

MINUTES

YOLO COUNTY PLANNING COMMISSION

April 2, 1997

1. CALL TO ORDER

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

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

MEMBERS ABSENT: None

STAFF PRESENT: John Bencomo, Interim Director
David Flores, Senior Planner
Curtis Eaton, Associate Planner
Mark Hamblin, 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

Commission Action:

Approved the Minutes of the February 26, 1997 with no corrections.

MOTION: Merewitz SECOND: Stephens

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

NOES: None

ABSENT: None

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.

Louis Spicer, of Dunnigan, asked the Commission for another extension on his Use Permit (96-044).

Interim Director, John Bencomo, said the Commission could not address the matter at that time since the item has not been agendized.

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4. CORRESPONDENCE

Commissioner Walker acknowledged receipt of all correspondence distributed at the beginning of the meeting and sent with the packet.

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5. CONSENT AGENDA

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

Items 5.1, 5.2 and 5.3 were taken from the Consent Agenda and placed on the Regular Agenda.

5.4 97-003 - A request for a modification of a Conditional Use Permit to allow the construction of a grain dryer and storage bins. Property is located two miles east of Davis, 1000' south of Chiles Road, west of the Yolo Bypass in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN # 033-020-07,29,38 Applicant: SHF Acquisitions (C. Eaton)

Commission Action:

- (1) **CERTIFIED** the Negative Declaration as the appropriate environmental document for this proposal 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** Conditional Use Permit ZF 97-003 subject to the conditions of approval presented in the staff report.

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

CONDITIONS OF APPROVAL

Planning Division

- 1. The conditions of approval as approved by the Planning Commission in 1984 as part of ZF 3448 shall continue to apply and are hereby incorporated (except where noted):
 - a. Compliance with all agencies of jurisdiction, including obtaining permits from the Building Division and Air Quality Control District.
 - b. ~~The filling and emptying of the building of rice shall only occur from July to October.~~
(There is no need to limit the use of the buildings on a seasonal basis.)

c. ~~A well with a minimum capacity of 1500 gallons per minute shall be available for use for fire fighting purposes.~~

(This has been superseded by Condition #7, below.)

d. All trucks hauling rice or other grains to and from the site shall not use Chiles Road through the Pioneer School area and shall only use the freeway interchange as access.

e. Proper erosion and sediment control measures shall be implemented during and after construction to the satisfaction of the Resource Conservation District.

2. Conditional Use Permit ZF 97-003 shall commence within one (1) year from the effective date of the Planning Commission's approval, or it shall be deemed null and void without further action.

3. A landscaping plan for the entrance to the site or street frontage shall be submitted to the Yolo County Community Development Agency for review and approval. This plan shall be in conformance with the State Water Efficient Landscape Ordinance.

4. The applicant shall pay a School Impact Fee to the Davis Unified School District, if required.

Building Division

5. Construction plans shall be prepared by a California licensed architect or engineer; the applicant shall obtain all required building permits prior to construction.

Public Works Department

6. The applicant shall pave the first 20' of the access road with an all-weather surface to protect Chiles Road, to the satisfaction of the Public Works Department.

Davis Fire District

7. Water for fire-fighting purposes shall be supplied at the site in accordance with the requirements of the Davis Fire Department. Applicant is to contact the Davis Fire Department as to the details of these requirements and provide a copy of a written agreement to the Community Development Agency prior to submittal of a building permit application.

County Counsel

8. 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 Planning Commission may result in one or all of the following: revocation of conditional use permit; legal action; non-issuance of future building permits

FINDINGS

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

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

Sec. 8-2.604(t) states that "commercial and industrial uses of primary and essential service to the

agricultural use of the area, including but not limited to: almond hulling, grain and bean storage and drying, the sale of fertilizers and insecticides, the sale and repair of farm equipment and machinery, and the limited manufacture of such equipment and machinery for use within such area." The proposed use involves drying grain so that it can stored for longer periods of time without molding. This would fit the description of commercial and industrial uses above.

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

The proposed dryer will increase efficiency in several ways. Instead of transporting grains to West Sacramento and then to the subject site east of Davis, grain will be brought directly to the subject site and stored immediately after drying. Also, the proposed dryer will be more energy efficient and emit less air emissions than the existing dryer in West Sacramento.

- 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 new dryer will be state of the art for this type of facility. It is fueled by either propane or natural gas, which is regulated by P.G.&E. The Davis Fire Department has commented that fire hydrants are necessary to provide adequate water supply in case of fire. As this is an agricultural area, the addition

of a dryer and six bins will not constitute a change of use or create a significant visual impact.

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

This site is designated for agricultural use by the General Plan. Policy LU 18 of the General Plan states that "Yolo County shall consider the placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reason of hazard or nuisance to concentrations of people."

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

The existing use was granted a conditional use permit in 1984. The use has been operating at this location for over 10 years. The proposed modification of the use permit would slightly increase the number of truck trips to the site during the rice harvest, from late September to early November (currently rice is the only grain stored at the site.)

In accordance with Policy LU 18 of the Yolo County General Plan, the Planning Commission makes the following findings:

- f. The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals).

The proposed use is an expansion of an agricultural use that has been in operation since 1984. A dryer will be installed on site to facilitate the handling of rice and other grains.

- g. The use will not diminish or prevent agricultural use on site or on adjoining agricultural lands.

The dryer will be installed between the warehouses and the office/packing shed, in an area which is currently used by trucks to load and unload grain. There will not be a significant increase in truck traffic, and the dryer facility will not interfere with the agricultural use of surrounding fields.

- h. The use has some hazard or nuisance aspect which precludes it from being placed in an urban area.

The height of the drying facility and the fact that there will be frequent truck trips to the facility make this site preferable to an urban site. The dryer is 90' high and the bins are 70' high, which is high enough to potentially block sunlight to structures on adjacent property in an urban setting. Truck traffic could interfere with other uses. Access to the freeway is immediately to the north of the property, eliminating the need to use local streets.

- l. The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

There will be no reduction in the area devoted to agriculture in adjacent fields, as all construction shall be in an area already taken out of production. The construction site is a graveled area used for truck circulation and employee parking.



5.5 97 - 010 - The Community of El Macero has requested a 40' wide utility easement located immediately east of El Macero be abandoned. Property is located one mile east of Mace Boulevard, south and east of the El Macero Subdivision. APN# 33-110-33 Applicant: Yolo County Public Works (C. Eaton)

Commission Action:

1. **CERTIFIED** the proposed project as Categorically Exempt as per Section 15305, Class 5, 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. **RECOMMENDED** to the Yolo County Public Works Department to proceed in formalizing the

abandonment of a drainage facility and maintenance road easement in accordance with the conditions for compliance.

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

CONDITIONS FOR COMPLIANCE

1. As the irrigation canal will continue to be used for local agricultural purposes, a "Knox Box" or similar type of security system shall be installed on the access gate to that portion of the irrigation canal that served as a drainage ditch for El Macero subdivision in order to provide access to the canal by Agencies of Concern.

FINDINGS

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

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), and Open Space Policy 6 (OS 6), which encourage the use of drainage ditches as open space corridors. The use of the "Knox Box" will allow emergency access to the canal by authorized vehicles in case of emergency.



6. REGULAR AGENDA

- 6.1 96-057 - A continuation of a hearing for a Conditional Use Permit to allow an existing mobile home on a 4.78 acre property as a senior housing unit. Property is located on the north side of CR 23, 1000 feet west of CR 85C near Esparto in the Agricultural General (A-1) zone. This item is Categorically Exempt. APN #: 049-180-66 Applicant: Dean Marks (M. Hamblin)

The Staff Report was given by Mark Hamblin. He updated the Commission on this item, which had been continued on two previous occasions. He also asked that the Commission include the following Condition of Approval if the item is approved:

A Compliance Review will be required two years from the date of the Planning Commission approval (April 2, 1999) for the purpose of ensuring the continued compliance with the adopted Conditions of Approval. The applicant will be required to pay any applicable fees for this review.

Dean Marks, the applicant, said that since he bought the property, he has tried to improve it. Once this permit is approved, he will replace the skirting on the mobile home. He added that the previous tenants of the mobile home did cause problems, but they no longer occupy the mobile home.

Commissioner Stephens asked who would be renting the unit. The applicant answered that his father would be occupying the unit.

Commissioner Heringer indicated that the Commission has received numerous items of correspondence from unhappy, surrounding property owners, concerned with the conditions of the property.

Mr. Marks, addressed various complaint items listed on a letter submitted by Jane Maurer, a surrounding property owner.

Mark Hamblin, explained that if Mr. Marks wanted the final inspection of his home from the Building Department, then he would have to apply for a Conditional Use Permit to legalize the mobile home. This is why the item was before the Planning Commission.

The Public Hearing was opened at this time.

Jane Maurer, a surrounding property owner, said a mobile office was placed on the property without

permits. She added that there have been no visible improvements on the property.

Commissioner Heringer asked Mrs. Maurer if she had contacted the applicant regarding her concerns with the property. She indicated that she had contacted him by phone on many occasions.

Debra Bee, a surrounding property owner, said that Mr. Marks has a disregard for existing laws. The mobile home should not be allowed to remain.

Claudia Graham, surrounding property owner, said the mobile home is too close to the Maurer property. She would like to see the mobile home removed.

The Public Hearing was closed at this time.

Commissioner Rodegerdts asked the applicant approximately how many times he was contacted by Jane Maurer regarding the poor conditions at the mobile home. He answered that he received about 50 to 75 phone calls.

Stephen Basha, County Counsel, asked the applicant if he agreed with all the Conditions of Approval, including the additional Condition regarding a Compliance Review. The applicant indicated, yes.

John Bencomo, Interim Director, said a Conditional Use Permit should have been applied for during the

building of the house. It was never intended that the mobile home be used as a rental unit. The primary home was occupied nine months prior to final approval by the Building Department.

Commissioner Lang said the mobile home is an eyesore. According to the provisions of the Building Permit, the mobile home was to be taken off the property after the main house was completed and before final inspection. The County must stand behind its rules. Commissioners Woo and Stephens agreed.

Commissioner Heringer made a suggestion that the mobile home be moved to a different location on the property.

Commissioner Merewitz agreed that an alternate site should be established and that the occupancy of the mobile home should be restricted to Mr. Marks' father.

Commissioner Heringer made the motion to approve this item, including the addition of a Condition of Approval requiring a Compliance Review within 90 days, and the relocation of the mobile home. This motion was not seconded.

The following subsequent motion was made.

Commission Action:

- (1) **DENIED CERTIFY** the proposed project as Categorical Exempt, Section 15303, Class 3 in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **DENIED ADOPT** the "FINDINGS" for this project as presented in the staff report;
- (3) **DENIED APPROVE** the mobile home (senior housing unit) as shown in **Exhibit "B"** subject to the "CONDITIONS OF APPROVAL" presented in the staff report.

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

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 finds:

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

At this time "granny" housing units are not listed under the county zone regulations. However, Section 65852.1 of the Government Code of the State provides a provision that a county may issue a Conditional Use Permit for a dwelling unit to be constructed as a "granny" housing unit attached or detached

from a primary dwelling unit on a parcel zoned for residential uses. The 1,020 square foot mobile home is to be installed on a permanent foundation system approved by the State of California Department of Housing and Community Development. A mobile home installed on a permanent foundation system is treated the same as a dwelling unit (i.e. a fixed asset on the property).

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

The applicant is providing senior citizen housing for his 69 year old father. Written and verbal testimony from surrounding property owners (Jane Maurer, Debra Bee, Claudia Graham) and the applicant confirmed that the mobile home has been on the site since 1984. A series of nuisance problems have occurred as a result of it that has made it undesirable to the public comfort and convenience.

The written and verbal testimony also confirmed that although the applicant, Dean Marks, has owned the property for the past 2.5 years, problems have continued to exist due to circumstances involving the mobile home. The applicant stated that he had received a number of telephone calls (50-75 calls) from Mrs. Maurer regarding various problems.

A problem noted was that the mobile home has been used as a rental unit and that the previous renters had generated problems, including limited maintenance of the unit. The applicant stated that while under his ownership, the mobile home had been rented to non-family members on a month to month basis. The renting of the mobile home is no longer taking place now that he now lives on the property. Improvements to the mobile home will continue to occur upon approval of the conditional use permit.

The Commission believed that 2.5 years was a sufficient amount of time for the applicant to make changes or address the issues presented by the neighbors, in order to make the mobile home desirable to the public comfort and convenience.

- c. The requested use will impair the integrity or character of the neighborhood and will be detrimental to the public health, safety or general welfare;

Written and verbal testimony from surrounding property owners (Jane Maurer, Debra Bee, Claudia Graham) and the applicant confirmed that the mobile home has been on the site since 1984 and that a series of problems have occurred and as result, impaired the character of the neighborhood.

The written and verbal testimony also confirmed that although the applicant, Dean Marks, has owned the property for the past 2.5 years, problems involving the mobile home have continued to exist. The applicant stated that he had received a number of telephone calls (50-75 calls) from Mrs. Maurer regarding various problems and concerns. A concern noted was the renting of the mobile home and the condition of the unit. The applicant stated that the mobile home had been rented to non-family members on a month to month basis.

The Yolo County Environmental Health Services is requiring the property owner to contact them to discuss permitting and expansion of the current sewage disposal system on the site to accommodate the mobile home.

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

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

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

The applicant is required to have appropriate permits (i.e. building permit, encroachment

permit, sewage disposal permit, etc.) prior to the issuance of the building permit and other permit requirements to be completed prior to the final inspection on the mobile home.

The applicant will provide all necessary infrastructure and utilities to service the proposed project in accordance with state and local requirements.

PG&E is requiring the property owner to contact PG&E prior to the issuance of a building permit to discuss the placement (relocation) of the mobile home. PG&E has stated that the mobile home can not be placed beneath electric facilities or within their easement.



6.2 A discussion of Williamson Act Contracts with Alan Flory, the County Assessor.

Alan Flory, the County Assessor, spoke about the Williamson Act Contracts. He explained the original intent of the Williamson Act Contracts. The concern was that farmers were paying more in taxes than the land could be rented for. In exchange for entering into the agreement, the landowner would benefit by an approximate 50% reduction in taxes. This would help the concern that farmland not be taken out of production. If the land was not being used for the

production of food or fiber, such as golf courses or horse boarding stables (which are both compatible uses in the A-P zone), the tax reduction would not be allowed. The contract would then go into non-renewal.

Debbie Donaldson, of the County Assessor's Office, answered questions regarding why questionnaires sent out by the Assessor's office, do not ask what the revenue is from the sale of sheep, cattle or horses. The question is asked, however, regarding the sale of food or fiber production.

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

- 5.3 **96-084** - A request for a Conditional Use Permit to allow for the installation of a wireless communications facility. Property is located on the northeast corner of the intersection of CR 154 and CR 146, south of Clarksburg in the Agricultural General (A-1) zone. A Negative Declaration has been prepared. APN# 043-160-37 Applicant/Owner: AT & T/Bernice Slater. (M. Hamblin)

Mark Hamblin gave the Staff Report.

Commissioner Heringer had questions regarding the lighting of the cell tower.

Commission Action:

- (1) **CERTIFIED** that the proposed Negative Declaration was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;

- (3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

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

CONDITIONS OF APPROVAL

Community Development Agency

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. Upon the termination of the use approved by this conditional use permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet

the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the AT&T Wireless Services delivery system and that the property owner is in agreement.

3. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
4. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
There shall be no aviation lighting.
5. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Community Development Agency.
6. This Conditional Use Permit (Z.F. No. 96-084) 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.

C o u n t y C o u n s e l

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

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

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

FINDINGS

[Supporting evidence has been indented and italicized]

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

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

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

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by

the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

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

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of agricultural area surrounding the site. Wireless communication cellular technology has been determined not to be detrimental to the public health safety or general welfare.

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

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

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

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

communication coverage will be provided to the Clarksburg area and along State Highway 84.



- 5.1 **97-004** - A request for a Lot Line Adjustment resulting in two parcels of 454 and 299 acres respectively. Also, an Agricultural Contract Split of a 649 acre preserve into two contracts. The property is located west of County Road 87, between Cache Creek and CR 16, north of Esparto in the Agricultural Preserve (A-P) zone. This project is Categorically Exempt. APN# 048-220-02, and 16. Applicant: Megan McGivney (D. Morrison)

David Morrison made a correction to the amount of acreage on the first page of the Staff Report. It should read, "Approve a request to divide the existing ~~649~~ 749 acre Williamson Act Land Use contract into two separate contracts consisting of 454 and ~~195~~ 299 acres, subject to the "Conditions of Approval". Also, he asked that Condition #3 be deleted.

Commission Action:

1. **CERTIFIED** that the attached Categorical Exemption 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** a lot line adjustment to reconfigure two existing legal parcels to conform with the future ownership and mining/farming operational boundaries. The applicant shall file the necessary legal descriptions for the Lot Line Adjustments, as described in the "CONDITIONS OF APPROVAL".

4. **APPROVED** a request to divide the existing 649 ~~753~~-acre Williamson Act Land Use Contract into two separate contracts consisting of 454 and 195 ~~299~~ acres, subject to the "CONDITIONS OF APPROVAL."

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

CONDITIONS OF APPROVAL

Community Development Agency:

1. Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the Community Development Agency, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the subject properties.
2. After approval of the legal descriptions by the Community Development Agency, the applicant shall transmit the above information to the Yolo County Counsel's Office and shall execute two (2) new contracts as reflected in this report.
- ~~3. The applicant shall contact Pacific Gas and Electric (PG&E) in order to determine whether~~

~~additional rights-of-way and/or the relocation of public utility facilities are required for the subject site. The applicant shall make the necessary arrangements with PG&E for the cost of relocating such facilities as no relocation costs will be borne by the County.~~

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 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 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.)

California Environmental Quality Act & Guidelines
(CEQA)

In certifying the Categorical Exemption for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

Agricultural Contract Split

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

- (1) That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

The proposed split is consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.

The applicant has indicated the intent is to continue farming the parcels (currently in irrigated row crop farming, dry pasture, and rangeland). This statement and the fact that surrounding lands are currently under contract, prevents the encroachment of nonagricultural uses other than the possible construction of one (1) additional single family home, which is currently allowed under the zoning code.

- (2) That the parcels tend to maintain the agricultural economy;

The applicants have stated that the parcels will continue in row crop agricultural production, dry farming, and rangeland. This statement, and the fact that the majority of surrounding lands are currently under contract (with the exception of land within the Cache Creek channel), supports the finding that the parcels tend to maintain the agricultural economy.

- (3) That the parcels tend to assist in the preservation of prime agricultural lands;

The proposed contract split will continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the 649 acres in the Williamson Act.

- (4) That the parcels preserve lands with public value as open space;

The riparian and wetlands habitat created as a result of off-channel surface mining will be preserved from development through continued protection under the Williamson Act.

- (5) That the proposed use is consistent with the General Plan;

The applicant has stated that farming will continue on the parcels. This statement, and the fact that surrounding agricultural lands are currently under contract, supports the finding that the proposed split is consistent with the preservation of agriculture as mandated by the Yolo County General Plan.

- (6) That the proposed contracts in question were created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.

The Community Development Agency staff and the Yolo County Public Works and Transportation Departments

have reviewed the application for conformance with the Subdivision Map Act.

- (7) That the parcels are at least 80 gross acres where the soils are capable of cultivation and are irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated and 320 gross acres where the soils are not capable of cultivation (including rangeland and lands which are not income producing).

The proposed northern parcel will continue to be used for row crop agriculture and will have an area of 454 acres. The proposed southern parcel will be mined and reclaimed to provide a minimum of 80 acres of irrigated row crop agriculture and pasture, within a contract area of 195 acres.

Lot Line Adjustment

In accordance with Yolo County Code §8-1.457, Article 4.5, Chapter 1 of Title 8 the Planning Commission finds:

1. That the application is complete;

The application was deemed complete by the Community Development Agency on March 21, 1997.

2. That all record title holders who are required by the Subdivision Map Act of the State to have consented to the proposed lot line adjustment,

and the Public Works Department has approved the proposal as complying with said Act;

The owners of the parcels to be adjusted have consented by signature, as provided in the application submitted.

3. That the deed to be utilized in the transaction accurately describes the resulting parcels;

The Yolo County Public Works and Transportation Department has analyzed and approved the application packet for correctness of the deed utilized.

4. That the Lot Line Adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed of the subsequent owner expressly reserves any street or utility easement of record;

No abandonment of existing Right of Ways or easements will occur as a result of this Lot Line Adjustment.

5. That the Lot Line Adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access to parcels in the location and of the size as those proposed to be created.

No access easements will be eliminated or reduced as a result of the Lot Line Adjustment. The proposed northern parcel will continue to have direct access to County Road 87. As the result of a previous transaction, the proposed southern parcel already has a restricted private easement across the adjoining property to the east, that provides access to County Road 87. In addition, a 40-foot wide access has been included in the lot line adjustment application to allow access to County Road 87 across the proposed northern parcel.

6. That the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

Analysis of the application by the Community Development Agency, Yolo County Public Works and Transportation Department has indicated that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code

and is in conformity with the purpose and intent of the General Plan and zoning provisions.



- 5.2 **97-002** - A request for a Conditional Use Permit to utilize a mobile home as a guest house. Property is located on the west side of County Road 88A, 1100' south of CR 4, in the Yolo Hardwood Subdivision of Dunnigan in the Residential Suburban (RS B43/100) zone. This project is Categorical Exempt. APN# 051-181-11 Applicant: Lula Banks/Brumfield (C. Eaton)

Curtis Eaton gave the Staff Report. He explained the reason why the applicant could not apply for a granny unit. The mobile home exceeded the maximum footage requirement of 1,200 feet. He suggested that an additional Condition of Approval be added which would require the applicant to submit a revised site plan for the storage area.

The Public Hearing was opened.

Lue Jean Brumfield, the applicant, explained that living in the guest house would allow her to be close to her aging mother and physically handicapped brother, who live in the primary residence. She agreed to cleaning the area in a timely manner.

Commission Action:

- (1) **CERTIFIED** the proposed project as Categorical Exempt as per 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 staff report;
- (3) **APPROVED** Conditional Use Permit ZF# 97-002 subject to the conditions of approval presented in the staff report, as modified.

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

CONDITIONS OF APPROVAL

Planning Division

1. This use permit shall expire two years from the date of approval, unless renewed. The use permit can be renewed indefinitely for two years at time.
2. The guest house shall be located on the property as shown on the attached site plan.
 - 2a. Within 90 days of the date of approval, a revised site plan shall be submitted to the Community Development Agency showing the location of the required off-street parking for the guest house and the proposed storage area for outside storage.
 - 2b. Within 90 days of the date of approval, the applicant shall remove unwanted material from the property and confine the remaining material in the designated storage area, as shown on the revised site plan (see #2a above).
3. Conditional Use Permit ZF #97-002 shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit, or said use permit shall be deemed null and void without further action. .

Building Division

4. The property owner shall pay all fees and obtain all permits, including the final permit for the expansion of the on-site sewage disposal system, prior to the issuance of a building permit.

Dunnigan Fire District

5. The property owner shall comply with the requirements of the Dunnigan Fire District to ensure emergency access to the guest house.

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 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 Planning Commission may result in the following:

- * revocation of conditional use permit
- * legal action
- * non-issuance of future building permits

Failure to comply with the Conditions of Approval as approved by the Planning Commission may result in all of the following: revoking of the Conditional Use Permit, non-issuance of future building permits, or legal action.

FINDINGS

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

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

Sec. 8-2.703(j) states that mobile homes as temporary guest houses are an accessory use in the R-S Zone in accordance with subsection (7) of subsection (b) of Section 8-2404 of Article 24 of chapter 2.

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

The proposed guest house will provide a place for the applicant to live in close proximity to her mother and brother and affordable. Approving the use of a mobile home as a guest house creates an affordable unit and eliminates the need to hire outside help.

- 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.

Included in the conditions of approval for the project is a specific condition requested by Yolo County Environmental Health Services requiring the property owner to contact them to discuss final permitting of the expansion of the sewage disposal system on the site which was done to accommodate the previous mobile home. The new mobile home will be located behind the primary dwelling and out of view from the street. As conditioned, the project will not be detrimental to the public health, safety or general welfare

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

A guest house is a temporary dwelling unit and should not be considered as exceeding the allowable density for the lot upon which it is located. The proposed project is determined to be in conformance with the applicable provisions of the General Plan, referenced above in this staff report.

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

Improvements to the septic system were done a year ago with a permit from the Department of Environmental Health. The applicant must obtain a final permit from the Department of Environmental Health prior to installing the guest house. The applicant will provide a revised site plan to the Community Development Agency showing the exact location of all required off-street parking to ensure emergency fire access to the mobile home.



- 6 . 3 **96-083** - A request for a rezone of a 56 acre parcel from Agricultural Preserve (A-P) to Agricultural General (A-1), a Tentative Parcel Map that results in the division of a 56 acre parcel into a 30 acre and a 26 acre parcel, and a Variance creating a 3.01 acre parcel. Property is located on Ranch Road, north of CR 78 in the Capay Valley. A Negative Declaration has been prepared. APN# 048-020-07,11,13,15 Applicant: Pamela Welch (D. Flores)

David Flores gave the Staff Report. He said he supported this request because no new parcels were being created, but rather a relocation of an existing subminimal parcel which would provide for an improved parcel configuration for the balance of the site.

The Public Hearing was opened at this time.

Pamela Welsh, the applicant, said when she spoke with Alan Flory, the County Assessor, he indicated that there would be no tax benefit by keeping the land in contact. She added that when the Rumsey Rancheria was established, she and her husband bought the adjacent property to prevent further encroachment on their property.

A discussion took place regarding whether or not this would allow more homesites to be built. It was

clarified by David Flores, that as a result of this request, no new homesites could be created.

Commissioner Rodegerdts asked the applicant if she would be agreeable to placing "no build" restrictions on parcels 3 and 4. The applicant said it was not acceptable since she has gone through the non-renewal process and the sizes of the parcels conform to specifications of the General Plan.

Director Bencomo agreed that no new parcels will be created. There will be no more potential for additional homes than already exists.

Tom Frederick, husband of the applicant, said they bought the adjacent property to stop the encroachment onto their land. There are no County controls over land owned by the Casino. This is a good solution to a very difficult problem.

Commissioner Walker said he applauded the efforts of the applicants.

Steven Basha, County Counsel, asked the applicant if she was in agreement with all the Conditions of Approval, and she answered yes.

John Ceteras, the Chairman of the Capay General Plan Committee, said the approval of this request would set a precedent for the juggling of lot lines. The Committee's plan is to limit development.

Dave Robertson, representing the Rumsey Indian Rancheria, wanted assurances that future agricultural uses on those parcels would be compatible with the subdivision.

The Public Hearing was closed.

Commissioner Lang said he did not want to set the precedent which would allow parties to "spin off" smaller homesteads.

Commissioner Rodegerdts said the perceived vision of how Yolo County will be in the future, does not have to be a reality, if the County is careful.

Commissioner Stephens said the applicants are already giving up one small parcel. This is a reasonable request.

Commission Action:

1. **RECOMMENDED** to the Board of Supervisors certification of the Negative Declaration as the appropriate level of environmental review for this project.
2. **RECOMMENDED** to the Board of Supervisors adoption of the proposed FINDINGS for this project as presented in the staff report;

3. **RECOMMENDED** to the Board of Supervisors approval of a Tentative Parcel Map request to reconfigure four existing parcels into a, 46.76 acre, 30.45 acre, 25.82 acre and a 3.01 acre parcel and the approval of a Variance for the establishment of the 3.01 acre parcel in the Agricultural Preserve (A-P) Zone, subject to the conditions listed under the "CONDITIONS OF APPROVAL".

3. **SUBMITTED** to the Board of Supervisors a Resolution recommending adoption of the environmental document, approval of the Zone Change, Tentative Parcel, and Variance Request.

MOTION: Heringer SECOND: Stephens

AYES: Walker, Stephens, Woo, and Heringer

NOES: Rodegerdts, Lang and Merewitz

ABSTAIN: None

ABSENT: None

CONDITIONS OF APPROVAL

Community Development Agency:

- 1a. Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the Community Development Agency, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the subject 46.76 acre property.
- 1b. After approval of the legal descriptions by the Community Development Agency, the applicant shall transmit the above information to the Yolo County Counsel's Office and shall execute the new contract as reflected in this report.
2. Prior to recordation of the revised Williamson Act contract, the applicant shall present evidence to the Community Development Agency of the filing for non-renewal on the 3.01 acre parcel from their contract.

Public Works:

3. The Final Map shall be prepared with the Basis of Bearings being the California Coordinate System, Zone 2, NAD 83.
4. 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.

Fish and Game:

5. A California Department of Fish & Game Code Section 2081 authorization Management agreement shall be executed prior to approval of a Final Map and/or payment if required of mitigation fees to a Yolo County Fish and Wildlife Mitigation account shall be made prior to issuance of building\grading permits.

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 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 Yolo County 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.)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Yolo County Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that

the project will have a significant effect on the environment.

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.

(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 this request would allow for the inherent right for the development of a homesites on the agricultural parcels and associated improvements that were determined to be consistent with the General Plan.

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

The proposed parcel sizes are in compliance with the minimum lot area requirements, with the exception of the of the 3.01 acre parcel which will require a Variance approval. The parcels will have to meet all requirements imposed by the County Environmental Health and Public Works Department.

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

The proposed project area is in compliance with the zoning requirements relative to the proposed construction of future homesites and as such would meet the density requirements, with the exception of the 3.01 acre parcel which will require a Variance approval.

(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 "4".

(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 improvements (i.e., future construction of homesites and appurtenant structures) do not appear to pose any serious health impacts, however, any proposed development on the properties will be reviewed by the County Environmental Health Department and the local fire district 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 division will not pose any detrimental impacts to any existing public easements, and access is available to each parcel from an existing access road.

Variance

In accordance with Section 65906 of the State Government Code and Section 8-3211, Article 32 of Title 8, the Yolo County Planning Commission has determined the following:

(1) That any modification granted shall be subject to such conditions as will assure that any adjustment thereby authorized shall not constitute a grant of

special privilege inconsistent with the limitations upon the properties in the vicinity and zone in which the subject property is situated:

Minimum parcel size requirements in the Williamson Act are 80 acres. By establishing a 3.01 acre parcel in the A-P Zone, the applicant has agreed to non-renew the parcel. Staff does not believe that by granting a Variance for the subject lot will not constitute a grant of a special privilege in that other parcels throughout the County are below the minimum acreage size under the original A-P contract requirements. As stated earlier, the purpose of proceeding in this manner is to relocate an existing 5.56 acre parcel which is centrally located in the proposed vineyard, and relocating the parcel to area which is not agriculturally productive due to the existence of a homesite and outbuildings.

(2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

Due to the steep topography of the land, and the amount of land available for the establishment of productive vineyard crop, the 3.01 acre parcel will be situated as to not to take any land out of active farming. In addition, the parcel will encompass an

existing home, well and septic system thus ensuring continued farming on the remainder parcel of land.

(3) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

The granting of the Variance for the subject lot will be consistent with the requirements of the Zoning regulations and the Master Plan in that the parcels will remain in agriculture activity.



6.4 A public workshop to receive comments on the County's Draft Zoning Ordinance Amendment concerning equestrian facilities. The draft amendment changes the definitions of private and public stables, requires site plan review of events held at private stables, and authorizes the Zoning Administrator to approve Use Permits involving stables. Applicant: Yolo County Community Development Agency (D. Morrison)

David Morrison gave the Staff Report. He presented the seven principal concerns conveyed by the public at previous Equestrian workshops. He presented the current allowable uses and the new proposed ordinances.

Evonne Lamate, of Woodland, said the smaller stables are the backbone of this industry. She claimed that there have been many complaints about not having a "level playing field" for all stables. The ordinance should be as simple as possible.

Susie Lopez, a resident of Yolo County, said she is a 4-H leader. Involvement in 4-H provides a good atmosphere for children. It teaches them responsibility. Non-profit organizations should be exempt from the permit process.

Ernie Phanner, said that exempting special non-profit clubs from the normal requirements will be a "win, win" situation for all.

Dennis Maher, of Davis, reiterated the importance of the recreational value that horses can have for young people. He spoke about the economic value of the horse industry. Since there is such a wide variety of horse operations, there will be a real problem writing a simple definition in the regulations.

A discussion of costs of site plan reviews and use permits took place.

Charles Jensen, an attorney, said he would like to increase the minimum amount of horses under the definition of "Private Stables" from five to fifteen so that youth activities will continue to be available.

Tracy Brown, disagreed with the definition of "commercial" stables. She also agreed a committee should be formed.

Cynthia Clark, said the old ordinance simply did not work. There should be a ratio of horses to acreage. She added that only a truly "commercial" barn should have to have fire sprinklers.

Bob Faulkenberg, of the Running F Ranch, said that use permits are not required for cattle raising, so they should not be required for horses.

Debbie Donaldson, of the County Assessor's Office, clarified that golf courses and gravel operations, although allowed in the A-P zone, do not get the tax benefit of the Williamson Act.

Bonnie Spore, said she is waiting for the Commission to approve an ordinance so she can start her business.

Eileen O'Farrell, said there needs to be more distinction between stables used for organizations and those used to make a profit. She added that tack shops should not be limited in size.

A discussion took place regarding the arrangement of a workshop with Staff and all interested parties of the equestrian ordinance.

Commissioner Merewitz suggested that Staff look into other counties' codes and compare them.



6.5 A discussion by the Commission regarding County Zoning Enforcement issues. (J. Bencomo)

Director Bencomo spoke about the difficulties encountered with the present zoning enforcement. Current regulations are cumbersome and ineffective.

Steven Basha said, "The way this issue surfaced on the Agenda was, I believe, on the last meeting or even the meeting before last. There was some question about enforcement with a particular individual that was before the Commission. and I think I suggested at that time that you may not have any authority to delegate enforcement or to require enforcement. I asked for time to research that and get back to you. And that's also, I think, part of what John and I are working on. But I just want to alert you that in reviewing the County Code, there are roles that each body and each person has to play, and yours really, in the enforcement area, appears to be as an appellate body. The Planning Director under the County Code, is charged with the responsibility, the duty to enforce the provisions of the Zoning Code. Therefore, it's John's responsibility to enforce it as he sees fit. Then, if somebody disagrees with how he's taking certain enforcement,

then they can appeal to you. And so, from the standpoint of an individual that may be coming before you on some discretionary permit approval, I would suggest to you, that you very carefully skirt the issue of enforcement. I don't know for a fact, I couldn't find this yesterday, when I was trying to research this, but I don't know that there's a situation out of the sense of due process and fairness, where the body that requires enforcement, is also the one that determines whether it's a fair level of enforcement, that handles the appeal if you will. I think we run into due process problems and fairness issues. So I would suggest that the way you deal with these enforcement issues, is on a case by case basis, on an appeal by appeal basis, when its presented before you. And what I think John and I are talking about, is presenting you with a road map of how the County intends to enforce these things. To get your comments and perspectives on a global, from a Planning Commission perspective, but not on a case by case basis. And not seek your advice on a case by case basis."

Director Bencomo said "As the current Director, I surely am not try to delegate the enforcement responsibility to the Commission. However, as you are well aware, any change to the zoning regulations that deal with enforcement, do have to go through your body for that amendment and that's really the reason I need to present it to you."

Commissioner Rodegerdts said it is important that the Commission understand the system.

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6.6 96-058- The Dunnigan General Plan Amendment and Rezone. A submittal of Staff's written report and determination of a new date for further consideration of this item. No other discussion or action will be taken. (M. Hamblin)

John Bencomo told the Commission that Staff's written report on the main issues of concern regarding the Dunnigan General Plan, will be mailed to the Commission by the end of the week. The next meeting for Dunnigan Workshop/Deliberation Hearing will be May 7, 1997.

Steven Basha, County Counsel, urged the Commission to make some decisions or give direction to Staff at that meeting.

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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 approval of the Delta Protection Act by the Board of Supervisors.
- 2) The approval of the Esparto General Plan by the Board of Supervisors
- 3) An update of the Dunnigan Families Unite/Louis Spicer use permit extension.
- 4) An update of the status of the Knights Landing General Plan.

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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 Lang told the Commission that Mark Hope has filed for bankruptcy.

- 2) Commissioner Merewitz attended a breakfast meeting with the Yolo County Farm Bureau.
- 3) Commissioner Woo received a tour from the Farm Bureau.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 4:00 p.m.

MOTION: Walker SECOND: Merewitz

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

NOES: None

The next meeting of the Yolo County Planning Commission is tentatively scheduled May 7, 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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