

MINUTES

YOLO COUNTY PLANNING COMMISSION

March 3, 1999

1. CALL TO ORDER

Chairman Lang called the meeting to order at 8:37 a.m.

MEMBERS PRESENT: Walker, Woo, Stephens, Heringer, Lang, Rodegerdts, and Gerber
MEMBERS ABSENT: None
STAFF PRESENT: John Bencomo, Assistant Director
David Morrison, Resource Manager
Marshall Drack, Economic Development Coordinator
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director



2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

Commission Action

The Minutes of the February 11, 1999 meeting were approved with the following corrections:

CHANGE the **Commission Action**, under Item 2, on Page 1 to read that Gerber abstained from the vote since on January 14, 1999 he was not yet a legal member of the Planning Commission.

CHANGE the spelling of the name "Mr. Gampor" to read "Mr. Gamper" in Paragraph Nine on Page 4.

REDO Item 6.2, 98-038, in verbatim format.

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



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.

Jim Taylor, Beau Chevaux Vineyards, thanked the Commission for their efforts on his request for a Conditional Use Permit to construct a grape crushing facility. The Commission wished him good luck on his project.



4. CORRESPONDENCE

Chairman Lang acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.



5. CONSENT AGENDA

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

- 5.1 **95-093** - A request to establish Financial Assurances for Phase 3, Subphase C, of the Solano Concrete Long-Term, Off-Channel Mining Permit. The project is located east of Interstate 505, between Cache Creek and State Highway 16, near Madison. A Categorical Exemption has been prepared for this project. APN: 049-070-13. Applicant/Owner: Solano Concrete (D. Morrison)

Commission Action

- (1) **CERTIFIED** that the proposed Categorical Exemption (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **APPROVED** the establishment of financial assurances in the amount of \$475,696 for Phase 3, Subphase C, of the Solano Concrete long-term, off-channel mining permit.

MOTION: Walker SECOND: Gerber

AYES: Walker, Woo, Stephens, Heringer, Lang, and Gerber
NOES: None
ABSTAIN: Rodegerdts
ABSENT: None



5.2 **G-2** - A request to increase existing Financial Assurances for an aggregate processing plant and adjacent mining area. The project is located west of County Road 96, between Cache Creek and County Road 20, near Woodland. A Categorical Exemption has been prepared for this project. APN: 025-350-10. Applicant/Owner: Schwarzgruber and Son, Inc. (D. Morrison)

Commission Action

- (1) **CERTIFIED** that the proposed Categorical Exemption (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA);

- (2) **APPROVED** an increase in existing financial assurances for the Schwarzgruber and Son processing plant site and mining operation from \$60,00 to \$65,000.

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



6. REGULAR AGENDA

6.1 A continued review and discussion of proposed changes to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) along lower Cache Creek and its tributaries. The project is located between County Road 14 and State Highway 16, and between Capay Dam and the Settling Basin. Applicant: Yolo County Planning and Public Works Department (D. Morrison)

David Morrison gave the staff report and answered questions from the Commission. He distributed and summarized a memorandum he prepared, dated March 3, 1999, that was not included with the Agenda Packet. He explained the proposed FEMA Flood Zones in the Cache Creek Area. He said the Woodland City Council approved the idea of setting up a Task Force. The City Council also directed their City Attorney to provide the County with their draft appeal letter so the City and County can better coordinate between the two agencies. The County can look at the points that are being raised in the City's appeal, reinforce those points, and the City and County can go forward together and make a stronger statement appealing it jointly and reinforce each other's stands.

He stated that the City was hiring a firm to lobby FEMA regarding holding off on the maps to give the City enough time to begin developing a program, and, finally, the City has authorized staff to look into a feasibility study to determine which flood control options would be most cost effective and most flood effective for the City. He stated that the appeal letter that staff submitted to the Commission in February will likely change. Since the City Council just took this action last night, we have not yet received the City's Draft Appeal letter, but staff will probably be revising the appeal letter based on information from the City when they take it to the Board on March 23.

Commissioner Gerber asked if the three bridges located where the creek goes under the Interstate are all too small. David Morrison explained why there's a problem with the flow of water.

Commissioner Stephens asked if Caltrans will be involved with the solution. David Morrison said staff will be approaching them to be involved but it would be a request. He stated that the City and County are on the bottom of the governmental food chain, and that we can plead upwards but we can't require. He said we can certainly ask to see if we can cooperate with them. If there's a bond measure to build flood control improvements, perhaps we can get Caltrans to contribute to the local match, if they can get a new bridge out of it. If we can find some way of appealing to their self interest, then maybe we can work a deal. He said we're still in the very early planning stages on how to deal with this problem.

Commissioner Rodegerdts asked if, when Caltrans comes in to construct their bridges, there's any dialogue between the local officials, any dialogue between the County – does the County intervene, sit down with them in the initial stage and talk about the design and the problems that may occur? David Morrison said he can't speak from personal experience since he hasn't been personally involved in that. He said a lot of these projects were also constructed back in the mid 70's when our understandings of a lot of things, both environmental and engineering, were less than they are today. He doesn't know what Caltrans' current practices are, so he can't answer the question.

Commissioner Lang said that when they put I-5 in they built their own buttress, and that their main concern was not to be flooded and their drainage was only what was there before, and that was their measurement.

David Morrison said that both I-5 and I-113 do serve as service levees and have a significant impact on the depth of flooding within the City of Woodland.

Commissioner Rodegerdts said he thought he read in the article last night that the average cost of insurance is \$600.00, and that David Morrison had mentioned \$300.00. David Morrison said that it depends. If you don't presently have insurance and you obtain insurance before the maps become adopted you can come in at the rate at \$300.00, and if you wait until after the maps are adopted, you have to come in at the \$600.00 rate.

John Bencomo mentioned that if and when the projects go forward, both the Feds and the State will make significant contributions to the overall cost. The Federal contribution

is in the neighborhood of 65% and the State another 25%. Also, he further responded to Mr. Rodegerdt's question, that in his experience Caltrans does meet with local representatives when they're convinced that it's necessary, and they do alter their designs, but unless the locals can show that it's structurally required or that their original design was structurally inadequate, in anything above that, in terms of cost for the alteration of design, the brunt of that cost is paid by the locals.

Commissioner Stephens asked for a clarification, on Page 2, under Summary of Proposed Changes. She said she assumed it's talking about the FEMA map as originally submitted. David Morrison said that the County's only objection to the FEMA maps is that they're not using current topography. He said we have not run the models ourselves to find out how that would affect the maps, that we're just asking them to rerun their models using those assumptions. He stated that the County has a role in this situation but it's not a significant one. There are 50, 60, or 70 houses in the floodplain that were not there before, and certainly we care about those constituents, but compared to the City's risk of several hundreds or thousands of houses, we're certainly a much minor player in there. He said we're not expending the amounts of money that the City would in developing these models; however, that was the importance of the decision last night, that the City is hiring a firm to redo those models and come up with an alternative map. David Morrison said he has seen some preliminary indications of what the City's map would be, and he believes it would not change significantly.

The public hearing was opened and closed. No one from the public came forward.

Commissioner Gerber said he feels that it should be recommended to the Board of Supervisors that this letter go forward. He asked if, as a result of the League's meeting Monday, and the City's meeting last night, the City is going to send it's own independent letter. David Morrison said yes.

Commissioner Walker said he hopes that the Corps of Engineers and the other bodies studying this recognize that they can fix the elevations in year 2000 if they wish, but he hopes that they build into it the fact that some consideration needs to be given that if they decline two-tenths of a foot a year, or whatever it is, that that is built into it because otherwise we're not going to accomplish what we hope to. David Morrison said he agrees and that over-planning would be prudent so that this problem doesn't become another one in ten years down the road. He said the typical Corps' standard is that levees have to be built for the 100-year base flood elevation plus three feet of freeboard which provides for some insurance. He agrees that the maximum protection that can be afforded should be obtained.

Commissioner Woo asked for clarification about updating information on the maps used by FEMA. David Morrison said that we fly Cache Creek every year to develop

contour mapping, and that the most recent one we have is 1998 which is what we'll be requesting.

Commissioner Rodegerdts asked how many years back our overflight mapping program goes. David Morrison said that it will be the third year of our 3-D computer model that we create of the Creek, and that previously we had aerial mapping interpretation which goes back to 1981 when the previous ordinance was adopted back in 1980.

Commissioner Rodegerdts asked if those maps show any trend developing, and whether it is too short a span of time. David Morrison said that it's an appropriate span of time, and that we have started analyzing over the last two years.

Commissioner Lang commented that, in the Cache Creek system when it comes out of the mountain, it's a tremendous, fast flow and it peaks and goes down as compared to in the river in the bypass system where we're talking about months and months of water. He said that since the problem at Yolo is tremendous with the bridges, that problem would have to be addressed to even get the water to the east of the bridges, and the water would back up, and that's when you would be flooding Woodland. He said that if the design was done right, there would be a system where it would back into properties, that as the flow would come, it would back in, and as the flow went out, it would drain back out. He said it's not an easy problem, and there isn't a quick solution. He said that all options should be on the table.

Commission Action

- (1) **APPROVED** the concept of an appeal;
- (2) **REQUESTED** the staff include the concerns and issues raised by the Commission in its preparation of the appeal letter and in its presentation to the Board of Supervisors.

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

Following presentation of the application and the recommended action, a public hearing was held at which no one from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately twenty-five minutes.



- 6.2 **98-043** - A request for a 72-Unit Subdivision and Planned Unit Development, and rezoning from R-1-PD (Single Family Residential/Planned Development No. 49). The project is located west of State Highway 16 and north of Woodland Avenue in Esparto.

A Mitigated Negative Declaration has been prepared for this project. APNs: 049-150-18, 19, 37, and 38. Applicant/Owner: C&J Properties (D. Morrison)

David Morrison gave the staff report and answered questions from the Commission. He stated that the Esparto Advisory Committee approved the project on February 2, 1999. He said there are three areas where staff disagrees with the recommendations: (1) While staff can see a recent support bearing front yard setbacks, rear setbacks are usually not visible between landscaping and back fences; (2) Staff does not agree that the outside perimeter path should be composed of decomposed granite, since decomposed granite is difficult to maintain. County staff is recommending an asphalt surface; and, (3) Staff feels it would not be beneficial to landscape the buffer area with turf since it wouldn't be a usable recreation area – instead staff is suggesting the area be landscaped with ground cover such as shrubs and bushes which would create a nice general transition from the agriculture to the development and provide a pleasant experience for anyone using the path.

Commissioner Rodegerdts asked where Country West I is located in the schematic. David Morrison said it's immediately east of Country West II and immediately south of Parker Place.

Commissioner Rodegerdts asked for clarification regarding fencing of the detention basin. David Morrison said that when the mitigated negative declaration was sent out, staff had determined that a reasonably safe depth for drowning concerns which have been raised on both projects, was 3'. The original design that C&J Properties had submitted for Parker Place had a 3' deep detention basin maximum depth; however, when Caltrans requested additional right of way, it took about 20 feet off, and took another area out, which reduced the capacity of the detention basin. Subsequently, in order to maintain that same 100-year flood protection level, they've had to deepen it to about 4'. As a result, staff is recommending fencing around the detention basin. He said that there are no hard and fast rules here, it's a judgment call, and that staff is open to the Planning Commission's comments and concerns.

Commissioner Rodegerdts commented that he feels it's very unfortunate to have to put fencing out to take care of a three day event that might occur a couple of times a decade. He thinks it's unsightly and it will discourage it being maintained as a recreational area.

Commissioner Rodegerdts asked what the source is of the authority for adjoining property owners to be able to waive the buffer requirement. David Morrison said that's within the Esparto General Plan, it was adopted as a policy. Commissioner Rodegerdts stated that he thinks that is a big mistake, in retrospect, now that we're seeing a concrete application of that, because, while the current agricultural operators of that property are not concerned about it, we begin to bottle up the flexibility of being able to use that land through succeeding transfers to another agricultural operation, because we've limited that. He doesn't think 300' is enough.

Commissioner Rodegerdts asked for a clarification about the concept of back yard setbacks. David Morrison said it's an area where no structures would be allowed to be constructed; in other words, houses where people would be living who could be exposed to it. It would still be back yards but it would be a no build zone, more or less, to create that 100 foot buffer and it will be a part of the back yard. The setback protects the ag. urban interface.

Commissioner Rodegerdts asked who will maintain the decomposed granite. David Morrison said the detention basin and the perimeter landscaped areas will all fall within the Landscape and Lighting District that will have to be created for both subdivisions. Commissioner asked at

what reasonable level of growth is it going to be before that is going to have a full time employee. David Morrison said he doesn't know how that's going to be established.

Commissioner Gerber asked for clarification on the location of the approved intersection of Omega and Grafton Avenues. David Morrison explained the location and said the current intersection is inadequate.

Commissioner Stephens asked if it is possible that Country West II and this development could both be built at approximately the same time. David Morrison said it's possible since one is caught up with the other now. He stated that the Esparto General Plan limits the number of units to 150 per year, and that Country West has 59 units and Parker Place has 72, a total of 131 units, so it falls within the 150 per year. He said both projects could be constructed at the same time if both subdividers had arranged their financing and construction schedules to coincide.

Commissioner Lang asked for clarification about the low income housing apartments. David Morrison stated that as an adopted policy of the County General Plan, at this point, it is what we're required to deal with.

The public hearing was opened.

Mr. Moran, C&J Properties, said that Richard Janess, their Civil Engineer with the firm of Laugenour and Meikle, is with him today. Mr. Moran then explained the project as follows:

He displayed and explained some photographs to the Commission that show the fencing. He said he appreciates the concern about the fencing, he doesn't disagree on this. He stated that he thinks that, at the very least, fencing at Highway 16 seems to be appropriate. The photographs depict the type of fencing that they're proposing to use, whether that fencing be just at Highway 16 or all around. He said it's a black clad chain link fencing that is more pleasing to the eye than the standard chain link fence. It, in effect, disappears and allows the background to come out. A landscaped path system consistent with the General Plan and perimeter landscaping, as well as grass and irrigation in the basin, will also be provided. He said they're prepared to fence the entire basin per the condition, but also they'd be willing to just fence the Highway 16 side and try to encourage some use of the detention basin in a recreational way.

He acknowledged staff's position on asphalt. He stated that on the interior they have deleted sidewalk on one side and they are meandering the sidewalk on the other side so it's not a straight linear piece of concrete. The reasons for the meandering and the elimination of sidewalk on one side is to soften the streetscape which is more in keeping with the country atmosphere. He said that on the sidewalk side they will be landscaping up and in those areas on either side of the sidewalk as it meanders and on the non-sidewalk side they will provide front yard landscaping up to the curb. The front yards of the individual homes will be landscaped, and there will be a varying front yard setback which will provide different opportunities for different landscape schemes. As it relates to the issue of varying rear yard setbacks, it goes without saying to the extent that they're varying the front yards, they're more than likely varying the rear yard in any event.

He stated that their intent is to provide a very pleasing home, not only on the inside, but also on the outside, and they intend to do that by varying design features. They will be including front porches, and in some situations where the lot widths allow them, side entry garages. He displayed and explained a rendering of the homes.

Commissioner Woo asked why the design of the houses in the packets is so very different from the rendering. Mr. Moran said it shows some varying thoughts that they have on product direction. He said that at this early stage they have yet to do some intensive market research that will drive this to further product direction. He stated that this is product that he recently built in Costa County, and he thinks these are adaptable to this site. He said they intend to include front porches on the units and that he will be happy to secure the Advisory Committee's review and input of the product as the plan process matures.

Mr. Moran stated that the lot sizes are on average substantially larger than the minimum lot size as reflected in the General Plan at 6,000 square feet. On the average their lots are well above that into the 7,500 and 8,000 square foot lot range. There are some 10,000's and 12,000's also. Commissioner Rodegerdts asked what the average lot size is in Country West I. Mr. Moran said there's a fair percentage of 6,000's, but there are also some larger ones.

Mr. Moran said that David Morrison is correct regarding the buffer issue; they do have the written authorization from both the Orciulis and the Spivas regarding these buffers.

Mr. Moran appreciates the issue regarding the chemical spray, and they have met with the Ag. Commissioner on several occasions to discuss this matter with him. The Ag. Commissioner's position was that he was comfortable with the direction that they are going.

Mr. Moran commented that with respect to the easement issue, they are prepared to just indicate landscaping only.

Mr. Moran said he appreciates Commissioner Rodegerdt's comment with respect to the perimeter landscaping issue and the maintenance of that. He feels it is a very important point. He stated that this project will be policed and financed by a Lighting and Landscaping District, and that the residents of this subdivision will be providing the money that will finance, through the tax bill, the maintenance of that area, and they will have a financial stake in seeing that the property values are maintained.

Commissioner Stephens said she appreciates the applicant's desire to comply with the General Plan on being compatible with the rural setting. She asked who sets up the rules and regulations for the Lighting Assessment District. Mr. Moran said he thinks they'll be working with County staff in setting that up. Commissioner Stephens asked how they will assure that adequate funding is provided for the employees, and the maintenance, etc.. Mr. Moran stated that, once they get the improvements in place and some decisions are made as to costs, he thinks there will be a mutual agreement that there is a funding amount that needs to be reached and agreed to, probably on an annualized basis, and then there would probably be a simple division among the units.

Steven Basha, County Counsel, said that normally with assessments you have to have some sort of Engineer's Report that establishes the benefit of the assessment to each property and tie it in with the amount, so he thinks Mr. Moran is right that we're going to have to justify and establish that amount in setting up this Lighting and Landscape District.

Commissioner Stephens asked how Proposition 218 plays in that, and how do they determine what the initial assessment rate is going to be. Steven Basha, County Counsel, said that he thinks that will have to be done on the basis of an Engineer's Report. Mr. Moran said they

intend to set this up prior to any lot sales occurring so that the financing mechanism is clear and in place and part of the clear disclosure.

David Morrison said that Condition of Approval No. 12 requires the applicant to establish the District prior to recordation of the final map so that the District will be set up before any lots are sold.

Commissioner Stephens asked, on Exhibit 8, Page 3, of the C&J Properties Development Standards, under, Maintenance of Public Facilities, if the Yolo County Department of Public Works shall be responsible for the maintenance of the subdivision streets, etc.... is correct? David Morrison said that this was attached to show what the applicant has proposed for development standards, and that the County's recommended standards are included in Exhibit 7 which is the rezoning ordinance establishing the PD-49. Exhibit 8 was just included to provide background as a part of the application package, but that is not what staff is recommending. He said, going back to Condition No. 12, it not only requires the establishment of a Landscape and Lighting District prior to recordation, but it also states that the District shall be responsible for maintenance of the drainage facilities, the detention basin, maintenance of the bicycle path, maintenance of all street lights, maintenance of all publicly landscaped areas and maintenance of the landscaping area for the detention basin, that will be the responsibility of the District. Mr. Moran stated that they stand corrected on that. He said that their text was done earlier on and he doesn't have any disagreement with that explanation.

Commissioner Stephens asked what the plans are for retaining the almond trees, or keeping that look that's really very important, in accordance with the Esparto General Plan. Mr Moran said he appreciates what she's saying, that it's very pretty, particularly at this time of year. He said he thinks it's a function of grading, and to the extent that they can retain some trees, and obviously the ones that they were particularly noticing were the ones adjacent to Highway 16, that could very well fall within the trail area, and if they can, and grading won't disrupt them, he said he's all for it. He stated that the only question he has is that he certainly wouldn't want to go to a great extent and create this pretty picture only to have the almond trees not have a long life. He said they are proposing a berm between the trail and what is now the Caltrans' right of way, so there'll be a berm element and they're proposing to landscape on top of that. He stated that maybe after everything is said and done, we might all be better off with new trees of some flowering nature. He said that preserving trees on there is really driven by grading, but they will be providing trees on site as well.

David Morrison pointed out that there is a policy in the General Plan that does talk about using trees that are representative of the area, and it went in the landscape buffer area, so he thinks that suggestion would be very consistent with the General Plan policy. Mr. Moran said he'd be happy to do it. David Morrison said they can modify the conditions and talk about the inclusion of agricultural trees, such as almonds or something to that effect, within the landscape buffer areas.

Commissioner Stephens asked about porches. Mr. Moran said that porches will prevail. He said that the literature right now tells him that the marketplace in most single family markets like the element of porches.

Commissioner Stephens asked how they're going to make the detention ponds useful for recreation. Mr. Moran stated that they have agreed at the Advisory Committee level to have it grassed and irrigated to make it inviting throughout the year so that it doesn't become a brown weed patch. He said they could introduce some concrete type benches or tables that would

invite the use, in a more formal way, of the basin. Commissioner Stephens said that at this point she's not convinced that it provides enough recreational opportunities. She stated that the whole north area needs a park, and that something needs to be thought of in terms of using these dollars that would otherwise be paid into the park and park fees – a trust fund or something that would guarantee a real park in that area for proactive recreation. Mr. Moran said he agrees with this and that he feels that the community wants a large park area, they do not want a lot of these smaller pocket parks (mini parks) spotted around. He stated that they could provide some financing (some seed money), that matures in a dedicated account and can be applied at the appropriate time towards a community park area.

Commissioner Woo said that the concept of using this space and the drainage basin as a joint use for recreation is a great idea, but she feels that in this layout it won't work. She believes that this is like a back alley, it's backed up behind these back yards and even the fencing problem is moot, that people aren't going to want anybody looking into their back yards, so they're going to put up a solid fence. She feels that nobody really cares if they can see the County road or not, so they're going to put a fence, making it a narrow fenced, no eyes on the park, kind of a slice of nothing, a big hole in the ground with grass on it. She expressed that the other subdivision that we just worked on a couple of months ago has their houses and their street and everything facing their green belt and their detention basin, so there's eyes on the park. It's an amenity for the whole community and everybody can see it. If there's landscaping, everybody can look out their windows and see it and enjoy it, people driving down the street can see it and enjoy it. This is a back alley thing that nobody's going to see, where nobody's going to let their kids play there because nobody can see what's happening back there. She thinks the teenagers might go there at night for drinking, because nobody can see them back there, but this is not an amenity for anybody. It's just a hole in the ground that will collect water when it needs to.

Commissioner Woo expressed that this whole discussion of whether to fence it or not, or whether you can play soccer there, is not as much of an amenity as somebody might think they're providing. She stated that the same goes for that other green belt on the other side where, maybe they can see the orchards or something from there, but it would have been 100% more of an amenity for the community if they could see it from their front porch or the community could see it like on the other one. She thinks that all of the opportunities have been totally missed design wise.

Mr. Moran responded to Commissioner Woo that the location of the basin is there for one very simple reason, that's the low spot on the property. Commissioner Woo said she doesn't have a problem with that, it's the houses that can be moved. She said it would be worth it to take a little bit of property out of the lot sizes, and maybe even have to pave a little bit more street to make the community more livable, to give it the amenities it wouldn't have otherwise. Mr. Moran said that one of the constraint factors is that they're connecting to Omega Street, so that is somewhat of a starting point here. With respect to perception, he thinks there are two perceptions, one of an internal community perception and one of an external community perception. One of the things that they've heard very clearly, particularly from the Advisory Committee, was the desirability of having proportionately significantly larger lots. He said they've attempted to provide some positive visible impact with the basin. He thinks there will be some positive visual impact to the basin from Highway 16, and that the trade off is that interior to the subdivision the desirability of a

larger lot, meandering sidewalk, is predominating over necessarily trying to make the detention basin into an internalized eventual amenity. Commissioner Woo expressed that there are other ways to do it. She feels that some more effort needs to be made to actually make that an amenity. She doesn't think that a grassy hole is going to be that much of an amenity for people driving by in their cars. Mr. Moran said he thinks there's too much focus on making a detention basin an amenity, he thinks it can be a visual amenity, so that it has some appeal from the exterior. Commissioner Woo said that if it's not an amenity, she doesn't think we should be calling it one. Mr. Moran said he's attempting to do one primary thing, and that is to detain drainage and conform to some drainage requirements that he has, and that's the spot that he has to do it in. He said that to the extent that he can have some ancillary augmented use to that area, he's certainly willing to provide that as well.

Commissioner Woo asked Mr. Moran if he's willing to go back to the drawing board to see if there's any way he can incorporate the drainage pond more for the community. Mr. Moran said he thinks he is doing it for the community at large, that he's attempting to provide a positive, visual amenity for the entire community. The usability of this is primarily going to be internal anyway to this subdivision, maybe a few people from Country West I, but that's going to be the limit of it. He said he's not sure we should be looking at this from trying to make this detention basin a necessary focal point of the interior design of this community. His personal feeling is that the occupants of this subdivision are more desirous of a well designed house and a larger lot, and he thinks that's where our focus is, and that this can become for them something that they can utilize, but it's not going to be the first thing that they utilize. Commissioner Woo thinks a discussion should take place as to whether a community area should be created where it's worth it to the whole community to sacrifice a few feet out of their lot to have something nice for the whole community. Mr. Moran responded to Commissioner Woo that he thinks the Advisory Committee is going somewhat to the other end of the spectrum that she's laid out in terms of larger lots and that's the clear message that they got. He said that this issue she's raising and trying to create something around that detention basin is the first time this has been raised. He stated that the community is interested in having it in a community park setting, not these little mini park areas, which this would be. He thinks the project is too small to think in terms of a larger community park element. Commissioner Woo suggested that this be discussed with the Advisory Committee regarding their interests.

Commissioner Woo said she's not real excited about the elevations. She feels they could incorporate more of the farm house look. Mr. Moran said they're working with the Advisory Committee on that.

Mr. Durst, Vice Chair of the Esparto Citizens Advisory Committee, gave a talk about what he remembers of the meeting when they approved the project. The following is a summary of the Advisory Committee's recommendations:

- Bike Path -- They felt the concrete would break up and wouldn't last, asphalt wouldn't hold up, and that decomposed granite could be maintained by the property owners, so they wouldn't have to rely on anyone else. They thought that minor spraying to keep the star thistle under control would be easier if it were the decomposed granite rather than a hard surface – it would be easier for walking.
- Detention Ponds -- The detention ponds started out as detention ponds, that's all they were, and that the developers have agreed to put in some landscaping and some water and sprinkler systems, etc. and they were grateful for them to do that, because it made it a little more attractive. One of the problems they have is that there is a certain amount of money that each developer must donate to the Parks Department for the particular

community, and they were getting concerned that these detention basins were going to be called mini parks, and that was going to deduct monies that they would normally pay into the Parks System for development of parks otherwise. At their last meeting they decided they really want them called detention basins so that that money is contributed into the Park System, so that in the next few months a meeting needs to be held to discuss what they want to do with parks, because right now in the General Plan there is one park proposed, on the southeast corner of town, right next to the sewer ponds.

- House Plans -- Neither C&J Properties and Country West II provided the Advisory Committee with detailed plans of houses, so they have been asked to bring back detailed designs for the Committee's input.
- Widening of Highway 16 -- They do not like nor want the widening of Highway 16 by Caltrans, that there's no benefit to the town of Esparto. The Esparto Advisory Committee recommends that any requests from Caltrans for widening either be justified with some type of proposal as to why they want to do it or have them told no, that they don't want it for some reason.
- Fences -- They recommend that fences be provided around the holding pond along Highway 16, if necessary; otherwise it should be left open.
- Landscaping -- The Advisory Committee would like to see the landscaping around the bike path to be low growing, shrubbery, something weed resistant and aesthetically pleasing.
- Low Income Housing -- They like the low income housing placement.

Commissioner Rodegerdts expressed concern about the two subdivisions coming in back to back. He asked Mr. Durst for his opinion as to whether Esparto, at this point in time, can culturally absorb this influx in these two subdivisions back to back. Mr. Durst said he doesn't think the town is quite ready for it. He stated that, based on his knowledge of the people he talks to, probably 50% of the town doesn't even know these subdivisions are going on. Commissioner Rodegerdts said his concern is about the people of Esparto who are already there – he hopes that message is getting out.

Mr. Durst said he agrees with Commissioner Rodegerdts to a certain extent. He said his understanding is that the Community Services District does not have water to supply these developments, that they currently cannot take the sewage without the completion of the sewer ponds that are being constructed along Highway 16. At this point his understanding is that the Community Services District cannot support these developments.

Commissioner Walker applauded Mr. Durst for making statements saying what he believes.

A ten minute recess was called.

Mr. Jenness, with L & M Engineering, explained the project and addressed concerns from the Commission. He stated that the funding for the sewer and water improvements relies, in part, if not to a large degree, on these developments moving forward to provide the development fees for the expansion on those facilities. He said that not only are those facilities water and sewer required for these developments, but even for existing development beyond capacity. He said

there might be a question in the community whether the community itself would be interested in imposing additional fees on themselves to expand that infrastructure to supply the needs that they need there today, even despite these. He thinks that, from the Service District standpoint, it is their thinking that this additional development will create some development fees to help ensure that those needed amenities for the community are provided. He stated that the drainage system for this development, as well as any other development in Esparto, would require detention facilities to withhold or to hold back that peak runoff from a 100-year, 24-design event, and thus limit the outlet capacity to that which exists today in the undeveloped state. He said to that degree it does aid the downstream landowners in not having as high a peak runoff as they've experienced in the past.

Mr. Jenness commented on the detention basin and the lots backing up to the detention basin. He said that one of the reasons this was done in Parker Place is that had the lots been open to the detention basin, they would also be open to State Highway 16. He said that would have been an undesirable element, at least that's the way it was viewed at the time, since there's about 200 feet depth width to the basin itself, and by facing those lots on the detention basin, they likewise would face State Highway 16, the bus traffic, the cars, etc..

Commissioner Rodegerdts asked Mr. Jenness if the infrastructure work that needs to be done in Esparto will be able to go forward without Parker Place revenue at this point in time. Mr. Jenness said he thinks it would not, based on conversations with the Service District indicating that they are aware what dollars are developed with the development fees that are being prescribed here. Mr. Jenness expressed that he believes they're relying on the development fees to help fund those improvements. He conveyed that there is a pledge by the developers to fund those initial improvements early on with some reimbursement, and that they fully realize that in order to even begin these developments, a certain amount of those improvements have to be in place. He thinks there's a commitment there to have some monies committed up front to those projects to ensure that they're able to develop when they want to as well.

Commissioner Rodegerdts expressed that, since these are two separate units with different ownerships, and they're not being approved at the same time, he doesn't want the Planning Commission and the Board of Supervisors to be held up (sort of ransomed) into thinking that they have to approve Parker Place, because if they don't approve Parker Place, they're not going to be able to afford the infrastructure to take care of the development they've just approved.

Commissioner Stephens asked Mr. Jenness for the reasoning for the widening of Highway 16. Mr. Jenness said he talked to four or five individuals and various Departments of Caltrans and they do not have a plan line for widening State Highway 16, it's just a requirement that they're making at this point in case they need to widen 16 in the future. He stated that because of the recent widening, or at least straightening out of the curves between Capay and Esparto, their thought is that perhaps they will, at some point in the future, be looking at widening or at least making a faster curve entering Esparto from the west. Commissioner Stephens asked Mr. Jenness if there's going to be any extra safety features given the fact that getting on and off 16 is a murderous event sometimes. Mr. Jenness said there will be deceleration, acceleration lanes, a much wider throat street opening than what you would normally see within a community, because it is State Highway 16, and because of the speed limit that exists there now.

John Bencomo added that, with regard to the question of Caltrans' request, this is typical in terms of we have a discretionary permit that's before us, so it's practically their window of opportunity to take this, as opposed to coming later when they may have some kind of plan and then have to purchase it.

Commissioner Stephens asked how many wells would be required to service development. Mr. Jenness responded that, at this point, the test well that the Service District had dug did not produce the volume of water they would like to see. He said that a number of years ago L & M Engineering provided a report to the Service District indicating that it would be desirable to meet future demand, as well as fire flow requirements, and that, at the minimum, a 1,000 gallon per minute well be provided, not numerous small wells. He said that in the event 1,000 gallons or more is not feasible, the next alternative is to provide, via smaller wells, but larger water storage facilities to provide that fire flow, not necessarily multiple well additions to the Community.

Commissioner Gerber asked about the cultural impact of 130 homes eventually coming into Esparto all at once. He asked Mr. Jenness what his opinion is on the infrastructure needs, and what the time frame is for getting the water resources developed, etc.. Mr. Jenness stated that the construction of the facilities would take a minimum of six months as it is, and that they're just involved with the purchase of the property at this particular time. He said a good estimation is that nine months from now would not be unreasonable before any additions to the facility were made. He said the water could come about a little faster if they were able to achieve a well with adequate capacity.

Commissioner Walker said that on the southwest corner of the subdivision map there's an indication that surface water flow from adjoining subdivisions would come through there, and that it seems to him that if the developments to the west over a period of twenty years continue, that might put a large quantity of surface flowage down that street. He asked for estimates in terms of quantities and depths, and if there are other alternatives. Mr. Jenness said that what is provided is a bypass for any flow that may come through there, and they do understand that there has been some surface flow from the properties to the west with the high intensity rain fall events. He said that any development further to the west will definitely have to provide on-site detention as well to minimize that peak runoff, and still limit the flow to the existing 24-inch line under Highway 16, which will be mandatory.

Commissioner Woo asked, regarding the house elevations, if there would be any advantage to raising foundations an extra foot and one half to prevent flooding. Mr. Jenness said that this particular area is not subject to the 100 year event, and with raised footings there is a greater element of safety. He said he's not aware whether the developer favors the slab on grade vs. the raised footing at this point, that there's continuing debate whether one is less expensive over the other. He yielded to the applicant in that regard.

Commissioner Rodegerdts addressed the realigning of the curb on Highway 16. He asked Mr. Jenness if there is any chance that Caltrans might have designs on all or a portion of the detention pond in that realignment configuration. Mr. Jenness said that, because Parker Place is the applicant, he thinks that, as John Bencomo stated, they've taken the opportunity to impose the right of way requirement on them. He said there will be an opportunity across the road to obtain a like right of way on that side, so he doubts that after this development were in, they would ask for any more from the west side, but certainly could from the east side. He

thinks that Caltrans would have some buy-in for the detention facilities and would not ask for any modification of that in the future, but there is no guarantee.

Commissioner Lang asked, regarding getting the water and sewer on line, at what point they will start to do their overlay on their land and put their lots in. Mr. Jenness said that both the community infrastructure as well as the individual developments could proceed somewhat on a parallel course. He said that the next phase, providing a tentative map is approved, would be preparation of the final map and the improvement plans, and that in itself is a four or five month process. The package will be submitted to the Board of Supervisors for approval, and bonds have to be posted guaranteeing that the on-site, as well as some off-site, improvements would be provided at that time. He said that before

the Board adopts or accepts that development package, there will be another opportunity to look at the stage at which the Service District is proceeding with their plans, and whether that time frame coincides. There are a number of issues still that may not even be included in the six or nine month period for the Community Services District to get on board. He said that because they would have an expansion of the Waste Water Plant, they need to go before the Regional Board and ask for a modification of their Waste Discharge Permit to allow that to happen. He stated that additional ponding for waste water expansion will need to be required before any of these homes come on line before they're sold.

Mr. Voss, Chair of the Esparto Citizen's Advisory Committee, spoke as an individual from Esparto, about his perspective on the following:

- Bike Paths -- He supports the crushed granite, and respects staff's opinion that it takes more maintenance than asphalt.
- Detention Pond and Fence -- He concurs that if the detention pond is going to be more than three feet deep from a safety standpoint, he thinks fencing of the whole pond is essential. His recommendation is to not build any pond that's deeper than three feet.
- Park Issue -- He thinks the whole park issue has not been fully and adequately dealt with and that there is a flaw in the General Plan with the one large, planned park in Southeast Esparto, as far away from the planned development as you can get. He feels it's a large issue that should be resolved before this development goes forward. He doesn't think detention ponds and parks are really compatible.
- Pedestrian/Bicycle Paths -- He stated that David Morrison's analysis is that a total park fee will be about \$2,150 per unit, and based on this \$2,150 per residential unit for Parker Place and Country West II together, it would generate \$281,650 in park fees as currently proposed. The total cost to construct the proposed pedestrian/bicycle paths, associated landscaping, and detention basin recreation areas, ranges from \$100,000 to \$180,000, and the unexpended fees would be placed in the Esparto parks Capital Improvement Fund for use in building a second park, community center pool and/or other recreational facilities. He stated that this is a situation where they have half of their money gone before they can really talk about parks. He said he hopes that some restrictions can be made that none of this money goes to build detention ponds, and he also questions why the bicycle and pedestrian paths are being built out of this. He'd like some clarification on this issue.

- Buffer Zone -- He thinks there's some justification for not requiring 300 foot buffers, and that he is satisfied with the 100 foot buffers. He is not at all satisfied with having half of that buffer in someone's back yard, he feels it should be outside the back yard.

- Design Criteria and Guidelines -- These are two issues for which the Board of Supervisors kicked the previous application back, and he thinks this application has the same problems. He stated that when the Esparto Citizen's Advisory Committee made their recommendation regarding Country West II, it was a conditional approval recommendation based on the concept that the Advisory Committee had another opportunity to make a statement and recommendations on the housing design, the drainage plan, and landscaping plan. He said that staff's reaction is that they will encourage the applicant to communicate with them. Mr. Voss stated that they've had excellent communication with C & J Properties, so he doesn't doubt their sincerity, their dedication and integrity. He said the Advisory Committee wants to see the house designs, so they'll be done satisfactorily. If that can't be done now, then they want it, in writing, guaranteeing that they will have another chance to look at them.

Tammy Fullerton, member of the Esparto Citizen's Advisory Committee and Chair of the Design Review Subcommittee, stated that she agrees with and supports all the statements that have been made by her colleagues and committee members. She said she is also very supportive of the C&J Properties project. She expressed that, as the Design Review Committee Chair, she would like it made, as a condition of approval, that the house plans, facade, elevations, landscape plans, come back to the Committee for review and input. She said that in regards to a historical perspective regarding the General Plan and development in the area, they spent nine years of community meetings and large participation by the Community in town meetings regarding whether or not Esparto should develop. She stated that the Community felt like, if they were going to develop, they didn't want to go beyond doubling their size, which would be approximately 1,500 to 1,900 more people, which was the result of many surveys and many meetings that were participated in by both the Hispanic Community and other citizens of the Community.

She addressed the following:

- Affordable Housing -- The Advisory Committee dealt heavily with the issue of the affordable housing, and in disbursing it in each community or subdivision area, and they had a large turnout of the Hispanic mono-lingual population in support of putting their affordable housing units within any subdivision and not setting them off to the side somewhere, and having single family dwellings for them to be able to purchase. She said they think they've met those needs in their General Plan.

- Park -- She feels the concerns about the park are real. The southeast area where the park is proposed in the General Plan was thought of as a buffer area from the ponds and an athletic complex area. She commented that there have also been conversations with the landowner that is adjacent to the ponds, and he is very serious about dedicating five acres of his property for a sports complex or park area, so that might take care of part of the problem of not having park greenbelt area, although it doesn't deal with the issue of park area within the Community.

- Lighting and Maintenance District -- She hopes the developer is considering meeting with the Community Services District, because they are the lighting district for the Esparto area, and including them in some type of agreement about maintenance and lighting district operation through their special district, since they are local and it might be of benefit to both parties.
- Infrastructure -- She agrees with the concerns regarding the infrastructure. She sat on the Community Services District Board for four years and it has been an ongoing problem and concern of the Community that development would happen without the infrastructure being in place. She said that she assumed that when the General Plan was passed and brought before the County, that they would have those issues addressed and they would be solved before development happened.
- School District – She said that a couple of years ago the School District passed a bond, and in order for their bond activities to be completed, they are dependent upon development fees to finish off their middle school and the modernization that's going on in the District.

Tammy Fullerton expressed that she hopes everything happens in the proper order and with the input from the Community, and they look forward to the development happening. She said that as far as the Community not knowing that development is happening very soon, or is close to happening, she thinks that is true, since the Community, in general, has waited so long that they don't realize that it's just around the corner now. She said that even the School District was not aware of how close they are to having a couple of significant subdivisions going in. She thinks an awareness campaign needs to happen in the Community, and since they've just started a newspaper, this should happen fairly soon. She thinks that a lot of the homes will be sold to people who are in the Community waiting for some type of housing, because there is not the availability of single family, sometimes upscale or second buyer type buy-up housing in the Esparto Community.

Commissioner Gerber asked if another 100 children could be absorbed into the existing schools. Tammy Fullerton answered that the School District can meet those expansion needs.

Commissioner Gerber asked questions regarding the size of the park. David Morrison elaborated that the Esparto General Plan is assuming a total park and recreation development of approximately \$2,000,000, which includes a new park of about five acres, a trail system and a new swimming pool, and the per unit park fees were calculated based on that preliminary capital improvements budget.

Mr. Marking, new General Manager with the Esparto Community Services District, said he shares a lot of the concerns he's been hearing. He said he firmly believes that the emphasis right now should be on storage, and not so much on drilling wells. His emphasis is toward getting about an 800,000 gallon reservoir and a booster pump station in Esparto to build a satisfactory pressure. He personally believes there's adequate water supply now to last for the next several years if we can get this infrastructure. He thinks the town, infrastructure-wise, is against the wall, both water and sewer, the ponds are over capacity right now, the water system is exceeding its capacity, and the fire demands of the years have increased because of code ordinances. There is very poor fire flow in the town right now, and a storage reservoir would largely accommodate that. Another three or four wells of 700 gallons per minute would have to be drilled to accommodate the fire flow requirement, whereas one reservoir would satisfy that. He believes a well is secondary to the reservoir.

Mr. Marking said that, as far as a sewer, he's already had Regional Water Quality out there, and once the 70 acre parcel closes escrow, they will immediately begin to pursue the application for a ten to fifteen year three phase buildout. He sees the first 542 that the General Plan talks about as two phases, and according to the General Plan the town will triple in size for ultimate buildout. He said their target right now is to build infrastructure that will handle at least the first phase 250, and the second 250 will follow that. He thinks that money is a problem because it takes a lot of up front cash and capital to put these facilities in -- the Community Services District has already expended close to about \$400,000 this last year, so they're getting tapped out cash-wise, so they have to be very careful with the \$200,000 that is left. He said they're pursuing as fast and prudent as they can. He believes there will take some initiative within the town itself, not just to maintain the system, but to improve it, because fire flows today are now what they were 20 years ago, and the requirements are much higher. He said the actual monies and how those are going to be phased has not been hammered out yet because the engineering hasn't been completed. He stated that the General Plan has been very helpful as far as target issues and ball park numbers, and until there is an actual plan and design, that won't be known. He said that once they get their 70 acre acquisition they will begin immediately to design the sewer and system and determine costs. He stated that these facilities are going to be in before development occurs so they can begin to build the system back up and not further suppress it.

Commissioner Stephens asked for clarification about the reservoir. Mr. Marking said they're looking at 800,000 gallons right now, he sees 800,000 gallons now and an 800,000 gallon later. He said his emphasis right now is to put an 800,000 gallon ground level reservoir with a booster pump station (Phase 1), and engineering is heading that direction right now.

Commissioner Rodegerdts asked if they have a ground reservoir. Mr. Marking said they have a site adjacent to their Well No. 5, a one acre site owned by the District. He pointed out that right now they have about an 11,000 gallons per minute constant supply of good quality water, but that is exceeded in the summer because of diurnal demands.

Commissioner Stephens asked what kind of dollars are being talked about in terms of fees generated by these developments for the Service District to pay for all this. Mr. Marking stated he is convinced that the current fees, as projected by the engineer, will cover the development, but the timing is difficult because the cash has to be put up front, and then as the fees come later, it will pay it back. He said that ultimately the expenses will be covered by the revenues. He projects it will take close to \$550,000 to \$600,000 to build an 800,000 gallon reservoir with a new pump station.

Commissioner Stephens asked what the fees are per year as currently proposed. Mr. Marking answered he thinks the new fee structure is going to be in excess of \$3,000 for sewer, and \$3,408 per unit for water, based upon all the infrastructure identified in the Psomas Report. He said that in three months they'll have a lot more nailed down than they do right now.

Commissioner Walker asked what the wall thickness will be on the surface storage tank. Mr. Marking said about 1/4" inch, welded steel. He stated that Public Health requires a 35 psi pressure requirement at the service level, which is a minimal, but he feels that a more workable pressure of around 55 psi should be aimed for, and the Fire Department wants to see a minimal 20 pound residual at the hydrants.

Mr. Moran covered the issues that were raised, with the following overview. He said he is not hearing anything that is not resolvable.

- Infrastructure -- He said they are partners with the Services District to resolve infrastructure issues. They clearly recognize they will have to front costs to make the solutions real, and that he hopes the Commission will look at this development, as they looked at Country West, as essentially an implementation of the General Plan.
- House Plans -- He has absolutely no problem with following Tammy Fullerton's suggestion of including, as a Condition of Approval, that house plans and landscaping plans go back to the Advisory Committee, and seeing that everybody is pleased with those issues. He said he's thinking of two landscaping plans, the landscaping plan for the interior of the subdivision as well as the perimeter bike path system as it is going all the way around, and the detention basin area.
- Services District Meeting -- He said they'll meet with the Services District staff in setting up lighting and landscaping.
- Schools -- He stated that he and his partner met with the Superintendent in the Fall of last year to make him aware that they're on the horizon. He said they pledged to the School District, in addition to school fees, \$300 per unit at closing, paid to the School District for their purposes, whatever they may be.
- Buffer -- He said the reason they came up with this concept is because he thinks it was generally acknowledged at the Advisory Committee level early on that the Orciuli Property is very likely to be a candidate for the next expansion in Esparto. He thinks steps have been taken to do that, and that they've filed a Notice of Non-Renewal of their Williamson Act Contract.
- Parks -- He expressed that there is clearly a desire of the Community to garner as many funds as they can from the park fees paid by Country West and Parker Place to devote to a meaningful park. He said that if they're going to change the emphasis back to the detention basin here, he'd be willing to forego any costs, in terms of a credit, of what it would cost to put grass and sprinklers and the kind of amenity that would go into the detention basin. However, he thinks it's reasonable, particularly under the General Plan that was just quoted by David Morrison, that the perimeter path system was always viewed as, in effect, a linear park element, so he's not suggesting that he forego that cost as a credit because he thinks it's a part of the definition as David read it.
- Detention Basin -- He suggested that alterations be made to the depth of the detention basin because of the Caltrans take that keeps the same dimensions (3 1/2' to 4') as it was before. He thinks the issue is about how often this basin is going to be full, and when it's full he's assuming that no one is going to be out there attempting to use it, and that you can have safety issues with one foot of water just as easily as you can have a safety issue with four feet of water.
- Granite Path -- He stated that they'll do decomposed granite or asphalt.
- Foundation -- He said they'll get to work on the improvement plans and final map, and that part of that process will be to secure a thorough geotechnical report that will give the

foundation alternatives. He stated that a thickened post-tension slab is very popular now, and may have some application for flooding issues.

- Detention Basins and Housing Locations -- He thinks it is an important design consideration in this Community that fronting houses across this detention basin, looking at Highway 16, is not desirable, and in their laying out of this subdivision, clearly Highway 16 is an influence. He thinks that lots facing inward as opposed to exposed to Highway 16 is far preferable than the alternative.
- Timing -- He believes that clearly there is a lot of time that will be consumed between now and the actual driving of nails out there, in terms of planning, final plans, improvement plans, working with the District, and weather. He said there is also a market absorption factor that is going to occur. He foresees that, assuming all the lots are developed at one time, this is probably on the order of a two to three year project to absorb in the marketplace. He said they're going to phase it so that they don't get too far out in front of themselves. He stated that their development is not coming all at one time.
- Caltrans – He said he doesn't have any control over that, but he intends to have a conversation with them to see if there is any movement or if there's any way that they can reduce this take, but right now the worse case is being shown.

Commissioner Woo asked a question about the fence. David Morrison said that the wooden fence would be located on the northern-western boundaries of the project adjoining the walkway bicycle path. He stated that, in the fencing around the detention basin, staff supported the use of cyclone fencing because it can be seen through and will allow people who are passing by on State Highway 16 or at the cul-de-sac to be able to view it, and have maximum visibility, and that it would be as less intrusive as well, plus a lower maintenance. He said the wooden fence is still in for the back fence of the lots backing onto that area.

Commissioner Stephens asked Mr. Moran if he would also forego the cost of the landscaping around the bike path. Mr. Moran said he thinks that, consistent with the General Plan language, as mentioned by David Morrison, he's entitled to a credit there. He said he will plant the grass, irrigate it, and do what is decided in the detention area and not take the park fee.

The public hearing was closed.

Commissioner Rodegerdts complimented Tom Marking for his presentation, and said that he appears to be very much on top of that situation out there. He stated that, from Mr. Marking's remarks, he's concluded that the Community Services District is not even as far along as he thought they were, because there are no firm figures on how much it's going to cost. He feels this is premature, and he is prepared to make a motion to deny. He said they should not be proceeding with these developments until they know the direction which the infrastructure is taking.

Commissioner Heringer stated that there is no progress made in any area unless some risks are taken. He said the houses are not going to be built until the Service Area is taken care of, so he sees no problem there. He feels that the Town of Esparto wants some growth, so he would like to accept the staff recommendation.

Commissioner Walker said he'd like to have some additional time spent to examine the possibility of incorporating some of Betty Woo's ideas into this. He expressed that, as far as financing, the developer has indicated that he's prepared to put the money up front.

Commissioner Gerber conveyed that he feels they're about two months away from approving this, he'd like to have a stronger sense that the Agency and Developer have a true meeting of the minds.

Commissioner Stephens stated that she thinks that not enough progress had been made. She'd like to see some of the Conditions of Approval tightened up. She said that they need to see something a little bit more substantive on the sewer and water. She recommended that this be continued.

Steven Basha, County Counsel, clarified that if this is denied, the only recourse is appeal to the Board of Supervisors, and there is no guarantee of it coming back.

Commissioner Woo said she supports what Commissioner Stephens recommends. She said there's so much stuff in the air that need to be tightened up, cleared up, and learned more about. She wants to be sure that things have been explored thoroughly.

Commissioner Walker said he would like a clarification, assuming that this project is going to come back, on the General Services District and the Lighting District, about who takes care of what, and where the funds come from. He stated that some of the unanswered questions need to be answered. He does not want to see the project denied.

Commissioner Heringer stated that they need to know something about the water district, service district and the tax structure. He feels they should focus where they're going.

Mr. Moran responded that he thinks a one-month extension is appropriate. He said he is willing to go to work and come back to the Commission in a month with some solid and definitive information to make the project happen. He stated that he'd like the opportunity to look at this more positively and he thinks he can get it done in a month.

Commissioner Rodegerdts asked that Mr. Moran consider, after further reflection, Commissioner Woo's suggestions about reorienting the alignment of the project, which may require going back to the drawing board. He said he'd like a little greater exposition on that subject.

Commissioner Lang commented that he would like staff to take a look at the General Plan of Esparto and see if there is a place for a park in that area. David Morrison said he will provide that information at the next meeting.

Commission Action

(1) **CONTINUED** the project until the next Planning Commission Meeting, for more information from the Developer and the Community Services District.

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

Following presentation of the application and the recommended action, a public hearing was held at which six people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately sixty minutes.

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The Commission recessed for lunch at 1:00 pm and reconvened at 1:30 pm.

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6.3 A reconsideration of an amendment to the Planning Commission's Rules of Conduct (J. Bencomo)

Steven Basha, County Counsel, stated that the day of the meeting was changed from the first Wednesday to the second Thursday. He said he made changes to make it consistent with the County Code, and that he added a note at the end of the Rules of Conduct, on Page 6 of 6, so that if there's a tie vote, it's treated as a denial but it goes up without any cost to the Applicant.

Steven Basha said that he does believe that the advice he gave the Commission that having the affirmative votes of four (a quorum) to approve any action is sound legally, other than the Code, from the standpoint it makes all of the Commission's decisions absolutely bulletproof, so no one can question their vote, since it's the will of the majority of the Commission.

Commissioner Rodegerdts stated that he is not in favor of having the affirmative votes of four. Commissioner Rodegerdts also expressed that the fact the Commission meets during the day is a very civilized way of doing business, that there are so many advantages over evening meetings.

Commissioner Stephens said she is in favor of the simple majority vote.

Commissioner Heringer expressed that the alternative for the quorum process is onerous too, because people have to be present, and if they're not, then the vote is shot down.

Steven Basha, County Counsel, responded to Commissioner Rodegerdts with the following:

- He stated he would have never put this in the Rules of Conduct if he had realized what was in the Code, and he apologized to the Commission for that -- it was an honest error. He said he felt that that was the best, and at the last meeting he looked at the Code because they were trying to decide whether there was any requirement on what day they had to meet, and he brought it back to the Commission at the first opportunity.

- He said he's pleased that Commissioner Rodegerdts has recognized the vision and wisdom of the Board of Supervisors in adopting the language that he so vocally supports, he thinks that's terrific.
- He expressed that, if the Commission adopts the Resolution in front of them, it will become effective at the April meeting, so that would change the meeting date from the first Wednesday to the second Thursday beginning in April.

Commission Action

That the Commission adopt the attached Resolution establishing new Rules of Conduct for Business Before the Commission, at the May Meeting.

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



6.4 **99-020** - Consideration of an amendment to the Yolo County Zoning Ordinance as it applies to the establishment of wineries. Applicant: Yolo County (M. Drack)

Marshall Drack presented the staff report and answered questions from the Commission. He passed out a 1-1/2 page errata to supplant the first 1-1/2 pages of the ordinance in the Agenda package, which reflects upon the validity of the existing ordinance should the Commission chose to take action. He stated that they're trying to make the Yolo County Zoning Ordinance more user friendly. He said the ordinance was not friendly or consistent with trying to promote wineries, wine crushing, wine tasting, wine tours, any of the things that staff has been working on in the last couple of years in Economic Development. He stated that the Board of Supervisors asked staff to take a look at it, and what is before the Commission is a proposal to entirely delete Sec. 8-2.2412, entitled "Wineries", and then basically look at each project that comes before the Planning Commission on a case-by-case basis, so the County can have the opportunity to attract more winery operations.

The public hearing was opened and closed. No one from the public came forward.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** that the proposed recommended action is exempt from the California Environmental Quality Act (CEQA) and Guidelines because it is NOT a project as defined therein;
- (1) **APPROVE** the attached Draft Ordinance (**Exhibit 1**) amending the Yolo County Zoning Ordinance.

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



7. ASSISTANT DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Planning and Public Works Department 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.

Assistant Director Bencomo brought the Commission up to date on the following:

- (1) Beau Chevaux Winery Appeal
- (2) Country West II Subdivision
- (3) Aquaculture Ponds
- (4) Agricultural Barn and Structure Issue
- (5) Turn of the Century Project



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 Walker expressed concern about a large dairy proposed in Plainfield, and he'd like the Commission to discuss whether they'd like to remain being excluded from these kinds of issues.
- (2) Commissioner Rodegerdts stated that he thinks it is reasonable and appropriate that the Commission take some action on Commissioner

Walker's suggestion about dairies, to see to it that something is implemented.

- (3) Commissioner Heringer expressed personal thanks for the cards and notes of sympathy he received relative to the loss of his wife in January 1999.
- (4) Commissioner Stephens said she met with Tom Moran and Commissioner Gerber yesterday about the C&J Properties' Development. Also, she explained the final language in the Draft Summary Report of the Economic Development Council Agricultural Advancement Committee.
- (5) Commissioner Gerber reported that he and Commissioner Stephens met with Tom Moran on Monday at the site, not yesterday.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:15 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Wednesday, April 7, 1999, 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** from the date of the action. A written notice of appeal specifying the grounds and an appeal fee **immediately** payable to the Clerk of the Board must be submitted **at the time of filing**. The Board of Supervisors may sustain, modify or overrule this decision.

Respectfully submitted by,

John Bencomo, Assistant Director
Yolo County Planning and Public Works Department

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