

MINUTES

YOLO COUNTY PLANNING COMMISSION

September 11, 1996

1. CALL TO ORDER

Chairman Gray called the meeting to order at 3:00 p.m.

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

MEMBERS ABSENT: None

STAFF PRESENT: John Bencomo, Interim Director
David Flores, Senior Planner
Mark Hamblin, Associate Planner
Mike Luken, Senior Planner
Linda Caruso, Planning Commission
Secretary
Jim Curtis, representing County
Counsel's Office

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

John Bencomo asked that a modification be made on page 23, under the Kris LaPoint (ZF 96-033), Condition #3. He asked that the language be changed to read "A County required Reclamation Plan"...to distinguish it from a Reclamation Plan required by SMARA.

MOTION: Lang SECOND: Heringer

AYES: Lang, Heringer, Gray and Rodegerdts

NOES: None

ABSENT: None

ABSTAIN: Walker

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

Commissioner Gray acknowledged receipt of all correspondence sent with the packet as well as a letter submitted by Cathy Turner-Baker regarding the Nextel application (96-017).



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.

Items 5.2 and 5.3 were pulled from the Consent Agenda.

5.1 96-046- Consideration of a Conditional Use Permit to allow for the installation of a 60' monopole supporting two microwave dishes that are two feet in diameter. Property is located on the northwest corner of Capay Street and Winters Street in Esparto in the Residential/One family

or Duplex (R-2) Zone. A Categorical Exemption has been prepared. SBE: 279-57-4-1 Applicant: Pacific Bell/Quad Consultants (M. Hamblin)

Commission Action:

- (1) **CERTIFIED** the project as Categorically Exempt under Class 1, 3 and 11 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" presented in the staff report.

MOTION: Heringer SECOND: Lang
AYES: Heringer, Gray, Lang and Walker
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" - 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 administer 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 Pacific Bell Mobile 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 microwave dishes, pole, and any accessory structures 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.

5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. This Conditional Use Permit (Z.F. No. 95-046) 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

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 transmission facility is allowed within the R-2 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.

In order to operate, PCS sites must be linked with land-wired telephone service. This is typically done by tying the antenna site directly into the phone lines where such lines exist or by transmitting via microwave where phones lines are not close. Due to the remote nature of some of the Pacific Bell Mobile Service sites along I-505, it is proposed that microwave be utilized to connect the sites with the land-wired system.

- 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.

Utility poles and overhead transmission lines currently exist along Winters and Capay Streets.

- 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. The site is currently used as a central facility for Pacific Bell.



5.4 96-048 - Consideration of a Lot Line Adjustment to increase a 4.3 acre parcel to 7.5 acres and decrease a 29.22 acre parcel to 25.7 acres. Property is located at 40823 Jefferson Blvd, near Courtland Road in Clarksburg in the Agricultural General (A-1). A Categorical Exemption has been prepared. APN#: 43-060-28 &29 Applicant/Owner: Simplot/Dutra/Tillis (D. Flores)

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** a Lot Line Adjustment request to increase a 4.3 acre parcel to 7.5 acres and reduce a 29.22 acre parcel to a 25.7 acre parcel.

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

CONDITIONS OF APPROVAL

Community Development Agency:

1. The property owner shall record, at the property owner's expense, a map and legal description of the approved Lot Line Adjustment within sixty (60) days from the date of the Planning Commission's decision or said Lot Line Adjustment shall be deemed null and void.
2. The property owner shall provide a recorded copy to the Community Development Agency within five (5) days of recordation of the Lot Line Adjustment or said Lot Line Adjustment will be deemed null and void.
3. Upon completion of the remediation project by the applicant, a sufficient amount of trees shall be removed to prevent any fire hazard to the neighboring property owners.
4. The applicant shall provide fire breaks in and around the existing wooden pallet area to meet the Clarksburg Fire Department fire access requirements.

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 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 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 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.

Lot Line Adjustment

In accordance with Yolo County Code §8-1.457, Article 4.5, Chapter 1 of Title 8 the Yolo County Planning Commission finds:

1. That the application is complete;

The application was deemed complete by the Community Development Agency.

2. That all record title holders who are required by the Subdivision Map Act of the State to have consented to the proposed Lot Line Adjustment, and the Public Works Department has approved the proposal as complying with said Act;

The owner of the parcels to be adjusted has consented by signature found on the application submitted.

3. That the deed to be utilized in the transaction accurately describes the resulting parcels;

The Yolo County Public Works and Transportation Department has analyzed and approved the application packet for correctness of the deed utilized.

4. That the Lot Line Adjustment will not result in the abandonment of any street or utility easement of record, and that, if the Lot Line Adjustment will result in the transfer of property from one owner to another owner, the deed of the subsequent owner expressly reserves any street or utility easement of record;

No abandonment of existing Right of Ways or easements will occur. Both property owners will have adequate access from Jefferson Boulevard and Waukeena Road.

5. That the Lot Line Adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access to parcels in the location and of the size as those proposed to be created.

The parcels to be adjusted will continue to take access off Jefferson Blvd and Waukeena Road.

6. That the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

Analysis of the application by the Community Development Agency, Yolo County Public Works and Transportation Department has indicated that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

Delta Protection Act of 1992 (SB 1866):

This project is located within the Primary Zone of the Delta Resource Management Plan. The Primary Zone is described as the delta land and water area of primary state concern and statewide significance which is situated within the boundaries of the delta as described in Section 12220 of the Water Code, but which is not within either the urban limit line or sphere of influence of any local governments general

plan or currently existing studies as of January 1, 1992.

Local governments may approve development within the Primary Zone only after making all of the following written findings on the basis of substantial evidence in the record:

(Evidence to support each finding is in italics):

(a) The development will not result in wetland or riparian loss.

Staff has determined that the proposed Lot Line Adjustment will not result in wetland or riparian loss. The site is currently in agricultural usage with the exception of the area where the Simplot Pallet business is situated.

(b) The development will not result in the degradation of water quality.

The proposal will not result in the degradation of water quality in the area because the proposal will improve water quality by removing high contents of nitrates, and will not change the current agricultural operations now underway.

(c) The development will not result in increased non-point source of pollution or soil erosion, increased subsidence or sedimentation.

The project will not result in increased non-point source of pollution, soil erosion, increased subsidence or sedimentation due to the high water table within the Clarksburg vicinity.

- (d) The development will not result in the degradation or reduction of the Pacific Flyway habitat.

The project will not result in the degradation or reduction of the Pacific Flyway habitat because the proposed request is outside of any existing riparian zone including the area of Elk Slough.

- (e) The development will not result in reduced public access, provided that access does not infringe upon private property rights.

The project will not result in reduced public access, as access from each parcel will be off an existing county road (Jefferson Boulevard) fronting the property.

- (f) The development will not expose the public to increased flood hazards.

The property is within a 100 to 500 year flood zone (Flood Zone B) which will not expose the public to increased flood hazards.

- (g) The development will not adversely impact agricultural lands or increase the potential for

vandalism, trespass, or the creation of public or private nuisances on private or public land.

The proposal will not remove any agricultural lands from productive usage as a tree crop is considered an agricultural usage. The proposal will enhance agricultural productivity by removing high nitrate concentrations which will protect adjacent properties from movement of this constituent, which conforms with the County's policy of protection of agricultural lands.

- (h) The development will not result in the degradation or impairment of levee integrity.

The project will not result in the degradation or impairment of the levee at Elk Slough.

- (I) The development will not adversely impact navigation.

The location of the proposal will not adversely impact navigation.

- (j) The development will not result in any increased requirements or restrictions of agricultural practices in the primary zone.

The proposal will not increase the chance of conflict with neighboring farming operations as existing agricultural use of the land will continue on the property.



5.5 96-039 - Consideration of a Conditional Use Permit to construct a granny flat on a 1.2 acre parcel of land. Property is located at 52333 Netherlands Road, southwest from County Road 146B in Clarksburg in the Agricultural General (A-1) Zone. A Categorical Exemption has been prepared. APN#: 43-220-12 Applicant: Flossie Campbell (D. Flores)

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 Granny Flat unit on a 1.2 acre parcel subject to the conditions listed under the "CONDITIONS OF APPROVAL."

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

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL

Planning:

1. Applicant shall contact the Yolo County Environmental Health Department and the Yolo County Building Department, for necessary 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 Clarksburg
Fire District requirements.

5. Applicant shall meet on-site fire protection requirements (1 1/2 inch standpipe for fire protection). Prior to issuance of the building permit, documentation of compliance shall be provided to the Community Development Agency.
6. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
7. 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:

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 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.

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 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 "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 to the surrounding agricultural areas 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 Netherlands Road 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 79 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 1000 sq. ft.



6. REGULAR AGENDA

Items 5.2 and 5.3 were pulled from the Consent Agenda and placed on the Regular Agenda following the next item.

6.1 96-038- Consideration of a request for a

William
son Act
Contract
split
and
Parcel
Map to
create
a 191
acre
and a
108
acre
parcel
from a
299
acre
parcel
of
land.
Property
is
located
on the
southwe

st
corner
of
County
Road 12
and
County
Road 86
in the
Hungry
Hollow
Area of
the
County
in the
Agricul
tural
Preserv
e (A - P)
Zone.
A
Negativ
e
Declara
tion
has
been
prepare
d.
APN# :
61 - 070 -

06
Applica
nt/Owne
r:
Hoppin/
Hayes
(D.
Flores)

David Flores gave the Staff Report.

The Public Hearing was opened at this time.

Richard Hoppin, representing the applicant, concurred with the Staff Report and agreed with the Conditions of Approval.

The Public Hearing was closed.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;

3. **APPROVED** a request to divide the existing 299 acre Williamson Act Land Use Contract into two separate contracts consisting of 108 acres and 191 acres respectively, subject to the conditions listed under "CONDITIONS OF APPROVAL."

4. **APPROVED** a Tentative Parcel Map to create two parcels that will conform with future ownership and farming operation boundaries, subject to the conditions listed under "CONDITIONS OF APPROVAL."

MOTION: Walker SECOND: Lang

AYES: Walker, Lang, Gray, Heringer, and Rodegerdts

NOES: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL

Community Development Agency:

1. Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the Community Development Agency, the revised Agricultural Preserve legal descriptions to be incorporated into the revised Land Use Contracts for the parcels for completion of the required amendment to Agreement No.72-278.

2. After approval of the legal descriptions by the Community Development Agency, the applicant shall

transmit the above information to the Yolo County Counsel's Office and shall execute two (2) new contracts as reflected in this report.

3. Prior to the issuance of any permits on the site, a copy of the recorded separate successor Williamson Act 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 Yolo County Planning Commission's approval of Zone File No.96-038.
4. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83, and submitted to the Yolo County Public Works Department for Final Map processing.
5. Prior to recordation of separate successor Williamson Act contracts, the applicant shall execute a "Well Irrigation Joint Use Agreement" between the subsequent owners of the parcels. Said irrigation agreement shall be held for the duration of the agricultural zoning designation assigned to the subject properties or until such time that individual water sources are procured. The exclusive purpose of irrigation appurtenances and maintenance access shall be granted between APN# 61-070-06 (Parcels A-1 & A-2 of TPM 4236). Such agreement shall be recorded and remain in effect for as long as needed for

agricultural purposes against the properties and inured to heirs and assigned of said parcels.

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 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.

Agricultural Preserve Split:

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

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

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

The applicants have indicated their intent to continue farming the parcels (currently in row crop and grape vineyard). This statement and the fact that surrounding lands are currently under contract, helps prevent the encroachment of nonagricultural uses other than the possibility of construction of one (1) single family home within the Williamson Act contracted parcels.

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

The applicants have stated that they intend to continue farming the parcel under their ownership, which is currently in row crop and grape vineyard. 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 split will continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the 299 acres in the Williamson Act.

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

The subject properties are proposed to be utilized for open space and agricultural purposes.

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

The applicants will continue to farm 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 complies with all the requirements of the Subdivision Map Act of the State.

The Community Development Agency staff and the Yolo County Public Works and Transportation Department have reviewed and approved the application for 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. 61-070-06 is currently irrigated. Water is available to the property by the means of a two wells on the property. The two Williamson Act Contracts to be created will be 108 and 191 acres respectively.

Subdivision Map Act / Parcel Map:

Section 66463(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance . . . The Planning Commission finds that:

(a) That the proposed map is consistent with the applicable general and specific plans as specified in Section 65451.

As discussed in the General Plan Review Section of this report, the proposed project was determined to be consistent with the Yolo County General Plan.

(b) That the design or improvements of the proposed subdivision are consistent with applicable general and specific plans.

As discussed in the General Plan Section of this report, the approval of this request would allow for the inherent right to the development of a homesite and associated improvements that were determined to be consistent with the General Plan.

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

The proposed sites are in compliance with the minimum lot area requirements and will have to meet all requirements imposed by the County Environmental Health and Public Works Department.

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

The proposed site area is in compliance with the zoning requirements relative to the proposed construction of a future homesite for family members and as such would meet the density requirement for the area.

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

The proposed subdivision (parcel map) was reviewed for any potential environmental impacts

and determined to be void of any significant impacts, as discussed in the attached Negative Declaration, Exhibit "D".

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

The proposed map and subsequent improvements (i.e., future construction of a homesite and appurtenant structures on Parcel one and two) do not appear to pose any serious health impacts, however, any proposed development on the property will be reviewed by the County Environmental Health Department and the local fire district for approval.

(g) That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed division.

The proposed division will not pose any detrimental impacts to any existing public easements, and access is available to each parcel from County Roads 12, 13 and 86.

◆ ◆ ◆

5.3 96-017 - Consideration of a Conditional Use Permit to allow the installation of a 158' monopole and a 10'x20' unmanned equipment shelter. Property is located on the Westside of South River Road, one mile north of the Freeport Bridge near Clarksburg in the Agricultural General (A-1) Zone. A Negative Declaration has been prepared. APN# 044-060-14 Applicant/Owner: Nextel/Smart SMR of California/Correa (M. Hamblin)

Mark Hamblin gave the Staff Report. He addressed the concerns by surrounding property owners regarding the radio frequency ("RF") exposure effects and the lighting of the monopole.

The Public Hearing was opened at this time.

John DeHart, with Nextel Communications, said that this project meets the intent of the policies set forth by the Planning Commission and the Board of Supervisors. He added that a different site would not meet the objectives required for coverage. The proposed site was given a favorable recommendation by the Clarksburg Advisory Committee when it was presented to them.

Commissioner Heringer asked what is the range of the signal. It was answered by John DeHart that it is approximately a two to five mile radius.

Cathy Turner Baker, a nearby property owner, submitted a letter to the Commission stating her concerns as being aesthetics, health hazards, safety issues, the lighting of the tower after a possible mishap. She also did not agree that policy elements of the General Plan were being met.

Hugh Mickelson, resident of Clarksburg, had concerns with the aesthetic issue. The towers do not blend with the environment.

Anna Mesquita, surrounding property owner, was concerned with health issues, crop duster safety, property values, and the environment.

Joe Borgeous Jr., surrounding property owner, said that when this proposal was voted on by the Clarksburg Advisory Committee, they did not have a quorum present and none of the neighbors were invited to attend the meeting.

Cathy Turner Baker, added that she was not notified of this proposal by the applicant. She lives nine hundred feet from the proposed site.

Commissioner Heringer said he felt that the open space would be littered with monopoles. A discussion regarding alternative sites and co-location ensued.

Commissioner Heringer made a motion to deny this project. The motion was seconded by Commissioner Walker, but was then withdrawn after a brief discussion on the possibility of a continuance was discussed, so the motion did not pass.

Commissioner Gray advised the applicant to work with the neighbors regarding their concerns and the possibility of co-location with another company.

Commission Action:

To continued this item to the next Planning Commission Meeting.

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

◆ ◆ ◆

5.2 96-037- Consideration of a Conditional Use Permit to allow for the installation of a 100' monopole with nine panel antennas and five personal communication system mini-cell equipment cabinets. Property is located on the west side of South River Road, .5 miles north of County Road 38B, north of the Freeport Bridge in the

Agricultural General (A-1) Zone. A Negative Declaration has been prepared. APN# 044-030-06 Applicant/Owner: Sprint Spectrum/Gearon Company/Rodrigues (M. Hamblin)

The Staff Report was given by Mark Hamblin.

The Public Hearing was opened at this time.

Carolyn Briggs of the Gearon Company, representing Sprint Spectrum, briefed the Commission on the telecommunication system. She also spoke about the 15' irrigation easement on Stanley Rodrigues' property which serves Roy Elliot's property. Sprint can lease over the easement as long as they don't block the easement.

Roy Elliot, surrounding property owner, explained that the reason for the irrigation easement is for pumping purposes and access to the levee. It must be maintained as a clear and definite easement.

The Public Hearing was closed at this time. A discussion by the Commission on the easements took place.

Commissioner Heringer asked the applicant is the range of the signal. It was answered by Caroline Briggs that it is approximately 1.5 miles.

Commissioner Heringer stated that he felt the location of the cell site should be across the Sacramento River in Sacramento County.

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: Walker SECOND: Lang
AYES: Gray, Walker and Lang
NOES: Heringer
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"** - 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. 96-037) 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 A-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.



THIS PORTION OF THE YOLO COUNTY PLANNING COMMISSION WAS ADJOURNED AT 5:30 P.M. AND RECONVENED AT THE DUNNIGAN TOWN HALL, COUNTY ROAD 89A/NORTH OF MAIN STREET IN DUNNIGAN AT 6:45 P.M. WITH THE FOLLOWING:

- 6.2 96-044 - A request for a Conditional Use Permit to allow for a Youth and Family Center. Property is located at 3217 County Road 88 in Dunnigan in the Residential Suburban (RS/B43/100) Zone. A

Categorical Exemption has been prepared. APN# :
051-181-09 Applicant: Spicer (M. Luken)

The Staff Report was given by Mike Luken. He also added another Condition of Approval which would require review of the project within one year.

The Public Hearing was opened at this time.

Alice Spicer, Coordinator of Dunnigan Families United, explained the tutoring program to the Commissioners.

Rita Stockton, resident of Dunnigan, said it is an excellent program and it will help the children of the Dunnigan.

Juanita Ingraham, resident of Dunnigan, said she is grateful for the program.

Jim Lutz, Superintendent of the Pierce Unified School District, said the program has had a positive effect on the children of Dunnigan.

Irma Bell, resident of Dunnigan, said the program is needed in the Community.

Commissioner Heringer asked what the parameters are for entering the program. Alice Spicer said all children from the Community are eligible.

Commissioner Rodegerdts said that since the fees for this project have been waived by the Board of Supervisors, and if the intent of the project should change, the County should ~~would~~ be able to recoup the fees.

Commission Action:

- (1) **CERTIFIED** the Class 1 Categorical Exemption 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 subject to the "Conditions Of Approval" presented in the staff report as modified.

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

CONDITIONS OF APPROVAL

Yolo County Community Development Agency, Planning Division

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the Planning Commission's approved site plan (Exhibit "B" - Site Plan) and operated in a manner consistent with the project's Condition's of Approval.
2. The occupancy load of this Facility shall not exceed fifteen (15) students/adult clients/parents or more than ten (10) supervisory adults at any one time.
3. A minimum of four (4) off-street parking spaces shall be maintained for the facility. Said parking spaces shall have a minimum size of 9' width X 18' length with 7' of vertical clearance. Landscaping of this parking area shall be maintained by the Property Owner.
4. Prior to the granting of a Final Certificate of Occupancy, the property owner shall obtain approval for use of the well and septic system for the Youth and Family Center.
5. The Conditional Use Permit (Z.F. #96-044) shall commence within one (1) year from the date of the effective date of the approval of this Conditional Use Permit and shall be deemed null and void without any further action.

6. Prior to the granting of a Final Certificate of Occupancy, the property owner shall remove all junk material, trash and all recreational vehicles from the subject property. This material shall be disposed of at a licensed landfill or at a licensed wrecking yard/recycling facility. The property owner shall not place this material on the adjacent property (APN#51-180-10).

Yolo County Community Development Agency, Building Division

7. The applicant shall within sixty (60) days of the effective date of the this approval by the Planning Commission, obtain a building permit to bring the proposed facility into conformance with state and local building codes. A Final Inspection/Final Certificate of Occupancy shall be obtained within ninety (90) days of obtaining this building permit. Without further action, this Conditional Use Permit shall be deemed null and void and the Facility shall be vacated if the property owner does not fulfill this condition in its entirety.

Yolo County Health Services Agency, Environmental Health Division

8. Prior to a Certificate of Final Occupancy, the property owner shall have the domestic water supply tested by a laboratory approved by the Environmental Health Division. This testing

shall certify that the domestic drinking water from the Youth and Family Center meets local and state drinking water standards.

**Yolo County Public Works and Transportation
Department**

9. Prior to the granting of a Final Certificate of Occupancy, the property owner shall obtain an encroachment permit, if necessary, from the Yolo County Department of Public Works and Transportation for any work conducted in the County public-right-of-way along County Road 88. Any work conducted in the County public right-of-way is subject to the approval of Yolo County Department of Public Works and Transportation.

Dunnigan Fire District

10. Prior to the granting of a Final Certificate of Occupancy for the Facility, the property owner shall obtain written verification from the Dunnigan Fire District that proper access has been assured from County Road 88 to the Facility for emergency vehicle access.
11. Prior to issuance of a Final Certificate of Occupancy, the property owners shall install, to the satisfaction of the Chief of the Dunnigan Fire District, fire & smoke detectors, fire extinguishers and other fire safety devices in accordance with the California Uniform Fire Code.

County Counsel

12. In accordance with Yolo County Code Section 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 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.

Planning Commission

13. The proposed project shall be reviewed one year from the effective date of this approval by the Planning Commission to determine if the facility is in full compliance with the Project Description and the Conditions of Approval as adopted by the Planning Commission.
14. If the use of this facility as a nonprofit youth and family center ceases to exist within five years of the effective date of the Planning Commission action, the Planning Commission recommends that the Board of Supervisors recover all County fees waived by the Board for the establishment of this facility.

FINDINGS

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

Conditional Use Permit

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

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

"Public/Quasi-Public Use" is a conditional use within the R-S Zone subject to the approval of the Planning Commission (Section 8-2.904, Chapter 2, Title 8).

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

Dunnigan Families United provides a valuable asset to the Town of Dunnigan. The facility provides a means for tutoring and providing mentors for the youth of Dunnigan.

(C) The requested use will not impair the integrity or character of the neighborhood and be detrimental to the public health, safety, or general welfare;

The Hardwood Subdivision currently has a number of public/quasi-public uses within its boundaries. These other uses are surrounded by rural residential homesites and have been considered a part of the neighborhood. The Dunnigan Youth and Family Center, with a maximum of fifteen students will similarly be compatible with the neighborhood on County Road 88 and County Road 88A.

Upon completion of necessary repairs to the converted garage, the Facility will be suitable for use as a Youth and Family Center. This use

will not be detrimental to the public health, safety and general welfare of its occupants or of the surrounding area. The property owner must maintain this level of service for the Center or this Conditional Use Permit will be revoked.

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

The subject property is located within the VLDR (very low density residential) designation of the Dunnigan General Plan. Public and Quasi-Public uses, except corporation yards, are permitted in these areas on a case-by-case basis by the Planning Commission. As proposed, the Dunnigan Youth and Family Center will conform with the residential area standards set for by the Dunnigan and Yolo County General Plans.

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

Adequate utilities are provided to the property by Pacific Gas & Electric. Solid Waste disposal is provided by Colusa County Disposal. The Facility has a private well and septic system on the subject property. Access is provided through a driveway from County Road 88.

◆ ◆ ◆

6.3 A Public Hearing to consider the Dunnigan General Plan/Specific Development Project, Final Environmental Impact Report and Zoning Changes associated with the update of the Dunnigan General Plan. (M. Luken)

The Staff Report was given by Mike Luken. He explained the proposed changes to the General Plan and the specific development projects.

Bob Berman, of Nichols-Berman, explained the EIR process and reviewed the unavoidable impacts of the specific projects.

The Public Hearing was opened at this time and the following residents of Dunnigan voiced their concerns:

Sally Hastings had concerns with water wells and additional funding for services being required by the current population.

Don Peart, Trustee for Pierce Unified School District, said he supports the language in the Draft General Plan.

Commissioner Gray asked how much development would be needed in order to have a new school built.

Jack Schreder, of Jack Schreder and Associates, answered that it would take approximately 525 new homes.

Willard Ingraham said he would like to see the Community keep a rural and agriculturally oriented character. He also stated that the taxes for increased services would cause many people to lose their homes.

Pat McAravy had concerns with drainage, water supply, and the detention ponds.

Garreth Shaad, representing the Dunnigan Water District, said the District will suffer financially if this project proceeds due to higher treatment costs.

Mark Vespoli, representing the owner of the Country Faire Senior Mobile Estates, said he does not want the zoning changed from Highway Service Commercial to Truck Related Commercial for the 10 acres at the Northwest quadrant of Road 8 and Interstate 5, adjacent to the Country Faire Mobile Estates and Happy Time RV Park.

Edward Johanson, of the Lakemont Development Company, addressed some of the concerns brought up by the

citizens of Dunnigan including water issues, schools, sewer, and mitigation measures for the project. He went on to say that each "phase" of the development is an integrated unit and could stand on its own merits.

Commissioner Gray explained the purpose of the Mitigation Monitoring Plan. He also asked Mr. Johanson to explain when some of the benefits of the development would occur.

Katherine Moore-Reyes was concerned that the County cannot enforce the violations that presently exist. How will future enforcement be handled?

Jack Schreder, representing the Pierce Unified School District, said he agrees with the language in the Draft General Plan, dated September 11, 1996. The School District will resist any changes to that language. The language allows for development to continue based on mutual satisfaction between the School District and the County.

Erich Linse recommended that the County assume that there will be development in one quadrant of the intersection of Road 6 and Interstate 5, which will not remain in agriculture, and that would force the work that is required there.

Ken Cluff said it appears as if there is a moratorium on any further parcelization of the Hardwood

Subdivision until there is a publicly owned water and sewer system installed in the area.

Mike Luken explained that would only apply if a lot was to be split into parcels smaller than the one acre minimum set by the Environmental Health Department.

Alan Tompkins, a physicist, said there will always be water. The problem is that we are mismanaging and polluting it.

The Commission recessed for ten minutes at 8:55 p.m.

Willard Ingraham had one final statement for the Commission, "We do not want five hundred new homes in Dunnigan!"

The Public Hearing was closed at this time.

John Bencomo, Interim Director, asked for direction from the Commission regarding any changes or revisiting of certain issues necessary so the process can be completed.

Mike Luken, Senior Planner, also asked the Commission for a list of specific changes.

The Planning Commissioners made the following comments:

Commissioner Rodegerdts - "At the initial hearing of the Dunnigan General Plan, in April, at the Planning Commission Chambers in Woodland, when we came to this point in the Public Hearing, I said that I had heard no justification for putting 500 homes on the plains of Yolo County. I had hoped that the next time we came together, I would hear some justification. So, I still haven't heard justification for putting 500 homes on the plains of Yolo County. The sell for 500 homes is that we have to provide housing for those who are going to work in the industry that is going to come to Dunnigan. If we have new industry coming to Dunnigan, and it employs 50 to 75 people, I can assure you, we will have no difficulty finding the people to fill those positions. Hopefully, they will come from the residents already here in Dunnigan, but we don't have to be sold a bill of goods. It seems to me, that the only way your going to find people, is to build the homes here. It just doesn't work that way.

The plus side is that you'll have all these nice amenities. You'll have schools, a sewer system, you'll have a better water system, well, I hope you'll have something to put in that water system. There is not the water here to support the kind of residential development that is planned. I'm also concerned about the loss of 450 acres for houses that we probably don't need. I suggest that this is urban sprawl and that's exactly what it is. These are tough decisions. If we are going to preserve the

agricultural lands of Yolo County for the purposes that God intended them to be used for, then we have to draw the line in the sand somewhere. And it might as well be in Dunnigan. I have no particular problem with the industrial development plan bordering on Interstate 5.

So, I'm prepared to recommend to the Board of Supervisors, a General Development Plan for Dunnigan which will be somewhat disemboweled from what we're talking about right now. I took a tour with Mike Luken about 10 days ago and the last sentence of the petition that had 196 of your signatures on it, paraphrased almost to the letter of what I said to Mike at the end of the tour. *"Because we are near the junction of the last freeway intertie in California that is not developed, is not a sufficient reason to burden the current citizenry with the developer driven scheme."* That is really my feeling."

Commissioner Heringer - "I quite agree with Henry. I think a little commercial development down where the highway is joined or on this side and very modest development of homes that will come with the people who will service that (indecipherable). The rest of Commissioner Heringer's statement was not picked up on the tape.

Commissioner Lang - "This Community looks more toward agriculture and less for urban development"

Commissioner Walker - "I'm not convinced at all that the need for an expanded community has been established. I don't see that at all. As a matter of fact, I think the opposite is true. It's clear from those of you who live here or own homes, you like it pretty much the way it is. It's not perfect, but I'm sure you don't want it ten times its present size.

The water business is really a primary concern. I have dabbled in hydrology and geology for a number of years and I think that those of you who hope to develop and obtain ample supplies of additional water are in for some surprises.

I can sense from the residents that are here, its obvious that the majority prefers status quo. There are series of development actions that would provide an uncertain future. I see commercial development and activities associated with tourism as being appropriate."

Commissioner Gray - "I was very concerned about the sewer situation. I think that Staff and the developers have done a great job in addressing those issues. The issues that remain unanswered for me have to do with how we can tell the citizens of Dunnigan that it's in their best interest and in Yolo County's best interest to approve such a large residential project. I'm really trying to understand the arguments, our needs for jobs and housing

balance. I'm still struggling with what is the "public purpose" that requires something of a magnitude of 550 houses in a community that does not have the basic service districts, infrastructure, or amenities in place. I think we can see right here in Dunnigan, the example of what happens when you approve too big of a project at once. You can go down to Road 8 and see what happens when you approve 300 units of mobile homes at once. Ten or twenty percent develops and then there is no real incentive to finish the rest of it. It's so big. I'm concerned about the overall magnitude of the project.

I think what we need to do is fine tune this plan so that we permit a scale of new residential houses and probably in the same location that the folks were asking for. But, I'm personally not going vote for a project that's using a 500 unit scale. And I know, they as businessmen, are trying to figure out how to make this work and they need a certain size and scale to make the investment they need. And, so I don't have the answer for them. I hope in the weeks or months before this General Plan comes back to this Commission, we can figure out what is the better housing mix. And if we can't figure out realistically a better size that's more in fitting with a small town like this, then I'm going to have to second Henry's motion to approve just the industrial and commercial portion and not approve the residential portion."

Commission Action:

1. DIRECTED Staff to work with the Developers and the Community of Dunnigan to try to reach a consensus on the amount of growth planned for Dunnigan.

2. TO RETURN to the Planning Commission on October 30, 1996 with new alternatives for this project.



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 updated the Commission on the following:

- 1) The postponement of the September 25 and October 2 meetings regarding the long-term gravel applications.

- 2) The increase in items on the Consent Agenda.
- 3) The previously approved LaPoint application.
Staff and Mr. LaPoint have been working with the Audubon Society regarding the bird safety issue.



8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

- 1) Commissioner Lang brought up whether or not the Affordable Housing issue could be addressed on a County level instead of in the different communities.
- 2) Commissioner Rodegerdts addressed the "granny" flat ordinance.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:00 p.m. The next meeting of the Yolo County Planning Commission is scheduled October 30, 1996 at 8:30 a.m. in the Planning Commission Chamber. 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