

MINUTES

YOLO COUNTY PLANNING COMMISSION

December 6, 1995

1. CALL TO ORDER

Chairperson Pollock called the meeting to order at 8:35 a.m.

MEMBERS PRESENT: Lea, Heringer, Pollock, Webster and Lang
MEMBERS ABSENT: Gray and Walker

STAFF PRESENT: Stephen L. Jenkins, Director
Paul Kramer, County Counsel
David Morrison, Associate Planner
Mark Hamblin, Associate Planner
David Flores, Senior Planner
Laxmi Srinivas, Associate Planner
Linda Caruso, Planning Commission Secretary



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the November 1, 1995 Planning Commission Meeting were approved with no corrections.

MOTION: Lang SECOND: Heringer
AYES: Lang
NOES: None
ABSENT: Walker and Gray
ABSTAIN: Webster, Pollock, Lea and Heringer



PUBLIC REQUESTS

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

No one came forward to address the Commission.



4. CORRESPONDENCE

Chair Pollock acknowledged receipt of the correspondence in the packet as well as items distributed at the beginning of the meeting.



5. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the Commission's previous instructions to staff. All items on the Consent Agenda may be adopted by a single motion. If any commissioner or member of the public questions an item, it should be removed from the Consent Agenda and be placed in the Regular Agenda.

There were no items on the Consent Agenda.



6. REGULAR AGENDA

- 6.1 95-066 - Consideration of a Lot Line Adjustment to exchange two separate and equal 658 sq. ft. areas of land between a 40 and a 47 acre property to provide additional vehicle access to one property and to coincide with existing improvements on the other property. Subject property is located 1,300 feet southwest of CR 80, 4 miles west of Capay in an Agricultural General (A-1) and an Agricultural Preserve (A-P) Zone. A Categorical Exemption has been prepared for this item. Applicants: Susan and Joseph Tooker/Paul and Helen McCloskey (M. Hamblin)

Mark Hamblin gave the Staff Report.

Commissioner Lea stated for the record that there is no relationship between her and Susan Lea. She also asked why there was no contract modification for this item.

Mark Hamblin responded that said since the property was 658 feet in both situations, Staff didn't think that it was large enough to precipitate the zone boundary adjustment.

Paul Kramer agreed there should be simple way to do lot line adjustments, but the system may lose its precision if its not done properly.

Director Jenkins said that when this item came to the Planning Department, it was a matter of property owner versus property owner concerning access. There were a lot of major issues. He was pleased when it finally came forward and resolution could be found. He recommended that the Commission find the project to be in "substantial conformance".

Commissioner Lea said that she believed the lot line adjustment was in "substantial conformance".

The Public Hearing was opened at this time.

No one from the public came forward.

Commission Action:

- (1) **CERTIFIED** the project as Categorical Exempt under Class 5, Section 15305(a) of the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the lot line adjustment shown in **Exhibit "B"** - Lot Line Adjustment Map subject to the "CONDITIONS OF APPROVAL" presented in the staff report.
- (4) **DETERMINED** that this project is in substantial conformance with the Williamson Act and Zoning Policies.

MOTION: Lea SECOND: Webster
AYES: Lea, Webster, Pollock, Heringer, and Lang
NOES: None
ABSTAIN: None
ABSENT: Gray and Walker

CONDITIONS OF APPROVAL

(1) The property owner(s) shall record the Certificate of Compliance prepared for this lot line adjustment at the property owners expense in the Office of the Yolo County Clerk/Recorder within one (1) year from the date of the Yolo County Planning Commission's approval or said lot line adjustment shall be deemed null and void without any further action. The Certificate of Compliance shall be recorded prior to the filing of a Record of Survey for the Lot Line Adjustment with the Yolo County Department of Public Works and Transportation or the Yolo County Clerk/Recorder.

(2) The property owner(s) shall record, at the property owner's expense, a Record Of Survey for the approved lot line adjustment with the Yolo County Department of Public Works and Transportation within one (1) year from the date of the Yolo County Planning Commission's approval or said lot line adjustment shall be deemed null and void without any further action.

FINDINGS

(Evidence to support the required findings is shown in italics)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Categorical Exemption for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the comments received, that there is no evidence that the project will have a significant effect on the environment and that the environmental determination for this project is Class 5, Section 15305(a) Categorical Exemption.

Lot Line Adjustment

In accordance with Yolo County Code §8-1.452 [Ordinance 939, effective November 18, 1982] the Yolo County Planning Commission finds:

1. That the application is complete;

The application was deemed complete by the Community Development Agency.

2. That all record title holders who are required by the Subdivision Map Act of the State to consent to a reversion to acreage have consented to the proposed lot line adjustment, and the Public Works Department has approved the proposal as complying with said Act;

The applicant(s) are the owners of the parcels to be adjusted and have consented by signature found on the application submitted.

3. That the deed to be utilized in the transaction accurately describes the resulting parcels;

The Yolo County Public Works and Transportation Department has analyzed the application packet for correctness of the deed utilized.

4. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed of the subsequent owner expressly reserves any street or utility easement of record;

No easements are affected by the adjustment.

5. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access to parcels in the location and of the size as those proposed to be created; and

The parcels to be adjusted will have indirect access by an private vehicular access easement to County Road 80 to the east and County Road 79A to the west and also direct access to County Road 80.

6. That the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

After analysis of the application by the Community Development Agency, Yolo County Public Works and Transportation Department and the Yolo County Environmental Health Department it was determined that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.



- 6.2 95-065 - Consideration of a two year extension of time to an existing Conditional Use Permit to allow the establishment of a roadside stand for the sale of agricultural products on an approximate 5.9 acre parcel in the Agricultural General (A-1) Zone. Subject property is located on the southeast corner of CR 104 and CR 32, north of I-80, east of Davis. A Categorical Exemption has been prepared for this item. Applicant: Bozorg Chami (M. Hamblin)

The Staff Report was given by Mark Hamblin.

Director Jenkins clarified Mark Hamblin's presentation. He said it was not appropriate for the Planning Department to be involved in any of the financial negotiations between the applicant and the City of Davis. This aspect was brought up only for illustrative purposes.

Commissioner Lea asked if a deal was to be made between the applicant and the City of Davis, would this item have to come back to the Planning Commission? It was answered yes, because there would be changes in the conditions.

Commission Webster asked what the anticipated date of completion would be.

Staff indicated that construction is tentatively due to begin in 1997.

Commissioner Pollock asked what procedure would be required if it were to come back to the Planning Commission.

It was answered that it would not be a whole new application, but simply a modification to the existing permit.

The Public Hearing was opened at this time.

Manijeh Bozorg Chami, the applicant, said he doesn't know if the City of Davis or Caltrans can decide what they want to do. His project is hanging in the air until a decision is made.

The Public Hearing was closed at this time.

Commissioner Pollock said she had mixed feelings on the granting of the extension. She did not want to deny the project because the applicant has been constrained by other negotiations and yet, if it does get built, the project would have to come back to the Planning Commission due to a possible change in the site or the proposed uses.

Commissioner Lea stated that she did not want to penalize the applicant. She felt the applicant was just trying to protect himself in case the City of Davis and Caltrans just walks away.

Commissioner Heringer said that although approval of this extension would strengthen the applicant's position, he agreed with Commissioner Lea.

Commissioner Pollock said that normally she would not be inclined to grant another extension, however, there are extenuating circumstances with this project.

Commission Action:

1. **RECERTIFIED** the Categorical Exemption that was previously certified for the project in accordance with Class 3, Section 15303 of the California Environmental Quality Act and Guidelines (CEQA).
2. **APPROVED** the modification to the conditional use permit to allow a two (2) year extension of time to ZF #95-065/ZA #765 to permit the applicant time to comply with the "Conditions Of Approval". **The time extension request for ZA No. 765 shall expire on September 16, 1997.**

MOTION: Lea SECOND: Heringer
AYES: Lea, Lang, Heringer, Pollock and Webster
NOES: None
ABSTAIN: None
ABSENT: Walker and Gray

CONDITIONS OF APPROVAL

The following Conditions of Approval were previously approved by the Planning Commission for the project and are found in the September 16, 1992 dated Planning Commission Minutes (**Exhibit "B"**). The original Conditions of Approval are still appropriate for the project. Staff recommends that these Conditions of Approval carry forward for this approval action.

- (1) The location and size of the roadside stand shall be as shown on the site map labeled Exhibit "A".
- (2) The applicant shall provide and maintain a total of at least ten (15) gallon canopy-type street trees along the public road frontage of County Road No. 32 and within the proposed parking area. The location of said trees shall be shown on the plot plan submitted for the building permit at locations approved by the Director of the Yolo County Community Development Agency.
- (3) The off-street parking area to service the roadside stand shall be constructed and maintained of all-weather surfacing and subject to the design approval of the Director of the Yolo County Community Development Agency, the Director of the Yolo County Public Works and Transportation Department and the Fire Chief of the East Davis/Davis Fire Department.
- (4) The purpose for which the Use Permit (ZA #765) was granted shall commence within one (1) year from the date of the Planning Commission's approval or the Use Permit shall be deemed null and void without further action.
- (5) The effective date of ZA #765 shall be fifteen (15) days from the date of the Planning Commission's approval.
- (6) The applicant shall contact and obtain any permits required by the Yolo County Health Services Agency and submit a copy of said permit to the Director of the Yolo County Community Development Agency for review prior to the issuance of the building permit for the roadside stand.
- (7) The operation of the roadside stand shall be restricted to the sale of only those non-processed agricultural products that are primarily grown in Yolo County.
- (8) The applicant shall submit an application for a business license prior to the issuance of a building permit. Said application shall be accompanied with a list of all items to be sold at the roadside stand for review by the Director of the Yolo County Community Development Agency.
- (9) Traffic flow into, on and out of the site of the roadside stand shall be in a manner so as to not create interference and safety problems for traffic on adjacent public streets or roads to the satisfaction of the Director of the Yolo County Public Works and Transportation. Access to the fruit stand can only occur from existing County Road 32A.
- (10) Design plans for the building and any signs identifying the roadside stand shall be submitted to the Director of the Yolo County Community Development Agency for approval prior to the submittal of an application for a building permit. Design of the roadside stand shall be architecturally compatible with the agriculture rural nature of roadside stands and shall not be of an architectural design associated with that of a highway service commercial operation (i.e. mini-market or quick-stop market). The roadside stand shall incorporate a

covered porch around its perimeter as shown on Exhibit"A" and shall not exceed an occupant load of 30 persons.

(11) The hours of operation shall be limited to 8:00 a.m. to 8 p.m.

(12) Signage shall be limited to one sign attached to the building with a maximum size of 48 square feet.

(13) If the required CONDITIONS OF APPROVAL are not met or if significant public health or public safety hazards are identified in conjunction with the proposed project, a public hearing may be conducted by the Yolo County Planning Commission to consider revocation of this permit. In any event, the Use Permit shall be reviewed by the Planning Commission two (2) years after approval.

ENVIRONMENTAL DETERMINATION

The original environmental determination for this project was Class 3, Section 15303 © Categorical Exemption as per the California Environmental Quality Act and Guidelines (CEQA).

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two-year period. Examples of this exemption include but are not limited to:

© stores, motels, offices restaurants, and similar small commercial structures not involving the use of significant amounts of hazardous substances, if designed for an occupant load of 30 persons or less if not constructed in conjunction with the building or two or more such structures in urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use if designed for an occupant load of 30 persons or less if not constructed in conjunction with the building of four or more such structures and if not involving the use of significant amounts of hazardous substances.

FINDINGS

(Evidence to support the required findings is shown in italics)

California Environmental Quality Act & Guidelines (CEQA)

In re-certifying the Categorical Exemption for this project as the environmental review under CEQA, the Planning Commission finds:

That a Categorical Exemption was previously certified for the project in accordance with Class 3, Section 15303 of the California Environmental Quality Act and Guidelines (CEQA). No new information of substantial importance to the project has become available that presents a substantial change in the circumstances under which the project was originally approved has occurred which would require revisions to the Categorical Exemption.

Extension of Time Request

In accordance with Section 8-2.3205, Chapter 2 of Title 8 the Planning Commission determines the following:

- (1) Such extensions shall be approved only when it is found that circumstances under which the permit was granted have not changed;

On September 16, 1992 the Planning Commission conditionally approved a Condition Use Permit (ZA No. 778) request for Darab & Manijeh Borzorg Chami allowing the establishment of an roadside stand for the sale of agricultural products not grown by a farm or ranch operator to exist on an approximate 5.9 acre property.

On November 3, 1993 the Planning Commission approved a 2 year extension of time to the applicant's conditional use permit. The applicants indicated that their request was due to financial reasons. Staff determined that no new information of substantial importance to the project had become available that presented a substantial change in the circumstances under which the project was originally approved Planning Commission or that which would require revisions to the Categorical Exemption previously approved.

A "Condition of Approval" provided under "Commission Action" Item 1. of the Planning Commission minutes dated November 3, 1993 (Exhibit "C") states that the "time extension request for ZA No. 765 shall expire on September 16, 1995. This time extension shall be the only one allowed for this project."

The applicants have indicated in their request that they have not been able to proceed with their project because the City of Davis and Caltrans are negotiating the acquisition of some or all of the 5.9 acre property for widening the Mace Boulevard bridge, and the establishment of a park-and-ride station. Mace Boulevard interchange improvements are slated to begin construction in 1998 and will also involve the relocation of County Road 32A north of its existing location.

Staff has concluded that while Caltrans and the City of Davis are negotiating a potential land acquisition which will have a resulting affect on the applicant's property and the proposed project involved with this use permit. The applicant's request for a time extension does not present a substantial change in the circumstances under which the project was originally approved by the Planning Commission.

- (2) Such extensions shall be approved for no more than two (2) years.

The applicants are requesting a two (2) year extension of time to their Conditional Use Permit.



- 6.3 95-064 - A request to establish a Land Conservation (Williamson Act) Contract for a 160 acre parcel and a corresponding Zone Change from Agricultural General (A-1) to an Agricultural Preserve (A-P) Zone. Subject property is located on the west side of CR 105 and .5 miles north of CR 38A in an Agricultural General (A-1) Zone. A Categorical Exemption has been prepared for this item. Applicant: NuCrop Inc. (D. Flores)

The Staff Report was given by David Flores.

The Public Hearing was opened and no one came forward.

Commission Action:

The Planning Commission recommended the Board of Supervisors take the following actions:

1. **CERTIFY** that the attached Categorical Exemption is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
2. **ADOPT** the proposed FINDINGS as presented in the staff report.
3. **RECOMMEND** that the Board of Supervisors enter into a Land Conservation (Williamson Act) Contract for the subject property with the applicant, subject to the CONDITIONS OF APPROVAL.
4. **RECOMMEND** that the Board of Supervisors amend Zoning Map No. 29 of Yolo County to reflect a zone change from Agricultural General (A-1) to Agricultural Preserve (A-P) for the subject property.
5. **RECOMMEND that the Land Conservation (Williamson Act) Contract for the subject property be added to Agricultural Preserve No. 60.**

MOTION: Webster SECOND: Lea
AYES: Heringer, Webster, Pollock, Lea, and Lang
NOES: None
ABSTAIN: None
ABSENT: Walker and Gray

CONDITIONS OF APPROVAL

1. Within sixty (60) days of the approval by the Board of Supervisors of the recommended action, the applicant shall submit, for review and approval to the Community Development Agency, the agricultural preserve legal description to be incorporated into the Land Use Contract for the subject property.
2. After approval of the legal description by the Community Development Agency, the applicant shall transmit the above information to the Yolo County Counsel's Office and shall execute a new contract as reflected in this report.
3. The Williamson Act Contract established for the subject property shall be incorporated as part of Agricultural Preserve No. 60.
4. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

FINDINGS

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 the Yolo County Regulations, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Planning Commission finds that:

1. That the public health, safety, and general welfare warrant the change of zone; *The proposed establishment of a Land Conservation (Williamson Act) Contract on this property will satisfy the purpose of the zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.*

2. The zone or regulation is in conformity with the Master Plan (General Plan);

As addressed in the General Plan Discussion Section of this report, the proposed project is determined to be in compliance with the intent of the General Plan policies and applicable Zoning Regulations.

3. That the soils found on the subject property are predominately Class I or II soils according to the Soil Survey of Yolo County; and

As indicated in the Background Section of this report, the proposed property includes Capay Silty clay, which is identified as Class II soils, Storie Index of 50.

4. That the zone change and the inclusion of the property into the Williamson Act Land Use Contract meets the exception to minimum acreage size as outlined in Section 8-2.408(e)(2)(l).

The proposed property/site abuts property that is already classified in the Agricultural Preserve zone, and will be incorporated as part of the larger existing Agricultural Preserve No. 60. The 160 acre parcel meets the minimum acreage requirements as established under the Blue Ribbon Ordinance.



6.4 95-053 - A request for a Williamson Act Contract split and a Parcel Map to divide an existing 160.31 acre parcel into two 80.15 acre parcels. Subject property is located on CR 35 and 106, approximately 4 miles south of Davis in an Agricultural Preserve (A-P) Zone. A Negative Declaration has been prepared for this item. Applicant: Mary Periera/John Mullen, Esq. (D. Flores)

The Staff Report was given by David Flores. He reported that Richard Jenness, the applicant, was opposed to the section of Condition #6 that includes the County being a party to the Well Irrigation Joint Use Agreement.

Paul Kramer, County Counsel, explained that if an agreement is required only between the two property owners, it would be very simple for the current property owner to again eliminate the agreement. Therefore, the County needs to be a party to the agreement and would have to consent to it.

Commissioner Heringer said that if one of the parcels were to be sold, the easement would still be in place. It would have to go to the Title Company and they could stop the sale.

Director Jenkins said he would like to see a standardization on this condition.

Commissioner Heringer said that he would like Condition #6 to read that both parties would be responsible for the well.

The Public Hearing was opened at this time.

Brian Bonino, with Laugenour and Meikle Civil Engineers, said he had no problem with the County looking over the Agreement to make sure it is adequate before the recording of the map. The problem is the County being included as part of the Agreement.

The Public Hearing was closed at this time.

Commissioner Pollock indicated she was not in favor of parcel splits on agricultural ground. If this were just a Williamson Act Contract split and two parcels already existed, it would be different. They would already be legal parcels. But in this case, a new parcel would be created solely due to the fact that someone bequeathed land holdings to their heirs. She added that she was not in favor of "no build" conditions.

Commissioner Lea asked Paul Kramer what is the posture of land held in this situation. When a well is divided between two landowners, could the land owners go to court and get an order for the split?

Paul Kramer said that probate divisions are subject to the normal requirements of the normal law, such as the Subdivision Map Act. They have to get permission before they will be allowed to proceed.

Director Jenkins said he also had serious concerns with the splitting of this parcel. He was also concerned that the majority of the second parcel is located in the Putah Creek Flood Channel.

Commissioner Lang stated that in regard to wills and estates, there are a lot of other ways of solving the problems besides putting it off on the County.

Commissioner Heringer said that the divisions of estates are a tremendous headache when the time comes to sell the land. He also made the following statement. "We're really splitting hairs here. You've taken the same language and made it negative instead of positive and I think that bureaucratic "legal-eeze" and I object strenuously to that."

Commission Action:

1. ~~CERTIFY~~ that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPT DENIED** the proposed FINDINGS for this project as presented in the staff report;
3. **APPROVE DENIED** a request to divide the existing 160.31 acre Williamson Act Land Use Contract into two separate contracts consisting of 80.15 acres, subject to the conditions listed under "CONDITIONS OF APPROVAL."
4. **APPROVE DENIED** a Tentative Parcel Map to create two parcels that will conform with future ownership and farming operation boundaries, subject to the conditions listed under "CONDITIONS OF APPROVAL."

MOTION: Pollock SECOND: Webster
AYES: Pollock, Webster, Lea, and Lang
NOES: Heringer
ABSTAIN: None
ABSENT: Walker and Gray

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

Agricultural Preserve Split:

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

- (1) That the parcels created are not consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

~~*The proposed split would allow another homesite to be built, therefore, there is further encroachment of urban use on prime agricultural land.*~~

~~*The proposed split is not consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.*~~

~~*The applicants have indicated their intent to continue farming the parcels (currently in row crop). This statement and the fact that surrounding lands are currently under contract, helps prevent the encroachment of nonagricultural uses other than the possibility of construction of one (1) single family home within one of the Williamson Act contracted parcels.*~~

- (2) That the parcels do not tend to maintain the agricultural economy;

~~*The applicants have stated that they intend to continue farming the parcel under their ownership, which is currently in row crop. This statement, and the fact that surrounding lands are currently under larger Agricultural Preserve contracts, supports the finding that the parcels do not tend to maintain the agricultural economy due to fact that the one well that provides water to the entire parcel (160 acres); and the cost of installation of an additional well is not cost effective.*~~

- (3) That the parcels do not tend to assist in the preservation of prime agricultural lands;

~~*The proposed contract split will divide prime agricultural lands into smaller parcels, therefore is not assisting in the preservation of agricultural land. ~~continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the 160.31 acres in the Williamson Act.~~*~~

- (4) That the parcels preserve lands with public value as open space;

~~*The subject properties are proposed to be utilized for open space and agricultural purposes.*~~

- (5) That the proposed use is not consistent with the General Plan;

~~*The overall agricultural policies of the General Plan are not met regarding the preservation and viability of agricultural lands. ~~The applicants will continue to farm the parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the proposed split is consistent with the preservation of agriculture as mandated by the Yolo County General Plan.~~*~~

- (6) That the proposed contracts in question were created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.

The Community Development Agency staff and the Yolo County Public Works and Transportation Department have reviewed and approved the application for conformance with the Subdivision Map Act.

- (7) That the two parcels are at least 80 acres in size of irrigated land.

Assessor's Parcel No. 33-130-12 is currently irrigated. Water is available to the property by the means of one a well on the property. ~~The two Williamson Act Contracts to be created will be 80.15 acres respectively.~~ The proposed Contract split and parcel map proposal will not assist in the preservation of agricultural land.

Subdivision Map Act / Parcel Map:

Section 66463(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance . . . The Planning Commission finds that:

- (a) That the proposed map is not consistent with the applicable general and specific plans as specified in Section 65451.

The proposed map is not consistent with the General Plan and the Subdivision Map Act in the preservation of prime agricultural land because of the cost of new wells and the further subdivision of prime soils into smaller parcels can adversely effect the economic viability of farm operations. ~~As discussed in the General Plan Review Section of this report, the proposed project was determined to be consistent with the Yolo County General Plan.~~

- (b) That the design or improvements of the proposed subdivision are not consistent with applicable general and specific plans.

The proposed map is not consistent with the General Plan and the Subdivision Map Act in that the proposal does not demonstrate the agricultural viability of the project which is located in an area subject to flooding and on prime agricultural land. ~~As discussed in the General Plan Section of this report, the approval of this request would allow for the inherent right to the development of a homesite and associated improvements that were determined to be consistent with the General Plan.~~

- (c) That the site is not physically suitable for the type of development proposed.

The site is not physically suitable for the type of development proposed due to its proximity to the Putah Creek drainage area. ~~The proposed site is in compliance with the minimum lot area requirements and will have to meet all requirements imposed by the County Environmental Health and Public Works Department.~~

- (d) That the site is not physically suitable for the proposed density of development.

The site is not physically suitable for the type of development proposed due to its proximity to the Putah Creek drainage area, because of its effect on agricultural viability and economics, and the status of providing emergency and fire services in the area. ~~The proposed site area is in compliance with the zoning requirements relative to the proposed construction of a future homesite for family members and as such would meet the density requirement for the area.~~

- (e) That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed subdivision (parcel map) was reviewed for any potential environmental impacts and determined to be void of any significant impacts, as discussed in the attached Negative Declaration, Exhibit "D".

- (f) That the design of the subdivision or type of improvements are ~~not~~ likely to cause serious public health problems.

The proposed map and subsequent improvements (i.e., future construction of a homesite and appurtenant structures on Parcel One) ~~do not appear to pose any serious health impacts; flooding, emergency services, and fire district services.~~ however, any proposed development on the property will be reviewed by the County Environmental Health Department and the local fire district for approval.

- (g) That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed division.

The proposed division will not pose any detrimental impacts to any existing public easements, and access is available to each parcel from County Road 35.

◆ ◆ ◆

The Commission took a ten minute recess at 9:55 a.m. and resumed with the following item.

◆ ◆ ◆

- 6.5 95-070 - A request for a Conditional Use Permit for a temporary farm worker dwelling in an Agricultural Preserve (A-P) Zone. Subject property is located at 27397 CR 91A near Winters. A Categorical Exemption has been prepared for this item. Applicant: Joseph Aguiar (L. Srinivas)

Laxmi Srinivas gave the Staff Report. She also made the following corrections to the Staff Report: The middle initial of the applicant is "F" and a correction to the zip code is 95694.

The Public Hearing was opened at this time.

Joseph Aguiar, the applicant, said he agreed with all the Conditions of Approval.

The Public Hearing was closed at this time.

Commissioner Lea asked if the applicant was going to install the mobile home on a temporary foundation since the conditions allow the foundation to be temporary or permanent.

Director Jenkins recommended that the Commission only allow temporary foundations for Conditional Use Permits on mobile homes because they have to conform with State Housing Community Development standards. All foundations, whether they are temporary or permanent with a poured foundation, are all safe. In addition, there have been no problems in regards to financing of the mobile homes. It would be more of a financial hardship for the applicants if they had to remove a mobile home from a permanent foundation.

Commissioner Lea asked that the issue of permanent versus temporary foundations be agendized for further discussion.

Commission Action:

The Planning Commission:

- (1) **CERTIFIED** a Class 3 Categorical Exemption as the appropriate level of environmental review for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the Findings as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit (ZF 95-070), subject to the proposed Conditions of Approval.

MOTION: Heringer SECOND: Lea
AYES: Heringer, Lea, Pollock, Lang, and Webster
NOES: None
ABSTAIN: None
ABSENT: Walker and Gray

CONDITIONS OF APPROVAL

Planning Division Requirements

1. That the Use Permit is granted for the proposed project as described within this report (ZF 95-070, and shall be constructed in a manner consistent with the attached site plan (Exhibit "C").
2. The temporary mobile home shall be used as a temporary residence for a farm worker/family member and shall not be sold, ~~rented~~ or conducted as a business.
3. The applicant shall obtain a building permit for the proposed mobile home and shall install a temporary or a permanent foundation for the mobile home.
4. The Use Permit shall be renewed every two years for the purpose of insuring the continued compliance with the adopted Conditions of Approval.

County Counsel Requirements

5. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Public Works Department Requirements

6. The applicant shall obtain an encroachment permit from the Public Works Department and install a culvert for the driveway within the right-of-way of County Road 91-A.

Fire Department Requirements

7. Prior to the issuance of a building permit, the applicant shall meet all the fire protection, on-site water storage and access requirements of the Winters Fire District. The applicant shall install a new driveway for the temporary mobile home according to the specifications of the Winters Fire District.
8. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
9. Addressing for the mobile home along the public road frontage shall be posted using 4" reflective numbers visible to the vehicular traffic prior to the final inspection for the mobile home.

Environmental Health Department Requirements

10. The septic system for the mobile home shall meet all the requirements of the Environmental Health Department.

FINDINGS

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

In accordance with Section 8-2.2804, Article 28 of Title 8, the Planning Commission has determined the following:

- a) The requested "temporary mobile home" to be used as a farm worker/family member dwelling is listed as a conditional use in the zone regulations or elsewhere in this chapter;

The subject property is located in the A-P Zone and a temporary mobile home is listed as a conditional use. Since the proposed temporary mobile home is similar to

the other residential uses allowed in the A-1 Zone, a Use Permit may be granted for allowing it as a temporary residence for a family member/farm worker. The granting of the Use Permit will allow the family member to continue to live independently on the site and continue the farming operations on the site.

- (b) The requested "temporary mobile home" is essential or desirable to the public comfort and convenience;

The requested "temporary mobile home" will allow the family member/farm worker to receive the necessary care while continuing to live independently on the subject site and maintain the property as a family farm. The proposal will also be consistent with the existing residential/agricultural use of the subject property and will be similar to the permitted and conditional uses in the Agricultural Zone in which the property is located.

- (c) The requested "temporary mobile home" will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The clustering of the existing structures and the "temporary mobile home" will avoid encroachment into the agricultural areas of the property and avoid adverse impacts to the agricultural use of the property. The project's compliance with the requirements of all applicable responsible agencies (Environmental Health, Fire, Building Departments) will avoid detrimental impacts to the public health, safety, or general welfare. The proposal will promote the use of the property as a family farm and will be similar to the residential/agricultural uses of the surrounding properties.

- (d) The requested "temporary mobile home" will be in conformity with the General Plan;

The proposal will be consistent with the General Plan policies regarding residential land uses in the agricultural areas because it promotes the preservation of the family farm by providing housing for a family member engaged in farming.

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

Utilities will be provided by Pacific Gas and Electric Co; Access to the property is from County Road 91A via a new driveway; adequate drainage will be addressed through proper grading of the property; solid waste disposal will be provided by a local hauler, and adequate safety/sanitation standards will be insured by the Fire and Health Departments.



- 6.6 ZF 4140 - A request for an extension of time for an existing Conditional Use Permit to establish a homesite on a 15 acre parcel in the Agricultural General (A-1) Zone. Subject property is located at 16298 CR 56, 1500 feet west of CR 49 in Guinda. A Categorical Exemption has been prepared for this item. Applicants: Virgil and Linda Myers (L. Srinivas)

At the applicant's request, this item will be continued to the February 7, 1996 Planning Commission Meeting.

It was also noted that the expiration date of the Use Permit in Condition #1 was erroneous and should be corrected. It should be two years from the date of the original Use Permit's expiration (January 12, 1995).

Commission action:

To continue this item to the February 7, 1996 Planning Commission Meeting.

MOTION: Heringer SECOND: Webster
AYES: Heringer, Webster, Pollock, Lea, and Lang
NOES: None
ABSTAIN: None
ABSENT: Gray and Walker



6.7 A presentation of the 1994-1995 Annual Monitoring Report submitted by the Community Development Agency as related to Solano Concrete's Off-Channel Mining Operation. Subject property is located north of state Highway 16, approximately 1,000 feet east of Interstate 505, northeast of Madison in Agricultural General (A-1) and Sand and Gravel (S - G) Zones. A Categorical Exemption has been prepared for this item. Applicant: Solano Concrete/Anthony Russo (D. Morrison)

The Staff Report was given by David Morrison. He added that this report is different from previous reports in that there is the inclusion of compliance of the Use Permit Conditions of Approval. Prior reviews only covered the Conditions of Approval for the Reclamation Plan. The Department has made a more thorough investigation and more extensive monitoring.

It was indicated by Staff that Conditions #11, #14, and #19 have variances from what was originally approved.

The Public Hearing was opened at this time.

Avery Tindell, of Rumsey, had questions regarding the Reclamation Bond procedures and Financial Assurances, chemical reports, and the County and an agronomist being the monitoring parties for gravel mining.

David Morrison addressed the concerns brought up by Mr. Tindell.

Director Jenkins said the County has the final sign off of the release of the Reclamation Bonds. The holding a portion of the Bond after the official Reclamation is a good idea.

Anthony Russo, of Solano Concrete, said the Company is required every year to review the Reclamation Bonding amounts and to update them. The bond for Pit #3 has been reduced because the Reclamation was substantially completed. At the same time, the Company voluntarily came to the County and the State and told them they needed to raise the Bond amount for Pit #4. He also handed out a letter regarding yield comparisons of reclaimed land from Solano #1 and Chun Ranch.

Commissioner Webster asked if the soil conditions were identical in the Solano #1 Ranch and Chun Ranch.

Ken Aoyama, of Ag West Resource, answered that he did not know whether the soil conditions in both properties were the same. Mr. Aoyama also indicated that he represents both the County and Solano Concrete.

Director Jenkins clarified that the County requires the annual report but his (Mr. Aoyama) contract is with Solano Concrete.

A discussion on boron ensued.

Commissioner Lang said the comparison submitted by Solano Concrete means nothing because it is not a true comparison.

Commissioner Pollock said that during the past seven years involving "Pit #1" , four of the years have been in wheat crops. Is Solano Concrete going to be doing a crop rotation that is more reflective of a normal rotation pattern in Yolo County.

Ken Aoyama answered that the acreage of "Pit #1" is only five acres. One of the problems is the efficiency of working five acres into their farming program. He said he does not tell Segara Farms what to farm. As the acreage begins to increase, they will begin growing other crops.

Commission Action:

The Planning Commission took the following actions:

1. **CERTIFIED a Class 9 Categorical Exemption** as the appropriate level of environmental review for this report.
2. **ADOPTED Findings of Fact** in support of determining that the off-channel mining operations conducted by Solano Concrete are in compliance with the conditions of approval for both the Use Permit and the Reclamation Plan.
3. **ACCEPTED the annual report** as submitted by Solano Concrete and verified by staff.

MOTION: Heringer SECOND: Lang
AYES: Heringer, Lang, Lea, Pollock, and Webster
NOES: None
ABSTAIN: None
ABSENT: Gray and Walker



7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Community Development Agency activity for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

Director Jenkins brought the Commission up to date on the following items:

- (1) The withdrawal of the Wilbur-Ellis appeal.
- (2) The County-wide goals.
- (3) The Farmland Trust Report.
- (4) Election of the Chair and Vice-chair of the Planning Commission in January.
- (5) Postponement of the January Planning Commission meeting until January 10, 1995.

- (6) The Yolo Managers Group.
- (7) The Ground Water Ordinance.



8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

There were no reports by the Commission.



9. ADJOURNMENT

The meeting was adjourned at 12:00 p.m. to a special Joint Meeting of the Planning Commission and the Board of Supervisors at the Erwin Meier Administrative Center at 625 Court Street in Woodland, California on December 12, 1995. The next regular meeting of the Yolo County Planning Commission is scheduled for January 10, 1996, at 8:30 a.m. at the Yolo County Planning Commission Chamber at 292 W. Beamer Street, Woodland, CA. 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 that Board within fifteen days a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

Stephen L. Jenkins, Director
Yolo County Community Development Agency

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