

REVISED

MINUTES

YOLO COUNTY PLANNING COMMISSION

October 1, 1997

1. CALL TO ORDER

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

MEMBERS PRESENT: Walker, Rodegerdts, Stephens, and
Woo

MEMBERS ABSENT: Heringer, Merewitz, and Lang

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

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the September 3, 1997 meeting were approved with no corrections.

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

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3. PUBLIC REQUESTS

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

Marianne Nix, of Knights Landing said that CalAg is still doing business as usual. They should be told to cease their operation and begin the EIR process as directed by the Commission.

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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 letter from TriCal regarding a modification of their Use Permit application, a letter from Meredith Stephens regarding the demolition of the Taber General Store, and memo from the Bureau of Land Management.



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.

Item 5.1 was removed from the Consent Agenda for clarification purposes and placed on the Regular Agenda.

6. REGULAR AGENDA

- 5.1 97-039 - A request for a Lot Line Adjustment and an Agricultural Preserve Boundary Adjustment between two parcels and two Agricultural Preserve Contracts decreasing a 117 acre parcel and an Agricultural Preserve Contract by .5 acre and adding .5 acre to a 102 acre parcel and contract. The property is located on the west side of CR 88 between CR 33 and 32A, northwest of Winters in the Agricultural Preserve (A-P) zone. A Categorical Exemption has been prepared. APN: 030-180-09,10. Owner: Anne Van Zandt (M. Hamblin)

Commissioner Rodegerdts asked for the distance between the barn and the new lot line. Mark Hamblin answered that the distance is approximately 5 ft.

Mark Hamblin gave the Staff Report. He also circulated to the Commission the exterior wall and open space protection setback area.

Commission Action:

- (1) **CERTIFIED** the project Categorical Exempt under Section 15305, Class 5 and Section 15317, Class 17 of the California Environmental Quality Act (CEQA) and Guidelines;
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Lot Line Adjustment and amendment to Land Use Contract 72-092 and 73-003 as shown on **Exhibit 4** subject to the "CONDITIONS OF APPROVAL" presented in the staff report.

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

CONDITIONS OF APPROVAL

Yolo County Community Development Agency

- 1. The property owner(s) shall record the Certificate of Compliance prepared for this Lot Line Adjustment (**Exhibit 4**) at the property owners expense in the Office of the Yolo County Clerk/Recorder within one (1) year from the date of the Yolo County Planning Commission's approval or said Lot Line Adjustment shall be deemed null and void without any further action.
- 2. The property owner(s) shall record an "exterior wall and open space protection setback area" approved by the Yolo County Community Development Agency prior to or simultaneously with the Certificate of Compliance prepared for this Lot Line Adjustment.
- 3. The property owner(s) shall amend the existing individual Land Use Contracts for properties shown in **Exhibit 4** with revised legal description to reflect new lot line adjusted parcel. 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.
- 4. A copy of the recorded Land Use Contracts shall be returned to the Yolo County Community Development Agency.

5. The applicant shall execute the revised Land Use Contracts for the properties shown in **Exhibit 4** 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.

County Counsel

6. 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

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

Lot Line Adjustment

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

1. That the application is complete;

The application was deemed complete by the Community Development Agency.

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

The applicant is the lead person for this project. She represents the Marian Coble Trust and is a relative to the members of the Estep Family Trust, who are the owner of the adjoining parcel to the north. Representative for the affected properties have consented to the project.

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

The legal descriptions submitted with the application appear to accurately describe the proposed parcels to be created by the project.

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

No street or utility easements will be abandoned by the adjustment and merger.

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

The Lot Line Adjustment involves approximately ½ of an acre. The project will not result in the elimination or reduction in size of an access way to any resulting parcel.

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

After review of the application, State and County regulations, the responses to the Request For Comments and Negative Declaration, etc. by the Community Development Agency, it was determined that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

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 addition to one parcel and the deletion to another parcel by approximately ½ an acre. Both parcels after the adjustment will consist of approximately 116 and 103 acres.

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

The project involves the addition to one parcel and the deletion to another parcel by approximately ½ an acre. Both parcels after the adjustment will consist of approximately 116 and 103 acres. The properties are currently used for pasture and livestock.

The soil types for the property involve Class 1 and Class 4 soils as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.

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

The proposed parcels have been use for livestock and pasture. The adjustment is to incorporate existing barns on northern parcel are to be included on to the southern parcel. The parcels have Class 1 and Class 4 soils. The Lot Line Adjustment will not effect prime agricultural land. The parcels exceed the minimum parcel size requirement of the A-P Zone.

- (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 parcels involved with this Lot Line Adjustment and agricultural contract amendment were created prior to 1972.

(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).

A new contract is not being created. The existing parcels 117 and 103 acres will only be adjusted by approximately 1/2 acre.



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)

As a result of the written request submitted by the applicant, Lee Humes, this item was continued.

Commission Action:

To continue this item until November 5, 1997 or the next available Planning Commission Meeting.

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



6.2 97-037 - 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 gave the Staff Report. He suggested two options to the Commission. One is combining the proposed Parcel 1 and 2 to create a single 231 acre parcel with a 235 acre unsurveyed remainder. Another option is to proceed with the applicant's original request, but to place a condition that Parcel 1 shall not be a buildable parcel, for residential purposes, while it is in Williamson Act Contract.

Commissioner Rodegerdts said he has no problem with the proposed split, but there should be a "no build" restriction on Parcel 1.

Commissioner Stephens said the purpose of the Williamson Act is to preserve Ag land. The inclusion of the "no build", would help to accomplish that.

A lengthy discussion took place regarding whether the "no build" restriction should be in place only while the parcel is in contract or whether it should be left on the parcel in perpetuity.

Commissioner Walker said he has a problem with placing the restriction on the parcel in perpetuity. He said that was an unnecessary intrusion on the owner's property rights.

Commissioner Woo agreed that it should only be placed on the parcel while it is in contract.

The Public Hearing was opened at this time.

William Erdman, the applicant, said he was concerned with placing a "no build" on other types of structures such as barns or outbuildings. He said he understands the concerns of the Commission.

Stephen Basha, County Counsel, asked the applicant if he agreed with the "no build" restriction. He answered yes, on Parcel 1, while it is still in contract, if the Commission feels it is necessary. He agreed with Chairman Walker, that placing the "no build" in perpetuity is a bit extreme.

Commissioner Rodegerdts said he would like to approve the request with the condition that there be no additional building sites on any of the three parcels. The two sites which are not occupied at the present time, but have residences, should be limited to mobile homes for farm workers. Mr. Erdman said that would be acceptable.

Mark Hamblin explained the distribution of structures on the three parcels. There are no homes on Parcel 1. On Parcel 2, there is a barn, an occupied mobile home, and a residence where the applicant lives. On Parcel 3, there is a residence, where the foreman lives, a shop, and an unoccupied residence and an unoccupied mobile home.

Commissioner Stephens asked for clarification of the legality of the mobile homes. Mark Hamblin said there was a Conditional Use Permit approved in 1984, which was subject to review and renewal every two years. However, there have been no renewals of the Use Permit.

Mr. Erdman said he is hesitant to having all these conditions on the parcels. If the County feels that the agricultural status of the parcels is being threatened, then he would withdraw his application. He said he is willing to work with the County, but now it seems as though the County is being overly restrictive.

Commissioner Walker shared the applicant's concerns.

Commissioner Woo said the Commission should not restrict the use of the mobile homes to just farmworker housing.

Commissioner Stephens said the original Conditional Use Permit granted for the mobile homes already restricted the use to temporary farmworker housing. The only restriction that is being added is the "no build" to Parcel 2.

The Public Hearing was closed at this time.

Commissioner Walker suggested a continuance of this item in order to allow staff and the applicant to work together.

Commission Action:

To continue this item until November 5, 1997 or the next available Planning Commission Meeting.

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



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.

David Flores updated the Commission on the following:

- 1) Trical is withdrawing their application, which includes the proposed CalAg facility. It will be modified to include only Trical.
- 2) The recent demolition of the Taber General Store was discussed. It was requested that this item be placed on the agenda for future discussion regarding designating Esparto as a Historic District. It was also suggested that the Chair of the Historic Committee be present at that meeting.
- 3) A new 60+subdivision in Esparto (Campos Subdivision II)
- 4) The new format for the Staff Reports.
- 5) The new site location for the First Baptist Church (Woodland Christian School).
- 6) The Heidrick appeal may be withdrawn.
- 7) The Community Development Agency now has a home page on the Internet. The address is:
:
<http://www.dcn.davis.ca.us/go/yolocda/cdahome.htm>

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8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

- 1) Commissioner Woo attended a retreat for architects regarding historic preservation.
- 2) Commissioner Stephens attended the Madison Storm Drain District meeting. She will be attending a conference on sponsored by the Air Quality Control Board on October 17th.
- 3) Commissioners Rodegerdts, Stephens, and Woo were contacted by John Ivancovich regarding Trical.
- 4) Commissioner Rodegerdts read excerpts from "Planning for Economic Prosperity" from the Sierra Business Council.
- 5) Commissioner Rodegerdts was contacted by Lance Linville.
- 6) Commissioner Walker suggested a pot-luck social event with Staff and the Commission. It was advised that all responses be directed to the Linda Caruso, the Planning Commission Secretary.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:35 a.m.

The Regularly scheduled Planning Commission on the first Wednesday of the month has been canceled. The next meeting of the Yolo County Planning Commission is tentatively scheduled November 12, 1997 at 8:30 a.m. in the Planning Commission Chamber. Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within **fifteen days** a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

John Bencomo, Director
Yolo County Community Development Agency

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