

MINUTES

YOLO COUNTY PLANNING COMMISSION

July 1, 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 Flores, Senior Planner  
Mark Hamblin, Associate Planner  
Curtis Eaton, Associate Planner  
Steven Basha, County Counsel  
Linda Caruso, Planning Commission Secretary  
Carole Kjar, Secretary

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2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

**Commission Action:**

The Minutes of the June 3, 1998 meeting were approved with no corrections.

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

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3. PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present Agenda, was opened by the Chairman. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

No one from the public came forward.

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4. CORRESPONDENCE

Chairman Heringer acknowledged receipt of all correspondence sent with the packet and

distributed at the beginning of the meeting.

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5. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the Commission’s previous instructions to staff. All items on the Consent Agenda may be adopted by a single motion. If any commissioner or member of the public questions an item, it should be removed from the Consent Agenda and be placed in the Regular Agenda.

Items 5.2 and 5.4 were removed and placed on the Regular Agenda following Item 6.1.

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

5.1 97-072 - A continuation of a request for a Conditional Use Permit for an elderly unit on a 24 acre property already occupied by another dwelling unit. The property is located at 23705 County Road 96, northwest of Davis in the Agricultural Preserve zone. A Categorical Exemption has been prepared. APN: 040-170-04. Applicant/Owner: Roberto Cardenas (C. Eaton)

**Commission Action:**

(1) **CONTINUED** this item until the August 12, 1998 Planning Commission Meeting.

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

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5.3 97-060 - A Status Report of TriCal’s progress in meeting the Conditions of Approval as set forth by the Planning Commission. (D. Flores)

**Commission Action:**

(1) **REVIEWED** the attached progress reports from TriCal.

(2) **DETERMINED** that the applicant has demonstrated substantial progress in meeting the “Conditions of Approval” as approved by the Planning Commission on March 4, 1998 and revised Conditions established at the May 6, 1998 hearing.

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

ABSTAIN: None  
ABSENT: None

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5.5 98-017 - A request for a Conditional Use Permit to establish a secondary dwelling unit in an existing structure on a residential property where a new home will serve as the primary dwelling unit. Property is located at 2794 County Road 88C, east of I-5 between County Road 2A and County Road 4 in Dunnigan in the Residential Suburban/One-acre minimum (RS B43/100) zone. A Categorical Exemption has been prepared. APN: 051-103-18. Applicant/Owner: Cleveland Jordan (C. Eaton)

**Commission Action:**

- (3) **CERTIFIED** the project as Categorical Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA) Guidelines;
- (4) **ADOPTED** the Findings for this project as presented in the staff report; and,
- (5) **APPROVED** the project subject to the Conditions of Approval as presented in the staff report.

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

**CONDITIONS OF APPROVAL**

**Planning Division**

- 1(a) The Conditional Use Permit, allowing a granny unit, shall commence within one (1) year from the date of the Planning Commission's approval, or it shall be deemed null and void.
- (b) The Conditional Use Permit shall expire two years from the date of approval, unless it is renewed by the applicant. It can be renewed indefinitely for two years at time.

**Building Division**

- 2(a) All necessary building permits and infrastructure connection permits to convert the vacant structure to a granny unit shall be obtained from the Building Division prior to issuance of an occupancy permit. Because the structure is currently used for storage, it shall meet the County code requirements for fire sprinklers for new dwelling units.
- (b) The property owner shall pay all associated County and district fees associated with having a second dwelling unit on the property prior to issuance of a building permit.

### **Environmental Health**

3. All necessary Environmental Health permits regarding the provision of water and sewer shall be obtained, and all other requirements of the County Environmental Health Division shall be satisfied prior to issuance of a building permit.

### **Dunnigan Fire District**

4. The property owner shall comply with the requirements of the Dunnigan Fire District to ensure emergency access to both the primary unit and the granny unit.

### **County Counsel**

- 5(a) 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.
- (b) 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.

### **FINDINGS**

Approval of this use shall be given if the Planning Commission determines that the following findings are satisfied, in accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations (*a summary of the evidence to support each finding is shown in italics*):

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

*§65852.1 of the State Government Code states as follows:*

*“Notwithstanding §65906, any city, including a charter city, county, or city and county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over, and the area of the floor space of the attached dwelling unit does not exceed 30% of the existing living area or the area of the floor space of the detached dwelling unit does not exceed 1,200 SF.*

*The use is a conditional use in all zones of the County that permit single-family residences, which includes the Rural Residential zone.*

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

*The proposed use will allow the applicant to reside on the property and provide a rental unit for his grandchildren, also. The granny unit is located towards the front of the property, and shares a driveway from CR 88-C with the primary unit. It is a conventionally built structure and should not have a negative impact on neighboring property owners.*

- 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.

*Included in the conditions of approval for the project are conditions requiring the determination by the Environmental Health Division of the adequacy of both water and septic prior to the issuance of an occupancy permit. A building permit is required for any necessary improvements to convert the vacant structure to a dwelling unit. As conditioned, the project will not be detrimental to the public health, safety or general welfare.*

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

*The parcel is a legal parcel in a residentially designated area of the County which allows a primary and secondary dwelling units, and therefore the use is in conformance with the General Plan. Granny units are not considered an increase in density, and the property is double the required minimum lot size.*

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

*Adequate access to the property exists via CR 96. The applicant must obtain permits from Environmental Health for water and septic prior to obtaining an occupancy permit for the granny unit. No comments were received from responsible agencies that would indicate that facilities are inadequate for the proposed use.*

- 5.6 98-018 - A request for a Lot Line Adjustment to transfer Parcel 038-100-09 to an adjacent parcel 038-100-08, increasing the ranch by 11 acres. Both properties are in the Williamson Act and will require A-P Contract Boundary Adjustments. Property is located northwest of the intersection of County Road 32 and 93A, east of Winters in the Agricultural Preserve (A-P) zone. A Categorical Exemption has been prepared. APN: 038-100-09. Applicant/Owner: Martinez/Wong (C. Eaton)

**Commission Action:**

- (1) **RECOMMENDED CERTIFICATION** to the Board of Supervisors of the Class 5 Categorical Exemption prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **RECOMMENDED ADOPTION** to the Board of Supervisors of the Findings for approval as presented in this staff report;

- (3) **RECOMMENDED** that the Board of Supervisors approve the request as described in this report subject to the identified Conditions of Approval.

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

**CONDITIONS OF APPROVAL**

**Planning & Public Works**

- 1(a) Within 30 days of the approval of the recommended action, the applicant shall submit to the Planning & Public Works Department a revised Lot Line Adjustment map (Exhibit B) showing parcel 038-100-14 included as part of "Parcel 1". This conforms to the A-P contract 69-313 boundaries.
- (b) Within 30 days of the approval of the recommended action, the applicant shall submit to the Planning & Public Works Department the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the two properties.
- (c) Upon approval of the legal descriptions by the Planning & Public Works Department, the applicant shall transmit the revised agricultural preserve legal descriptions to the Yolo County Counsel's Office and shall execute the new contracts as reflected in this report.

**County Counsel**

- 2(a) In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successor's or assignees 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.
- (b) The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

**FINDINGS**

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

**SB 1240 Findings**

Section 51257 (a) of the Government Code states:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other any other provision of this chapter, the parties may mutually agree to rescind the contract and simultaneously enter into a new contract pursuant to this chapter, provided that the board or council makes all of the following findings.

1. The new contract would enforceably restrict the adjusted boundaries of the parcel for an initial term at least as long as the unexpired term of the contract being rescinded, but in no event for less than 10 years.

*The adjusted boundaries will benefit both contract holders, who plan to continue to farm their respective properties. As the land will remain in agriculture, the ten year requirement should not be of concern to either party.*

2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of land restricted by the new contract is at least as great as the aggregate acreage restricted by the rescinded contracts.

*AP contract 69-313 will decrease 11 acres, from 309 to 298 acres; AP contract 69-314 will increase the same amount, from 39 to 50 acres. Total acreage currently under contract equals 348 acres, which will remain the same after the Lot Line Adjustment, so there will be no net decrease in land restricted to agriculture.*

3. At least 90% of the land under the former contract remains under the new contract.

*There will be 348 acres of the land restricted by the new contract after the proposed transfer of the 11 acre parcel. This represents 100% of the land currently under contract.*

4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as that term is used in Section 51222.

*Under Section 51222, the state requires that the minimum parcel size necessary to sustain agricultural use is 10 acres for prime agricultural land or 40 acres if non-prime land. The County currently requires 80 acres for prime land that is cultivated and irrigated. In this case, both parcels are located to the east of Winters and soils are mostly BrA, Brentwood Silty Clay loam (Class I), with some Ca, Capay silty clay (Class II) and Rg, Rincon silty clay loam (Class II). The land is in row crops, walnuts and prunes.*

5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or of other contracted lands.

*The use of the property will not change after the LLA, except that parcel 038-100-09 will be more accessible to the Canfield property west of CR 93-A, and therefore is more likely to be farmed (the 11 acres is currently fallow). The new contract will be*

*11 acres larger, which should improve the economic viability of the farm. The loss of 11 acres from the contract to the east of CR 93-A will not be a substantial reduction as the contract will still be close to 300 acres after the land transfer.*

### **Lot Line Adjustment**

In accordance with Yolo County Code §8-1.452 [Ordinance 939, effective November 18, 1982] the Yolo County Planning Commission finds:

6. That the application is complete.

*The application was deemed complete by the Planning & Public Works Department when the applicant's engineer submitted the revised lot line adjustment map.*

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

*The property owners of the parcel to be adjusted have consented and their signatures can be found on the submitted application.*

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

*The applicant's licensed land surveyor will prepare the legal description for the project. The Yolo County Planning & Public Works Department staff reviewed the Lot Line Adjustment map and have found it to be adequate.*

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

*No existing easements will be abandoned or affected by the Lot Line Adjustment.*

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

*After the land transfer, access will be from CR 93-A and CR 92-E. Currently, access is only from CR 93-A.*

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

*Analysis of the application by the Planning & Public Works Department and the Yolo*



County Environmental Health Department determined that the design of the parcels will comply with the above.

### **Williamson Land Conservation Act - Contract Adjustment**

In accordance with Section 8-2.408(e)(3) of Article 4 of Title 8, and provisions of the Blue Ribbon Ordinance No.1157, the Assistant Director of the Planning & Public Works Department finds:

12. That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses.

*On the east side of CR 93-A, the proposed contract, as adjusted, will meet or exceed the 80-acre minimum acreage requirement for irrigated and cultivated land as established in the A-P Zone by Ordinance No.1157. On the west side of CR 93-A, the proposed contract, as adjusted, will not meet or exceed the 80-acre minimum acreage requirement for irrigated and cultivated land as established in the A-P Zone by Ordinance No.1157. However, the contract was drafted in 1969 when the acreage requirement was 20 acres, and is increasing by 11 acres.*

13. That the parcels resulting from the LLA will tend to maintain the agricultural economy.

*The use of the property will not change. The restricted lands, currently planted in row crops, walnuts, and prunes, will remain agricultural.*

14. That the parcels resulting from the LLA will tend to assist in the preservation of prime agricultural lands.

*The transfer of parcel 038-100-09 will make the contract west of CR 93-A larger and improve the ability to farm the parcel. The Canfields can supply water to the site and will plant it in chestnuts.*

15. That the parcels resulting from the LLA will preserve lands with public value as open space.

*The property is planted in row crops, walnuts, and prunes and will remain so for the indefinite future. Both Williamson Act contracts are active.*

16. That the proposed use is consistent with the General Plan.

*The proposed use is agriculture, which is consistent with the Agriculture designation of the general plan.*

17. That the proposed contract is in conformity with all the requirements of the Subdivision Map Act of the State.

*Staff has reviewed the application for conformance with the Subdivision Map Act and finds that it conforms with the Subdivision Map Act of the State.*

18. That the parcels are at least 80 gross acres where the soils are capable of cultivation and are irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated and 320 gross acres where the soils are not capable of cultivation (including rangeland and lands which are not income producing).

*The parcels included in Williamson Act Contract 69-313 together far exceed the 80-acre minimum for irrigated and cultivated land in accordance with Ordinance 1157.*

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## 6.0 REGULAR AGENDA

The following two items were taken off the Consent Agenda, and placed on the Regular Agenda:

- 5.2 97-070 - A continuation of a request for a Tentative Parcel Map and Variance to create a 1.11 acre homesite from a 23.41 acre parcel. This request was conceptually approved by the Planning Commission pending Staff's drafting of the

Findings and Conditions for Approval. Property is located at 53396 South River Road, north of Clarksburg in the Agricultural General zone. A Negative Declaration has been prepared. APN: 044-130-04. Applicant/Owner: Vance Boyes/Robert Rose (C. Eaton)

### **Commission Action:**

- (1) **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
- (2) **ADOPTED** the revised Findings for approval of the Variance and Tentative Parcel Map, as modified.
- (3) **APPROVED** the Variance to the minimum lot size requirement in the A-1 zone, subject to the Conditions of Approval as presented in this staff report.
- (4) **APPROVED** the Tentative Parcel Map to subdivide a 23.4 acre parcel into a 1.11 acre homesite parcel and a 22.3 acre remainder.
- (5) **CONTINUED** this item until the August 12, 1998 Planning Commission Meeting.

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

### **CONDITIONS OF APPROVAL**

#### **Public Works Division**

- 1a. The Final Map for TPM 4336, as described within this report, shall be filed with the Director of the Yolo County Planning and Public Works Department within two years from the date of the Planning Commission's approval, or TPM 4336 shall be deemed null and void without further action.
- b. The Final Map shall be tied to or prepared with the Basis of Bearings being the California Coordinate System, Zones 2 and 83.
3. The applicant's surveyor/engineer shall reflect on the Final Map a minimum 20-foot easement along the southern edge of Parcel 1 adjacent to South River Road to provide adequate room for utilities in the event that this road is improved to County standards.

### **Planning Division**

- 3a. If and when this property is sold, future buyers of the property shall be advised of the existence of the Right to Farm Ordinance in Yolo County through the inclusion of its provisions in the property deed.
- b. Exterior changes to the King House involving a change of materials or the shape of the structure shall be subject to the provisions of Title 8, Chapter 8, Article 3 of the Yolo County Code, in a manner similar to historic landmarks.
- c. A "no build" restriction shall be placed on the deed of the remainder "Parcel 2" for as long as that parcel is zoned agricultural.

### **County Counsel**

- 4a. 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.
- b. 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.

### **FINDINGS**

## Negative Declaration

In certifying the proposed Negative Declaration for this project as the appropriate level of environmental review under the California Environmental Quality Act (CEQA), the Planning Commission finds that on the basis of the Initial Study and comments received, there is no evidence that the subdivision will have a significant effect on the environment.

*The use of Parcel 1 will continue to be residential and the remainder parcel will remain agricultural. Staff has determined that a variance to allow the creation of a subminimal parcel for a historic homesite would not result in a significant impact because there are a limited number of historic homes in the county subject to agricultural zoning regulations.*

## Variance

In accordance with Section 8-2.2904 of the Yolo County Zoning Regulations, the Yolo County Planning Commission acting as the Board of Zoning Adjustment finds:

1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

*Staff found that 22 parcels around the Rose property were under five acres (the minimum parcel size in the A-1 zone) in Assessors Map Book 44, Page 13 and surrounding pages 6, 7, 8, & 12. This covers an area along the west bank of the Sacramento River from south of Babel Slough Road to Pumphouse Road. However, the policy of the Commission is to consider the creation of subminimal parcels in the agricultural areas of the County if the parcel is occupied by a designated historic landmark or historic resource. This policy is to preserve agricultural lands and avoid setting a precedent that could lead to a proliferation of ranchettes. Therefore, approving the variance for a subminimal parcel that does not contain a designated historic landmark or an historic resource would not constitute a grant of special privilege.*

2. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification.

*Special circumstances in this case involve the nature of the existing residence, which has some of the characteristics of an historic resource. Although the residence is not a designated historic landmark, it can be considered an historic resource, and therefore can be said to have the special circumstances necessary to make this finding. These special circumstances include that the building on the subject property reflects significant social and cultural values consistent with County Code sections 8-2.249.2 and 8-8.201(a)(1) by embodying characteristics of a vernacular or folk building style found in the "Lisbon District" of the Clarksburg area consistent with County Code section 8-8.201(a)(3), and expressing other*

elements unique to the "Lisbon District" and the subject property through its close proximity to other buildings of similar vintage, also constructed in the 19<sup>th</sup> Century by members of the same family.

3. That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the General Plan.

*The granting of the variance to allow the creation of a subminimal homesite will be in conformity with the General Plan policies that encourage preservation of historic resources.*

### **Tentative Parcel Map**

In accordance with Section 8-1.804 (Article 8 of Title 1 of the Yolo County Code), the Commission finds that it is satisfied with the design of the division, and that it is in conformity with the provisions of the law, and that it satisfies community needs.

*The proposed Tentative Parcel Map shows the area to be divided from the remainder parcel as that portion of the property which contains the historic King House. The design of the 1.11 acre homesite is such that it includes adequate area for a replacement leach field to the north of the house. As the creation of a subminimal parcel is allowed under special circumstances, the division is in conformity with the provisions of the law.*

### **Subdivision Map Act**

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

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

*The Tentative Parcel Map is consistent with the Yolo County General Plan and Clarksburg Area General Plan to the extent that the house is an historic resource and the project promotes historic preservation. As the house already exists, no agricultural land will be converted to provide land for a non-agricultural/residential use. There is no specific plan for this area.*

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

*The design of the proposed subdivision was reviewed by other County agencies and was determined to be in conformance with the Yolo County General Plan as it contributes to the preservation of a County historic resource.*

- (c) That the site is physically suitable for the type of development;

*The property is currently zoned A-1 (Agricultural General). The parcel split will provide a*

*homesite in an area of the property already occupied by a residence built in the late 1800's. The lot size configuration is adequate for this use and will not interfere with the viability of the adjacent farming unit.*

- (d) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

*There is no evidence that fish or wildlife resources will be effected by the approval of the parcel split. Farming practices on the remainder parcel will not change and the residence on Parcel 1 will continue to be used as housing after the parcel split. No alterations are proposed at the southern edge of the property adjacent to the Sacramento River.*

- (e) That the site is physically suitable for the proposed density of development;

*The proposed homesite is 1.11 acres, adequate for the proposed use of the site. No further residential construction is proposed, so there will continue to be two dwelling units at this location.*

- (f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

*The Health Department is aware of the proposed project and will visit the site to ensure that the well and septic system are adequate.*

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

*Easement dedications to allow access and utility easement rights have been conditioned upon approval of the parcel map and will be designated on the final parcel map.*

### **Delta Protection Act of 1992**

The Delta Protection Act, sponsored by Senator Patrick Johnson was approved by the Governor on September 24, 1992. This bill created the Delta Protection Commission which is required to prepare, adopt, review and maintain a comprehensive long term resource management plan for the Primary Zone of the Delta. The project area is located within this Primary Zone.

Local governments may approve development within the Primary Zone only after making the following findings (evidence to support each finding is in italics):

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

*The proposal will not result in wetland or riparian loss. The subdivision will create a homesite for an existing house that is set back from the river and is not adjacent to a wetland or riparian area. The remainder parcel is currently being*

farmed.

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

*The proposal will not result in the degradation of water quality in the area because the proposal will not change the current agricultural operations now underway.*

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

*The project will not result in increased non-point source of pollution, soil erosion, increased subsidence or sedimentation. The number of housing units will remain the same, and the property will not change physically as there will be no additional construction. There should be no increase in either water use or pesticide use.*

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

*The project will not result in the degradation or reduction of the Pacific Flyway habitat because the proposed homesite will not affect the Sacramento River.*

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

*The project will not result in reduced public access. South River Road crosses the property in an east-west direction along the levee, and this will not change.*

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

*Although the proposed subdivision is within a 100-500 year flood zone (Flood Zone B), the public will not be exposed to increase flood hazards. The house was built in the late 1800's and there will be no physical changes in the use of the property which would increase flood hazards, or expose the public to flood hazards. The applicant does not intend to create other residential homesites on their property.*

- (g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.

*The proposal will not remove any agricultural lands from productive usage. The proposal could actually enhance agricultural productivity which conforms with the County's policy of protection of agricultural lands.*

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

*The project will not result in the degradation or impairment of the levees at Elk Slough, Sutter Slough or the Sacramento River. This is a subdivision where no development is taking place.*

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

*Navigation will not be adversely impacted as there will no development on or near the river.*

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

*There will not be increased requirements or restrictions of agricultural practices in the primary zone. The residents of the house have been living there for several years and are part of the Rose Family, owners of the agricultural operation on the remainder parcel. There should be no conflict with farming operations as existing agricultural practices are not projected to change.*

- 5.4 98-020 - A follow-up report on the Planning Commission's direction regarding a survey of the Madison Market, which is on the County's Historic Resources Inventory, prior to its demolition (M. Hamblin)

**Commission Action:**

- (1) **CONTINUED** this item until the August 12, 1998 Planning Commission Meeting, for a status report.

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

.. ..

- 6.1 98-014 - A request for a Conditional Use Permit to establish a church and school facility. Property is located on the east side of Matmor Road, south of Tyler Street near Woodland in the Agricultural General (A-1) zone. A Mitigated Negative Declaration has been prepared. APN: 041-070-39, 41 AND 041-080-13. Applicant/Owner: First Baptist Church/Woodland Christian School (D. Flores)

**Commission Action:**

- (1) **CERTIFIED** that the attached Mitigated Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit 4**);



- (2) **ADOPTED** the FINDINGS for this project as presented in the staff report; and,
- (3) **APPROVED** the Conditional Use Permit subject to the “CONDITIONS OF APPROVAL” as presented in the staff report.
- (4) **APPROVED** the “CONDITIONS OF APPROVAL” as amended.

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

**CONDITIONS OF APPROVAL**

Planning and Public Works Department:

1. The applicant shall provide 622 on-site parking spaces in accordance with the Church’s Master Plan dated March 30, 1998 and in compliance with the Yolo County Zoning Ordinance.
2. The applicant shall obtain building permit(s) from the Yolo County Planning and Public Works Department for the construction of the school/church facilities.
  - a) Design standards for roadway/sidewalk improvements shall be accordance with the City of Woodland standards and specifications.
3. Prior the issuance of a building permit, the applicant shall submit a comprehensive landscape plan drafted by a landscape architect registered in the State of California in accordance to the State of California Model Water Efficient Landscape Ordinance to the Yolo County Planning and Public Department for approval. Landscaping shall emphasize maximum street and parking shade, solar efficiency, low maintenance, low irrigation, visual harmony and drought tolerance. Installation of landscaping shall be completed prior to issuance of a Certificate of Occupancy by the Building Division.
4. There shall be no removal of soil off-site from the subject property.

**City of Woodland**

5. Following annexation of the area, a financing district will be established for design and construction of the necessary infrastructure for development.
6. Sewer connection to the Matmor Road trunk line is approved by the City. The City is to be provided with flow data prior to approval of the connection to their system. Should the flow data exceed the City’s system capacity, there will be on-site

detention, and pumping of sewer flow during off-peak periods. Eventually, sewer service

will be rerouted to a new trunk line serving the new plan area, once it is developed.

7. Storm drainage would need to be handled on an interim basis, in the same manner as with the sewer.
8. Water will be provided via an existing water main on Matmor Road. An evaluation of the water demand generated on the site will have to be made to ensure adequate pressure and flow volumes.
9. Alignment of streets and access drives shall accommodate mature oaks, or other landmarks trees.

#### **Emergency Services/Access Requirements**

10. All persons employed in the daily operations of the school/church facility shall be trained in basic CPR, First-Aid, fire emergency procedures, and/or medical staff at the site during events or as required by the Woodland Fire Department.
11. An emergency plan will be developed to address emergency evacuation procedures in case of an accident or evacuation of the school/church site. The plan shall be submitted to the Woodland Fire Department for their review and approval.

#### **Solid Waste**

12. Garbage shall be removed at least twice weekly from the site by a local refuse supplier. Recyclable items shall be separated for recycling purposes.

#### **County Counsel:**

13. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.
14. The Conditional Use Permit shall commence within one (1) year from the date of the final approval by the Yolo County Planning Commission or the Conditional Use Permit shall be deemed null and void without any further action.

## **MITIGATION MEASURES**

THE ENVIRONMENTAL MITIGATION MEASURES TO REDUCE THE CUMULATIVE AND/OR PROJECT SPECIFIC IMPACTS CULMINATING FROM THE POTENTIAL LAND USE DISCUSSED IN THE ENVIRONMENTAL DOCUMENT ARE AS FOLLOWS IN THIS REPORT AND MADE A PART OF THE APPROVAL PROCESS OF THIS PROJECT.

AS SUCH, ANY MODIFICATION TO THE CONDITIONS OF APPROVAL OR MITIGATION MEASURES CAN ONLY BE MADE IF: (1) IT DOES NOT REDUCE THE EFFECTIVENESS OF THIS CONDITION AS AN ENVIRONMENTAL MITIGATION MEASURE, OR (2) A NEW ENVIRONMENTAL DOCUMENT IS PREPARED TO REFLECT THE CHANGED PROJECT DESCRIPTION AND/OR CONDITIONS.

### **Compliance Conformance**

15. In order to comply with Public Resources Code Section 21081.6, a detailed monitoring program must be developed for all required mitigation conditions. The monitoring program should include the following:
  - a. Specific criteria to measure the effectiveness of mitigation;
  - b. Annual monitoring for a minimum of five years;
  - c. Annual monitoring reports (submitted to the Yolo County Planning and Public Works Department), each of which include corrective recommendations that shall be implemented in order to ensure the mitigation efforts are successful.

### **Effect On Absorption Rates, Drainage Patterns, Surface Runoff**

16. The applicant shall provide a drainage plan to assure other perimeter parcels are protected against surface runoff from the proposed church/school facility and parking area in a manner acceptable to the Yolo County Planning and Public Works Department.
17. The drainage plan is to be included with the plans submitted for the building permit. The drainage plan shall be prepared by a registered civil engineer in the State of California and submitted to the Yolo County Planning and Public Works Department for approval.

### **Detention Facilities**

18. Prior to issuance of a building permit by the Yolo County Public Works Department, Building Division, any water detention area to be constructed on property to service the church/school facility shall be designed by a civil engineer registered in the State of California and shall have permit approval of the California Regional Water Quality Control Board.

19. Water detention area shall be designed and constructed to accommodate at least a 100 year flood for a 24 hour period.

### **Air Quality**

20. Submit to the Yolo County Planning and Public Works Department, a construction mitigation plan. This plan should specify the methods of control that would be utilized, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The construction dust mitigation plan should, at a minimum, include the following:
  - Provision of equipment and staffing for watering of all exposed or disturbed soil surfaces at least twice daily. An appropriate dust palliative or suppressant, added to water before application, should be utilized.
  - Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - Regular sweeping of construction area and adjacent streets of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic.
  - Enforcement of a speed limit of 15 miles per hour for all construction vehicles when off pavement.
  - All materials transported by truck will be covered or wetted down.
  - All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded.
  - Suspension of earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes.

### **Cumulative Effects on Attainment of State and Federal Air Quality Standards**

21. Expand current bussing and car pool programs. Designate a transportation coordinator with the function of coordinating bus and car pool programs,  
  
disseminating information about automobiles and air quality, providing educational materials, and arranging ridesharing among both staff and students.
22. Provide secure bicycle parking areas on the site.

### **Noise Levels**

23. A Landscaping Plan shall be required for the project site. The Plan shall consider the installation of a combination of barriers, buffers, berms to act as noise suppressions from the State Highway, and adjacent residential subdivisions. Plan

shall be submitted to the Yolo County Planning and Public Works Department and City of Woodland Community Development Agency for approval. Masonry wall is not a preferred choice of barrier.

24. Construction noise impacts can be minimized by control of operating hours, requiring that all equipment on the site be adequately muffled and maintained and by providing a mechanism to work out disputes with the neighbors. Construction should be controlled to hours acceptable to the neighbors. Generally this would be the hours of 7:30 AM to 5:30 PM on weekdays with no construction allowed on weekends or holidays.
25. All equipment used on the project should be adequately muffled and maintained per the manufacturers original specifications.

### **Aesthetic Effect**

26. A comprehensive landscape plan drafted by a landscape architect registered in the State of California in accordance to the State of California Model Water Efficient Landscape Ordinance shall be submitted to the Yolo County Planning and Public Works Department and City of Woodland Community Development Agency for approval. Landscaped Plan shall be designed with materials that blend with the existing site and surrounding environment (agricultural).
27. All proposed buildings and accessory structures and perimeter fencing located at grade shall be designed and finished with materials that will be consistent with the existing character of the site and immediate surrounding area (rural agricultural) and to the satisfaction of the Yolo County Planning and Public Works Department.
28. Provide a minimum setback of 100 feet from agricultural uses on the western border of the project site. This setback would be allow passive uses such as landscaping and parking areas. This setback would be the minimum that would allow the application of pesticides (through ground application) on all portions of the western parcel.
29. The project shall restrict access into adjacent agricultural lands, to reduce the risk of trespass and liability issues. The project should include fencing or hedgerows on

the west side. Fencing or hedgerows on the west sides could be designed to be removed when urban development occurs (the parcels to the east, west, are indicated for urban development under the *1996 City of Woodland General Plan*).

### **Light Or Glare**

30. Any sources of light and glare from the property (school/church facility and recreational fields) shall be designed and/or constructed (i.e shielded, directed, etc.) to not intrude onto neighboring properties, the county public right-of-way or into the airspace.

### **Biological Resources**

31. Prior to any grading activity on-site, a plant survey shall be conducted by a qualified

botanist, to determine the presence of any sensitive or federally listed Endangered Plants on the site. Should populations of the plant be found, the final site plan for the Church/School Facility shall be adjusted to avoid these populations, and a protection plan will be developed and incorporated into the project conditions of approval which will ensure the population's viability. The results of the plant survey and any necessary protection plan shall be subject to the approval of the Department of Fish and Game and the Yolo County Planning and Public Works Department Assistant Director.

32. Project design shall explore the potential for wildlife habitat enhancement which could be achieved in conjunction with the project. Enhancement effects could occur as a result of tree species selection which promotes species diversity or could result from the type of management selected for turf and natural areas of the site.

### **Fish and Game**

33. A CDFG Code Section 2081 authorization should be executed prior to the approval of a grading permit for the project, and a payment, if required, of mitigation fees to the Yolo County fish and wildlife mitigation account should be made prior to issuance of a grading permit or building permit.

### **Transportation and Circulation**

34. The applicant shall reconfigure (re-striping) north and south bound Matmor Road at Gibson Road to include left and right turn pockets. Work shall be in accordance with City of Woodland Public Works Standards.

Failure to comply with the "CONDITIONS OF APPROVAL" including Mitigation Measures requirements as approved by the Planning Commission may result in either or both of the following:

- **non-issuance of future building permits;**
- **the revoking of the conditional use permit;**
- **legal action.**

### **FINDINGS**

#### **Mitigated Negative Declaration :**

In certifying the proposed Mitigated Negative Declaration for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

*The Mitigated Negative Declaration has identified all significant effects produced by the project and analyzed them objectively. Mitigation measures are suggested for some of the effects, and others appear to be unavoidable if the project is approved.*

#### **Conditional Use Permit:**

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

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

*"Buildings and structures, educational, religious" is a conditional use within the A-1 Zone subject to the approval of the Planning Commission [Section 8-2.604. (a). Chapter 2, Title 8].*

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

*The Christian school/church facility to be located from an extension of Matmor Road is desirable for a facility of this type to be located in an area accessible to the Community of Woodland and unincorporated residents of Yolo County. The existing School/church facilities in the City of Woodland are at capacity and expansion of the facilities are necessary to meet the future growth of the facility.*

- (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 43 acre subject property is surrounded by agricultural operations that are in production to the east and west and housing subdivisions to the north of this property. Scattered single family farm residences exist throughout the area.*

*As conditioned, the design of the church/school facilities are not likely to cause serious public health problems based on Mitigation conditions which have been established and incorporated within the staff report.*

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

*Yolo County General Plan Land Use Policy 12 states: "Lands designated agricultural inside of urban area boundaries, but outside of city limits, shall be subject to the same conservation standards, limitations, and other requirements to conserve the agricultural land use, as are lands outside the Urban Area Boundaries except such lands between the city limit line and the Urban Boundary line may be designated for efficient phased development to eventual nonagricultural uses according to the terms and requirements of the adopted Urban Area Plan, as amended".*

*The project is within the Urban Boundary Line of Woodland. As component of the application procedure, and consistent with County's Woodland Area General Plan which allows a project to be developed if it is within the established Urban Limit Line.*

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

*Comments received on the project from responsible agencies during the public review process identify potential concerns and mitigations for issues regarding adequate utilities, access roads, drainage, and/or other necessary facilities. The implementation of the requirements established for the project by the agencies should adequately address this concern.*

**Woodland Area General Plan:**

When considering any application for development of an educational facility/campus site, the following criteria shall be used, and the following findings shall be made to allow such use, or insure the facility/campus will serve the community while minimizing its potential adverse impacts. If all the findings are made in the affirmative, an educational facility/campus site may be approved within the unincorporated area of the County and within the Urban Limit Line of the City of Woodland:

1. The site should be located in proximity of a freeway, highway, or thoroughfare, to insure proper access and circulation, making the site convenient to that part of the community, and areas which would be served by the educational facility/campus;

*Staff has reviewed the proposed project's impact on traffic and circulation. Access to the project would be via Gibson Road and Matmor Road. Satisfactory intersection and roadway operations are projected to continue with the initial development of the project site.*

2. The site should be of adequate size to accommodate future student enrollment consistent with the projected growth of the Woodland Area and the areas which would be served by the educational facility campus;

*The project Master Plan provides adequate facilities to house the build out enrollment.*

3. The site should be located so as to minimize the impact of loss of agricultural crop land;

*The proposed project would result in the loss of approximately 43 acres of prime farmland and result in significant urban-rural conflicts between agricultural and non-agricultural uses. As a mitigation measure, the applicant would be required to participate with CDFG Code Section 2081. Authorization will be executed prior to the approval of a grading permit for the project, and a payment, if required, of mitigation fees to the Yolo County fish and wildlife mitigation account.*

4. The City of Woodland has indicated its ability within a reasonable time, and under such terms and conditions as are applicable to provide water, sewer, and fire protection to the site;

*The Woodland City Council has indicated its willingness to provide sewer and water service to the site at this time.*

5. The agencies with jurisdiction to provide other governmental services required by the



educational facility/campus sites have recorded their ability to provide such services at an acceptable level, considering the needs of the particular educational facility/campus site in question;

*The City of Woodland has indicated that existing water and sewer services can be provided once the project is approved and future development proceeds in the area.*

6. The site should be located in an area where bicycle access may be provided with optimum safety;

*As part of the project approval a bike/walkway access from the City limits of Woodland to the proposed church/school site is required to be constructed with the extension of Matmor Road.*

7. The site should be within or directly adjacent to the Urban Limit Line;

*The project is consistent with this criteria. The project site is within the urban limit line as approved by the City of Woodland General Plan adopted in 1996. The City limits line is directly adjacent to the northern property boundary of the church/school facility.*

- 6.2 98-013 - A request for a Tentative Parcel Map to divide a 180 acre parcel into 2, 90 acre parcels. Property is located at County Road 139 (River Road) north of Clarksburg in the Agricultural Preserve (A-P) Zone. A Negative Declaration has been prepared. APN: 044-050-01. Applicant/Owner: Albert and John Martinelli (D. Flores)

**Commission Action:**

- (1) **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit 3**);
- (2) **ADOPTED** the FINDINGS for this project as presented in the staff report; and,
- (3) **APPROVED** the Tentative Parcel Map subject to the "CONDITIONS OF APPROVAL" as presented in the staff report.
- (4) **DIRECTED** staff to prepare the necessary Williamson Act Successor Agreements once the Final Parcel Map is approved by the Board of Supervisors.

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

**CONDITIONS OF APPROVAL**

## **Yolo County Planning & Public Works**

1. (a) The Final Parcel Map, as described within this report (TPM-4381), shall be filed with the Yolo County Planning & Public Works Department within two years from the date of the Planning Commission's approval of the tentative parcel map, or said tentative map (TPM-4381) shall be deemed null and void without further action.  
  
(b) The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, and 83.  
  
(c) Prior to recordation, the applicant or his successors in interest shall submit to the Yolo County Public Works Division all outstanding fees established by the current Fee Schedule to cover the costs incurred by the County for the final processing of the map.
2. The owner, his successor's or assignees shall contact the Yolo County Planning and Public Works Department Office within (30) days of the effective date of the recommended action, and submit a revised Agricultural Preserve legal description to be incorporated into the revised Land Use Contracts for the parcels for completion of the required amendment to Agreement No.69-357.
3. The property owner(s) shall execute separate successor Williamson Act contracts for each separate legal situated parcel in a form approved by the Office of the County Counsel of Yolo County. Said Williamson Act contracts shall be recorded at property owners expense in the Office of the Yolo County Clerk/Recorder.
4. A copy of the recorded separate successor Williamson Act contracts for each separately situated parcel shall be returned to the Yolo County Planning and Public Works Department, Planning Division within forty-five (45) days from the date of the Planning Commission's approval of Zone File No.98-013 and prior to the issuance of any permits on the site.
5. Prior to recordation of separate successor Williamson Act contracts, the applicants shall execute a "Irrigation Joint Use Agreement" between both applicants. Said irrigation agreement shall be held for the duration of the agricultural zoning designation assigned to the subject properties or until such time that individual water sources are procured. The exclusive purpose of irrigation appurtenances and maintenance access shall be granted for APN# 44-050-01. Such agreement shall be recorded and remain in effect for as long as needed for agricultural purposes against the properties and insure to heirs and assigns of said agreement.

## **Environmental Health Department**

6. Prior to issuance of a building permit, all necessary permits shall be secured from

Environmental Health for the installation of a water and septic system on Parcel 2.

### **Fish & Game**

7. If required by the California Department of Fish & Game, prior to the filing of a Final Map or the issuance of a building permit with the County of Yolo, the applicant shall mitigate for the loss of Swainson's hawk habitat according to the California Department of Fish & Game Swainson's Hawk Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish & Game.

### **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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:

- \* **legal action;**
- \* **non-issuance of future building permits.**

### **FINDINGS**

#### **Negative Declaration:**

In certifying the proposed Negative Declaration for this project as the appropriate level of environmental review under the California Environmental Quality Act (CEQA), the Planning Commission finds the following:

*That on the basis of the Initial Study and comments received, there is no evidence that the land division will have a significant effect on the environment. The use of the proposed Parcel 1&2 continue to be used for agricultural purposes for which conforms to the zoning for this area of the County.*

#### **Tentative Parcel Map:**

In accordance with Section 8-1.804, Article 8, the Planning Commission has determined the following:

- (c) The Commission is satisfied with the design of the division and finds that it is in conformity with the provisions of the law and satisfies community needs;

*The Tentative Parcel Map meets the design criteria under the State Subdivision Map Act. Both parcels will have access via County Road 139 (River Road). There is adequate room to provide a private septic and water system on Parcel 2.*

### **Subdivision Map Act/Parcel Map**

Section 66463(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps

and modifications thereof shall be as provided by local ordinance. The Planning Commission finds that:

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

*The Tentative Map and request is in accordance with the Yolo County General Plan as required by the Subdivision Map Act, the Clarksburg General Plan.*

- (b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

*The proposed map was reviewed and determined to be in compliance with the standard criteria for parcel maps in accordance with the Yolo County General Plan.*

- (c) That the site is physically suitable for the type of development;

*The property is currently zoned Agricultural Preserve (A-P). The parcel split will be consistent with this zoning, and will provide adequate lot area for a private water and septic system.*

- (d) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat;

*Fish and wildlife resources will not be effected by the approval of the subdivision. The parcel is in an agricultural area and will remain in agricultural usage.*

- (e) That the site is physically suitable for the proposed density of development;

*With the current zoning on the property, the proposed project meets the criteria established under the Yolo County Code for the minimum parcel sizes in the Agricultural*

*Preserve Zoning Regulations. All new improvements/structures shall comply with the County's Flood Zone Development Regulations.*

- (f) That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

*Any development on the Parcels must be reviewed and approved by the Environmental Health Division as to septic and water system design.*

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

*Access to the parcels will be from County Road 139 (River Road).*

### **Delta Protection Act of 1992**

The Delta Protection Act, sponsored by Senator Patrick Johnson was approved by the Governor on September 24, 1992. This bill created the Delta Protection Commission which is required to prepare, adopt, review and maintain a comprehensive long term resource management plan for the Primary Zone of the Delta. The project area is located within this Primary Zone.

Local governments may approve development within the Primary Zone only after making the following findings (evidence to support each finding is in italics):

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

*The proposal will not result in wetland or riparian loss. The subdivision will create a possible new homesite which will be set back from the river and is not adjacent to a wetland or riparian area. The parcels will continue be farmed.*

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

*The proposal will not result in the degradation of water quality in the area because the proposal will not change the current agricultural operations now underway.*

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

*The project will not result in increased non-point source of pollution, soil erosion, increased subsidence or sedimentation. The housing unit will remain the same for the time being until such time in the future, a homesite is built on Parcel 2. There should be no increase in either water use or pesticide use.*

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

*The project will not result in the degradation or reduction of the Pacific Flyway habitat because the future proposed homesite will not affect the Sacramento River.*

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

*The project will not result in reduced public access. South River Road crosses the property in an east-west direction along the levee, and this will not change.*

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

*Although the proposed subdivision is within a 100-500 year flood zone (Flood Zone B), the public will not be exposed to increase flood hazards. There will be no physical changes in the use of the property which would increase flood hazards, or expose the public to flood hazards. The applicants do not intend to create other residential homesites on their property at this time. All new/modified property structures will comply with County flood zone regulations.*

- (g) The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public land.

*The proposal will not remove any agricultural lands from productive usage. If an additional home is built on Parcel 2, the home will be situated near the levee road to avoid taking any agricultural land out of production.*

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

*The project will not result in the degradation or impairment of the levees at Babel Slough or the Sacramento River. This is a subdivision where no development is taking place at this time.*

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

*Navigation will not be adversely impacted as there will no development on or near the river.*

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

*There will not be increased requirements or restrictions of agricultural practices in the primary zone. The residents of the house have been living there for several years and are part of the Martinelli Family, owners of the agricultural parcel. There should be no conflict with farming operations as existing agricultural practices are not projected to change.*

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- 6.3 A discussion of the appropriate tools necessary for the implementation of the County's

Economic Development efforts (J. Bencomo/M. Drack)

John Bencomo introduced Marshall Drack, Yolo County Economic Development Coordinator. Marshall Drack asked the Commission for their guidance and feedback. Discussion was held. Staff will come back with more specifics.

.. ..

6.4 A discussion of appropriate locations for agribusinesses in the unincorporated areas of the County (J. Bencomo/M. Drack)

Discussion was held. Staff will come back with more specifics.

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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) Economic Development Council Meeting
- 2) Planning and Public Works Staffing and Preparation of Minutes Changes at Planning Commission Meetings

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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 gave a summary of an Agricultural Industrial Convention he attended out of state.
- 2) Commissioners related various discussions/meetings with constituents.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:30 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Wednesday, August 12, 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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