

MINUTES
YOLO COUNTY PLANNING COMMISSION

October 4, 1995

1. CALL TO ORDER

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

MEMBERS PRESENT: Walker, Webster, Pollock, Lea and Gray

MEMBERS ABSENT: Lang and Heringer

STAFF PRESENT: John Bencomo, Principal Planner
Paul Kramer, County Counsel
David Flores, Senior Planner
Laxmi Srinivas, Associate Planner
Mark Hamblin, Associate Planner
Linda Caruso, Commission Secretary

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the September 6, 1995, Planning Commission Meeting were approved with no corrections.

MOTION: Lea SECOND: Pollock

AYES: Gray, Pollock, and Lea

NOES: None

ABSENT: Heringer and Lang

ABSTAIN: Webster and Walker

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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

Commissioner Pollock acknowledged receipt of the correspondence in the packet and receipt of the draft General Plan for the City of Woodland.



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 95-058 - A request for a Conditional Use Permit to install a "granny" unit in the Agricultural Preserve (A-P) Zone. Subject property is located on CR 17, west of Interstate 5 near Yolo. A Categorical Exemption has been prepared. Applicant: Irene Horgan (L. Srinivas)

The Staff Report was given by Laxmi Srinivas.

A discussion regarding the maximum allowable floor space took place.

The Public Hearing was opened at this time.

Irene Horgan, the applicant, said that Fleetwood Homes would alter the floorplan to meet the 1,200 square feet maximum requirement.

As a result of that discussion, it was established that the 1,200 square feet maximum requirement was met.

The Public Hearing was closed at this time.

Commission Action:

- (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 95-058), subject to the proposed Conditions of Approval as modified.

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

CONDITIONS OF APPROVAL

1. That the Use Permit is granted for the proposed project as described within this report (ZF 95-058), and shall be constructed in a manner consistent with the attached plot plan (Exhibit "C").
2. That the occupants of the proposed "granny" unit housing shall be restricted to one or two adults who are 62 years of age or older. The property owners and occupants of said granny unit shall be required to submit an affidavit every two years to this agency for review and approval, for the purpose of ensuring the continued compliance with the adopted conditions of approval.
3. The applicant shall obtain a building permit for the proposed mobile home. ~~and shall install a temporary foundation.~~

The area of the proposed "granny" unit (temporary mobile home) shall not exceed 1200 sq. ft. and shall be used as a temporary residence for an aged parent and shall not be sold, rented or conducted as a business.

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.

Fire Department Requirements

5. The applicant shall meet all the fire protection, on-site water storage and access requirements of the Yolo Fire District.
6. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
7. 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

8. The septic system and the water supply system for the mobile home shall meet all the requirements of the Environmental Health Department.

Building Division Requirements

9. Prior to the issuance of a Building Permit, the applicants, their successor's or assignees shall execute a "Well Irrigation Joint Use Agreement" and the said irrigation agreement shall be held until such time that individual water sources are procured. The exclusive purpose of irrigation appurtenances and maintenance access shall be granted between APN# 025-010-380 and 025-010-390.

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 installation of a mobile home as a "granny" unit 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. "Granny" housing units are not listed as permitted, conditional or accessory uses under the zone regulations or elsewhere in this chapter. However, Section 65852.1 of State law authorizes a county to issue a conditional use permit for the construction of "granny" housing units. Since the proposed installation of the mobile home as a "granny" unit is similar to the other residential uses allowed in the A-P

Zone, a Use Permit may be granted for allowing it as a temporary residence for an aged parent.

- (b) The requested installation of a mobile home as a "granny" unit is essential or desirable to the public comfort and convenience;

The installation of a mobile home as a "granny" unit will allow an aged parent to receive the necessary care from her children who are engaged in maintaining 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. In addition, the proposal will also serve as a cost effective method of meeting the County's share of the State mandated affordable housing requirements for a special population group (the elderly).

- (c) The requested installation of a mobile home as a "granny" unit 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 house and the proposed "granny" unit along with the other accessory structures on the property 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 be similar to the residential/agricultural uses of the surrounding properties.

- (d) The requested installation of a mobile home as a "granny" unit 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 affordable housing for an elderly parent by allowing her to live independently on the site and receive the necessary care from her children who are engaged in maintaining the property as a family farm.

- (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 17 via an existing 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.

In accordance with Section 65852.1 of the Planning, Zoning and Development Laws, the Planning Commission finds that:

- (a) The local jurisdiction (County) may issue a Use Permit for the construction of a dwelling (granny) unit, that is attached or detached from a primary residence, and located on a parcel zoned for a single-family residence:

The applicant is requesting a Use Permit for installing a new mobile home ~~into a "granny" unit that is detached from the new mobile home that will serve as a principal dwelling unit from the principal dwelling unit on the adjacent property.~~ The necessary findings (listed above) required by Section 8-2.2804 of the Yolo County Zoning Regulations for granting a Use Permit for the subject proposal have been made.

- (b) The proposed dwelling unit shall be intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over;

The proposed mobile home ("granny" unit) is to be used as a temporary residence for an aged parent who is 74 years of age. Conditions of approval for prohibiting the use of the "granny" unit for the purposes of sale, rent or business have been added.

- (c) The area of floor space of the attached dwelling unit does not exceed 30% of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet;

The attached Floor Plan for the mobile home shows an area of 1222 sq. ft. However, the applicant has indicated that the entrance area of the mobile home will be removed so that the maximum floor area of the mobile home does not exceed 1200 sq. ft.



- 6.2 95-057 - A request for a Conditional Use Permit to convert an existing home into a "granny" unit and install a new mobile home as the principle dwelling unit in the Agricultural General (A-1) Zone. Subject property is located at 18470 CR 93 in Woodland. A Categorical Exemption has been prepared. Applicant: Susan Baccei (L. Srinivas)

The Staff Report was given by Laxmi Srinivas.

Commissioner Gray asked what the reasoning was behind having a condition which requires the "granny" unit to remain on a temporary foundation.

Paul Kramer, County Counsel, said that since State Law requires removal of the home after its intended use, it would be easier if it were not on a permanent foundation.

The Public Hearing was opened at this time.

Susan Baccei, the applicant, said that the existing home would be converted into a "granny" unit and the mobile home would be the principal unit.

The Public Hearing was closed at this time.

Another discussion took place regarding permanent foundations. Commissioner Gray added that FANNIE MAE and FREDDIE MAC will buy loans on permanent foundations but not on temporary ones.

The safety of temporary foundations was also discussed.

Commission Action:

- (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 95-057), subject to the proposed Conditions of Approval as modified.

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

CONDITIONS OF APPROVAL

1. That the Use Permit is granted for the proposed project as described within this report (ZF 95-057, and shall be constructed in a manner consistent with the attached site plan (Exhibit "C").
2. The existing house shall be converted to a "granny" unit and shall be used as a temporary residence for aged parents (in this case, the owners of the subject property) and shall not be sold, rented or conducted as a business.
3. That the occupants of the proposed "granny" unit housing (i.e the existing dwelling unit) shall be restricted to one or two adults who are 62 years of age or older. The property owners and occupants of said granny unit shall be required to submit an affidavit every two years to this agency for review and approval, for the purpose of ensuring the continued compliance with the adopted conditions of approval.
4. The applicant shall obtain a building permit for the proposed mobile home. ~~and shall install a temporary foundation. The temporary foundation may be replaced by a permanent foundation only after the existing house (granny unit) is removed.~~
5. Prior to the issuance of a Building Permit, the applicants/property owners shall record, at the applicants/property owners' expense, a Certificate of Compliance for the subject property (APN: 025-460-051).
6. 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

7. 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 93.

Fire Department Requirements

8. The applicant shall meet all the fire protection, on-site water storage and access requirements of the Madison Fire District.
9. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
10. 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

11. 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 conversion of the existing house to a "granny" unit and the installation of a new mobile home as a principal dwelling unit are listed as a conditional uses in the zone regulations or elsewhere in this chapter;

The subject property is located in the A-1 Zone. "Granny" housing units are not listed as permitted, conditional or accessory uses under the zone regulations or elsewhere in this chapter. However, Section 65852.1 of State law authorizes a county to issue a conditional use permit for the construction of "granny" housing units. Since the proposed conversion of

the existing house to a "granny" unit 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 the aged owners. The installation of a new mobile home as a principal dwelling unit on a parcel with an area less than 20 acres is listed as a conditional use in the A-1 Zone.

- (b) The requested conversion of the existing house to a "granny" unit and the installation of a new mobile home as a principal dwelling unit are essential or desirable to the public comfort and convenience;

The conversion of the existing house will allow the aged owners to receive the necessary care while continuing to live independently on the subject site. The principal dwelling unit (proposed mobile home) will allow the applicants to live on the subject property and maintain the property as a family farm and care for their parents. 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. In addition, the proposal will also serve as a cost effective method of meeting the County's share of the State mandated affordable housing requirements for a special population group (the elderly).

- (c) The requested conversion of the existing house to a "granny" unit use and the installation of a new mobile home as a principal dwelling unit 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 and proposed houses along with the other accessory structures on the property 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 maintain 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 conversion of the existing house to a "granny" unit and the installation of a new mobile home as a principal dwelling unit 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 maintains the family farm by providing housing for family members engaged in farming and promotes affordable housing for the elderly owners by allowing them to live independently on the site and receive the necessary care.

- (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 93 via two existing driveways; 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.

In accordance with Section 65852.1 of the Planning, Zoning and Development Laws, the Planning Commission finds that:

- (a) The proposed "granny" dwelling unit is detached from the principal dwelling unit:

The applicant is requesting a Use Permit for converting the existing house into a "granny" unit that is detached from the new mobile home that will serve as a principal dwelling unit. The necessary findings (listed above) required by Section 8-2.2804 of the Yolo County Zoning Regulations for granting a Use Permit for the subject proposal have been made.

- (b) The proposed dwelling unit shall be intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over;

The existing house will be converted to a "granny" unit to be used as a temporary residence for the owners who are more than 62 years of age (72 years and 69 years). Conditions of approval for prohibiting the use of the "granny" unit for the purposes of sale, rent or business have been added.

- (c) The area of floor space of the attached dwelling unit does not exceed 30% of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 square feet;

The existing house which is detached from the new mobile home will be converted to a "granny" unit and meets the maximum floor area (1200 sq. ft) specified by State law.

In accordance with Section 8-2.2606, Article 28 of Title 8, the Planning Commission has determined the following:

- (c) Upon approval of a Use Permit, one single-family dwelling which complies with all the other regulations of the zone in which it is situated may be constructed on any lot or parcel of land in the Agricultural General Zone (A-1), which lot or parcel contains an area or dimension smaller than that required by the provisions of this chapter and which was of record in the office of the Clerk-Recorder on December 18, 1963, where the owner thereof on such date, or his successor in interest, owned no adjoining land.

The subject property is described in a deed (Document 4381, Book 397, Page 237 recorded in the Office of the County Recorder on June 25, 1953). The current owners do not own any adjoining land. Conditions of Approval for recording a Certificate of Compliance for the subject property have been added. The existing house has been on the property for the past 40 years and is considered a legal "non-conforming" use. The conversion of the existing house to a "granny" unit and the installation of a new mobile home as a principal dwelling unit will be consistent with the requirements of State Law and the Yolo County General Plan and Zoning Regulations. Findings for granting a Use Permit for the proposal have been made.



Commissioner Gray abstained from the following item due to potential conflict of interest.

- 6.3 95-049 - Consideration of a Tentative Parcel Map to divide a 14.2 acre parcel into a 3.38 acre and 10.76 acre parcel. Subject property is located on the northwest corner of East Street and Begorra Road (597 North East Street) near Woodland in a Light Industrial (M-1) Zone. A Negative Declaration has been prepared. Applicant: Ramos Oil/Yolo Engineers (D. Flores)

David Flores gave the Staff Report.

Commissioner Walker questioned how the wells or the septic systems will be abandoned. For safety reasons, they should be filled in with gravel or other material.

The Public Hearing was opened at this time.

Lloyd Jager, with Yolo Engineers, said that when it comes time to abandon the wells and septic system, the Health Department will have a final inspection.

The Public Hearing was closed at this time.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
2. **ADOPTED** the proposed FINDINGS as presented in the staff report.
3. **APPROVED** the Tentative Parcel Map subject to the Conditions identified under "CONDITIONS OF APPROVAL".

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

CONDITIONS OF APPROVAL

Yolo County Public Works

1. The Final Parcel Map, as described within this report (TPM-4258), shall be filed with the Director of the Yolo County Department of Public Works within two years from the date of the Planning Commission's approval of the tentative parcel map, or said tentative map (TPM-4258) shall be deemed null and void without further action.
2. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83.
3. Prior to recordation, the applicant or successors in interest shall submit to the Yolo County Public Works Department all outstanding fees established by the current Fee Schedule to cover the costs incurred by the County for the Final processing of said map.
4. The applicant's engineer shall reflect on the final map a minimum 20 feet separation from the existing commercial coaches situated on Parcel 2 to the proposed easterly property line.

Environmental Health Department

5. Prior to recordation of the Final Parcel Map, the applicant shall obtain sanitary sewer service from the City of Woodland to service the 10.76 acre parcel. If the applicant is unable to secure approval from the City of Woodland, the sewer system which serves the existing trailers shall be relocated to comply with Health Department setback requirements.
6. Prior to recordation of the Final Parcel Map, the applicant shall secure water service from the City of Woodland and disconnect the trailers connection to the existing well on the Ramos (3.8 acre) parcel. If the applicant is unable to secure approval from the City of Woodland, the existing well on the 10.76 acre parcel shall be tested for potability and water lines extended to service the existing two trailers.
7. The well and septic system on Parcel 1 (Ramos parcel) and any wells or septic systems removed from use shall be required to be abandoned under permit from the Yolo County Environmental Health Department.

Community Development Agency

8. Prior to any development on the affected parcel, the applicant shall obtain all required permits from the Environmental Health Department, Public Works Department, and Yolo County Building Department.
9. Applicant shall continue to comply with the Conditions of Approval established under the original Use Permit (ZF#4125) granted on October 3, 1993 and the Extension of Time of the Conditional Use Permit (ZF#95-032) granted on May 24, 1995.
10. 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 Planning Commission may result in the following:

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

FINDINGS

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

Negative Declaration:

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

That on the basis of the Initial Study and comments received, that there is no evidence that the parcel map will have a significant effect on the environment. The siting of a fuel facility on this parcel has been addressed in previous environmental documentation and Planning Commission Action on the Use Permit request.

Tentative Maps:

In accordance with Section 8-1.804, Article 8, the Planning Commission has determined the following:

- (c) The Commission is satisfied with the design of the division and finds that it is in conformity with the provisions of the law and satisfies community needs;

The Tentative Parcel Map reflects the area needed for a future Cardlock facility and will provide adequate area for parking, fire access, and road access onto East Street. The cardlock facility will meet the needs of the area residences and area trucking firms by providing fueling facilities.

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 consistent with applicable general and specific plans as specified in Section 65451;

The Tentative Map has been prepared in accordance with the Yolo County General Plan and Woodland Area General Plan as required by the Subdivision Map Act.

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

That the proposed map was reviewed and determined to be in compliance with the standard criteria for parcel maps in accordance with the Yolo County General Plan and Woodland Area General Plan.

- (c) That the site is physically suitable for the type of development;

The property is currently zoned M-1 (Light Industrial) which allows this type and form of commercial development. Adequate lot size configuration has been established to accommodate underground fuel storage installation, pumping facilities and adequate spacing from the surrounding land use.

- (d) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat;

There is no evidence of fisheries or wildlife resources on or near the subject property.

- (e) That the site is physically suitable for the proposed density of development;

With the current zoning on the property, the proposed project meets the criteria established under the Yolo County Code for the development of a fuel cardlock facility.

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

The existing structures on the property have septic and water facilities which meet County Environmental Health standards.

- (g) That the design of the subdivision or 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 subdivision.

A private easement has been delineated on the proposed parcel map to allow access to the rear parcel and no existing easements have been compromised as a result of this action.

City of Woodland Urban Development Policy Findings:

A land division may be approved for a parcel when all of the following findings are made by the Planning Commission:

- i. The design of the land division and development proposed for construction on the parcels to be created by the land division is consistent with the County Woodland Area General Plan, and the City of Woodland reports to the Planning Commission that the type and timing of construction of development improvements proposed for the land division is in compliance with the City of Woodland Urban Development Policy and applicable City development improvement standards.

The design of the land division is in conformance with the proposed card lock fueling facility to be located on Parcel 1 (3.38 acre parcel). The Conditional Use Permit was approved by the Yolo County Planning Commission on October 6, 1993, and an extension of time for the Use Permit was granted by the Commission on May 24, 1995. It should be noted that the Woodland City Community Development Agency recommended approval of this project as part of the original application request.

- ii. The property owner has agreed in a written and recorded agreement with the City, binding on successors, heirs, and assigns, to annex the property to the City when so required by the City.

The owner agreed to annex this portion of property to the City of Woodland when so required, at the time the Use Permit was initiated and approved by the Planning Commission on October 6, 1993.



6.4 95-045 - Consideration of a Use Permit for a horse boarding and training stable for 30 horses and a dog kennel facility for up to 50 dogs. Subject property is located at 17801 CR 85C, approximately .5 miles south of Highway 16 near Esparto in an Agricultural General (A-1) Zone. A Negative Declaration has been prepared. Applicant: Ray and Crystal Burton (D. Flores)

The Staff Report was given by David Flores.

Commissioner Walker asked where the horse manure would be taken to be disposed.

The Public Hearing was opened at this time.

Ray Burton, the applicant, said that although no commercial exhibitions will take place, they will have 4-H activities at the site. He added that there would be no police dog training occurring. He also said that the horse manure would be worked back into the soil on a daily basis.

The Public Hearing was closed at this time.

Commission Action:

- (1) **CERTIFIED** the Negative Declaration 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 for a horse boarding stable and dog kennel, subject to the conditions listed under "Conditions of Approval".

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

CONDITIONS OF APPROVAL

- 1. That the Conditional Use Permit be granted for a licensed dog kennel for a maximum of 50 dogs and commercial horse stable for a maximum of 30 horses and buildings constructed shall be built in a manner consistent with the attached site plan (Exhibit "C").
- 2. After a two-year period, Yolo County Community Development staff shall conduct a compliance review to verify compliance with the conditions of approval for the Use Permit. The compliance review shall be presented to the Planning Commission for their review. The permit may be reviewed at anytime by the Community Development Agency if it determines that changed conditions or a potential public nuisance may exist. Failure to

comply with the conditions of approval shall result in the revoking of the Use Permit, legal action and/or non-issuance of future renewals and/or building permits.

3. The applicant shall ensure that the noise levels due to barking are kept to a minimum with facility (Construction materials and placement of kennel facility away from nearest off-site residential home, appropriate landscape screening etc..) and management procedures. Prior to the issuance of a building permit, the applicant shall submit a copy of the Facility and Management procedures to the Planning Division for review and approval.
4. The lighting for the horse training field shall be restricted to the hours of operation and training (from 8 a.m. to 10 p.m.), and shall be directed away from adjoining properties. Only security and emergency lighting shall be allowed between 10 p.m. and 8 a.m.
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.

Fire Department Requirements

6. The applicant shall meet all the fire protection, on-site water storage and access requirements of the Esparto Fire District.
7. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
8. Addressing for the proposed structures along the public road frontage shall be posted using 6" reflective numbers visible to the vehicular traffic prior to the final inspection for the proposed structures.
9. Fire extinguisher shall be installed in a prominent location in the barn, stables and the dog kennel, and a fire lane shall be established around the barn, the stables, and the dog kennel. The number and location of said fire extinguisher, and the size and design of the fire lane shall be subject to the approval of the Fire Chief of the Esparto Fire Protection District. A site map showing the location of the fire extinguisher and the designated fire lanes shall be provided to the Esparto Fire Protection District and the Yolo County Community Development Agency, Building Division prior to the issuance of a building permit.

Environmental Health Department Requirements

10. The septic system and the proposed boarding areas/kennels shall meet all the requirements of the Environmental Health Department.

11. The applicant shall submit a "horse manure management plan" to the Yolo County Health Services Agency, Environmental Health Services for their approval prior to the issuance of a building permit. Said plan shall detail the proper handling of the manure so that no public health nuisances (i.e. vectors, odors, surface or groundwater pollution, etc.) will occur. A copy of said approved plan shall be submitted to the Yolo County Community Development Agency, Building Division prior to the issuance of a building permit for the barn or stable.
12. Townsend Drain shall not be utilized as a depository of any substance that would not be approved for discharge by the California Regional Water Quality Control Board. Treated effluent, horse manure, shall not be discharged into the Townsend Drain or any tributary.

Public Works Requirements

13. The applicant shall pave the driveway apron along County Road 85C, and driveway culvert installation shall comply with current Yolo County Public Works standards.
14. Structures (dog kennel\horse stalls) to be constructed within close proximity of the Townsend Drain shall submit a on-site drainage plan to the Yolo County Public Works Department to assure that proper drainage is maintained to prevent seepage of horse manure\ dog waste into the Townsend Drainage system.

Building Division

15. If individuals are employed, existing buildings, handicapped access and parking shall be provided according to the requirements of the Building Division.
16. Prior to the issuance of a building permit, the applicant shall submit an application for a business license with the Yolo County Community Development Agency, Business License Division.

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 proposed dog kennel and horse training and boarding facility is listed as a conditional use in the zone regulations or elsewhere in this chapter;

The subject property is located in the A-1 Zone. A kennel is listed as a conditional use under the Agricultural General (A-1) Zoning regulations. The proposed use will be similar to other agriculture related uses (like raising animals or using the subject property for grazing) that are allowed as permitted, conditional and accessory uses in the A-1 zone. The proposed use will also be similar to the agricultural/pasture uses of the surrounding properties. The operation will be restricted to approximately 3 acres of the total area of the property. The remaining area (4 acres) can be used for agricultural purposes and therefore the operation will not impact the existing residential/agricultural use of the property and the agricultural uses of the adjacent properties.

- (b) The proposed dog kennel and horse boarding facility is essential or desirable to the public comfort and convenience;

The proposed use has the potential to create objectionable odors and create an increase in noise levels due to barking. Placement of the proposed use in close proximity to residential/urban uses will create public nuisance problems due to noise, light, glare, odor etc.

Since the subject property is located in an unincorporated area and is surrounded by agricultural/pasture uses that are similar to the proposed use, the potential for the operation to become a public nuisance is significantly reduced. Animal husbandry is an accepted practice under category of agricultural operations. The applicant will provide board, breeding and care services for horses to customers who mainly reside within the central most westerly portion of the County.

Staff has addressed within the staff report, conditions of approval which will ensure that the operation does not create any public nuisances due to odor, waste, noise, light, glare etc.

- (c) The proposed dog kennel and horse training and boarding facility will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The proposed use of the subject property will be consistent with the agricultural zone in which the property is located because it will be similar to agriculture related uses like raising animals or using the subject property for grazing. Since the proposed use will be restricted to approximately 3+ acres of the total area of the property, the remaining area (approximately 4 acres) can be used for agricultural purposes and therefore, the operation will not preclude the existing and future agricultural use of the subject property and the surrounding properties.

The proposed project on the 7.89 acre property will not impair the integrity or character of the rural agricultural area. The Yolo County Environmental Health Department and Yolo County Public Works Department have indicated concerns regarding: vectors; the generation of flies by horse manure; odor generated by horse manure; noise from barking dogs and surface or groundwater pollution caused by horse manure. In recognition of these concerns, the project has been conditioned so as not to be detrimental to the public health, safety or general welfare in its operation.

The Esparto Citizens Advisory Committee has determined that the proposed use is a compatible use within the Agricultural Zone of the County, and recommended approval of the dog kennel and horse stables at their August 9, 1995 meeting.

- (d) The proposed dog kennel and horse training and boarding facility will be in conformity with the General Plan;

The proposed use will be consistent with the General Plan policies regarding agriculture related land uses because it is similar to the allowed agricultural uses (cultivation of agricultural crops and raising animals) in the A-1 Zone and it will not preclude the agricultural use of the subject site and adjacent properties.

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

*Utilities are provided by Pacific Gas and Electric Co; Access to the property is from County Road 85C via an existing driveway; Adequate drainage will be addressed through proper grading of the property in accordance with Yolo County Public Works standards;
Solid waste disposal will be provided by a local hauler, and adequate health/safety/sanitation standards will be insured by the Fire, Building, Environmental Health and Animal Control Departments.*



A five minute recess was taken at this time.

Commissioners Lea and Pollock abstained from the following item due to the fact that they are surrounding property owners.

6.5 95-017 - A request for a Tentative Parcel Map #4253 to divide an approximate 44 acre property into two parcels and a request for a Conditional Use Permit to allow the construction and operation of an agricultural chemical fertilizer distribution facility on Parcel 1. The distribution facility will take 5 acres on Parcel 1 and consist of the following: a warehouse, an office, a maintenance building, a truck scale, a 600-foot railroad spur, a concrete liquid containment area for 10 tanks and a storage tank. An additional 5 acres is to be used as an equipment storage area and the remaining 10 acres for research and a test plot area. Subject property is located on the south side of CR 18, east of Interstate 5, and north of Woodland in an Agricultural General (A-1) Zone. A Mitigated Negative Declaration has been prepared. Applicant: Wilbur-Ellis Company (M. Hamblin)

Mark Hamblin gave the Staff Report and explained why Staff was recommending denial.

Commissioner Gray asked whether an analysis of an alternative site location was discussed.

County Counsel, Paul Kramer, said that is usually only addressed in an EIR.

The Public Hearing was opened at this time.

Eddy Allan, District Manager of Wilbur-Ellis gave the history and goals of the company. He indicated that the criteria that has to be met when deciding on a site are as follows:

1) proper flood zoning; 2) proper land use zoning; 3) non-populous areas; and 4) near the marketing area.

The Public Hearing was opened at this time.

Herbert Pollock, surrounding property owner, said he was opposed to the action due to flooding concerns and the taking of prime agricultural ground. He also added that County Road 18 is a substandard road and does not need anymore traffic.

John Boehn, a surrounding property owner, said he is also opposed to the project due to previously stated reasons as well as the Emergency Services not having the equipment nor the training to deal with potential problems brought about by a chemical company. The esthetics of the plant is also a big concern.

Tom Slaterly, Environmental Regulatory Officer for Wilbur-Ellis Company, said the company's position is to try to not locate itself in populated areas. The company is here to serve the agricultural community.

Nancy Lea, surrounding property owner, said she is opposed to the project due to the odors and dust that will be generated by the plant. She also indicated that she did not believe that a Mitigated Negative Declaration is the appropriate level of environmental review. There should have been an EIR for this project.

The Public Hearing was closed at this time.

Commissioner Webster said her overriding concern is the loss of prime agricultural land.

Commissioner Walker said he could not support this project because it is in conflict with the General Plan. Leap frogging is a real problem. The project belongs in an industrial area.

Commissioner Gray said he wanted to support the application because of the supply and service this would provide to agriculture but feels that there are better locations available than the proposed site.

Commission Action:

- (1) **CERTIFIED** the Mitigated Negative Declaration prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **DENIED** the tentative parcel map (TPM #4253) to divide an approximate 44 acre property into 2 parcels (Parcel 1 - 20 ac., Parcel 2 - 23.94 ac.).
- (4) **DENIED** the Conditional Use Permit to establish an agricultural chemical fertilizer distribution facility on Parcel 1.

MOTION: Webster SECOND: Walker

AYES: Webster, Gray and Walker

NOES: None

ABSTAIN: Pollock and Lea

ABSENT: Lang and Heringer

The appeal process was explained the applicant.

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

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

On the basis of the comments received, the project design, and mitigation measures outlined in the Mitigated Negative Declaration, all foreseeable "significant effects on the environment" should be reduced to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA).

Conditional Use Permit

In accordance with Section 8-2.2804 of Chapter 2, Title 8, the Planning Commission finds the following:

(a) The requested use is listed as a conditional use in the zone regulations or elsewhere in this chapter;

"Agricultural chemical, sales, and storage" is a conditional use within the A-1 Zone subject to the approval of the Planning Commission (Section 8-2.604. a. Chapter 2, Title 8).

(b) The requested use is not essential or desirable to the public comfort and convenience;

While it is desirable for a farm related facility of this type to be located in an area accessible to agriculture, it is not desirable or essential for the facility to locate on soils that are of a very high quality for agriculture production or located within an intensely farmed agricultural area when other lands are available for the facility on non-prime soil within both the unincorporated area and the City of Woodland.

The cumulative concerns of splitting farmland into smaller parcels, and or/the constructing of buildings on prime soil which is a finite natural resource is of great concern to Yolo County's economy which is dependent on the success of its agricultural operations.

It is a Yolo County General Plan policy to preserve and protect prime farmland. Specifically, General Plan Land Use Policy 6. Protect and Conserve states: "It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County. Yolo County shall protect and conserve agricultural land use especially in

areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits".

Phil Hogan, District Conservationist, United States Department of Agriculture Natural Resource Conservation Service, states that the 44 acre parcel has a weighted Store Index Rating of 86. "It is USDA policy to provide technical assistance to local units of government that desire to develop programs to limit the conversion of productive farmland".

The potential conversion of the subject property outside of a community and city limit which has a weighted Store Index Rating of 86 to a non-farming use is not desirable under General Plan Land Use Policy 6.

(c) The requested use will impair the integrity or character of the neighborhood and be detrimental to the public health, safety, or general welfare;

The lands surrounding the subject property are in agricultural production: to the north - row crop, to the east and west - orchard, and to the south - orchard and row crop. Scattered single family farm residences exist throughout the area. The 44 acre subject property is currently dry land farmed in row crop - wheat. The proposal will remove 20 acres of Class 1 soil from farming to allow the construction of an agricultural related business into an intensively farmed area on prime soils.

The cumulative concerns of splitting farmland into smaller parcels, and or/the constructing of buildings on prime soil which is a finite natural resource is of great concern to Yolo County's economy which is dependent on the success of its agricultural operations.

(d) The requested use will not be in conformity with the General Plan;

Currently, the 44 acre subject property is dry land farmed in row crop. The request involves the establishment and relocation of an agricultural chemical fertilizer distribution facility from within the City of Woodland in an industrial designated area of the City into the unincorporated area of the county at a location that is currently intensely farmed and contains prime farmland soils. The distribution facility to be constructed will remove 10 acres of prime soil in order to provide the following: a 60' X 140' (8,400 sq. ft.) warehouse; 40' X 40' (1,600 sq. ft.) office; 40' X 60' (2,400 sq. ft.) maintenance building; 15' X 70' truck scale; an approximate 600' long railroad spur (to be installed in the future pending a contract for railroad service); a 100' X 100' (10,000 sq. ft.) concrete liquid containment area involving 10 tanks 20-30 feet in height and a capacity of 10,000-20,000 gallons per tank; and a 20,000 gallon storage tank for anhydrous ammonia.

An additional 5 acres of Parcel 1 is to be used as an equipment storage area for the facility. The balance of Parcel 1 is to be used for test plots for pesticides or fertilizer

experimentation. Parcel 2 has the potential of having a single family residence constructed or placed on it through a building permit application.

The conversion of the 44 acre property which is located outside of a community and city limit and has a weighted Store Index Rating of 86 to a non-farming use (agricultural commercial business) is not consistent with General Plan Land Use Policy 6 and/or Open Space Policy 3 regarding protection and conserving prime agricultural soils outside of cities or communities.

General Plan Land Use Policy 6. Protect and Conserve states:

"It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County. Yolo County shall protect and conserve agricultural land use especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits".

General Plan Open Space Policy 3. Agricultural Land states:

"Yolo County shall preserve agricultural land as the principal component of open space."

General Plan Land Use Policy 34. Locate Commercial Uses/Urban or Park Areas states:

"Commercial land uses activities and facilities, necessary to support recreation or agriculture, should be confined wherever possible to existing urban areas, at marinas, or as concession in public parks."

The cumulative concerns of splitting farmland into smaller parcels, and or/the constructing of buildings on prime soil which is a finite natural resource is of great concern to Yolo County's economy which is dependent on the success of its agricultural operations.

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

Comments received on the project from responsible agencies during the public review process identify potential concerns and mitigation for issues regarding adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities. The implementation of the requirements established for the project by the agencies should adequately address this concern.

However, the needs for the new Wilbur-Ellis Company can be met with land that is already within the Woodland city limits. Currently Woodland has approximately 400 acres of vacant land zoned for industrial use. Some of the industrial zoned land

contains railroad spurs, road and freeway access, water, sewer. Emergency services are already in place and specifically designed for industry type uses. Also, the County has a vacant 86 acre agricultural industrial designated area in the Town of Dunnigan which would allow this use. The site has highway access near it and rail access adjacent to it.

In accordance with Land Use Policy 18. *Agricultural Area Uses* of the Yolo County General Plan the Planning Commission finds the following:

- The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals).

The Wilbur-Ellis Company is a wholesale distributor of farm and garden chemical products, including fertilizers, pesticides, and lawn seeds.

- The use will diminish or prevent agricultural use on site or on adjoining agricultural lands.

Currently, the 44 acre subject property is dry land farmed - row crop (wheat). The lands surrounding the subject property are in agricultural production: to the north - row crop, to the east and west - orchard, and to the south - orchard and row crop, and contain scatter single family residences. The proposal will involve the removal of 20 acres of prime soil from farming production to allow the construction of an agricultural related facility. The remaining 23 acres is not proposed for development at this time and will continued to be farmed. The agriculture related facility will take-up 5 acres of Parcel 1. An additional 5 acres of Parcel 1 is to be used as an equipment storage area for the facility; and the remaining 10 acres for a research and test plot area. Parcel 2 has the potential of having a single family residence constructed or placed on it through a building permit application.

- The use has some hazard or nuisance aspect which precludes it from being placed in an urban area.

The Wilbur-Ellis Company is a wholesale distributor of farm and garden chemical products, including fertilizers, pesticides, and lawn seeds. The proposed distribution facility will take-up 5 acres of Parcel 1 consisting of the following: 8,400 sq. ft. warehouse; 1,600 sq. ft. office; 2,400 sq. ft. maintenance building; a 1050 sq. ft. truck scale; 10,000 sq. ft. concrete liquid containment area involving 10 tanks 20-30 feet in height and a capacity of 10,000-20,000 gallons per tank; a 20,000 gallon storage tank for anhydrous ammonia; and an approximate 600 foot long railroad spur (to be installed in the future pending a contract for railroad service). No formulating of product is to occur at the site. An additional 5 acres of Parcel 1 is to be used as an equipment storage area for the facility; and 10 acres for a research and test plot area.

Currently, the City of Woodland has approximately 400 acres of vacant land zoned for industrial use. Some of the industrial zoned land contains railroad spurs, road and

freeway access, water, sewer. Emergency services are already in place and specifically designed for industry type uses. Also, the County has a vacant 86 acre agricultural industrial designated area in the Town of Dunnigan which would allow this use. The site has highway access near it and rail access adjacent to it.

- The use can not be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products."

Currently, the 44 acre subject property is dry land farmed - row crop (wheat). The lands surrounding the subject property are in agricultural production: to the north - row crop, to the east and west - orchard, and to the south - orchard and row crop, and contain scatter single family residences. The proposal will involve the removal of 20 acres of Class 1 soil from farming production in order to allow the construction of a agricultural chemical distribution/storage facility.

Subdivision Map

In accordance with the Section 66474.61, Article 1, Chapter 1 of the state Subdivision Map, the Yolo County Planning Commission finds:

- (a) That the proposed map is not consistent with the applicable general and specific plan as specified in Section 65451 of the Subdivision Map Act;

The tentative parcel map involves the division of 44 acres into 2 parcels: Parcel 1 - 20 acres; and Parcel 2 - 23.94 acres. The Yolo County General Plan Land Use Policy 6. Protect and Conserve states:

"It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County. Yolo County shall protect and conserve agricultural land use especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits".

The potential conversion of the subject property which is located outside of a community and city limit and has a weighted Store Index Rating of 86 to a non-farming use (agricultural commercial business) is not consistent with many fundamental policies of the General Plan, including Land Use Policy 6. The cumulative concerns of splitting farmland into smaller parcels, and or/the constructing of buildings on prime soil which is a finite natural resource is of great concern to Yolo County's economy which is dependent on the success of its agricultural operations.

General Plan Land Use Policy 34. Locate Commercial Uses/Urban or Park Areas states:

"Commercial land uses activities and facilities, necessary to support recreation or agriculture, should be confined wherever possible to existing urban areas, at marinas, or as concession in public parks."

Currently, the City of Woodland has approximately 400 acres of vacant land zoned for industrial use. Some of the industrial zoned land contains railroad spurs, road and freeway access, water, sewer. Emergency services are already in place and specifically designed for industry type uses. Also, the County has a vacant 86 acre agricultural industrial designated area in the Town of Dunnigan which would allow this use. The site has highway access near it and rail access adjacent to it.

(b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

The tentative parcel map involves the division of 44 acres into 2 parcels: Parcel 1 - 20 acres; and Parcel 2 - 23.94 acres. The Yolo County General Plan Land Use Policy 6. Protect and Conserve states:

"It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County. Yolo County shall protect and conserve agricultural land use especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits".

General Plan Open Space Policy 3. Agricultural Land states:

"Yolo County shall preserve agricultural land as the principal component of open space."

The potential conversion of the subject property which is located outside of a community and city limit and has a weighted Store Index Rating of 86 to a non-farming use is not consistent with General Plan Land Use Policy 6 and/or Open Space Policy 3. The cumulative concerns of splitting farmland into smaller parcels, and or/the constructing of buildings on prime soil which is a finite natural resource is of great concern to Yolo County's economy which is dependent on the success of its agricultural operations.

The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the 44 acre site is AG (agricultural).

A review of the applicable Woodland Area General Plan policies was undertaken and the proposed project was found to be in compliance with the following policies:

Section VI. DEVELOPMENT IN THE AREA BETWEEN THE URBAN LIMIT LINE AND THE OUTER BOUNDARIES OF THE WOODLAND AREA GENERAL PLAN AREA, of the Woodland Area General Plan:

- A. *"Urban Development Prohibited: Urban development in the area between the urban limit line and outer boundaries of the Woodland Area General Plan Area shall be prohibited; provided, however that this prohibition shall not apply to the types of development set forth herein below when consistent with the criteria and requirements applicable to each, and with this General Plan."*

The definition for "Urban Development" under the Woodland Area General Plan is as follows:

ii. The Board of Supervisors finds and declares that the following kinds of development do not result in a demonstrable need for increased urban improvements or urban services and that such types of development are not urban development:

a. Agricultural development as herein defined;

(Agricultural Development as defined by the Woodland Area General Plan "shall be allowed if consistent with the Land Use Designations of the site as set forth in this General Plan, and shall be in conformity with all applicable County zoning and building ordinances").

g. The division of an existing parcel into two parcels, provided that the final parcel map shall contain a notation that no urban development may occur on either parcel unless the Planning Commission shall find that the proposed development is consistent with this General Plan, and shall order the recordation of a certificate of compliance with the applicable zoning and/or land division ordinance."

(The Final Map involves the a 2 parcel division (Parcel 1 -20 ac., Parcel 2 - 24 ac.) A condition of the Final Map for the project is above notation in g.).

The site is zoned A-1 by the County Zoning Regulations. "Agricultural chemical, sales, and storage" is a conditional use within the A-1 Zone subject to the approval of the Planning Commission (Section 8-2.604. a. Chapter 2, Title 8).

(c) That the site is physically suitable for the type of development;

Parcel 1 is being created to provide for a potential chemical/fertilizer distribution facility. Parcel 1 is to consist of 5 acres for the facility, 5 acres for equipment storage, and 10 acres for a research and test plot area. Parcel 2 is to remain in agricultural production (row crop).

As discussed within the "Background" section of this report, the Reconnaissance Report Westside Tributaries to Yolo Bypass, California completed by the U.S. Army Corp of Engineers in June, 1994 shows the property within the Woodland Flood Plain (the area between the City of Woodland and Cache Creek) which has a projected "depth of flood" range between 1-3 feet. Specifically, the subject property is shown to be within a 1 foot "depth of flood" area on Plate 4 of the report. Therefore, people or property may be exposed to flooding according to the Army Corps report. A flood mitigation requirement for the project was incorporated into the Mitigated Negative Declaration prepared for the project.

Parcel 1 will involve the construction of an agricultural chemical fertilizer distribution facility. The construction of the facility will consist of the building of 2 areas where chemical/fertilizer storage will occur: liquid product at the tank farm and dry product in the warehouse. The storage and handling of chemicals and fertilizers at the site has presented comments and mitigations by the Yolo County Environmental Health Services to address potential ground water contamination.

Groundwater elevation contours dated from the fall of 1991 for the area spanning from the north of the City of Woodland to north of the Town of Yolo, including the subject site, range between 0 and 10 feet (Source: Figure 4-12, Ground Water Elevation Contours,

Fall 1991. Draft Historical Perspective On Groundwater Resources Lower Cache Creek, May 26, 1995).

Wilbur-Ellis states that the proposed tank farm will consist of 10 upright tanks (10,000 to 20,000 gallon capacity liquid fertilizer) enclosed in a concrete containment area. The walls of the area are of such height as to hold the leakage of the largest tank in the site. The specification of the concrete slab, walls and tanks are engineered for earthquake, stress or any other natural assurance. The design of the project is subject to the approval by the California Regional Water Quality Control Board and the Yolo/Solano Air Quality Management District. The design criteria have been set forth by the Regional Water Quality Control Board for maintaining the integrity to ground water and the Yolo/Solano Air Quality Management District for air quality control concerns.

Additional mitigation conditions have been established and agreed to by the applicant for the project and incorporated as "Conditions of Approval" that will satisfactorily address the potential "significant environmental effects" created by the project.

(d) That the site is physically suitable for the proposed density of development;

The 44 acre site is physically suitable for the proposed density of development. The tentative parcel map involves the division of 44 acres into 2 parcels: Parcel 1 - 20 acres; and Parcel 2 - 23.94 acres. Parcel 1 is to consist of 5 acres for the facility, 5 acres for equipment storage, and 10 acres for a research and test plot area. Parcel 2 is to continue to be dry farm agriculture production (row crop).

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

The design of the subdivision and proposed improvements required for the project by the applicant or by an agency of jurisdiction are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Mitigation conditions have been established for the described project and outlined in the Mitigated Negative Declaration. The implementation of the mitigation measures outlined in the environmental document, should satisfactory reduce all foreseeable "significant effects on the environment" to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA) and the California Endangered Species Act (CESA).

(f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

The design of the subdivision or type of improvements are not likely to cause serious public health problems. Mitigation conditions have been established for the described

project in the Mitigated Negative Declaration and have been attached as "Conditions of Approval" for the project.

Parcel 1 is to consist of 5 acres for the agricultural chemical fertilizer distribution facility, 5 acres for equipment storage, and 10 acres for a research and test plot area. The construction of the facility will consist of the building of 2 areas where chemical and fertilizer storage will occur: liquid product at the tank farm and dry product in the warehouse. The storage and handling of chemicals and fertilizers at the site has presented comments and mitigations by the Yolo County Environmental Health Services to address potential ground water contamination.

Groundwater elevation contours dated from the fall of 1991 for the area spanning from the north of the City of Woodland to north of the Town of Yolo, including the subject site, range between 0 and 10 feet (Source: Figure 4-12, Ground Water Elevation Contours, Fall 1991. Draft Historical Perspective On Groundwater Resources Lower Cache Creek, May 26, 1995).

Wilbur-Ellis states that the proposed tank farm will consist of 10 upright tanks (10,000 to 20,000 gallon capacity liquid fertilizer) enclosed in a concrete containment area. The walls of the area are of such height as to hold the leakage of the largest tank in the site. The specification of the concrete slab, walls and tanks are engineered for earthquake, stress or any other natural assurance. The design of the project is subject to the approval by the California Regional Water Quality Control Board and the Yolo/Solano Air Quality Management District. The design criteria have been set forth by the Regional Water Quality Control Board for maintaining the integrity to ground water and the Yolo/Solano Air Quality Management District for air quality control concerns.

(g) That the design of the subdivision or 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 subdivision.

The design of the subdivision or 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 subdivision.

◆ ◆ ◆

Commissioner Webster left the meeting at 10:30.

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.

John Bencomo brought the Commission up to date on the following:

- 1) The Draft Woodland General Plan (All comments submitted to Staff by October 25, 1995, will be forwarded to the City of Woodland).
- 2) The status of the Mark Hope Project in Knights Landing. (A "punch list" will be used to see that all conditions have been met before approval by the Yolo County Chief Building Official. No final inspection has occurred at this time).

The Commission asked that the status of the Mark Hope Project in Knights Landing be placed on the Agenda for the next regularly scheduled Planning Commission Meeting.



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.

- 1) Commissioner Pollock said that the Joint Workshop of the Planning Commission and the Board of Supervisors has been rescheduled for October 24, 1995.
- 2) Commissioner Pollock asked for an update on the Rules and Regulations of the Planning Commission.



9. ADJOURNMENT

The meeting was adjourned at 11:00 a.m. and the next regular meeting of the Yolo County Planning Commission is scheduled for November 1, 1995 at 8:30 a.m. 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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