

MINUTES

YOLO COUNTY PLANNING COMMISSION

September 3, 1997

1. CALL TO ORDER

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

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

MEMBERS ABSENT: Stephens

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

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the August 6, 1997 meeting were approved with no corrections.

Commission Action:

MOTION: Merewitz SECOND: Heringer

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

NOES: None

ABSTAIN: None

ABSENT: Stephens



3. PUBLIC REQUESTS

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

No one from the public came forward.



4. CORRESPONDENCE

Chairman Walker acknowledged receipt of all correspondence 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.

- 5.1 97-033-A request for a Conditional Use Permit to establish a Bed and Breakfast Inn. Property is located at 42485 Front Street, east of Railroad Street in Knights Landing in the Agricultural General (A-1) Zone. A Categorical Exemption has been prepared. APN:056-160-23. Applicant: James Fuhring (C. Eaton)

Commission Action:

- (1) **CERTIFIED** the Class 3 Categorical Exemption in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
- (2) **ADOPTED** the Findings for Approval of this project as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit ZF 97-033.

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

CONDITIONS OF APPROVAL

1. The applicant shall meet all requirements of the Environmental Health Services Division regarding the water system and preparation of food. Burning of trash is not allowed; adequate storage of trash and regular removal of trash is required.
2. No more than five rooms can be rented to guests without first notifying the Building Division and satisfying all building code requirements for the new occupancy rating.
3. Secondary exits are required on all floors above the second level. A landing shall be provided at each exit door, with stairs constructed to grade.

FINDINGS FOR APPROVAL

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations, the Planning Commission shall consider the following findings (*a summary of the evidence to support each finding is shown in italics*):

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

Criterion satisfied. Sec. 8-2.604(ad) lists bed and breakfasts under conditional uses in the A-1 zone, as follows: "Officially designated County Historic Landmarks may be permitted to be used for educational and tourist purposes for such uses as, but not limited to, archeological sites, museums, bed and breakfasts, restaurants, wedding chapels or reception establishments, and schools as authorized by Section 8-2.2404 (h) of this chapter."

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

Criterion satisfied. A bed and breakfast will fill a need for commercial activity in the Knights Landing area as well as preserve a historic resource. By providing an attractive place to spend the night for motorists and bicycle tourists, this project will encourage tourists to spend time traveling through Yolo County.

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

Criterion satisfied. This use will be relatively low impact and will preserve an important cultural resource in the area, thus helping Knights Landing remain connected to its past as an agricultural center.

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

Criterion satisfied. The proposed use will be in conformity with the Historic Preservation Element of the General Plan which encourages preservation of historic resources. The use will not remove any land from agriculture.

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

Criterion conditionally satisfied. *Environmental Health is requiring documented proof that the well is up to County standards, or a new well may be required. According to the Public Works Department, there is adequate access to the property, using either Front Street or Second Street. The Fire District and the Community Services District had no concerns.*



6 . R E G U L A R A G E N D A

- 6.1 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)

Steven Basha, County Counsel, said the applicant, Mr. Fletes, has died. This creates procedural complications and concerns. Conditional Use Permits go with the property. Since it is not clear who will be the recipient of Mr. Fletes' property, it will be difficult for staff or the Commission to proceed.

Commissioner Rodegerdts said he would like to know how the facility will be managed and who the applicant will be before proceeding. The rest of the Commission was also in agreement that the matter should be continued until such time.

Lee Humes, the attorney for the applicant, said there is no question that the property will be owned by the applicant's wife. He stated that he represents the entire Fletes family. He does not know whether the property will have to be probated, since it is community property. He agreed to return to the Commission with definitive information that will answer the question of who will be the owner of the property, who will manage the property, and whether or not they agree with the Conditions of Approval.

Steven Basha suggested that the item be continued until October 1, 1997 or the next Planning Commission Hearing so that the item would not have to be re-noticed.

Commission Action:

To continue this item to the next Planning Commission Hearing.

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

ABSENT: Stephens



6.4 97-029 - A request for a Conditional Use Permit to allow the establishment of a truck and trailer parking facility on an 18 acre parcel. Property is located between CR 22 and I-5, east of Woodland in the Agricultural General (A-1) Zone. APN#027-390-03. Applicant: Joe Heidrick Farms (M. Hamblin)

Commissioner Walker acknowledged receipt of additional correspondence sent by Bob MacNichol, Planner for the City of Woodland, regarding the Heidrick proposal.

Mark Hamblin gave the Staff Report. He explained the reasons why this project does not conform to the County's General Plan and zoning. The truck/trailer facility does not provide storage of transportation vehicles used by the owner for transporting his own agricultural items.

The Public Hearing was opened at this time.

Joe Heidrick Jr., of Joe Heidrick Farms, explained the reason he had applied for the Conditional Use Permit was because he was approached by the owner of a trucking company who needed a place to park his trucks/trailers. This person was told he would not be allowed to continue to park his trucks on the street.

Bob MacNichol said that because the "use" of the truck and trailer storage area does not involve trucks that are associated with the agricultural operation of the site, the "use" may be a questionable one under the county's own zoning ordinance. Non-agricultural

trucking operations should be located with an urban area.

The Public Hearing was closed.

Commissioner Rodegerdts said there are presently three acres of the property that are fenced. He asked the applicant if he intended to use the balance of the acreage for his own trucks. The applicant indicated no, not at this time.

Commissioner Lang confirmed that if the applicant were to use this property for his own trucks, there would not be a problem.

Commissioner Woo confirmed that a Parcel Map would be required if this were to be approved as a commercial operation.

Commissioner Walker said that approving this item would set a precedent. There are clearly defined regulations which prohibit this type of operation with its present zoning.

Commissioner Heringer said that denying this request is an infringement on private property rights. Commissioner Woo agreed but said she would reluctantly concur with Staff's recommendation.

Commissioner Merewitz said that when the City of Woodland decides to extend their Urban Limit Line, then it would be an appropriate use. However, the present Urban Limit Line needs to be respected.

Commission Action:

- (1) **DETERMINED** that Section 15270(a) of the California Environmental Quality Act (CEQA) and Guidelines is the appropriate for the project. Section 15270(a) states that CEQA does not apply to projects which a public agency rejects or disapproves;
- (2) **ADOPTED** the "FINDINGS" for the project as presented in the staff report;
- (3) **DENIED** the Conditional Use Permit presented in the staff report.

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

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 **not** listed as a conditional use in the zone regulations or elsewhere in this chapter;

Within the A-1 Zone, if the agricultural operation (farming, nursery, livestock, etc.) owns a facility for the parking of their own equipment and is an

essential part of their agricultural operation, the use does not require Conditional Use Permit approval. In this situation, the trucks and trailers are an incidental use to the primary use, which is agriculture. The applicant's accommodation for truck/trailer operators other than the applicant's use, is viewed as an urban commercial use of the site instead of an agricultural use. This truck/trailer operation does not represent an incidental use of the applicant's farming operation or of the site.

- b. The requested use is **not** essential or desirable to the public comfort and convenience;

The prevention of premature and inadequately serviced urban development, and the promoting of orderly growth within the City of Woodland's sphere of influence and the County's Woodland Area General Plan Area is desirable to the public comfort. The preservation of open space/agricultural designated areas from uses that are non-agricultural within the sphere of influence and Woodland Area General Plan is also desirable to the public comfort.

- 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 site is bordered to the north by the Cache Creek settling basin, to the west by the City of Woodland's industrial park, to the east by Conway Ranch, and to the south by I-5 and Conway Ranch.

The Yolo County Department of Public Works & Transportation states there is presently inadequate roadway infrastructure in the County portion for trucks turning at this location. The proposed project has the potential to cause a traffic hazard on County Road 22 (Old River Road). There will be slow turning trucks in and out of the yard from a two-lane high-speed highway. This potential hazard will exist regardless of the turning truck volume, but there is also a potential for the estimated number of truck deliveries/loadings per day to increase significantly over the three to five movements of trailers (on and off of County Road 22) a day. Street improvements are not required at this time, but as truck volume increases street improvements will be required.

- d. The requested use will **not** be in conformity with the General Plan;

The proposed project is determined to not be in conformance with the following applicable provisions of the General Plan: LU-7, 12, 15, 16, 18, 49, 76, 79, CON-7, OS-3, 4, and is not in conformity with the Woodland Area General Plan of the Yolo County General Plan which prohibits urban development in the area between the urban limit line and outer boundaries of the Woodland Area General Plan Area.

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

The applicant will be providing all necessary infrastructure for the proposed project.

In accordance with Land Use Policy 18 of the Yolo County General Plan, the Planning Commission finds:

- The use is **not** directly related to agricultural land use (cultivation of agricultural plants or the raising of animals, and

The applicant's proposed trailer parking facility is for use by truck/trailer operators other than the applicant's own agricultural operation and is viewed to be an urban commercial use (urban development) instead of an agricultural use.

Representatives from Joe Heidrick Farms, Inc. have stated that the truck/trailer operator for Pacific International Rice Mill (PIRMI) will be parking trailers on the site.

- Will **not** diminish nor prevent agricultural use on site or on adjoining agricultural lands, and

The 18 acre property is designated and zoned for agricultural use. The site is currently not farmed. The soil type for the site is Pescadero

silty clay, saline-alkali which is a Class 4 soil with a Storie Index of 14.

The site is bordered to the north by the Cache Creek settling basin, to the west by the City of Woodland's industrial park, to the east by Conway Ranch, and to the south by I-5 and Conway Ranch.

- The use does **not** have some hazard or nuisance aspect which precluded it from being placed in an urban area, and

The truck/trailer parking facility does not present some unique hazard or nuisance aspect that precludes it from being placed within the City of Woodland. Currently, trucks, trailers, and mobile homes are being stored on other industrial sites within the City of Woodland near I-5 (i.e. Tri-Valley Growers (TVG) parking area, Sagara Trucking, etc.)

The proposed project has the potential to cause a traffic hazard since there will be slow turning in and out of the facility. Some urban public street improvements will have to be designed and constructed (i.e. turn lanes, parking & turning areas, acceleration lanes, etc.) to address truck/trailer usage.

- The use **can** be developed in the area without significant reduction of cultivation, growth, and

harvesting of the indigenous agricultural products.

The proposed project will involve the removal of 18 acres of Class 4 soil from cultivation, growth, and harvesting of the indigenous agricultural products. The site is not currently farmed.



A ten minute recess took place at 9:50 and reconvened with the following item.

Commissioner Lang left the meeting temporarily due to an emergency.

This item was time set for 10:00.

6.2 A continued discussion for the Conduct of Business of the Planning Commission. Chairman of the Board of Supervisors, Dave Rosenberg will be in attendance. (J. Bencomo and S. Basha)

Dave Rosenberg, the Chairman of the Board of Supervisors. He commended the Commission for considering these rules. He said he thought the rules were generally good. He suggested that they be revisited again in a year to see if anything needs to be modified. He added the importance of the rules making the process more "user friendly" for the public and the Commission. He stressed the importance of making the motion very clear during the actual motion and after the motion passes.

Commissioner Lang returned at 10:25 am.

This portion of the Hearing recommenced at 1:00 pm.

Commissioner Rodegerdts did not agree with Rule 21, #3 (Minimum vote). According to this rule, if there are only four members present at any given meeting, the Commission would have to vote in unison for any action or recommendation to take place. If the vote is not unanimous, the matter would have to be continued until the next Planning Commission Meeting. This would not be an efficient use of time.

A discussion regarding the allowance of re-opening the public hearing once it had been closed took place.

Commissioner Woo was concerned with Rule 15, "All findings shall be based strictly upon evidence presented during the public hearing". It was clarified that any commissioner could visit a the site prior to a hearing and state that fact for the record at the Planning Commission Hearing.

Commissioner Rodegerdts made a subsequent motion to delete the minimum vote requirement, but it was not seconded.

Commission Action:

1. **CONDUCTED** a public hearing to receive comments on the Draft Resolution on the Conduct of Business for the Planning Commission.
2. **ADOPTED** the proposed Resolution 97-01, as presented.

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



- 6.3 96-058 - A request for the certification of the Environmental Impact Report document prepared for the previously proposed Dunnigan General Plan; and pursuant to the directive by the Planning Commission, the recommended denial of the previously proposed Dunnigan General Plan; and to revise the General Plan to reflect the deletion of all new residential projects with the development of the appropriate environmental document (M. Hamblin)

Item 6.3 was originally heard at approximately 9:00 am. Due to a misinterpretation by interested parties of when this item would be heard, the Commission chose to reopen the Public Hearing to allow all concerns to be voiced. This is a summary of both portions of the hearing.

Commissioner Walker updated the audience regarding what had taken place at the earlier portion of the meeting. The Commission voted to approve Certifying the EIR, Denied the Dunnigan General Plan as was proposed, and Directed Staff to return with a revised Dunnigan General Plan which reflects the deletion of the residential component of the Plan. The vote was as follows:

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

The Staff Report was given by Mark Hamblin.

Director Bencomo said that some of the residents of Dunnigan were apprehensive about the Certification of the EIR because they believe that somehow the residential component of the Dunnigan General Plan may resurface.

Commissioner Rodegerdts said he is reluctant to certify an EIR which has a project attached to it, that is being denied. This might allow for "legal mischief".

Commissioner Heringer reiterated that the original EIR was very costly. The document can still be utilized if it is certified. Staff can then come forward with a Supplemental EIR, which would not include the residential component of the original Plan.

Steven Basha, County Counsel, recommended certain options which could be made on this issue. Staff could be directed to prepare a new EIR or certify the present EIR, so a Supplemental EIR could be prepared. What needs to be considered is time and cost.

Director Bencomo assured the Community that all subsequent projects would have to be presented to the Commission and would follow the normal process.

Commissioner Woo said that the certification of the EIR is in perfect harmony with the agreement made at the previous Planning Commission Meeting on May 7, 1997.

The Public Hearing was opened.

Pat McAravy, a member of the Dunnigan Advisory Committee, had concerns with the net effect of certifying the EIR. Does certifying it allow different components of the EIR to be debated afterwards? Director Bencomo clarified that if another project comes forward, it will be assessed separately.

Gary Shaad, a member of the Dunnigan Advisory Committee, said there has not been a meeting of the Dunnigan Advisory Committee meeting since January. The Staff Report presented to the Commission has not been considered by the Committee in order for them to form a consensus.

Director Bencomo clarified that during the Planning Commission Hearing of May 7, 1997, the Commission had requested that the representatives of the Committee submit formal written responses to show concurrence with the Planning Commission's direction. None were received. Additionally, the Planning Department does not have any influence over when the Dunnigan Advisory Committee meets.

Commissioner Walker explained that the Supplemental EIR would address the changes of the future Plan.

Wayne Stoops, the applicant of the Dunnigan Park project, said there are only two of the original projects still remaining. If the EIR is certified, there will still be costs, but on a much lesser scale. The Community's concerns have been answered. There is no residential component remaining in the Plan.

Steven Basha confirmed with all of the applicants (Wayne Stoop, John Korean, and Jay Donaldson) that the certification of the EIR was not an attempt to avoid the Planning Commission's jurisdiction.

Jay Donaldson, of the Aulman Property, said he was in concurrence with Staff's recommendation. There has already been a lot of money spent and it is time to move forward.

John Korean, of the Aulman Property, said that originally, they did not even consider the residential component. They were solely interested in commercial/industrial development. They were advised by an earlier Commission, to join forces with the residential development because it would be a benefit to the Community. That turned out to be a mistake. A \$500,000 mistake.

Chairman Walker said the Commission is being very cautious, but believes the developers are sincere.

The Public Hearing was closed.

Commissioner Rodegerdts said the paramount issue of concern has been addressed. However, he still felt that certifying the EIR would be a grave mistake.

Commissioner Merewitz was in accord with approving the Denial of the General Plan, but not with the Certification of the EIR.

Commission Action:

- (1) C E R T I F I E D the proposed Environmental Impact Report (E I R) prepared for the Draft Dunnigan General Plan as adequate and complete in accordance with the California Environmental Quality Act and Guidelines (C E Q A) as presented in Exhibit 2 (Environmental Impact Report Resolution) of this staff report ;

- (2) D E N I E D the Dunnigan General Plan as proposed ;

- (3) D I R E C T E D staff to return with a revised Dunnigan General Plan and appropriate environmental document that reflects the prior directive to delete the residential development (Dunnigan Village) project from the Plan .

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

ABSENT: Stephens



6.5 97-030 - A request for a Conditional Use Permit for establishment of a wine tasting/conference facility and three guest cottages. Property is located on CR 87 south of CR 12A near Esparto in an Agricultural Preserve (A-P) Zone. A Negative Declaration has been prepared. APN# 054-120-06 Applicant: RH Phillips Vineyard and Winery (D. Flores)

The Staff Report was given by David Flores. He added that the major concern from the Resource Conservation District, was that they believe that by allowing the three guest cottages, the applicant could very easily slip into a hostelry business. Staff has included Conditions of Approval which would preclude this from occurring.

Commissioner Rodegerdts said that he was disturbed by the District's objections. If the Commission were to deny the guest cottages, it would go against the County's "Agricultural and Tourism Targeted Industry Analyses" document.

Commissioner Lang discussed the issue of requiring the applicant to pave the access road.

Director Bencomo said that by not having the road paved, it may be difficult for emergency vehicles to get through.

The Public Hearing was opened.

Dennis Dong, the architect for RH Phillips, explained the project to the Commission.

Michael Patrone, Chief Financial Officer for RH Phillips, said he concurs with all the Conditions of Approval, except for #3.

The Public Hearing was closed.

David Flores indicated that Tom Tracy, the Assistant Director of Public Works, had met with the applicants at the site and he was satisfied with the design and the slope of the access road.

Commissioner Heringer made the motion to delete Condition #10. It was not seconded.

A discussion took place regarding the modification of Condition #3.

Commission Action:

1. **CERTIFIED** the proposed Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
2. **ADOPTED** the proposed "Findings" for this project as presented in this staff report;
3. **APPROVED** the Use Permit as reflected within this report and on the attached map, subject to the conditions identified under "CONDITIONS OF APPROVAL"

MOTION: Merewitz SECOND: Woo

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

NOES: None

ABSTAIN: None

ABSENT: Stephens

CONDITIONS OF APPROVAL

Yolo County Planning Division:

1. If any archeological or historical artifacts are uncovered during construction activities, the permittee shall cease operations, assure preservation of the site; and shall obtain the services of a qualified archeologist to recommend proper disposition of the site; and shall obtain the Planning Director's written concurrence of the

recommended disposition before resuming development.

2. The applicant shall receive no compensation in any form from the guest houses proposed at the Wine Tasting/Conference facility. Long term stays at the guest cottages shall be prohibited.
3. The access road and parking area ~~will~~ shall be ~~paved and striped~~ surfaced in the manner determined necessary by the Community Development Director as may be required for emergency vehicles access and as may be required by applicable laws and regulations. ~~in accordance with Yolo County Zoning Regulations.~~

Building Department:

4. All new building construction shall meet building code requirements, including required sprinkler systems per Yolo County Ordinance.
5. The applicant shall meet all parking and handicap parking space requirements in accordance with the Yolo County Code and Uniform Building Codes.

Health Department:

6. The applicant shall secure permits from the Yolo County Environmental Health agency for septic system, water system, and Health Department Permit for the wine tasting and banquet facilities.

Y o l o C o u n t y P u b l i c W o r k s :

7. The portion of the new commercial driveway connecting to County Road 87 within the public road right of way shall be designed by a registered civil engineer, and shall include the following:
 - Driveway to join C.R. 87 at approximate right angle.
 - Verify adequate sight distance in both directions along C.R. 87 from the new driveway, for reasonable vehicle speed at that location.
 - Driveway should be of sufficient width, and have adequate flare radii at the junction with C.R. 87, to accommodate expected traffic.
 - Driveway to have adequate structural strength, including asphalt concrete pavement within the public C.R. 87 right of way, for anticipated traffic.
 - Install culvert pipe under the driveway, along C.R. 87, to accommodate storm water runoff from the nearby hillside.
 - Adequate traffic signing to include, at a minimum, a stop sign facing traffic exiting the driveway and a side road sign (W7) on C.R. 87 at the top of the hill facing northbound traffic.
8. The applicant, or his engineer, shall submit the design plan to Public Works for review and approval prior to construction. The applicant, or his contractor, shall obtain an encroachment permit prior to construction within the C.R. 87 right of way.

Y o l o C o u n t y A i r P o l l u t i o n C o n t r o l D i s t r i c t :

9. Dust control measures will be implemented during construction of the Wine tasting/ Conference facility and will conform to the adopted regulations of the Yolo/Solano Air Pollution Control District (APCD), California Department of Fish and Game (for dust suppressants) and California Occupational Safety and Health Association (Cal OSHA).

S t a t e D e p a r t m e n t o f F i s h a n d G a m e :

10. A California Department of Fish & Game Code authorization shall be executed and payment of required mitigation fees to a Yolo County fish and wildlife mitigation account shall be made prior to issuance of a grading permit or building permit.

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;
- * proceedings for revocation of the Use Permit.

FINDINGS

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

Conditional Use Permit

In accordance with Section 8-2.2804 of Chapter 2, Title 8, the Planning Commission finds the following:

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

"Winery facilities which include wine tasting facilities" is a conditional use within the A-P Zone subject to the approval of the Planning Commission (Section 8-2.2412. (c). Chapter 2, Title 8).

(b) The requested use is essential or desirable to the public comfort and convenience;

The proposed wine tasting and conference facility is desirable to be located in an area accessible to the existing winery facility and provides additional tourism to the Esparto community.

(c) The requested use will not impair the integrity or character of the neighborhood and be detrimental to the public health, safety, or general welfare;

As conditioned, the design of the proposed facilities is not likely to cause serious public health problems. Conditions have been established for the described project and have been attached as "Conditions of Approval" for the project. In addition, the project will be surrounded by vineyards providing an ambience setting for visitors.

(d) The requested use will be in conformity with the General Plan;

The proposal submitted by R.H. Phillips Vineyard and Winery provides and encourages the further expansion of a successful agricultural operation (grape vineyards) and provides a wine tasting and conference facility location for this operation. This supports the General Plan policies in preserving agriculture and

*processing of a viable
agricultural crop.*

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

Comments received on the project from responsible agencies during the public review process identify potential concerns for issues regarding adequate utilities, access roads, drainage, and/or other necessary facilities. The implementation of the required conditions established for the project by said agencies adequately address this concern.

In accordance with the Winery Regulations (Section 8-2.2412), of the Yolo County Code, the Planning Commission finds:

(1) Retail and wholesale activities conducted by the winery shall be limited to wines and grape products produced on the site or by the winery at other locations.

In addition to the existing winery facility on site and proposed wine tasting/conference facility, the applicant also has a productive vineyard operation on their property.

(2) Retail sales of non-wine items shall be limited to such items as glassware, literature, wine-producing paraphernalia, and merchandise reasonably related to marketing wine.

The applicant has indicated that occasional wine tasting will be conducted on site on an informal basis. Any sales of glassware and wine producing paraphernalia will be minimal.

- (3) The winery and all accessory and attendant operations including vehicular traffic generated by the winery, shall not create noise levels exceeding forty-five (45) decibels dBa at the exterior of bedroom windows of any off-site dwelling unit.

There are no outside dwelling units within one half mile of the proposed wine tasting facility. Deliveries from and to the site are infrequent other than the normal traffic generated by the employees and guests to and from the site.

- (4) Odors from operations shall not be allowed to become a public nuisance to adjoining property owners.

No odors is anticipated with the development of the wine tasting/conference facility.

- (5) All wineries shall comply with the requirements of the business licensing and hazardous materials provisions of this Code, if applicable.

R.H. Phillips Vineyard and Winery has a current business license on file with the Community Development Agency/Business license Department. All permits required for the wine tasting facility

will be filed with the Yolo County Environmental Health Department.

- (6) Operations shall be in full compliance with both local and State requirements as food producing and marketing establishments.

The wine tasting facility will be in compliance with all state and local requirements in regards to food producing and marketing requirements.

- (7) The winery facilities shall be located 400 feet measured back from the center line of any State highway and 200 feet measured back from the center line of all other public roads.

The proposed wine tasting /conference facility will be over 200 feet away from the County Roadway system (Co.Rd 87).

- (8) The winery shall have a minimum separation of not less than 500 feet from the nearest off-site residence or guest house.

The nearest off-site residence is located approximately one mile from the wine tasting facility.

- (9) At least one parking space per employee shall be provided. If winery tours are to be included, necessary guest parking spaces shall be provided as determined by Section 8-2.2504 of Article 25 of this chapter.

The wine tasting/conference facility will meet the requirement of one parking space per employee. The applicant has provided additional guest parking spaces as part of their application.

- (10) In order to blend the winery with the agricultural character of the surrounding area, the applicant shall submit a landscape plan acceptable to the Community Development Agency. Landscaping requirements may vary, depending on the winery location, with respect to roadway visibility, existing vegetation, and adjacent off-site improvements. Landscaping shall be installed prior to the final building inspection approval by the County. A temporary certificate of occupancy may be granted when landscaping work is delayed because of bad weather. All required plantings shall be permanently maintained in good condition and, whenever necessary, replaced with new plant materials.

The wine tasting/conference facility is surrounded by vineyard. The applicant will submit a landscape plan for the proposed facilities and approved by the Community Development Agency.

- (11) Where the proposed winery is within the high fire risk area of a fire district, a clear zone, compatible with a landscaping plan, shall be established and maintained to the satisfaction of the local fire district. Adequate year-round access shall be provided to each building for fire department equipment.

Adequate distance will be provided between buildings for fire department access. The landscaping plan will require fire resistant plants in accordance with Department of Forestry requirements. As indicated earlier, the surrounding property is planted in vineyard which provides a scenic view from the Winery facilities.

- (12) Operators of the winery shall properly handle and dispose of all solid waste generated from the operation.

Disposal of solid waste will be in compliance with the County Health Department requirements. The facility will require Health Department review and approval.



- 6.6 HMC #93 - A presentation 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. Applicant: Homestake Mining Company (D. Flores)

The Staff Report was given by David Flores.

Turid Reid, the Chairman of the Yolo County Technical Review Panel, said the TRP is involved in evaluating the research reports submitted by the Ecological Research Associates, the Division of Environmental Studies, UCD, and the Homestake Gold Mine staff.

Commissioner Rodegerdts said there should be a reaction to the TRP concerns.

Turid Reid said there are regular meetings held where concerns are discussed and negotiated by the Ecological Research Associates and the TRP. She added that the original goal was to re-vegetate the land. Now the goal is to totally reclaim the land to its original condition.

A discussion of mercury levels took place.

Chairman Walker said applicable persons need to be more responsive to the TRP's concerns. The Commission shares those concerns and has an interest in more detailed information. Director Bencomo said perhaps this report is incomplete. Representatives of the Homestake Mining Company should be asked to attend the Planning Commission Meeting to allow them to address the TRP's concerns.

Commission Action:

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

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

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The Commission recessed for lunch at 1:00 pm and reconvened at 1:20 pm with Item 6.2 (The Rules of Conduct for the Planning Commission). See page 9.

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6.7 A continued discussion regarding the splitting off of homesites and/or historic structures from larger agricultural parcels. (C. Eaton)

Curtis Eaton gave the Staff Report. He explained the main responsibilities of the Historic Preservation Commission and suggested that the Commission continue to examine each request for the splitting off of smaller parcels with historic structure on a case by case basis.

Commissioner Rodegerdts said he was not in favor of splitting parcels for inheritance purposes. It goes against the County's policies.

Commissioner Heringer briefly discussed the formation of the list of Historic Structures.

Commissioner Woo said that by examining each request on a case by case basis, there will be no precedence setting.

Steven Basha suggested that if the Commission does consider each item on a case by case basis, then it

will be very important to identify the factors that support their decision.

Commissioner Lang said that criteria should be established. The surrounding area should also be considered.

Commissioner Merewitz left the meeting at 2:10 pm.

Director Bencomo presented a scenario, that if the Commission were to allow a lot split for the purposes of preserving a historic structure, then the owner might realize the great costs that may be involved in the rehab of the structure, and subsequently sell their property to someone else who is not interested in historic preservation.

Commissioner Rodegerdts said that the advantage of saying that they will be taken on a case by case basis, is that the public will know that the Commission will consider this type of request.

Commission Action:

To evaluate each request for a lot split in agricultural areas where a historic structure is involved on a case by case basis.

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

John Bencomo updated the Commission on the following:

- 1) Hazmat's response time issue.



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 Heringer met with Jim Taylor regarding a winery proposal.
- 2) Commissioner Woo was contacted by someone who wanted to develop five houses on five acres, north of Davis.
- 3) Commissioner Lang spoke about Shasta County's road paving/graveling requirements.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at approximately 2:35 p.m.

The next meeting of the Yolo County Planning Commission is tentatively scheduled October 1, 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