

MINUTES

YOLO COUNTY PLANNING COMMISSION

May 7, 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
Curtis Eaton, Associate Planner
Steven Basha, County Counsel
Linda Caruso, Planning Commission
Secretary

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2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

Approved the Minutes of the April 2, 1997 with a correction to page 11, paragraph c. It should read "The requested use will impair the integrity or character of the neighborhood ~~nor~~ and will be detrimental to the public health, safety or general welfare. Also on pages 3 and 7, replace ~~Seth~~ with Merewitz.

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

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3. PUBLIC REQUESTS

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

No one from the public came forward.

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4. CORRESPONDENCE

Vice Chairman Heringer acknowledged receipt of all correspondence sent with the packet and items distributed at the beginning of the meeting including the following:

- 1) A notice from the Bureau of Land Management regarding the Headwaters Exchange.
- 2) An amendment to Staff Report 97-011.
- 3) Two petitions regarding the Equestrian Ordinance.
- 4) A letter from Mark Vespoli regarding the Dunnigan General Plan.
- 5) A list of goals presented by Interim Director, John Bencomo to the Board of Supervisors.



5. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the Commission's previous instructions to staff. All items on the Consent Agenda may be adopted by a single motion. If any commissioner or member of the public questions an item, it should be removed from the Consent Agenda and be placed in the Regular Agenda.

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

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

- 5.1 97-009- A request for a Tentative Parcel Map to divide a 157 acre parcel into a 37 acre and a 119 acre parcel in the Agricultural General (A-1) Zone. Subject property is located one mile east of CR 102, between CR 20 and 21 near Woodland. A Negative Declaration has been prepared. APN: 27-350-21 Applicant: Three M K Investors (D. Flores)

Commissioner Stephens asked what was the purpose of the Tentative Parcel Map.

Curtis Eaton, Associate Planner, explained the purpose was to create two parcels, one of which can be farmed, and the other parcel is in the Cache Creek Settling Basin. The property is naturally split because of the levee. Woodland's proposed urban limit line would split the parcel along the levee. Commissioner Lang arrived at 8:40.

John Bencomo added that the area to the west of this parcel has been anticipated for future transformation to an industrial area.

The Public Hearing was opened.

Matthew Marks, the applicant, stated his reason for applying for the Tentative Parcel Map was due to the natural lay of the land and because of the probable annexation of the western portion into the City of Woodland.

Steven Basha, County Counsel, confirmed with the applicant that he was agreeable with all the Conditions of Approval.

The Public Hearing was closed at this time.

Commission Action:

1. **CERTIFIED** that the attached Negative Declaration is the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
2. **ADOPTED** the proposed findings as presented in the staff report.
3. **APPROVED** the Tentative Parcel Map subject to the conditions identified under "Conditions of Approval".

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

CONDITIONS OF APPROVAL

Yolo County Public Works

- 1a. The Final Parcel Map, as described within this report (TPM-4331), 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-4331) shall be deemed null and void without further action.
- b. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, AND 83.
- c. The applicant's engineer shall reflect on the final map a minimum 20-foot easement on the northern edge of Parcel 1 to provide adequate room for utilities in the event that CR 20 is improved to County standards.
- d. 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 said map.

Environmental Health Department

- 2. Permit shall be secured for the abandonment of any wells on Parcel 1. Abandonment of well(s) shall only be required if water is secured by the City of Woodland.

County Counsel

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

Failure to comply with the conditions of approval as approved by the 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 will have a significant effect on the environment. The use of the proposed Parcel 1 will continue to be agriculture. A use permit was approved for the excavation of soil on Parcel 2 in 1988, and renewed in 1990 for five years. This use permit has expired and the applicant has no plans to re-apply for this use.

Tentative Maps

In accordance with Section 8-1.804, Article 8, the Planning Commission has determined the following:

- (c) The Commission is satisfied with the design of the division and finds that it is in conformity with the provisions of the law and satisfies community needs;

The Tentative Parcel Map reflects the area to be divided which is conducive to the existing levee which physically separates the land. The proposed parcels can reasonably be considered viable farming units, based on their current usage and soil type.

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 applicable general and specific plans as specified in Section 65451;

The Tentative Map has been prepared in accordance with the Yolo County General Plan and Woodland Area General Plan as required by the Subdivision Map Act.

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

That the proposed map was reviewed and determined to be in compliance with the standard criteria for parcel maps in accordance with the Yolo County General Plan and Woodland Area General Plan.

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

The property is currently zoned A-1 (Agricultural General). The parcel split will provide adequate lot size configuration for continued farming and viability as a farming unit.

- (d) That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injury to fish or wildlife or their habitat;

There is no evidence that fish or wildlife resources will be effected by the approval of the parcel split. Farming on Parcel 1 and open space settling basin on Parcel 2 will continue with the approval of the parcel split.

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

With the current zoning on the property, the proposed project meets the criteria established under the Yolo County Code for the minimum parcel size and viability as a farming unit under the current criteria established by the County.

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

No development/improvement are anticipated on Parcel 1. Parcel 2 will remain in open space agricultural usage due to it's placement within the Cache Creek Settling Basin.

- (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.

Easement dedications will be designated on the parcel map to allow utility easement rights and access and have been conditioned upon approval of the parcel map.

City of Woodland Urban Development Policy Findings

A land division may be approved for a parcel when all of the following findings are made by the Planning Commission:

- I. The design of the land division and development proposed for construction on the parcels to be created by the land division is consistent with the County Woodland Area General Plan, and the

City of Woodland reports to the Planning Commission that the type and timing of construction of development improvements proposed for the land division is in compliance with the City of Woodland Urban Development Policy and applicable City development improvement standards.

The design of the land division is in conformance with the Yolo County Code and General Plan Policies as the viability as a farming unit (Parcel 1) and open space policy criteria for Parcel 2, located in the Cache Creek Settling Basin. It should be noted that the Woodland City Community Development Agency recommended approval of this parcel map.



- 6.1 97-011-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)

The Staff Report was given by Dave Flores. He noted that the applicant does have concerns with Public Works' Condition of Approval #14. He also asked that Condition #3 included in the Staff Report, be replaced with the following Condition of Approval:

“An engineered site drainage plan will be required and submitted to the Building Division for review and approval. A complete list of hazardous materials by structure shall be completed in a format matching the UBC T-3-D List for classifications by a qualified professional.”

Commissioner Stephens inquired why the monitoring would only last five years. Dave Flores indicated that five years is a reasonable length of time to determine if there are any problems or concerns.

Commissioner Rodegerdts asked who are the agencies that which be conducting the monitoring. Dave Flores answered that the different agencies involved are the Fire District, Environmental Health, the Ag Commissioner, the Building Department, and Public Works .

Director Bencomo further explained that the five year monitoring is only the Planning Department's involvement. There will be ongoing monitoring by those agencies on an annual basis.

Commissioner Rodegerdts suggested that a Condition of Approval regarding the removal of the swimming pool be added.

Steven Basha, County Counsel, said that due to a recent court decision, Condition #11 under the Department of Fish and Game section, may not be enforceable. He suggested the reference to "Code Section 2081" be deleted.

Dave Flores explained that because the land was typically an agricultural use, but now was being proposed to be a commercial use, the authorization fee is enacted.

A discussion regarding changing the language of the Condition #11 set forth by the Department of Fish and Game ensued.

Commissioner Lang was concerned with setting a precedent which would put all farm chemical companies in the unincorporated area of the property.

Director Bencomo said an application for other types of chemical companies would not even be accepted by the Planning Department unless they were directly related to agriculture. He added that underground tanks are annually inspected, however aboveground tanks are not.

The Public Hearing was opened at this time.

Dave Shaffer, the applicant for CalAg, introduced Jim McMullen, of the McMullen Company Incorporated.

Mr. McMullen, explained that the individual chemicals would be stored in four different structures. He added that the Fire Department's Staff would be trained in containment procedures in the event of an emergency. CalAg would also be working with the Office of Emergency Services on the development of hazardous material management plans.

A discussion regarding ground water monitoring, drainage issues, containment and wash down procedures, and covering of the tanks took place.

Steven Basha, County Counsel, said it would be appropriate to have a representative from CalAg present to fully explain the daily procedures of the facility.

David Shaffer, the applicant, had concerns with Public Works' requirement regarding the replacement of the section of roadway, since Public Works would not be maintaining Road 14.

Tom Tracy, of Public Works, said the road is adequate now for its present use of a few pick-up trucks and cars, but when larger, turning trucks begin to use it, that's another matter. It's not possible to

simply put an overlay on it. He added that the County does not intend to ignore the road.

Blake Harlan, the President of the Yolo County Farm Bureau, said the Bureau has no position on the project, but urges the Commission to act carefully. He said he hopes the flood zone determination is consistent with the Army Corps of Engineers determination.

The Public Hearing was closed at this time.

Commission Action:

This item was continued until the next Planning Commission Meeting to allow a representative from CalAg to address the Commission's concerns.

MOTION: Merewitz SECOND: Stephens

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

NOES: None

ABSTAIN: None

ABSENT: Walker



A recess was taken at 10:30 and reconvened with the following item.

6.2 A continuation of a Public Hearing/Workshop to discuss the Dunnigan General Plan/Specific Development Project, Final Environmental Impact Report and Zoning Changes associated with the

update of the Dunnigan General Plan. (M. Hamblin)

Mark Hamblin, Associate Planner, gave the Staff Report.

Commissioner Heringer said that water is the main concern and there can be no movement on the Plan until that issue is resolved.

Commissioner Rodegerdts said the Dunnigan Advisory Committee has not met to address the seven key points of concern.

Director Bencomo said that although the Advisory Committee was sent the Staff Report, dated April 6, 1997, they had not had a meeting yet. He did not think there was any new information by them. He asked for a clearer picture of what direction the Commission wants to go with the Plan.

Commissioner Woo asked what the economic impacts would be to existing residents. It was answered by Director Bencomo that it depends on what the proposed plan is. Impacts are different depending on the number of houses built.

Commissioner Stephens said she has a clearer picture of what the main issues of concern are now.

The Public Hearing was opened at this time.

Willard Ingraham, resident of Dunnigan, said property owners have concerns with their survival since they are on fixed incomes.

Gary Shaad, resident of Dunnigan, said the Aulman property would not have to be annexed into the Water District, as was indicated in the Staff Report. He added that he would not want to approve development with a reliance on groundwater. It would be too expensive to go to the depth required for water.

Commissioner Rodegerdts said he has listened to the proposed Plan and is prepared to acknowledge that the water supply in Dunnigan is not adequate.

Patrick MacEvery, said the EIR paints a rosy picture of the way things would be at full build out. There will be a need for alternative revenue sources. He also had concerns with drainage.

Don Peart, a resident of Dunnigan and a Trustee with the School District, said the Dunnigan Advisory Committee does not want any development.

Wayne Stoops, of the Dunnigan Park project, said he believes that Staff has answered the concerns with water. All of the different projects developers are aware that they must prove that water is safely available before they can go forward. He also said that the commercial component of the plan would create many new jobs.

Eric Lindsey, a member of the Dunnigan Advisory Committee, said the new development would create a

conflict between the "new town" and the "old town".

It would be separate communities, which is not the long term goal of Dunnigan. Infill development would be more desirable.

Commissioner Woo was concerned with the nitrate levels in the water.

Carol Lee Long, of Dunnigan, explained that Dunnigan started having the nitrate problems when the sewer ponds were put in.

Wayne Stoops said that he was told by Environmental Health six years ago, that five out of eleven wells were contaminated with high nitrate levels.

The Public Hearing was closed.

A discussion about whether or not its a State Law that this General Plan has to be adopted within a specific time frame. John Bencomo stated that community plans are not a requirement, but because the process has begun and the EIR has been completed, it should still go forward. Problems still exist in Dunnigan which need to be addressed.

Director Bencomo answered questions regarding the prospect of only having a commercial development component to the Plan. He reminded the Commission of the State mandated, housing balance that must be adhered to. He suggested a performance based evaluation.

Commissioner Rodegerdts also recommended that the Plan exclude residential and focus mainly on infill development.

Commissioner Heringer suggested that regarding the job-housing balance, the jobs should come first. Then, if people have the adequate income and they would to live in Dunnigan, they can build their homes.

Steven Basha, County Counsel, said it would be helpful to focus on each individual area of concern, such as water, to reach a consensus and provide direction to Staff. If consensus cannot be reached, then denial is also an option.

Commissioner Stephens was concerned that infill development is an excellent idea, but how will it be payed for. Is it realistic? She also questioned whether or not the residential component of the Plan could even be deleted.

Commissioner Woo said something must be done about the water problem in Dunnigan.

Commissioner Merewitz said it seems as though the only way the Plan will proceed is to pull the residential component. He agreed that there needs to be a performance based review of what the commercial component will bring to the Community. If the Commission were to jettison the residential component, then the Community would lose the opportunity for a water treatment plant.

Commissioner Woo said the commercial component would help the people of Dunnigan by creating a tax base.

Commissioner Stephens was very concerned with the legality of having only a commercial component to the Plan. There is no balance.

Commissioner Lang agreed that the residential element should be deleted.

A 30 minute lunch recess was called at 12:40 pm.

Commissioner Lang did not return after the break.

Director Bencomo said if the Commission deletes the residential component, then some of the commercial projects, which are directly associated with the residential component, will also be cut. He added that the EIR will have to be changed or completely redone to reflect these changes.

Commission Action:

The Commission directed Staff to:

- **REMOVE** all of the residential component of the Plan (except for infill development).
- **INCLUDE** the commercial component on both sides of I-5, as proposed.
- **CONSIDER** the expansion of the proposed commercial area of the Dunnigan Village Project.

MOTION: Rodegerdts SECOND: Merewitz

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

NOES: None

ABSTAIN: None

ABSENT: Walker and Lang

A discussion of the necessity of having to prepare a new fiscal analysis took place. The Commission also discussed traffic impacts, economic impacts on existing residents, infrastructure financing, schools, and the nitrate contamination of the water.

Jim Mumma, of Dunnigan, spoke about the zoning for the Leonard property.

Commission Action:

To continue this item to the Planning Commission on June 4, 1997.

MOTION: Merewitz SECOND: Rodegerdts

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

NOES: None

ABSTAIN: None

ABSENT: Walker and Lang

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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.
- 2) The appeal of the Dan Dowling project was continued.
- 3) The packets for the Dunnigan General Plan.
- 4) The Goals of the Community Development Agency for the upcoming year.



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 requested that a discussion regarding splitting historic homesites be placed on a future agenda.
- 2) Commissioner Merewitz met with Wayne Stoops.
- 3) Commissioner Rodegerdts attended a California Water Agencies Meeting regarding "Managing Groundwater" in Lake Tahoe.
- 4) Commissioner Woo took a tour of Dunnigan
- 5) Commission Stephens attended the Rumsey Improvement Association regarding roads and bridges.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:45 p.m.

The next meeting of the Yolo County Planning Commission is tentatively scheduled June 4, 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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