

MINUTES

YOLO COUNTY PLANNING COMMISSION

April 1, 1998

1. CALL TO ORDER

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

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

MEMBERS ABSENT: Woo and Merewitz

STAFF PRESENT: John Bencomo, Director
David Flores, Senior Planner
Curtis Eaton, Associate Planner
Steven Basha, County Counsel
Linda Caruso, Planning Commission
Secretary



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

MINUTES YOLO COUNTY PLANNING COMMISSION APRIL 1, 1998

Commission Action:

The Minutes of the March 4, 1998 meeting were approved with no corrections.

MOTION: Walker SECOND: Rodegerdts

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

NOES: None

ABSTAIN: None

ABSENT: Merewitz and Woo

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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.



4. CORRESPONDENCE

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



5. CONSENT AGENDA

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

- 5.1 98-002 - A request for a Use Permit to allow a primary homesite on a 10 acre parcel. Property is located at 12076 County Road 84 north of County Road 15B in the Agricultural General (A-1) Zone. This project is Categorically Exempt. APN: 061-180-01 Owner: Richard Smith (D. Flores)

Commission Action:

1. **APPROVED** the Categorical Exemption prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
2. **ADOPTED** the Findings of Consistency for this project as presented in the staff report.
3. **RECOMMENDED** approval of the Use Permit for a homesite in accordance with the "Conditions of Approval".

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

CONDITIONS OF APPROVAL

Planning

1. Applicant shall contact the Yolo County Public Works Department, Environmental Health Department, Yolo County Building Department, and Pacific Gas & Electric Company for necessary Encroachment/Building/Health Permits.
2. Applicant shall be required to replace the existing driveway drainage pipe to a minimum 15" pipe as per Yolo County Planning and Public Works Department requirements.

Fire District

3. The roofing materials for the proposed home, and any accessory structures shall be of fire restrictive materials consistent with the California Department of Forestry and Capay Valley Fire District requirements.
4. Applicant shall meet on-site water storage requirements for fire protection. Prior to issuance of the building permit, documentation of compliance shall be provided to Yolo County Planning and Public Works Department.
5. Applicant shall comply with the requirements of the Capay Valley Fire District including the provisions for all weather access drive and turn around.
6. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.

7. Addressing for the new dwelling unit along the public road frontage will be posted by 3 " reflective numbers visible to vehicular traffic prior to the final inspection for the principle dwelling unit.

County Counsel

8. In accordance with Yolo County Code 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in any or all of the following:

revocation of Use Permit
non-issuance of future building permits

FINDINGS

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

Conditional Use Permit

In accordance with Yolo County Code Section 8-2.2804, the Planning Commission finds that:

(a) The requested use is listed as a Conditional Use in the zone regulations under Conditional uses in the (A-1) Agricultural General Zone.

Construction of a homesite on a parcel less than 20 acres is a Conditional Use under section 8-2.604 of the Yolo County Zoning Regulations.

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

Other single-family home sites on similar sized parcels have been created and approved in the past. The approval of a Conditional Use Permit for this parcel is in conformance with the area and provides affordable housing for the county, as regulated by the state.

(c) The request will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The placement of a single family homesite on this parcel is consistent with the densities in the vicinity. This fact, together with the Conditions of Approval proposed, will avoid any potential adverse impacts and will not be detrimental to the public health, safety or welfare of the area.

(d) The request will be in conformity with the Yolo County General Plan;

The use of the property as a rural homesite coupled with the "clustered" layout of the site plan is in conformity with Land Use Policies LU 6, LU 16, and LU 17 of the General Plan

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

Utilities will be provided by standard means by local public utilities. Access to the property is provided via County Road 84A and a private vehicular access which will meet Yolo County Planning and Public Works standards.

California Environmental Quality Act & Guidelines
(CEQA)

In certifying the proposed Categorical Exemption as the appropriate level of environmental review for this project, the Yolo County Planning Commission finds:

The project is Categorically Exempt under the California Environmental Quality Act and Guidelines (CEQA) Class 3, Section 15303 exception (a).

Class 3 , Section 15303 consists of construction and location of limited numbers of new, small facilities or structures; installation of shall new equipment and facilities in small structures; and the conversion of existing shall structures from one use to another where only minor modifications are make in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two-year period. Exception (a) specially states:

(a) Single-family residences not in conjunction with the building of two or more such units. In urbanized areas, up to three (3) single-family residences may be constructed or converted under this exception.



6.0 REGULAR AGENDA

- 6.1 97-023 - A continuation of a request for relief from a condition established as part of the approval of Tentative Parcel Map # 4239 for the Pheasant Glen Golf Course. Property is located on CR 19, one mile west of County Road 94B in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 025-280-04. Applicant/Owner: Kun Sam Kim/Pheasant Glen (D. Flores)

David Flores gave the Staff Report. He said that in 1995, a request for a Tentative Parcel Map was submitted by the previous owners of Pheasant Glen. The request was for the division of one parcel (455 acres) into three separate contracts (80, 160, and 214 acres). The Planning Commission, at that time, approved the Tentative Parcel Map, but limited the number of parcels to be placed in separate contracts from three to two (a 240 acre parcel and a 214 acre parcel). The Planning Commission also placed a condition on the approval of the division which states that the second parcel be reinstated back into the Williamson Act for an additional ten years.

Commissioner Rodegerdts asked for clarification on whether parcel 2 was in the Williamson Act now. David Flores answered that since the Final Parcel Map still has not been recorded, it is still viewed as one large contract instead of two separate contracts. The contract is now in its 6th year of the non-renewal process.

Commissioner Heringer said he thought the intent of the Commission in 1995 was to have the parcel in the Williamson Act for ten years from the date of the approval of the Tentative Parcel Map, not to have it finish in non-renewal and then add ten more years.

Commissioner Walker said one of the basic concerns in the minds of the 1995 Commission was the number of housing units in that area. They did not want to allow additional subdivision of the property.

Commissioner Lang said most of the discussion which occurred in 1995 regarded the poor condition of the vineyard and the 80 acre parcel (parcel 3) not being a viable unit.

The Public Hearing was opened at this time.

Dick Patera, of Emerald Golf Investments, explained the reason for the request to relinquish Condition #10 to the Commission. He displayed various maps produced by a golf course consultant and a vineyard consultant. He described his past negotiations regarding the sale of the parcels. The main purpose of the removal of the condition is to be able to say to prospective buyers that there is a possibility of homes being allowed on the parcels. However, they would still have to return to the Commission for approval of any residential component to the property. He added that this area is included in the County's Growth Management Study Area.

John Debo, a surrounding property owner, said the original Use Permit needs to be revisited. Issues have changed too much since its approval. You can't build a golf course without housing, although that is not his wish.

Charlie Rominger, of the Farm Bureau, said he remembers that one of the conditions of the original Use Permit for the golf course was to take this area out of the County's Growth Management Study Area.

David Flores said there was some discussion which occurred three or four years after the 1991 Use Permit was approved, to take this area out of the County's Growth Management Study Area, however, it was never approved by the Commission.

Marlene Schuller, surrounding property owner, said that in 1995, it was stated that there were only to be three house allowed on the golf course parcel. She does not believe there should be any more homes allowed.

The Public Hearing was closed at this time.

Commissioner Rodegerdts said that when the golf course was originally proposed, he was adamantly against it. The golf course, unfortunately, has already been approved, but no new houses will be approved.

Commissioner Heringer said golf courses are allowed uses in the Agricultural Preserve and property owners do have rights.

Commissioner Walker asked the applicant what evidence of water there is to sustain the golf course and vineyard.

Dick Patera said there are several wells and lakes on the property. There is also a vineyard well that produces 350 gallons per minute, however, it would be cheaper to buy water from the water district, when its available.

Commissioner Walker asked the applicant if there were to be housing in the area, where would it be located, in the vineyard or in the golf course.

Dick Pater said although he does not want to see any houses built there, they would probably be located on the agricultural parcel.

Commissioner Rodegerdts said if the proper nexus could be drawn, it may be possible to place a condition of approval, which would assure that the property would remain permanently under a Williamson Act Contract.

Steven Basha questioned whether the Planning Commission or the Board of Supervisors could even require that.

Commissioner Stephens made the motion to approve the denial of the request presented.

The following are verbatim minutes in order to show the full intent of this Commission:

Commissioner Rodegerdts: I can certainly support the motion (to deny the request) but I go back to my initial comments, when I was more under control, but I'm not sure what we are approving, given the language before us. I think I sense what the Commission now believes and wants to deny, so to speak. If this sits in limbo for another two or three years without the applicants doing any more, another Commission would be testing what was meant by the actions we're taking today. But, I'm really not sure, Meredith, given what we have before us, that we can do much more than approve your motion. So I support it.

Commissioner Heringer: David told us that next year is the limit, then they have to reapply for the whole project. And they will have to perform.

Commissioner Rodegerdts: That's true. And what I think the applicant has heard today, is if we deny this, and what some of the Commissioners are looking for, is to see this plan before us on the agenda, so that we can possibly consider the redrawing of some lines up there to come up with two parcels.

Commissioner Heringer: The Williamson Act was taken out on this property and is still in effect.

David Flores: That's correct.

Commission Heringer: They haven't asked for relief on that particular contract.

David Flores: Well, yes. It's going through non-renewal right now. It's under non-renewal and comes out in the year 2002.

Commissioner Heringer: For both parcels?

David Flores: For the one parcel. For the 455 acre parcel.

Commissioner Heringer: For the total parcel?

David Flores: That's correct. They haven't finalized the Tentative Parcel Map at this point. And so, as we speak, it's still one parcel, until that Parcel Map is submitted.

Commissioner Heringer: And so when the Parcel Map is submitted, we go back to the original contract. They've taken it out of the contract on a yearly basis. And then in the year 2002, the whole ball of wax is going to be out of the Williamson Act?

David Flores: Well, if they file the Parcel Map tomorrow, they will have to reapply Parcel 2 back into the Williamson Act. In other words, not go through the non-renewal. The golf course will continue through the non-renewal until the year 2002, but not Parcel 2.

Commissioner Heringer: See, that's the confusing part. And then that starts a new ten year contract at that point, when they commit themselves to the permanent map.

David Flores: That's correct.

Steven Basha: If they commit themselves to the permanent map. There is no legal requirement that they have to file a Final Map.

Commissioner Heringer: No, but then it's gone. It's off the boards.

Commission Action:

- (1) **DENIED the request** for removal of the language in Condition No. 10 in Zone File No. 95-004/TPM No. 4239 requiring reinstatement of the Williamson Act contract on Parcel 2.

MOTION: Stephens SECOND: Walker
 AYES: Stephens, Walker, Heringer, Rodegerdts and Lang

NOES: None
ABSTAIN: None
ABSENT: Merewitz and Woo



A ten minute recess was called at 10:05.

6.2 97-065 - A request for relief from a “no-build” Condition of Approval established as part of the approval for Land Division Plat No. 2672. Property is located on the north side of County Road 29, west of County Road 95 near Davis in the Agricultural General (A-1) zone. This project is Categorically Exempt. APN: 040-180-07 Owner/Applicant: Francis Spear (D. Flores)

David Flores gave the Staff Report. He explained there were certain inconsistencies which occurred throughout a twelve year period. The owner thought they had separate legal parcels.

Commissioner Rodegerdts asked David Flores if this process had been handled properly, would there have been a no-build restriction placed on the parcel.

David Flores indicated that in reviewing other staff reports from that period of time, other no-build restrictions were administered by the Planning Commission throughout the County. So, this was not a rare occurrence.

The Public Hearing was opened at this time.

Francis (Russ) Spear, the owner, distributed a written outline of the chain of events leading to the present. He said there was no chance that this land will come out of agricultural preserve. He also indicated that when the no-build condition was placed on the approval, he reluctantly agreed to it due to financial constraints. Now, he just wants to build his house and retire.

Commissioner Rodegerdts confirmed with the owner that the original parcelization approved by the County in 1966 was done administratively. A plat map should then have been filed by the County, but wasn't.

The Public Hearing was closed.

Commissioner Rodegerdts said that if this had been taken care of properly, there would not have been a no-build restriction placed on the owner and it would not be before the Commission now. He said he did not believe the owner should be penalized.

Commission Action:

- (1) **CERTIFIED** the attached Class 3 Categorical Exemption as the appropriate environmental document for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the “FINDINGS” for this proposal as presented in the staff report;

- (3) **REVIEWED THE FACTS AND APPROVED** the removal of the no-build condition on the 45 acre parcel, subject to the conditions identified under "Conditions of Approval".

MOTION: Walker SECOND: Rodegerdts

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

NOES: None

ABSTAIN: None

ABSENT: Woo and Merewitz

CONDITIONS OF APPROVAL

Planning Division

1. The property owner(s) shall prepare and record a Deed for the removal of the building restriction at the property owners expense and shall file said document in the Office of the Yolo County Clerk/Recorder within thirty (30) days from the date of the Planning Commission approval. A copy of the deed shall be submitted to the Planning and Public Works Department for filing.
2. The property owner(s) shall obtain the required permits from the Yolo County Planning and Public Works Department and the Yolo County Environmental Health Services for the construction of a homesite and well and septic facilities on the 45 acre site.

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 cooperates fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County

fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Categorical Exemption for this project as the appropriate level of environmental review under CEQA, the Yolo County Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

FINDINGS FOR APPROVAL

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 permitted use in the zone regulations or elsewhere in this chapter;

(With the removal of the no-build restriction on the 45 acre parcel, Section 8-2.402 (b) allows the construction of a single family residential unit.)

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

(The proposed homesite will allow the owner of the property to live on the property and maintain the daily operation (pasture) occurring on his property)

- 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;

(The applicants will secure necessary permits for a septic and well system on the property. The proposed home will provide necessary set back requirements in accordance with the zoning regulation)

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

(Findings have been made that this use is in accordance with General Plan Policies which allow the siting of a homesite for the owners of the family farm.)

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

(PG&E will provide any necessary electrical needs . A water well and septic system will be constructed in accordance with County Environmental Health standards. Drainage and access to the property will be coordinated with the Public Works Department)



- 6.3 98-003 - A request for a Conditional Use Permit to construct a dwelling on a two-acre parcel. The Conditional Use Permit includes the use of a temporary mobile home during the construction of the dwelling. Property is located at 32530 County Road 105, between County Road 36 and County

Road 38, southeast of Davis in the Agricultural General (A-1) zone. This project is Categorically Exempt. APN: 033-150-29 Owner/Applicant: Jess Jones Farms/Peter Kessell (C. Eaton)

Curtis Eaton gave the Staff Report. He said the applicant is attempting to rebuild a house where one previously existed. The house burned down in 1993. A well, septic, and a power pole are still in place. The reason it is before the Planning Commission is that it is a non-conforming use. If the applicant had come to the County within a two year period after the house burned down, only a building permit would have been required.

The Public Hearing was opened at this time.

Commissioner Rodegerdts said he wanted an assurance that the mobile home will be removed after the permanent home is constructed. If not, he would have to return to the Planning Commission.

Commissioner Stephens asked clarifying questions regarding permanent versus temporary foundations.

Peter Kessle, the applicant, said he was available if the Commission had any questions.

Commission Action:

(1) C E R T I F I E D the project as Categorically Exempt under Section 15303, Class 3 of the California Environmental Quality Act (CEQA) Guidelines (Exhibit " 3 ") ;

(2) A D O P T E D the Findings for this project as presented in this report; and,

(3) A P P R O V E D the use permit subject to the Conditions of Approval as presented in this report.

MOTION: Stephens SECOND: Walker

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

NOES: None

ABSTAIN: None

ABSENT: Merewitz and Woo

CONDITIONS OF APPROVAL

Planning

- 1.(a) Conditional Use Permit# 98-003 shall commence within one (1) year from the effective date of the Planning Commission's approval, or said use permit shall be deemed null and void without further action.
- (b) This conditional use permit shall expire two years from the date of approval, unless renewed at the request of the property owner. The use permit can be renewed once for a maximum life of four years. After four years, the owner may either remove the mobile home or appeal this condition to the Planning Commission.
- (c) The mobile home shall be located on the property as shown on the site plan included in this staff report as Exhibit 2.
- (d) Prior to the issuance of a building permit, a revised site plan shall be submitted to Planning staff showing the location of the permanent residence, any outbuildings, the existing leach field, and the replacement field if required by Environmental Health.
- (e) Future owners of the property shall be advised of the existence of the Right to Farm Ordinance in Yolo County through inclusion of its provisions in the property deed.

Building Division

- 2.(a) A foundation permit shall be obtained by the property owner for the installation of the mobile home. The mobile home shall be HUD approved.
- (b) All necessary permits shall be obtained by the property owner subsequent to determination of adequacy of water and septic system, and all other requirements of the County Environmental Health Division shall be satisfied prior to occupancy of the dwelling.
- (c) The property owner shall pay all associated County and district fees prior to issuance of a building permit.
- (d) The property owner shall employ all necessary flood damage prevention measures for residential and non-residential structures on the property, to the satisfaction of the Building Division. This includes raising the first floor of the dwelling above the certified flood elevation, as specified in the flood elevation certificate.

Environmental Health

3. Adequacy of the existing domestic well and septic system shall be determined by the County Environmental Health Division, and all necessary permits shall be obtained prior to occupancy of the dwelling.

County Counsel

4. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers

and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County 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.

□8-2.604(s) states that one single-family dwelling or one mobile home may be approved when located on a parcel containing at least 5 acres. One single-family dwelling

or one mobile home may be approved on a parcel containing less than five (5) acres when such parcel complies with the provisions of §8-2.2606 of Article 26 of this chapter.

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

The proposed project simply allows use of a legal parcel, which will provide a place for the applicant to live. The parcel was legally created in 1959 and was previously occupied by a dwelling, a power pole, a well, and septic system.

- c. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare.

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 a building permit. Permits are required for any necessary improvements. 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.

If approved, the use permit will allow development of a legal parcel that was created in 1959. Because the parcel is too small for agricultural use, the appropriate use of the property is restricted to low-density residential. Because the property was

previously subdivided, this use is determined to be in conformance with the General Plan.

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

Adequate access to the property exists via CR 105. As a dwelling previously existed at this location, the water and soil is theoretically suitable for residential use.

As added protection, the applicant must obtain approval from Environmental Health prior to obtaining a building permit to replace the dwelling. No comments were received from concerned agencies that would indicate that facilities are inadequate for the proposed use.



- 6.4 A workshop to continue the discussion regarding the County's agricultural preservation efforts and to establish a set of policy criteria by which proposed projects may be assessed relative to the County's agricultural preservation objectives.

Assistant Director Bencomo gave a brief summary of the previous meeting results. The Commission had requested criteria which would aid in establishing policy guidelines. He told the Commission that a video was available titled "Farmers and Neighbors at the Edge".

Commissioner Heringer said agricultural industry is a changing industry. Many farmers who used to farm fruits and nuts are now into vineyards. The tax base and infrastructure are very important. Some business parks should be developed in the rural areas so the smaller town could also benefit from taxes.

Steven Basha, County Counsel, spoke about the Habitat Conservation Plan and conservation easements which may

affect up 14,000 to 15,000 acres. There needs to be continuity in where these perpetual easements are placed, whether they are agricultural or habitat easements.

Commissioner Heringer said to permanently tie up land for 50 years is a huge mistake.

Commissioner Stephens said she was very concerned about being "left out of the loop" regarding the Habitat Conservation Plan process.

Commissioner Rodegerdts asked that a report of the Habitat Conservation Plan be placed on a future agenda.

Commissioner Stephens said she was concerned that there seems to be a trend of going towards habitat easements as opposed to agricultural easements. She also asked for the status of the Agricultural Industrial (AGI) zones.

Assistant Director Bencomo said Staff has been working on making revisions for that particular zoning.

Commissioner Stephens asked if agricultural related industries are to be located in the rural areas, will there also be easements required to buffer areas between agricultural land and agricultural industrial facility.

Assistant Director Bencomo said it has been the practice that when new development occurs, a buffer area is generally imposed. However, there is nothing written by ordinance.

Commissioner Rodegerdts addressed Commissioner Heringer's points of losing the tax revenue if the County is too restrictive in land use policies and about tying land up by easements for many years. California law does allow for revenue sharing from the urban areas to the

undeveloped rural areas. Residential development does not support the infrastructure it requires.

Commissioner Heringer said subdivisions do pay their own way. The residents become consumers, thus helping the infrastructure and the economy.

Commissioner Walker suggested the Commission work on putting together specific policies concerning the placement of ag related industries in areas outside of existing industrial complexes. He also said it was not equitable to require easements for development, and then place the easements elsewhere.

The Public Hearing was opened at this time.

David Schurring, President of the Yolo County Land Trust and a farmer, said their mission is to protect the land resources of the County. They do this through the acquisition of agricultural conservation easements. Agricultural land should not be viewed as land waiting to be developed. It needs to be protected for future generations.

Nancy Lea, an interested party, said there are major implications of placing non-farm use in the middle of ag land. This limits the farmer from producing class 1 crops.

Commissioner Heringer said he did not want to see the smaller towns, such as Esparto and Dunnigan, end up depressed like some of the towns in the midwest.

Commissioner Lang spoke about agricultural land in the midwest compared with California. The midwest markets to the country but California markets to the world.

Charlie Rominger, of the Farm Bureau, said the LESA document is a very useful tool. He added that studies have been conducted which show that tax paid versus services rendered are more favorable with agricultural land.

Commission Action:

The Commission asked that staff return with a written questionnaire and policy guidelines asked of applicants when they first arrive at the Planning Department with their proposals. An economic analysis was also suggested, which should be provided by developers.



7. 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.

- 1) The Nextel appeal
- 2) Dunnigan Plan update.
- 3) The Historic Advisory District of Esparto
- 4) The Economic Council
- 5) The Syar application (amendment to the Use Permit and Reclamation Plan)

- 6) The channel for capture of drainage from Esparto to Madison to Cache Creek
- 7) The Natural Disasters mandate by State for local jurisdictions

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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 attended a meeting sponsored by the Water Education Foundation (CalFed, 4.4 Program and Transfer of Water) and a continuing education class regarding wetlands.
- 2) Commissioner Walker met with Jim Negal for an agricultural research park near Davis.
- 3) Commissioner Heringer saw former Commissioner James Gray.
- 4) Commissioner Stephens attended the Economic Council.
- 5) Commissioner Rodegerdts met with applicants regarding a lot split.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:40 pm. The next regular meeting of the Planning Commission will be held on May 6, 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**, a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee **immediately** payable to the Clerk of the Board of Supervisors **at the time of the filing**.

Respectfully submitted by,

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