

MINUTES

YOLO COUNTY PLANNING COMMISSION

June 4, 1997

1. CALL TO ORDER

Vice-chairman Heringer called the meeting to order at 8:35 a.m.

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

MEMBERS ABSENT: Walker

STAFF PRESENT: John Bencomo, Interim 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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Vice Chairman Heringer 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 97-022-A General Plan Consistency Review of an energy dissipator in the Buckeye Creek to protect the eastern edge of CR 88, near Dunnigan. A Categorical Exemption has been prepared.
Applicant: Yolo County Public Works (C. Eaton)

Commission Action:

1. **CERTIFIED** the proposed project as Categorically Exempt as per Section 15302, Class 2, 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 proposed project ZF# 97-022 subject to the recommended Conditions for Compliance.

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

CONDITIONS FOR COMPLIANCE

1. At least one month prior to start of construction, all affected property owners including the County Line Warehouse shall be notified of the approximate dates of road closure.

2. During construction of the energy dissipator, signs shall be placed in locations similar to those shown in the project plans to inform the public that the road is closed.

FINDINGS

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

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 Yolo County Public Works Department and determined that the project is consistent with the Yolo County General Plan, specifically Conservation Element Policy 37 (Con.37), which provides for the maintenance of an adequate drainage system, and Circulation Policy 8 (CIR 8), which provides for the maintenance of an adequate circulation system in the county.



6. REGULAR AGENDA

The following item was time set for 8:30.

- 6.1 A status report and presentation of the Airport Master Plan and EA/EIR development. (Keith Ott, Director of General Services.

The status report was given by Keith Ott, the Director of General Services. He explained the different components of the process as being the Airport Master Plan, the EIR process, and the Airport Management Policy. He then introduced the members of the team, Mark Hamblin, Larry Rillera, and Mike MacClintoch.

Mike MacClintoch, of P & D Consultants of Oakland, said the EIR will probably be ready in the Fall of 1997. He said there were no major projects planned for the airport, however growth is anticipated. The Master Plan will provide a blue print to accommodate the Plan.



6.2 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)

David Flores gave an update of the project to the Commission. This item was continued from the previous meeting to allow the representatives of the company to be present so that concerns could be addressed. The main issues of concern were road improvements, water quality, fire and emergency services, drainage, wash down, and containment procedures, annual testing of the well and the removal or filling of the swimming pool. Revised Conditions of Approval were added to the Staff Report which reflected those concerns.

The Public Hearing was opened at this time.

Ed Hosoda, the President of CalAg Industrial Supply, explained the purpose of the facility was to be a distribution center. Items would be purchased from the manufacturer, then distributed to the local businesses. The facility would also include a small formulation plant.

Commissioner Rodegerdts asked if there would be any changes from the existing facility to the proposed facility. Mr. Hosoda answered that the only change would be the formulation facility.

A discussion about Methyl Bromide took place.

Commission Merewitz asked Mr. Hosoda if he was agreeable with all the Conditions of Approval. He indicated, yes.

Commissioner Lang asked if he would object to having one employee trained in emergency procedures and he answered that all the employees were already trained and safety equipment is available.

Paul Leathers, a nearby property owner, submitted and read a prepared statement. He said he would like to continue to farm his property indefinitely and hopefully without the threat of a nearby chemical facility polluting the air, water, and soil.

Marianne Nix, resident of Knights Landing, gave the history of the property. She alleged that Methyl Bromide has been stored on the property for over eleven years. The only reason a use permit is being sought now is that the company wants to expand. Groundwater and soil should be tested to see if there is any contamination. This type of business should be located in an industrial area.

Commissioner Rodegerdts asked Mrs. Nix for clarification about the property being used for storage of Methyl Bromide for eleven years. She indicated that the name of the owner was TriCal, which is affiliated with CalAg.

Dan Best, adjacent property owner, said he agreed with the two previous statements of the nearby

property owners comments. He also stated that the property has been used as a storage yard for chemicals.

Ray Beard, a nearby property owner, said that TriCal is the parent company of CalAg. They have never had a business licence. He also stated that because of the location of the proposed facility, the Knights Landing Fire Department should also be trained to respond to emergency calls. He submitted areal photographs to the Commission which showed yellow cylinders allegedly containing Methyl Bromide.

James Kareofelas, property owner east of the proposed site, stated his main concern is that all of the wells in that area are fed by the aquifers, which were part of the original Cache Creek streams. Drainage is also a main concern.

Commissioner Rodegerdts said he was very disturbed that the operation was already going at the site.

Steven Basha, County Counsel, wanted to confirm with Mr. Beard that the photographs which he submitted, are indicative of what has been going on for the past eleven years. He said he never really paid attention to it until he saw the yellow cylinders recently. He said that he has seen trucks going in and out, but that they were covered.

Ed Hosoda said that CalAg Industrial Supply is going to be renting the land from Mr. Storkan. He said he has no knowledge of what has happened in the past.

Commissioner Rodegerdts asked Mr. Hosoda what the relationship is between TriCal and CalAg. Mr. Hosoda answered that he did not want to make any statements which may be incorrect. Mr. Storkan would have to answer those questions.

A discussion of the chemicals, which would be used at the site and the MSDS (Material Safety Data Sheets) took place.

Commissioner Rodegerdts asked Director Bencomo if the present use of the site would require a use permit.

Director Bencomo said that in light of these new facts, he would like to request a continuance to allow staff to have an opportunity to investigate the site more thoroughly. Commissioner Rodegerdts also asked that the relationship between CalAg and TriCal be clarified.

Commissioner Merewitz asked that an addition to Condition #9 be added to include the training of the Knights Landing Fire Department, if it is in that jurisdiction.

A discussion of what the appropriate level of review under CEQA should be in light of the recent findings.

Commission Action:

To continue this item until the July 2, 1997 Planning Commission Hearing.

MOTION: Heringer SECOND: Merewitz

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

NOES: None

ABSTAIN: None

ABSENT: Walker

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The Commission recessed for five minutes.

The following item was taken out of order:

6.4 97-007-A request for a Conditional Use Permit to allow an expansion of an existing residential care facility for the elderly on a five acre parcel. Property is located at 34606 St. Highway 16 between CR 95 and CR94B near Woodland in the A-1 (Agricultural General) zone. A Categorical Exemption has been prepared. APN: 025-191-46
Owner: Gloria Garcia

Mark Hamblin gave the Staff Report.

Director Bencomo said this was a difficult project to grapple with because this facility does provide a very necessary service, however, there are some precedent setting policy issues which need to be addressed.

Commissioner Heringer said the Commission should proceed in deliberating this item based on its merits. The policy issue could be discussed later.

Commissioners Rodegerdts and Stephens suggested that the policy issues be discussed first.

Mark Hamblin said that the Rural Residential Zoning allows for one home on five acres. A home could become a care facility without a use permit if only six residents or less reside there. However, if these facilities want to expand, that is when a use permit is required.

Commissioner Merewitz said that if these facilities were only to be allowed in urban areas, then it does a disservice to those who chose the more rural environment for their senior years.

The Public Hearing was opened at this time.

Gloria Garcia, the applicant, explained the reasons for wanting the expansion. She has a very good reputation. She said the elderly deserve the best of care. The people in her care are treated like a part of her family. She could buy another house and not have to go through this process, but she would rather have one larger facility. She added that she always has a waiting list.

Commissioner Merewitz confirmed with the applicant that she was agreeable to all the Conditions of Approval.

Commissioner Rodegerdts asked the applicant if she had discussed her expansion plans with her neighbors. She replied that her nearest neighbor has no objections. Mark Hamblin also indicated that there have been no adverse comments by the neighbors.

Jose Garcia, the son of the applicant, also confirmed that he was agreeable to all the Conditions of Approval. He said the facility is located in a peaceful environment.

Jerry Adler, whose wife is a resident of the facility, said he does not agree that this is a commercial operation, no more than farms. He added that the Willow Oak Fire Department has only had to respond to four calls in the last two and a half years.

James MacMullen, the former California State Fire Marshall, said the residential occupancies, such as the applicant's facility, are designed to be in a residential area kind of environment. There are State Fire Marshall requirements such as fire sprinklers and emergency exiting which have to be complied with.

Trudy Hunter, resident of Capay Valley, said she has worked in elderly care facilities. Elderly people living alone would be more inclined to call for emergency services than those living in a residential care facility. If a person comes to a point where they need more care, the State regulates that they be relocated to a more intense care facility.

Margaret Fletcher, a retired Registered Nurse, said her mother-in-law is a resident of Gloria's Country Care. She said her mother-in-law loves living there. It does not have a commercial "feel" to it.

The Public Hearing was closed at this time.

Commissioner Heringer commented that this type of facility should not be penalized by codes or ordinances, that do that very thing.

Commissioner Rodegerdts commended Staff for addressing the agricultural issues. This house is in a rural residential zone with an agricultural overlay. He stated that he does not feel that this violates the overall policy in the County and would support the project.

Commissioner Merewitz said this request is desirable and would also support the project.

Commissioner Woo said that although she would not be in favor of granting expansions unilaterally, she would support this project.

Commissioner Stephens said that since this is in a rural residential zone, a special study area, this is different from the other A-1 areas in the County. It would be a major mistake to do away with requiring Conditional Use Permits for these facilities. They should each be reviewed individually.

Commission Action:

- (1) **CERTIFIED** the proposed project as Categorical Exempt, Section 15303, Class 3 in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the Alternative Action staff report;
- (3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the Alternative Action staff report.

MOTION: Merewitz SECOND: Woo

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

NOES: None

ABSTAIN: None

ABSENT: Walker

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 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 applicant shall record an "Avigation and Noise Easement" covering the subject property for the Watts-Woodland Airport prior to the issuance of the building permit if one has not been previously recorded. Said easement shall be recorded as a separate instrument and approved as to form by the County Counsel of Yolo County. A copy of the recorded document shall be submitted to the Yolo County Community Development Agency prior to the issuance of the building permit for

the garage conversion. Said easement shall be recorded in the Office of the Yolo County Clerk/Recorder at the applicant's expense.

3. The garage conversion area shall be constructed so that the indoor sound level will not exceed an Ldn of 45dBa (information on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety, March, 1974).
4. The residential care facility shall not exceed a total of twelve (12) clients.
5. Prior to the issuance of a building permit for the garage conversion to habitable area, the applicant shall file a business license application for the operation of the residential care facility for the elderly. The applicant shall file said license with the Yolo County Community Development Agency.
6. This Conditional Use Permit (Z.F. No. 97-007) 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

7. Modifications to the Manufactured Unit shall be under a permit issued by the California Department of Housing and Community Development, which has authority over a Manufactured Home. The modifications to said Manufactured Unit shall be coordinated with the changes to the site built

structure(s) (i.e. garage) through the Yolo County Community Development Agency, Building Division. The applicant shall obtain permit(s) for the garage and its conversion from the Yolo County Community Development Agency, Building Division.

8. Upon plan check review the Yolo County Community Development Agency, Building Division. The residential care facility for elderly may be reclassified to a R2.1 or R2.2 occupancy depending on the number of non ambulatory clients. Said facility may require significant changes to the existing building to meet UBC requirements under the jurisdiction of the State Fire Marshal. In addition, it may require a full NFPA 13 sprinkler system which is significantly different and more costly than a residential NFPA 13D system.

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;

The applicant's request is to be allowed to have greater than six elderly clients at their existing residential care facility. The facility is within the A-1 Zone. The particular request is not a specific identified use in the A-1 Zone. However, the use is one that has a similar relationship to the uses set forth in Section 8-2.604 (w) of Article 6 of the Yolo County Zoning Regulations. Section 8-2.604 (w) permits "Foster homes, nursery schools, and day care centers" subject to the approval of a conditional use permit.

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

The applicant is attempting to increase the number of elderly clients from six to twelve. The applicant already provides residential care services to the elderly at an existing operating facility. The applicant provides residential care services to ambulatory and non-ambulatory elderly clients (i.e. housing, feeding, bedside care for minor and temporary illness, etc.) in place of families or individuals who have difficulty or can not provide personal assistance to a loved one.

- 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 subject property and immediate area is designated for large lot (5 acre) rural residential uses. The project involves the conversion of an existing 1,014 sq. ft. garage. The 5 acre subject property currently maintains a single family residence, pasture, and fenced livestock area. As designed and conditioned, the proposed project will not impair the integrity of character of the rural residential neighborhood.

- 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 Woodland Area General Plan of the Yolo County General Plan.

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

The subject property is currently service by utilities and other necessary infrastructure. Environmental Health Services has stated that 500 linear feet of additional leach line is to

be added to the existing sewage disposal system.

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A discussion of whether or not to change and define policy regarding Elderly Care Facilities took place.

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6.3 97-005-A request for a Parcel Map to divide a 20.53 acre property into four 5 acre parcels. Also, a request for a Conditional Use Permit to create four 5 acre homesite parcels less than 20 acres. Property is located at the intersection of CR 22 and CR 95, five miles west of Woodland in the A-1 (Agricultural General) zone. A Mitigated Negative Declaration has been prepared. APN# 025-191-28 Applicant: Ralph Gwaltney (M. Hamblin)

Mark Hamblin gave the Staff Report.

The Public Hearing was opened at this time.

Ralph Gwaltney, the applicant, explained his reasons for his request was to sell one parcel, which will give him the money to improve his existing home.

Commissioner Merewitz confirmed that the applicant was agreeable with the Conditions of Approval.

Commissioner Rodegerdts suggested that the Condition #7 regarding habitat mitigation be stricken.

Steven Basha said the Department of Fish and Game can impose this condition irrespective of the Planning Commission. He also suggested it may be advisable to leave it in because it may be harder on the applicant if it is removed.

Commission Action:

- (1) **CERTIFIED** the Mitigated Negative Declaration prepared for the project 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 Tentative Parcel Map and Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report.

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

CONDITIONS OF APPROVAL

Community Development Agency

1. The applicant shall record an "Avigation and Noise Easement" covering the subject property for the Watts-Woodland Airport prior to the issuance of the building permit if one has not been previously recorded. Said easement shall be recorded as a separate instrument and approved as to form by the County Counsel of Yolo County. A copy of the recorded document shall be submitted to the Yolo County Community Development Agency prior to the issuance of the building permit for the garage conversion. Said easement shall be recorded in the Office of the Yolo County Clerk/Recorder at the applicant's expense.
2. Residences shall be constructed so that the indoor sound level will not exceed an Ldn of 45dBa (information on levels of environmental noise requirements to protect public health and welfare with an adequate margin of safety, March, 1974).
3. Vehicular ingress and egress to the parcels created by TPM #4314 shall occur along the County Public Right-of-Way (County Road No. 22). Vehicular access shall be prohibited along State Highway 16.
4. The Final Parcel Map for the project shall be filed with the Director of the Department of Public Works and Transportation within two years from the date of the approval by the Planning Commission or the Parcel Map shall become null and void without any further action in accordance to the State Subdivision Map.
5. The Conditional Use Permit to permit the construction of one residence on each of the parcels created by the recorded Final Map for TPM

4313 shall become null and void without any further action if the Final Map is not filed within two years from the date of the approval of Conditional Use Permit by the Planning Commission.

County Counsel

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

M i t i g a t i o n

- 7 . Prior to the filing of a Final Map or the issuance of a building permit with the County of Yolo, the applicant shall mitigate for the loss of Swainson's hawk habitat according to the California Department of Fish & Game Swainson's Hawk Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish & Game.
8. (a) A phase 1 archeological reconnaissance survey of the subject property shall be conducted prior to the filing of the Final Map. A copy of said survey shall be submitted to the Yolo County Community Development Agency.
- (b) If archaeological or historical materials are uncovered during grading, trenching or other construction operations, earthwork within 100 feet of the discovery of the materials shall be stopped until a professional archaeologist certified by the Society of California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation measures if necessary. The Director of the Yolo County Community Agency shall be notified immediately of the discovery of archaeological materials.

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]

Subdivision Map

In accordance with the Section 66474.61, Article 1, Chapter 1 of the state Subdivision Map, the Yolo County Planning Commission finds:

(a) That the proposed map is consistent with the applicable general and specific plan as specified in Section 65451 of the Subdivision Map Act;

The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the 20 acre site is RR (rural residential) and contains a provision for a "maximum density of one dwelling unit per five acres". The site is zoned A-1 which allows for the creation of 5 acre parcels, and permits the placement of residences on lawfully created parcels less than 20 acres with an approved Planning Commission Conditional Use Permit.

(b) That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

The applicant is proposing to divide a 20 acre property into four 5 acre parcels. The subject property currently has three underlying parcels. The subject property currently has a residence on it. The proposed large lot rural residential design for the property is consistent with applicable general and specific plan.

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

The 20 acre property is physically suited for the applicant's request to establish four 5 acre parcels with a potential of three new houses. One house per 5 acre parcel.

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

The project is physically suitable for the proposed density of development. The project proposes to establish four 5 acre parcels with a potential of three new houses. The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the subject property is RR (rural residential) and contains a provision that the "maximum density of one dwelling unit per five acres" provided compliance with the "Rural Residential Development Criteria" of the plan. The project was found to be in compliance with the Rural Residential Development Criteria.

The site is zoned A-1 which allows for the creation of 5 acre parcels, permits the placement of residences on lawfully created parcels less than 20 acres with an approved Planning Commission Conditional Use Permit.

(e) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The design of the subdivision or the proposed improvements are not likely to cause substantial

environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Mitigation conditions have been established for the described project and outlined in the Mitigated Negative Declaration. The implementation of the mitigation measures outlined in the environmental document, should satisfactory reduce all foreseeable "significant effects on the environment" to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA) and the California Endangered Species Act (CESA).

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

The design of the subdivision or type of improvements are not likely to cause serious public health problems. The lots are 5 acre is size. Agency response have not demonstrated that a potential public health problem may exist.

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Conditional Use Permit

The Planning Commission with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, finds:

- (a) The requested use is listed as a conditional use in the zone regulations or elsewhere in Chapter 2, Title 8 (Zoning Regulations) of the Yolo County Code;

*As stated in Section 8-2604 (s), Article 4.
Conditional Uses A-1:*

"One single-family dwelling or one mobile home when located on a parcel containing at least five (5) acres. . ."

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

The property owner has filed a Tentative Parcel Map to establish four 5 acre parcel within the A-1 Zone. The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the 20 acre site is RR (rural residential) and contains a provision for a "maximum density of one dwelling unit per five acres" provided compliance with the "Rural Residential Development Criteria" of the plan. The project was found to be in compliance with the Rural Residential Development Criteria.

The A-1 Zone allows for the construction and or placement of a residence on a parcel containing at least five acres as a conditional use of the zone.

- (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 use will not impair the integrity or character of the neighborhood. The area has been designated by the Woodland Area General Plan of the county General Plan as Rural Residential which specify's a maximum density of one dwelling unit per five acre. Properties surrounding the subject site range from 5 to 15 acres containing a single family residence. Properties to the north are located within an agricultural land use designated area of the county General Plan. The Conditional Use Permit is to allow the potential construction of three homes on individual parcels created by Tentative Parcel Map No. 4313.

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

The Woodland Area General Plan, adopted January, 1980 of the Yolo County General Plan land use designation for the 20 acre site is RR (rural residential) and contains a provision for a "maximum density of one dwelling unit per five acres".

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

The site requires the appropriate utility hook-ups to service the residence (i.e. electric, gas, telephone, etc.). The site has frontage on County Road 22 for vehicular access. Sewage disposal systems and domestic wells are to be installed to the satisfaction of the Director of the Yolo County Health Services Agency, Environmental Health Division. Solid waste disposal is by use of the Yolo County Central Landfill.

(f) No more than four dwellings exist on the site. One residence exists on the 20 acre site.



6.5 97-017- A request for a Tentative Parcel Map to split a 156 acre agricultural parcel into a 12.9 acre and 143.1 acre parcel. Also, a request for a Conditional Use Permit to establish a homesite on the 12.9 acre parcel. Property is located on CR 14, east of I-505, near Zamora in the A-1 (Agricultural General) zone. A Negative Declaration has been prepared. APN:055-140-02, 03. Owner: Frederick and Luinda March (D. Flores)

The Staff Report was given by David Flores. He said the 12.9 acre parcel is physically separated from the remainder of the parcel by the county road.

Commissioner Rodegerdts was concerned with the consequences in the future of creating a smaller parcel.

Frederick March, the owner, said he wants to build his farm headquarters on the smaller parcel. The parcel which he is requesting to split off, is already being taxed at a higher rate by the County Assessor. This is the best solution to save the best farmland.

Lucinda March, the owner, said that her husband owns the land jointly with his brother and sister. They only want to buy the smaller portion of the land. If they have to buy the whole parcel, then they would not have enough money to build their house.

Commissioner Merewitz confirmed with the owners that they are agreeable with the Conditions of Approval.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.

2. **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;
3. **APPROVED** Tentative Parcel Map No. 4326, subject to the conditions listed under the "CONDITIONS OF APPROVAL".
4. **APPROVED** the Conditional Use Permit for the establishment of a homesite on the 12.9 acre parcel, subject to the conditions listed under the "CONDITIONS OF APPROVAL".

MOTION: Lang SECOND: Merewitz

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

NOES: None

ABSTAIN: None

ABSENT: Walker

CONDITIONS OF APPROVAL

Yolo County Public Works Department:

1. The Final Parcel Map, as described within this report (TPM-4326), shall be filed with the Director of the Yolo County Department of Public Works within two years from the date of the Planning Commission's approval of the tentative parcel map, or said tentative map (TPM-4326)

shall be deemed null and void without further action.

2. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83.
3. Prior to recordation, the applicant or successors in interest shall submit to the Yolo County Public Works Department all outstanding fees established by the current Fee Schedule to cover the costs incurred by the County for the Final processing of Final Map.
4. The applicant shall install a 15" culvert where the driveway joins the County's Public Right of Way. All work shall be accordance with Public Works Standards.

Fish and Game:

5. A California Department of Fish & Game Code authorization Management agreement shall be executed prior to issuance of building permits or payment of mitigation fees to a Yolo County Fish and Wildlife mitigation account shall be made.

Fire District:

6. The roofing materials for the homesite and future building structures shall be of fire restrictive

materials consistent with the Zamora Fire District requirements.

7. The applicant shall meet on-site water storage requirements for fire protection. Prior to issuance of the building permit, documentation of compliance shall be provided to the Community Development Agency.
8. A 12 foot wide all weather access road with necessary turn around be installed to the fire district requirements.
- 9a. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
- b. Addressing for the future homesite and building units along the public road frontage will be posted using 6" reflective numbers visible to vehicular traffic prior to the final inspection for the building units.

County Counsel

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

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

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

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

FINDINGS

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

Negative Declaration

In certifying the proposed Negative Declaration for this project as the appropriate level of environmental review under the California

Environmental Quality Act (CEQA), the Planning Commission finds:

That on the basis of the Initial Study and comments received, there is no evidence that the land division and Conditional Use Permit for a homesite will have a significant effect on the environment. The use of the proposed 12 acre and 144 acre parcel will continue to be agriculture.

Use Permit

In accordance with Section 8-2.2804 (a) through (e) of the Yolo County Zoning regulations the Planning Commission finds that:

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

Under Section 8-2.604(v) of the Yolo County Code, this use is permitted under a Conditional Use Permit.

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

The single family home will benefit this agricultural parcel in allowing the owners of the property to maintain the family agricultural operations.

(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 single family home shall comply with all applicable regulations for the zone and with the established Conditions of Approval. Therefore, the proposed project will not impair the integrity or character of the surrounding community.

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

The construction of a single family dwelling unit is in conformity with Land Use Policy 17 of the Yolo County General Plan as it relates to residential uses for the family farm.

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

Adequate utilities are located at the site. Water and sanitation facilities will be installed at the site in accordance with County Health standards.

Subdivision Map Act / Parcel Map

Section 66463(a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance.... The Planning Commission finds that:

(a) That the proposed map is consistent with the applicable general and specific plans as specified in Section 65451.

As discussed in the General Plan Review Section of this report, the proposed project was determined to be consistent with the Yolo County General Plan as it provides for the development of the family farm.

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

As discussed in the General Plan Section of this report, the approval of the parcel map was determined to be consistent with the Yolo County General Plan and in accordance with the Yolo County Code.

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

The proposed sites are in compliance with the minimum lot area requirements of the Yolo County Code and will have to meet all requirements imposed by all local jurisdictions.

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

The proposed site area is in compliance with the zoning requirements and will allow for the development of the farming headquarters. No

active agricultural crop will be taken out of production for the development of this usage.

(e) That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The proposed subdivision (parcel map) was reviewed for any potential environmental impacts and determined to be void of any significant impacts, as discussed in the attached Negative Declaration, Exhibit "3".

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

The proposed map and subsequent future improvements do not appear to pose any serious health impacts, however, any proposed development (additional employee housing or accessory buildings) on the properties will be reviewed by the Yolo County Community Development Agency and County Environmental Health Department for approval.

(g) That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed division.

The proposed subdivision will not pose any detrimental impacts to any existing public easements, and access is available to each parcel from County Road 14.



The Commission recessed for 30 minutes for lunch at 11:55 and reconvened with the following item:

6.6 96-083- A request for an amendment to a Resolution recommended to the Board of Supervisors by the Planning Commission on April 2, 1997. The purpose of the requested amendment is to reflect the changes in the existing agricultural preserve boundaries in accordance with the previous actions of the Planning Commission. The request was for a rezone of a 56 acre parcel from A-P to A-1, a Tentative Parcel Map to reconfigure four existing parcels into a 30.45 acre, 25.82 acre, 46.82 acre, and a 3.01 acre parcel, and a Variance for the establishment of a 3.01 acre parcel. APN# 48-020-07, 11,13, and 15. Applicant/Owner: Pamela Welsh (D. Flores)

The Staff Report was given by David Flores. He also made a correction to page one of the Resolution to change the 61 acres to 56 acres.

Steven Basha, County Counsel, explained that certain items were inadvertently left out of the Resolution and have since been corrected. Therefore, Staff is

resubmitting the revised Resolution to the Planning Commission.

Commissioner Rodegerdts was concerned because Chairman Walker, who had voted on this item previously, was absent.

Commission Action:

1. **AUTHORIZED THE SUBMITTAL** of the revised Resolution to the Board of Supervisors recommending adoption of the environmental document, approval of the Zone Changes, Tentative Parcel Map, Agricultural Preserve boundary changes, and Variance request.

MOTION: Rodegerdts SECOND: Merewitz

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

NOES: None

ABSTAIN: None

ABSENT: Walker

The recommendation of the Adoption of the Draft Amended Resolution reflects the will of the majority of the Planning Commission. However, this more recent action should not be interpreted to reflect a change in the original voting positions of the individual respective Commission members.

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6.7 A progress report on the status of the Revised
Dunnigan General Plan. (M. Hamblin)

Director Bencomo gave a status report on the recent changes of the proposed Dunnigan General Plan Update.

Many of the impacts to the Community will decrease due to the downsizing of the proposed Plan. Estimates of costs for subsequent or revised documents has been submitted.

Mark Hamblin spoke about a memo he sent to Jim Mumma regarding the proposed zoning designations on two properties located near the intersection of County Road 8 and I-5 in Dunnigan. He explained that in the Draft Dunnigan General Plan submitted to the Planning Commission on September 11, 1996, the proposed land use designations were to be HSCT (Highway Service Commercial Trucking) to the 45.91 acre parcel (Leonard Property) and AG/I (Agricultural Industrial) to the 83.69 acre property.

The Public Hearing was opened at this time.

Ken Reiff, representing Leroy Leonard, said that with the convergence of the two freeways there, these designations are appropriate. He wanted to clarify that this has been the proposed designation since 1993 or 1994.

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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 Equestrian Ordinance Status Report
- 2) John Bencomo attended the Esparto Community Meeting. There will be special meeting in Esparto on June 23, 1997 to address certain issues.



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 Rodegerdts wanted to discuss the possibility of enlarging the area of notification to affected land owners.
- 2) Commissioner Heringer asked to agendaize the historical homesite issue.
- 3) Commissioner Lang spoke about the "Greenline Plan".
- 4) Commissioners Rodegerdts and Stephens attended the Esparto Community Meeting.
- 5) Commissioners Rodegerdts and Woo attended the Brown Act Meeting.
- 6) Commissioner Merewitz graduated from UCD.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 1:25 p.m.

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

LAC