

MINUTES

YOLO COUNTY PLANNING COMMISSION

July 2, 1997

1. CALL TO ORDER

Chairman Walker called the meeting to order at 8:35 a.m.

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

MEMBERS ABSENT: Stephens and Rodegerts
(Commissioner Rodergerdts arrived at 11:15)

STAFF PRESENT: John Bencomo, Interim Director
David Flores, Senior 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 June 4, 1997 meeting were approved with no corrections.

Commission Action:

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

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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.



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 97-021- A request for a General Plan Consistency Review to allow the abandonment of a portion of CR 19A. The location is one half mile section of CR 19A, one quarter mile east of CR 87, north of Esparto. A Negative Declaration has been prepared. APN# Borders 048-210-06. Applicant: Teichert Land Company (C. Eaton)

Commission Action:

1. **RE-CERTIFIED** the Negative Declaration prepared for application 96-012 in accordance with the California Environmental Quality Act and Guidelines (CEQA).
2. **ADOPTED** the Findings of Consistency for this project as presented in the staff report.
3. **RECOMMENDED** that the Yolo County Public Works Department proceed with formalizing the

abandonment of County Road 19A in accordance with
the Conditions for Compliance.

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

CONDITIONS FOR COMPLIANCE

Fire District Requirements

1. ~~A "Knox Box" or similar device shall be installed at the gate at the end of County Road 19A to provide access by Agencies of Concern and property owners.~~
(This condition, part of the original approval, has been implemented to the satisfaction of the Fire Protection District in the interim and is no longer applicable.)

Yolo County Public Works

2. The County of Yolo reserves all current Public Utility Easements upon vacation of County Road 19A.
3. Yolo County Public Works Department shall first receive written consent from property owners affected by the abandonment of the roadway prior to requesting final action by the Board of Supervisors.

County Counsel

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

FAILURE TO COMPLY WITH THE CONDITIONS OF APPROVAL AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR MAY RESULT IN LEGAL ACTION OR NON-ISSUANCE OF FUTURE BUILDING PERMITS.

FINDINGS

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

California Environmental Quality Act & Guidelines
(CEQA)

In certifying that the proposed Negative Declaration (ND) is the appropriate level of environmental review for this project, the Yolo County Planning Commission finds: That on the basis of the Initial Study and comments received, there is no evidence that the project will have a significant effect on the environment.

The proposed project does not include the section of CR 19A fronting the Syar property, making it three quarters the length of the original. Staff has reviewed the comments from the Negative Declaration prepared for ZF# 96-012 last year and believes the potential impacts of the proposed project to be similar to the original project.

California Government Code

In accordance with Article 7, Section 65402 of the Planning and Zoning Law, the Planning Commission finds: That the proposed project conforms with the provisions of the Yolo County General Plan.

Staff has reviewed the application submitted by the Teichert Land Co. and determined the project is consistent with the Yolo County General Plan specifically Circulation Element 8 (Cir.8), and Open Space Policies 9 and 11 which encourages access control and safety features and protection of wildlife. As indicated earlier in the staff report, if abandoned, the securing of this roadway will protect the wildlife

habitat within Cache Creek, which complies with the Open Space Policies of the County.

The installation of an automatic gate allows access by authorized vehicles, primarily emergency vehicles and the property owners and employees of Teichert Aggregates.



6 . REGULAR AGENDA

- 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 County Road 14 between State Highway 113 and County Road 101 in the A-1 Zone. A Mitigated Negative Declaration has been prepared for this item. APN#056-200-09 Applicant/Owner: California Agricultural Industrial Service/Dean Storkan (D. Flores)

Director Bencomo requested that this item be continued to allow Staff to obtain additional information regarding the project. The applicant is also amending their application to include both companies, Trical and Calag.

Commission Action:

The Commission continued this item until the August 6, 1997 Planning Commission Meeting.

MOTION: Merewitz SECOND: Woo

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

NOES: None

ABSTAIN: None

ABSENT: Rodegerdts and Stephens



6.2 95-077-A review of the Draft Zoning Code Amendment to change the definition of private and commercial stables; allow commercial stables in the A-P (Agricultural Preserve) 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 Agency (D. Morrison)

David Morrison gave the Staff Report. The primary proposed changes to the ordinance are as follows:

- 1) To expand the number of horses that may be boarded without a Use Permit.
- 2) To define what "public events" are and how they are to be reviewed.
- 3) To require the equestrian facilities to be clustered to minimize the impacts to Ag land.

- 4) To allow public stables in the A-P zone, which would allow the boarding and training of horses.
- 5) To delete the words "public stables" and replace with "commercial stables".

He added that the County Assessor had concerns that commercial stables may not be compatible with the Williamson Act. Additionally, the Assessor feels that commercial equestrian facilities located in the Agricultural Preserve Zone should not receive tax benefits.

The Public Hearing was opened at this time.

Ann Taylor, of Woodland Stallion Station, said there should be a distinction made between facilities which board horses and those that raise horses. She suggested that by allowing fifteen owned horses and perhaps five non-owned horses, you could still benefit non-profit groups, such as 4-H and the Pony Club. However, there should be a level playing field. Smaller stables should still be required to obtain the same permits.

Tracy Brown, of Woodland, said she agreed that the maximum number of horses boarded without a use permit should be fifteen. It would be easier to regulate. The equestrian industry and the County would both benefit.

Suzy Lopez, of Winters, said the children who belong to the 4-H Club can't afford to board horses at the Woodland Stallion Station. There are seventy-nine children in 4-H. If she is restricted by a lower

number of allowable horses, the children would not be able to afford to board their horses.

A discussion regarding the maximum number of non-owned horses took place. David Morrison clarified that the term "boarded" would refer to all horses which are not owned. This would include horses temporarily in the facility for breeding purposes, lay-ups, etc. This would be the only way to enforce the ordinance.

Yvonne Lamatte, of Woodland, said the number fifteen would allow the smaller stables to make a little money. The larger stables would not be impacted by this. Most people cannot afford \$300 a month for the boarding of horses.

Director Bencomo added that the smaller stables would still have the same requirements such as business licenses, assessment, etc. The issue that is being discussed now is the land use issue. Staff believes the current ordinance is overly restrictive.

David Morrison said this issue is not a question of economics or of labor. The question is boarded horses versus owned horses, which will result in impacts of noise, dust, traffic, etc. because horse owners will go to the stables to see their horse on a regular basis.

Nancy Younger, of Woodland, said she could afford a use permit, if it were to be required. It is the requiring of driveways and other conditions of approval that she would not be able to afford. She also agreed the number fifteen was the appropriate number of allowable boarded horses.

Jim Ferkovich, of Woodland, said the different non-profit clubs are very beneficial for children.

Ann Taylor, of Woodland Stallion Station, said she agreed with most of the comments, however, she does believe that allowing up to fifteen horses will impact her business because the smaller stables can charge less than she can.

Commissioner Walker reemphasized that these are land use issues.

A discussion of what constitutes an owned or leased horse took place.

Steven Basha suggested that the definition of "boarded horses" in the proposed draft ordinance, including the private stable and the commercial stable sections, be modified.

Commissioner Heringer recommended that the maximum number of horses allowable without a use permit, regardless of whether the horses are boarded or owned/leased, should be addressed. This would eliminate any confusion.

The general consensus of the audience was not in agreement with this approach.

A five minute recess was taken at 10:20.

Commissioner Woo suggested the following language be included in the ordinance, "A horse that is owned or

leased by the property owner should not be considered a boarded horse”.

The following was the outcome of a discussion between the Commission and Staff:

- 1) To amend the definition of “boarding for compensation”.
- 2) To allow a maximum of fifteen horses non-owned or leased, to be boarded without the requirement of a use permit.
- 3) To include the definition of “boarded horse” as one which is not owned or leased pursuant to written agreement.
- 4) To allow no more than two shows, exhibitions, or other public/quasi public events a year.

Commission Action:

RECEIVED comments during the public workshop regarding the revised draft ordinance amendment.

DIRECTED Staff to revise the draft ordinance consistent with the comments and direction presented and to prepare an Environmental Document in accordance with the California Environmental Quality Act (CEQA).

DIRECTED Staff to return to the Planning Commission on August 6, 1997.

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

ABSENT: Stephens and Rodegerdts

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The motion was made to hear item 6.4 (Historic Homesites) before item 6.3 (Zoning Enforcement).

MOTION: Heringer SECOND: Woo

AYES: Heringer, Woo, Walker, Lang and Merewitz

NOES: None

ABSTAIN: None

ABSENT: Rodegerdts and Stephens

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6.4 A discussion regarding the splitting off of homesites and/or historic structures from larger agricultural parcels.

The Staff Report was given by Curtis Eaton. He said there may be certain advantages to allowing an occasional lot split to create a homesite. The problem is that it could lead to fragmentation or development of ranchettes. That's the overall concern. Staff believes that agriculture is better served by not allowing lot splits for this purpose.

The Public Hearing was opened at this time.

Doug Hemley, a farmer in Courtland, said he is very interested in the preservation of farmland. His request is to allow the property that the "Bump House" is on, which is a historic structure, to be parceled off so it can be owned free and clear by his

partners. This would result in the creation of a two acre parcel.

Commissioner Heringer said we are seeing more and more of these types of issues before the Commission. There should be some method, which would allow children who will be inheriting land from their parents, to split these parcels. The land would still remain in agriculture. Under the present code, the County hinders this.

Commissioner Rodegerdts arrived at 11:15.

Director Bencomo said the policy of not allowing the dividing off of smaller parcels in the agricultural area was made many years ago. What Staff struggles with is land use issues being clouded with the economic or inheritance interests. Every time a parcel is split, there is a detriment to agriculture.

Commissioner Rodegerdts said there is a detrimental effect when smaller parcels are split off. It may not be apparent at the time, but it makes it easier to do the next time. However, there is a difference in case because there is already a home on the parcel.

A discussion of what constitutes a historic homesite took place.

Christina Burr, one of the partners of Mr. Hemley, said there are some historic structures in Yolo County which are falling into disrepair because they are part of larger parcels and therefore are not allowed to be

split off. She added that the County has the "Right to Farm" Ordinance. Anyone who bought a house in the country would know what he or she was getting into.

A discussion about the "Right to Farm" Ordinance took place.

Commissioner Rodegerdts said the "Right to Farm" Ordinance is only effective if you have a tolerant society. Perhaps, not everyone who moves to the rural community will have the same views.

Commissioner Lang said the County should come up with a new policy which focuses on the historic homesite issue.

Commissioner Woo said she was a little confused because the Staff Report did not address the issue of historic homesite preservation. She suggested that a footnote be added to code which would allow the splitting off of a historic homesite.

Commissioner Merewitz said perhaps an education regarding historic preservation is in order since the Planning Commission is designated as the Historic Preservation Commission.

Commissioner Woo said sometimes exceptions are made for building permits when a home is a historic structure.

Commissioner Merewitz said when historic homesites splits are allowed, this also allows for the remainder parcel to become a buildable site.

Commissioner Heringer asked that Staff return to the Commission with an appropriate policy change which would protect the historical interests of the County.

Commissioner Rodegerdts said it may be useful first to discuss the Planning Commission's role as the Historic Preservation Commission.

Commission Action:

Directed Staff to return at an unspecified date to discuss the Planning Commission's role as the Historic Preservation Commission. Then, at a subsequent meeting, the policy issue will be discussed.

MOTION: Rodegerdts SECOND: Heringer

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

NOES: None

ABSTAIN: None

ABSENT: Stephens

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The Director's Report was given out of order.

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) During the Esparto Town Meeting on June 23, 1997, some individuals had concerns about zone changes made in the recently adopted Esparto General Plan.

The Planning Commission reopened the Public Requests section of the Agenda.

Michael Goodin, of Esparto, thanked Staff for listening to their concerns during the Esparto Town Meeting. He stated that the down zoning from R-2 to R-1, has devalued his property, as well as a few others. He further claimed the Brown Act was violated by the Esparto Advisory Committee during the General Plan Update process.

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The Commission recessed for lunch at 12:15 pm.

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6.3 A discussion regarding Zoning Enforcement procedures.

Director Bencomo said he is trying to establish more effective enforcement procedures. He introduced two

possible methods. One is a "Citation" method and the other is an "Administrative" method.

Commissioner Rodegerdts gave an example of a recent violation, in which the Commission ordered the removal of a mobile home from a property. The paying of fines may be less expensive for this individual, who is in violation, than the actual removal of the mobile home.

Steven Basha, County Counsel, said that if fines are levied against a person, then when a civil action is filed against the violator, it would than hold more credibility.

Commissioner Woo said zoning laws and building requirements are put into place to safeguard the public. If there is no way to enforce these laws, then the public cannot be protected.

Commissioner Walker said Staff needs to come up with a recommendation. Staff is on the firing line and therefore, knows what is most effective.

Commissioner Heringer suggested that placing liens on properties may be ineffective because violators may not even be impacted until and if their property is sold.

Commissioner Merewitz said the greater problem lies within finding out about violations in the first place.

Commissioner Lang was grateful this issue was being addressed. Most people don't even know what is

required by the County. Education could be very helpful.

Commissioner Walker said there are people who realize that there is no enforcement by the County. Once zoning enforcement is in place and action is taken, most people would comply. To do nothing, would only aggravate the problem.

Commission action:

1. Conducted a public hearing to receive comments on the County's zoning enforcement procedures and related issues.
2. Directed the Community Development Agency staff to develop a draft amendment to the County's zoning enforcement ordinance which addresses the concerns expressed by the Commission.

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6.5 A discussion for the "Conduct of Business" of the Planning Commission.

Director Bencomo gave the Staff Report. The current resolution governing the Planning Commission's procedures needs to be updated, although most of the language would remain the same.

Commissioner Heringer suggested #9 and #10 under Article 11 on page 7 be deleted.

Commissioner Rodegerdts also suggested #11 on the same page be deleted.

Commissioner Walker said the Commission should send their written comments regarding this subject, to the Community Development Agency by July 16, 1997.

Commission action:

1. Conducted a public hearing to receive comments on the County's "Conduct of Business" for the Planning Commission.
2. Directed the Community Development Agency staff to develop a draft revised resolution for the County's "Conduct of Business" for the Planning Commission that addresses the concerns expressed by this Commission.



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 Merewitz requested "The Green Line Proposal" be placed on the Agenda for discussion.

2) Commissioner Rodegerdts attended the Esparto Town Meeting. He also attended a meeting in Monterey regarding the National and State Agricultural Policy.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at approximately 2:00 p.m.

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

The next meeting of the Yolo County Planning Commission is tentatively scheduled August 6, 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, Interim Director
Yolo County Community Development Agency

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