

MINUTES

YOLO COUNTY PLANNING COMMISSION

August 6, 1997

1. CALL TO ORDER

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

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

MEMBERS ABSENT: None

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

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the July 2, 1997 meeting were approved with no corrections.

Commission Action:

MOTION: Heringer SECOND: Merewitz

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

NOES: None

ABSTAIN: Stephens

ABSENT: None

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3. PUBLIC REQUESTS

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

No one from the public came forward.

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4. CORRESPONDENCE

Chairman Walker acknowledged receipt of all correspondence sent with the packet and items distributed at the beginning of the meeting, including a letter from Lee Humes requesting a continuance of the Fletes project (Item 6.3) and a letter from Country Villa Mobile Estates regarding the Esparto Unified School District (Item 6.4).



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.

Items 5.1 and 5.2 were taken off the Consent Agenda by Commissioner Merewitz and placed on the Regular Agenda.



6. REGULAR AGENDA

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

5.1 96-086 - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Subject property is located on the southeast corner of the junction of CR 12A and 99A, four miles south of Dunnigan in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN: 054-070-21. Applicant/Owner: AT & T Wireless Services/Rominger and Salonites. (M. Hamblin)

Mark Hamblin made corrections to the "Project Description" portion of his report. It should be a "lattice tower" instead of a "monopole" and there may be two sets of eight panel antennas.

Commissioner Merewitz asked Keith Bray, the applicant, if he was in agreement with all the Conditions of Approval. He answered yes.

Commission Action:

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

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

CONDITIONS OF APPROVAL

Community Development Agency, Planning

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "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 AT&T Wireless Services delivery system and that the property owner is in agreement.

3. The applicant shall keep their designated leasehold area (site) free from flammable brush,

grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.

4. The property owner(s) and/or leaseholder(s), including co-locators shall preserve the mature stand of trees on the property in front of the existing barn and the leasehold(s) along the frontage of County Road 12A.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Community Development Agency.
7. This Conditional Use Permit (Z.F. No. 96-086) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

Community Development Agency, Building Division

8. Any construction and/or placement of a building within Flood Zone "A" (an area of 100 year flooding) shall be in compliance with the Yolo County Flood Regulations (Ordinance No. 1143) prior to the issuance of the building permit.

County Counsel

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

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

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

FINDINGS

[Supporting evidence has been indented and italicized]

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

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

The proposed wireless communication facility is a conditional use within the A-1 Zone pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

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

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

Wireless communication technology (Cellular & PCS) has been determined not to be detrimental to the public health safety or general welfare.

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

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

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

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

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

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



- 5.2 97-020 - A request to establish a Land Conservation (Williamson Act) Contract for a 276 acre parcel and a corresponding Zone Change for the subject site from Agricultural General/Sand and Gravel (A-1/SG) to an Agricultural Preserve/Sand and Gravel (A-P/SG) zone. Property is located on State Highway 16, 1/4 mile east of I-505. A Categorical Exemption has been prepared. APN: 49-070-12. Applicant: Solano Concrete (D. Flores)

David Flores gave the Staff Report. He also made a correction to Exhibit 4 on page 3 of the Resolution, which should include Categorical Exemption (Class 17, Section 15317).

Commission Action:

1. **CERTIFIED** that the attached Categorical Exemption is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
2. **ADOPTED** the proposed FINDINGS as presented in the staff report.
3. **RECOMMENDED** that the Board of Supervisors enter into a Land Conservation (Williamson Act) Contract for the subject property with the applicant, subject to the CONDITIONS OF APPROVAL.
4. **RECOMMENDED** that the Board of Supervisors amend Zoning Map No. 22 of Yolo County to reflect a zone change from Agricultural General/Sand and Gravel Overlay (A-1/S&G) to Agricultural Preserve/Sand and Gravel Overlay (A-P/S&G) for the subject property.
5. **SUBMITTED** to the Board of Supervisors a Resolution recommending adoption of the environmental document, approval of the Zone Change, and approval to establish a 276 acre parcel into a

Williamson Act Land Use
Contract.

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

CONDITIONS OF APPROVAL

Community Development Agency

1. Within sixty (60) days of the approval by the Board of Supervisors, the applicant shall submit, for review and approval to the Community Development Agency, the agricultural preserve legal description to be incorporated into the Land Use Contract for the subject property.
2. The Williamson Act Contract established for the subject property shall be incorporated as part of Agricultural Preserve No. 38.

County Counsel

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

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

* legal action

FINDINGS

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 the Yolo County Regulations, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Planning Commission finds that:

1. That the public health, safety, and general welfare warrant the change of zone;

The proposed establishment of a Land Conservation (Williamson Act) Contract on this property will satisfy the purpose of the zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone or regulation is in conformity with the Master Plan (General Plan);

As addressed in the General Plan Discussion Section of this report, the proposed project is determined to be in compliance with the intent of the General Plan policies and applicable Zoning Regulations.

3. That the soils found on the subject property are predominately Class I or II soils according to the Soil Survey of Yolo County; and

As indicated in the Background Section of this report, the proposed property includes Merritt silty clay loam, which is identified as Class II soils, Storie Index of 50, and Brentwood silty clay loam (Class I, storie index-81).

4. That the zone change and the inclusion of the property into the Williamson Act Land Use Contract meets the exception to minimum acreage size as outlined in Section 8-2.408(e)(2)(I).

The proposed property/site abuts property that is already classified in the Agricultural Preserve zone, and will be incorporated as part of the larger existing Agricultural Preserve No. 38. The 276 acre parcel meets the minimum acreage requirements as established under the Blue Ribbon Ordinance.



6.1 97-011 - A continuation of a request for a Conditional Use Permit to establish an agricultural packaging and warehouse distribution facility for pesticides and fumigants on a five acre property. The property is located at 39985 CR 14 between St. Highway 113 and CR 101 in Woodland in the A-1 (Agricultural General) Zone. A Mitigated Negative Declaration has been prepared. APN#056-200-09 Applicant/Owner: California Agricultural Industrial Service/TriCal/Dean Storkan (D. Flores)

David Flores gave the Staff Report and briefly summarized the history of the project since its first presentation to the Commission.

Commissioner Stephens asked why the Mitigated Negative Declaration was not recirculated when the project came to include TriCal as well as Cal Ag in the request for the Use Permit.

David Flores said Staff believes that the Mitigated Negative Declaration which was circulated still addresses the major issues of concern even with the inclusion of TriCal. As a result of TriCal being included in the application, additional mitigations

were added regarding the complete testing of soil for petroleum and chemical compounds as well as annual monitoring of the on-site well.

Commissioner Stephens also had concerns about the minor soil contamination surrounding the storage tanks and suggested including a condition requiring the removal of the two storage tanks.

A discussion about which agency reviews the drainage plans and the structural plans took place. David Flores clarified that the Building Department would review the structural plans and the Regional Water Quality Control Board would review the water detention areas, as indicated in Condition #34 in the Staff Report.

Commissioner Merewitz said he was uncomfortable about moving forward with an approval of the project without having a complete report regarding the studies of soil and water.

Commissioner Lang was concerned that all materials be secured within the building.

Commissioner Merewitz said proposed that perhaps an Environmental Impact Report (EIR) should be required instead of a Mitigated Negative Declaration.

Commissioner Heringer said he agreed that the soil and water study should be acquired prior to the consideration of this project. The Public Hearing was opened.

Hank Maze, the controller with TriCal and is involved in the environmental concerns of the company. He said he understands the concerns about the soil. The possibility of there being contamination to the soil by any these fumigant products would be highly unlikely. Slight petroleum contamination is not unusual in an agricultural operation. He added that it was never intentional of TriCal not acquire a Use Permit.

A discussion between the Commission and Mr. Maze took place regarding other TriCal facilities throughout the State and his role at the Yolo County site. He also indicated he is the controller and involved in environmental issues for Cal Ag, although he is solely a TriCal employee.

Mr. Maze explained the difference between Cal Ag and TriCal. TriCal sells and applies fumigants and Cal Ag is a distributor.

Commissioner Lang had concerns that if the volunteer fire department had been called to respond to a spill where TriCal has been operating, they would have been at great risk due to the lack of training.

Commissioner Woo asked for clarification regarding what would happen if a leak were to occur resulting in a spill of methyl bromide. Mr. Maze explained, "If a leak in a methyl bromide container, you immediately get expansion of gas, thermodynamic cooling of the mixture, frost pattern, and will eventually, if you do nothing, it will all evaporate into the air. As far as danger to receptors, it depends on how far away

they are. The main concern is not to be in a confined space".

Commissioner Walker said water is a premiere resource. The Commission will do all they can to ensure that water quality is protected from prior actions or subsequent actions.

Director Bencomo noted that the Commission had previously requested that Dean Storkan, the owner, to be in attendance at the Hearing so that specific questions and concerns could be addressed. Mr. Maze stated that Dean Storkan was out of town and would not be in attendance at this time.

Ed Hosoda, the President of Cal Ag, said he has met with the Yolo Fire Department and training was provided at that time. Cal Ag is more than willing to provide training to any fire department.

Paul Leathers, a surrounding property owner, submitted a prepared statement to the Commission. He stated his opposition to the proposed project. His concerns were as follows; the possibilities of contaminating the air and water; loss of agricultural land; fire and emergency response; and TriCal's history of not obtaining a permit.

Marianne Nix, a surrounding property owner, said TriCal should be punished, instead of being rewarded for operating without a use permit for the last fourteen years. She added that although there are many Conditions of Approval listed in the staff report, who is going to enforce them. She also

questioned why TriCal was using County Road 14 in the early morning hours when it is such a dangerous road.

Jeff Gilbert, the Fire Chief of the Knights Landing Fire Department, said he was confused since Mr. Maze stated there would be someone on the property all the time, but in the staff report it was indicated that the house would be converted into offices. He further stated that his fire department had been called out to TriCal on two separate occasions in the past. His department had no formal training at that time in dealing with hazardous materials. He added that he is not necessarily against the project, but there are certain issues, such as proper training, which need to be addressed.

Commissioner Lang suggested that HAZMAT should be the responsible agency for first response and the fire departments would be responsible only for traffic control in the event of an emergency.

Bud Beard, said that Cal Ag could operate in Woodland, however they have elected not to due to costs and the regulations the City of Woodland would place on them.

Michael Contreas said the Commission should proceed slowly on this item. There are still many studies that should be required of TriCal and Cal Ag before a decision is made.

Commissioner Merewitz said that doing business in the County should not be any easier than in the City. He suggested this item be continued until the water and

soil testing reports are completed. He said that TriCal is currently in serious non-compliance. This project is important to the economy of our County, however, it must be done properly.

Commissioner Merewitz made the motion to continue this item until water and soil testing reports are completed.

Commissioner Stephens said that given the issues brought up, an EIR is in order.

Mr. Maze clarified and rebutted certain items brought up by previous speakers. He said that methyl bromide is not a carcinogen, as previously stated. In regards to the trucks leaving early in the morning, there are less winds at that time for the purposes of fumigation.

Commissioner Heringer said that requiring an EIR is unreasonable, since the Commission's concerns will be addressed in the soil and ground water study.

Commission Action:

1. **DIRECTED** Staff to prepare an Environmental Impact Report as the appropriate environmental document for this proposal.
2. **DIRECTED** Staff to prepare a soil and ground water study.

MOTION: Merewitz SECOND: Rodegerdts

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



A ten minute recess was called at this time.

6.2 95-077- A request for recommendation to the Board of Supervisors of the Final Draft Zoning Code Amendment to change the definition of private and commercial stables; allow commercial stables in the Agricultural Preserve (A-P) zone; require site plan review of events held at private stables; and authorize the Zoning Administrator to approve Conditional Use Permits involving stables.
Applicant: Yolo County Community Development (D. Morrison)

David Morrison updated the Commission on past meetings regarding this issue. Due to the County Assessor's concerns, he asked that the following paragraph be included only as an informational or advisory clause and not part of the proposed ordinance:

"Unlike other classifications, the A-P Zone is unusual in that it is associated with a program that reduces property tax assessments in order to preserve agricultural land and open space. However, it should not be assumed that because a particular use is allowed in the A-P zone, it will automatically receive

property tax benefits under the Williamson Act. Owners are advised to consult with the County Assessor for further information regarding property taxation on their specific parcel (s).”

Commissioner Rodegerdts made a correction to the second sentence under Sec. 8-2.229.8. to delete ~~Riding~~ stables and insert Commercial stables.

The Public Hearing was opened at this time and no one came forward.

Commission Action:

1. **DIRECTED STAFF** to include the following paragraph only as an “advisory or informational clause”:

“Unlike other classifications, the A-P Zone is unusual in that it is associated with a program that reduces property tax assessments in order to preserve agricultural land and open space. However, it should not be assumed that because a particular use is allowed in the A-P zone, it will automatically receive property tax benefits under the Williamson Act. Owners are advised to consult with the County Assessor for further information regarding property taxation on their specific parcel (s).”

2. **DIRECTED STAFF** to change the wording under Sec. 802.229.8. to the following:

~~Riding Commercial~~ stables may include the retail or wholesale sales of tack, feed, and other equestrian products.

3. **RECOMMENDED** that the Board of Supervisors certify the Negative Declaration and approve the ordinance amendment, as modified by the Commission.

MOTION: Merewitz SECOND: Lang

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

NOES: None

ABSTAIN: None

ABSENT: None

**AMENDMENT TO THE YOLO COUNTY ZONING ORDINANCE
REGARDING PUBLIC AND PRIVATE STABLES**

1. Amend the following definition:

Sec. 8 - 2 . 2 9 9 . 7 . Stable, private.

"Private stable" shall mean ~~a detached accessory building~~ those facilities used for the shelter, breeding, and/or training of horses or and similar hooped equine animals for the use of the residents and their guests. Private stables may include the boarding of fifteen (15) or fewer equine animals, that are not owned or leased pursuant to a written agreement, by either the property owner or resident.

No more than two (2) shows, exhibitions, or other public/quasi-public events may be held per year. For the purposes of this section, a public/quasi-public event is defined as a gathering where an admission fee is charged, and/or where food and drink are sold onsite. Each public/quasi-public event held at a private stable shall require prior approval of a site plan review. Private stables that hold more than two (2) such events per year shall be considered a commercial stable, regardless of the number of horses boarded.

2. Amend the following definition:

**Sec. 8-2.299.8. ~~Stable, public or riding~~
commercial.**

"~~Public or riding~~ Commercial stable" shall mean a stable, other than a private stable, where sixteen (16) or more equine animals are boarded, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. ~~Riding~~ Commercial stables may include the retail or wholesale sales of tack, feed, and other equestrian products. Such sales shall be incidental to the operation of the stable. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the commercial stable.

3. Add the following as a conditional use to the A-P (Agricultural Preserve) Zone:

Sec. 8-2.404. _____ Conditional uses (A-P).

(q) Commercial stables.

4. Amend the following conditional use in the A-E (Agricultural Exclusive) Zone:
Sec. 8-2.504.

(o) ~~Riding~~ Commercial stables.

5. Amend the following conditional use in the A-1 (Agricultural General) Zone:

Sec. 8-2.604.

(q) ~~Riding~~ Commercial stables.

7. Amend the following principal permitted use in the PR (Park and Recreation) Zone:
Sec. 8-2.1902.

(c) ~~Riding clubs~~ Commercial stables, golf courses, and country clubs;

8. Add the following to the duties of the Zoning Administrator:

Sec. 8-2.3222. _____ Commercial stables.

(a) Approval authorized. The Zoning Administrator, after holding a public hearing, may approve

commercial stables in the Agricultural (A) Zones.

(b) Findings. In addition to the findings required for the use permit specified by Section 8-2.2804(a) through (e), the Zoning Administrator shall find that commercial stables shall be approved only when it is found:

(1) That the use shall not cause a public nuisance to the County or surrounding areas; and

(2) That the stable facilities have been clustered to the extent reasonably feasible so as to minimize the amount of prime agricultural soil taken out of production.



6.3 97-024 - A request for a Conditional Use Permit to allow the continued operation of a rodeo on a five acre parcel. Property is located four miles west of Woodland in the Monument Hills area at 33890 CR 24 in the Agricultural General (A-1) Zone. A Negative Declaration has been prepared. APN: 025-171-29. Applicant/Owner: Humes/Fletes (C. Eaton)

Lee Humes, attorney for the applicant, submitted a written request asking for a continuance of this item until the next Planning Commission Hearing.

Commission Action:

The Commission continued this item until the next available Planning Commission Meeting.

MOTION: Merewitz SECOND: Stephens

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

NOES: None

ABSTAIN: None

ABSENT: None

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Commissioner Stephens abstained from the following item due to her relationship to one of the speakers, her brother, Cordell Karlstad.

6.4 97-034 - A request to review and provide recommendations for acquisition of two proposed school sites within the Esparto Unified School District Boundary Area. The Parker Property is located on State Highway 16 at CR 21A in the R-1/PD (Residential/Planned Development) zone and the Rush Property is located 2500 feet west of the intersection of Highway 16 and CR 21A in the RRA (Rural Residential Agriculture) in Esparto. APN: 049-160-09 and 049-150-29. Applicant: Esparto Unified School District (D. Flores)

David Flores gave the Staff Report. He advised the Commission that they were not being asked to certify the Mitigated Negative Declaration, which will be a separate public process conducted by the Esparto Unified School District, but only to review and insure compliance with the adopted Yolo County Planning Document Policies.

Stephen Basha further clarified the Commission's role. He said that after the review, the Commission's

recommendation will be submitted to the governing board.

Director Bencomo explained that this was the State's effort to bring the County's influence into the process.

Commissioner Rodegerdts reminded his fellow commissioners about the concerns relating to the Manus property and the Country Villa Mobile Estates.

The Public Hearing was opened.

Cordell Karlstad, of Country Villa Mobile Estates, submitted a letter to the Commission. He said it would be in the best interest of the Community if Yolo County were the lead agency, if possible. He said there are some problems with the proposed school site which he hopes can be resolved.

Commissioner Heringer said these proposed school sites have already been approved by the Commission when the Esparto General Plan was approved.

Lee Humes, representing the Manus' property owners, an adjacent property from the school site, said he has negotiated a mitigation agreement with the Esparto School District, which will ensure that the County's General Plan buffer requirement will be implemented throughout the site planning process.

Kathy Wicks, of Esparto, said she has been working with Jerry Elmore and Tammy Fullerton. She said the School District is very interested in receiving all

comments and concerns regarding the school site and that the requirements set forth by the School District do conform with the recently adopted Esparto General Plan.

Commission Action:

1. The Commission reviewed the report prepared by Wallace-Kuhl & Associates for the proposed two school sites and recommended to the Esparto Unified School District acquisition of the sites based on the report's findings.
2. That the Planning Commission Staff Report and Summary Minutes dated August 6, 1997 will serve as the written Notice of the Commission's Recommendations and Findings pursuant to Public Resources Code Section 21151.2.
3. Directed Staff to send a copy of letter submitted by Cordell Karlstad of Country Villa Mobile Estates.

MOTION: Heringer SECOND: Merewitz

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

NOES: None

ABSTAIN: Stephens

ABSENT: None

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6.5 97-026 - A request for a Conditional Use Permit to allow the construction of a second single family dwelling on a 73 acre property. The Use Permit also includes a request to allow an existing mobile home stored on the site to be used as a senior housing unit. Property is located north of CR 1A, one mile west of I-5, northwest of Dunnigan in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 051-010-43 Applicant: Daniel Howard (M. Hamblin)

The Staff Report was given by Mark Hamblin. He suggested the relocation of the existing mobile home, which is presently in Flood Zone "A" to the area near the new home, which is in Flood Zone "C".

A brief discussion of the minimum age requirements of "granny flats" took place.

Director Bencomo clarified that if this request was merely a replacement of an existing home which had been destroyed through some type of natural disaster, then only a building permit would have been required.

The Public Hearing was opened.

Lynn Howard, the applicant, said she did not know whether or not a demolition permit was not applied for after the flood. The reason for the location of the existing mobile home in the Flood Zone is to not take anymore agricultural land out of production.

Commissioner Merewitz confirmed with the applicant that she was in agreement with the all of the Conditions of Approval.

Commissioner Rodegerdts commented that if this were not a replacement of an existing home, he would not be in favor of approving the request.

Commission Action:

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

MOTION: Merewitz SECOND: Woo

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

NOES: None

ABSTAIN: None

ABSENT: None

CONDITIONS OF APPROVAL

Community Development Agency, Planning

- 1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "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.

2. The floor space of the detached senior housing unit (mobile home) shall not exceed 1,200 square feet.
3. Any individuals who occupy the senior housing unit shall be one adult or two adult persons who are 62 years of age or older.
4. Any placement of a single family residence or garage/agricultural accessory building on the project site shall be in a clustered configuration with the existing buildings on the site and at a location subject to the approval of the Yolo County Community Development Agency.
5. The property owner shall provide information demonstrating the potability of the domestic water well on the subject parcel to the Yolo County Health Service Agency, Environmental Health Services Division prior to the issuance of the building permit for the new single family residence.
6. This Conditional Use Permit (Z.F. No. 97-26) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

Community Development Agency, Building Division

7. Any construction and/or placement of a building within Flood Zone "A" (an area of 100 year flooding) shall be in compliance with the Yolo County Flood Regulations (Ordinance No. 1143) prior to the issuance of the building permit. Said compliance shall require a flood elevation certificate, the installation of a flood resistant foundation, the elevation of the residence above the base flood elevation (BFE), etc. prior to the issuance of a building permit and final inspection by the Building Division.
8. If a previously owned mobile home/manufactured home is to be installed, prior to the issuance of a building permit for the unit, 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.

County Counsel

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

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

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

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

FINDINGS

[Supporting evidence has been indented and italicized]

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

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

Sections 8-2.404(I) states additional single family dwellings if approved pursuant to subsection (f) of

Section 8-2.2804 of Article 28 of this chapter or Section 8-2.3219 of Article 32 of this chapter [Chapter 2].

Section 65852.1 of the state Planning, Zoning, and Development Laws permits the establishment of senior housing units subject to Conditional Use Permit approval.

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

The proposed senior housing unit (mobile home) addresses a designated Special Population Group of the Yolo County Housing Element, adopted October 1, 1991, by providing elderly residents of low-income affordable housing in the unincorporated county area.

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

The proposed project as designed will not impair the integrity or character of the neighborhood. The neighborhood is rural, open space, and agricultural. The subject property is approximately 73 acres contains an existing residence, agricultural accessory buildings, animal pens and pasture.

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

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan. Land Use Policy No. 17 of the county General Plan provides for residential land uses in the agricultural areas provided that they are limited to dwellings only for preservation of the family farm, for farm employees and those persons who own the farm land, up to a limit established by ordinance and implemented by Conditional Use Permit.

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

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

- f. The Board of Zoning Adjustment may approve a use permit to allow the placement of more than one single family dwelling on a single parcel if all of the following findings are made:

(1) That the intended residents of such structure will either be family members engaged in farming or farm workers employed primarily on the farm;

The 73 acre property is jointly owned by the applicant (Daniel Howard) and his brother David Howard. The property is being used for livestock grazing.

(2) That the ratio between the total number of single family dwellings on the parcel and the total acreage of the parcel shall not exceed one dwelling for each twenty (20) acres of the parcels;

The subject property is 73 acres. There is an existing single family residence on site. The existing house is occupied by Daniel Howard. A second single family residence is to be constructed and occupied by David Howard. A mobile home currently stored on the property is to be used as a senior housing unit for the property owner's mother. The senior housing unit involves a separate request governed by state law.

(3) That the additional dwellings are located in an area on the parcel which minimizes the conflict with the adjacent farming operations, including but not limited to, aerial applications of restricted chemicals, noise, dust, whether the area proposed for the dwellings currently is or is not under cultivation, and the capacity of the soil on which the dwellings are proposed to be located;

The proposed house is to be clustered near a hog barn, hog and horse pens and a sheep

pasture. The existing house (main house), garage and barns are located next to or within the Flood Hazard Zone A area of Little Buckeye Creek. The proposed location of the mobile home and an existing barn are shown within Flood Zone A. The proposed location of the new single family house is within a Flood Zone C (an area of minimal flooding). The 73 acre property is used for livestock raising and grazing.

(4) That the additional dwellings have been clustered adjacent to one another to the extent reasonably feasible so as to minimize the amount of soil taken out of agricultural production;

The site has a residence, agricultural buildings, livestock structures and pasture. Little Buckeye Creek crosses the 73 acre property. The existing building compound area where the main house is located borders the Zone A flood area of Little Buckeye Creek. The new residence is to be constructed to the south of Little Buckeye Creek and the Flood Zone A area. The proposed location of the mobile home within the building compound is within Flood Zone A.

(5) That all requirements of the county Health Department regarding water and sewage disposal have been satisfied;

The proposed house and mobile home require septic tank systems and domestic water systems (well). Septic and domestic water systems

require permit approval from the Yolo County Environmental Health Services.

(6) That access to all proposed building sites is from a County maintained and dedicated roadway which meets County road standards; and

The 73 acre property borders County Road 1 and 1A.

(7) That all requirements of all agencies with jurisdiction have been or will be met.

Compliance with the Conditional Use Permit, and building and health department permits is required prior to the issuance of final inspections.

◆ ◆ ◆

Commissioner Rodegerdts abstained from the following item due to possible conflicts of interest.

6.6 A request for Financial Assurances to ensure that funds are available to implement approved reclamation plans for the following surface mining operations. A Categorical Exemption has been prepared for each request. (D. Morrison)

David Morrison gave the Staff Report. He summarized each of the Financial Assurances for the different mining companies. This is Staff's effort to bring the Financial Assurances up to date.

Commissioner Walker asked what the survival rates were for the tree planting. David Morrison said that current SMARA standards require that re-vegetation

achieve an 80% survival rate before any Financial Assurances are released.

The Public Hearing was opened.

Lily Noble, of Teichert Aggregates, concurred with the Staff Report and respectfully requested that Teichert Aggregates' Financial Assurances be released.

Commission Action:

1. **INCREASED** financial assurances for the Schwarzgruber and Sons reclamation plan (ZF# G-6) from \$47,600 to \$56,000, to ensure the reclamation of approximately 72.5 acres to open space.
2. **INCREASED** financial assurances for the Granite Construction mine site (ZF# G-7) from \$10,000 to \$20,755, to ensure the reclamation of approximately 52 acres to open space.
3. **RELEASED** financial assurances of \$175,000 for the Teichert Aggregates reclamation plan regarding the in-stream Muller site (ZF# G-12), having determined that reclamation of the approximately 30 acre site has been completed.
4. **INCREASED** financial assurances for the Solano Concrete reclamation plan regarding the processing plant site (ZF #1541), from \$15,000 to \$350,000, to ensure the removal of plant equipment and the reclamation of approximately 20 acres to habitat in a manner consistent with the Cache Creek Resources Management Plan.
5. **ESTABLISHED** financial assurances in the amount of \$26,535 for the Solano Concrete reclamation plan regarding the first subphase of Phase 2 for the long-term, off-channel mining site (ZF# 95-093), to ensure the reclamation of approximately 10 acres to row crop agriculture.

MOTION: Heringer SECOND: Stephens

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

NOES: None

ABSTAIN: Rodegerdts

ABSENT: None



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 splitting off of Historic Homesites
- 2) The Green line issue
- 3) The Rules of Order for the Planning Commission
- 4) The Enforcement Ordinance
- 5) The Dean Marks case has been turned over to the District Attorney
- 6) The funding for workshops



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) A discussion on setting the date for the next Planning Commission Hearing.
- 2) Commissioner Heringer asked that Dave Rosenberg, Chairman of the Board of Supervisors, attend the meeting regarding Planning Commission "Rules of Order".
- 3) Commissioner Merewitz completed the Bar Exam.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at approximately 12:15 p.m.

The next meeting of the Yolo County Planning Commission is tentatively scheduled September 3, 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

LAC