

MINUTES

YOLO COUNTY PLANNING COMMISSION

February 23, 1995

1. CALL TO ORDER

Vice Chair Pollock called the meeting to order at 8:45 a.m. and introduced Robert Heringer, Harry Walker, and Kent Lang as the newest members of the Yolo County Planning Commission. Tony Bernhard, the County Recorder, administered the Oath of Office and welcomed the new Commissioners to Yolo County.

Commissioner Pollock presented former Commissioners Spiess and Kay with an award for their service to Yolo County and to the Planning Commission.

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

MEMBERS ABSENT: None

STAFF PRESENT: Stephen L. Jenkins, Director
John Bencomo, Principal Planner
Paul A. Kramer, Jr., County Counsel
Mark Hamblin, Associate Planner
Dave Flores, Senior Planner
Mike Luken, Senior Planner
Linda Caruso, Administrative Clerk

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETING

Commission Action:

Approved the minutes of the January 4, 1995 meeting with a correction on page 15, under Commission Action, nos. 4 and 5 should read Approved, not Conceptually Approved.

MOTION: Gray SECOND: Webster

AYES: Gray, Pollock, Webster

NOES: None

ABSENT: None

ABSTAIN: Lea, Lang, Heringer, Walker

MINUTES

FEBRUARY 23, 1995

Commission Action:

Approved the minutes of the February 1, 1995 as correct.

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

3.THE ELECTION OF THE CHAIRMAN AND VICE CHAIR OF THE PLANNING COMMISSION

Commission Action:

The motion was made to elect Lynnel Pollock as the Chairman of the Yolo County Planning Commission.

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

The motion was made to elect James Gray as the Vice Chairman of the Yolo County Planning Commission.

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

4.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.

Mariane Nix, resident of Knights Landing, addressed the Commission on her concerns of new development in Knights Landing.

Arnie Spiess, former Commissioner, reminded the Commission that the Planning Secretary should also be appointed at this time.

Mary Edson, member of the Citizens Advisory Committee of Knights Landing, spoke about not being notified of the hearing for miscellaneous amendments to the Yolo County Zoning Regulations.

Wayne Berlin, resident of Woodland, thanked Commissioner Walker for his service to the community.

Director Jenkins addressed Mary Edson's concerns stating that there will be a workshop in the Planning Commission Chamber on March 8 at 7:30 p.m. There will also be an additional meeting in Clarksburg on March 9, at 7:30 p.m.

5. CORRESPONDENCE

Commissioner Pollock acknowledged receipt of the items of correspondence listed on the Agenda and the addition of several letters and memos handed out prior to the meeting.

There was discussion on setting a meeting date on March 22, 1995, for a workshop concerning Davis Community Golf Course Expansion and Residential Subdivision Project.

6. 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.

////////////////////////////////////

7. REGULAR AGENDA

7.194-018 - A continued hearing for a Tentative Parcel Map to divide a 196 acre parcel into two parcels located north of the intersection of CR 88 and 26, south of Madison within the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared for this proposal. Applicant: Greengate Land Corporation. (M. Luken)

The Staff Report was given by Mike Luken. He explained to the Commission that after the mailout of the packets, minor corrections and additions to the conditions of approval for this project were made by staff. He also indicated that the applicant is in substantial agreement with the new

conditions. He explained that this action is only an adjustment of two existing contracts on the property, so a formal contract division will no longer be necessary

Commissioner Lea explained that she abstained from this item in the past because it was originally a request for an agricultural contract split, but that was not the case any longer.

The Public Hearing was opened at this time.

Lee Humes, attorney for the applicant, objected to opening the Public Hearing again.

Paul Kramer, County Counsel, explained that since the Conditions of Approval were not available when the Public Hearing was opened at the prior meeting, then it should be opened again to allow for any comments by the public.

The Public Hearing was closed at this time.

Commissioner Webster requested a division of the question.

Commission Action:

1. **CERTIFIED** a Negative Declaration as the appropriate level of environmental review for the project.
2. **ADOPTED** the FINDINGS for **DENIAL** of the request to remove or modify the "no build condition from Final Map #3699 as presented in this Report.
3. **DENIED** the request to remove or modify the "No-Build" Condition from Final Parcel Map 3699.

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

Commission Action:

Commissioner Gray moved, seconded by Commissioner Lea to:

1. **CERTIFY** a Negative Declaration as the appropriate level of environmental review for the project.
2. **ADOPT** the FINDINGS for **APPROVAL** of the request for a Tentative Parcel Map for financing of farm improvements as modified in this report.

3. APPROVE THE REQUEST for a Tentative Parcel Map to divide a 196.58 acre parcel into two parcels totalling 116.51 and 80.07 acres subject to Conditions of Approval and as modified.

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

The motion did not pass.

Commissioner Gray also made the following motion:

Commission Action:

It was found that the Commission was deadlocked on the request for a Tentative Parcel Map. The applicant was given the opportunity to appeal this decision to the Board of Supervisors without a fee in a prompt and timely manner.

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

FINDINGS

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

Negative Declaration

1.In order to certify the 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 mitigations proposed and any comments received that there is no evidence that the project will have a significant effect upon the environment.

~~Tentative Parcel Map~~/Denial of Modification of "No-Build Final Map 3955 Condition

In accordance with California Government Code Section 66474 (Subdivision Map Act) the Planning Commission finds that:

2. That the proposed map including leaving in place the no-build restriction, is consistent with the applicable general and specific plans as specified in Section 65451.

Denial of "No Build Condition

A historic Victorian homesite existed on the subject property before 1990. To prevent the loss of this structure, a parcel division and Williamson Land Conservation Act Contract division was approved by the Planning Commission on 1/17/90. ~~In order to protect the agricultural viability of the remainder parcel,~~ A "No-Build" Condition was also approved by the Planning Commission. The modification of the "No-Build" condition from Final Parcel Map 3955 is not consistent with the intent and provisions of the Yolo County General Plan. This modification ~~would~~ could result in the incremental loss of agricultural land in violation of the land use and open space policies of the Yolo County General Plan. The Commission was not convinced of the need or substantial justification to eliminate the "No-Build" condition, and the public might construe such elimination as a violation of the public trust.

3. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The design and improvement of the parcel map will allow the continuation of agricultural operations on the subject property. This is in conformance with the provisions of the Yolo County General Plan.

4. That the site is physically suitable for the type of development.

The proposed project will not increase the density normally allowed in the project area under the current zoning.

5. That the site is physically suitable for the proposed density of development.

(a) 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 in their habitat.

No homesite is proposed to be built in this action and no land will be taken out of production. The agricultural use of this property will not cause any on- or off-site impacts on fisheries or wildlife resources.

(b)The design of the subdivision or type of improvements is not likely to cause serious public health problems.

The Yolo County Health Services Agency - Environmental Health Division has reviewed the project proposal and finds that the approval of the project will not likely to cause any public health problems.

(c)That the design of the subdivision or 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. In this connection, the governing body may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The approval of the tentative parcel map will not impinge on any known easement based on data submitted by the applicant for public access.

////////////////////////////////////

A recess was called at this time and reconvened at 10:40 a.m.

7.294-063 - A continued hearing for a request to split a 231 acre Agricultural Preserve Contract into one 80 acre and one 151 acre Agricultural Preserve Contract. Subject property is located on CR 89 in Woodland. A Negative Declaration has been prepared for this proposal. Applicant: Robert and Nancy Lea. (D. Flores)

Commissioner Lea abstained from this item.

The Staff Report was given by Dave Flores. He reminded the Commission that the Variance and Lot Line Adjustment had already been approved at the January 4, 1995, Planning Commission meeting-.

The Public Hearing was opened at this time.

Rich Jenness of Laugenour and Mickle, Civil Engineers, representing the applicants,

explained the reason for the request is to reconfigure the existing parcels to conform to the existing field boundaries and to separate the class 1 soils from the balance of the property.

Curzon Kay, former Commissioner, stated that he was in full support of the project.

The Public Hearing was closed at this time.

Commissioner Gray stated that the Commission feels strongly that everyone be treated uniformly and fairly in their deliberations and considerations.

Commissioner Webster expressed her views on the Commission's consideration.

Commissioner Walker added that the Staff Report was very clear and concise in what is being recommended.

Commissioner Pollock stated that she has always supported Agricultural Contract Splits when the parcels were already in existence.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;
3. **APPROVED** a request to divide the existing 231 acre Williamson Act Land Use Contract into two separate contracts resulting in an 80 acre parcel and a 151 acre parcel subject to the conditions listed under CONDITIONS OF APPROVAL.

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

CONDITIONS OF APPROVAL

1. Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the office of the Yolo County Public Works Director or County Surveyor, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the subject properties prior

to consideration of the amendment to Agreement No. 88-026 by the Board of Supervisors.

2. After approval of the legal descriptions by the County Public Works Department, the applicant shall also transmit the above information to the Yolo County Counsel's Office and shall execute two (2) new contracts as reflected in this report.
3. Further parcelization of either parcel shall be prohibited prior to either parcel/contract exiting from the Williamson Act.
4. Prior to the recording of the separate successor Williamson Act contracts for each parcel, the property owner shall submit to the Yolo County Public Works Department for review and approval, a right of way dedication to Parcels 1 and 2 through parcel 3 to the point necessary to allow access to the Cottonwood Slough for irrigation purposes. A copy of said easement shall be recorded at the property owners expense in the office of the Yolo County Clerk/Recorder and a copy of said recorded easement submitted to the Planning Division.
5. A California Department of Fish & Game Code Section 2081 authorization shall be executed and payment if required of mitigation fees to a Yolo County fish and wildlife mitigation account shall be made prior to issuance of a building permit.

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.)

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 consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

The proposed split is consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.

The applicants have indicated their intend to continue farming the parcels (currently in row crops and future walnut orchard). This statement and the fact that surrounding lands are currently under contract, prevents the encroachment of nonagricultural

MINUTES

FEBRUARY 23, 1995

uses other than the possibility of construction of one (1) single family home on each parcel which is currently allowed under the proposed zoning and parcel size.

(2) That the parcels tend to maintain the agricultural economy;

The applicant has stated that they intend to continue farming both of the proposed land contracts. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the parcels tend to maintain the agricultural economy.

(3) That the parcels tend to assist in the preservation of prime agricultural lands;

The proposed split will continue the preservation of prime agricultural lands as classified by the Soil Survey of Yolo County.

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

The subject property is being utilized for row crops. The possibility of allowing one (1) single-family homesite on each parcel, as currently allowed under Title 8 of the Yolo County Code, will not significantly degrade the public value of open space of the subject property.

(5) That the proposed use is consistent with the General Plan;

The applicants have stated that they intend to continue farming of the three 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 the application for conformance with the Subdivision Map Act.

(7) That the two parcels are at least 20 acres in size of irrigated land.

Assessor's Parcel No. 49-100-08 & 09 is currently irrigated. Water is available to the property by the means of three wells and also available is the Yolo County Flood Control and Water Conservation District canal system. Parcels will be 80 acres, 51.67 acres and 99.36 acres respectively.

////////////////////////////////////

7.394-073 - Request for a General Plan Consistency Review to allow the abandonment of County Road 127, west of Old River Rd. and on the top of the State Depart. of Water Resources south levee of the Sacramento bypass, north of West Sacramento. A Negative Declaration has been prepared. Applicant: City of West Sacramento (D. Flores)

The Staff Report was given by Dave Flores.

Commissioner Gray asked if by taking this action was the County removed from the responsibilities of maintaining the road and was told yes by Staff.

The Public Hearing was opened at this time.

Wayne Berlin addressed the Commission.

The Public Hearing was closed.

Commission Action:

- 1.**CERTIFIED** the 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.**RECOMMENDED** to the Yolo County Public Works Department to proceed in formalizing the abandonment of County Road 127 in accordance with the "**CONDITIONS FOR COMPLIANCE**".

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

CONDITIONS FOR COMPLIANCE

- 1. In the event that a gate is installed at the entrance to County Road 127, a "Knox Box" or similar design shall be installed to allow multiple locks which can be applied to the gate for access by Agencies of Concern.
- 2. The County of Yolo shall reserve all current Public Utility Easements upon Vacation of County Road 127.
- 3. The City of West Sacramento with the assistance of the Yolo County Public Works Department shall contact each property owner whose property will be affected by the abandonment of this roadway, and shall receive written consent prior to final action by the Board of Supervisors.

FINDINGS

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

In accordance with Article 7, Section 65402 of the Planning and Zoning Law, the Planning Commission finds:

That the proposed project conforms with the provisions of the Yolo County General Plan.

Staff has reviewed the application submitted by the City of West Sacramento and determined the project consistent with the Yolo County General Plan specifically Circulation Element 8 (Cir.8), and Open Space Policies 9 and 11 which encourages access control and safety features and protection of wildlife. As indicated earlier in the staff report, the closing off of this roadway will protect the wildlife habitat that exist within the Sacramento Bypass, which complies with the Open Space Policies of the County.

The use of a "Knox Box" will allow multiple locks to be applied to the gate for access by authorized vehicles for inspection of the levee system and in the case of an emergency.



7.4ZF4148 - Continued consideration of Ordinance Amendment to the PD-9 Zone as directed by Board of Supervisors on October 25, 1995 (Hilltop Estates).
(M. Hamblin)

The Staff Report was given by Mark Hamblin.

No one came forward during the Public Hearing.

MINUTES

FEBRUARY 23, 1995

Commission Action:

- (1) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (2) **RECOMMENDED** to the Board of Supervisors to approve the code amendments to the PD-9 Zone as shown in **Exhibit "A"**.

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

FINDINGS

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

In accordance to the provisions of Chapter 4 of Title 7 of the Government Code of the State and Section 8-2.3004 of Chapter 2 of Title 8 of the Yolo County Code, the Board of Supervisors finds the following:

- (a) The public health, safety, and general welfare warrant the change of zone or regulation.

As indicated in the Yolo County Planning Commission minutes dated September 3, 1975, the reasons that the PD Zone was originally requested on the site was: To prevent more than one dwelling unit each on Lots 1 through 11, while permitting uses allowed in the R-S Zone; and to prevent the lots created by the subdivision (Subdivision No. 2051) from being redivided; and, to specifically restrict Lot 12 to agricultural uses and not be used as a residential site. This was not specifically stated during the writing of the original ordinance. The Yolo County Board of Supervisors is attempting to put forth in writing the restrictions and requirements that were originally presented by the Planning Commission in 1975 for the PD-9 Zone.

- (b) The change of zone or regulation is in conformity with the Master Plan [General Plan].

The change in the regulation (amendment) to the PD-9 designation is in conformity with the Yolo County General Plan. The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the Hilltop Estates subdivision (Subdivision No. 2051) as RR (rural residential). In accordance with the PD-9 Zone, Lots 1 through 11 are permitted residential uses, specifically R-S (residential suburban) uses and Lot 12 was to be limited to agricultural uses only.



7.594-050 - Request for a Tentative Parcel Map to split a 255 acre parcel into a 100 acre parcel and a 155 acre parcel in the Agricultural Preserve (A-P) zone. Subject property is located on State Highway 16 and CR 81, west of Capay. A Negative Declaration has been prepared for this proposal. Applicant: Merlin and Harmon Taber. (D. Flores)

The Staff Report was given by Dave Flores.

The Public Hearing was opened at this time.

Lloyd Yeager of Yolo Engineers, representing the Tabers, explained why he objected to the three of the conditions. The intention is and has been to consider renewal of the Williamson Act Contract for the parcels after the decision is made on the land division and the present contract expires.

Merlin Taber, the applicant, answered questions concerning irrigation easement.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project as modified in the staff report;
3. **APPROVED** a request to divide the existing 255 acre Williamson Act Land Use Contract into one, 100 acre and one, 155 acre Williamson Act Land Use Contract, subject to the conditions as modified listed under CONDITIONS OF APPROVAL.
4. **APPROVED** Tentative Parcel Map No.4190 subject to the Conditions identified and modified under "CONDITIONS OF APPROVAL".

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

CONDITIONS OF APPROVAL

- 1.The Final Parcel Map, as described within this report (TPM-4190), 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-4190) shall be deemed null and void without further action.
- 2.The Final Map shall be prepared with the Basis of Bearings to be the State Plane Coordinate System with at least two points tied in to NAD 27 or NAD 83.
- 3.If a Final Map is filed before the expiration of Williamson Act Contract, ~~Within thirty (30) days of the approval of the recommended action,~~ the applicant shall submit, for review and approval to the office of the Yolo County Community Development Director, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the subject properties prior to consideration of the amendment to Agreement No. 70-053 by the Board of Supervisors.
- 4.After approval of the legal descriptions by the Yolo County Community Development Director, the applicant shall also transmit the above information to the Yolo County Counsel's Office and shall execute two (2) new contracts as reflected in this report.
- 5.Prior to the recording of the Final Map or the separate successor Williamson Act contracts for each parcel, the property owner shall submit to the Director of the Yolo County Community Development Agency for review and approval, a 20 foot easement to Parcel 2 and to Assessor's Parcel Numbers 48-100-13,14, and 15 for ingress/egress and irrigation purposes shall be shown on the Final Map. A copy of said easement shall be recorded at the property owners expense in the office of the Yolo County Clerk/Recorder and a copy of said recorded easement submitted to the Planning Division.
- 6.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.

7.A California Department of Fish & Game Code Section 2081 authorization shall be executed and payment if required of mitigation fees to a Yolo County Fish and Wildlife Mitigation Account shall be made prior to issuance of a building permit.

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:

In accordance with Section 8-2.408. of Article 4 of Title 8 and Board of Supervisors Minute Order No. 91-373, Entry No. 18 of the Blue Ribbon Task Force the Planning Commission finds:

(1) That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

The proposed split is consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157. As indicated in the staff report, the Williamson Act contract will expire in November of 1995.

The applicants have indicated their intent to continue farming both of the proposed parcels (currently in almond orchard). This statement and the fact that surrounding lands are currently under contract or in agricultural usage, prevents the encroachment of nonagricultural uses other than the construction of one (1) single family home on each parcel which is currently allowed under the proposed zoning and parcel size. Staff has determined that the parcels to be created are consistent with the Yolo County General Plan and considered viable farming units.

(2) That the parcels tend to maintain the agricultural economy;

The applicant has stated that they intend to continue farming both of the proposed parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the parcels tend to maintain the agricultural economy.

MINUTES

FEBRUARY 23, 1995

(3) That the parcels tend to assist in the preservation of prime agricultural lands;

The proposed split will continue the preservation of prime agricultural lands by the continuance of the orchard operation.

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

The subject property is being utilized for orchard. The allowance of one single-family homesite on each parcel, as currently allowed under Title 8 of the Yolo County Code, will not significantly degrade the public value of open space of the subject property.

(5) That the proposed use is consistent with the General Plan;

As indicated in the staff report, the Williamson Act contract will expire in November of 1995. The applicants have stated that they intend to continue farming both of the proposed 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, and the parcels to be created are considered viable farming units.

(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 the application for conformance with the Subdivision Map Act. The parcel was conveyed by grant deed prior to the adoption of the County's Land Division Ordinance.

(7) That the two parcels are at least 20 acres in size of irrigated land.

Assessor's Parcel No. 48-110-01 is currently irrigated. Water is available to the property by means of the Yolo County Flood Control and Water Conservation District canal system. Parcels will be 100.5 and 154.9 acres respectively.

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 as required by the Subdivision Map Act. As indicated in the staff report, the Williamson Act contract will expire in November of 1995. The applicants have indicated their intent to continue farming both of the proposed parcels (currently in almond orchard). This statement and the fact that surrounding lands are currently under contract or in agricultural usage, prevents the encroachment of nonagricultural uses other than the construction of one (1) single family home on each parcel which is currently allowed under the proposed zoning and parcel size. Staff has determined that the parcels to be created are consistent with the Yolo County General Plan and considered viable farming units.

(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.)

(c) That the site is physically suitable for the type of agricultural development consistent with County General Plan Policies and the Zoning.

~~*(The property is currently zoned Agricultural Preserve (AP) which allows this type and form of residential development. Adequate lot size configuration has been established to accommodate water and sewer installation and the establishment of additional homes will be consistent with the surrounding land use.)*~~ *(The subject property is currently utilized for agricultural operations.)*

(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)

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

MINUTES

FEBRUARY 23, 1995

4. **APPROVED** the requested modification to the Use Permit as reflected within this report and on the attached map, subject to the conditions identified under "ADDITIONAL CONDITIONS OF APPROVAL" as modified.

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

CONDITIONS OF APPROVAL ESTABLISHED BY THE PLANNING COMMISSION ON JUNE 20, 1979 for Use Permit

1. Adopted a Negative Declaration as the appropriate level of environmental assessment.
2. That all liquid and solid waste disposal methods meet the requirements of the Public Health Department and State of California
3. That all permits for water supplies and sewage disposal be secured from the County Health Department.
4. That the building permits be secured for all **existing** structures to be used for winery production to the satisfaction of the Yolo County Building Inspection Division.
5. That all new winery structures have building permits secured to the satisfaction of the Building Inspection Division.
6. That the Soil Conservation Service be consulted for proper soil stabilization methods.
7. That the requirements of all agencies of jurisdiction will be met.
8. That the project be reviewed prior to issuance of any building permits or release of surety for compliance with the adopted Winery Ordinance criteria. A report to the Planning Commission shall be made for compliance with the ordinance by staff.
9. That the use permit be reviewed in one year and a report made to the Commission relative to compliance.

ADDITIONAL CONDITIONS OF APPROVAL PURSUANT TO THIS MODIFICATION (ZF 94-100)

Building Department:

MINUTES

FEBRUARY 23, 1995

10. The applicant/owner shall submit complete plans, calculations and related documents for the existing structure to the Yolo County Building Department. The plans can be the original drawings, and any needed additional drawings, with all changes clouded in and summarized clearly in writing.
11. The plans submitted will be subject to review under the current adopted codes. Once approved, a single permit will be issued covering expired permits 89-05-05, 92-07-05. The applicant/owner shall be responsible for payment of all current building permit fees.
12. No expansion of the Winery facility will be permitted until the existing building(s) is/are brought into compliance and a Certificate of Occupancy is issued by the Yolo County Building Department.
13. Prior to issuance of building permits for the fermentation and storage tank area within Flood Zone A, the applicant/owner shall comply with the Yolo County Building Department specifications in the structural design of the pads in the fermentation/storage tank area and meet the requirements of the Yolo County Flood Damage Prevention Regulations (Ordinance 1143), to the satisfaction of the Community Development Director.
14. For each phase of development, the applicant/owner shall meet all parking and handicap parking space requirements in accordance with the Yolo County Code and Uniform Building Codes.

Health Department:

15. The applicant/owner shall secure permits from the Yolo County Environmental Health agency for any modification of septic system, or water system, including location of a wastewater sump within the 100 year floodplain.
16. The applicant/owner shall contact the California Regional Water Quality Control Board for modification of their Waste Water Discharge Permit. A copy of the modified permit shall be provided to the Environmental Health Department and the Community Development Agency for compliance of this condition.

Yolo County Public Works:

17. The applicant/owner shall dedicate an additional right of way along County Road 12A between County Road 86 and County Road 87. Right of way width shall be sixty feet wide with necessary slope easements.

Yolo County Air Pollution Control District:

MINUTES

FEBRUARY 23, 1995

18. Air Quality emissions at the Winery facility will, at a minimum, conform to the requirements of the Yolo/Solano Air Pollution Control District (APCD). Phillips Winery will provide the County with a copy of their APCD permit and conditions.

19. Dust control measures will be implemented at the unpaved areas of the Winery and will conform to the adopted regulations of the Yolo/Solano Air Pollution Control District (APCD), California Department of Fish and Game (for dust suppressants) and California Occupational Safety and Health Association (Cal OSHA).

State Department of Fish and Game:

20. A California Department of Fish & Game Code Section 2081 authorization shall be executed and payment of required mitigation fees to a Yolo County fish and wildlife mitigation account shall be made prior to issuance of a grading permit or building permit.

Yolo County Planning Division:

21. If any archeological or historical artifacts are uncovered during construction activities, the permittee shall cease operations, assure preservation of the site; and shall obtain the services of a qualified archeologist to recommend proper disposition of the site; and shall obtain the Planning Director's written concurrence of the recommended disposition before resuming development.

22. All driveway entries from the County Road and public parking areas shall be chipped sealed for the purpose of preventing mud, rocks, and other materials from accumulating upon the County Road. In accordance with Section 8-2.2412 (f3) a minimum of 100 feet of asphaltic concrete shall be installed for all driveways from the County Road once the County Road is constructed of an asphalt or concrete surface.

23. The applicant shall submit a landscaping plan for the additional buildings subject to the approval of the Community Development Director in accordance with Section 8-2412 (f12) of the Yolo County Code. The grading, landscaping design, and irrigation required for the improvement area shall be in accordance with the State Water Efficient Landscaping Ordinance.

24. The applicant/owner shall facilitate any relocation of Power lines in accordance with Pacific Gas and Electric requirements.

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;
- *proceedings for revocation of the Use Permit.

FINDINGS

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

In accordance with Section 8-2.3206 (b) of the Yolo County Code (Minor Modifications to existing Use Permits), The Planning Commission finds:

- b. Such modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that appearance and function of the total development and the surrounding development will not be significantly adversely affected as a result of such modification.

Staff has determined that request by the applicant for the construction of a warehouse facility and offices will meet all requirements established by the Yolo County Building, Planning, and agencies of concern. Surrounding development will not be effected as this area is in agricultural development and the establishment of a warehouse facility will not effect neighboring properties.

In accordance with the Winery Regulations (Section 8-2.2412), of the Yolo County Code, the Planning Commission finds:

- (1) Retail and wholesale activities conducted by the winery shall be limited to wines and grape products produced on the site or by the winery at other locations.

In addition to the winery facility on site, the applicant also has a productive vineyard operation on their property.

- (2) Retail sales of non-wine items shall be limited to such items as glassware, literature, wine-producing paraphernalia, and merchandise reasonably related to marketing wine.

The applicant has indicated that occasional wine tasting is conducted on site on an informal basis. Any sales of glassware and wine producing paraphernalia will be minimal.

- (3) The winery and all accessory and attendant operations including vehicular traffic generated by the winery, shall not create noise levels exceeding forty-five (45) decibels dBa at the exterior of bedroom windows of any off-site dwelling unit.

There are no outside dwelling units within one half mile of the current winery operations. Deliveries from and to the site are infrequent other than the normal traffic generated by the employees to and from the site.

- (4) Odors from operations shall not be allowed to become a public nuisance to adjoining property owners.

No complaints have been received by the Community Development Agency of public nuisance or odor problems since establishment of their operation in 1979.

- (5) All wineries shall comply with the requirements of the business licensing and hazardous materials provisions of this Code, if applicable.

Phillips Vineyard and Winery has a current business license on file with the Community Development Agency/Business license Department. All hazardous materials utilized in the wine processing operation were reviewed and are on file with the Yolo County Environmental Health Department.

- (6) Operations shall be in full compliance with both local and State requirements as food producing and marketing establishments.

The winery operation is in compliance with all state and local requirements in regards to food producing and marketing requirements.

- (e) *Prohibitions.* No person shall construct any new development, or make substantial improvements to an existing development, or operate an existing winery in violation of the regulations imposed by this section, or operate in violation of a term of a conditional use permit, or continue operating a winery after a conditional use permit has been revoked.

The applicant has met all conditions of approval established under their 1979 Conditional Use Permit with the exception of the outstanding building permits explained in this staff report. The Winery is currently working with the Building Department to clear up and final these permits.

- (f) *Criteria.* The following criteria shall apply to the issuance of a conditional use permit:

- (1) Where feasible, access routes to the winery shall be paved and shall be used by trucks entering or leaving the winery.

The applicant will meet the pavement requirements established under the Yolo County Zoning Code and Yolo County Public Works requirements for the expansion of the winery facilities.

(2)The winery shall provide appropriate adequate waste treatment facilities and areas which will not overload the local community sewage system. Where the winery is in the service area of a sewer district, will serve letters shall be required prior to the issuance of the use permit. In areas outside sewer districts, the requirements of the County Health Department shall be met.

The winery operation currently meets and/or exceed waste discharge requirements established by the Yolo County Environmental Health Department and State Regional Water Quality standards. Expansion of the Winery Facility will require approval by these Agencies prior to full operation of the facility.

(3)In urban areas, wineries shall provide paved driveways and driving surfaces for all vehicles used relative to the operation of the winery for the purpose of preventing mud or other materials from accumulating upon the public roads. If located in a rural area, a minimum of 100 feet of asphaltic concrete shall be installed from the State highway of County road. Improvements from the County road shall only be necessary if the County-maintained road is constructed of an asphalt or concrete surface.

The applicant will meet driveway requirements established under the Yolo County Zoning requirements and the Yolo County Public Works Department and conditions have been established for the access onto the County road system and is reflected under the "Conditions of Approval" section of this staff report.

(4)Particulate, organic, and other vapor materials in airborne effluent from the plant shall be limited to the standards allowed by the Yolo-Solano Air Pollution Control District. Applicants shall contact said District to determine if it requires an authority to construct or permit to operate.

The Yolo-Solano Air Pollution Control District reviewed their current request for additional warehouse facilities, and indicated that additional requirements to their expanded winery operations may occur when filing permit modification to their agency.

(5)Water quality shall not be adversely affected beyond the standards established by the State Regional Water Quality Control Board and the County Health Department. Applicants shall apply to the State Regional Water Quality Control Board, Central Valley Region, for its requirements prior to construction.

As indicated earlier, Yolo County Environmental Health Department and the State Water Quality Control Board have established additional conditions to the proposed facilities and are reflected in the "Conditions of Approval" section of the staff report.

MINUTES

FEBRUARY 23, 1995

(6) Adequate truck lineup areas shall be provided on the property of the winery. In no event shall winery truck lineups be allowed on adjoining public streets, except where such areas are more than 300 feet from the nearest residential dwelling.

The winery operation is located in a remote area of the County and the problem of truck lineup should not occur due to the layout of the proposed facilities from the distance to the County Road, which will not result in any truck line up on adjoining public streets.

(7) Traffic safety device systems and programs for winery truck traffic shall be required to the satisfaction of the California Highway Patrol and/or to the Sheriff-Coroner. Where the truck traffic significantly affects city streets, the applicant shall also be required to meet city police requirements.

As indicated in the staff report, truck traffic will not be significant for this project, but actually will be reduced. The Yolo County Sheriff department reviewed the current request, and indicated no concerns of public safety.

(8) An agreement between the County and the winery owners shall be required which provides for the removal of the structures and facilities of the winery within thirty-six (36) months if no legal, regularly permitted, or conditionally permitted use is established should the winery cease operations. Such agreement shall be assured by a bond or other appropriate means sufficient to provide for the removal of structures and facilities from the site in the event of the cessation (other than seasonal shutdown) of the use for thirty-six (36) months or more. Winery structures which can be converted to agricultural operations other than wine producing may be exempt from this provision.

The winery owner may be required to prepare a monthly tally of all tours and the total number of tourists visiting the facility for the first year of winery operation.

A major portion of the facilities on site can be converted to agricultural operations if the winery should cease operations. Staff does not see the necessity for bonds at this time, based on the positive growth pattern of this winery, and the owner's willingness to bring said operation to building standards.

(9) The winery facilities shall be located 400 feet measured back from the center line of any State highway and 200 feet measured back from the center line of all other public roads.

The proposal before the Planning Commission is a Variance approval from the 200 feet from the centerline of the county road to 165 175 feet. (Co.Rd 12 A).

(10)The winery shall have a minimum separation of not less than 500 feet from the nearest off-site residence or guest house.

The nearest off-site residence is located approximately one half mile from the winery facilities.

(11)At least one parking space per employee shall be provided. If winery tours are to be included, necessary guest parking spaces shall be provided as determined by Section 8-2.2504 of Article 25 of this chapter.

The current winery facility meets the requirement of one parking space per employee. Winery tours are allowed per the conditional use permit and the applicants have provided additional guest parking spaces as part of their application.

(12)In order to blend the winery with the agricultural character of the surrounding area, the applicant shall submit a landscape plan acceptable to the Community Development Agency. Landscaping requirements may vary, depending on the winery location, with respect to roadway visibility, existing vegetation, and adjacent off-site improvements. Landscaping shall be installed prior to the final building inspection approval by the County. A temporary certificate of occupancy may be granted when landscaping work is delayed because of bad weather. All required plantings shall be permanently maintained in good condition and, whenever necessary, replaced with new plant materials.

Currently the winery is surrounded by vineyard. The applicant will be required to submit a landscape plan for the proposed facilities and approved by the Community Development Agency.

(13)Where the proposed winery is within the high fire risk area of a fire district, a clear zone, compatible with a landscaping plan, shall be established and maintained to the satisfaction of the local fire district. Adequate year-round access shall be provided to each building for fire department equipment.

Adequate distance will be provided between buildings for fire department access. The landscaping plan will require fire resistant plants in accordance with Department of Forestry requirements. As indicated earlier, the surrounding property is planted in vineyard which provide a scenic view from the Winery facilities.

(14)Operators of the winery shall properly handle and dispose of all solid waste generated from the operation.

Disposal of solid waste is currently in compliance with the County Health Department requirements. Any expansion of the facility will require Health Department review and approval.

Variance

In accordance with Section 8-2.2904, Article 29 of Title 8, the Board of Zoning Adjustment has determined the following:

- (1) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

Other properties within the same vicinity of this parcel are either within the Agricultural General (A-1) Zone or Agricultural Preserve (A-P) Zone which require a minimum front yard setback of ninety feet from the centerline of the County Road. The Winery Ordinance requires a minimum 200 feet from the centerline of the County Road. Staff does not believe this will provide any special privileges to the applicant.

- (2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

The request of the variance from the 200 foot winery setback to 165 feet is due to the physical constraints of the parcel. The 100 year flood plain (Flood Zone A) encroaches into the rear of the project site, which reduces the area available for the winery development. The project is located in a remote area which eliminates any adverse effect that a minor reduction in setback might have.

- (3) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

As indicated earlier, the request under this application is intended to expand a current winery operation which will allow it to consolidate its production capabilities and benefit the County by providing additional employment, and continue a profitable agricultural operation. Staff believes these circumstances as stated, is in conformity with the General Plan, Yolo County Code, and Master Plan of the County.



7.794-103 - Request for a Conditional Use Permit to legalize a riding stable and existing non-conforming commercial recreational facility on an approximate 17 acre property in the Agricultural General (A-1) Zone. Property is located on the north side of CR 20, west of CR 96, NW of Woodland. A Negative Declaration has been prepared. Applicant: Cliff Brown (M. Hamblin)

The Staff Report was given by Mark Hamblin.

The Public Hearing was opened at this time.

Cliff Brown, the applicant, stated he objected to the additional right-of-way required by Public Works.

John Joyce, Public Works Director, addressed the right-of-way issue stating that CR 20 was a designated arterial road. He agreed, however, that the additional right-of-way was not required since it was a dead end road and mostly used by gravel trucks and the applicant.

Commissioner Lea added that she knew the road and it was comparable with a private driveway.

Commission Action:

- (1)**CERTIFIED** that the proposed Negative Declaration was prepared 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)**APPROVED** the Conditional Use Permit subject to the conditions listed under "CONDITIONS OF APPROVAL" as modified in the staff report.

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

CONDITIONS OF APPROVAL

Project

MINUTES

FEBRUARY 23, 1995

1. The development of the site including future development, involving the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan and operated in a manner consistent with the project's approval.
2. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
3. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
4. ~~The applicant shall dedicate to the County of Yolo an additional right-of-way for a total of forty-two feet (42') from the centerline of County Road No. 20 to the north edge of the easement. Said dedication along County Road No. 95 shall be made to the satisfaction of the Yolo County Department of Public Works and Transportation, prior to the issuance of the building permit.~~
4. The applicant shall provide adequate on-site parking for all scheduled activities to the satisfaction of the Director of the Yolo County Community Development Agency. The applicant shall provide a site plan showing the parking area and traffic flows into and out of the site prior to the issuance of the building permit.
5. No parking shall be permitted along County Road No. 20.
6. Fire extinguishers shall be installed in a prominent location in each of the barns and the office, and a fire lane shall be established around the barns and the arena. The number and location of said fire extinguishers, and the size and design of the fire lane shall be subject to the approval of the Fire Chief of the Willow Oak fire Protection District. A site map showing the location of the fire extinguishers and the designated fire lanes shall be provided to the Willow Oak fire Protection District and the Yolo County Community Development Agency, Building Division prior to the issuance of a building permit.
7. If archaeological materials are uncovered during grading, trenching or other construction operations, earthwork within 100 feet of the discovery of the materials shall be stopped until a professional archaeologist certified by the Society of California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation measures if necessary. The Director of the Yolo County Community Agency shall be notified immediately of the discovery of archaeological materials.

8. The site shall be properly managed to prevent public health nuisances that include but are not limited to noise, vectors, odors, dust, and surface or ground water contamination or pollution so as not to become detrimental to neighboring properties.
9. 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.
10. Cache Creek or the Magnolia Canal or any tributary 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 Cache Creek, the Magnolia Canal or any tributary.
11. The project shall maintain a fifty (50) foot setback from the top of the bank of Cache Creek, Magnolia Canal or any tributary. Where there is no discernable bank, the setback shall be measured from the line closest to the creek, canal or tributary where riparian vegetation is permanently established.
12. The property owner shall obtain a permit from the Yolo County Health Services Agency, Environmental Health Services for the sale or serving of food to the public.
13. Drinking water to be provided to the public shall be from a source approved by the Yolo County Health Services Agency, Environmental Health Services.
14. The applicant shall comply with the requirements of all agencies of jurisdiction in the implementation of this project.
15. This Conditional Use Permit is subject to being modified by the Planning Commission as needed to reflect changed conditions at the site or to assure mitigation of public health concerns.
16. This Conditional Use Permit (Z.F. No. 94-103) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in any or all of the following:

.the revoking of the Use Permit;

.non-issuance of a future building permit;

.legal action.

FINDINGS

[Supporting evidence has been indented and italicized]

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission (acting as the Board of Zoning Adjustment) finds:

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

The riding stables and recreational facilities are allowed within the A-1 Zone with an approved conditional use permit, pursuant to Section 8-2.604 of Article 6 of the Yolo County Zoning Regulations.

b.The requested use is essential or desirable to the public comfort and convenience;

Animal husbandry is an accepted practice under category of agricultural operations. The applicant provides board and care services for horses to customers who mainly reside near the City of Woodland and within northeastern Yolo County. The applicant provides an area for penning practice and team penning activities to customers.

c.The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare;

The proposed project on the 17 acre property will not impair the integrity or character of the rural agricultural, sand and gravel mined area.

The Yolo County Health Services Agency, Environmental Health Services Division indicated concerns regarding: vectors; the generation of flies by horse manure; odor generated by horse manure; and surface or groundwater pollution caused by horse manure. In addition, they have also indicated that the facility must obtain a permit from Environmental Health if food is ever sold or served to the public. Drinking water provided to the public must be from an source(s) approved by Environmental Health Services. 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.

MINUTES

FEBRUARY 23, 1995

d. The requested use will be in conformity with the General Plan;

The proposed project is determined to be in conformance with the following applicable provision of the General Plan - LU 18. Agricultural Area Uses which states that the findings for approval shall include, but is not limited to:

.The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals, and;

The applicant is establishing a facility for the commercial raising, boarding, and care of horses.

.Will not diminish nor prevent agricultural use on site or on adjoining agricultural lands, and;

The project will not diminish nor prevent the agricultural use on the site or adjoining agricultural land. The applicant has cluster the structures (i.e. barns, stalls, etc.) with the existing residence on an approximate 2.5 acre portion of the 17 acre site. The balance of the site is being use for cultivation of crops (row crops). The property to the west involves row crops and Teichert's sand and gravel pit processing facility. To the north of the site is the gravel pit and the Magnolia Canal.

.The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of agricultural products on the site. The applicant has cluster the structures (i.e. barns, stalls, etc.) with the existing residence on an approximate 2.5 acre portion of the 17 acre site. The board and care facility is located in the southeast corner of the site. The balance of the site is being use for cultivation of crops (row crops).

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

The project has public road frontage along County Road No. 20 no additional access roads are necessary. Cache Creek or the Magnolia Canal or any tributary shall not be utilized as a depository of any substance that would not be approved for discharge by the California Regional

MINUTES

FEBRUARY 23, 1995

Water Quality Control Board. Treated effluent, horse manure, shall not be discharged into Cache Creek, the Magnolia Canal or any tributary. The applicant is to submit a "horse manure management plan" to the Yolo County Health Services Agency, Environmental Health Services for their approval. The county Public Works Department is requiring a road dedication. No additional public service facilities are necessary.



7.8A status report on the Dunnigan General Plan Update.

Mike Luken gave the Staff Report. He explained that after receipt of funds to pay for the Environmental Impact Report, it will take approximately 31 weeks to receive the final EIR, possibly in late September.

Director Jenkins explained that the problems encountered have been with development economics.

Commissioner Gray asked how the infrastructure study was financed in Dunningan. Director Jenkins answered that money was used from a grant account, but the money will be reimbursed to the County by the applicants based on their acreage.

The Public Hearing was opened at this time.

Gary Shad, resident of Dunnigan, questioned how far are we going to move from the conceptual plan that the committee previously approved. Sewage, drainage and water were his concerns.



7.9A status report on the Esparto General Plan Update.

The Staff Report was given by Director Jenkins. He explained that on December 13, 1994, the Board of Supervisors executed an Agreement with Psomas Engineers to prepare the required infrastructure study, subject to receipt of full funding from private sector funds in the Esparto area. The studies could then be completed in about three months.

The Public Hearing was opened at this time.

Tom Moran, property owner, offered a solution to the funding problem called "phasing". He explained that the people who have already contributed to the study, would be considered "Phase 1". When "Phase 2" people decide to participate, they can contribute to the study and proceed and so on.

Commissioner Gray said he would not support phasing. He suggested that an agreement be made with developers to reimburse property owners.

Commissioner Lea left the meeting at 1:45 p.m.

Bob Warren, of Warren Real Estate, explained the mailing list procedures.

Merideth Stephens, explained her letter submitted to the Commission. She said that although it was not uncommon to have landowner funding, she had some serious doubts as to how this assessment was being done across the board.

7.10A discussion concerning "The Rules of Order" for the Planning Commission.

Commissioner Gray asked for this item to be placed on the March 8, 1995, agenda.

////////////////////////////////////

7.DIRECTOR'S REPORT

Director Jenkins updated the Commission on the following:

- (a)The approval of items from the January 20, 1995, Zoning Administrator Hearing.
- (b)An appeal of a decision of the Community Development Director regarding compliance with development standards for construction of a single family house in Knights Landing from Chuck and Judy Townsend.
- (c)He introduced the new resource management coordinator, David Morrison.

8.COMMISSION REPORTS

Commissioner Gray asked that rules of operation be provided to the new Commissioners. He also asked Staff for a letter from former Commissioner Spiess be given to the new Commissioners.

9.ADJOURNMENT

The Planning Commission meeting was adjourned at 2:00 p.m. The next meeting of the Yolo County Planning Commission is scheduled for March 8, 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.

Respectfully submitted by,

Stephen L. Jenkins, Director
Yolo County Community Development Agency

A:\mnts\Feb23.95

SLJ:lyn