

MINUTES

YOLO COUNTY PLANNING COMMISSION

November 26, 1996

1. CALL TO ORDER

Chairman Gray called the meeting to order at 8:35 a.m.

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

MEMBERS ABSENT: None

STAFF PRESENT: John Bencomo, Interim Director  
David Flores, Senior Planner  
Mark Hamblin, Associate 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:**

Approved the Minutes of the November 13, 1996  
Planning Commission Meeting with no corrections.

MOTION: Walker SECOND: Merewitz

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

NOES: None

ABSENT: None

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.

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4. CORRESPONDENCE

Commissioner Gray acknowledged receipt of all correspondence sent with the packet as well as a faxed letter by Howard Beeman regarding the Habitat Conservation Plan.



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 96-062 - Consideration of a Lot Line Adjustment and an Approval of Access to reconfigure two existing lots resulting in a 1 acre and a 1.15 acre parcel within the RS-B43 Zone. Property is located on the west side of CR 99W, south of CR 4 in Dunnigan. A Categorical Exemption has been prepared. APN #051-202-08,09,10 Applicant/Owner: Flesner/Vasquez (M. Hamblin)

**Commission Action:**

- (1) **CERTIFIED** the project as Categorical Exempt under Class 5, Section 15305(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 Lot Line Adjustment and approval of access shown in **Exhibit "B"** - Lot Line Adjustment Map subject to the "CONDITIONS OF APPROVAL" presented in the staff report.

MOTION: Walker SECOND: Merewitz

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

NOES: None

ABSTAIN: None

ABSENT: None

CONDITIONS OF APPROVAL

**Community Development Agency:**

- (1) The property owner(s) shall record the Certificate of Compliance prepared for this Lot Line Adjustment/Elimination at the property owners expense in the Office of the Yolo County Clerk/Recorder within one (1) year from the date of the Yolo County Planning Commission's approval

or said Lot Line Adjustment shall be deemed null and void without any further action.

(2) The property owner(s) shall obtain the required permits from the Yolo County Community Development Agency, Building Division and the Yolo County Environmental Health Services for the installation of the mobile home on the site.

**Environmental Health Services:**

(3) The property owner of Parcel 2 shall install a new drinking water system to serve the parcel or obtain a domestic well, repair and maintenance easement from the owner of Parcel 1 to use their domestic well. Said domestic well, repair and maintenance easement shall be approved by Yolo County Environmental Health Services and recorded prior to or simultaneously with the Certificate of Compliance for the Lot Line Adjustment.

**County Counsel:**

(4) In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or

legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

FINDINGS

(Evidence to support the required findings 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 Planning Commission finds:

*That on the basis of the comments received, that there is no evidence that the project will have a significant effect on the environment and that the environmental determination for this project is Class 5, Section 15305(a) Categorical Exemption.*

Lot Line Adjustment

In accordance with Yolo County Code [8-1.452 [Ordinance 939, effective November 18, 1982] 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

consent have consented to the proposed Lot Line Adjustment and the Public Works Department has approved the proposal as complying with said Act;

*The applicant(s) are the owners of the parcels to be adjusted and have consented by signature found on the application submitted.*

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

*The applicant's license land surveyor prepared the legal descriptions for the project. The Yolo County Public Works and Transportation Department and the Yolo County Community Development Agency staff reviewed the Lot Line Adjustment map and legal descriptions.*

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 existing easements will be abandoned or affected by the Lot Line Adjustment.*

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; and

*Parcel 2 will have indirect access by a private road to County Road 99W. The applicants have requested an "Approval of Access" in order to lawfully connect the private road serving their parcels onto County Road 99W. Parcel 1 also has road frontage on County Road 99W.*

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.

*After analysis of the application by the Community Development Agency, Yolo County Public Works and Transportation Department and the Yolo County Environmental Health Department it was determined 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 as conditioned and with the required agency/department permits.*

Approval of Access

In accordance with Yolo County Code §8-2.260 the Planning Commission finds that:

The Private Vehicular Access Easement (PVAE) is adequate to serve the subject property, emergency vehicles and will not adversely effect the health, safety or general welfare of Yolo County.

*The 20 foot Private Vehicular Access Easement (private road) is to be constructed to satisfaction of the Dunnigan Fire Protection and the Yolo County Department of Public Works and Transportation which will ensure safe usage for normal and emergency vehicular use. The installation/construction of a single-family residence is consistent with the Yolo County General Plan designation and Zoning Regulations for the property. The project as conditioned and permitted will not adversely affect the health, safety or general welfare of Yolo County.*

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6 .            R E G U L A R   A G E N D A

6 . 1 94-115 - A continued hearing for a Conditional Use Permit, a General Plan Amendment and a Zoning Code Amendment for the Woodland Christian School and the First Baptist Church to allow the construction of a church facility and a non-sectarian private school for grades K-12 in the Agricultural General (A-1) zone. This project will include the following ancillary structures: An administration building, classroom facilities, senior housing residences, playgrounds, athletic fields and parking facilities. Subject property is located at 40271/40403 County Road 24C near Woodland. APN: 042-080-05 Applicant: First Baptist Church/Woodland Christian School. (D. Flores)

A memo written by Staff and requested by the applicant was submitted to the Planning Commission requesting that this item be continued to the December 18, 1996 hearing.

The Public Hearing was opened.

Brian Benson, a nearby property owner, just wanted to make sure he would be able to address the Commission at the continued hearing date.

The Public Hearing was closed.

**Commission Action:**

To continue this item to the December 18, 1996  
Planning Commission Meeting.



6.2 Yolo Habitat Conservation Plan - A public hearing to consider the Yolo County Habitat Conservation Plan (HCP). The HCP mitigates for the loss of the habitat of 29 target species from urban development permitted by currently adopted local government general plans. A Negative Declaration has been prepared. Applicant: Cities of Davis, West Sacramento, Winters, Woodland, and the County of Yolo. (M. Hamblin).

Mark Hamblin gave the Staff Report.

Bill Ziebron, of EIP, presented the key components of the Yolo County Habitat Conservation Plan. The Plan focuses on mitigating for impacts from all of the General Plan development that is proposed in the County.

He presented the following mitigation guidelines and procedures:

Application Phase

1. Application Mitigation Determination
2. HCP participation options

Mitigation Phase

3. Mitigation site selection
  - Willing sellers
  - Site suitability guidelines
4. Presentation and Enhancement Measures
  - Fixed location and limited range
  - Species strategies
  - Bird strategies
5. Landowner/Farmer Provisions
6. Monitoring reporting

Commissioner Rodegerdts prompted a discussion regarding the required 1:1 habitat mitigation ratio and the management of the easements.

Commissioner Lang was concerned about how the Plan will affect farmers. How will the spraying of farmland property adjacent to land in habitat mitigation be impacted? Bill Ziebron answered that

there is an "Assurances Policy" in the Implementing Agreement which cannot make the farmers change their spraying practices.

A discussion regarding the mitigation fee and "Out of County" mitigation took place.

Jim Curtis, representing County Counsel's Office, left the meeting at 9:50 a.m.

Commissioner Stephens was concerned about "Out of County" mitigation not being addressed in the Negative Declaration.

Commissioner Heringer said the Habitat Plan seems to add another layer of bureaucracy, including new taxes and fees. He added his concern for the need to include members of the agricultural community in the formation of the Joint Powers Authority (JPA).

Bill Ziebron said there would be no new taxes created by the implementation of the Plan and the spraying of property would not be restricted.

Commissioner Walker asked for clarification regarding the time period of the easements. Bill Ziebron answered that the easements are in perpetuity, but the time period of the permit would be 20 years.

Commissioner Gray suggested an alternative approach for the position of the Land Manager during the first five years. He suggested a rotating responsibility

of the existing local governments who are already participating in the Plan as opposed to creating a new expense for the position.

The Commission recessed for 10 minutes at 10:20 a.m.

Howard Beeman said he is a supporter of the Plan. He spoke about the rating system being flawed. He said the test should simply be "How much habitat can we get, how soon, and for how many dollars?"

Donna Mast, the president of the Yolo County Farm Bureau, was concerned with the "Out of County" mitigation because it takes land out of the tax roles.

Vicky Murphy, of Capay Valley, was concerned that the Plan has drastically changed since the public comment period.

David Zezulak, with the Department of Fish and Game, said his department is supportive of this type of regional planning effort. He said the plan is a vehicle which will help mitigate the loss of agricultural land due to the cities' urban growth.

Commissioner Merewitz was concerned whether we are getting as much habitat as we desire by treating all land and easements alike by using the 1:1 habitat mitigation ratio.

The Public Hearing was closed at this time.

Commissioner Lang stated that his concern as a farmer, was his ability to spray. He added that he would like to see something in black and white regarding this issue.

Commissioner Stephens stating her concern for "Out of County" mitigation (Section 5 of the HCP) which leaves the decision for allowing it, to the incorporated cities or the Board of Supervisors. She would like the Planning Commission to be included in the process. She also stated she would like the JPA to include two members who would represent farmer and landowner interests.

Commissioner Walker said the habitat mitigation fee of \$2640.00 per acre should be re-examined.

Commissioner Rodegerdts said the vision of Yolo County is to be an agricultural county. The Habitat Conservation Plan is not contrary to that vision. He added that the formation of JPA should be determined by the vote of the people. He also agreed that the mitigation fee needed to be re-examined.

Commissioner Merewitz said he was in favor of "Out of County" mitigation. He also said he would like to discuss a variation of the 1:1 mitigation fee ratio.

Commissioner Heringer said there has to be more participation from the rural communities where the habitat areas will be located.



Commissioner Gray said that although the process of the plan seems a little flawed, it is a good plan overall and does add to the protection of agriculture. He recommended that the Land Manager be someone already in local government. In regards to "Out of County" transfers, he proposed that approval be made by both the JPA governing board and the Yolo County Board of Supervisors. He also suggested that the Plan be reviewed again within five or seven years.

**Commission Action:**

The Planning Commission recommends the following actions to the Board of Supervisors:

- (1) **CERTIFY** the Negative Declaration prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);

MOTION: Merewitz      SECOND: Gray

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

NOES:      None

ABSENT: None

ABSTAIN:      Stephens

- (2) **APPROVE** conceptually ~~a the~~ Final Yolo County Habitat Conservation Plan (HCP); with amendments.

MOTION: Merewitz      SECOND: Walker

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

NOES: None

ABSTAIN: None

ABSENT: None

This item was not voted on based on the need for further review by the Commission.

(3) **APPROVE** conceptually the Implementing Agreement (IA) with the U.S. Fish & Wildlife Service and the California Department of Fish & Game;

(4) **APPROVED** the formation of a Joint Powers Authority (JPA) with the Cities of Davis, West Sacramento, Winters, ~~and Woodland,~~ and the County of Yolo as the implementing entity for the HCP;

MOTION: Merewitz SECOND: Walker

AYES: Lang, Heringer, Gray, Merewitz, Walker,  
and Stephens

NOES: Rodegerdts

ABSTAIN: None

ABSENT: None

(5) **AUTHORIZE** the formal Section 10(a) (1) (b) and Section 2081 permit application filing with the U.S. Fish & Wildlife Service and the California Department of Fish & Game.

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

The following recommended amendments were made by the  
Planning Commission:

|        A) “Out of County” mitigation in Yolo County  
              requires approval of the governing board of  
              the Yolo County Habitat Conservation Plan and  
              the Board of Supervisors.

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

      B) That the “governing board” be independently  
              elected with the inclusion of At-large  
              members.

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

The motion did not pass and the following subsequent motion was made.

B) To approve the formation of the Joint Powers Authority (JPA) governing board with the inclusion of two appointments of at large members from agricultural/rural communities.

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

A discussion of the Land Manager was discussed, but it was decided that no changes were needed.

C) To review the Yolo County Habitat Conservation Plan in ten years.

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

D) That the Habitat mitigation fee of \$2640.00 per acre shall be revisited five years from the effective date of the plan.

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

Mark Hamblin added that this item would be heard by the Board of Supervisors on December 3, 1996 at 1:30 p.m.



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 approval of the long-term gravel mining applications by the Board of Supervisors with the Planning Commission's recommendations.



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 Rodegerdts attended the Dunnigan Advisory Committee meeting.
- 2) Commissioners Gray and Merewitz attended a breakfast meeting with Gary Shaad and Willard Ingraham of Dunnigan.
- 3) Commissioner Merewitz took a tour of the Capay Valley with Donna Mast, President of the Yolo County Farm Bureau.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:30 p.m. The next

meeting of the Yolo County Planning Commission is scheduled December 18, 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

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