of approval for the Clark Certificate of Compliance.

REASONS FOR RECOMMENDED ACTIONS

At its regular meeting of October 8, 2009, the Planning Commission found in favor of the applicant's request for the county to recognize two legal parcels located in the A-1 (Agricultural General) zone. As reflected in the approved Planning Commission minutes of October 8, 2009, findings of approval for the Clark Certificate of Compliance recognize the division of a 20.20-acre parcel into two legal parcels of 12.19 acres and 8.01 acres, respectively.

AGENDA ITEM 6.1

BACKGROUND

On July 20, 2009, planning staff denied a Certificate of Compliance request to recognize a 12.19-acre parcel (APN: 038-130-08) and an 8.01-acre parcel (APN: 038-130-09) in the A-1 (Agricultural General) zone, located approximately four miles east of the City of Winters on Russell Boulevard. The Certificate of Compliance request was made in order to execute a conservation easement agreement with the Yolo Land Trust, which would include the above-mentioned 20.20 acres, as well as APN: 038-130-04 (120 acres), the original parent parcel, for a total of 140 acres.

An appeal was filed on behalf of the applicants requesting that the Certificate of Compliance be issued based on a decision made by the Board of Supervisors on December 9, 1968 (Minute Order 68-1293), in which an appeal was approved for a variance to allow the division of the 20.20-acre parcel into one 8.01-acre building site and one 12.19-acre parcel containing two existing dwellings. In November 1969, Georgia Hamel, as grantor and grantee, recorded a Grant Deed that described the 8.01-acre parcel. The 8.01-acre parcel and 12.19-acre were subsequently issued new Assessor's Parcel Numbers (APN) shortly thereafter.

STAFF ANALYSIS

Staff initially based its denial of a Certificate of Compliance to recognize the 8.01-acre parcel and 12.19-acre parcel due to lack of sufficient evidence that a land division had ever been approved by the county, and that legal parcels had ever been created. After hearing testimony by the applicants, their representative, and regarding evidence provided by staff, the Planning Commission determined that the intent of the variance request made in 1968 to divide the 20.20-acre parcel into two non-farming parcels was carried out by the Board of Supervisors' approval and the owner's subsequent recordation of a deed that described the 8.01-acre parcel.

For these reasons, staff recommends that the Planning Commission approve the Findings, included as Attachment C, and direct the Zoning Administrator to issue a Certificate of Compliance that recognizes the 8.01-acre parcel and 12.19-acre parcel.

SUMMARY OF AGENCY COMMENTS

This report has been reviewed by County Counsel.

APPEALS

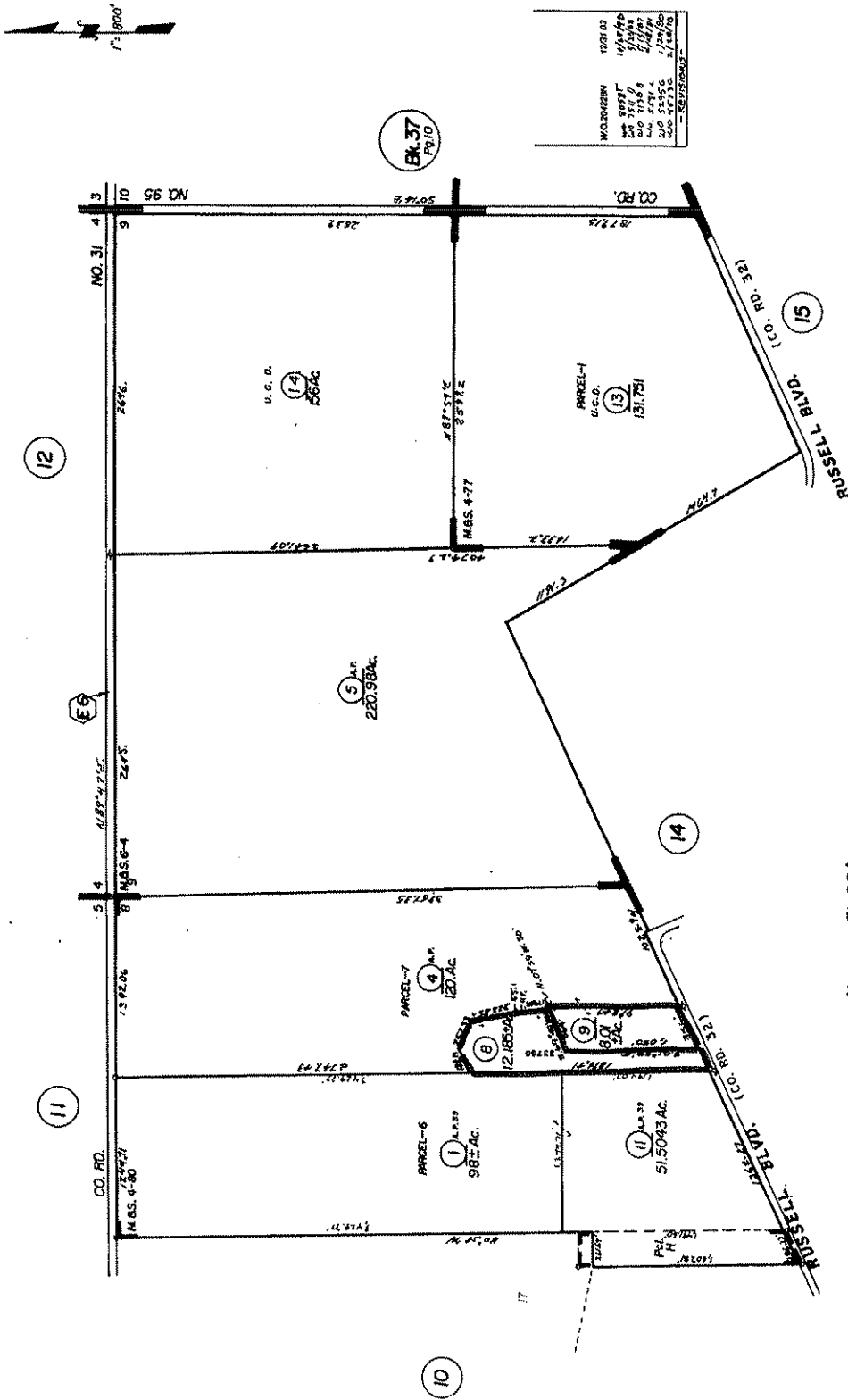
Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board of Supervisors within **fifteen days** from the date of the action. A written notice of appeal specifying the grounds for appeal, and an appeal fee 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** - Statutory Exemption
- Attachment C** - Findings

**FOR RANCHO RIO DE LOS PUTOS
T8N., R.1E.**

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



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. Harmel 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

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 (Findings of approval for the Clark Certificate of Compliance)**

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

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: Approval of a Certificate of Compliance for a 12.19-acre parcel and 8.01-acre parcel located at 33750 Russell Boulevard near Winters, on property zoned A-1 (Agricultural General).

Exempt Status:

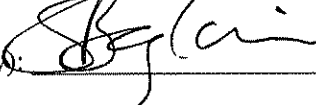
Statutory Exemption: Ministerial Projects "15268"

Reasons why project is exempt:

§ 15268 states that ministerial projects are exempt from the requirements of CEQA.

Lead Agency Contact Person: Stephanie Berg Cormier, Associate Planner

Telephone Number: (530) 666-8850

Signature (Public Agency):  _____ Date: 11.12.09

Date received for filing at OPR:

ATTACHMENT B

**FINDINGS OF APPROVAL
ZONE FILE #2009-027
CLARK CERTIFICATE OF COMPLIANCE**

Upon due consideration of the facts presented in the staff report for Zone File #2009-027, the Planning Commission hereby approves 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.

Ministerial projects are exempt from the requirements of CEQA, and a Statutory Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines. (Attachment C).

October 8, 2009 Approval

On October 8, 2009, the Planning Commission overruled a staff determination to deny a Certificate of Compliance, and found in favor of the applicant's request for the county to recognize the legal division of a 20.20-acre A-1 (Agricultural General) zoned parcel into a 12.19-acre parcel and an 8.01-acre parcel.

The Planning Commission finds in favor of the applicants for the reasons stated by the applicants and their legal counsel in documents and oral testimony provided to the Planning Commission at the October 8, 2009, Planning Commission hearing: that the intent of the previous owner (Georgia Hamel), and the actions, or lack thereof, taken by the previous owner was of sufficient grounds to consider the 1968 variance for the land division complete.

ATTACHMENT C

