

MINUTES

YOLO COUNTY PLANNING COMMISSION

May 1, 1996

1. CALL TO ORDER

Chairman Gray called the meeting to order at 8:40 a. m.

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

MEMBERS ABSENT: None

STAFF PRESENT: John Bencomo, Principal Planner
David Flores, Senior Planner
Mike Luken, Senior Planner
Mark Hamblin, Associate Planner
David Morrison, Resource Management
Coordinator
Heidi Tschudin, CAO Contract Planner
Charles Mack, County Counsel
Linda Caruso, Planning Commission
Secretary

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the April 17, 1996 Planning Commission Meeting were approved with one correction to page 3, under Item 6.1, paragraph 4. Commissioner Walker stated he was not concerned with the failure of the dam, but with what would happen with the mercury levels in the event of a sudden release of water.

MOTION: Walker SECOND: Rodegerdts

AYES: Gray, Lea, Rodegerdts, Lang and Walker

NOES: None

ABSENT: Heringer

ABSTAIN: Webster

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3. 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 from the public came forward.

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4. CORRESPONDENCE

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

(1) A memo regarding a status report of Knights Landing.

(2) A memo regarding the Cache Creek Basin Resource coalition V. County (Cache Creek Aggregates) favorable Court of Appeal Decision.

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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 96-012 - A request for a General Plan Consistency Review to allow the abandonment of CR 19A. Subject property is located approximately 1/4 mile east of CR 87. A

Negative Declaration has been prepared for this item. Applicant: Teichert Land Company/Syar Industries, Inc. Owner: Yolo County Public Works Department (D. Flores)

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 19A in accordance with the "**CONDITIONS FOR COMPLIANCE**".

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

CONDITIONS FOR COMPLIANCE

Fire District Requirements:

1. In the event that a gate is installed at the end of County Road 19A, a "Knox Box" or similar

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design shall be installed to allow multiple locks which can be applied to the gate for access by Agencies of Concern, and property owners.

Yolo County Public Works:

2. The County of Yolo shall reserve all current Public Utility Easements upon vacation of County Road 19A.
3. 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.

County Counsel:

4. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates 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 Community Development Director may result in the following:

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

FINDINGS

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 Yolo County 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 summary of the evidence to support each FINDING is shown in italics.)

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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 Teichert Land Co. and Syar Industries and determined the project is 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 Cache Creek, 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 and in the case of an emergency.

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5.2 96-006 - A request for a Division of a 6.785 acre parcel into two parcels (5.866 and 1.009) and a Variance from the minimum acreage of 100,000 sq. ft. for the Highway Commercial zone. Subject property is located on the southwest corner of CR 89 and CR 6. A Mitigated Negative Declaration has been prepared for this item. Applicant: JTS Engineering (M. Luken)

Commission Action:

1. **ADOPTED** the **FINDINGS** for **APPROVAL** of the request as presented in the Staff Report.
2. **CERTIFIED** a Mitigated Negative Declaration as the appropriate level of environmental review for this project.
3. **APPROVED THE REQUEST** as presented and subject to the Conditions of Approval contained in the Staff Report.

MOTION: Walker SECOND: Webster

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

NOES: None

ABSTAIN: None

ABSENT: Heringer

CONDITIONS OF APPROVAL

Yolo County Public Works and Transportation Department

1. Prior to approval of the Final Map, the applicant shall dedicate to the County additional right-of-way to accommodate a wheelchair ramp at the southwest corner of the intersection of County Road 6 and County Road 89 to the satisfaction of the Director of the Yolo County Public Works and Transportation Department. Said dedication shall be reflected on the on the final parcel map.

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2. Prior to the construction of improvements on Parcel 1 within the County Right-of-Way, the applicant and shall submit final plans for review and approval of the Public Works Director.
3. Prior to the construction of improvements on Parcel 1 within the County Right-of-Way, the applicant shall obtain an encroachment permit from the Yolo County Public Works and Transportation Department.

The following conditions of approval are mitigations from the Mitigated Negative Declaration completed for the proposed project. In accordance with the California Environmental Quality Act (CEQA), substantial alteration of these conditions will require that the Mitigated Negative Declaration be recirculated for an additional time period prior to the Planning Commission taking final action.

Yolo County Health Service Agency - Environmental Health Division

4. The storage and use of hazardous materials must meet local and state requirements. Prior to the temporary or final Certificate of Occupancy on Parcel 1, the applicant shall notify and receive approval of the use of said materials from the Yolo County Office of Emergency Services.
5. Prior to the approval of the final map, the applicant shall obtain a permit from the

Environmental Health Division for the construction of a new well/public water system.

6. Prior to the approval of the final map, and prior to the physical connection to the shared sewer system, the applicant must provide a recorded agreement between the two parcels assuring permission for Parcel 1 to use the offsite sewage system currently used by Parcel 2 (Bill & Kathy's Restaurant) , as required by the Uniform Plumbing Code Section 761.1.
7. A deed restriction shall be recorded with the Final Map, binding the applicant and property owner to accept sewer and water service from a public sewer and/or water systems being planned for the Town of Dunnigan, should it be made available in the future, and to not protest annexation to County Service Area 11 or any benefit assessment district should it ever occur. The landowner/applicant shall bear all costs associated with said connection(s).
8. Prior to the approval of the final map, and prior to the physical connection to the shared sewer system, the applicant shall obtain approval from the State Regional Water Quality Control Board for the discharge of the additional volume of wastewater into the existing Bill & Kathy's sewer pond.
9. Prior to the approval of the final map, and prior to the physical connection to the shared sewer system, the applicant shall obtain final

approval for Yolo County Health Permit #94-120
for the old septic system.

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

(Evidence to support each finding is presented in italics)

California Environmental Quality Act and Guidelines (CEQA)

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

On the basis of comments received, the project description and mitigation measures outlined in the Mitigated Negative Declaration, all foreseeable "significant effect on the environment" are reduced to a level less than significant as required by CEQA.

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Tentative Parcel Map

In accordance with State Subdivision Map Act and Title 8, Article 1 of the Yolo County Code, the Planning Commission finds:

- (a) That the proposed parcel map is consistent with applicable general and specific plans.

Evidence presented in the staff report provides assurances that the tentative parcel map dividing the 6.785 acre parcel into 5.866 and 1.009 acre parcels is consistent with the 1981 Dunnigan General Plan and the Yolo County General Plan.

- (b) That the design or improvement of the proposed parcel map is consistent with applicable general and specific plans.

The site is being improved to accommodate a highway commercial use consistent with the Dunnigan General Plan and Yolo County General Plan

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

The site has accommodated a service station for many years. Safe Ingress/egress and traffic flow can be accommodated on the 1.009 acre Parcel 1. Sewage effluent is being accommodated by the existing off-site sewage pond. Drainage is conveyed via the existing Stormdrain system and will be similar to drainage for the former gas station.

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

Lot coverage and commercial building density proposed by this project are consistent with the zoning and the County Road 6/Interstate 5 area of Dunnigan.

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

The site, although now vacant, has been completely developed for many years. No wildlife or fisheries resources exist on the parcel or immediate surrounding parcels. No environmental damage will occur as a result of developing Parcel 1 or 2.

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

The proposed project was reviewed by the Yolo County Health Service Agency-Environmental Health Division, and as conditioned will have no impact on public health or safety.

- (g) 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.

The proposed project was reviewed by the Yolo County Public Works and Transportation Department and the Community Development Agency and found that no public easement will be adversely impacted by the approval of this project.

Variance

In accordance with Title 8, Article 2 of the Yolo County Code, the Planning Commission finds:

- (a) 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.

Many parcels in the County Road 6/Interstate 5 area with the zone classification of C-H (Commercial Highway) exhibit parcels sizes less than the required 100,000 square feet.

- (b) 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.

Parthian Inc. wishes to construct a Chevron Mini-Mart on the subject parcel. Requiring a parcel size of 100,000 square feet or greater is not an efficient use of commercial property. Parking, Fire Access, ingress/egress and normal operation of the Mini-Mart can be accomplished in a much smaller parcel size than 100,000 square feet.

- (c) 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.

The proposed use of Parcel 1 is a Mini-Mart/Service Station. The continued use of Parcel 2 is for a family restaurant. The Dunnigan General Plan supports the efficient use of land in the area for this purpose. The parcel size proposed to accommodate both uses is in conformance with the Dunnigan General Plan and Yolo County General Plan.



Commissioner Heringer arrived at 8:50 a.m.

6. REGULAR AGENDA

- 6.1 95-089 - A request for a Conditional Use Permit to allow for the installation of a 180-ft tall cellular communications facility on a 15 acre property in the Agricultural General (A-1) Zone. Subject property is located one mile south of I-80, 1/4 mile west of the west levee of the Yolo By-Pass. A Negative Declaration has been prepared for this item. Applicant: AT & T Wireless Services/Joanna Bullock (M. Hamblin)

A lengthy discussion regarding "Conflicts of Interest" ensued. It was determined that only

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Commissioner Rodegerdts would abstain from this item, as well as all future applications involving Cell Towers.

John Bencomo, Principal Planner, updated the Commission on the "Cell Tower" issues conveyed by the Board of Supervisors and the CAO, Roy Pederson.

The Staff Report was given by Mark Hamblin.

The Public Hearing was opened at this time. No one from the public came forward.

Commissioner Walker said he had no problems with the application, but asked for clarification about lighting to ensure reasonable protection for migrating birds.

Mark Hamblin explained that Staff would be working with the Department of Fish and Game to limit the number of bird collisions with the tower and guide wires. The applicant has agreed to provide lighting for the tower.

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" presented in the staff report.

MOTION: Heringer SECOND: Lang

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

NOES: None

ABSENT: None

ABSTAIN: Rodegerdts

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** & **Exhibit "B-1"** - Site Plan(s) and **Exhibit "C"** - Elevation Plan and operated in a manner consistent with the project's approval. Upon the termination of the use approved by this conditional use permit the leaseholder shall restore the site back to its original environmental setting.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed

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uses on this site will not serve as a detriment to the safe and effective operation of the AT&T Wireless Service delivery system and that the property owner is in agreement.

3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. The lattice tower and accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.
6. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
7. This Conditional Use Permit (Z.F. No. 95-089) 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.

County Counsel

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8. 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.

California Department of Fish & Game

9. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy

weather to help birds avoid collision with the structure and its support wires.

Yolo County Environmental Health Services

10. Prior to the issuance of a building permit the applicant shall submit plan(s) for the fuel storage tank to the Yolo County Environmental Health Services for approval.

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.

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 proposed wireless communication facility is allowed within the A-1 Zone with the approval of a conditional use permit,

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*pursuant to Section 8-2.2405 of Article 24
of the Yolo County Zoning Regulations.*

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan listed under Scenic Highway Policy 9 of the General Plan and

presented under GENERAL PLAN/ZONING in this report.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project. A private road will service the site.



- 6.2 96-021 - A public workshop to discuss the Cache Creek Resource Management Plan (CCRMP) and a public hearing to accept comments on the Draft Environmental Impact Report. Properties are generally located within the flood plain associated with Cache Creek, between the Capay Dam and the town of Yolo in the A-P, A-1, A-P/SG, and A-1/SG zones. An Environmental Impact Report has been prepared for this item. Applicant: Yolo County (D. Morrison/H. Tschudin).

The Staff Report was given by Heidi Tschudin, CAO Contract Planner and David Morrison, Senior Planner.

John Pelka, of EDAW, addressed the key issues of concern in the EIR; land use and planning, geology and soils, hydrology and water quality, agriculture, biological resources, air quality, traffic and circulation, noise, esthetics, cultural resources, hazards and public services and utilities.

The Public Hearing was opened at this time.

Lois Linford, of the League of Women Voters, asked if the CCRMP increase the flood danger to Woodland

due to the widening and narrowing of the creek. She also suggested that the TAC Committee include two citizen representatives.

Kevin O'Dea, of Baseline, said there would be no loss of channel capacity as a result of the CCRMP projects. Heidi Tschudin added that one of the principal management goals of the Plan is not to increase the threat of flooding.

Ben Adamo, of Cache Creek Aggregates, was concerned about the authority placed on the TAC Committee. He was also concerned with the costs of the monitoring. Other sources of funding should be found.

Anthony Russo, of Solano Concrete, was concerned with the County requirement of relinquish the In-Channel permits, prior to the approval of Off-Channel permits and the burdens placed on the Gravel Industry regarding the monitoring of the Creek.

The Public Hearing was closed at this time.

Commissioner Webster stated her concern of the bureaucracy of the Plan. She said that management of the Creek is very valuable and important, but there must be a simpler way of doing it.

Commissioner Walker was concerned with the esthetics of Cache Creek after mining occurs.

Negative visual impacts should be reduced.

Commissioner Heringer said there could be a potential problems regarding who will be responsible for the costs of managing the Creek.

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Commissioner Gray said it is the responsibility of the Commissioners and the County to try to move forward wisely with the balancing of the benefits of the Management Plan and the costs of implementing them.

Commissioner Lang said that if you put all the costs of implementing the Plan on one industry or on property owners, then it is doomed for failure.

Commission Action:

There was no action taken on this item.



7. DIRECTOR'S REPORT

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

John Bencomo discussed the future Planning Commission Meeting dates with the 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 Rodegerdts attended a Floodplain Management meeting.

Commissioner Gray attended a Joint Meeting of the Yolo County, Davis, West Sacramento, and Winters Planning Commissions regarding "Crime Prevention Through Environmental Design."

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9. ADJOURNMENT

The meeting was adjourned at 10:15 p.m. The next regular meeting of the Yolo County Planning Commission is scheduled for June 12, 1996 at 8:30 a.m. at the Yolo County Planning Commission Chamber at 292 W. Beamer Street, Woodland, CA. Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the

Clerk of that Board within fifteen days a written notice of appeal specifying the grounds.

The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

Stephen L. Jenkins, Director
Yolo County Community Development Agency