

MINUTES

YOLO COUNTY PLANNING COMMISSION

November 12, 1997

1. CALL TO ORDER

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

MEMBERS PRESENT: Walker, Lang, Heringer, Stephens,
Merewitz, 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



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the October 1, 1997 meeting were approved with amendments submitted to the Planning Commission on November 12, 1997.

MOTION: Stephens SECOND: Woo

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

NOES: None

ABSTAIN: None

ABSENT: None



3. PUBLIC REQUESTS

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

Marianne Nix, of Knights Landing, requested that the Trical Application be placed on the Planning

Commission's next agenda. She stated that she believes that this is Trical's busiest season and they are perhaps stalling for time. They are not listening to the County's directive of requiring them to have an EIR prepared.

Director Bencomo said this item would be reported on during the Director's Report section of the meeting.

Tammy Fullerton, Chairman of the Esparto General Plan Committee, stated the Community's concern regarding the trenching which has been taking place through Lamb Valley Slough. This is being done by the Cableview Company. She fears for the integrity of the slough if flooding should occur. The owner also has not paid any of his Franchise and Public Access fees for over a year.

Director Bencomo said this situation crosses several agencies at the local level, as well as the federal level. He said that he would consolidate the responses from each of those agencies and report back to the Commission during the December Planning Commission Meeting. There may also be an infraction of the Use Permit.

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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.



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.

Commissioners Rodegerdts and Stephens abstained from the two following items due to possible conflicts of interest.

- 5.1 96-030 - A request for a two year extension of time for Use Permit 96-030, to allow for the installation of a wireless communications facility on the west side of Cacheville Road near I-5, north of County Road 97BB in Yolo in a Neighborhood Commercial (C-1) Zone. APN: 025-270-29 Applicant/Owner: Gearon & Company/Giovannetti & Sons (M. Hamblin)

Commission Action:

- (1) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (2) **APPROVED** a two year extension of time to Zone File Number 96-030 as requested for the project subject to the "CONDITIONS OF APPROVAL".

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

ABSENT: None

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "2"** - Site Plan and **Exhibit "3"** - 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 Sprint PCS 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. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
5. 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.
6. This Conditional Use Permit (Z.F. No. 96-030) shall commence within two (2) years from the expiration date of the Planning Commission's original approval or said permit shall be deemed null and void without further action. Zone File No. 96-031 shall expire on August 27, 1999.

County Counsel

7. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost

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

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

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

FINDINGS

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

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

The circumstances under which the original permit was granted have not changed.

- (2) Such extensions shall be approved for a period or periods not exceeding a total of two (2) years.

The applicant has requested a 2 year extension of time.



- 5.2 96-031 - A request for a two year extension of time for Use Permit 96-031, to allow for the installation of a wireless communications facility on the east side of County Road 99W, on the north side of the intersection of County Road 13 east of Zamora in an Agricultural Industrial (AGI) Zone. APN: 055-130-12 Applicant/Owner: Gearon & Company/Alex Long (M. Hamblin)

Commission Action:

- (1) A D O P T E D the "FINDINGS" for this project as presented in the staff report;
- (2) A P P R O V E D a two year extension of time to Zone File Number 96-031 as requested for the project subject to the "CONDITIONS OF APPROVAL".

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

C O N D I T I O N S O F A P P R O V A L

C o m m u n i t y D e v e l o p m e n t A g e n c y

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit " 3 " - Site Plan and Exhibit " 4 " - 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 Sprint PCS 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. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.

5. 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.

6. This Conditional Use Permit (Z.F. No. 96-031) shall commence within two (2) years from the expiration date of the Planning Commission's original approval or said permit shall be deemed null and void without further action. Zone File No. 96-031 shall expire on August 27, 1999.

County Counsel

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

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

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

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

FINDINGS

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

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

The circumstances under which the original permit was granted have not changed.

- (2) Such extensions shall be approved for a period or periods not exceeding a total of two (2) years.

The applicant has requested a 2 year extension of time.

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6. REGULAR AGENDA

- 6.1 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. Owner/Applicant: Fletes/Humes (C. Eaton)

Curtis Eaton, Associate Planner, said that a letter was submitted to the Commission by Lee Humes, attorney for the applicant, requesting this item be continued to the January or February Planning Commission meeting.

Director Bencomo, brought to the Commission's attention, although not directly related to this item, a memo regarding continuances.

Commissioner Rodegerdts stated that in leu of the death of the applicant, the granting of a continuance would be appropriate. However, when it is placed on the Agenda again, the applicant should have his position ready for the Commission.

Commission Action:

To continue this item until the February Planning Commission meeting and that the applicant be advised that unless extreme extenuating circumstances intervene, the Planning Commission will go forward and consider the application on its merits at that time.

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

Commission Action:

To place on the December Planning Commission Agenda a discussion regarding "Requests for Continuances".

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



6.2 97-037 - A continuation of a request for a Tentative Parcel Map (TPM #4355) to divide 466 acres into two parcels with an unsurveyed remainder of 235 acres. Also, a request for a Agricultural Contract Split to divide 674 acre agricultural preserve contract to create two new contracts consisting of 128 acre and 102 acres. The Agricultural Preserve Contract Split is to reflect the new parcels created by the Parcel Map. The property is located on the east side of State Highway 45, eight miles northwest of Knights Landing in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 053-

120-01,02; 053-170-02,03; 057-170-04; 056-010-01, 02, 04, 10. Owner: William Erdman/Mildred Erdman (M. Hamblin)

Mark Hamblin, Associate Planner, gave the Commission a brief synopsis of the request and the history of this item. He said he had discussed possible resolution with the applicant regarding the implementation of certain Conditions of Approval, however no agreement was reached.

Commissioner Woo asked what the purpose is for the two year review of a Temporary Use Permit. Mark Hamblin explained the review process is to assure that the mobile home is still be utilized for its original purpose. In this case, for a farm worker.

A discussion of the actual acreage of each of the parcels and the existing residences was discussed.

The Public Hearing was opened at this time.

Paul Grimm, attorney for the Erdmans, said the mobile home is on a permanent foundation, done with all the proper permits when it was installed. This should be an accessory use, not a temporary use. He added that the only reason for the request of the Tentative Parcel Map is so that Mr. Erdman's mother can give her son her house. He didn't understand why there should be additional conditions of approval placed on the split. The regulations don't warrant these conditions.

Commissioner Rodegerdts said a residence could still be placed on Parcel 1, without revisiting the Planning Commission. He would like to have a "no build" restriction placed on that parcel. He stated his concern that in the long term, this could lead to urban encroachment.

Commissioner Heringer said all the rules have been followed. Why does the Commission need to mitigate if this request complies with the minimum size requirement for splitting the lot in the AP zone?

Commissioner Walker said he is also seriously concerned with the infringement of property rights by requesting the "no build" restrictions.

Stephen Basha, County Counsel, said there are two options available to the applicant regarding the "no build" restriction. One would be for the applicant to file for non-renewal of the Williamson Act Contract and the other would be to return to the Planning Commission and request a modification of this "no build" condition.

Commissioner Lang commented that the only advantage to the applicant in having this parcel remain in Contract is the tax benefit.

Commissioner Heringer said the applicant has the right to place a home on Parcel 1. Any mitigation would not be merited.

The applicant and the Commission discussed Conditions of Approval 5, 6, 7 and the additional condition regarding the well.

A correction was made to the "Recommended Action" portion of the Staff Report. The unsurveyed remainder should be 346 acres not 236.

Commissioner Woo said she did not want the Commission to be responsible for the foreman losing his home. The County's role is to provide affordable housing near his place of employment.

Mr. Grimm stated that the mobile home is fairly rundown and would have had to have been removed anyway.

The Public hearing was closed at this time.

Commissioner Rodegerdts said he did not view the placing a "no build" restriction on parcel one as micro management. If the land is not split, they would not be allowed to build another home. In the long term however, this creates yet one more possible homesite.

Commission Action:

- (1) C E R T I F I E D that the proposed Negative Declaration was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (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 a Tentative Parcel Map (TPM No. 4355) creating 2 parcels (Parcel 1 - 128 ac., Parcel 2 - 102 ac.), with an unsurveyed remainder of ~~236~~ 346 acres as shown in Exhibit 3 subject to the "CONDITIONS OF APPROVAL" presented in the October 1, 1997 Planning Commission staff report (Exhibit 1) as modified;
- (4) A P P R O V E D the Agricultural Preserve Contract division of Land Use Contract 72-085/AP 100 to create 2 new individual contracts to reflect the parcels shown in Exhibit 3 subject to the "CONDITIONS OF APPROVAL" presented in the staff report as modified.

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

NOES: Rodegerdts and Merewitz
ABSTAIN: None
ABSENT: None

CONDITIONS OF APPROVAL

Yolo County Community Development Agency

1. The property owner(s) shall execute three (3) individual Land Use Contracts for properties shown in **Exhibit 3**. Said Land Use Contracts shall be in a form approved by the County Counsel of Yolo County and the Director of the Yolo County Community Development Agency. Said Land Use Contracts shall be recorded at the property owners expense in the Office of the Yolo County Clerk/Recorder simultaneously with the Final Map.
2. A copy of the recorded Land Use Contracts shown in **Exhibit 3** shall be returned to the Yolo County Community Development Agency.
3. The applicant shall execute individual Land Use Contracts for the properties shown in **Exhibit 3** within one (1) year from the date of the Yolo County Planning Commission's approval or said agricultural contract division shall be deemed null and void without any further action.
4. Prior to the submittal of the Final Map or recording of the Land Use Contracts, which ever

comes first, the applicant shall pay a \$25.00 archeological inventory review fee. The fee shall be paid to the Yolo County Community Development Agency.

5. ~~The applicant shall submit verification to the Yolo County Community Development Agency that the two mobile homes on the property are legal and have been renewed every two (2) years or shall be removed from the property prior to the recording of the Final Map.~~

5. The present mobile home on Parcel 2 shall be removed within 90 days without limitation on replacement of this mobile home and use of this mobile home pursuant to County Code”.

6. ~~Prior to the issuance of a building permit, if the mobile/manufactured home is to be replaced, the applicant shall submit proof of the manufactured date of the mobile home. The Mobile/Manufactured Home to be installed shall comply with the “Federal Mobile Home Construction and Safety Standards Act of 1974”. Said Act under few exceptions states that a mobile home or manufactured home shall have a manufacture date of June 15, 1976 or newer.~~

6. An agricultural well, maintenance, repair easement or irrigation, maintenance, repair easement shall be recorded to protect agricultural water access to Parcel 1 upon the transfer of title to Parcel 1, until unless an agricultural well has been established on Parcel 1 of this Parcel Map.

7. Prior to the filing of the Final Map, except for the parcel(s) approved by this Planning Commission, the applicant(s) shall merge any and all underlying parcels including those on the unsurveyed remainder for all purposes including the State Subdivision Map Act and the applicable provisions of the County of Yolo's ordinances.

Yolo County Public Works Department:

8. The Final Parcel Map, as described within this report shall be filed with the Director of the Yolo County Department of Public Works & Transportation within two years from the date of the Planning Commission's approval of the Tentative Parcel Map, or said tentative map shall be deemed null and void without further action.

9. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83.

County Counsel

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

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

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

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

FINDINGS

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

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.

Subdivision Map Act

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;

As discussed in the General Plan Review Section of this report, the proposed project was determined to be consistent with the Yolo County General Plan.

(b) That the design or improvements of the proposed subdivision are consistent with applicable general and specific plans.

The design or improvements of the proposed parcel map are determined to be consistent with the Yolo County General Plan and in accordance with the Yolo County Code.

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

The proposed project is physically suitable for the type of development proposed. The project is in compliance with the minimum lot area requirements of the Yolo County Code (A-P Zone).

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

The site is physically suitable for the existing density. The site will remain agricultural and open space.

(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 potential environmental impacts. Based on written and verbal information received it was determined that it would not generate a significant environment impact, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed parcel map and subsequent future improvements do not appear to pose any serious health impacts, however, any proposed development (additional employee housing or accessory buildings) on the properties will be reviewed by the Yolo County Community Development Agency and County Environmental Health Department 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 subdivision will not pose a conflict to existing public easements. The proposed new parcels and the remainder have public frontage along State Highway 45.

Agricultural Preserve Contract Division

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Yolo County Planning Commission finds:

(1) That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

The proposed new parcels and Agricultural Preserve Contracts are consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157. The project involves the creation

of 2 parcels (Parcel 1 - 128 ac., Parcel 2 - 102 ac.) with an unsurveyed remainder of ~~346-235~~ acres, and the division of the approximate 674 acre Agricultural Preserve Contract (Land Use Contract 72-085/AP 100) in order to create 2 new contracts consisting of 128 acres and 102 acres.

- (2) That the parcels tend to maintain the agricultural economy;

The property has been historically used for agriculture (row crops and orchard).

The soil types for the property involve Class 2 soils (prime) as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.

The project involves the creation of large parcels (Parcel 1 - 128 ac., Parcel 2 - 102 ac.) with an unsurveyed remainder of ~~346-235~~ acres, and the division of the approximate 674 acre Agricultural Preserve Contract (Land Use Contract 72-085/AP 100) in order to create 2 new contracts consisting of 128 acres and 102 acres.

- (3) That the parcels tend to assist in the preservation of prime agricultural lands;

The proposed parcels qualify for the prime land designation established by the A-P Zone of the

County Zoning Regulations and exceed the minimum parcel size requirement of the A-P Zone.

The soil types for the property consist are Class 2 as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.

The property has an irrigation well and has access to irrigation water from Reclamation District 108.

Since 1965 the proposed parcels have been used for row crops and orchard.

- (4) That the parcels preserve lands with public value as open space;

Agricultural land is considered a principal component of open space by the Yolo County General Plan.

- (5) That the proposed use is consistent with the General Plan;

The project is consistent with the policies of the Yolo County General Plan.

- (6) That the proposed contracts in question were created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.

The project involves a parcel map request to create 2 parcels (Parcel 1 - 128 ac., Parcel 2 - 102 ac.) with an unsurveyed remainder of ~~235~~ 346 acres. The agricultural contract split involves a division of an approximate 674 acre Agricultural Preserve Contract (Land Use Contract 72-085/AP 100) in order to create 2 new contracts consisting of 128 acres and 102 acres.

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

The parcels created by this request are greater than 80 gross acres. The parcel map request is to create 2 parcels (Parcel 1 - 128 ac., Parcel 2 - 102 ac.) with an unsurveyed remainder of ~~235~~ 346 acres, and the division of the approximate 674 acre Agricultural Preserve Contract (Land Use Contract 72-085/AP 100) in order to create 2 new contracts consisting of 128 acres and 102 acres.

The soils are capable of cultivation and are irrigated. The property has been farmed in row crops and orchard since 1965. The property contains an irrigation well and is serviced by Reclamation District 108.

Commission Walker said the people of Yolo County are fortunate to have Commission members who balance, through careful consideration, the preservation of agricultural lands and the rights of property owners.



6.3 HMC #93 - A continuation of a review of the 1995-96 Annual Monitoring Reports by the Ecological Research Associates and the Technical Review Panel for the Homestake Mining Company's McLaughlin Gold Mine. Property is located in the northwest corner of Yolo County. The mine and appurtenant operations exist in Lake, Napa, and Yolo County. A portion of the pit and Davis Creek Reservoir is located in Yolo County in the Agricultural General (A-1) and Sand and Gravel (S&G) Zone. A Categorical Exemption has been prepared. Applicant: Homestake Mining Company (D. Flores)

David Flores provided a background of this report. The Commission continued this item from the September 6, 1997 Planning Commission meeting in order to determine whether the recommendations of the Technical Review Panel were being acknowledged and considered by the Homestake Mining Company and the Ecological Research Associates. Ray Krauss, the Environmental Manager for Homestake had responded to Staff by letter which was included with the Staff Report.

Darrel Slotten, of Ecological Research Associates, gave a dissertation regarding the monitoring of mercury levels in fish. There has been a marked improvement of mercury moving out of this region, as a result of the Davis Creek Dam being built.

Commissioner Heringer asked why there has been no attempt to seal some of the open pit mercury mines which are leaking. Darrel Slotten said that although the water sheds have had mercury leaking for millions of years, they are attempting to localize the leaks to very specific parts. Then they may be able to patch up certain parts.

A discussion regarding the installation of a weir took place. Mr. Slotten indicated that it is not really feasible at this time. Homestake has contacted the U. S. Geological Survey Agency and has put in a proposal to get funding for a series of weirs. Homestake has committed to the managing the weir if funding for the weir were available.

Commissioner Rodegerdts asked for clarification regarding the types of fish species being collected, the absorption rates, and whether California is just naturally prone to high levels of mercury.

Commissioner Woo asked if the TRP is strictly researching the levels of mercury. Mr. Slotten indicated that the goal is ultimately to find a way to reduce the levels of mercury in the fish.

Commissioner Stephens asked for clarification of the approved contract by the Board of Supervisors with ERA/UCD which substantially reduces the monitoring requirements. Mr. Slotten explained that the effort was reduced or eliminated on certain parameters, which aren't mercury, after research and results showed they did not vary during floods or droughts.

Commissioner Walker discussed what occurs in reclaimed wet pit gravel mines regarding mercury levels.

The Commission recessed for 10 minutes at 10:25 am.

Dean Enderlin, the Senior Environmental Engineer for Homestake, said what needs to be sorted out is what is coming naturally from nature and what is being produced from the mines. As far as the installation of a weir, Homestake would commit to supporting the staff and time to manage the weir, if the installation could be funded.

Commission Action:

1. **ACCEPTED** the reports of the Technical Review Panel for the Homestake Mining Company, McLaughlin Mine and approve the recommendations of the Technical Review Panel identified under RECOMMENDED CONTINUED MONITORING REQUIREMENTS.
2. **CERTIFIED** the Class 9 Categorical exemption prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA).

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



6.4 97-051- A request for a Variance to allow a subminimal parcel as a homesite. The parcel is a remnant parcel created by the construction of the Tehema-Colusa Canal. Property is located south of County Road 2 on the east bank of the Tehema-Colusa Canal, northwest of Dunnigan in the Agricultural Preserve (A-P) zone. APN: 051-140-23 Applicant/Owner: Jesus Ramirez/Domingo Flores (C. Eaton).

Commissioner Stephens abstained from the vote of this item.

Curtis Eaton gave the Staff Report. He explained that the remnant parcel was created when the Tehema Colusa Canal was built in the 1970s.

Director Bencomo added that it is unfortunate that as a result of the building of the canal, that this remnant parcel was created and it does not have too many possible uses. However, it is a legal parcel. It is reasonable to allow for the housing unit in this case.

The Public Hearing was opened at this time.

Jesus Ramirez, speaking on behalf of the applicant, Domingo Flores, said there is plenty of room to accommodate a well and leach lines.

Commissioner Heringer asked if the area near the canal was fenced and Mr. Ramirez indicated, yes.

Stephen Basha asked the applicant if Domingo Flores was in agreement with the Conditions of Approval. David Flores, Senior Planner, explained the Conditions of Approval to the applicant and he indicated that he was in agreement.

A discussion of permanent and temporary foundations took place. The applicant said the mobile home will be on a permanent foundation.

Commissioner Stephens asked for clarification of a "Certificate of Compliance" and about the Williamson Act Non-Renewal process. Would the applicant have to wait ten years to be able to build? John Bencomo explained that a "Certificate of Compliance" is a means to establish the legality of parcels.

Stephen Basha further explained that the since the parcel size does not meet the minimum requirement of an Agricultural Preserve Contract, the filing of non-renewal is a means to "clean up" that issue.

Commission Action:

- (1) C E R T I F I E D the project as Categorically Exempt under Section 15303, Class 3 & Class 5 of the California Environmental Quality Act (CEQA) Guidelines (Exhibit " 4 ");
- (2) A D O P T E D the FINDINGS for this project as presented in Exhibit " 1 " of the staff report; and,
- (3) A P P R O V E D the variance subject to the CONDITIONS OF APPROVAL as presented in Exhibit " 1 " of the staff report.

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

CONDITIONS OF APPROVAL

Community Development Agency

1. The property owner shall record the Certificate of Compliance prepared for parcels 51-140-22 & 23 in the Office of the Yolo County Clerk/Recorder prior to the issuance of a building permit and within one (1) year of the date of approval of this variance by the Planning Commission.

2. The property owner shall apply for non-renewal of the Williamson Act contract on parcels 051-140-22 and 051-140-23 within one (1) year of the date of approval of this variance by the Planning Commission.

3. The property owner shall submit a final site plan showing the exact location of the well, septic field, and landscaping for CDA and Environmental Health staff review prior to issuance of building permits.

Environmental Health

4. The property owner shall satisfy all requirements of the Environmental Health Division regarding construction of the well and the septic tank.

County Counsel

5. 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

In accordance with Section 8-2.2904, Article 29 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 any variance granted shall be subject to such conditions as will assure that any adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon the properties in the vicinity and zone in which the subject property is situated:

The applicant is requesting a variance to allow a mobile home to be placed on a subminimum parcel of 1.22 acres. Not including the 0.112 acre parcel directly south of the proposed homesite, three other properties within 1200' of this parcel and adjacent to the canal do not meet the 20 acre lot size requirements of the Yolo County Zoning regulations (parcels 051-140-21, 24, and 30). To the south of the subject property there are houses on two remnant parcels of less than five acres created by the canal project. Therefore the granting of a variance for the subject lot will not constitute a grant of special privilege.

- (2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges

enjoyed by other properties in the vicinity and under the identical zone classification;

The subject property was created as a remnant parcel following the acquisition of land for the construction of the Tehama Colusa Canal by the Bureau of Reclamation. It is the only remnant from Parcel 3, which previously was 25.9 acres. Other remnant parcels were created in the vicinity and are currently homesites. Therefore, not granting a variance from the strict application of the provisions of the Zoning Ordinance would deprive the applicant of privileges enjoyed by other property owners in the vicinity and under the identical zone classification.

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

The granting of the variance will be in conformity with the Master Plan because it will allow the applicant to live on the land he is farming, as is encouraged by policy LU 17 of the General Plan.



- 6.5 97-048 - A request for a Tentative Parcel Map to divide a 26 acre parcel into a 7 acre and a 19 acre parcel on Highway 16, east of Yolo Avenue in Esparto in the Residential/Planned Development (R-1/PD) Zone. The 7 acre parcel will be utilized for the Esparto High School Sport Complex consisting of a football stadium and baseball facilities. A Negative Declaration has been prepared. APN: 049-160-08 Applicant: Esparto Unified School District. (D. Flores)

David Flores gave the Staff Report.

The Public Hearing was opened at this time.

Lynn Terry, the County Surveyor of Public Works, explained the reason for the Public Works requirements as reflected in the Conditions of Approval. He explained this is typical for the recording of all Final Maps. The gross acreage measures out to the center line of the roadway. The net acreage excludes the roadway.

Commissioner Stephens clarified that the parcel to the east will be subdivided.

Lynn Terry further explained that the Final Map will still have to indicate the parcel to the east, but would not necessarily designate what its future use would be. However, it is a part of one parcel which is being divided into two parcels with the creation of the Final Map.

Stephen Basha, County Counsel, said that a change should be made to the Conditions of Approval. This is under section 1b. "That the parcel map shall show ~~two~~ three parcels with both gross and net areas".

The Public Hearing was opened at this time.

Kathy Wicks, representing the Community of Esparto, said there had been some concern about the easements. She was concerned that perhaps the parcels could not be utilized for the purposes for which the Community had intended. She asked that the easement to the north be confirmed as a continuance of a 12' easement so it couldn't get bigger and that there be a re-confirmation of the original dedication of the 20' easement to the south.

Commissioner Rodegerdts was concerned with the possibility of the widening of Highway 16 in the future. Kathy Wicks said that Caltrans had been questioned regarding the possible widening of Highway 16 and they have indicated that they have no plans to do so.

Commissioner Heringer said the sports field should not be so crowded.

A discussion about turn lanes took place.

A discussion of continuing this item, due to the numerous concerns by the Commission, took place.

Ken Reiff, representing the owner of the property, Elinor Parker, spoke about the minimum lot size needed regarding turn lanes.

Lynn Terry made a correction to the correction previously made regarding the parcel map. There will still be three parcels.

Director Bencomo suggested that minor negotiations and approvals could be made by Public Works and the Planning Department during the interim period before the Final Map is approved.

Commissioner Merewitz said he does not feel comfortable in approving this item at this time due to potential circulation problems.

Commissioner Walker said that given all the options and in light of all the concerns expressed, the whole process would be better served by this item being continued.

Commissioner Woo said she saw no reason why this item should be continued.

Director Bencomo attempted to clarify that issues of concern brought by the Planning Commission are targeted more to a specific project. However, the request presented before the Commission at this time is for a Parcel Map.

Kathy Wicks and Jerry Elmore indicated they were both in agreement with the Conditions of Approval.

Commissioner Woo said she saw no reason why this item needed to be continued. There are some minor points which may need fine tuning, however, they can be worked out at this time. The architect for the sports field indicates that the sports field will fit. Caltrans and the State Department of Education has said they do not have any concerns. These people have spent a lot more time reviewing and studying the project than the Commission.

A motion was made by Commissioner Heringer to approve this item, seconded by Lang. The motion was withdrawn.

The Commission recessed for lunch at 12:10 and reconvened at 1:00.

Stephen Basha said Conditions of Approval must go to the burden created by a specific project. There must be a nexus. He went through the Conditions one by one and made modifications.

Jerry Elmore, the Superintendent for the Esparto Unified School District, confirmed his agreement with the modified Conditions of Approval.

Ken Rieff, on behalf of Elinor Parker, was also in agreement.

A discussion regarding the nexus between the proposed Parcel Map and a specific project was discussed.

Commissioner Merewitz indicated that in the "Findings section" under "d", there is a definite project linked to this Parcel Map.

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

(3) **APPROVED** Tentative Parcel Map No.4350 subject to the conditions identified under "Conditions of Approval" as modified.

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

CONDITIONS OF APPROVAL

Public Works:

1. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83.
 - a. All exterior boundary lines shall be monumented on the net acreage lines and road center lines.
 - b. The parcel map shall show three parcels with both gross and net areas.
2. Prior to recordation, the applicant or successors in interest shall submit to the Yolo County Public Works Department all outstanding fees established by the current Fee Schedule to cover the costs incurred by the County for the Final processing of said map.

3. A 20 foot wide highway easement along State Highway 16 shall be offered for dedication. confirmed as dedicated for Public Use.

~~a. Street improvements shall be constructed along the State Highway frontage as required per the Public Works Department.~~

~~The existing 42 foot wide drainage easement shall be increased as required per the County Public Works Department.~~

4. The existing 42 foot wide drainage easement shall be reconfirmed as dedicated for Public Use.

~~**Environmental Health:**~~

~~4. The applicant shall secure permits from the Yolo County Environmental Health agency for any snack bar facilities on site.~~

5. ~~An approved sewage disposal, and water supply shall be provided for the snack bar facility and sport facilities.~~

Fish and Game:

6. A California Department of Fish & Game Code Section 2081 authorization Management agreement shall be executed prior to approval of a Final Map and/or payment if required of mitigation fees to a Yolo County fish and wildlife mitigation account shall be made prior to issuance of building/grading permits.

County Counsel:

7. 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 Yolo County Planning Commission may result in the following:

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed 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 consistent with the applicable general and specific plans as specified in Section 65451.

As discussed in the staff report, the proposed project was determined to be consistent with the Yolo County and Esparto General Plans.

- (b) That the design or improvements of the proposed subdivision are consistent with applicable general and specific plans.

As discussed in the staff report, the approval of this request would allow for the inherent right to develop and expand the high school facilities. The improvements have been determined to be consistent with the Esparto General Plan.

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

The proposed parcel sizes are in compliance with the minimum lot area requirements. An investigation of soil and water contaminants was conducted on the site, and was determined to be in compliance with State Health Department and the California State School system requirements.

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

The proposed project area is in compliance with the zoning requirements relative to the proposed construction of sport facilities.

- (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., high school stadium and appurtenant structures) 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 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 State Highway 16 (Yolo Avenue).

◆ ◆ ◆

- 6.6 97-056 - A request for an amendment of Chapter 3 of Title 8 of the Yolo County Code entitled "Flood Damage Prevention Ordinance" in order to bring it into compliance with the State's Model Flood Ordinance. (D. Morrison)

David Morrison, the Resource Management Coordinator, gave the Staff Report. He also wanted to include for the record, the following amendments to the original Staff Report;

1. Delete all references to the A99 Zone and replace with references to the AR Zone.
2. Add the following section and renumber all subsequent sections within Article 2 accordingly:

Sec. 8-3.234. Minor Variance

Sec. 8-3.234.

Minor variance” means a grant of relief from the requirements of this chapter to allow the use of wet flood proofing in the construction of specific types of structures, including: structures functionally dependent on close proximity to water; historic buildings; accessory structures; and agricultural structures.

This Flood Ordinance will bring the County into compliance with the State and Federal government.

Commissioner Woo pointed out that there is a word missing from Section 8-3.45 under “Structure” in the revised ordinance.

Commissioner Stephens asked for clarification of the proposed construction standards for manufactured homes and recreational vehicles. Why would you need standards for a recreational vehicles? David Morrison answered that currently there are no provisions under the present ordinance to allow for the use of recreational homes, while homes, which have been affected by flooding, are being rebuilt.

A discussion of permanent/temporary foundations took place.

Commissioner Stephens asked that a change be made to page 25, item (5) “That existing flooding problems near Woodland are not exacerbated by the proposed channel modification”. It should not be just Woodland that is indicated.

Commissioner Merewitz asked if structures designated by Yolo County as historic structures were covered under the definition in the proposed ordinance. John Bencomo said the Yolo County Historic Resource Inventory was accepted by the State, so those structures should be included.

Commission Action:

- (1) **RECOMMENDED** that the Board of Supervisors certify the Negative Declaration and approve the ordinance amendment, as modified by the revised amendment submitted to the Planning Commission and by the Planning Commission.

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



6.7 A review and discussion of the draft Flood Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS) for the Willow Slough area, generally located between Capay on the Yolo Bypass. (D. Morrison)

David Morrison displayed a map designating the proposed changes to the Federal Emergency Management Agency Flood Insurance Rate Maps along Willow Slough and its tributaries. He added that there is a 90-day comment period for the floodway. Residents along the Willow Slough were notified by mail.

Commission Action:

1. **ACCEPTED** public comments regarding the proposed flood map revisions.
2. **DIRECTED** staff to continue monitoring the map revision process and report back to the Planning Commission when the final maps are adopted by FEMA.

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



7. D I R E C T O R ' S R E P O R T

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 Trical application and enforcement
- 2) The letter from Joyce Davis regarding drainage issues in Knights Landing
- 3) The survey for the Office of County Counsel
- 4) The two letters from Dave Rosenberg regarding the potential development of a school site and residential housing for the Signature Property
- 5) The possibility of Public Works, Environmental Health, and the Community Development Agency merging to create a one-stop shop
- 6) The Economic Summit will be on held on December 3, 1997
- 7) The status of the Heidrick truck storage facility. Heidrick is requesting annexation into the City of Woodland.
- 8) The status of the Woodland Christian School



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 was contacted by a representative of Trical.
- 2) Commissioner Stephens attended the Valley Vision Regional Conference, the Esparto Advisory Committee meeting, the Madison Storm Drainage District meeting. She also asked that the procedures for the creating of historic districts be agendized.
- 3) Commissioner Woo was contacted by Trical.
- 4) Commissioner Rodegerdts was contacted by Trical, attended a meeting of the Water Resources Agency, attended the hearing of the Assembly Committee on Water, Power, and Wildlife, and the annual symposium of the American Agricultural Law Association.
- 5) Commissioner Merewitz attended the California County Planning Commissioner Association meeting.
- 6) Commissioner Heringer congratulated Commissioner Walker for his award for the 1997 Agri-Business Person of the Year. Commissioner Heringer was contacted by Trical.
- 7) Commissioner Walker was contacted by Trical, attended a meeting of the Water Resources Agency. He also asked that the election of the new chairman and vice chairman take place in December.
- 8) The probability of a pot luck party with Staff.

- 9) Commissioner Walker said the Oakland Bean Cleaning Company is creating a nuisance and asked Director Bencomo to check into it.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 3:00 pm. The next regular meeting of the Planning Commission will be held on December 10, 1997 at 8:30 a.m. in the Planning Commission Chamber. There will be no meeting on December 3, 1997.

MOTION: Rodegerdts SECOND: Lang

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

NOES: None

ABSTAIN: None

ABSENT: None

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