

MINUTES

YOLO COUNTY PLANNING COMMISSION

March 6, 1996

1. CALL TO ORDER

Vice-chair Lea called the meeting to order at 8:35 a. m.

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

MEMBERS ABSENT: None

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

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

MINUTES
PLANNING COMMISSION

YOLO COUNTY
MARCH 6, 1996

Commission Action:

The Minutes of the February 7, 1996 Planning Commission Meeting were approved with no corrections.

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

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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

Vice Chairman Lea acknowledged receipt of the correspondence in the packet as well as the following items distributed at the beginning of the meeting.

- (1) Two letters from George and Beth Zelenski regarding their opposition to the Bataglia application.
- (2) A memo from Betsy Marchand regarding the CalFed Bay-Delta Program.
- (3) An outline map of the City of Woodland's General Plan adopted in February, 1996.
- (4) A letter from Charles Mack, County Counsel, regarding Chemical and Fertilizer businesses within the A-P zone.



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.

5.1 95-083- A request for a Conditional Use Permit to install a temporary mobile home as a "granny" unit. Subject property is located on the west side of CR 95, approximately 1/4 mile north of CR 24 near Monument Hills in the Agricultural General (A-1) zone. A Categorical Exemption has been prepared for this item. Applicant: Ronald and Debra Rudy (D. Flores)

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 95-083), subject to the proposed Conditions of Approval.

MOTION: Pollock SECOND: Walker

AYES: Lea, Pollock, Lang, Walker, and Heringer

NOES: None

ABSENT: Webster and Gray

ABSTAIN: None

CONDITIONS OF APPROVAL

Planning Requirements

- 1. That the Use Permit is granted for the proposed project as described within this report (ZF 95-083), 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.

Building Requirements

3. The applicant shall obtain a building permit for the proposed mobile home and shall install a temporary or a permanent foundation for the mobile home.
4. The 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.
5. The applicant shall submit verification to the Yolo County Building Division that the existing mobile home has been removed prior to the issuance of the Certificate of Occupancy for the Granny flat unit.

Fire Department Requirements

6. The applicant shall meet all the fire protection, on-site water storage and access requirements of the Willow Oak Fire District.
7. Landscaping shall be of nonflammable vegetation within 30 feet of buildings.
8. Addressing for the mobile home along the public road frontage shall be posted using 3 1/2" reflective numbers visible to the vehicular traffic prior to the final inspection for the mobile home.

Environmental Health Department Requirements

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

County Counsel

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.

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-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 installation of the mobile home as 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 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. 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.

- (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 25 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 existing single family 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 proposed mobile home ("granny" unit) is to be used as a temporary residence for an aged parent who is 75 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 1200 sq. ft.



6 . REGULAR AGENDA

- 6.1 95-080- A request to separate a Williamson Act Contract into three separate A-P contracts to be consistent with the ownership of the three legal parcels. Subject property is located on CR 13 approximately 1/4 mile west of Highway 113, CR 98, and CR 15 in an Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared for this item. Applicant: J. Sambucetti (D. Flores)

Dave Flores gave the Staff Report.

Director Jenkins commented on Condition #4 regarding the "No Build" condition.

Commissioner Walker asked for clarification on the number of wells on the parcels.

Commissioner Pollock asked if the Nakagaki Family was involved in this application. It was answered by Staff that the Sambucetti's knew that to get the application approved, the Nakagaki's signature would be needed.

It was noted by staff that discussions with the applicants were conducted to determine what steps would be needed to clean up the non-conforming Williamson Act contract split. Commissioner Gray arrived at the meeting at 9:50 a.m.

The Public Hearing was opened at this time.

Don Sambucetti, the applicant, said that they researched the situation prior to purchasing the parcels and felt they had the "go ahead". He added that his brother could not get financing until the Williamson Act contract is cleaned up.

Commissioner Gray verified that the applicant was in agreement with the Staff Report as presented except for the "No Build" restriction.

The Public Hearing was closed at this time.

A discussion took place regarding the removal of the "No Build" condition.

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 presented in the staff report;
3. **APPROVED** a request to divide the existing 93 acre Williamson Act Land Use Contract into three separate contracts, one consisting of 30 acres, and two of 31.5 acres each, subject to the conditions listed under "CONDITIONS OF APPROVAL", as amended.

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

CONDITIONS OF APPROVAL

Community Development Agency :

1. The owner, his successor's or assignees shall contact the Yolo County Counsel's Office within (30) days of the effective date of the recommended action, and submit a revised Agricultural Preserve legal description to be incorporated into the revised Land Use Contracts

for the parcels for completion of the required amendment to Agreement No.72-277.

2. The property owner(s) shall execute separate successor Williamson Act contracts for each separate legal parcel in a form approved by the Office of the County Counsel of Yolo County and Director of the Yolo County Community Development Agency. Said Williamson Act contracts shall be recorded at property owners expense in the Office of the Yolo County Clerk/Recorder.
3. A copy of the recorded separate successor contracts for each separately situated parcel shall be returned to the Yolo County Community Development Agency, Planning Division within forty-five (45) days from the date of the approval by the Planning Commission and prior to the issuance of any permits on the site.
- ~~4. A "no build" restriction shall be placed on Parcel 6 (APN# 56-190-06) for as long as the property is included within a Williamson Act Contract.~~
5. The owners of the three separate A-P contracts shall annually demonstrate that, except for a homesite no larger than a single acre, the remainder of the acreage is being used for the commercial production of agricultural products or is planted with immature fruit or nut trees, or vines, or is used partly for storage of commodities obtained from the owner's owned or leased land elsewhere or for equipment used to

farm the owner's other owned or leased land, which demonstration shall be made by filing a declaration or a Williamson Act questionnaire with the County Assessor not later than April 1 of each year. Failure to file the declaration or questionnaire by April 1 or failure to meet the above criteria shall cause the property to be valued pursuant to Section 423 (3) of the Revenue and Taxation Code using as the stipulated income to be capitalized the product of the property's factored base year value and the capitalization rate applicable for valuing restricted open-space land. If the property owner fails to file the declaration or questionnaire for two consecutive years, the County shall consider giving notice of non-renewal of the Williamson Act contract. The above conditions shall be reflected in the applicable Williamson Act contract(s).

County Counsel:

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.

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

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

A - P Contract:

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 contract splits are consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.

The applicants have indicated by their Viability letter that they intend to continue farming the parcels (row crop). This statement and the fact that surrounding lands are currently under contract, prevents the encroachment of nonagricultural uses.

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

The applicants have stated in their Viability letter, that they intend to continue farming the 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.

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

The proposed contract splits will continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the three legal parcels consisting of 93 acres in the Williamson Act. In addition, this will clear up a situation where parcels were sold without first obtaining the necessary Planning Commission approval for a Williamson Act contract split.

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

The subject properties will continue to be utilized for open space and agricultural purposes. The applicant proposes to keep their parcels within the Williamson Act.

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

The applicants have stated that they propose to farm the parcels, per their Agricultural Viability Letter dated December 5, 1995. The applicants have indicated they have no intention of rescinding their Williamson Act Contract which demonstrates their intent to continue farming the parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the proposed split is consistent with the preservation of agriculture as mandated by the Yolo County General Plan.

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

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

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

Assessor's Parcel No. 56-190-05,06, & 56-200-19 have the means for irrigation by existing wells. The Williamson Act Contracts to be created will be 30 acres, and two-31.5 acre parcels respectively.

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- * Commissioner Gray resumed the Chair at this time.

6.2 95-082- A request for a Use Permit to allow for the establishment of a Aerobic Compost Process Facility on 36 acres of a 76 acre parcel of land. Subject property is located at 40600 CR 18C, west of the existing Spreckles Sugar facility and east of the California Northern railroad tracks in the Agricultural General (A-1) zone. A Negative Declaration has been prepared for this item. Applicant/Owner: Spreckles Sugar Company/Greenbelt Carriers Inc. (D. Flores)

The Staff Report was given by David Flores.

Commissioner Lea asked if this project was to become a problem with the neighbors, would it be costly to relocate. It was answered by Staff that it would not cause financial hardship.

Director Jenkins stated that the Yolo County Community Development Agency and the Environmental Health Department will be reviewing the project and reporting their findings to the Planning Commission for any necessary modifications to the Conditions of Approval.

The Public Hearing was opened at this time.

Larry Bailey, Manager of Safety Environment for Spreckles, explained why the alternative site could not be used. Lack of space and dust are a problem.

Commissioner Pollock asked for a clarification of the aerobic composting process.

Commissioner Lang asked what the months of operation would be. The applicant answered March through December.

John Watson, AG Manager, explained how the land would be reclaimed to AG land after the project is completed. The field would be ripped and irrigated.

Commissioner Walker asked for clarification of what kind of testing is done on the compost.

Marsh Davidson, a owner of Greenbelt Carriers, Incorporated, said temperatures must be at least 140° but not as high as 160°. Temperatures are monitored very closely and the State tests for purity of the composting material.

Ed Carlini, District AG Manager in Manteca, said there are no complaints at the Manteca site from neighbors concerning flies or odors.

The Public Hearing was closed at this time.

A discussion took place regarding the addition of a new Condition of Approval that would require a review by the Planning Department and the Environmental Health Department.

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** the Conditional Use Permit for a Compost Facility, subject to the conditions listed under "CONDITIONS OF APPROVAL.", as amended.

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

CONDITIONS OF APPROVAL

Community Development Agency:

1. No solid waste shall be deposited in such a manner that it has direct contact with either surface or ground water, except as approved by the California Regional Water Quality Control Board.

2. The operator shall take adequate measures to minimize the creation of dust by use of water trucks for fire lanes and a sprinkler system and/or water truck for windrow areas.
3. Use Permit shall be subject to review by the Yolo County Community Development staff and the Yolo County Environmental Health Department in one year from the issuance of the Use Permit and their findings shall be reported to the Yolo County Planning Commission for any necessary modification to the project or Conditions of Approval.
4. The hours of operation shall be limited to 7:00 am to 6:00 pm Monday through Friday.
5. The applicant will install "quick" maturing trees along the northern boundary of the property which faces County Road 18A, and along the eastern boundary of the property which faces the California Northern Railroad. These trees shall be evenly spaced to provide a visual screen, and provide a physical barrier to assist in keeping the compost material on-site during high winds. A landscaping plan shall be submitted to the Community Development Agency for review and approval.

Yolo County Public Works Department:

6. The facility shall be designed and constructed to contain drainage waters originating on-site from encroachment onto County right of ways. Other means of on-site detention shall be approved by the Yolo County Public Works

Department and the California Regional Water Quality Board.

7. Applicant shall dedicate an additional (5 feet) right of way for a total of 30 feet from the centerline of County Road 18C.
8. Traffic flow into and out of the compost operation site shall be in a manner so as to minimize interference and safety problems for traffic on adjacent public roads:
 - A. Stacking of vehicles waiting to enter the operation on public streets or roads may only occur as approved by the Yolo County Department of Public Works and Transportation and the Yolo County Sheriffs Department.
 - B. Access to and from the site shall be from County Road 18 A, by way of the identified route utilizing County Roads 100B, 18C, and County Road 102 (See Exhibit "C" - Transport Route.)

Woodland Fire Department:

9. Extend a minimum 8 inch looped fire line from the existing plant circulation mains out to along the eastern boundary of the proposed compost area with an on-site hydrant to be centrally located that will be accessible for water tender refill operations, as well as, direct lay firefighting operations.

10. At the hydrant, install a house hose attachment to accommodate a minimum of 200 feet of 2 1/2 inch hose and 100 feet of 1 1/2 inch hose, a 2 1/2 to 1 1/2 inch gated wye and two, 1 1/2 inch combination nozzles. A hydrant wrench shall also be included.
11. A proposed 4500 gallon water tank would be optional in that the hydrants would be the primary water supply. The 4000 gallon water trucks would also a secondary water source in that constant manning will not be available.
12. Compost material shall be confined in piles or windrows not to exceed 12 feet wide, 5 feet high and 800 feet long and no smoking, welding, open flame devices or other combustible materials (i.e. grass, weeds, leaves, etc.) shall be allowed within 50 feet of the compost material piles or windrows.
13. All internal combustion engine vehicles operating within the boundaries of the facility shall have a City of Woodland Fire Department approved exhaust system.
14. Any smoke or fire emanating from the piles or windrows shall be reported to the City of Woodland Fire Department immediately.

Yolo County Environmental Health Department:

15. The compost facility shall not create any public nuisance such as odor and flies. If such problems should occur from the stated nuisances,

the Yolo County Environmental Health Department shall immediately shut down such operations and operations shall not resume until violation(s) are corrected to the satisfaction of the Yolo County Environmental Health Department. The Yolo County Community Development Agency shall be notified of such action.

16. Air Permits for process equipment shall be secured from the Yolo /Solano Air Quality Management District. Copy of permit shall be submitted to the Yolo County Community Development Agency.
17. Water Discharge Permits shall be secured from the Central Valley Regional Water Quality Control Board.
18. A composting Permit shall be secured from the Environmental Health Department prior to commencement of operation.
19. The facility will need to be in conformance with the County Integrated Waste Management Plan. The applicant shall contact the County Waste Advisory Committee for necessary approvals.
20. Without prior approval of the Yolo County Environmental Health Department, no material other than green material feedstocks, grape pumice, and animal manure shall be permitted on the premises. Under no circumstances shall any hazardous or toxic material be utilized on the premises.

County Counsel :

21. 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.

22. Within one year of the completion of the composting operation, the parcel shall be reclaimed to soil condition appropriate to ag production on Class one soil.

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

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

FINDINGS

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

California Environmental Quality Act & Guidelines
(CEQA)

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

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

Use Permit:

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

- a) The requested use 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. The request is for a compost facility which requires a Conditional Use Permit under the Agricultural General (A-1) Zoning regulations.

The proposed use (compost facility) will be restricted to approximately 36 acres of the 76 acre parcel. The remaining area (76 acres) will continue in agricultural use and therefore the operation will not impact the existing agricultural uses of the adjacent properties.

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

The proposed compost facility will provide a soil amendment which will be available to the public, and nursery and landscaping businesses.

The proposed use has been conditioned to avoid creating a public nuisance problem such as to noise, and odors 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 proposed compost facility to become a public nuisance is significantly reduced.

- (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 compost facility on the subject property will be consistent with the agricultural zone in which the property is located because it will utilize by-products from the adjacent sugar facility and manure from adjacent properties, thereby significantly

reducing the need to dispose of these by-products to the local landfill.

With the Conditions of Approval in place, the proposed Compost facility on the 36 acre property should not impair the integrity or character of the rural agricultural area. The Yolo County Environmental Health Department and Yolo County Public Works Department have recommended approval of this proposal.

- (d) The requested use 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 allows the reuse of an agricultural by-product for a soil amendment which can be utilized both by the public and agricultural businesses (Landscaping and Nursery businesses.) Also, 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 18A via an existing driveway; Adequate drainage will be addressed through proper grading of the property in accordance with Yolo County Public Works standards;

Adequate health/safety/sanitation standards will be insured by the Fire, Building, and the Environmental Health Department.



- 6.3 95-056- A request for Tentative Parcel Map to divide a 30.29 acre parcel into three 10-acre parcels. Subject property is located at 17689 CR 97 in the Willow Oaks area in the Agricultural General (A-1) zone. No Environmental Determination has been made. Applicant: Marc Battaglia (D. Flores)

The Staff Report was given by Dave Flores. He gave the reasons why Staff was recommending denial of this Tentative Parcel Map.

Marc Battaglia, the applicant, said he wanted to dispel the rumor that he and his partners are a development company or a large corporation. He contended that by right, they would be allowed to have one primary house, one "granny" unit, and one home for a farm worker on the 30 acre parcel. The result would be the same if they would be allowed to divide the 30 acres into three separate parcels with deed restrictions. There will not be any less homes if the project is denied.

Commissioner Webster arrived at the meeting at 9:50 a.m.

Commissioner Lea informed the applicant that although the primary house would be permitted by right, the request for the "granny" unit and the farm worker home would have to come before the Planning Commission before it might be approved.

She also stated that if these homes were approved, that they would have to be located in a compound.

John Perry, Co-owner, presented a chart reflecting the 1994-1995 gross crop revenue for the 30 acre parcel. Money was lost. The property is not a viable ag property.

The Public Hearing was opened at this time.

Robert Frammel, adjacent property owner, was concerned about further encroachment, traffic, and water supply.

Beth and George Zelenski, surrounding property owners, said they would greatly be in favor of keeping this property in agricultural production. The past owner did well in farming that parcel. Ray Diffeideffer, adjacent property owner, said he is very opposed to this project.

John DeVoe, adjacent property owner, said if this project is allowed to be developed, others will want to divide their parcels.

Commissioner Lea asked if Mr. DeVoe if are there existing agricultural wells that return a reasonable amount of water to irrigate a 30 acre parcel in that area. He answered that there is groundwater there, but if he would be farming the parcel he would have to get water from Clear Lake.

Jim Froman, Chief of the Willow Oak Fire Department, representing the Board of

Commissioners, stated that they are opposed to this subdivision. He also clarified that the fire department requires an access road to be at least a 20 foot, all-purpose, all-weather road with a turn-around.

The applicant indicated that the road for emergency access has always been part of the proposal.

John Perry indicated the Wilson Pump Company told him the well on the property could not be repaired.

The Public Hearing was closed at this time.

A five minute recess was called at 10:00.

Commissioner Pollock said the proposal does have merit, however in this situation she could not support it. Perhaps in the future when the City of Woodland's sphere of influence grows, that would be a different matter. Dividing agricultural properties into smaller parcels does not serve the general good of the area.

Commissioner Lea said she had concerns about the Willow Oak area because there is an attempt there for legitimate agriculture to continue. The mere fact that mistakes were made thirty or forty years ago allowing a lot of residential use is no reason to continue that pattern of inconsistent use. There are too many incompatible issues.

Commissioner Walker said that there was poor planning and questionable decisions made years ago.

He had concerns about the Schoolhouse Ditch reinstatement. He went on to say that regarding the agricultural viability of the parcel, he believed that water could be provided and the land could be farmed.

Commissioner Gray read from the SACOG flyer regarding regional data. In Yolo County, there was a decrease in the number of farms but an increase in the acres of farmland in production from 1987-1994. The County must be consistent in dealing with development applications. Development should only be allowed to change the character of the land when there is a compelling reason, a General Plan purpose, and the public understands what the impacts are for those proposed changes. But, since it is not Yolo County's policy to permit the conversion of prime farm land to residential uses, he could not support the application.

Commissioner Action:

1. **ADOPTED** the Findings for Denial of this project as presented in the staff report
2. **FOUND** that the proposed project is not consistent with the Yolo County General Plan Land Use and Open Space Policies as described in this staff report.
3. **DENIED** the request for a Tentative Parcel Map creating three, 10 acre parcels for the purpose of creating buildable homesites in the A-1 (General Agricultural) Zone.

4. **CERTIFIED** staff's determination of a Statutory Exemption from the California Environmental Quality Act (CEQA) for Denial of Projects as the appropriate level of environmental review for this project.

MOTION: Lea SECOND: Pollock

AYES: Webster, Heringer, Walker, Gray, Pollock,
 Lea and Lang

NOES: None

ABSENT: None

ABSTAIN: None

FINDINGS

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

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

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

The proposed map is inconsistent with Land Use Policies 6,14, 20 and 21 and Open Space Policy 4 of the Yolo County General Plan which prohibits the division of agricultural lands for the purposes of creating homesites. In addition, the proposal is inconsistent with the Woodland Area Plan as this area is designated for agricultural usage.

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

The design of the proposed map is inconsistent with Land Use Policies 6, 14, 20 and 21 and Open Space Policy 4 of the Yolo County General Plan prohibiting the division of agricultural lands for the purposes of creating homesites.

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

The property is surrounded by active agricultural usage on three sides, and would be in conflict with agricultural operations (aerial or ground spraying of adjacent properties, early morning-evening farming activities etc..).

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

*With the exception of Willow Oak Subdivision which is located to the west of this property, the property is surrounded by agricultural farming activities. By approving this application would be inconsistent with the County's General Plan Policies which states the County shall **vigorously** conserve and protect agricultural lands.*

- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or

substantially and avoidably injure fish or wildlife or their habitat.

Staff believes that this proposal may cause substantial environmental detriment as this area of the County is within the Swainson Hawk habitat areas, and removal of this property from agricultural usage would affect the foraging potential for the hawk.

- (f) That the design of the subdivision or type of improvements is likely to cause serious health problems.

As indicated earlier, with the spraying application to the adjacent parcels (which are in agricultural usage), the mist or over spraying could affect the property owners and their family members with inhaling these chemicals.

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed division. In this connection, the governing body may approve the map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previous acquired by the public. This subsection shall apply only to those easements of record or to easements established by judgement of the 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 the property within the proposed subdivision.

As discussed earlier in the staff report, the Yolo County Flood Control District indicated the parcelization of this property could conflict with their future development of School House Ditch which extends through their property. In addition, the applicant is proposing access between two existing properties which have homesites. This may cause undue hardship to the owners with noise, traffic, and safety concerns.

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6.4 95-072- A request for a Conditional Use Permit to allow the construction of two single family dwellings for ranch/farm employees on a 400 acre parcel. Subject property is located at the end of CR 57, approximately 4 miles north of Guinda in an Agricultural General (A-1) zone. A Negative Declaration has been prepared for this item. Applicant: Robert and Rebecca Pine (M. Hamblin)

The Staff Report was given by Mark Hamblin.

Commissioner Pollock had concerns with the access road. She asked if County Road 57 goes to the property. It was indicated by Staff that it does.

A discussion pertaining to the Guinda Bridge and "The Notice of Potential Access Impairment" took place.

The Public Hearing was opened at this time.

Jeff Shellhammer, the agent for the applicant, explained that if the bridge were to go out, there would still be access off of Highway 5. Additionally, other land locked parcels have legal access to the road.

The Public Hearing was closed at this time.

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 presented in the staff report.

MOTION: Lea SECOND: Pollock

AYES: Pollock, Lea, Heringer, Lang, Gray and Walker

NOES: None

ABSENT: None

MINUTES
PLANNING COMMISSION

YOLO COUNTY
MARCH 6, 1996

ABSTAIN: None

CONDITIONS OF APPROVAL

Planning Division:

- (1) Any future structures and/or improvements shall be placed in a clustered configuration near the primary residence and submitted for review and approval by the Director to minimize the conversion of agricultural land.
- (2) This Conditional Use Permit (Z.F. #95-072) shall commence within two years from the effective date of the Planning Commission's approval of the Use Permit or said permit shall be deemed null and void without further action.

Public Works Department:

- (3) Prior to the issuance of a building permit for a single family residence the applicant shall sign and record the "Notice Of Potential Access Impairment" prepared by the Yolo County Department of Public Works and Transportation. A copy of the recorded "Notice Of Potential Access Impairment" shall be submitted to the Yolo County Department of Public Works and Transportation and the Yolo County Community Development Agency.

Fire District:

MINUTES
PLANNING COMMISSION

YOLO COUNTY
MARCH 6, 1996

(4) The driveway to service the single family residences shall be subject to the approval of the Fire Chief of the Capay Valley Fire Protection District.

County Counsel:

(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.

Failure to comply with the "Conditions Of Approval" as approved by the Planning Commission may result in either or both of the following:

- . non-issuance of future building permits;
- . 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 may approve a use permit to allow the placement of more than one single-family dwelling on a single parcel if all of the following findings are made:

(1) That the intended residents of such structure will either be family members engaged in farming or farm workers employed primarily on the farm;

The applicants are establishing a private hunting club on their 9,000 acre horse and cattle ranch. Public and private hunting clubs are a principal permitted use within the A-1 Zone and do not require a conditional use permit. The applicants have a primary house (under construction) on the site and wish to construct two additional single family residences for ranch/farm employees. A 4,000 square foot residence or "lodge" as it is called is to provide housing for both permanent and seasonal employees who maintain the applicant's 9,000 acre ranch (i.e. herd cattle, cut hay, maintenance of

buildings and other structures, etc.) and invited hunting guests of the applicant. The 2,500 square foot (approximately) single family dwelling is to be permanently occupied by a ranch foreman (i.e. supervisor) who oversees the day to day operations of the ranch.

(2) That the ratio between the total number of single-family dwellings on the parcel and the total acreage of the parcel shall not exceed one dwelling for each twenty (20) acres of the parcel;

The existing parcel is permitted one residence by building permit and will contain 2 additional residences for a total of 3 residences on 400 acres.

(3) That the additional dwellings are located in an area on the parcel which minimizes the conflict with the adjacent farming operations, including, but not limited to, aerial applications of restricted chemicals, noise, dust, whether the area proposed for the dwellings currently is or is not under cultivation, and the capacity of the soil on which the dwellings are proposed to be located;

The additional dwellings are located in an area on the parcel which minimizes the conflict with the adjacent farming operations. The ranch foreman's house will be near the main gate entry to the ranch. The lodge will be located near the main house. The two houses are approximately 1800 feet apart and will be constructed on poor quality soil.

The applicant's 9,000 acre ranch consists of many parcels that cover both the A-1 Zone, and the A-P Zone and Williamson Act Contract lands. The applicant has the opportunity to construction the lodge and ranch foreman's house on other parcels at other locations on the ranch as a principal permitted use of the A-1 or A-P Zone by submitting a building permit application. However, the applicant has requested that the 2 single family dwellings be located on the same 400 acre property that his 7,000 square foot home (under construction) and horse facility are located.

(4) That the additional dwellings have been clustered adjacent to one another to the extent reasonably feasible so as to minimize the amount of soil taken out of agricultural production;

The additional dwellings are located in an area on the parcel which minimizes the conflict with the adjacent farming operations. The ranch foreman's house will be near the main gate entry to the ranch. The lodge will be located near the main house. The two houses are approximately 1800 feet apart and will be constructed on poor quality soil.

(5) That all requirements of the County Health Department regarding water and sewage disposal have been satisfied;

Permits for septic tanks and domestic well are subject to the approval of the County Health Department and are to be obtain prior to the issuance of a building permit for a residence. The

County Health Department has recently visited the site to review the septic tank and domestic well to service the main house which is under construction. They did not identify any concerns for the new residence or any problems for the proposed dwellings during their site review.

(6) That access to all proposed building sites is from a County-maintained and dedicated roadway which meets County road standards;

The public maintained 50 foot right-of-way identified as County Road #57 and dedicated on September 3, 1894 ends approximately 3 miles from Guinda. The road is gravel and dirt based. It is an additional 1.5 miles from the end of the county maintained road to the Pine's main entrance gate. This road is also gravel and dirt based and has been privately maintained by the property owners who use it.

(7) That all requirements of all agencies with jurisdiction have been or will be met; and,

Requirements of all agencies of jurisdiction shall be complied with either prior to the issuance of the building permit or prior to occupancy of a residence.

(8) That no more than four (4) dwellings currently existing on the parcel.

The existing parcel is permitted one residence by building permit and will contain 2 additional

residences for a total of 3 residences on a single 400 acre property.

The Commission may impose such conditions as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.



6.5 Yolo County Habitat Program - A continued public hearing to receive comments on the Draft Habitat Conservation Plan.

The Staff Report was given by Director Jenkins.

Blake Harlan, First Vice-president of the Yolo County Farm Bureau, said he is opposed to the Draft Habitat Conservation Plan as it is presented. The Plan will be a net negative to the ag community. He is concerned about the number of acres that will be affected.

Donna Mast, President of the Yolo County Farm Bureau, said the Farm Bureau is very concerned about the biological species that are included in the Plan. Sometimes, species are listed without "pure science". Some are not endangered, but are listed in the Plan to be mitigated for nevertheless.

Commissioner Lang said that if some of these non-endangered species are listed because they live in the same habitat as endangered species, then there

could be restrictions on pesticide use placed on farmers.

Director Jenkins explained that if you don't have a Plan, and Fish and Game finds out that you spray and you've done something to these species, then there is a problem. If you do have a Plan, it recognizes that you can "take" habitat, but you have to mitigate for it.

Paul Kramer, County Counsel, said no one can lock up your land without your permission. There is nothing in the Plan that creates new endangered species in Yolo County that have to be protected. All that is being done is "cataloging" it and creating an ordered system. It will make it clearer about what you can and cannot do.

The Public Hearing was closed at this time.

The following are a few of the Commissioners comments.

Commissioner Pollock: "Let me start by saying that there are two major areas that I feel the Plan still needs to address. One is the Habitat/Ag interface between an area that's been mitigated on, and production agriculture that is not in a mitigation easement, and how to resolve those conflicts. Maybe a separate committee or some kind of entity has to be set up as we have with some of our others, like with the Right to Farm Ordinance, we had a grievance committee. I think we need something to resolve these conflicts. One other

option may be, I think its called the degradation payment, which other states through their Fish and Wildlife offices, use to pay actual dollars to provide land owners who are harmed by wildlife which is considered to be owned by the people of the state. California has not seen fit to do that yet. We have problems with other wildlife in general and since this Plan is maintenance money for the mitigated area perhaps some of that funding could be used to compensate adjacent land owners who are harmed by rodents, noxious weeds, whatever that need to be sprayed, but that there be some kind of mean of compensating for damage.

The other major area Blake (Harlan) and Donna (Mast) both mentioned it also is the mitigation from outside of Yolo County being done here. The way I understand it, there is no control over outside mitigation. The Plan only controls mitigation for development here. Since both U. S. Fish and Wildlife and the State Department of Fish and Game are parties to the agreement and they would be controlling outside mitigation, that it has to be approved... whether the County accepts it or not, its up to the County so that we can control that.

In the Plan it talks about the cities and the four unincorporated areas only. I feel that needs to be clarified. There was an arbitrary figure for development but there are other communities where growth is planned. It needs to be worded better.

I also feel a private entity should hold the easements.

Amendments to the plan need to be tightened up as to how changes can be made in the future.

What happens when there are changes in CEQA? How does that affect the Plan. That needs to be addressed in the Plan itself.

Safe harbor concepts need to be clarified.

Outside funding needs to be addressed.”

Commissioner Lang: “Two sources, when I look at it would be what we should put in the Plan would be what the Department of Water Resources requires on all our levees. We should go to Ray Perkins and see what’s required of the County, for noxious and primary noxious weeds. They have sets of rules that we as farmers have to follow. Those rules should be put in so the species, whether it be a noxious weed, shows up, that would be in the rules that they could not do it.”

Commissioner Walker: (Commissioner Walker’s microphone was turned off).

Commissioner Lea: “Recognition of the needs of the unincorporated communities that have not at this point done community development plans. And I think those communities are singled out in the Growth Management Study. I know last time Steve Jenkins mentioned to us that there was this 2000

acres generally in the County, but when you read the agreement carefully, you realize that it is directed to agricultural processes facilities. So, I think there has to be some kind of mechanism, or some recognition in the Plan, for the needs of these other communities that to date have not done community General Plans.

Commissioner Gray: "I hope that this Plan will have a performance standard that will give policy makers some mechanism to evaluate the Plan's success. And I want to be on the record, that those performance standards to me, need to be more than how much money has been collected. Its what been done with it. How much habitat has been saved, how much re-vegetation has taken place.

I am also very concerned about the idea of creating a "Habitat Czar" . One party who is suddenly charged with this power of saying yes, that's okay or no, that's not unless that czar has at the same time has been delegated approval also from the Department of Fish and Game, U.S. Wildlife, the other entities and organizations who are looking at these issues. If all were doing is adding one more layer, then we have all embarked on terribly mistaken path."

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7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings on items relevant to the

Planning Commission. An update of the Community Development Agency activity for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

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

- (1) The Board of Supervisors appointed Henry Rodegerdts as the new Planning Commissioner.
- (2) The CalFed Bay-Delta Program Report.
- (3) The General Plan Update.
- (4) Board directives for the General Plan.
- (5) A discussion of the tentative agenda for future Planning Commission meetings.
- (6) Joint meetings between the Board of Supervisors and the Planning Commission.



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.

Commissioner Pollock reported that she attended the LAFCO meeting.

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9. ADJOURNMENT

The meeting was adjourned at 12:50 p.m. The next regular meeting of the Yolo County Planning Commission is scheduled for April 2, 1996 at 10:00 at the Yolo County Planning Commission Chamber at 292 W. Beamer Street, Woodland, CA. Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within fifteen days a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

Stephen L. Jenkins, Director
Yolo County Community Development Agency