

MINUTES

YOLO COUNTY PLANNING COMMISSION

December 10, 1997

1. CALL TO ORDER

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

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

MEMBERS ABSENT: Merewitz

STAFF PRESENT: John Bencomo, Director
David Flores, Senior Planner
Mark Hamblin, Associate Planner
Curtis Eaton, Associate Planner
David Morrison, Resource Coordinator
Steven Basha, County Counsel (Arrived
at 11:35 a.m.)
Linda Caruso, Planning Commission
Secretary

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the November 12, 1997 meeting were approved with a correction to page 16, paragraph 10, which should read "Commissioner Stephens abstained from the vote of this item".

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

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Commissioner Woo arrived at 8:35.

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 came forward.

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4. CORRESPONDENCE

Chairman Walker acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting, including a fax from the City of Davis regarding Item 6.2 (the Bozorgchami application).

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5. CONSENT AGENDA

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

There were no items on the Consent Agenda.

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*Chairman Walker asked that Agenda item 6.3 be taken out of order and heard first.

6.3 97-053 - A request for a Parcel Map and a Variance to establish a homesite on a 2.77 acre parcel occupied by a designated historic landmark. Property is located at 41820 South River Road, across from Courtland, Merit Island in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 043-040-18 Owner: Burr (C. Eaton)

The Staff Report was given by Curtis Eaton. He added that there are many parcels in the surrounding area which are less than five acres. He also made the following minor modification to the Conditions of Approval:

3b. As a designated historic landmark, any changes to the architectural exterior of the Bump House shall be remain unchanged in the future subject to review by the Historic Preservation Commission ~~at the recommendation of the Historical Advisory Commission~~. If the house is destroyed unintentionally, any replacement house constructed on Parcel 1 shall reflect the architectural style and scale of the Bump House.

Commissioner Stephens asked if the Clarksburg General Plan Committee's proviso regarding any future splits of the parcel should be added to the Conditions of Approval.

Director Bencomo said that if any request to further split the parcel was submitted, it would still have to be approved by the Planning Commission.

The Public Hearing was opened at this time.

Doug Hemley, the managing general partner of J.H. Thomas Farms and a partner with the applicants, said the reason for the request is to preserve the historical home, as well as maintaining themselves in agriculture. He added his agreement with adding the "Right to Farm" clause to the Deed of Trust.

The Public Hearing was closed.

Director Bencomo said the Planning Department has been very proactive in trying to prevent any efforts to further subdivide agricultural land. The difference in this case is the historic structure.

Commissioner Rodegerdts said this application meets all the criteria for historic structures. It is important, however, that no further splits be granted.

He added that he did not agree with the Clarksburg General Plan Committee's recommendation regarding the "General Rule" of using the establishment date of the Williamson Act (circa 1970) as the line of demarcation. It should purely be based on historical or architectural significance. Each application of this kind should be judged on a case by case basis. He asked that an additional Condition of Approval be added to reflect that no further splits of the 2.77 acre property be allowed.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
2. **ADOPTED** the Findings for the Variance and Tentative Parcel Map, as presented in Exhibit 1 of this staff report.
3. **APPROVED** the Variance to the minimum lot size requirement in the A-1 zone, subject to the conditions identified under "Conditions of Approval" in Exhibit 1 as modified.
4. **APPROVED** the Tentative Parcel Map to create a 2.77 acre parcel from a 113 acre parcel, subject to the conditions identified under "Conditions of Approval" in Exhibit 1 as modified.

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

CONDITIONS OF APPROVAL

ZF 97-053

Yolo County Public Works

- 1a. The Final Parcel Map for TPM 4356, as described within this report, shall be filed with the Director of the Yolo County Department of Public Works within two years from the date of the Planning Commission's approval of the tentative parcel map, or tentative map TPM-4356 shall be deemed null and void without further action.
- b. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zones 2 and 83.
- c. The applicant's engineer shall reflect on the final map a minimum 20-foot easement along South River Road on the eastern edge of Parcel 1 to provide adequate room for utilities in the event that this road is improved to County standards.

Environmental Health Department

2. All necessary permits shall be secured from the Health Department for construction of a water well.

Planning Department

- 3a. As recommended by the Clarksburg General Plan Committee, 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.

- b. As a designated historic landmark, any changes to the architectural exterior of the Bump House shall be remain unchanged in the future subject to review by the Historic Preservation Commission ~~at the recommendation of the Historical Advisory Commission~~. If the house is destroyed unintentionally, any replacement house constructed on Parcel 1 shall reflect the architectural style and scale of the Bump House.
- c. A "no build" restriction shall be placed on the remainder parcel for as long as the property is zoned agricultural.
- d. No further splits of the 2.77 acre parcel shall be entertained by the Planning Commission.

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.

PLEASE NOTE: Failure to comply with the conditions of approval as approved by the Planning Commission may result in legal action or non-issuance of future building permits.

FINDINGS
ZF 97-053

Negative Declaration

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

The use of Parcel 1 will continue to be residential and the remainder parcel will remain agricultural. Staff has determined that a variance to allow the creation of

a subminimal parcel for a historic homesite would not result in a significant impact because there are a limited number of historic homes in the county subject to agricultural zoning regulations.

Variance

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

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

Staff determined that 15 parcels around the Burr property were under five acres (the minimum parcel size in the A-1 zone) in Assessors Map Book 43, Page 4 and surrounding pages 1, 2, 3, 4, 5, 6, & 8. This covers an area from the Sacramento River west to the Deep Water Ship Channel, and from CR 157 to CR 161 (the Solano County line). All of these parcels appear to be homesites; no small levee parcels that clearly cannot be used as homesites were included. One of the parcels is APN 43-040-17, which was originally a portion of

J.H. Thomas Farms and was parceled off as a homesite in 1992. Therefore, approving the variance will not constitute a grant of special privilege as there are other properties enjoying the same privileges in the vicinity.

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

Special circumstances in this case involve the nature of the existing residence. In 1988, the Historic Advisory Committee determined that the residence met the criteria for inclusion in the Final Inventory of the Yolo County Historical Resource Inventory, and further found it to be eligible for listing on the National Register of Historic Places.

The size of the parcel is based on the minimum necessary to include the Bunch House, the landing shed, access to the property from South River Road, and adequate space to include a well and the septic system on site. If the parcel were made large enough to satisfy the minimum parcel requirement for the A-1 zone, the homesite would reduce the acreage of productive orchards by approximately 17 acres. This is both unnecessary and uneconomical and would potentially create a hardship for the applicants.

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

The granting of the variance will allow the business partners of the farming operation to live on the land being farmed and segregate overhead costs attributed to the maintenance of an historic residence from the overall operation of the farm. This is in conformance with the policies of the General Plan and the intent of the A-1 zone.

Tentative Maps

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

The proposed Tentative Parcel Map shows the area to be divided from the remainder parcel as that portion of the property which contains the historic Bump House, an historic landing shed, and appurtenant structures for the house. The 2.77 acre homesite is slightly larger than it might otherwise because it includes the landing shed on the Sacramento River and the right of way for the South River Road.

Subdivision Map Act

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

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

The Tentative Map has been prepared in accordance with the Yolo County General Plan and Clarksburg Area General Plan to the extent that the project promotes historic preservation, does not appear to be detrimental to agriculture, and provides a homesite for two of the owners of the property. There is no specific plan for this area.

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

The tentative parcel map was reviewed by other relevant County agencies and was determined to be in compliance with County standards for parcel maps, in conformance with the Yolo County General Plan. There is an existing septic system on the site and a new well will be constructed to provide water.

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

The property is currently zoned A-1 (Agricultural General). The parcel split will provide a homesite in an area of the property already occupied by a residence built in 1872. The lot size configuration is adequate for this use and will not interfere with the viability of the adjacent farming unit.

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

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

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

The proposed homesite is 2.77 acres, more than adequate for the proposed use of the site. There will continue to be one housing unit at this location. No other houses are proposed.

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

The Health Department is aware of the proposed project and has visited the site to ensure that the new well

will not be sited too close to either the existing septic system or the pesticide storage facility for the farm.

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

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

Delta Protection Act of 1992

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

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

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

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

The remainder parcel is currently being farmed.

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

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

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

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

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

The project will not result in the degradation or reduction of the Pacific Flyway habitat because the proposed homesite will not affect the Sacramento River or the riparian zone along Elk Slough.

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

The project will not result in reduced public access. South River Road crosses the property in a north-south direction, and this will not change.

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

Although the proposed subdivision is within a 100 year flood zone (Flood Zone A), the public will not be exposed to increase flood hazards. However, the house was built in 1872 and there will be no physical changes in the use of the property which would increase flood hazards, or expose the public to flood hazards. The applicants do not intend to create other residential homesites on their property.

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

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

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

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

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

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

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

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

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- 6.1 A public hearing to receive comments and a presentation of the draft Environmental Impact Report and Environmental Assessment for the Yolo County Airport Master Plan update (SCH #97092092). The proposed Airport Master Plan update will guide the physical development of the Yolo County

Airport for the next 20 years. (Keith
Ott/General Services)

Mark Hamblin gave the Staff Report. He presented the time line for future hearings regarding the approval process of the EIR/EA.

Mike McClintock, the Associate Vice President of P & D Consultants, explained that the Airport Master Plan was accepted by the Board of Supervisors in 1996. The airport is targeted for economic development. Commercial growth is anticipated. An important component of the Master Plan is to bring the airport into compliance with existing FAA design guidelines.

Dr. Ray Krone, the President of the Friends of the Yolo County Airport, said he strongly supports the Yolo County Airport Master Plan. He added that the airport is an under utilized resource of the County. It provides property taxes for the General Fund. However, the airport needs to be expanded in order for it to support itself.

The Public Hearing was closed at this time.

Commissioner Stephens asked if the socioeconomic impacts relating to property values is a CEQA issue. Mark Hamblin answered that is not a CEQA issue, however, it is trying to be addressed and explained.

She also asked about Avigation Easements. Would they continue to be addressed as a policy issue? Mark Hamblin indicated that they will continue to be addressed as a policy issue. They are not necessarily a land use issue. They are a legal issue.

Commissioner Rodegerdts confirmed that there have been public workshops held in which the public could comment on the Airport EIR/EA.

Commissioner Heringer asked what the economic impacts of the Airport are.

Keith Ott, Director of General Services, explained that all funds expended at the airport are derived from airport revenue. No General Funds are used. However, there is a large backlog of deferred maintenance items which need attention. Furthermore, there is no airport manager at the present time.

Chairman Walker advised the public that the comment period for the draft EIR/EA began on October 10, 1997 and will end on December 19, 1997. However, the Board of Supervisors is scheduled to receive public comments on January 20, 1998.

Commission Action:

- (1) CONDUCTED A PUBLIC WORKSHOP AND RECEIVED comments on the Yolo County Airport EA/EIR.

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6.2 95-065 - A request for a two year extension of time for a Conditional Use Permit to allow for the construction of a 4000 foot fruit stand. Property is located on the southeast corner of the CR 104

(Mace Blvd.) and CR 32A, north of Davis in the Agricultural General (A-1) zone. A Negative Declaration was prepared. APN: 033-290-73. Applicant: Darab Borzorgchami (M. Hamblin)

Mark Hamblin gave the Staff Report. He explained that originally, Staff had recommended denial of this project. However, a few days prior to this meeting, a faxed letter from Dave Pelz, the Director of Public Works for the City of Davis was received. In the letter, Dave Pelz explains that the City of Davis and Caltrans have been negotiating with a developer, Frank Ramos, wherein he would exchange land between the relocated County Road 32A and the old alignment with Mr. Borzorgchami. Staff is therefore recommending approval of the extension for one year.

The Public Hearing was opened at this time.

Darab Borzorgchami, the applicant, addressed the Commission and submitted two letters of correspondence and a map pertaining to the ongoing negotiations with the City of Davis and Caltrans for a portion of his property for the new park-and-ride lot.

Commission Action:

- (1) **RECERTIFIED** the Categorical exemption that was previously certified for the project in accordance with Class 3, Section 15303 of the California Environmental Quality Act and guidelines.

(2) **APPROVED** the modification to the conditional use permit to allow a one year extension of time to ZF# 95-065/ZA# 765 to permit the applicant time to comply with the Conditions of Approval. **The time extension shall expire on December 10, 1998.**

MOTION: Heringer SECOND: Stephens

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

NOES: None

ABSTAIN: None

ABSENT: Merewitz

CONDITIONS OF APPROVAL

The following Conditions of Approval were previously approved by the Planning Commission for the project and are found in the Planning Commission Minutes dated September 16, 1992 (**Exhibit "B"**). The original Conditions of Approval are still appropriate for the project. Staff recommends that these Conditions of Approval carry forward for this approval action.

(1) The location and size of the roadside stand shall be as shown on the site map labeled Exhibit "A".

(2) The applicant shall provide and maintain a total of at least ten (15) gallon canopy-type street trees along the public road frontage of County Road No. 32 and within the proposed parking area. The location of said trees shall be shown on the plot plan submitted for the building permit at locations approved by the Director of the Yolo County Community Development Agency.

(3) The off-street parking area to service the roadside stand shall be constructed and maintained of all-weather surfacing and subject to the design approval of the Director of the Yolo County Community Development Agency, the Director of the Yolo County Public Works and Transportation Department and the Fire Chief of the East Davis/Davis Fire Department.

(4) The purpose for which the Use Permit (ZA #765) was granted shall commence within one (1) year from the date of the Planning Commission's approval or the Use Permit shall be deemed null and void without further action.

(5) The effective date of ZA #765 shall be fifteen (15) days from the date of the Planning Commission's approval.

(6) The applicant shall contact and obtain any permits required by the Yolo County Health Services Agency and submit a copy of said permit to the Director of the Yolo County Community Development Agency for review prior to the

issuance of the building permit for the roadside stand.

(7) The operation of the roadside stand shall be restricted to the sale of only those non-processed agricultural products that are primarily grown in Yolo County.

(8) The applicant shall submit an application for a business license prior to the issuance of a building permit. Said application shall be accompanied with a list of all items to be sold at the roadside stand for review by the Director of the Yolo County Community Development Agency.

(9) Traffic flow into, on and out of the site of the roadside stand shall be in a manner so as to not create interference and safety problems for traffic on adjacent public streets or roads to the satisfaction of the Director of the Yolo County Public Works and Transportation. Access to the fruit stand can only occur from existing County Road 32A.

(10) Design plans for the building and any signs identifying the roadside stand shall be submitted to the Director of the Yolo County Community Development Agency for approval prior to the submittal of an application for a building permit. Design of the roadside stand shall be architecturally compatible with the agriculture rural nature of roadside stands and shall not be of an architectural design associated with that of a highway service commercial operation (i.e. mini-

market or quick-stop market). The roadside stand shall incorporate a covered porch around its perimeter as shown on Exhibit "A" and shall not exceed an occupant load of 30 persons.

(11) The hours of operation shall be limited to 8:00 a.m. to 8 p.m.

(12) Signage shall be limited to one sign attached to the building with a maximum size of 48 square feet.

(13) If the required CONDITIONS OF APPROVAL are not met or if significant public health or public safety hazards are identified in conjunction with the proposed project, a public hearing may be conducted by the Yolo County Planning Commission to consider revocation of this permit. In any event, the Use Permit shall be reviewed by the Planning Commission two (2) years after approval.

FINDINGS

(1) Such extensions shall be approved only when it is found that circumstances under which the permit was granted have not changed.

The Planning Commission found that circumstances under which the permit was granted have not changed since the Planning Commission conditionally approved the applicant's use permit on September 16, 1992. The Commission received written correspondence dated

December 8, 1997 from Dave Pelz, Director of the Public Works Department for the City of Davis explaining how the proposed future development of a park-n-ride lot effected the applicant's property and has created time delays to the applicant in implementation of his use permit. Delays to this point have not been the fault of Mr. Chami. The City of Davis and Caltrans have a lot more to work out relating to the construction of the interchange which should start before the end of 1998.

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6.4 97-050 - A consideration of a Tentative Parcel Map to divide a 78 acre parcel into a 38 acre and a 40 acre remainder parcel. Property is located south of the County Fair Mall on the east side of East Street near Woodland in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 041-070-27 Applicant/Owner: Sievers/Prudler, Etal. (D. Flores)

David Flores gave the Staff Report. He added that If the parcel split is approved, the applicant will file an application with LAFCO to have the parcel incorporated into the City of Woodland. This would allow for the expansion of the County Fair Mall. The remainder parcel would remain in agricultural use.

Commissioner Woo asked why the Negative Declaration lists no impacts. David Flores answered that this is a request for a Tentative Parcel Map. Therefore,

there are no impacts because it is not attached to a specific project.

Commissioner Rodegerdts said it appeared as if this project was merely being rubber stamped. The City of Woodland has already pre-zoned the parcel as commercial in its General Plan.

David Flores explained that this request is consistent with the basic principals of the Woodland Area General Plan, which is for the County and City to plan jointly to achieve orderly development within the area of the Woodland Area General Plan.

Commissioner Heringer agreed that he would prefer for this parcel to remain in agriculture. However, if the Commission denies the project, it would seem as if they were trying to be antagonistic.

Tom Horgan, of Laugenour & Meikle Civil Engineers, said the uses, as proposed, are consistent with the planning that has been established.

Commissioner Stephens said if the western parcel would be used for the expansion of the County Fair Mall and the remainder parcel would remain in agriculture (for the time being), then when the Woodland Christian School is built to the east of the remainder parcel, this would be leapfrog development.

Mr. Horgan explained that future use of the remainder parcel may be for residential development, but that will require a more detailed planning effort.

Director Bencomo informed the Commission that the City of Woodland's General Plan was recently adopted after a lengthy public process, and was subsequently approved by a vote of the people in the form of a referendum. The City's General Plan includes this area within its Urban Boundary Limit, and as such, is recognized as consistent with the policies within the County's Woodland Area General Plan. If the Commission chooses to deny this parcel split, it could be appealed to the Board of Supervisors and overturned. The County's opportunity for comment on this issue was during the general plan public process a year ago, thus State Planning Law would most likely support the validity of the County's objections after the fact. In regards to the possibility of leap frog development occurring, the parcel recently purchased by the Woodland Christian School, which is to the east of the remainder parcel is also adjoining the City's boundary, and will most likely be incorporated in the City of Woodland after the residential development occurs as well.

Commissioner Rodegerdts explained that his concern was that if this application is approved, and the school is built to the east, then the remainder parcel, which is presently is agricultural use, would be not continue in agriculture for very long. Then you have the classic leap frog development.

A lengthy discussion took place regarding the Planning Commission's inability to respond or react to this because it has basically already been pre-ordained by the City of Woodland's General Plan. The general

consensus of the Planning Commission was that they felt as if they were being left out of the process.

The Public Hearing was closed.

Commission Action:

DENIED the request for the Tentative Parcel Map No 4345.

MOTION: Rodegerdts SECOND: Heringer

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

NOES: None

ABSTAIN: None

ABSENT: Merewitz

The Commission recessed for ten minutes and reconvened at 10:20 am with the following amendment to the previous motion.

The Commission amended their motion to include denial of the project "without prejudice" so the applicant will not have to pay the appeal fee.

Amended Action:

DENIED the request for the Tentative Parcel Map No. 4345 without prejudice.

MOTION: Rodegerdts SECOND: Heringer

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

FINDINGS

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) 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.

Subdivision Map Act / Parcel Map:

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

(a) That the proposed map is **not** consistent with the applicable general and specific plans as specified in Section 65451.

As determined by the Yolo County Planning Commission, the proposed project was determined not to be consistent with the Yolo County General Plan in that the proposal to split the parcel is premature prior to annexation proceedings before LAFCO.

(b) That the design or improvements of the proposed subdivision are **not** consistent with applicable general and specific plans.

*As discussed by the Planning Commission, the approval of this request would allow for the development and expansion of the County Fair Mall, a shopping center located in the City Limits of Woodland. The Planning Commission determined the proposal **not** to be consistent with the Yolo County General Plan, based on the premature nature in splitting this parcel prior to annexation proceedings by LAFCO .*

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

*The proposal for commercial development of the site is **not** consistent with the Yolo County General Plan as the land consists of prime soils and should be protected from development until such time that the land is annexed to the City of Woodland.*

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

The density for the proposed project area is not in compliance with the current zoning designation which is agricultural. Development of commercial space for the expansion of the County Fair Mall shopping center should not occur until such time that the parcel is annexed to the City of Woodland.

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

The proposed subdivision (parcel map) was reviewed for any potential environmental impacts and determined to be void of any significant impacts, as discussed in the attached Negative Declaration, Exhibit "4".

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

The proposed map and subsequent improvements (i.e., shopping mall expansion) do not appear to pose any serious health impacts, however, any proposed development on the properties will be reviewed by the County Environmental Health Department, City of Woodland and the local fire district for approval.

- (g) That the design of the subdivision and 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 division.

The proposed division will not pose any detrimental impacts to any existing public easements, and access is available to each parcel from East Street and Matmor Road.

Yolo County Woodland Area General Plan:

- V. Development in the unincorporated Territory within the Urban Limit Line

- D. A land division may be approved for a parcel map when all of the following findings are made:

- I. The design of the land division and the development proposed for construction on the parcels to be created by the land division is consistent with the County Woodland Area General Plan, and the City of Woodland reports to the Planning Commission that the type and timing of construction of the development is in compliance with the City of Woodland Urban Development Policy and applicable City development improvement standards.

The acreage requirements as established on the parcel map request are consistent with the approved pre-zoning application submitted to the City of Woodland. The timing for development of this portion of land has been determined by the Yolo County Planning Commission not be consistent with the County's General Plan Policies.

- ii. The property owner has agreed in a written and recorded agreement with the City, binding on all successors, heirs, and assigns, to annex the parcels created by the division to the City when so required by the City.

The applicant applied and received approval from the City of Woodland for pre-zoning of the property from an agricultural zoning to a commercial zoning. The applicant will formally request annexation of the 38 acre parcel to the City of Woodland upon approval of the Parcel Map by the County of Yolo. The remainder parcel and adjacent parcels will remain in agricultural usage until such time that a specific plan is prepared and adopted by the City of Woodland for this area.



6.5 97-052 - A request for rezoning from Agricultural General (A-1) to an Agricultural Industrial (AGI) and an amendment to the Conditional Use Permit ZF #2164 to add a mobile equipment shop, small tools shop, warehouse, and commercial office space to the existing aggregate processing plant. The property is located on the east side of State Highway 113 and south of CR 29, north of Davis. A Negative Declaration has been prepared. APN: 041-090-12 and 16. Owner: Teichert Land Company (D. Morrison)

*Commissioner Rodegerdts abstained from this item due to potential conflicts of interest.

David Morrison gave the Staff Report. He explained that the rezoning of this parcel will bring the County's General Plan into conformance with the Davis

General Plan, (which has already designated this area as industrial) and the Redevelopment Pass-Through Agreement.

Commissioner Lang had concerns with this area being in a flood zone. David Morrison explained that Teichert would be required to elevate their buildings just like residents of North Davis Meadows II were required to do. However, Teichert will not be responsible for improvements necessary to fix the problems of North Davis Meadows II.

The Public Hearing was opened at this time.

Lily Noble, of Teichert Construction, confirmed her agreement with all the Conditions of Approval. She said Teichert understands all the drainage issues.

The Public Hearing was closed.

Commissioner Stephens said she supports the application, but would like to insert language to the Conditions of Approval to include "A site drainage plan will be submitted with the building permit and that said permit shall address runoff from adjacent properties". She also asked that the language, "Septic systems shall be designed for flooding and potential high groundwater" be added to Condition #5. David Morrison replied that those issues are always addressed at the building permit stage of the process.

Modifications were made to the Conditions of Approval #5.

David Morrison also amended the language of Condition of Approval #2.

Commission Action:

- (1) **CERTIFIED** that the proposed Negative Declaration (as presented in Exhibit 5 of the staff report) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **APPROVED** the FINDINGS for this project as presented in Exhibit 1 of the staff report;
- (3) **APPROVED** the rezoning of approximately 20 acres from the A-1 (Agricultural General) to the AGI (Agricultural Industrial) Zone, as shown in Exhibit 4 of the staff report; and
- (4) **APPROVED** an amendment to Conditional Use Permit No. 2164 to allow for the relocation and expansion of a mobile equipment shop, small tools shop and warehouse, and commercial office space as a part of the existing aggregate processing plant facility, subject to the CONDITIONS OF APPROVAL as presented in Exhibit 1 of the staff report as amended.

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

CONDITIONS OF APPROVAL

File 97 - 052

Community Development Agency

1. A final landscaping plan designed in accordance with the State Water Efficient Landscape Ordinance shall be approved by the Community Development Agency prior to issuance of building permits. All landscaping shall be installed within two years of project approval.
2. The facility shall be maintained in a neat and orderly manner so as not to create any hazardous conditions ~~which are visible from outside~~ within the permitted area.
3. Unless otherwise indicated, development shall be in accordance with the plans as submitted by the applicant and/or as modified by the Planning Commission, and the stipulated Conditions of Approval. Failure to comply with the approved plans or conditions shall result in this permit being deemed as null and void.
4. The design, maintenance, and operation of the facility shall comply with all applicable Federal, State, and County requirements.

Environmental Health

5. The facility shall be provided with a potable water supply and sanitary facilities. All requirements of the Environmental Health Division regarding construction of the septic system and/or the provision of potable water shall be satisfied prior to the issuance of building permits. Septic systems shall be designed for flooding and potential high groundwater.

Public Works

6. An encroachment permit shall be approved by the Yolo County Public Works Department prior to doing any work within the County right-of-way.
7. A site drainage plan shall be approved by the Community Development Agency and Public Works Department prior to the issuance of building permits. The plan shall show the proposed grading and drainage improvements necessary to ensure that additional surface water runoff generated by new buildings and paved areas will not adversely affect adjoining properties and/or County right-of-way.

City of Davis

8. Paved access shall be provided to within 150 feet of all new buildings.

9. A plan showing that the site is provided with a water distribution system that meets fire flow requirements as per National Fire Protection Standards shall be approved by the Davis Fire Department prior to the issuance of final building permits. Water distribution system improvements necessary to meet required fire flows shall be installed prior to the issuance of final building permits.

10. Any new buildings greater than four thousand (4,000) square feet in area shall have fire sprinklers installed as per National Fire Protection Standards. Two sets of shop drawings and hydraulic calculations shall be provided to the Davis Fire Department for review and approval prior to the issuance of final building permits..

Pacific Gas and Electric (PG&E)

11. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work. The property owner shall make the necessary arrangements with the serving public utility company for the cost of relocating such facilities as no relocation costs will be borne by the County.

California Department of Transportation (Caltrans)

12. An encroachment permit shall be obtained from Caltrans prior to doing any work within the State right-of-way.

County Counsel

13. 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.

PLEASE NOTE: Failure to comply with the conditions of approval as approved by the Planning Commission

may result in legal action or non-issuance of future building permits.

FINDINGS

California Environmental Quality Act & Guidelines (CEQA)

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

The written and verbal information received on this project and presented during the public hearing concludes that the project does not present a "significant effect on the environment" as defined by CEQA.

In accordance with Section 8-2.2804, Article 28 of Title 8, the Planning Commission has determined the following (*a summary of the evidence to support each finding is shown in italics*):

- (1) That the requested use is listed as a conditional use in the zone regulation or elsewhere in this chapter;

Section 8-2.514.(a) of the Yolo County Zoning Ordinance states that all conditional uses permitted in the Agricultural Exclusive (AE) Zone shall also be permitted in the Agricultural Industry (AGI) Zone. Section 8-2.504.(n) of the Zoning Ordinance states that commercial mines, quarries and gravel pits are a conditional use within the AE zone. Aggregate processing facilities have been consistently determined by the County to be included within the range of commercial gravel mining operations in the agricultural zones.

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

Operation and expansion of the existing aggregate processing plant will provide continued employment for 30 to 200 employees. The plant is also a source of construction material for the Davis area and southern Yolo County. The processing plant generated nearly \$10,000 in property tax revenue in the 1996-97 fiscal year.

- (3) That 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 project as proposed has included a landscape plan in order to improve the visual appearance of the processing plant, and enhance the entry into Davis along State Highway 113. On-site drainage, septic, and water will continue to be provided and an updated Hazardous Materials Emergency Response Plan was submitted to the Yolo County Office of Emergency Services. No traffic, air quality, noise, light, or other adverse impacts to the public have been identified.

(4) That the requested use be in conformity with the General Plan;

Non-urban and resource oriented industries are considered to be compatible with agriculturally designated areas, subject to the approval of a conditional use permit. Approval of the rezoning and use permit applications will allow for the proposed processing plant expansion, in conformance with the General Plan.

(5) That adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided;

The site is already serviced by existing public utilities and paved County roads. Drainage, sanitation, and water facilities currently exist on-site and will be expanded as necessary to accommodate the new construction.

◆ ◆ ◆

6.6 A report on the procedure for creating historic districts in Yolo County. (C. Eaton)

Curtis Eaton gave the Staff Report. He explained that one of the advantages in having a historic district is that although structures could still be destroyed, demolition could be delayed up to ninety days to allow the Historic Commission time to seek an alternative to demolition.

Betty Hurtman, of the Esparto Chamber of Commerce, said she would like to see Esparto designated as a

Historic District. Funds will be needed to rehabilitate some of the structures.

An amendment to the recommended action was made by Curtis Eaton. He asked that items 1,2, and 3 be deleted and the wording changed on item 4 to reflect the following under the "**Commission Action**" section below.

Commissioner Rodegerdts said he did not feel comfortable in taking any action until the Historic Advisory Committee has had some input.

Commissioner Heringer suggested that the Planning Commission proceed very cautiously because there may be occasions where owners of buildings, which may not be of historic significance, may be tied up with legal issues due to it being in a historic district.

The Public Hearing was opened and closed.

Commissioner Stephens said the main concern in Esparto is for economic revitalization of the historic buildings, which represents what Esparto used to be. The intent is not to create museums.

Commissioner Woo said this will not stop old buildings from being torn down. It will just allow the County a little time in order to review it.

Commission Action:

- ~~1. Determine that designation of an area as a historic district will protect historic resources in that district from demolition.~~

~~2. Determine that the role of the Planning Commission when acting as the Historic Preservation Commission included the designation of historic districts.~~

~~3. Determine that the older commercial core of the Town of Esparto is eligible for designation as a historic district.~~

~~4. Request the cooperation of the Yolo County Historical Advisory Committee in assisting the Commission in reviewing the demolition procedures of the County.~~

1. Request the cooperation of the Yolo County Historical Advisory Committee in determining whether the older commercial core of the Town of Esparto is eligible for designation as a historical district under the applicable Yolo County Ordinances.

MOTION: Rodegerdts SECOND: Stephens

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

NOES: None

ABSTAIN: None

ABSENT: Merewitz

◆ ◆ ◆

6.7 A report on the granting of public hearing continuances. (J. Bencomo)

Director Bencomo requested that this item be continued until the next Planning Commission Meeting.

◆ ◆ ◆

6.8 A report on the possible zoning infraction regarding Cableview of Esparto. (J. Bencomo)

Director Bencomo said after reviewing the original use permit, it appears as if Cableview has not violated the Use Permit. There are other issues which have not been resolved, but do not pertain to the Community Development Agency. The applicant was to complete the paving of the road by a certain date. This was not completed and as a result, Public Works has completed the work and will be billing the applicants. The applicant is also in arrears for their franchise fees.

Commissioner Rodegerdts indicated the primary concern of the Community of Esparto was the possibility of erosion of the Lamb Valley Slough.

Steven Basha, County Counsel, arrived at 11:35 am.

The Public Hearing was opened and no one came forward.

◆ ◆ ◆

6.9 The election of a new chairman and vice chairman for the Planning Commission.

Stephen Basha stated for the record that the Rules of Conduct for the Planning Commission indicate that the election of a new chairman and vice chairman would normally occur in February.

Director Bencomo stated that this was a special request by Chairman Walker.

Commission Action:

Commissioner Heringer was nominated for chairman in 1998.

MOTION: Rodegerdts SECOND: Stephens

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

NOES: None

ABSTAIN: Heringer

ABSENT: Merewitz

Commission Action:

Commissioner Lang was nominated as vice chairman in 1998.

MOTION: Woo SECOND: Stephens

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

NOES: None

ABSTAIN: Lang

ABSENT: Merewitz

Commissioner Heringer thanked Chairman Walker for his outstanding efforts and wisdom during the course of the past year.



7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Community Development Agency 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 Community Development Agency Annual Report.
- 2) The Development Review Improvement Process (DRIP)
- 3) The changing of the date of the next Planning Commission Meeting to the first Wednesday in February. All the Commission agreed to this change.
- 4) Board of Supervisors' approval of the formation of an Economic Counsel.



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 Lang's concerns with the homes that Mark Hope built in Knights Landing.
- 2) Commissioner Rodegerdts attended a meeting of the Association of California Water Agencies. He also attended three other meetings; A Board of Supervisor Meeting in Davis, The Farm Bureau Water Committee, and the Water Resources Agencies, all regarding Calfed. He also asked about the Heidrick Truck Storage Facility.

- 3) Commissioner Heringer was concerned with Yolo County not having a business park.
- 4) Commissioner Woo attended the Economic Summit. She was also contacted by Lily Noble, of Teichert Industries.
- 5) Commissioner Stephens attended the Economic Summit and congratulated the Community Development Agency for receiving the award for environmental planning.
- 6) Commissioner Walker was also contacted by Lily Noble, of Teichert Industries.

Chairman Walker thanked the rest of the Commission for all their help and support during the past year. He said he looks forward to next year.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:30 pm. The next regular meeting of the Planning Commission will be held on February 4, 1998 at 8:30 a.m. in the Planning Commission Chamber. There will be no meeting on January 7, 1998.

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, Director
Yolo County Community Development Agency

LAC