

MINUTES

YOLO COUNTY PLANNING COMMISSION

August 27, 1996

1. CALL TO ORDER

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

MEMBERS PRESENT: Lang, Heringer, Rodegerdts, and
Gray

MEMBERS ABSENT: Walker

STAFF PRESENT: David Flores, Senior Planner
Mark Hamblin, Associate Planner
Mike Luken, Senior Planner
David Morrison, Resource Management
Coordinator
Linda Caruso, Planning Commission
Secretary

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the July 16, 1996 Planning Commission Meeting were approved with no corrections.

MOTION: Lang SECOND: Heringer

AYES: Lang, Heringer, Gray and Rodegerdts

NOES: None

ABSENT: Walker

ABSTAIN: None

The Minutes of the July 24, 1996 Meeting were approved with no corrections.

MOTION: Lang SECOND: Heringer

AYES: Lang, Heringer, Gray and Rodegerdts

NOES: None

ABSENT: Walker

ABSTAIN: None

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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.



4. CORRESPONDENCE

Commissioner Gray acknowledged receipt of all correspondence sent with the packet, as well as Commissioner Barbara Webster's resignation due to the extraordinary time commitments required of being a commissioner, professional activities and family life.



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 96-023 - Consideration of a Conditional Use Permit for a caretaker residence on an 85 acre family compound. Subject property is located at 20456 County Road 103, near County Road 25, southeast of Woodland within the Agricultural General Zone. This project is Categorical Exempt. APN: 042-030-10 Applicant: Richardson/Hiatt. (D. Flores)

Commission Action:

1. **CERTIFIED** Staff's determination that the project is Categorical Exempt, in accordance with a Class 3, Section 15303 (a) of the California Environmental Quality Act and Guidelines (CEQA).
2. **ADOPTED** the FINDINGS for this project as presented in the staff report.
3. **APPROVED** the Use Permit for the temporary mobile home subject to the conditions identified under the "CONDITIONS OF APPROVAL" section of the staff report.

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

CONDITIONS OF APPROVAL

Planning Division:

- (1) The temporary mobile home shall be used as a temporary residence for a farm worker/family member and shall not be sold or conducted as a business.
- (2) The property owner shall file for a renewal of this permit and pay any fees to the Yolo County Community Development Agency at least 60 days prior to the expiration of this temporary use permit (two years from the date of this approval). Failure by the applicant to renew this permit prior to the expiration date will result in revocation of the Use Permit and require the removal of the mobile home from the site.

Fire Department Requirements:

- (3) That the applicant shall comply with the requirements of the Woodland Fire District including the provisions for all weather access drive and turn around.
- (4) Landscaping shall be of nonflammable vegetation within 30 feet of buildings.
- (5) Addressing for the new dwelling unit along the public road frontage will be posted using 3" reflective numbers visible to vehicular traffic

prior to the final inspection for the principle dwelling unit.

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.

If the required Conditions of Approval(s) are not met or if significant public health or public safety hazards are identified in conjunction with the proposed project, a public hearing may be conducted by the Yolo County Planning Commission to consider revocation of this Use Permit.

FINDINGS

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

Environmental (CEQA) Findings:

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

In accordance with Section 8-2.2804 (a) through (e) of the Yolo County Zoning regulations the Yolo County Planning Commission finds that:

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

Under Section 8-2.604(v) of the Yolo County Code, this use is permitted under a Conditional Use Permit.

(b) The requested use is essential or desirable to the public comfort and convenience;
The proposed temporary mobile home benefits the agricultural parcel in allowing the owner to employ a farm employee to maintain the family agricultural operations.

(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 mobile home complies with all applicable regulations for the zone and with the established Conditions of Approval. Therefore, the Use Permit request will not impair the integrity or character of the surrounding community.

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

The approval for the use permit for the home is in conformity with Land Use Policy 17 of the Yolo County General Plan as it relates to residential uses for the family farm.

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

Adequate utilities, drainage and sanitation facilities are existing at the site.



5.3 96-043 - Consideration of a General Plan Consistency Review to allow for the abandonment and relocation of County Road 32A. Road is located east of Mace Boulevard near Davis in the Agricultural General Zone. A Negative Declaration has been prepared. APN: 033-290-47 Applicant: Yolo County Public Works (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 and relocation of County Road 32A in accordance with the " **CONDITIONS FOR COMPLIANCE** " .

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

CONDITIONS FOR COMPLIANCE

1. The County of Yolo shall at their discretion reserve all current Public Utility Easements upon Vacation of portions of County Road 32A.
2. Implement dust control measures. To the extent feasible, ensure prompt installation of site improvements to reduce the potential for dust emissions. The area disturbed by clearing, earth moving or excavation activities shall be minimized at all times. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the later morning and after work is done for the day. If fill dirt is brought into the construction site, then tarps or

soil stabilizers will be placed on the dirt piles to minimize dust problems

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.)

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 Yolo County Public Works Department and determined the project is consistent with the Yolo County General Plan specifically Circulation Element 8 (Cir.8), which

encourages access control and safety features. As indicated earlier in the staff report, the closing off and relocation of this roadway will provide better traffic circulation which has been a problem area for the County and the City of Davis, and complies with the Circulation Element of the County.

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5.4 96-027 - Consideration of a Conditional Use Permit to allow the construction of a single family residence on a 10 acre parcel. Subject parcel is located on County Road 22 between County Road 94B and County Road 95, west of Woodland within the Agricultural General Zone. This project is Categoricaly Exempt. APN: 25-191-39 Applicant: Tim DeWane (M. Luken)

Commission Action:

- (1) **CERTIFIED** the project as Categoricaly Exempt in accordance with Class 3, Section 15303(a) of the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "CONDITIONS OF APPROVAL" as presented in the staff report.

MOTION: Rodegerdts SECOND: Lang

AYES: Rodegerdts, Gray, Lang, and Heringer
NOES: None
ABSENT: Walker
ABSTAIN: None

CONDITIONS OF APPROVAL

Planning Division

1. Any future buildings shall be placed in a clustered configuration near the proposed residence to minimize the conversion of agricultural land.
2. This Conditional Use Permit (Z.F. #96-027) shall commence within one (1) year from the 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. The applicant shall obtain an encroachment permit from the Yolo County Department of Public Works and Transportation for the driveway approach on to the County public right-of-way prior to the issuance of the building permit.

**Public Works Department/RCD/Yolo Co. Flood Control
& Water Cons. Dist.**

4. Prior to the granting of a Certificate of Final Occupancy for the proposed homesite, and to the satisfaction of the Director of the Yolo County Public Works and Transportation Department, the applicant/owner shall construct all drainage improvements on the subject property specified in the June 30, 1996 drainage report prepared by Stephen Adelman and certified as correct on July 16, 1996 by Lloyd Jager, Civil Engineer, License No. 16698).

County Counsel's Office

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:

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

*Section 8-2.604 (s) of the A-1 Zone lists
"One single-family dwelling or one mobile*

home when located on a parcel containing at least five (5) acres" as a conditional use.

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

The owner wants to construct a 1,782 square foot manufactured house on the ten acre site. The owner proposes to live in the homesite.

- 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 construction of one single family residence on the ten acre property will not degrade the integrity or character of the rural agricultural setting of the surrounding area. Properties to the north, south and west of the subject property are currently farmed and contain scattered single family residences.

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

Land Use Policy 17. Residential Uses/Agricultural Lands

Residential land uses in the agricultural areas shall be limited to dwellings only for preservation of the family farm, for farm

employees and those persons who own the farm land, up to a limit established by ordinance and implemented by Conditional Use Permit. All such dwellings shall be encouraged to locate on lands unsuited for agricultural use and/or in "clustered" configurations to minimize the conversions of agricultural lands to any other uses. A maximum dwelling unit density for the total acreage in the farm or ranch shall be established by ordinance.

Section D. Rural Residential Development in Areas Designated Agricultural, of Single Family residences on Parcels Smaller than 20 Acres of the Woodland Area General Plan states that projects shall: comply with the Rural Residential Development criteria set forth in the plan; and, the development shall occur only on parcels legally existing before the effective date of this General Plan or on parcels created by subdivisions of four or fewer parcels when the principal purposes of such subdivision is to create parcels to be used for agricultural developments defined herein.

The ten acre parcel has been a separate parcel since March 25, 1912, prior to the January 26, 1980 effective date of the Woodland Area General Plan. Therefore, the ten acre parcel was established by a grant deed filed in the County Clerk/Recorder prior to the effective date of the

county's Land Development Ordinance and the
Woodland Area General Plan.

- 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. 22. The Department of Public Works and Transportation has indicated that an encroachment permit is required to obtain access to the county public right-of-way. No additional public service facilities are necessary. Utility service is nearby and currently serves properties surrounding the site. Environmental Health Services has indicated that permitting for the septic tank and well is required.



- 5.5 96-030 - Consideration of a Conditional Use Permit to allow the installation of a 100' monopole with 3 panel antennas and 5 personal communication system mini-cell equipment cabinets. Property is located on the west side of Cacheville Road next to U.S. I-5, north of County Road 97B in Yolo within the Neighborhood Commercial Zone. A Negative Declaration has been prepared. APN: 25-270-29 Owner/Applicant: Giovannetti/Sprint (M. Hamblin)

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: Lang SECOND: Heringer
AYES: Gray, Lang, and Heringer
NOES: None
ABSENT: Walker
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"** - Site Plan and **Exhibit "C"** - Elevation Plan, or by minor modification or

expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administered through a site plan review approved by the Community Development Agency. The development shall operate 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 within a time period not to exceed 180 days.

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 uses on this site will not serve as a detriment to the safe and effective operation of the Sprint Spectrum delivery system and that the property owner is in agreement.
3. 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.
4. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.

5. The monopole and any 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 Yolo County Community Development Agency.

6. This Conditional Use Permit (Z.F. No. 96-030) shall commence within one (1) year from the effective 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

7. 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 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 C-1 Zone with the

*approval of a Conditional Use Permit,
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.

- 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.



5.6 96-031 - Consideration of a Conditional Use Permit to allow the installation of an 85' monopole with 3 panel antennas and 5 personal communication system mini-cell equipment cabinets. Property is located on the east side of County Road 99W, north side of the intersection of County Road 13, east of Zamora in the Commercial Highway Zone. A Negative Declaration has been prepared. APN: 55-130-12 Owner/Applicant: Alex Long/Sprint (M. Hamblin)

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: Lang SECOND: Heringer
AYES: Gray, Lang, and Heringer
NOES: None
ABSENT: Walker
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"** - Site Plan and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administered through a site plan review approved by the Community Development Agency. The development shall operate 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 within a time period not to exceed 180 days.

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 uses on this site will not serve as a detriment to the safe and effective operation of the Sprint Spectrum delivery system and that the property owner is in agreement.
3. 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.
4. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
5. The monopole and any 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 Yolo County Community Development Agency.

6. This Conditional Use Permit (Z.F. No. 96-031) shall commence within one (1) year from the effective 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

7. 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 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 AGI Zone with the approval of a Conditional Use Permit, 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.

- 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.



6. REGULAR AGENDA

Item 5.2 was pulled from the Consent Agenda.

5.2 96-026 - Consideration of a Conditional Use Permit to establish a single family residence and a granny flat unit to be occupied by a family member on a 5.06 acre parcel. Property is located at 25077 County Road 25, between County Road 93 and 94 in the Monument Hills area in the Agricultural General Zone. This project is

Categorically Exempt.

APN: 040-070-23

Applicant: Daniel Mora
(D. Flores)

The Staff Report was given by David Flores.

Commissioner Rodegerdts asked where the five acre parcel fits into the twenty acre parcel.

David Flores explained that in 1990, there was an approval for a Lot Line Adjustment to change the twenty acre parcel into a fifteen and five acre parcel. However, due to legal descriptions, it still remained a twenty acre parcel. In 1993, that situation was corrected by the Planning Commission.

Commissioner Lang asked what happens with "granny" flats after they are no longer needed for the elderly family member.

David Flores explained that the State law allows for any person over the age of 62 to live in the "granny" flat. However, if the situation changes, it could be converted to a storage unit or a guest house provided the kitchen is removed.

Commissioner Gray suggested that the Ordinance be revisited.

Daniel Mora, the applicant, said that 34077 County Road 25 is the location address.

Commission Action:

1. **CERTIFIED** that the attached Categorical Exemption 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 Use Permit to establish a Single Family Home and Granny Flat unit on a 5.06 acre parcel subject to the conditions listed under the "CONDITIONS OF APPROVAL."

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

CONDITIONS OF APPROVAL

Planning:

1. Applicant shall contact the Yolo County Public Works Department, Environmental Health

Department, Yolo County Building Department, and Pacific Gas & Electric Company for necessary Encroachment\Building\Health Permits.

2. The area of the proposed "granny" unit 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.
3. 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.

Fire District:

4. The roofing materials for the proposed home, granny unit and any accessory structures shall be of fire restrictive materials consistent with the California Department of Forestry and Willow Oak Fire District requirements.
5. Applicant shall meet on-site water storage requirements for fire protection. Prior to issuance of the building permit, documentation of compliance shall be provided to the Community Development Agency.

6. Applicant shall comply with the requirements of the Willow Oak Fire District including the provisions for all weather access drive and turn around.
7. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
8. Addressing for the new dwelling unit along the public road frontage will be posted using 3" reflective numbers visible to vehicular traffic prior to the final inspection for the principle dwelling unit.

County Counsel:

9. 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 Counties 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.)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Categorical Exemption for this project as the appropriate level of environmental review under CEQA, the 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.

Use Permit\Homesite:

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 for a homesite on a 5.06 acre parcel requires a Use Permit under the Agricultural General (A-1) Zoning regulations. The proposed use (Homesite for the property owner) will take in approximately 0.6 acre of the total area of the property. The remaining area (5 acres) can be used for agricultural purposes and therefore the operation will not impact the existing residential/agricultural use of the property and the agricultural uses of the adjacent properties.

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

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 homesite 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 homesite on the subject property will be consistent with the agricultural zone in which the property is located because it will be similar to other related uses in the surrounding area. Since the proposed homesite will utilize approximately 0.6 acres of the total area of the property, the remaining area (approximately 5 acres) can be used for agricultural purposes and therefore, the homesite will not preclude the existing agricultural use of the subject property and the surrounding properties.

The proposed homesite on the 5.06 acre property will not impair the integrity or character of the rural agricultural area (See Site Plan-Exhibit B-2"). 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 property

owner to reside on the property in the A-1 Zone. 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 25 via an existing driveway; Adequate drainage will be addressed through proper grading of the property in accordance with Yolo County Public Works standards;

Solid waste disposal will be provided by a local hauler, and adequate health/safety/sanitation standards will be insured by the Fire, Building, and the Environmental Health Department.

Granny Flat Findings:

- a) The requested installation of a "granny" unit is not 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 "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 "granny" unit is essential or desirable to the public comfort and convenience;

The construction of a "granny" unit will allow an aged parent to receive the necessary care from his 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 "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 "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 him to live independently on the site and receive the necessary care from his 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 constructing 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 ("granny" unit) is to be used as a temporary residence for an aged parent who is 76 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 Site Plan for the granny flat units shows an area of 570 sq. ft.



6 . 1 96 - 033 - C o n s i d e r a t i o n o f a C o n d i t i o n a l U s e
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0 4 2 - 1 2 0 - 0 9 A p p l i c a n t : L a P o i n t (D .
F l o r e s)

David Flores gave the Staff Report. He also made a correction to "Exhibit C", stating a change to the location where the trucks would enter the Yolo County Landfill during the exportation of soil.

The Public Hearing was opened at this time.

Kris LaPoint, the applicant, said there is a strong market for catfish in the area by Asian facilities. He also addressed the groundwater contamination concern, stating that the quality of the water would be maintained. He also stated that time was a major concern.

Commissioner Rodegerdts said he was concerned with the possibility of having two pits left should the project fail.

Commissioner Heringer was also concerned with what the reclamation would be if the project fails.

Spencer Defty said he applied for a permit to bring unlevel ground into agricultural production. The exported dirt would have been taken to the Yolo County Landfill. The Department of Fish and Game requirements were very costly and time consuming. He was also concerned with safety issues regarding the transporting of the dirt.

Doug Kobold, Solid Waste Operations Manager for Yolo County and the Operations Manager for the Yolo County

Central Landfill, explained what the current needs regarding soil are for the Yolo County Landfill and how they tie in with the project. He added that Mr. LaPoint's bid is very attractive.

Commissioner Gray asked questions regarding safety issues.

The Public Hearing was closed at this time.

Commissioner Rodegerdts said he would like to see a Condition of Approval included that would address what reclamation would occur should the Aquaculture Ponds fail.

David Flores suggested that a bond could be required to insure that money would be available to pay for the reclamation.

A discussion ensued among the Commissioners, Staff, and the applicant regarding the reclamation issue.

Bruce Bailey, Agricultural Consultant and Farm Manager, said that this project would be taking the top, alkaline soils and making the subsoil strata much more agriculturally productive.

Commissioner Lang asked that the Yolo-Solano Mosquito Abatement District be consulted.

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) **APPROVED** the Conditional Use Permit for the Aquaculture ponds and exportation of soil, subject to the "Conditions of Approval" as identified in the staff report as modified.

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

CONDITIONS OF APPROVAL

Planning:

1. Excavation and transportation of the soil shall take place during the daylight hours unless otherwise approved by the Yolo County Community Development Agency.
2. If archaeological material(s) are uncovered during grading or excavation, 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 Yolo County Community Development Agency shall be notified immediately of the discovery of the archaeological materials.

3. Prior to the commencement of the Aquaculture operation, a County required Reclamation Plan shall be prepared by the applicant, submitted to staff and approved by the Planning Commission.
4. Prior to the commencement of the Aquaculture operation, the applicant shall contact the Yolo-Solano Mosquito Abatement District to ensure that all requirements are met.

Building Division:

5. That prior to any excavation, the applicant shall submit a grading plan subject to the review and approval of the Yolo County Department of Public Works and Transportation and the Yolo County Community Development Agency, Building Division.

Public Works:

6. Prior to the issuance of a grading permit, the applicant shall submit a drainage plan subject to the review and approval of the Yolo County Department of Public Works and Transportation and the Yolo County Community Development Agency, Building Division.
7. The applicant shall provide in writing a list of dust suppression measures during the excavation and transportation of the soil subject to the satisfaction of the Director of the Yolo County Department of Public Works and Transportation.
8. Grading or excavation of the site shall be scheduled to assure completion of each phase of excavation prior to November 1, 1996 and shall not resume until after March 1 of the following year unless said work is in compliance with an approved erosion control plan by the Director of the Yolo County Department of Public Works and Transportation.
9. Prior to the issuance of a grading permit, the applicant shall contact and obtain any permits for traffic control from the Yolo County Department of Public Works and Transportation. Information regarding said traffic control permit shall include a circulation map showing the traffic flow of trucks on the county public right-of-way, designated traffic control areas,

and the dates in which the traffic controls are to be in operation to the Director of the Yolo County Department of Public Works and Transportation.

10. Road Maintenance Fees shall be paid to the satisfaction of the Director of the Yolo County Public Works and Transportation Department.

I n t e g r a t e d W a s t e M a n a g e m e n t \ E n v i r o n m e n t a l H e a l t h

11. The applicant shall conduct water quality analysis based on the following parameters:
 - a. Source water will be monitored for indicator parameters prior to each addition to the pond, and laboratory characterization of source water, pond water, and shallow groundwater quality up gradient and down gradient of the facility will be monitored quarterly for the first year of operation, and semi-annually thereafter. Baseline analysis of each medium (source water, pond water, and shallow groundwater) will include minerals, metals, and general water chemistry parameters. Any additional analysis required to assure water quality protection will be at the discretion of the Yolo County Environmental Health Department and the Yolo County Division of Integrated Waste Management.

Environmental Health :

12. Prior to the issuance of a grading permit, the applicant shall contact and provide site history information and/or analytical data of the soil to the Yolo County Health Services Agency, Environmental Health Services Division, for their evaluation and approval of acceptability of the soil at the landfill.

13. Prior to issuance of a grading permit, the applicant, their Successor's or Assignees, shall obtain a Waste Discharge Permit from the Regional Water Quality Control Board (RWQCB) who is responsible for issuing the Waste Discharge Permit for new ponds and for monitoring the ponds to ensure water quality.

Fish and Game :

14. Prior to the issuance of a grading permit, the applicant shall conduct a reconnaissance of the property to determine the presence of any rare or endangered plant species on the site to the satisfaction of the California Department of Fish & Game. Said reconnaissance shall be conducted by a certified botanical consultant in accordance with the "Guidelines Of Assessing Effects Of Proposed Developments On Rare And Endangered Plants And Plants Communities" produced by the California Department of Fish & Game prior to the issuance of a grading permit on the site. A copy of the results of the plant

reconnaissance shall be provided to the Yolo County Community Development Agency.

15. Prior to any excavation, the applicant shall register with the Department of Fish and Game and obtain necessary permits and licences as required.

Air Quality:

16. Prior to any excavation, the applicant shall contact the Yolo/Solano Air Quality Management District prior to the export of any soil to a specific location for any permit requirements.

County Counsel:

17. 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:

- . the revoking of the Use Permit;
- . non-issuance of future 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.

In accordance with Section 8-2.2804, Article 28 of Title 8, the Planning Commission finds that:

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

The requested use is listed as a conditional use in Section 8-2.2402 (d), Article 24. General Provisions, Chapter 2., Title 8 (Yolo County Code) and states that the excavation of soil, sand, gravel, and/or fill material, including borrow pits for sale or use on a different parcel of land in agricultural (A) and industrial (M) zones may be permitted upon the approval of use permits, provided, however the excavation and transportation of material wholly incidental to and for the purpose of agricultural development in the agricultural (A) zone shall not require a use permit and, provided, further this subsection shall not allow commercial mining.

The Planning Commission in March of 1984, determined that Aquaculture is agriculturally related usage and requires a Conditional Use Permit in the Agricultural Preserve Zone.

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

The applicant is proposing to remove alkaline soil which will be utilized at the Yolo County Landfill which is essential to meet Federal Law requirements. The borrow pits will be converted to an aqua farm which is recognized by Yolo County as agriculturally related usage. The establishment of the aqua farm will enhance the site without leaving the borrow pits fallow.

(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 Yolo County General Plan land-use element designates the subject property and the surrounding area as (AG) agricultural. The proposed aqua farm is recognized as agriculturally related usage. Conditions have been established as part of the Use Permit application to assure consistency with health and safety requirements.

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

The proposal is consistent with several General Plan policies: Land Use Policy 6; Conservation

Policy 11; and Conservation Policy 12, and the overall policy of the County of Yolo to vigorously conserve and preserve the agricultural lands in Yolo County by protecting and conserving agricultural land use especially in areas presently farmed or having prime agriculture soils, and outside of existing planned urban communities and city limits.

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

The 233 acre property has road frontage along County Road 29 . No public utilities will be required or involved in the excavation of the site and the transportation of the soil. The property will be required to obtain a grading permit and submit grading plans for the project.

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The Planning Commission recessed at 10:20 and reconvened at 10:30.

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6.2 Consideration of the 1996 Annual Monitoring Report for gravel mining along Cache Creek. The Annual

Report evaluates the compliance of eight sites mined by seven operators on land totaling some 2,400 acres, located both in-channel and off-channel. The gravel mining permits are located along Cache Creek in an area generally bound by County Road 85 to the west, Road 18A to the north, Road 96 to the east, and State Route 16 to the south. The plan area generally consists of A-1/S-G (Agricultural General/Sand and Gravel); and A-P/S-G (Agriculture Preserve/Sand and Gravel) Zones. This project is Categorically Exempt. Applicant: County of Yolo (D. Morrison)

David Morrison gave the Staff Report. He summarized the areas where Staff feels further review is necessary.

Commissioner Gray questioned the appropriateness of the 90 day review if the Off-Channel Mining Plan goes forward.

David Morrison also stated that the Financial Assurances have not undergone a thorough review for about four or five years. Staff recommends that a meeting be scheduled with each of the gravel operators in next 90 days to bring everything up to date.

Chuck Cunningham and Larry Andrews, of Cunningham Engineering, provided slides of the various mining sites throughout the County. They reported on their visits to each of the sites on Cache Creek during April of 1996 to check the topographic maps, to verify compliance of the 1980 Ordinance, and to observe the effects of the 1996 creek flows.

Everett Terminello, a representative of YCAPA, spoke about the 1995 Economic Benefits to Yolo County.

Anthony Russo, of Solano Concrete, answered questions regarding 1994 and 1995 report differing from previous years.

The Public Hearing was closed at this time.

A discussion took place regarding whether or not Staff would need to report back in 90 days time on the progress of those Conditions of Approval where mining and reclamation activities are still ongoing.

Anthony Russo said a 90 day review is not necessarily needed. An annual review is sufficient. If Staff feels there are certain issues, then they can be addressed by the Commission.

Commission Action:

1. **CERTIFIED** a Class 9 Categorical Exemption as the appropriate level of environmental review for this report (see Attachment "1").
2. **ACCEPTED** the annual reports as submitted by Cunningham Engineers and as verified by County staff. **ADOPT** Findings of Fact in support of determining that the mining operations described below are in conformance with their conditions of approval (see Exhibits "A" through "G" and Attachments 2-9).
3. **DETERMINED** that the following aggregate companies have complied with the Conditions of Approval established as part of their initial Use Permit:
 - a. Cache Creek Aggregates

- b. Schwarzgruber and Sons
- c. Syar Industries

4. **DETERMINED** that the following aggregate companies have complied with the Conditions of Approval established as part of their initial Use Permit. **DIRECT** staff to report back in 90 days time on the following aggregate companies to update the Planning Commission on the progress of those conditions of approval (specifically described in Attachments 2-9) where mining and reclamation activities are still ongoing and additional review is appropriate to ensure that continued progress is being made:

- ~~a. Granite Construction~~
- ~~b. Solano Concrete~~
- ~~c. Teichert - Esparto~~
- ~~d. Teichert - Woodland~~
- e. Yolo County

5. **DIRECTED** staff to report back in 90 days time to provide recommendations to the Planning Commission on financial assurances for in-channel mined lands for all of the aggregate companies reviewed in this report.

MOTION: Heringer SECOND: Lang
AYES: Heringer, Lang, and Gray
NOES: None

ABSENT: Walker

ABSTAIN: Rodegerdts

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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.

David Flores updated the Commission on the following:

- (1) The approval of the Cache Creek Resource Management Plan.
- (2) The consolidation of the Building and Planning Departments.

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8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or

the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

(1) A discussion regarding the filling of the vacancies of the Planning Commission and for the Director of the Community Development Agency.

(2) Commissioner Heringer asked that fee schedules be included with Staff Reports.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:45 a.m. to a Joint Meeting with the Board of Supervisors in the Training/Conference Room in the basement of the Erwin Meier Building at 625 Court Street, Woodland at 2:00 p.m. on the same day. The next meeting of the Yolo County Planning Commission is scheduled September 11, 1996 at 3:00 p.m. at the Planning Commission Chamber and will reconvene at 6:30 p.m. in the Town of Dunnigan. 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,

John Bencomo, Interim Director
Yolo County Community Development Agency

LAC