

MINUTES

YOLO COUNTY PLANNING COMMISSION

February 4, 1998

1. CALL TO ORDER

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

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

MEMBERS ABSENT: None

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

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the December 10, 1997 meeting were approved with no corrections.

MOTION: Walker SECOND: Stephens

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

NOES: None

ABSTAIN: Merewitz

ABSENT: None



3. PUBLIC REQUESTS

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

No one from the public came forward.



4. CORRESPONDENCE

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



5. CONSENT AGENDA

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

All items on the Consent Agenda were removed and placed on the Regular Agenda following item 6.1.

6. REGULAR AGENDA

6.1 Lynnel Pollock, Chairman of the Board of Supervisors addressed the Commission. She stated that the Board is very supportive of what the Commission does. The Planning Commission has the most visible role and the most interaction with the public. The Board of Supervisors is committed to the preservation of agricultural land. Targeted industries and economic development is also supported. An Economic Development Council is being formed which will help implement the County's goals. A member of the agricultural community will be represented.

She explained the recent merger of the Community Development Agency with the Public Works Department. The new name is the Planning and Public Works Department, which emphasizes the importance of the planning policies in Yolo County. Other agencies within the County have also undergone mergers in an effort to "flatten" the organization, which will help in streamlining permit processes for the public. The County is also committed to compensate employees equitably and allow training which will enable them to move up in their careers.



5.1 97-069 - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Property is located on the south side of CR 25, east of I-505 near Madison in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 050-040-03 Applicant/Owner: Nextel/Joe Gross, Jr. (M. Hamblin)

Commissioners Stephens and Rodegerdts abstained from the following item due to potential conflicts of interest.

Mark Hamblin gave the Staff Report. He indicated that Condition #4 should be deleted.

**Commission Action:**

- (1) **APPROVED** the attached Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report and modified.

MOTION: Walker SECOND: Lang

AYES: Walker, Lang, Merewitz, Woo, and Heringer

NOES: None

ABSTAIN: Stephens and Rodegerdts

ABSENT: None

CONDITIONS OF APPROVAL

**Community Development Agency, Planning**

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "4"** - Site Plan and **Exhibit "5"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this conditional use permit and administered through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this conditional use permit, the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.
  
2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Nextel Communication delivery system and that the property owner is in agreement.
  
3. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.

- ~~4. The property owner(s) and/or leaseholder(s), including co-locators shall preserve the mature stand of trees along the east bank of the slough bordering the leasehold.~~
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Community Development Agency.
7. This Conditional Use Permit (Z.F. No. 97-069) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

**County Counsel**

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

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

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

#### FINDINGS

*[Supporting evidence has been indented and italicized]*

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission (acting as the Board of Zoning Adjustment) finds:

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

*The proposed wireless communication facility is a conditional use within the A-P Zone pursuant to Section 8-2.24045 and Section 8-2.404. (c) of the Yolo County Zoning Regulations.*

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

*Wireless communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.*

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

*Wireless communication technology has been determined not to be detrimental to the public health safety or general welfare.*

*The proposed project as designed and sited will not impair the integrity or character of the neighborhood.*

*As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of agricultural area surrounding the site.*

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



*The proposed project is determined to be in conformance with the applicable provisions of the General Plan.*

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

*The applicants will be providing all necessary infrastructure and utilities for the proposed project.*

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- 5.2 Item 5.2 was taken out of sequence and heard after 5.5 on the Regular Agenda.

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Commissioner Rodegerdts abstained from the following item due to potential conflict of interest.

- 5.3 97-059 - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Property is located west of CR 99, north of CR 29, and northwest of Davis Municipal Golf Course in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 041-100-08 Applicant/Owner: Nextel/John Meek (M. Hamblin)

Mark Hamblin gave the Staff Report.

The Public Hearing was opened and closed. No one came forward.

**Commission Action:**

- (1) **APPROVED** the attached Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;

(3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report.

MOTION: Walker SECOND: Lang

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

NOES: None

ABSTAIN: Rodegerdts

ABSENT: None

CONDITIONS OF APPROVAL

**Community Development Agency, Planning**

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "4"** - Site Plan and **Exhibit "5"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this conditional use permit and administered through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this conditional use permit, the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Nextel Communication delivery system and that the property owner is in agreement.
3. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
4. The property owner(s) and/or leaseholder(s), including co-locators shall preserve the mature stand of trees along the east bank of the slough bordering the leasehold.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Community Development Agency.

7. This Conditional Use Permit (Z.F. No. 97-059) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

**County Counsel**

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

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

FINDINGS

*[Supporting evidence has been indented and italicized]*

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission (acting as the Board of Zoning Adjustment) finds:

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

*The proposed wireless communication facility is a conditional use within the A-P Zone pursuant to Section 8-2.24045 and Section 8-2.404. (c) of the Yolo County Zoning Regulations.*

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

*Wireless communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.*

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

*Wireless communication technology has been determined not to be detrimental to the public health safety or general welfare.*

*The proposed project as designed and sited will not impair the integrity or character of the neighborhood.*

*As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of agricultural area surrounding the site.*

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

*The proposed project is determined to be in conformance with the applicable provisions of the General Plan.*

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

*The applicants will be providing all necessary infrastructure and utilities for the proposed project.*

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5.4 97-068 - A request for the abandonment of a public road located between CR 88 and I-5 north of CR 4 in Dunnigan. This project is Categorically Exempt. APN: N/A. Applicant/Owner: James Smith (M. Hamblin)

Mark Hamblin gave the Staff Report.

The Public Hearing was opened and closed. No one came forward.

**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** that the Yolo County Public Works Department proceed with formalizing the abandonment of the unimproved unnamed county road dedication in the area between County Road 88 and U.S. I-5 in accordance with the Conditions for Approval.

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

**CONDITIONS FOR APPROVAL**

**Yolo County Public Works & Transportation**

1. The County of Yolo reserves all current public utility easements upon vacation of the unimproved unnamed dedicated County Road.
2. Yolo County Department of Public Works & Transportation shall first receive written consent from property owners affected by the abandonment of the roadway prior to requesting final action by the Board of Supervisors.

## 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 any or all of the following:

. non-issuance of a future building permit.

### **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 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 12, Section 15312.*

*Class 12 , Section 15312 consists of sales of surplus government land property except for parcels of land located in an area of statewide, regional, or area wide concern identified in Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:*

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and*
- (b) Any of the following conditions exist:*
  - (1) The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;*
  - (3) The use of the property and adjacent property has not changed The project is Categorically Exempt under the California Environmental Quality Act and Guidelines (CEQA) Class 12, Section 15312.*

The land that was originally to be used for constructing a public right-of-way (public road) to service the subdivision was dedicated and accepted by the County in 1909.

It was found that the use of this exemption was appropriate for this project since it involved the relinquishing of surplus government land, in this case the public right-of-way which was never used. The County decided not to develop the public road. The County has elected to give the dedicated land for the road to the adjoining property owners rather than sell the surplus land to them.

**California Government Code**

In accordance with Article 7, Section 65402 of the Planning and Zoning Law, the Planning Commission finds: That the proposed project conforms with the provisions of the Yolo County General Plan.

*Staff has determined that the project is consistent with Circulation (CIR) Policy 4 of the of the Yolo County General Plan.*



- 5.5 97-062 - A request for a Conditional Use Permit to allow the construction of a second, single family residence on a 23 acre parcel. Property is located on the south side of CR 43, south of Rumsey within a single Agricultural Preserve Contract. This project is Categorically Exempt. APN: 060-210-11 Applicant/Owner: Judith Redman/Muller, River, Redman (M. Hamblin)

Mark Hamblin gave the Staff Report. He made a correction to the description of this item. It should read that this a second, single family residence within a 137 acre Agricultural Preserve Contract. The proposed house would be the only house on the 23 acre legal parcel.

The Public Hearing was opened.

Judith Redmond, the applicant, addressed the Commission.

A brief discussion regarding building this home in an area that does not flood took place.

**Commission Action:**

- (1) **APPROVED** the proposed project as Categorical Exempt, Section 15303, Class 3 in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the conditional use permit subject to the "CONDITIONS OF APPROVAL" presented in the staff report.

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

## CONDITIONS OF APPROVAL

### **Community Development Agency:**

1. The single family dwelling shall be occupied by a property owner and/or farm worker and operate in a manner consistent with the project's approval.
2. This Conditional Use Permit (Z.F. No. 97-062) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit (i.e. file for the required building permits, etc.) or said permit shall be deemed null and void without further action.

### **County Counsel:**

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

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

### FINDINGS

*[Supporting evidence has been indented and italicized]*

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Yolo County Planning Commission finds:

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

*The requested use is a use listed under the A-P Zone with the approval of a Conditional Use Permit (Section 8-2.404 (f) of Article 4 of the Yolo County Zoning Regulations).*

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

*The requested use provides housing for the property owner who is a general partner in the farm and worker in the farming operation. The farming operation is named Full Belly Farm. It has been in operation since 1984.*

- 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 proposed project as designed and sited will not impair the integrity or character of the neighborhood which is agricultural/open space.*

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

*The proposed project is determined to be in conformance with the applicable provisions of the General Plan.*

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

*The applicant is required to have appropriate permits (i.e. building permit, encroachment permit, sewage disposal permit, etc.) prior to occupancy. The applicant will provide all necessary infrastructure and utilities to service the proposed project.*



5.2 97-064 - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Property is located south of CR 90A, east of US I-505, near Winters in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN# 038-070-10. Applicant/Owner: Nextel/John Ramos (M. Hamblin)

The Staff Report was given by Mark Hamblin. He indicated that a revised site location has been submitted. The monopole, as proposed, would now be lined up with the center of the silos of the Marianni Nut property. Staff feels that this is a suitable location for the monopole.

Commissioner Merewitz asked Mark Hamblin if any response was received from the Putah Creek Council since the revised site location was submitted. He answered that the Putah Creek Council would still prefer Nextel to either co-locate with another tower within the City of Winters or to seek other sites within the City of Winters. However, some residents in the vicinity of the existing monopole do not even want that facility there.

The Public Hearing was opened.

Kristin Hulsey, representing Nextel, gave a complete presentation. She explained that Nextel had attempted to locate the cell tower on the Marianni Nut property, but never received any response to their correspondence. Other sites were also explored without favorable results. She also explained that at the revised location, the silos would minimize the aesthetic effects of the towers.

Commissioner Walker began a discussion regarding the use of trees as a stealth facility in order to disguise or shield the cell towers. He spoke about the dilemma that the Commission is faced with in deciding what is best. We have a need for these communications facilities, however they are rather unsightly.

Commissioner Stephens said the difficulty is from a northeast view, you have an industrial setting, so it makes sense to cluster it with the silos and paint them so they blend. However, if you are looking from Putah Creek, you would want it to blend more with the riparian area.

Barbara Kendrick, representing the Putah Creek Council, said the main concern of the Putah Creek Council, the City of Winters, and the Putah Creek Committee is to preserve the Putah Creek corridor. They feel as though this project is an infringement on it (Putah Creek). The general consensus from them is that the Planning Commission action should be postponed until solutions can be reached which are more satisfactory.

Commissioner Merewitz agreed that more time is needed to allow all concerned to meet and find a possible solution.

Assistant Director Bencomo said if the Commission did decide to continue this item, then a schematic should be provided by the applicant which would show the topography and the existing setting near the proposed site. In addition, he requested a elevation of the tree structure, a landscape plan, and that dialog continue with the various committees and councils.

Frank Siefertman, former Board of Supervisor member, said there has to be a little bit of a compromise here. Cell phones are important in the event of an emergency. Cell towers can be masked by vegetation after a couple of years.

John Ramos, the owner of the property, said he feels comfortable with the tower being located on his property. Nextel has worked with him in an attempt to locate it in the best place. He further stated that the proposed location would be to the east of 505, which is private property, including down to the Putah Creek.

Commissioner Woo said one of the main objections from the Putah Creek Council was that it would interfere with agriculture. Mr. Ramos, indicated that it would not. Only two trees would be affected. She also said she was under the assumption that there would be a public path or trail near the bank of the creek. Mr. Ramos said he has the riparian rights to the middle of the creek.

Mark Hamblin explained that what is being discussed is the Putah Creek Road. That's the only public access near there.

Commissioner Merewitz asked if the Putah Creek Council had visited the new proposed site. Mark Hamblin indicated that they did not. However, in speaking with Joe Krovaza, the Vice Chairman of the Putah Creek Council, the placement of the tower to the north was still unacceptable.

A discussion regarding whether or not to continue this item took place.  
Commissioner Merewitz recommended this item be continued in order for the various committees to meet.

Commissioner Lang said Nextel has been working on this for a few months. The Putah Creek Council does not want this tower anywhere near Putah Creek. He did not think anything could be resolved by having numerous meetings.

Commissioner Stephens said given the issues, she was not comfortable with voting on this item today.

Steven Basha, County Counsel, said since the site plan has been revised from what is in the Staff Report (Exhibit 4), the applicant will be required to provide an actual survey.

**Commission Action:**

The project was approved with the revised site of the monopole being 168 feet north form the top of the bank of Putah Creek.

( 1 ) A P P R O V E D   t h e   a t t a c h e d   N e g a t i v e   D e c l a r a t i o n   a s   t h e  
a p p r o p r i a t e   e n v i r o n m e n t a l   d o c u m e n t   f o r   t h i s   p r o j e c t

in accordance with the California Environmental Quality Act and Guidelines (CEQA); and

(2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;

(3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report.

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

#### CONDITIONS OF APPROVAL

#### **Community Development Agency, Planning**

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the revised approved site plan - **Exhibit "4"** - Site Plan and **Exhibit "5"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this conditional use permit and administered through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this conditional use permit, the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.



2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Nextel Communication delivery system and that the property owner is in agreement.
3. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
4. The property owner(s) and/or leaseholder(s), including co-locators shall preserve the mature stand of trees along the east bank of the slough bordering the leasehold.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Community Development Agency.

7. This Conditional Use Permit (Z.F. No. 97-064) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

**County Counsel**

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

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

#### FINDINGS

*[Supporting evidence has been indented and italicized]*

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission (acting as the Board of Zoning Adjustment) finds:

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

*The proposed wireless communication facility is a conditional use within the A-1 Zone pursuant to Section 8-2.24045 and Section 8-2.604. (I) of the Yolo County Zoning Regulations.*

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

*Wireless communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.*

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

*Wireless communication technology has been determined not to be detrimental to the public health safety or general welfare.*

*The proposed project as designed and sited will not impair the integrity or character of the neighborhood.*

*As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of agricultural area surrounding the site.*

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

*The proposed project is determined to be in conformance with the applicable provisions of the General Plan.*

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

*The applicants will be providing all necessary infrastructure and utilities for the proposed project.*

◆ ◆ ◆

A ten minute recess was called.  
The following item was also taken out of order.

6.4 97-023 - 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 was previously been prepared. APN: 025-280-04. Applicant/Owner: Kun Sam Kim (D. Flores)

Assistant Director Bencomo asked for a continuance of this item on behalf of the applicants.

**Commission Action:**

Continued this item to an undetermined date.

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



6.5 97-057 - A request for a Conditional Use Permit for a Go Kart Club facility on 18 acres of a 36 acre parcel. Property is located on CR 98 and Interstate I-5 near Woodland in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 027-270-81 Applicant/Owner: Blue Max Kart Club (D. Flores)

The Staff Report was given by David Flores.

Commissioner Heringer announced that Nancy Lea, a surrounding property owner, submitted a letter requesting a continuance of this item due to her inability to attend this meeting or the March meeting. A discussion on whether or not to continue this item took place.

Commissioner Lang objected to continuing this item due to the applicant and other interested parties being in attendance at the meeting. Commissioner Walker concurred with him. Commissioner Stephens, on a recommendation given by County Counsel, agreed to open the public hearing, listen to testimony, and then continue this until the next hearing. There will be repetition, however.

**Commission Action:**

Commissioner Rodegerdts made the motion to continue this item until the March 4, 1998 meeting. The motion was not seconded.

➤ This portion of the hearing was heard after item 6.3.

David Flores gave the Staff Report. He made a correction to the portion of his staff report which states that the current facility has been located in Davis for ten years. It has been located there for twenty years. He explained the reasons for the facility wanting to relocate at the proposed site. Excessive maintenance costs due to constant settling of the landfill property on longer makes it cost effective to maintain the track in Davis. New

residential development is constantly encroaching near the existing site. The City of Davis would not be renewing their lease agreement. He illustrated where the wetlands would be located. The pit could also be utilized for drainage during the track's off season. He addressed the issues of concern which were submitted by various agencies. With the concern of safety, the go-cart facility would be required to have an ambulance at all the major events. With regards to the Ag Commissioner's concern with the spraying of adjacent farms, there is a Right to Farm Ordinance in place which would protect the surrounding farming operations. Conditions have also been established which address the necessary set backs requirements from neighboring farming activities, based on the State's requirements for pesticide applications.

Commissioner Rodegerdts confirmed with Staff that although the City of Woodland does identify this area as a retention pond, they do not have jurisdiction over it.

A discussion regarding the access road not being wide enough took place. According to the Yolo Fire Protection District, the narrow access would limit their ability to get to any emergency calls and any traffic attempting to leave the call area or vehicles parked along the easement would prevent both the volunteers and the fire equipment from reaching the call. David Flores answered that in other cases of recreational areas, such as the Duke Nichols Golf Course or the Dubach Park, only one access road has been required.

Commissioner Walker asked if there have been concerns from other farmers in the area. David Flores indicated that there have been calls with the main point of concern being their ability to spray.

Commissioner Lang said one of the concerns of the access road is dust which would have a detrimental effect on crops. Staff indicated that the Conditions of Approval are tailored so the Fire District could require the applicant to pave or oil the road in order to mitigate that problem.

Commissioner Stephens said the applicant should also be required to maintain the access road.

The Public Hearing was opened.

Ken Rieff, representing the Blue Max Go-Cart Club, said they have been actively seeking another site. They have been a good neighbor in the past. He addressed the areas of concern as follows:

- \* Dust Issue                                    Blue Max would be willing to chip-seal the road.
- \* Use of area as a detention pit            City of Woodland has been thinking of alternative sites for detention pits, as well as this site. The City of Woodland is not in the position at this time to purchase the pit. However, Blue Max would entertain flood easements with whatever consideration or arrangements can be worked out in the future if this is the site they would like to use. There will be no permanent structures located in the pit.
- \*Spraying                                        There is a Right to Farm Ordinance in place which would not hinder the adjacent property owner rights.
- \* Access Road                                  The access road will be kept locked. There will be no parking allowed on the road. Also the amount of people that will be attending the functions has been greatly exaggerated. The maximum is generally 400 during only two major events during the year.

Ray Perkins, the Yolo County Agricultural Commissioner, said it is his duty to protect people from pesticides exposure. There must be a minimum of a 500 foot buffer. This responsibility is placed on the farmer. However, there are other ways to mitigate. If the property is not used or closed during the applications of pesticides, then there is no problem. Within ten to twenty-four hours, the area could be used. He added that the Right to Farm Ordinance does not negate the responsibility of the farmer from complying with all the laws and regulations applicable to the use of pesticides.

Corby Haas, the President of the Blue Max Go-Cart Club, said there are only ten main events per year. They could work out a calendar with the adjacent property owners so they would not coincide with the spraying of their crops. They usually would only use the track on the weekends. There are generally between 100-300 people in attendance during a major event. He said they would be happy to let the pit be used as a detention pond, although there is a concern, since a small portion of the walls of the pit have recently broken. He added that there is a resident Registered Nurse on duty at all times. An ambulance could be required if that was deemed necessary, although one has never been called.

Commissioner Stephens asked Mr. Rieff how the wetlands mitigation came into play. He answered that any time a piece of land is taken out of agriculture or converted to another use, you are required to mitigate with a fee. However, in lieu of a fee, they have opted to work with the Department of Fish and Game and the Resource Conservation District to come up with the best plan.

John Bencomo said this is consistent with both the Fish and Game requirements and the County's Habitat Conservation Plan.

Commissioner Woo asked if there was a way to notify members that would be using the club that it would be restricted on certain days due to spraying. Mr Haas. said there is a newsletter which is sent out to members on a monthly basis.

John Tyler, Vice President of Blue Max, explained what the "chip sealing" process of paving is.

Commissioner Rodegerdts asked how the Club would handle an emergency spraying which could possibly happen. It was answered that there is an 800 phone number in which all members could be required to call prior to coming to the track.

Commissioner Rodegerdts referred to a letter submitted by Robert Stevenson, President of the SDEC Corporation, in which he claims that a nearby landowner is currently disposing of surplus water from her property onto the property in question. He asked Mr. Haas if this is taking place, would he try to be a good neighbor by trying to accommodate some of these needs. Mr. Haas said their concern is that a lot of silt and soil will be deposited in their property. However, if there were detention ponds located at either end of their property, then it may be attainable to do that.

Commissioner Merewitz stated that language should be added to the Conditions of Approval which includes the track not being used within twenty-four hours of pesticide application. Mr. Haas said they would be willing to do that except in the case of a big race. That would create a major problem. Any other days would be acceptable.

Steven Basha said careful consideration would have to be taken in the crafting of such a condition in order to be fair, equitable, and lawful to the applicants, the adjacent property owners, and still be in compliance with the Ag Commissioner.

Mr. Haas asked the Commission for a decision on this day so they can plan out what they will need to do.

The Public Hearing was temporarily closed.

John Bencomo, Assistant Director of Planning and Public Works, said this area is in a flood zone. Regulations must be imposed by the Flood Administrator (John Bencomo) from State and Federal Regulations. One of the issues is that this site has been historically used as a drainage basin. Retention basins may provide for the volume of water which collects at the site. Berms would not be allowed if they would prevent the historic drainage of the area. It is not really a simple matter. A condition should be added which would include compliance with the Flood Ordinance. As part of this proposal, a hydrological survey would be required. As a result of that, then grading plans could be established.

After a lengthy discussion regarding flood issues, the Commission decided to continue this matter.

**Commission Action:**

To continue this item until the March 4, 1998 Planning Commission Meeting.

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



6.3 97-055 - A request for a Parcel Map to divide thirty-three acres into six parcels for a residential development. Property is located at the northeast corner of the intersection of CR 25 and 94A, six miles west of Woodland in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 040-040-67 & 48. Applicant/Owner Janet Carter (M. Hamblin)

Mark Hamblin gave the Staff Report.

The Public Hearing was opened.

Janet Carter, the applicant, said she has complied with all the conditions set forth by the County.

Commissioner Rodegerdts asked the applicant if there was any standing water on her parcel as a result of all the rain experienced in the last forty-eight hours. She answer that there was a little due to other properties not having proper drainage ditches. Although the proposed areas for the new homesites would not flood.

Steven Basha, County Counsel, asked the applicant if she concurred with all the conditions of approval set forth in the Staff Report. She indicated yes.

Commissioner Stephens asked if the drainage issue should be addressed in the Conditions of Approval.

Assistant Director Bencomo said a drainage plan was required on a previous subdivision map and for this current subdivision map. Those are required prior to the acceptance of the application for the map. Civil Engineers from Public Works have reviewed these plans.



Commissioner Walker said he does not see this as a problem for the Carters. If some temporary ponding is occurring because of the actions of others, then putting additional language into the Conditions of Approval would be unnecessary and unwise.

Commissioner Stephens said her main concern at this time, was not for the houses which will be built, but for the adjacent roadways.

A correction was made to condition #1 it should read south instead of north.

Commissioner Rodegerdts said he would support this project because it complies with the Woodland Area General Plan, but if the Monument Hills Plan were to be presented in this day and age, it would not get to first base.

**Commission Action:**

( 1 ) A P P R O V E D the attached Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and

( 2 ) A D O P T E D the "FINDINGS" for this project as presented in the staff report;

( 3 ) A P P R O V E D the Tentative Subdivison Map (TSM # 4315) subject to the conditions listed under "Conditions Of Approval" presented in the staff report.

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

CONDITIONS OF APPROVAL

P l a n n i n g

- 1 The applicant shall record a private vehicular access easement (PVAE) for ingress and egress with a minimum width of twenty (20) feet and is constructed of all-weather surfacing capable of supporting a 40,000 pound load along the ~~north~~ south property lines of the Parcel 1, Parcel 2, and Parcel 3, and the west property line of Parcel 4 to County Road No. 94A. The PVAE shall be shown on the Final Map recorded for the project. The PVAE shall also be shown on the Final Map as an "emergency services vehicle access easement".
  
2. The applicant shall record an "Avigation and Noise Easement" covering the subject property for the Watts-Woodland Airport prior to the recording of the Final Map. Said easement shall be recorded as a separate instrument and approved as to form by the County Counsel of Yolo County. Said easement shall be recorded in the Office of the Yolo County Clerk/Recorder at the applicant's expense.

### **B u i l d i n g**

3. Residences shall be constructed so that the indoor sound level will not exceed an Ldn of 45dBa (information on levels of environmental noise requirements to protect public health and welfare with an adequate margin of safety, March, 1974).
  
4. Prior to the submittal of an application for a building permit, the individual property owner(s) of the parcels created by this project shall provide a soils report prepared by a geotechnical engineer to the Yolo County Community Development Agency, Building Division. Said soils report shall be subject to the approval of the Building Division.

## **P u b l i c   U t i l i t i e s**

5.   P r i o r   t o   t h e   i s s u a n c e   o f   a   b u i l d i n g   p e r m i t ,   t h e  
i n d i v i d u a l   p r o p e r t y   o w n e r ( s )   o f   t h e   p a r c e l s   c r e a t e d  
b y   t h i s   p r o j e c t   s h a l l   c a l l   P a c i f i c   B e l l ' s  
U n d e r g r o u n d   S e r v i c e   A l e r t   8 0 0 - 6 4 2 - 2 4 4 4   t w o   w o r k i n g  
d a y s   p r i o r   t o   d i g g i n g .
  
6.   T h e   i n d i v i d u a l   p r o p e r t y   o w n e r ( s )   o f   t h e   p a r c e l s  
c r e a t e d   b y   t h i s   p r o j e c t   s h a l l   b e   r e s p o n s i b l e   f o r  
t h e   c o s t   o f   i n s t a l l a t i o n   o r   r e l o c a t i o n   o f   a n y  
p u b l i c   u t i l i t y   r e q u i r e d   t o   s e r v i c e   t h e   c o n s t r u c t i o n  
o r   p l a c e m e n t   o f   a   r e s i d e n c e   o r   a c c e s s o r y   b u i l d i n g  
o n   t h e   p r o p e r t y .

## **P u b l i c   W o r k s**

7.   T h e   F i n a l   M a p   f o r   t h e   p r o j e c t   s h a l l   b e   f i l e d   w i t h  
t h e   Y o l o   C o u n t y   D e p a r t m e n t   o f   P u b l i c   W o r k s   a n d  
T r a n s p o r t a t i o n   w i t h i n   t w o   y e a r s   f r o m   t h e   d a t e   o f  
t h e   a p p r o v a l   b y   t h e   P l a n n i n g   C o m m i s s i o n   o r   t h e  
P a r c e l   M a p   s h a l l   b e c o m e   n u l l   a n d   v o i d   w i t h o u t   a n y  
f u r t h e r   a c t i o n   i n   a c c o r d a n c e   t o   t h e   S t a t e  
S u b d i v i s i o n   M a p .

## **F i s h   &   G a m e**

8.   I f   r e q u i r e d   b y   t h e   C a l i f o r n i a   D e p a r t m e n t   o f   F i s h   &   G a m e ,   p r i o r   t o   t h e   f i l i n g   o f   a   F i n a l   M a p   o r   t h e  
i s s u a n c e   o f   a   b u i l d i n g   p e r m i t   w i t h   t h e   C o u n t y   o f   Y o l o ,   t h e   a p p l i c a n t   s h a l l   m i t i g a t e   f o r   t h e   l o s s   o f  
S w a i n s o n ' s   h a w k   h a b i t a t   a c c o r d i n g   t o   t h e   C a l i f o r n i a   D e p a r t m e n t   o f   F i s h   &   G a m e   S w a i n s o n ' s   H a w k  
G u i d e l i n e s   o r   b y   p a r t i c i p a t i o n   i n   t h e   p r e p a r a t i o n   o f   t h e   Y o l o   C o u n t y   H a b i t a t   M a n a g e m e n t   P l a n .  
M i t i g a t i o n   f o r   t h e   p r o j e c t   s h a l l   b e   t o   t h e   s a t i s f a c t i o n   o f   t h e   C a l i f o r n i a   D e p a r t m e n t   o f   F i s h   &   G a m e .

**County Counsel**

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

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

- the revoking of the Use Permit;
- non-issuance of a future building permit;
- legal action.

FINDINGS

*[Supporting evidence has been indented and italicized]*

Subdivision Map

In accordance with the Section 66474.61, Article 1, Chapter 1 of the state Subdivision Map, the Yolo County Planning Commission finds:

(a) That the proposed map is consistent with the applicable general and specific plan as specified in Section 65451 of the Subdivision Map Act;

*The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the property is RR (rural residential) and contains a provision for a "maximum density of one dwelling unit per five acres". The site is zoned A-1 which allows for the creation of 5 acre parcels.*

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

*The applicant is proposing to divide 33 acres property into 6 parcels (four 5 acre parcels and two 6 acre parcels). The proposed large lot rural residential design for the property is consistent with applicable policies of the Woodland Area General Plan.*

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

*The property is physically suited for the applicant's request to create the proposed 6 parcels with a potential of having one residence on each lot (6 residences).*

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

*The project is physically suitable for the proposed density of development. The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the subject property is RR (rural residential) and contains a provision that the "maximum density of one dwelling unit per five acres" provided compliance with the "Rural Residential Development Criteria" of the plan. The project was found to be in compliance with the Rural Residential Development Criteria.*

*The site is zoned A-1 which allows for the creation of 5 acre parcels.*

(e) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

*The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Agency responses received have not demonstrated that a potential for substantial environmental damage or*

*substantial and avoidable injury to fish or wildlife or their habitat will occur.*

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

*The design of the subdivision or type of improvements are not likely to cause serious public health problems. The lots are 5 and 6 acres in size. Agency responses have not demonstrated that a potential public health problem may exist.*

(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.

*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.*

◆ ◆ ◆

The Commission recessed for lunch at 1:15 and reconvened at 1:30.

◆ ◆ ◆

Chairman Heringer presented Commissioner Walker with a Resolution thanking him for his outstanding job that he has done during his past reign as the Chairman of the Yolo County Planning Commission.

◆ ◆ ◆

6.2 97-024 - A continuation of a request for a Conditional Use Permit to allow the continued operation of a rodeo on a five acre parcel. Property is located four miles west of Woodland in the Monument Hills area

at 33890 CR 24 in the Agricultural General (A-1) Zone. A Negative Declaration has been prepared. APN: 025-171-29. Applicant/Owner: Humes/Fletes (C. Eaton)

Curtis Eaton gave the Staff Report. He explained Staff's reason for recommending denial of this project. There are many impacts due to the proposed use. The Rural Residential (RR) zoning which applies to this area allows higher densities than those found in the Agricultural General A-1) zone. It will be up to the Commission to deny it, allow it, or mitigate for these impacts.

Commissioner Lang said most of the parcels in the area are ranchettes. It would be traditional for that type of area for this kind of use.

Curtis Eaton explained that this was similar to a commercial use, however they would only have twelve events a year and it would not be year round.

Assistant Director Bencomo said this area is a hodgepodge of development types. It's in a transitional phase. There are ranchettes as well as larger, viable agricultural parcels. The question that Staff has is this a compatible use?

Commissioner Woo asked if there were any responses from surrounding property owners and Staff indicated there were none. The 300 foot radius requirement was also extended to include a 1000 foot radius.

Commissioner Merewitz noted that on the Negative Declaration although it is deemed that the proposed project will have impacts to Transportation and Circulation, it was not addressed.

Commissioner Lang asked if the new Equestrian Ordinance addressed this issue. Assistant Director Bencomo said that if they had more than two events per year, then a use permit would be required and they would be addressed on a case by case basis.

The Public Hearing was opened.

Lee Humes, the attorney for the applicant, spoke about the development of the General Plan and its intent. The problem was that there was a strong demand for ranchettes. However, there was no infrastructure there. The Agricultural General zoning was to remain until some sort of development could put infrastructure in place. Then, when that transpired, the Rural Residential zoning could occur. The issue now is one of compatibility. He went on and addressed the new Conditions of Approval. He did not agree with Condition #2 (the restriction of allowing the fifty vehicle maximum), Condition #3 (closing at sunset) and Condition#4 (which would limit the amount of events per year). He did agree to implementing a two year compliance review.

Maria Fletes, the applicant, gave an overview of the events which would be occurring. She would be in charge of seeing to it that all the Conditions of Approval would be adhered to. There would be no parties. There are two types of events, regular (one day) and special (two day). These events help to promote the activities of the Mexican culture. She added that no parking would be allowed on the street. Security guards are also used to help see to that.

Commissioner Rodegerdts asked the applicant if she checked with the Planning Department years ago to see what the uses were allowed on the parcel. Yes, the use was allowed and she was also told that she did not need a building permit.

Maria Fletes said there have been two complaints from surrounding property owners regarding noise and music.



Commissioner Stephens asked the applicant if she would consider just having regular events. The others seem as if they are commercial. Most of the traffic problems lie with the special events. Maria Fletes answered that in doing that, it would defeat the purpose of the group. The children look forward to those events. There is also a two year review that would address any problems.

Lee Humes said that all the people would not be arriving or leaving all at one time.

Commissioner Woo said she would be in favor of this project if there would not be a mass exodus from the rodeo at the end of the day. In regards to the applicant wanting to plant trees to buffer the sound of the music, she indicated that trees do not provide an acoustic value. A berm or a solid structure is recommended.

Commissioner Walker stated his concern is whether persons who live in or are moving to this area would welcome this type of use. He added that he has asked some of the people who live in the Monument Hills Area about their views on this type of use and he received no negative comments. He asked the applicant if she would be agreeable to a two year compliance review every two years.

Commissioner Merewitz said he was concerned because other uses in the area are already established commercial enterprises. This is more of an intermittent use.

The Public Hearing was closed.

Assistant Bencomo said that in regards to the City of Woodland's suggestion of locating this facility at another location, he did not want to be in a position to try to leverage them to relocate. They already owned this land. He also explained that for the purposes of Staff's review of this project, it really doesn't make much difference whether this is being used as a non-profit facility or a commercial facility. It is merely a way of measuring its impacts or the intensity of its use.

Commissioner Rodegerdts said he has changed his mind about this project. He said that in order for this to be a viable package, then the project description should remain the same and the number of events should not be limited.

Commissioner Lang also said he has changed his mind. There is no better spot in the County to locate this type of use. This is where people who love horses live.

Commissioner Stephens said this is a land use decision and the only way she could support this project is to limit the project to just the regular events and no special events.

Commissioner Walker said he has also changed his mind given that the project will be reviewed every two years.

Commissioner Merewitz said this is too much of an intense use for a rural area.

Commissioner Heringer said he is concerned with dust abatement. The applicant stated that her brother has a water truck business and he uses them during to prevent dust from occurring during the events.

**Commission Action:**

A motion was made to change the closing time of the operation to one hour after sunset.

MOTION: Rodegerdts SECOND: Lang

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

Modifications were made to the Conditions of Approval which were presented in the Alternative Action Staff Report and in the Commission Memo dated February 4, 1998.

Lee Humes and Maria Fletes concurred with those modifications.

**Commission Action:**

- (1) **CERTIFIED** the Negative Declaration as the appropriate environmental document for this proposal in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPTED** the Findings for Approval for this project as presented in the Alternative Action staff report; and
- (3) **APPROVED** the Conditional Use Permit ZF 97-024, subject to the conditions listed under Conditions of Approval as modified.

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

**CONDITIONS OF APPROVAL**

**Community Development Agency - Planning Division**

- 1. To ensure that the use is in compliance with the conditions of approval, Planning staff shall conduct a compliance review every two years from the date of approval (~~February 4, 2000~~). This compliance review shall include contacting referral agencies - including the Sheriff's Office, the Fire District, and Environmental Health - to determine if any problems have been identified and whether the conditions of approval have been met. The outcome of this review will be presented to the Planning Commission for its review so that necessary modifications can be made, or if warranted revocation proceedings can be initiated.
- 2. Prior to the issuance of a building permit, the applicant shall record an "Aviation and Noise Easement" covering the subject property for the Watts-Woodland Airport. A building permit is required for the grandstands at the rodeo arena (see no. 9 below). The document shall be recorded at the Office of the Yolo County Clerk/Recorder and a copy shall be submitted to the Yolo County Planning and Public Works Department.

3. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan showing the type and location of existing trees and proposed locations of trees to be planted in the future. In choosing plants, water conservation should be balanced with the desire for fast growth. Landscaping is an important method of controlling dust and noise, as well as contributing aesthetically of the area.
4. Adequate on-site parking shall be provided for scheduled events. In order to maintain access for emergency vehicles, and for the safety of motorists in general due to inadequate road conditions in rural areas, parking during public events is not allowed on CR 24.
5. Hours of operation for all public events shall be limited from 10 AM to one hour after sunset, as stated in the application. To reduce the potential for disturbing neighbors with noisy after- rodeo events, and to reduce the number of cars on rural county roads after dark, public events shall not begin before 10 AM and shall end one hour after sunset.
6. Outdoor lighting shall be limited to security and/or emergency lighting and shall be installed so that light fixtures are directed away from neighboring residences and CR 24 to prevent glare.
7. Given the small size of the subject property and the need to reduce dust and noise associated with traffic in rural areas, no more than fifty (50) passenger vehicles shall be allowed at any rodeo event. Horse trailers shall be required to park in a designated parking area separate from the passenger vehicles.
8. To preserve the rural character of this area, there shall be no more than one three two-day special events event and ten or two one-day events per calender month, and no more than ten one day - days of events total per calendar year. Events are limited to weekends, including national holidays that fall on Mondays.

**Community Development Agency - Building Division**

9. Prior to continuing the use of the arena for public events, the applicant shall obtain all required building permits from the County. Construction plans submitted to the Building Division shall meet UBC Section 1021 requirements for grandstands and shall be prepared by a registered engineer.

**Community Health Department - Environmental Health**

10. Prior to continuing the use of the arena for public events, the applicant shall meet all Department of Public Health conditions regarding the preparation of food for sale to the public, and all applicable sanitation conditions. Adequate storage containers for trash at public events shall be provided to the Department's satisfaction, and trash shall be removed on a regular basis and disposed of properly.

**Public Works Department**

11. Prior to the issuance of a Certificate of Occupancy permit, all driveway connections serving the rodeo facility from CR 24 shall be upgraded to meet the County's minimum width standards.

Culverts shall be installed under all three driveways to provide adequate drainage along the north side of the County road.

### **Willow Oak Fire District**

12. Prior to the issuance of a Certificate of Occupancy permit, an 20' emergency lane shall be constructed to the Fire District's satisfaction along the east side of the property. Access to the emergency lane and the lane itself shall be unobstructed for the duration of all public events. The applicant shall submit written confirmation from the District as to its installation to the CDA.

### **Sheriff's Office**

13. A minimum of two uniformed guards (licensed by the California State Department of Consumer Affairs) shall be required for the duration of any public event, and one additional guard shall be required per each 100 persons in attendance, or increment thereof. Emergency medical personnel shall also be required on the premises for the duration of any rodeo event.
14. All permits for the sale of alcoholic beverages at public events at this location shall be approved by the State Department of Alcohol and Beverage Control and the Sheriff's Office. If and when alcohol beverages are sold on the premises, no outside alcoholic beverages shall be permitted to be brought onto the property. Unlimited alcohol beverage ticket sales also shall not be permitted.

### **County Counsel**

15. 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 one or all of the following:

- Revoking of the Use Permit.
- Non-issuance of a future building permit.
- Legal action.

### **FINDINGS FOR APPROVAL**

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations, the Planning Commission shall consider the following findings *[supporting evidence has been italicized]*:

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

*Criterion satisfied. Staff's interpretation is that rodeos are included in Sec. 8-2.604(p): "Recreation facilities, commercial, such as drive-in theaters, golf driving ranges, and other facilities, but not including facilities in which the principle use is enclosed in a building, such as bowling lanes". The proposed use involves a commercial spectator sport, which is held outdoors. Based on the information presented at the public hearing, the Planning Commission determined that the proposed use is consistent with the Rural Residential designation. By incorporating the staff recommended Conditions of Approval, the impacts associated with the proposed use can be reduced to insignificance, making the use compatible with the surrounding uses.*

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

*Criterion satisfied. The applicant is providing a service to the community by training youth in the skills associated with horse riding and rodeos. A part of rural culture will be preserved by making these facilities available to the public.*

- 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.

*Criterion satisfied. The subject property and immediate area is designated for large lot (5 acre) rural residential uses. While there is dust, noise, and traffic associated with rodeos, this can be minimized by incorporating the staff recommended Conditions of Approval.*

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

*Criterion satisfied. The use is an agricultural use, which is allowed in the Agricultural General zone but not typically associated with rural residential areas. Based on the information presented at the public hearing, the Planning Commission has determined that the proposed use is consistent with the Rural Residential designation of the General Plan.*

*The subject property is also within the planning area of the Watts-Woodland Comprehensive Land Use Plan, which discourages large-scale outdoor public assemblies within the overflight zone. The limited number of events proposed by the applicant, which reduces the potential exposure of attendees, brings the use into conformity with the Watts-Woodland Comprehensive Land Use Plan.*

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

*Criterion satisfied. The subject property is in a rural area where County roads are two lane and drainage is provided by ditches. This use will impact the roads surrounding the subject property before and after each event. If adequate parking is provided on-site, then impacts on the County*

*road system will be minimized. Drainage is not an issue in the summer, when these events are scheduled. Portable sanitation facilities are provided.*



6.6 An open discussion by the Commission regarding the County's continued efforts and concerns in the preservation of agricultural lands.

Commissioner Rodegerdts asked that this item be continued due to the lateness of the hour.

**Commission Action:**

Continued this item until the March 4, 1998, Planning Commission Meeting.

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



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.

John Bencomo updated the Commission on the following:

- 1) The merger of the Planning Department and the Public Works Department.



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 conference on "Immigration, Rural Employment, and Rural Communities". He also attended a conference on "Agricultural Surviving in a State Which is Becoming Increasingly Urbanized".
- 2) Commissioner Stephens attended a CalFed Meeting sponsored by the Board of Supervisors. She also stated she would not be attending the next meeting.

**Commission Action:**

The motion was made for John Bencomo to initiate a letter to the California County Planning Commissioners Association.

MOTION: Walker SECOND: Rodegerdts

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

NOES: None  
ABSTAIN: None  
ABSENT: None

3) Chairman Heringer went through the items of correspondence distributed at the beginning of the meeting and in the packets.

The Public Request section of the Agenda was reopened.

Frank Siefertman, former Board of Supervisor member, said he was concerned that an approved site plan for the Wilbur Ellis project has been changed. This should not be allowed to happen.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 4:10 pm. The next regular meeting of the Planning Commission will be held on March 4, 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 payable to the Community Development Agency and the Clerk of the Board of Supervisors.



Respectfully submitted by,

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

LAC