

MINUTES

YOLO COUNTY PLANNING COMMISSION

December 10, 1998

1. CALL TO ORDER

Chairman Heringer called the meeting to order at 8:30 a.m.

MEMBERS PRESENT: Walker, Woo, Stephens, Heringer, Lang, and Rodegerdts
MEMBERS ABSENT: None
STAFF PRESENT: John Bencomo, Assistant Director
David Morrison, Resource Manager
Marshall Drack, Economic Development Coordinator
Jim Campbell, Senior Civil Engineer
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director



2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

Commission Action

The Minutes of the November 4, 1998 Regular Meeting and the November 18, 1998 Special Meeting were approved with no corrections.

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



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

Chairman Heringer acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.



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.

There were no items on the Consent Agenda.



6. REGULAR AGENDA

- 6.1 **98-001** - A request for a 59 Unit Subdivision and Planned Unit Development. The project is located north of Grafton Street and west of Sebastian Way in Esparto in the Residential, One Family/Planned Development (R-1/PD) zone. A Mitigated Negative Declaration has been prepared for this project. APN: 049-150-43. Applicant/Owner: Western Development (D. Morrison)

David Morrison gave the staff report and answered questions from the Commission.

Commissioner Rodegerdts expressed concerns about the water supply and the current inadequacies of the sewer system. David Morrison said the applicant can address these issues during the public hearing.

Commissioner Woo asked if the streets are wide enough, with the planters, for a fire truck to make the necessary turnarounds. David Morrison answered that the Public Works Department has recommended a condition that the planters be placed at least fifty feet from the beginning of the turning radius to the street in order to address those traffic turning considerations. He said that the Fire Marshall has been attending all of the Advisory Committee Meetings throughout the process.

Commissioner Stephens asked questions about the drainage issue. David Morrison deferred her questions to the applicant to be answered during the public hearing. She asked if library impact fees are going to be imposed on the development. David Morrison said that those are generally included within the facility services fees that the

County collects on every building permit.

The public hearing was opened.

Mr. Sandgren, with Western Development, complimented David Morrison on his presentation of the staff report. He introduced Dick Chambers, engineer on the project, with NK Engineering, who will address questions or concerns about the subdivision.

Mr. Chambers stated that they designed the pond to take the additional flow from the subdivision. He said there is more area available which can be widened or deepened depending on criteria to provide additional storage if needed. The ponds will be constructed as part of the subdivision -- the streets and ponds at the same time. The water system is being connected to the existing well and they're digging a new well now and upgrading their system; water fees will be paid for the system.

Commissioner Woo asked if there are inlets at the bottoms of the ponds. Mr. Chambers said there's a storm drain running along the center of the pond and water goes into that storm drain in small storms, in large storms the water comes out and fills the pond.

Commissioner Heringer asked if there is adequate drainage for the hundred year storm. Mr. Chambers said yes, the elevation is down, away from the development.

Mr. Sandgren stated they do not want to make the investment of putting the subdivision in or the infrastructure in until plans can be worked out for adequate sewer and water for the subdivision. They are in the process of working with the Service District to resolve these problems.

John Bencomo stated that staff had recognized some time ago that the provision of sewer and water for this development would arise. He said that Condition No. 44 states that prior to the final recordation of the subdivision map, evidence shall be presented to the Yolo County Planning and Public Works Department by the Service District that they would be satisfied that the water and sewer issues would be resolved and that the facilities would be in place. Until that evidence is brought forward, there would not be any construction taking place.

Commissioner Rodegerdts expressed disappointment that no one is present from the Esparto Community Services District. He stated that he is not prepared to approve this project today without hearing, at least, from the Esparto Community Services District. He said he is very fearful about going forward.

Commissioner Stephens said she is also perplexed as to why at least one person from the Esparto Community Services District is not here today. However, she would like to see this project acted on today.

David Morrison said that Commissioner Rodegerdt's fear that the houses will be sold

without supply of water is not true. He clarified that no occupancy permits would be issued until water and sewage is provided in accordance with the environmental health requirements and that we would not be selling houses that did not have water and sewer.

Commissioner Walker feels that the assurances provided in terms of sequencing, who's involved in approval, etc., are reasonable. He suggested that the Commission approve the project with a proviso that a detailed understanding of the sequence of approvals and who's involved be provided before final approval.

Commissioner Woo commended the applicant on working so closely with the community on the subdivision map.

Commissioner Lang said he likes the way staff has set this up with the builder. He feels that standard building procedures are being used and that he has no problem with the project.

Commissioner Heringer asked if this will be revisited before the final plan is adopted. John Bencomo answered, "Not typically". He stated that if the Commission is inclined to give a positive recommendation it would go before the Board of Supervisors for the final adoption.

Commissioner Heringer suggested it might be well to bring it back to take a look at the final plan.

Steven Basha, County Counsel, expressed concern as to why the project would be brought back, since the Condition has already been placed.

Commissioner Walker asked if involving a performance bond would be helpful.

Steve Basha, County Counsel, said that a performance bond is something that could be investigated at some point in the process. He is concerned about how some financial assurance can be required of a developer when it's a Community Services District control.

Commissioner Heringer asked what the difference is in the elevation between the detention pond and the Lamb Valley Slough outlet.

Mr. Chambers said it's about two feet flow from the edge of the subdivision to where the pipe goes to the sewer.

Commissioner Stephens asked whether the runoff from the streets is going to go into a piping system and into Lamb Valley Slough. Mr. Chambers said that is correct, there's an existing storm drain system that carries the water from this area into the slough which was put in as part of the subdivision adjacent to the project.

David Morrison said that the purpose of the detention basin is not to take up all flood water and hold it there forever, but to detain the water until the peak flow in Lamb Valley Slough is gone down and then release it when the flows in Lamb Valley Slough have dropped. He said the pond would have an outlet structure that would restrict the amount of flow that could come out of the detention pond into the storm drainage system at any one time so it would not put a big pulse of water into Lamb Valley at the time when it's flooding. It would dribble it out slowly over the twelve-hour period.

Commissioner Stephens asked if a final drainage plan will be prepared. David Morrison and Mr. Chambers both said yes. Mr. Chambers stated that their firm will probably be preparing that plan.

Commissioner Stephens asked who will be picking up the costs for the improvements on Grafton and Omega Streets. David Morrison said the other developers in the area will be picking up the majority of that cost. Commissioner Stephens suggested that Condition 43 be modified. David Morrison said that Condition 43 will read something to the effect that the improvements to the intersection shall be constructed simultaneously with the improvements to the subdivision. The applicant shall enter into an agreement with the County to pay for the improvements and be subsequently reimbursed for that portion not covered by his fair share. David Morrison said he'll work with Steven Basha on getting the wording in proper form.

Steven Basha, County Counsel, interjected that the concern he has is when, and if, there is ever any reimbursement because there may not be a subsequent development. He'd like to look at the legal viability of the context and concept of the Planning Commission and perhaps include some exculpatory language in Condition 43 to make it clear to the applicant that if he agrees to this Condition there's no guarantee he'll ever get reimbursed from the County.

Steven Basha, County Counsel, asked Mr. Sandgren if he has looked at all the Conditions of Approval that have been suggested in the staff report and if he is agreeable with all those Conditions, and as amended in the course of this discussion. Mr. Sandgren answered yes.

The public hearing was closed.

David Morrison said that there was a supplemental handout which was triggered by Mr. Basha's questions of the application, wherein staff is suggesting several minor changes to the Conditions of Approval. He asked that the proposed revisions be included in any motion made should there be one for an approval.

In answer to Chairman Heringer's request, David Morrison read and explained the following six changes:

Revision No. 1 refers to Condition No. 8 -- rather than referencing a right to farm easement on the final map, we ask that it be done in a manner to the satisfaction of the Planning and Public Works Director.

Revision No. 2 concerns Condition No. 12 -- it changes Cameos Drive to read Campos Drive. In addition, Parcel B in the bike path along the east side of Campos Drive should be dedicated to the County rather than any future landscaping and lighting district.

Revision No. 3 revises Condition No. 33. It should read Article 9 instead of Article 6 in the Code for reference.

Revision No. 4 refers to Condition No. 37. There's a fifty-foot wide right-of-way throughout the subdivision except for Campos Drive where it's only forty-feet of right-of-way, and that is to accommodate the bicycle path.

Revision No. 5 concerns Condition No. 42 which clarifies restricting any contamination from surface water runoff during construction.

Revision No. 6 refers to Condition No. 44. It adds the three feet in numeric form in addition to spelling it out.

Revision made by Commissioner Stephens regarding Condition No. 43.

Chairman Heringer asked Mr. Sandgren if he agrees with these revised Conditions. Mr. Sandgren answered yes.

Commissioner Rodegerdts said he is uncomfortable that he does not share Commissioner Walker's comfort level with this project. He stated that he is going to vote no on the project because of his concerns about the water supply and inadequacies of the sewer system.

Commissioner Walker said he feels it is a great proposal and that he doesn't share Commissioner Rodegerdts' concerns. He stated that he is fully supportive of the proposal because it passed legal scrutiny by Steven Basha, County Counsel, and that he has faith in staff's recommendations.

Commissioner Stephens said she has attended a number of Esparto Advisory Committee meetings and she feels this plan has been thoroughly worked over with the developer and staff. She stated that she supports the project.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** that the proposed Mitigated Negative Declaration (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);

- (2) **ADOPT** the proposed Mitigation Monitoring Plan (see Exhibit 2), implementing and monitoring all mitigation measures as modified and adopted, in accordance with CEQA;
- (3) **APPROVE** the Preliminary Subdivision Map for 59 Units (see Exhibit 4), subject to the attached conditions of approval as modified and adopted (see Exhibit 5); and
- (4) **ADOPT** Ordinance No. _____ rezoning the 14-acre subject site from the R-1-PD (Single Family Residential - Planned Development) Zone to the R-1-PD-48 (Single Family Residential - Planned Development Number 48) Zone (see Exhibit 6).

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

Following presentation of the application and the recommended action, a public hearing was held at which two people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately ten minutes.

CONDITIONS OF APPROVAL

The following conditions of approval include all mitigation measures contained within the Mitigated Negative Declaration. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not affected; or, 2) subsequent environmental analysis is performed to examine the new proposed measure and associated environmental impact.

MISCELLANEOUS CONDITIONS

- 1. 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=s 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 is required to promptly notify the operator of any claim, action, or proceeding, and must 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 operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above

- indemnification and defense obligation.
2. The applicant shall be responsible for all costs associated with implementing these conditions of approval.
 3. The applicant shall comply with both the spirit and the intent of all applicable requirements of the County Code and all conditions of approval. The Final Subdivision Map shall be consistent with the spirit and intent of the Esparto General Plan.
 4. The project to which these conditions are applicable is as described in the Yolo County Planning Commission Staff Report dated December 10, 1998, as modified by the Board of Supervisors. Any subsequent substantive changes in the project (as determined by Yolo County) may only occur subject to appropriate County review and approval.
 5. The applicant shall provide six residential dwellings for rent or sale at a price such that the monthly housing cost is affordable to households at or below 50 percent of the County median income as established by the Housing and Urban Development Department (HUD). Down payments in excess of five percent (5%) shall not be required to purchase any attached residential dwelling. A permanent deed restriction shall be recorded for each of the six residential dwellings limiting the occupancy of the dwelling to a household at or below the County median income and limiting the price of each residential dwelling so that the monthly rent or mortgage payment is no more than thirty to fifty percent (30% to 50%) of the County median income. The deed restriction shall also allow for monitoring of this condition by the County or its designee.
 6. Each residential dwelling shall display address numbers in accordance with Section 8.1706 of the County Code prior to the issuance of final occupancy permits.
 7. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with the Yolo County Sheriff=s Department minimum requirements. Street light locations and specifications shall be submitted to the Planning and Public Works Department with the Final Subdivision Map.
 8. The Final Subdivision Map shall include a “Right-to-Farm Easement@ covering all residential lots. The Right-to-Farm Easement shall be approved to form by the County Counsel and shall be recorded in a manner to the satisfaction of the Planning and Public Works Director.
 9. A landscaping plan shall be approved by the Planning and Public Works Director prior to the approval of the Final Subdivision Map. The landscaping plan shall provide for a minimum of one (1) fifteen (15) gallon tree in the front yard of each residential dwelling. Landscaping and appropriate irrigation systems for the front yard of residential lots (including the area between the sidewalk and the curb) shall be installed prior to the issuance of occupancy permits. The landscaping plan shall also include details regarding the commonly owned areas, including the storm detention basin on Parcel B, the bicycle path located on the eastern side of Cameos Drive, and the planters located along the curbs. Landscaping and appropriate irrigation systems in the commonly owned areas shall be installed within one (1) year of Final Subdivision Map approval. The landscaping plan shall emphasize the use of low-maintenance, drought-tolerant species and shall conform with the County landscaping standards. Landscaping at

street intersections shall be limited to low-height species to provide visual safety.

10. Natural gas, electricity, cable TV, and telephone services shall be installed in a common utility trench, as specified by the Planning and Public Works Director, in cooperation with affected service providers. Public Utility Easements shall be granted back of the street right-of-way.
11. The applicant shall receive approval from the Local Agency Formation Commission (LAFCO) for annexation of the subject property into the Esparto Community Service District (ECSD) prior to recordation of the Final Subdivision Map. Fee title dedication of Parcel A shall be provided to the ECSD within one (1) year of annexation.
12. The applicant shall receive approval from the LAFCO for the establishment of a Landscape and Lighting District for the subject property prior to recordation of the Final Subdivision Map. The Landscape and Lighting District shall be responsible for the following: (a) maintenance of the drainage facilities on Parcel B; (b) maintenance of the bicycle path located on Parcel B and the eastern side of Campos Drive; (c) maintenance of all street lights located within the subdivision; (d) maintenance of the common landscaped areas including the detention basin on Parcel B; (e) landscaping within the easement associated with the bicycle path on the east side of Campos Drive; and the street planters. Fee title dedication of Parcel B and dedication of the ten foot (10') easement associated with the bicycle path on the east side of Campos Drive shall be provided to the County as a part of the Final Subdivision Map.
13. The Final Subdivision Map and construction plans shall comply with the Planned Development Ordinance No. ____ as adopted by the Yolo County Board of Supervisors.
14. Site plans for all attached residential dwellings shall be approved by the Planning and Public Works Department prior to the issuance of Building Permits.
15. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, than all work within seventy-five feet (75') shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. If human skeletal remains are encountered during construction, all work within seventy-five feet (75') shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community as identified by the Native American Heritage Commission shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
16. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to Esparto School District fees, Esparto Fire Protection District fees, County Facility fees, and Esparto Community Service District fees. In addition, the applicant shall pay a park development impact fee of \$2,150 per residential dwelling, as described in the Esparto General Plan. The costs of developing Parcel B as a recreational open space may be offset against required park development impact fees. Cost estimates for developing the recreational open space shall be submitted to and approved by the Yolo County Planning and Public Works Director prior to approval of the

Final Subdivision Map.

17. The Final Subdivision Map shall be prepared and recorded within one (1) year of approval of the preliminary subdivision map, unless an extension of time is approved by the Planning Commission.
18. The Final Subdivision Map shall be submitted for review by the Planning and Public Works Department, prior to approval, and shall be accompanied by all necessary information (including a bond or other guarantee for the cost of public improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the County Code.
19. Grading, excavation, and trenching activities shall be completed prior to November 1 of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measure approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1 of each year. Engineered grading plans shall be submitted to the Planning and Public Works Department with the Final Subdivision Map.
20. Construction activities shall be limited from 6:00 am to 6:00 pm, Monday through Friday.
21. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
22. All interior and exterior fencing shall be installed by the applicant prior to the issuance of final occupancy permits.
23. Landscaped areas within the right-of-way along sidewalks shall vary in elevation, including small berms and swales.
24. All sidewalks and bicycle paths shall be constructed of concrete and shall meander, with the maximum possible area allowed for landscaping between the sidewalk or bicycle path and curb.
25. If required, a California Department of Fish and Game (CDFG) Section 2081 authorization, or other alternative mechanism acceptable to CDFG, shall be executed prior to the recordation of the Final Subdivision Map for the loss of approximately fourteen (14) acres of potential Swainson=s hawk habitat.

YOLO COUNTY BUILDING DIVISION

26. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
27. In accordance with Section 8-1.1501 of the County Code, no Building Permits shall be issued for the subdivision until the following have occurred: (1) street dedications have been completed; (2) road improvements have been assured to the satisfaction of the Planning and Public Works Director; and (3) drainage fees, if any, have been paid.
28. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be approved the Esparto Fire Protection District chief prior to the issuance of Building Permits.

29. Each residential dwelling shall be provided with a fire sprinkler system. Public water line connections for each residential dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe diameter of either one-and-a-quarter inches (1.25") or one-and-a-half inches (1.5"), as needed. All residential dwellings shall be provided with a Class A fire Rated roof.
30. Complete plans detailing site drainage and the detention pond shall be approved by the Planning and Public Works Director prior to the approval of the Final Subdivision Map. The plans shall specify minimum building pad elevations and minimum finish slab floor elevations. At a minimum, the finish slabs shall be no less than twelve inches (12") and two percent (2%) above the top of the back of the sidewalk or curb, where applicable.
31. In accordance with Section 8-1.709 of the County Code, a preliminary soil report for the project site shall be prepared by a registered civil engineer and accepted by the County Building Official prior to the approval of the Final Subdivision Map. The soil report may be waived by the Chief Building Official, where sufficient existing information is available. If indicated by the soil report, a soil investigation for each lot shall be prepared by a registered civil engineer and accepted by the Chief Building Official prior to the approval of the Final Subdivision Map.

YOLO COUNTY PUBLIC WORKS

32. Stormwater drainage and control features shall be designed so that the incremental stormwater flows from the one-hundred (100) year, twenty-four (24) hour event are detained within the subdivision. The incremental flow is the difference between pre-development and post-development stormwater design flows. An engineered drainage plan shall be submitted to the Planning and Public Works Department.
33. All internal roads shown on the Final Subdivision Map shall be dedicated to Yolo County, in accordance with Article 9 of Title 8 of the County Code.
34. All improvements shall be constructed to Yolo County Standards.
35. Lots shall be graded to drain to the street. A complete hydrology/hydraulic report shall be prepared by a registered civil engineer and approved by the Planning and Public Works Director prior to the approval of the Final Subdivision Map. The report shall specify the starting water surface where connection to the existing storm drain system is proposed. The report shall include specific verification that the existing storm drain system to which stormwater from this subdivision will be added has the capacity to contain the additional stormwater flows from the subdivision during a one-hundred (100) year, twenty-four (24) hour storm event, without adversely affecting other properties served by the existing storm drain. The report shall also verify that the stormwater from this subdivision will not worsen flooding in areas served by the existing storm drain, when Lamb Valley Slough floods.
36. Surface drainage shall be designed to accommodate a ten (10) year, one (1) hour storm event. All drainage conveyances shall be designed to provide positive drainage. Surface drainage shall be designed to prevent flooding on surrounding properties and County rights-of-way.

37. Road improvements shall be to collector street standards with a curb-to-curb pavement distance of forty feet (40'), excluding street planters, and a fifty foot (50') right-of-way, except for Campos Drive which shall have a forty foot (40') right-of-way to accommodate the bicycle path on the east side. Full frontage improvements shall be required for residential lots facing Grafton Street. Curbs shall be vertical for all lots within the subdivision. Street sign locations and striping plans shall be submitted to the Planning and Public Works Department with the Final Subdivision Map.
38. Encroachment permits shall be obtained from the Planning and Public Works Department prior to any work within the County right-of-way.
39. Street planters shall be located at least fifty feet (50') from the beginning of the curve at street intersections, to provide for adequate turning and visibility.
40. Where sidewalks transition to the curb, a standard sidewalk ramp shall be constructed in accordance with Yolo County Standards.
41. A minimum one-hundred foot (100') separation shall be provided between the domestic water supply well located east of Parcel A and the sewer line.

MITIGATION MEASURES

Water Resources

42. A storm water management plan shall be prepared by a registered civil engineer or registered hydrologist for approval by the Yolo County Planning and Public Works Director prior to approval of the Final Subdivision Map. The management plan shall be designed to protect water resources from the impacts of storm water runoff and contaminants generated by the project during construction, to the maximum extent practicable. Best Management Practices shall be identified and implemented throughout construction of the proposed project.

Transportation/Circulation

43. The applicant shall pay its fair share toward the improvement of the intersection of Grafton Street and Omega Street, including widening of the intersection to full County standard and the provision of an asphalt concrete overlay, to provide adequate traffic safety. The intersection improvement shall be constructed simultaneously with the road improvements required of the subdivision. The applicant shall enter into an agreement with the County to pay for the full cost of the improvements at the time of construction, with subsequent reimbursement of the applicant by any future developers for that portion of the improvement costs not assigned to the applicant=s fair share.

Hazards

44. The detention basin shall be appropriately designed to ensure that the maximum depth of water expected does not exceed three feet (3'), in order to minimize the potential for accidental drowning.

Utilities and Service Systems

45. The applicant shall provide evidence to the Yolo County Planning and Public Works Director that the Esparto Community Services District will provide sewage disposal service to all parcels located within the proposed project, prior to approval of the Final Subdivision Map.
46. The applicant shall provide evidence to the Yolo County Planning and Public Works Director that the Esparto Community Services District will provide domestic water service to all parcels located within the proposed project, prior to approval of the Final Subdivision Map.

Recreation

47. The drainage basin located along the northern boundary of the subject site shall be developed so that it may serve as a recreational open space when not in use for flood detention. The basin shall be appropriately landscaped with grass and trees, and shall include a paved bicycle path along an alignment consistent with the Esparto General Plan. The costs of developing the basin as a recreational open space may be offset against any parkland in-lieu fees otherwise collected by the County for this project. A landscaping plan and cost estimates for developing the recreational open space shall be submitted to and approved by the Yolo County Planning and Public Works Director prior to approval of the Final Subdivision Map.



- 6.2 **95-078** - A request to modify Condition of Approval #48 to allow for additional time to complete construction of road improvements at the intersection of County Roads 19 and 87. The project is located north of Cache Creek, between County Road 85 and 87, near the towns of Capay and Esparto. An Addendum to the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit Application Environmental Impact Report (SCH # 96012035) has been prepared for the amendments and will be considered for certification. APNs: 048-140-20, 22 and 048-220-02 and 16. Applicant/Owner: Cache Creek Aggregates (D. Morrison)

David Morrison gave the staff report and entertained questions from the Commission. He stated that staff is asking that the Commission, due to inclement weather, add another six months to improve the intersection of County Road 87 and County Road 19 as required for the Cache Creek Aggregate Long-Term, Off-Channel Mining Permit.

Commissioner Heringer stated that he has no questions.

Commissioner Rodegerdts said that he will not be participating in this dialogue or in the vote.

Commissioner Woo asked if the plans are all done and the land has been purchased, and the only thing left to do is the actual construction. David Morrison answered that this is correct. Commissioner Woo asked why construction couldn't begin in May, not July. David Morrison said that the ground must be completely dried out so the base rock can settle properly.

Commissioner Stephens asked questions about placing road signs to prevent potential road hazards. David Morrison said he will provide that information at a later date.

The public hearing was opened and closed. No one from the public came forward.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** that the proposed Addendum Environmental Impact Report (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act (CEQA);
- (2) **ADOPT** Findings of Fact in support of determining that the proposed modification is in conformance with the County Development Agreement Ordinance and the County Surface Mining Ordinance (see Exhibit 2); and
- (3) **APPROVE** the modification of Condition of Approval No. 48 of the Cache Creek Aggregates Long-term, Off-channel Mining Permit (Zone File No. 95-078) and Development Agreement No. 96-289.

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

Following presentation of the application and the recommended action, a public hearing was held at which no one from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately five minutes.

FINDINGS

In accordance with Section 8-10.401 of the County Development Agreement Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Condition No. 48 of Board of Supervisors minute Order No. 96-447, which is Item 2 of Exhibit B of Development Agreement No. 96-289:

- (a) The proposed project is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

Policy CIR 6 of the General Plan states that Yolo County shall implement projects to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant to construct the intersection realignment.

- (b) The proposed project is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.

The approved improvements to County Roads 19 and 87 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

- (c) The proposed project is in conformity with and will promote public convenience, general welfare and good land use practice.

The proposed modification will ensure the timely construction of the intersection realignment, which will improve public convenience along County Roads 19 and 87, and will allow for the safe operation of trucks transporting material to and from the Cache Creek Aggregates project site.

- (d) The proposed project will not be detrimental to the health, safety and general welfare.

The proposed modification will not exacerbate existing traffic conditions. Construction of the intersection realignment will provide for a significant improvement in traffic safety within the immediate area.

- (e) The proposed project will not adversely affect the orderly development of property or the preservation of property values.

The intersection realignment is necessary to ensure the orderly development of mining operations conducted by the Cache Creek Aggregates site. The road improvements will require the acquisition of less than 1 acre of right-of-way. The proposed modification will not affect either the implementation of long-term mining operations and/or off-site agricultural operations, nor will it adversely affect property values in the area.

- (f) The proposed project will meet the intent of Section 8-10.202(a) of the County Development Agreement Ordinance, which states that: "In consideration for entering into a development agreement, the County shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval."

As documented in Development Agreement No. 96-289, the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- *Dedication of the reclaimed habitat and lake at the Phase 3 (Porter) site, including a minimum 40-foot direct access to County Road 85.*
- *Dedication of in-channel land and riparian habitat located immediately south of Phase 3.*
- *Restoration of 34 acres of previously mined, in-channel land to riparian and woodland habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-289.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Condition No. 48 of Zone File No. 95-078 (Cache Creek Aggregates long-term, off-channel mining permit), as approved by the Board of Supervisors under Minute Order No. 96-447.

- (a) The proposed project complies with SMARA and the County Surface Mining Ordinance.

The modification is consistent with Section 10-4.48 of the County Ordinance, which requires operators to construct the improvements necessary to maintain Level of Service "C" on County Roads within the OCMP area in a timely manner.

- (b) The proposed project shall be conducted pursuant to a reclamation plan approved in accordance with SMARA, State Mines and Geology Board Regulations, and the County Surface Mining Reclamation Ordinance.

The Reclamation Plan for the Cache Creek Aggregates Long-Term Off-Channel Mining Permit was approved by the Yolo County Board of Supervisors on November 25, 1996, in accordance with all applicable state and local requirements. The proposed modification will not require any change to the adopted Reclamation Plan.

- (c) The proposed project will not be detrimental to the public health and safety.

The proposed modification will not exacerbate existing traffic conditions. The road intersection realignment will provide for a significant improvement in traffic safety within the immediate area.

- (d) The proposed project is consistent with the General Plan, any applicable specific plans, and the zoning of the site.

Policy CIR 6 of the General Plan states that Yolo County shall implement projects (including turning lanes) to relieve traffic congestion and ensure traffic safety. The proposed modification would provide sufficient time for the applicant to construct the intersection realignment. The approved improvements to the intersection of County Roads 19 and 87 are compatible with the requirements of the Agricultural Preserve (A-P) Zone in which they will be located. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses with the existing zoning.

- (e) The proposed project is compatible with the existing uses of surrounding lands.

County Roads 19 and 87 are established transportation routes that serve adjoining farmers and mining operations, local residents, and visitors. The road realignment of the intersection of County Roads 19 and 87 are required components of the Cache Creek Aggregates mining permit. The proposed modification would only revise the timing of improvements and would not result in any new incompatible uses.

- (f) The site is physically suitable for the proposed project, giving consideration, but not limited to such factors as local groundwater conditions, flood protection, drainage, habitat, and aesthetics.

Engineered designs for the realignment of the intersection of County Roads 19 and 87 have been prepared by the County and have taken all applicable site limitations into consideration.

- (g) The proposed project includes provisions for a “net gain” to the County.

As documented in Development Agreement No. 96-289, the Cache Creek Aggregates Long-Term, Off-Channel Mining Permit includes the following “net gains” to the County:

- Dedication of the reclaimed habitat and lake at the Phase 3 (Porter) site, including a minimum 40-foot direct access to County Road 85.*
- Dedication of in-channel land and riparian habitat located immediately south of Phase 3.*
- Restoration of 34 acres of previously mined, in-channel land to riparian and woodland habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-289.

- (h) The environmental document for the proposed project was prepared in accordance with the provisions of CEQA and the State CEQA Guidelines.

An Addendum EIR has been prepared in accordance with CEQA.

- (i) A written response to the State Department of Conservation has been prepared and considered for the proposed project, describing the disposition of major issues raised by the Department.

On April 15, 1998, staff contacted Jim Pompy, Chief of the Office of Mine Reclamation, who indicated that since the proposed modification will not result in a change to the reclamation plan, review by the Department of Conservation was not required.

- 6.3 **98-049** - A request for a Conditional Use Permit to construct a grape crushing facility. The project is located on the south side of County Road 19, one mile west of County Road 94B near Woodland in the Agricultural General 9A-1) zone. A Negative Declaration has been prepared for the project. APN: 025-360-55. Applicant/Owner: Jim Taylor/Beau Cheveaux Winery (M. Hamblin)

Mark Hamblin presented the staff report.

The public hearing was opened.

Mr. Taylor, of Beau Cheveaux Vineyard, explained the history and application of the project and answered questions from the Commission. He thinks this crushing facility is an economic opportunity that, with some good application, will grow. He also introduced David Storm, Project Engineer, from Storm Engineering.

Commissioner Rodegerdts asked whether Mr. Taylor anticipates doing custom crushing of grapes that are not produced on his property. Mr. Taylor said yes, in Phase 2.

Commissioner Heringer asked how many tanks they will have. Mr. Taylor answered that there will be about twelve in various sizes.

Commissioner Stephens asked if the phasing is something new that is not in the staff report. Mark Hamblin explained the seven conditions Mr. Taylor outlined in his letter. He said that since we don't have a detailed definition of what the phasing process is, and we know that with time Mr. Taylor could provide that, he structured the following, based on a time frame given four years from the date of condition.

The applicant shall be permitted to complete Conditions of Approval No. 13, 15, 17 and 19 within four years from the date of the Yolo County Planning Commission's date of approval. The applicant may, upon the filing of a written notice to the Yolo County Planning Commission, request consideration for additional time to complete the identified Conditions of Approval or a modification to said Conditions. Planning Commission shall consider the request during a public hearing.

Commissioner Stephens asked if they are being asked today to approve Phase 1 or the concept of Phases 1 through 3. Mark Hamblin said that this is the whole build out of the facility. He said that in some regards the Conditions are going to definitely be more than what Mr. Taylor's actually proposing in Phase 1 at this time.

Commissioner Woo said that it would make more sense to break it down into phases to make it more flexible.

Commissioner Walker said he doesn't have a problem with Condition 15. He believes the intent is clear.

Steven Basha, County Counsel, stated that the ordinance definition of a winery is on Page 2 of the Staff Report. It's the definition that controls how we look at this project.

Steven Basha, County Counsel, clarified Conditions of Approval with Mr. Taylor as follows:

Condition 15 -- Steven Basha asked Mr. Taylor if he will agree to work out a landscape plan with Planning and Public Works. Mr. Taylor said yes. Steven Basha asked Mr. Taylor if he will agree that when he puts up a building, and he requests final building inspection approval from Planning and Public Works, that he will have the landscaping in place before that. Mr. Taylor said he agrees.

Mr. Storm, who helped Mr. Taylor with his planning phase, clarified that what they had proposed, and what had been accepted on an interim basis, was the use of speed space (portable buildings) as a structure. He said they need elaborate small laboratory space because the grape parameters are going to have to be met to meet Mr. Taylor's contracts with his customers. He said there will be no buildings in Phase 1.

Condition 13 -- Steven Basha asked Mr. Taylor if he agrees with the wording of Condition 13, with changing the words "the facility" to "buildings". Mr. Taylor answered yes. Staff and the Commission agreed to this change.

Condition 20 -- Steven Basha clarified the language to read: The requirements of the Yolo County Environmental Health Services shall be met. Mr. Taylor said this language is acceptable.

Condition 16 -- The wording was changed from one (1) year to two (2) years. Mr. Taylor agreed.

Condition 17 -- Wording will include: It will maintain it in a gravel road condition acceptable to Yolo County Planning and Public Works until such time as the traffic on that road exceeds five (5) truck and trailer loads a day. Mr. Taylor agreed.

Steve Basha, County Counsel, asked Mr. Taylor, at the risk of prolonging this hearing, if there is any reason why the details can't be worked out and brought back to the Commission at the January 14, 1999 meeting. Mr. Taylor and John Bencomo agreed to the continuance of this item.

Commissioner Walker asked Mr. Taylor to come back to the next meeting with some provision for guaranteeing that ethylene glycol doesn't contaminate the ground water. Mr. Taylor said he will be happy to do this.

Commissioner Rodegerdts asked that Condition 19 be reviewed by staff to assure that there is sufficient line of sight for traffic on that road.

The public hearing was closed.

Commissioner Lang said that if we want business to come to our County, we can't put them through these kinds of loopholes every time they come.

Commissioner Heringer expressed that the ordinance is not very well written to cover the field.

Commission Action

CONTINUE this item until the next Planning Commission meeting to allow time for staff to work out the details of the project.

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

Following presentation of the application and the recommended action, a public hearing was held at which two people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately five minutes.



Chairman Heringer excused himself from the meeting. Vice Chairman Lang presided.

6.4 **A workshop regarding** the consideration of amendments to the agricultural sections (A-1, A-P, A-E, and AGI) of the Yolo County Zoning Ordinance. The intent of the partial amendments is to eliminate the A-E zone, which serves no purpose; to expand uses in the AGI zone; and to allow more agriculturally related uses in A-1 and A-P zones. A Negative Declaration has been prepared for this item. (M. Drack)

Marshall Drack presented the latest version of the amendments to the agricultural sections of the Yolo County Zoning Ordinance for discussion. He announced that he would like to hear any additional comments the Commission wishes to share. Mark Krummenacker, from the Yolo County Auditor's Office, was introduced, to answer any questions about property taxes or tax revenues.

Commissioner Rodegerdts stated that he was very frustrated by the red-line version. He feels that the computer process should be refined in order to turn out a more efficient and less confusing product. He said, however, that he appreciated that a number of suggestions from the last Planning Commission Meeting were incorporated in this version. On the other hand, he found a number of other areas containing big holes. He would like to see more specifics in the

wording. As an example, it shouldn't say "approval by the appropriate authority". He suggested that the drafting committee diagram this whole revision, so that it can be followed easier.

Marshall Drack said that the red-line version will be reformatted.

Commissioner Walker believes that if the intent of each of these chapters is evident, it is up to the recipients of those people who were reviewing these materials, to exercise some common sense in interpretation.

John Bencomo stated that this item should be closed at this time, and brought back to the Commission at a later date.

Commissioner Stephens suggested that a cover letter summarizing changes should accompany the ordinance when it's presented again to the Commission.

Commissioner Woo suggested that there be an explanation at the beginning of the document explaining the reasons for having two different zones.

Mark Krummenacker answered tax questions from the Commission.

Commission Action

Directed Staff to continue this item at a future Planning Commission Meeting.



6.5 A workshop on the DRAFT Knights Landing General Plan to receive comments and Commission direction (J. Bencomo)

John Bencomo presented an overview of the DRAFT Knights Landing General Plan and answered questions from the Commission and the public. He explained strategies, changes, and the limitations with which staff had to work during the last couple of years.

The people from Knights Landing introduced themselves and expressed their appreciation about what has been accomplished.

The Commission expressed that John Bencomo has done excellent work on this project.

Commission Action

Staff will bring back an extensive Knights Landing General Plan to the Commission for formal review and action.



6.6 Election of the new Chairman and Vice Chairman of the Yolo County Planning Commission for the year 1999.

Commission Action:

Commissioner Lang was nominated as Chairman in 1999.

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

Commission Action:

Commissioner Rodegerdts was nominated as Vice Chairman in 1999.

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



7. ASSISTANT DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Planning and Public Works Department 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.

Assistant Director Bencomo brought the Commission up to date on the following:

- (1) Application fees.
- (2) Letter from Mr. Heidrick and Memo of Response from John Bencomo.
- (3) Per diem allocated to Commissioners.
- (4) Carvalho Appeal.
- (5) Syar Mining Application.

- (6) Planning Commission Meeting date in January 1999 changed from January 6 to January 14 due to the holidays. It was approved by the Commission.



8. COMMISSION REPORTS

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

- (1) Commissioner Rodegerdts attended the Carvalho Appeal at the Board of Supervisor's Meeting. He stated that Chairman Heringer was in attendance also.
- (2) Commissioner Walker suggested that, as a courtesy, a note be sent to Mr. Heidrick from the Planning Commission Chairman, representing the Commission. It should convey that Mr. Heidrick's correspondence to the Commission is appreciated but that this is completely beyond the Commission's jurisdiction. Commissioner Lang agreed to send a letter to Mr. Heidrick.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 1:15 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday, January 14, 1999, 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** from the date of the action. A written notice of appeal specifying the grounds and an appeal fee **immediately** payable to the Clerk of the Board must be submitted **at the time of filing**. The Board of Supervisors may sustain, modify or overrule this decision.

Respectfully submitted by,

John Bencomo, Assistant Director
Yolo County Planning and Public Works Department

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