

MINUTES

YOLO COUNTY PLANNING COMMISSION

November 4, 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
Mark Hamblin, Associate Planner
David Morrison, Resource Manager
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 October 7, 1998 meeting were approved with the following corrections:

CHANGE the last sentence (deleting the name Mr. Ramos) of Paragraph Four, on Page 11 to read:

“She asked Mr. Williams if he heard from any people.....this project.”

CHANGE the first sentence (deleting the name Mr. Ramos) of Paragraph Five, on Page 11 to read:

“Mr. Williams said he knows there are some concerned.....agricultural usage.”

MOTION: Walker 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.

- 4.1 Draft Knights Landing General Plan
- 4.2 Draft Zoning Ordinance
- 4.3 A booklet from the Environmental Protection Agency
- 4.4 A newspaper article regarding mining issues



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 5.1 and 5.2 were removed and placed on the Regular Agenda following Item 6.0.



6. REGULAR AGENDA

The following items 5.1 and 5.2 were taken off the Consent Agenda.

- 5.1 **98-041** - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Project is located on the southwest corner within the north bound Caltrans Highway Rest Area in Dunnigan. A Categorical Exemption has been prepared for this project. Right of Way belongs to the State Department of Transportation (Caltrans). Applicant/Owner: Airtouch Cellular/State of California (M. Hamblin)

Chairman Heringer removed this item from the Consent Agenda because of abstentions from the vote.

Mark Hamblin gave the staff report and answered questions from the Commission and/or the public.

Commissioner Walker asked whether the approvals as presented are forever, or are alterations as technology changes possible sometime in the future.

Mark Hamblin explained that staff recognizes that technology, as well as the industry, have change, and language has been put in the standard condition that the development shall operate in a manner consistent with the project's approval, and if change occurs, there may be some sort of additional review by the Department or the Commission, but upon termination of the use, the site has to be restored back to its original setting within 180 days.

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: Woo
AYES: Walker, Woo, Heringer, and Lang
NOES: None
ABSTAIN: Rodegerdts and Stephens
ABSENT: N o n e

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.

CONDITIONS OF APPROVAL

P l a n n i n g a n d P u b l i c W o r k s

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "2"** - Site Plan and 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 Planning and Public Works Department. 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 obtain building permits and building inspections for the installation of the wireless communication facility from the Yolo County Planning and Public Works Department, Building Division.
3. 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 Airtouch Cellular's delivery system and that the property owner is in agreement.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The lattice tower 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 Planning and Public Works Department.
7. This Conditional Use Permit (Z.F. No. 98-941) 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

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

FINDINGS

[Supporting evidence has been indented and italicized]

California Environmental Quality Act & Guidelines (CEQA)

In accordance with CEQA the Yolo County Planning Commission finds:

A Negative Declaration (ND) has been approved as the environmental determination for this project in accordance with Sections 15070-15075 of the California Environmental Quality Act of 1970 (CEQA) and Guidelines.

Yolo County Zoning Regulations

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 wireless communications (cellular, digital cellular, SMR, PCS, etc.) 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;

Wireless communication technology has been determined not to be detrimental to the public health safety or general welfare. The lattice tower is being located within an approximate 3 acre site that borders scattered low density single family residences, a vehicle dismantling yard.

- 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.

Planning Commission Policy of Siting of Communication/Transmission Facilities

On August 4, 1993, the Yolo County Planning Commission adopted the following policies for assessing communication and transmission facilities permits. The Planning Commission finds:

- a. Encourage the use of monopoles (non-lattice towers) along existing transmission line rights-of-way, and the joint use of existing structures and/or sites to minimize impacts.

The applicant is proposing to install a 150' lattice tower on a 3000 square foot leasehold of an approximate 3 acre site owned by the State of California. The applicant is not opposed to using a monopole or sharing the site or facilities to meet future demands. The applicant has a co-location arrangement with Caltrans' at this location and is attempting to overbuild to handle future co-located carriers.

- b. Require incorporation of design elements and environmental mitigation measures that will minimize impacts and are appropriate to the context of the site for the proposed project.

All proposed structures are to be designed and finished with materials that will be consistent with the environmental setting of the surrounding area subject to the satisfaction of the Yolo County Planning and Public Works Department.

- c. Utilize the following guidelines during the siting and design of said projects, with supportive evidence to be submitted by the applicant for review of the Planning Director, prior to consideration by the Commission:

- 1. Encourage locating new facilities within existing utility/railroad rights-of-way, planning commercial/industrial zones; siting with a demonstrated sensitivity to the preservation of open space, rural/historic character, surrounding agricultural operations, landing strips and aerial traffic; and avoidance of significant habitats, or along scenic highways, waterways and prominent vistas.

The project is to be located on a 3000 square foot portion of an approximate 3 acre property owned by Caltrans. The site involves a Caltrans' Highway Rest Stop. The lease site borders an existing auto/truck dismantling yard.

All proposed structures are to be designed and finished with materials that will be consistent with the environmental setting of the surrounding area subject to the satisfaction of the Yolo County Planning and Public Works Department.

2. Require underground facilities and/or procurement of easements for future use, whenever feasible; in residential areas adequate setbacks shall be imposed with due consideration of potential impacts to health, safety, noise and aesthetics.

The Caltrans' Highway Rest Stop is within a rural residential area. Surrounding the site are scattered residences, and an auto/truck dismantling yard.



- 5.2 **98-054** - A request for a Use Permit to allow for the construction of a fire station in Elkhorn area of West Sacramento. Subject property is located at 19759 Old River Road in the Agricultural General (A-1) zone. A Categorical Exemption has been prepared for this project. APN: 042-310-04. Owner: State of California (M. Hamblin)

Chairman Heringer removed this item from the Consent Agenda because of abstentions from the vote.

There were no disapprovals of the item.

Commission Action

- (1) **CERTIFIED** the project as Categorical Exempt, in accordance to Section 15303 (c), Class 3 of the California Environmental Quality Act and Guidelines;
- (2) **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;
- (3) **APPROVED** the conditional use permit request as presented in the staff report.

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

CONDITIONS OF APPROVAL

Planning Division

1. This Conditional Use Permit (Z.F. No. 98-054) 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.

2. The operator shall obtain all permits and approvals required by other agencies having jurisdiction over the project.

County Counsel

3. 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;
- legal action.

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In accordance with CEQA the Yolo County Planning Commission finds:

A Categorical Exempt has been prepared as the environmental assessment for the project in accordance to Section 15303 (c), Class 3 of the California Environmental Quality Act and Guidelines.

Yolo County Zoning Regulations

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Yolo County 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 subject property is zoned A-1 (Agricultural General). Section 8-2.604(g) of the A-1 Zone states “Buildings and structure, public and quasi-public, and uses of an administrative, educational, religious, cultural, or public service type; provided, however, that in addition to the findings required for the use permit specified by Section 8-2.2804 (a) through (e), the Planning Commission shall find that any such facility shall meet the following criteria:

- (1) That the site shall have previously been utilized by retail, commercial or other nonfarm production uses;*

The leasehold for the building is on land owned by the State of California located on the river side of County Road 22 (Old River

Road). The site is a portion of the 24 acre Kachituli Oxbow Habitat Mitigation project. The leasehold site is not farmed.

(2) That the purpose use requires or will uniquely benefit from an agricultural setting;

The proposed use provides fire protection the Kachituli Oxbow Habitat Mitigation project. It also provides a centralized location for storage of fire engines that provide fire protection services to the Elkhorn area.

(3) That a condition of the use permit shall be the recordation of a “right to farm easement” with regard to the site, approved by the County as to form and content.

The County of Yolo in 1991 adopted a right-to-farm ordinance.

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

The proposed project provides a central location for the Elkhorn Fire District to store its fire engines. The site also provides quick travel to locations within the District.

The building provides protection of the engines from the weather.

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 site is bordered by the Sacramento River, County Road 22, the 24 acre Kachituli Ox Bow (State Land) and farming operations. The proposed structure provides a centralized location for the District to shelter their fire engines and provide emergency response to sites within the immediate area and throughout the District. The site also answers the State Lands Commission concern regarding fire protection for the Kachituli Oxbow.

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

The subject property is designated AG (agricultural) on the General Plan Map (Master Plan) of the County of Yolo and zoned for Agricultural General (A-1) uses. The property which the building is to be constructed is owned by the State of California.

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

The applicant will provide all necessary infrastructure for the proposed project.



- 6.1 **98-010** - A request for Amendments to an Approved Mining Permit, Reclamation Plan, Floodplain Development Permit, and Development Agreement; and Rezoning. The project is located south of Cache Creek and north of State Highway 16, between County Roads 87 and 89, near the Towns of Esparto and Madison. A Supplemental Environmental Impact Report has been prepared for this project. APNs: 049-060-14; 049-120-05, -06, and -16; 049-130-05, and -27. Applicant/Owner: Syar Industries, Inc. (H. Tschudin and D. Morrison)

Commission Action

Directed Staff to continue this item at a Special Meeting on Wednesday, November 18, 1998, 8:30 a.m., at the Planning Commission Meeting Room.



- 6.2 A continuation of a workshop to discuss and make recommendations regarding the County's implementation of recent State legislation regarding Farmland Security Zones under the Williamson Act (D. Morrison)

David Morrison gave the staff report. He described the policy alternatives, stating that staff believes that Option 2.a., allowing for the establishment of Farmland Security Zones within three miles of an incorporated city, should be adopted. He answered questions from the Commission and/or the public.

Commissioner Heringer stated that his concern is the loss of revenue and that we need all the revenue we can generate.

Commissioner Stephens asked for a clarification on Option 2.a., whether the establishment of Farmland Security Zone would be purely voluntary. David Morrison said, correct, that the state law prohibits it from being mandatory.

Commissioner Heringer asked why an ordinance saying we need to OK it is needed if it has passed the legislative level -- isn't that the option of the landowner. David Morrison said that this is an option the Planning Commission could choose, which would allow it to be established anywhere in the County, and the County would just refer de facto to the state legislation. He also stated that if the Commission wishes to limit it to geographical areas, or wishes not to implement it because of the considerations, we would have to actively make some kind of legislative intent to do so, and that remaining silent on the issue would just defer to the state legislation.

Commissioner Rodegerdts asked whether it's just interpretation of the County Counsel's office that each county needs to indicate their willingness to implement the amended procedure and to be a party to a contract.

Steven Basha, County Counsel, stated that these ag. preserve contracts are contracts that both parties to the contracts must agree upon. He thinks that what staff is suggesting is establishing a policy that can give the landowners some idea of where the Board is on this by establishing some ground rules.

Commissioner Rodegerdts said he agrees with Steven Basha.

John Bencomo added that when it comes to agricultural preserve contracts, we have combined our ag. preserve contracts with our zoning, and so it has a different meaning. He said the zoning is very separate from the contracts. He feels that in this case it would be appropriate that, based on the way our current zoning code has been developed, some kind of amendment with respect to the new ag. preserves be put in our zoning code.

Commissioner Rodegerdts said he feels that due to our concern about the revenue source to the County, it is appropriate that we delineate up front those parts of the county which are appropriate for the new 20-year plus contracts. He said we should be up front and right out there leading the pack, showing some of our sister counties that as much as we can should be done to preserve the land. He said he hopes to see a strong recommendation sent to the Board of Supervisors to adopt this program in its limited sense.

Commissioner Lang asked staff how much land is in the Williamson Act. David Morrison said that it appears that, as a rough approximation, about one half of the land is in Williamson Act within the three-mile radius. Commissioner Lang expressed concern that by limiting the farmland security zones to certain areas, it will provide some inequities in taxation between competing farmers.

Commissioner Heringer stated that he feels this should be left on a case-by-case basis instead of determining now what the areas are, or even the whole county. He thinks the doors should be closed as much as possible for the loss of revenue.

Commissioner Walker stated that as the pressures for development increase, he thinks that from a practical standpoint there will not be a lot of pressure for changes until about fifteen or twenty years down the stream.

David Morrison clarified that it's not the intention of staff's recommendation to create an enforceable green line. Staff believes that due to the difficulty in negotiating such green lines, this would serve as a voluntary measure that would have somewhat of the same impact that would allow the flexibility of people to apply for notice of non-renewal and in twenty years possibly develop. He said this a step towards achieving some of the goals of trying to protect ag. land around cities without going through the controversial and difficult political problems associated with establishing urban limit lines.

Commissioner Rodegerdts explained why he is in favor of implementing some aspect of this new Williamson Act Program.

Commissioner Stephens commented that she strongly supports staff's recommendation and she thinks if a message is not sent that we are supporting this, we are backing down from our

commitment to preserving agriculture.

Commissioner Woo stated that she supports 2.a. but she's wondering if there are areas within that location that are not buildable and should be excluded. David Morrison said he agrees.

Commissioner Heringer stated that his position is that this should be handled on a case-by-case basis, and should not be implemented.

John Bencomo commented that inquiries have been received from the Board of Supervisors and landowners and that is why this item is before the Planning Commission for their input and direction.

The public hearing was opened.

Mr. Voss, a resident living near Esparto, voiced questions and concerns on the details of the legislation. He asked staff if the three-mile boundary around urban areas is a moving three miles.

David Morrison answered that it is anticipated that as areas are annexed into the city, the limit would extend out as well. He said that staff's recommendations is for the incorporated cities only.

Mr. Voss said he is concerned about habitat areas and feels they should be given some consideration for preservation. He is also concerned about how much land is affected and that decisions are being made without wider community discussion and input.

The public hearing was closed.

Commissioner Lang feels that this is being moved on too fast, he thinks the Farm Bureau and the community and the Land Trust should be further heard. He thinks this should be continued at the next Planning Commission meeting.

John Bencomo stated that the Farm Bureau and the Land Trust were heard at the last meeting.

Commissioner Stephens noted, for the record, that the Farm Bureau very adamantly supported adoption of the Farm Protection Zone, Farm Security Zone for all of Yolo County, also the Land Trust did the same and it is unfortunate there is not more discussion, but we have heard from the major farm group in Yolo County and the major land preservation organization.

David Morrison noted that the County Assessor's analysis applied only to the incorporated cities, and that by extending it to the unincorporated communities there would be a significantly greater potential loss of county revenue.

Commissioner Woo stated that she couldn't support that until we have a further analysis of the fiscal consequences.

Commission Action

(1) **RECOMMENDED** that the Board of Supervisors approve an amendment to Article 4 of

Chapter 2 of Title 8 of the Yolo County Code to allow Farmland Security Zones to be established in areas within three miles of the city limits of Davis, West Sacramento, Winters, and/or Woodland and within three miles of the limits of the unincorporated towns of Dunnigan, Zamora, Esparto, Madison, Knights Landing, Clarksburg, Yolo, Capay, Guinda and Rumsey.

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

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



6.3 A request for the County to accept a Conservation Easement on 121 acres to mitigate habitat loss. The site is located within the Cache Creek channel, downstream of County Road 94B, 2 miles northwest of Woodland in the Agricultural General/Open Space (A-1/OS) Zone. A Categorical Exemption has been prepared for this project. APNs: 025-350-01, -20, -31, and -33. Applicant/Owner: A. Teichert and Son, Inc. (D. Morrison)

David Morrison gave the staff report, and stated that staff is in support of the Conservation Easement, they think it's well placed and helps create continuity of lands that are already currently protected or will be protected in the future.

Steven Basha, County Counsel, clarified that what staff is asking today is that the Planning Commission approve this in concept, that there are still some particular terms and conditions that are set forth in the conservation easement that need to be worked out specifically, one of those is the third-party beneficiary.

Commissioner Rodegerdts asked if this project is being brought before them prematurely. Steven Basha, County Counsel, stated that the terms and concerns that he has are strictly legal ones which don't deal with the concept. He said this is a recommendation to the Board of Supervisors, and everything will be in place before it goes to the Board. Also, he

said there is a need on Teichert to have this presented to the Board before the end of this calendar year in order to meet the conditions and requirements that are placed on them by the MOU.

The public hearing was opened.

Lillie Noble, Teichert Aggregates, stated that she totally and completely agrees with the staff report, and that they will be willing to work with County Counsel. She respectfully asked that the Planning Commission approve this project and advance it to the Board of Supervisors.

The public hearing was closed.

Commissioner Heringer said that this is a great piece of property for a park-type setting for education, for school kids. He thinks it's a win win thing for the County and Teichert and he approves of what is trying to be done.

Commissioner Walker commented that as time has gone along, it's been put back in a condition of which we can be proud and that Yolo County can appreciate. He thinks it's an excellent move and he appreciates the way things have worked out.

Commissioner Woo said she supports the project.

Commissioner Stephens expressed no comments.

Commissioner Lang had no comments.

Commissioner Rodegerdts did not comment.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** that the proposed Categorical Exemption (see Exhibit 2) as prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ACCEPT** the Conservation Easement in concept subject to further refinement by County Counsel and Teichert as to exact language to protect approximately 121 acres of prime farmland from future conversion to nonagricultural uses (see Exhibit 3).

MOTION: Rodegerdts 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 one person from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately five minutes.



- 6.4 A follow-up report of the possible revocation of Conditional Use Permit 96-033, granted to Kris La Point, that allowed for the development of two Aquaculture Ponds. (J. Bencomo)

John Bencomo gave the staff report and summarized the memo to the Planning Commission,

dated November 4, 1998, which gives an update on the applicant's efforts to resolve the issues.

Commissioner Rodegerdts asked whether construction has been continued at the project site. He expressed that he is not particularly impressed by what has happened in the last 30 days and he is not particularly pleased to note that the applicant is considering coming before the Planning Commission to ask that they legitimize whatever waterskiing activity he plans to have take place on the ponds.

John Bencomo explained that as a step he presented all options to the applicant.

Commissioner Heringer asked if it would be proper to issue a cease and desist order until the applicant comes to grips with further fees and permits.

John Bencomo said that if the applicant was continuing to blatantly construct the structures that he has been red-tagged on, that would be something that should be pursued. He doesn't think it's necessary at this point to go to that measure, as far as injunction of any form. He stated that he will check on the status of construction at the site.

Commissioner Rodegerdts said that from all evidence suggested at the hearing, it appears that it's a waterskiing operation. He feels the applicant is not in the aquaculture business.

Commissioner Heringer said that ground rules should be set up that the lake will not be used for waterskiing without a permit, then when the applicant comes in for a permit we can discuss it and tell him what he can and cannot do.

Commissioner Stephens said she would not be in favor of the applicant presenting any modifications so that he can run a waterskiing operation. She thinks he should cease and desist the waterskiing operations.

Steven Basha, County Counsel, said that according to the action that the Commission directed at the last meeting, as long as the notice requirements are met, the public hearing can be scheduled for the December 2 meeting or the January meeting. He said that John Bencomo can take guidance from what was said at today's meeting and tell the applicant that the Commission is not pleased and that he should comply or continue to comply or this will have to be scheduled for a public hearing, which is consistent with the direction the Commission gave at the October meeting.

Commissioner Rodegerdts suggested that this be set for a public hearing at the January Planning Commission meeting.

Commission Action

Directed Staff to set the public hearing to the January 6, 1998 meeting with appropriate notice provided to Mr. La Point and the purpose of the hearing will be to consider revocation of the

conditional use permit.

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

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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) Mr. Narducci's flooding concerns in the West Plainfield Area.
- (2) Mr. Ceteras' issue concerning a second dwelling for a farm worker.
- (3) Cancellation of a Williamson Act Contract to make way for the Turn of the Century Development Proposal.
- (4) Draft Zoning Amendments.
- (5) Draft Knights Landing General Plan.
- (6) Relocation of the Planning Commission Meetings to the Board of Supervisor's Chambers.

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8. COMMISSION REPORTS

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

- (1) Commissioner Rodegerdts stated that he had asked John Bencomo to send each of the Commission Members the Agenda for the forthcoming meetings the first time that they're posted so they can receive it before they receive the packets so they can be informed earlier. John Bencomo agreed to this request.

- (2) Commissioner Woo attended the County Planning Commissioner's Conference in Sacramento.
- (3) Commissioner Rodegerdts was in Columbus, Ohio at the Annual Symposium of the American Agricultural Law Association.
- (4) Commissioner Walker proposed consideration of future agenda items:
 - Election of Officers in January 1999.
 - Protection of Agricultural Soils and the Viability of the Agricultural Industry.
- (5) Commissioner Heringer attended a Yolo County Historical Meeting in Knights Landing. He also reported that Mr. Smith from Davis has been contacting him regarding the business park concept in Davis. Commissioner Heringer stated that he would like to go out to Syar Industry's lot in Esparto.
- (6) Commissioner Stephens attended two of the Esparto Advisory Committee meetings and the Economic Development Council meeting and several of the sub-agricultural committee meetings. She stated she agrees with Commissioner Walker's proposed future agenda items as shown above.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:15 a.m. A Special Meeting of the Yolo County Planning Commission will be held on Wednesday, November 18, 1998, at 8:30 a.m., in the Planning Commission Chamber. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday, December 10, 1998, 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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