

MINUTES

YOLO COUNTY PLANNING COMMISSION

September 9, 1999

1. CALL TO ORDER

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

MEMBERS PRESENT: Gerber, Heringer, Lang, Peart, Stephens, and Woo
MEMBERS ABSENT: Walker
STAFF PRESENT: John Bencomo, Assistant Director
Dave Daly, Senior Planner
Marshall Drack, Economic Development Coordinator
Brett Hale, Chief Building Official
David Morrison, Resource Manager
Mark Hamblin, Associate Planner
Lance Lowe, Assistant Planner
Charles Mack, County Counsel
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director



2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action

The Revised Minutes of the June 10, 1999 meeting were approved with no corrections.

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

The Minutes of the July 8, 1999 meeting were approved with no corrections.

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



3. PUBLIC REQUESTS

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

No one from the public came forward.



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 **99-048-** A request for a Conditional Use Permit for a "granny" unit on a ten acre parcel. Subject property is located west of County Road 84A, north of Capay in the Agricultural General (A-1) zone. This project is Categorically Exempt. APN: 061-180-24. Applicant/Owner: James Oakum (L. E. Lowe)

Commission Action

- (1) **CERTIFIED** the Categorical Exemption prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines (**Exhibit "4"**);
- (2) **ADOPTED** the findings of approval for the Conditional Use Permit, as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit in accordance with the "Conditions of Approval" as presented in the staff report.

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

CONDITIONS OF APPROVAL

Planning and Public Works Department

1. The Conditional Use Permit shall commence within one (1) year from the date of the Planning Commission approval, or shall be deemed null and void.
2. The mobile home must be located as shown on the plot plan in a “clustered” configuration, as submitted. If, after approval of the Conditional Use Permit, any changes are proposed to the project by the applicant, they shall be reviewed and approved by the Yolo County Planning and Public Works Department, who may defer to the Planning Commission if he/she interprets the changes to be more than minor.
3. Prior to construction of the project the applicant shall contact the Yolo County Planning and Public Works Department, Environmental Health Department, and Pacific Gas & Electric Company for necessary Encroachment/Building/Health Permits.
4. The Conditional Use Permit, shall expire two years from the date of approval, unless it is renewed by the applicant. The permit may be renewed indefinitely for two-year periods thereafter.
5. The occupants of the proposed “granny” unit shall be restricted to one or two adults who are 62 years of age or older. The mobile home shall not be otherwise rented, leased, or conducted as a business.

The property owners and occupants of said granny unit shall be required to submit an affidavit every two years to this agency for review and approval, for the purpose of ensuring the continued compliance with the adopted conditions of approval, unless superceded by future code provisions for the allowances of second units.

6. The area of the proposed “granny” unit shall not exceed 1,200 square feet.
7. The mobile home may be placed on either a Health & Safety Code (H&S) “18613” (temporary foundation), an H&S “18551” (permanent foundation) or an engineered foundation system. While either foundation may be used, temporary mobile home structures/uses are approved and reviewed every two (2) years in the context of the Conditional Use Permit. Accordingly, non-compliance will result in the removal of the mobile home. Therefore, given the nature of the use, the applicant must anticipate the cost associated with removing the mobile home structure from the site upon termination of the use permit.
8. The mobile home shall have a fire suppression system installed, which shall conform to the latest conditions of NFPA 13D and local requirements.

9. Due to the temporary nature of the mobile home, the structure shall not be recorded as real property.
10. The applicant shall observe the "Right to Farm" dispute resolution ordinance for the incompatibility of residential and agricultural operations.

Fire District

11. The roofing materials for the proposed mobile home and any accessory structures shall be of fire resistive materials consistent with the California Department of Forestry and Capay Fire District requirements.
12. Applicant shall meet on-site water storage requirements for fire protection if required by the fire district. Prior to the issuance of the building permit, documentation of compliance shall be provided to the Yolo County Planning and Public Works Department.

County Counsel

13. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successor's or assignees 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 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 the 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.

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

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

FINDINGS OF APPROVAL (A summary of evidence to support each FINDING is shown in italics).

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #99-048, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an environmental evaluation (Initial Study) has been circulated and no significant comments have been received. In certifying the proposed 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 and a Categorical Exemption will be prepared under the following provisions:

15303 New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. (a) One single-family residence, or a second dwelling unit in a residential zone.

Conditional Use Permit

In granting a use permit, The Yolo County Planning Commission, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:

- (a) The requested use is listed as a Conditional Use in the Zone regulations under Conditional Uses in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zone;

The subject property is located in an Agricultural General (A-1) Zone. Second units are not listed as permitted conditional or accessory uses pursuant to the zone regulations or elsewhere in the chapter. However, Section 65852.1 of the State Planning and Zoning Law authorizes a county to issue a conditional use permit for the construction of second "granny" units in residential zones provided the criteria in Section 65852.2 subsection (A) through (I) has been met. In previous instances the Planning and Public Works Department has included the aforementioned provision be inclusive of agricultural zones.

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

Providing affordable housing at the local level has been a priority of the State due to the increasing demand of housing and the relative shortage of supply. As such, the state has implemented planning policies to require local governments to allow for second units. According to the State of California, "The legislature finds and declares that second units are a valuable form of housing in California. Second units provide housing for family members, students, the elderly, in home health care providers, the disabled, and others, at below market prices within existing neighborhoods". Due to the increasing need for housing for special population groups the requested use is essential and desirable to the public comfort and convenience.

- (c) The request will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The project's compliance with the requirements of applicable responsible agencies (Planning, Environmental Health, Fire and Building regulations) will avoid detrimental impacts to the public health, safety, or general welfare of the property or area.

- (d) The request will be in conformity with the Yolo County General Plan;

Pursuant to the Government Code Section 65030.1 all General plans are guided by a framework of officially approved statewide goals. Affordable housing has been included as part of those statewide goals. The goals of the Yolo County Housing Element include, but are not limited to: (1) To provide for the County's regional share of new housing for all income groups. (2) Encourage affordable housing, and (3) To ensure equal housing opportunity. The proposal is consistent with the above mentioned policies.

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

Pacific Gas and Electric Company will provide utilities. Access to the property will be provided by County Road 84 A (gravel road). The Yolo County Building Division and Environmental Health Departments will impose adequate safety/sanitation standards.

State of California Planning and Zoning Law

Notwithstanding Section 650-1, every local agency shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

- (a) The unit is not intended for sale and may be rented;

The unit is not for sale and will be occupied by the applicant's parents. An affidavit will be submitted every 2 years to ensure that the mobile home is in compliance with the Conditions of Approval.

- (b) The lot is zoned for single-family or multifamily use;

The parcel is not zoned for single-family or multifamily use. However, the County has taken into account the dire need for affordable housing with the County and has applied the state's provisions for second units to include agricultural zones.

- (c) The lot contains an existing single-family dwelling;

James and Deborah Oakum, the applicant's son and daughter in law own the existing single-family dwelling on the property.

- (d) The second unit is either attached to the existing dwelling and located with the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

The proposed unit is a separate, detached residence from the main single family dwelling unit on the property. The new residence will be "clustered" with the existing residence on the property in accordance with General Plan policy.

- (e) The increase in floor area of an attached second unit shall not exceed 30% of the existing living area;

As discussed above, the proposed structure will be detached from the main dwelling unit on the property. Consequently, this finding is inapplicable to the project.

- (f) The total area floor space for a detached second unit shall not exceed 1,200 square feet;

As incorporated into the Conditions of Approval, the dwelling unit shall not exceed 1,200 square feet.

- (g) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located shall be applied;

As part of the building permit process, the project will comply with all of the above noted items.

- (h) Local building code requirements which apply to detached dwellings, as appropriate;

Prior to the issuance of a building permit, approval from the Esparto Fire District, Environmental Health and the Public Works Division will be required.

- (i) Approval by the local health officer where a private sewage disposal system is being used;

The project has been sent to the Yolo County Environmental Health Department with no concerns noted. Approval by the Environmental Health Department for the unit is required prior to building permit issuance.

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6. REGULAR AGENDA

- 6.1 **99-045** – A Request for change of Zoning from Agricultural General (A-1) to Agricultural Preserve (A-P) and the establishment of one Williamson Act Contract for a 160 acre parcel. Subject parcel is located on the south side of CR 6, south of the Colusa County line in Dunnigan. A Negative Declaration has been prepared. APN: 052-030-13 Owner: Edith Hayes (L.E.Lowe)

Lance Lowe gave the staff report and answered questions from the Commission. He said the property is surrounded by agricultural properties.

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

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** the Negative Declaration, prepared for the change of zoning in accordance with the California Environmental Quality Act (CEQA) Guidelines (**Exhibit "5"**);
- (2) **ADOPT** the proposed "Findings" contained in the staff report in support of the proposed actions;
- (3) **ADOPT** an ordinance **APPROVING** the requested zone change from Agricultural General (A-1) to Agricultural Preserve (A-P) Zone (**Exhibit "3"**);
- (4) **APPROVE** the Land Conservation (Williamson Act) Contract for Edith A. Hayes for an approximate 160-acre parcel (**Exhibit "4"**).

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

Following presentation of the application and the recommended action, a public hearing was held at which no one from the public appeared, followed by a brief deliberation of the Planning Commission.

CONDITIONS OF APPROVAL

1. Upon approval by the Board of Supervisors, the property owner(s) shall execute a Williamson Act Contract for the subject Agricultural Preserve properties in a form approved by the Office of the County Counsel of Yolo County. Said contract shall be recorded at the property owner(s) expense in the Office of the Yolo County Clerk/Recorder. A copy of the recorded contract shall be returned to the Planning and Public Works Department prior to the issuance of a building entitlement on the subject 160-acre site.

County Counsel

2. In accordance with Yolo County Code Section 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 attach, 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.

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

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

FINDINGS *(A summary of evidence to support each FINDING is shown in italics)*

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #99-045, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

- (1) That the proposed Negative Declaration and Initial Study prepared for the project is the appropriate environmental documentation.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, Article 6 (Negative Declaration Process), an environmental evaluation has been prepared and circulated for "Responsible Agency" and public review and comment in accordance with CEQA. No significant comments and or concerns have been received. Consequently, staff has determined no significant effects are expected to occur as a result of the project and further environmental review is not warranted.

General Plan

- (2) That it is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits.

The Yolo County General Plan speaks to the preservation of agricultural land uses. The General Plan further supports the maintenance of land currently under Williamson Act Contract to promote this preservation. The applicant's request is consistent with these policies.

Further, the applicant has stated that the intent is to continue the farming the subject land, with the exclusion of a homesite. The proposed Williamson Act Contract will encourage this effort and give assurance of continued long-term agricultural operations on the land.

Yolo County Zoning Ordinance, Title 8, Chapter 2

- and (3) That the proposal is consistent with the Agricultural Preserve (A-P) Zoning district and preserves the current agricultural land use from the encroachment of non agricultural uses.

All surrounding properties are zoned Agricultural Preserve (A-P). The proposal entails the property going from Agricultural General (A-1) (the least restriction agricultural zoning) to Agricultural Preserve (A-P) (the most restriction zoning) and the establishment of a single Williamson Act Contract further restricting the property for agricultural purposes.

Upon entering the Williamson Act, the properties will be placed in the Agricultural Preserve # 64 totaling approximately 18,300 acres.

Accordingly, the proposal is consistent with the Agricultural Preserve Zoning district and preserves the current agricultural land use from the encroachment of non agricultural uses.

- (4) That the proposal is consistent with the Agricultural Preserve (A-P) zoning by promoting the prevention of encroachment of nonagricultural uses into the area.

The more restrictive zoning of Agricultural Preserve (A-P) coupled with the Land Conservation (Williamson Act) Contract prepared for the property will further promote the prevention of the encroachment of nonagricultural uses into the area.

- (5) That the proposed parcels, and existing operations, tend to maintain the agricultural economy.

As determined by the State Government Code in the administration of the Williamson Act the State has determined that 10 acres of prime (class I and II) and 40 acres of non-prime (class III-VIII) is viable self sustaining unit of farmland. Yolo County's zoning requirements are much more stringent than the State's requirements. According to the current Zoning Ordinance, Title 8, Chapter 2 Yolo County requires 80 acres where the soils are capable of cultivation and are irrigated, 160 acres where the soils area capable of cultivation, but are not irrigated and 320 acres where the property is not income producing (i.e. rangeland). The property consists of a quarter section (160 acres) of irrigated row crop. The proposal will more than meet both requirements as noted. The proposal and existing operations will tend to maintain the agricultural economy.

- (6) That the parcels covered under the proposed zoning and contract assure assistance in the preservation of important agricultural lands with public value as open space.

The property is in agricultural production and will remain in agricultural production. As defined in the Government Code Section 51200 known as the California Land Conservation Act of 1965 or as the Williamson Act, "agricultural use" shall be deemed to include recreational and open space use. Accordingly, the parcels covered under the proposed zoning and contract assure assistance in the preservation of important agricultural land with public value as open space.

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- 6.2. **99-040** – A Modification of an existing Conditional Use Permit to allow development of a four phase Master Site Plan involving a new office, research lab building and various ancillary agricultural structures totaling approximately 300,000 additional square footage of building area over the next five years. Subject property is located on State Highway 16, west of Woodland in the Agricultural General (A-1) and Agricultural Preserve (A-P) zones. A Mitigated Negative Declaration has been prepared. APNS: 025-470-21, 27 and 35. Owner: Brett Sanders/Seminis Vegetable Seeds, Inc. (L. E. Lowe)

Lance Lowe gave the staff report and explained where the project is located. He introduced Keith Addy, with ERHDR Architects in Sacramento.

Keith Addy gave an overview of the master plan proposal and explained five exhibits of the design and phasing of the project over the next five years.

Commissioner Stephens asked Mr. Addy if he has shifted the detention pond that was shown in Phase 1 to a later phase. Mr. Addy said it's between a Phase 1 and a Phase 2. She also asked if, on the three-story building, they've incorporated any design that will reduce the light and glare from adjacent properties. He answered that there are no immediate structures that would be affected by the addition of this building. The building has been designed conceptually, and it actually won't be designed until next year. She suggested that he consider this issue. Commissioner Stephens asked if all of the sewer and water needs will be provided onsite, and if there will be no connections to municipal services. Mr. Addy confirmed that as being correct.

Commissioner Woo asked Mr. Addy what kind of a time frame he's talking about for each of the phases. He said that, tentatively, Phase 1 is 1999/2000, Phase 2 is 2000/2002, Phase 3 is 2002/2004, and Phase 4 is overlapping 2003/2004. She also asked how they get the power for all of this. He said that all the greenhouses will be heated/cooled by propane, and depending on the function of the new buildings, they're always looking to use sustainable materials and they're trying to keep office functions towards the north side to eliminate large east-west areas of building. They're also trying, from a design standpoint and with their materials selection, to make the building look like an agricultural building. The intent is to be sensitive to the surrounding context and to respond to that as favorably as they can.

Commissioner Peart asked for a clarification about the zoning. Lance Lowe said the zoning has certain restrictions as to what can and cannot be done, and that the contract is another layer over that which further restricts the property and does provide tax benefits for the sole purpose of agriculture. He further stated that office buildings are accessory in the ag. zones, incidental and necessary to the permitted use, which would be the agricultural operations, so it is consistent with both the A-1 and the A-P zoning. Commissioner Peart further asked how we end up with land in ag. preserve but yet not under contract. John Bencomo added that very often in your typical ag. zones you'd have the ability to establish an ag. preserve contract which has certain restrictions that come with it, and for that the applicant or property owner is receiving some tax benefit. In this County, you typically will receive the ag. preserve zoning which is a significant step in that you actually have now changed the zoning, and in addition you will receive the ag. preserve contract which is the tax aspect. He said that when you non-renew and are no longer in the ag. preserve contract it will not automatically revert back to A-1.

Commissioner Gerber asked questions regarding employment at Seminis. Lance Lowe responded that he believes they're going to add about 50 employees, making the total about 200 employees. Commissioner Gerber also asked for clarification about the onion storage odors. Mr. Addy said they tried to address that by relocating the onion barns further back from the housing.

Commissioner Heringer asked whether the traffic issue has been sorted out. Mr. Addy said the left-

hand turn lane they will be adding was a requirement of Caltrans. It is being added so that people who are continuing traveling westbound on Highway 16 will not be stopped by employees turning into the Seminis site. Additionally, the radii of the curve cuts going into the site on both sides has been modified to allow for accelerated cars to slow down and to turn onto the site without impeding traffic that's continuing in either east or westbound direction. Commissioner Heringer suggested that Lance Lowe discuss transportation issues with Seminis, such as whether the city should furnish buses or whether the company should have its own bus, how many employees live in or outside of Woodland, and would it be appropriate to have a place where they could gather outside of Woodland and be brought in by bus. Lance Lowe responded that they will take a look at that issue.

The public hearing was opened.

Jim Kareofelas, member of Knights Landing Advisory Committee, asked how many employees there are presently. The owner answered that there was approximately 180, and in Phase 4 and 5 there will be about 230. He asked what type of sanitation facilities are being planned or are in existence now. The response was septic tanks. Mr. Addy pointed out the current leach fields and the potential expansion of leach fields next to the detention pond, so that all future development waste will be handled on site. Mr. Addy said there's a 150,000 gallon tank well on site for their own water system. Mr. Kareofelas said his main concern is, with the possible future number of employees plus the conference center near there, it may require something more than leach lines in the future, and he feels this should be considered.

John Bencomo suggested that, in light of some of the comments that were made by the Commission, the following added conditions be considered: (1) that the final design scheme be returned before the Commission with respect to the concerns about the scale and fenestration, particularly as it's viewed from the streetscape, from Highway 16, and from the surrounding residential. He thinks that for a project of this scale, and particularly with the kind of volume of pedestrian traffic on Highway 16, that it be important that we have a positive structure there. He said he's not asking for the specific details of the design components, but just a concept, a rendering that the Commission can feel comfortable with about what's going in there; and (2) With respect to the car pooling and transportation issues, with the number of employees at this facility, it's a very good candidate to incorporate some kind of company-sponsored van pooling, car pooling, etc.. He believes there are still some programs through the Air Quality Management District that would actually provide some incentives for that.

John Bencomo asked the Commission to consider that the above conditions be added and that staff return to the Commission at a subsequent meeting to demonstrate that they have followed up on these issues.

Commissioner Stephens asked if will be taxed as an A-P use. John Bencomo said they're not subject to the tax benefit portion because they are not under contract, and they do not incur that right now.

Commissioner Lang asked John Bencomo if he feels comfortable with the leach line system for that many people and that much water volume. John Bencomo said that this was reviewed by Environmental Health, and that he will revisit them to address the Commission's concerns.

Commissioner Gerber asked whether the phased proposal could become more than four phases. Lance Lowe said that if it's a significant major deviation from what is now presented, it will ultimately go back to the Commission at staff's discretion.

Steven Basha, County Counsel, confirmed with the owners that they have looked at the Conditions

of Approval that are already in the staff report and are agreeable with them. They said they are in agreement.

The public hearing was closed.

A ten minute recess was called.

Steven Basha, County Counsel, stated that there was some consideration expressed by some of the Commissioners to add Conditions with regards to the traffic, with regards to the sanitation, and with regards to the three-story building design. He said he has discussed those with the applicant and he would like to suggest to the entire Commission the addition of these three conditions: (1) Explore with the Yolo County Transportation District, the Yolo County Transportation Management Authority, and the Yolo-Solano Air Quality Management District, and any other appropriate agencies, ways to reduce employee and visitor traffic impacts; (2) Revisit with County Environmental Health, the sanitation system to assure compliance with all applicable laws regarding prevention of groundwater contamination; (3) Design of the 56,750 square foot, three-story building, is subject to Planning Commission approval for light/glare minimization and design compatibility with surrounding agrarian environment, particularly with regard to structural design, exterior finishes, and architectural scale.

Commissioner Lang asked the representative from Seminis and the Architect who made the presentation for their comments on the conditions.

Kathy Ward, with Seminis Vegetable Seeds, said the three additional conditions of approval do meet their approval.

The architect, Mr. Addy, confirmed that he understands the terms light/glare minimization and design compatibility with surrounding agrarian environment, particularly with regard to structural design, exterior finishes, and architectural scale. He also confirmed that he has to satisfy these folks.

Commission Action

- (1) **CERTIFIED** the Mitigated Negative Declaration prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines (**Exhibit "4"**);
- (2) **ADOPTED** the findings of approval for the Conditional Use Permit Modification, as presented in the staff report;
- (3) **APPROVED** the modification of Conditional Use Permit (ZF # 3336) in accordance with the "Conditions of Approval" as presented in the staff report, as amended.

MOTION: Heringer SECOND: Stephens
AYES: Gerber, Heringer, Lang, Peart, Stephens, and Woo
NOES: None

ABSTAIN: None
ABSENT: Walker

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

CONDITIONS OF APPROVAL

Planning and Public Works Department

1. Design of the 56,750 square foot, three-story building, is subject to Planning Commission approval for light/glare minimization and design compatibility with surrounding agrarian environment, particularly with regard to structural design, exterior finishes, and architectural scale.
2. Explore with the Yolo County Transportation District, the Yolo County Transportation Management Authority, and the Yolo-Solano Air Quality Management District, and any other appropriate agencies, ways to reduce employee and visitor traffic impacts
3. The applicant shall be responsible for all costs associated with implementing the conditions contained within this staff report.
4. The project and phasing shall remain consistent with the project as proposed and contained within this staff report. If, after approval of the design by the Planning Commission, any changes are proposed to the project by Seminis Vegetable Seeds, Inc. they shall be reviewed and approved by the Yolo County Planning and Public Works Department, who may defer to the Planning Commission if he/she interprets the changes to be substantially different from the approved project.
5. Prior to approval of building permits, the Planning and Public Works Director shall approve a landscape plan.
6. Construction activities shall be limited from 6:00 am to 6:00 pm, Monday through Friday.
7. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
8. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including but not limited to the Woodland Unified School District, Willow Oak Fire Protection District, County Facility fees, and environmental health fees.
9. Any grading in excess of 50 cubic yards will require a grading permit to be approved by the Chief Building Official pursuant to Appendix 33 of the 1998 Uniform Building Code. The grading permit shall include a drainage plan to ensure the project site adequately drains into existing and proposed detention ponds.
10. As part of each building submittal, the applicant shall provide a site drainage plan showing the finish floor elevation, finish grade elevation, and general topography into the natural drainage way on-site.

11. If a pad is to be raised, a soils report for the pad performed by a geotechnical engineer will be required. Building foundations and slabs shall comply with any special requirements included in the soils report.
12. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
13. Encroachment permits shall be obtained from the Planning and Public Works Department prior to any work within the County right-of-way.
14. Revisit with County Environmental Health, the sanitation system to assure compliance with all applicable laws regarding prevention of groundwater contamination.

California Department of Transportation

Mitigation Measure

15. A West bound left turn lane and shoulder frontage improvements shall be required of the project. Seminis shall complete all necessary roadway and driveway improvements with respect to State Route 16 concurrent with Phase I construction. Cal-Trans encroachment permit(s) shall be evidenced to the County prior to building permit issuance. Final approval of the respective improvements shall be obtained, to the satisfaction of the Planning and Public Works Department, prior to the issuance of a certificate of occupancy for the office and research lab building.

Department of Fish and Game

The project has been sent to the California Department of Fish and Game. As of the date of this document, no information has been received from the Department of Fish and Game regarding this site. Prior to the issuance of a building permit with the County of Yolo, the applicant shall mitigate for the loss of Swainson's Hawk habitat according to the California Department of Fish and Game Swainson's Hawk

Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish and Game.

County Counsel

17. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successor's or assignees 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 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 the 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.

18. 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 evidence to support each FINDING is shown in italics).

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File # 99-040, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

That the proposed Mitigated Negative Declaration is the appropriate level of environmental review pursuant to the California Environmental Quality Act (CEQA) Article 6, Section 15070 of the CEQA Guidelines (**Exhibit "5"**).

The Initial study identified potentially significant effects, but: Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are release for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an environmental evaluation (Initial Study) has been circulated and comments received have been incorporated into the project as "Conditions of Approval". Subsequently, the Mitigated Negative Declaration has been circulated for 30 days for public review and to responding "Responsible" Agencies having jurisdiction over the project with no further comments noted.

Conditional Use Permit

In granting a use permit, The Yolo County Planning Commission, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:

- (a) The requested use is listed as a Conditional Use in the Zone regulations under Conditional Uses in the Agricultural General (A-1) and Agricultural Preserve (A-P) Zone;

The project is listed as conditional uses in both the Agricultural General (A-1) and Agricultural Preserve (A-P) Zone. Pursuant to Section 8-2.604 of Conditional Uses allowed in the Agricultural General (A-1) Zone, subsection (t) Commercial and industrial uses of primary and essential service to the agricultural use of the area, including, but not limited to, almond hulling; fruit, grain, and bean storage and drying; the sale of fertilizers and insecticides; the sale and repair of farm equipment and machinery, such

as tractors and cultivators; and the limited manufacture of such equipment and machinery for use with such area.

Under the provisions of the Agricultural Preserve (A-P) Zone, the project is listed as a Conditional Use in subsection (p) of Article 4, Section 8-2.404. of the County Zoning Ordinance. Subsection (p) reads as follows:(p) Agricultural related industrial uses not otherwise listed as a permitted, accessory, or conditional use in this zone, including product processing plants and laboratories used in the production of food and fiber provided that it is found that the proposed use (1) will serve and support production of agriculture within Yolo County, (2) is not appropriate for location within a city or town, (3) cannot be reasonably located on lands zoned A-1, AGI, or A-E and (4) if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils. The project coincides with both of the provisions of the Agricultural Zones under Conditional Use Permits.

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

The project further enhances the character of the surrounding area development with the boundaries of the existing campus by strengthening agriculture as the leading business industry and job provider locally. Surrounding developments adjacent to and along public right-of-ways will be enhanced by a new project whose design and image are intended to compliment and fortify the agricultural character of the region.

- (c) The request will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The new facility and subsequent future expansion will not be detrimental to the public interest, health safety, convenience or welfare. New site improvements will include the addition of a new westbound left turn lane an eastbound deceleration lane off of State Highway 16.

- (d) The request will be in conformity with the Yolo County General Plan;

The project for new Building 2,000 and all subsequent future improvements are consistent with the provisions of the Yolo County General Plan. The existing Seminis Vegetable Seed site due south of State Highway 16 is zoned Agricultural General (A-1). Past property acquisitions and lot line adjustments added the west portion of the site which is zoned Agricultural Preserve (A-P). The east parcel most recently acquired, extends to County Road 98 and is zoned Agricultural General (A-1). The entire Seminis campus is surrounded by parcels to the north zoned A-P, and to the south zoned A-1.

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

Adequate utilities will be provided via local providers. The property will be accessed by State Route (SR) 16 with site improvements completed under the jurisdiction of the California Department of Transportation. Drainage will be

collected onsite by existing and proposed retention ponds on the property. The capacity of which was reviewed and approved by the Yolo County Planning and Public Works Department.



- 6.3. **99-031** – A continuance of a request for a three year extension of time to file a Tentative Subdivision Map for the Wildwing Country Club Subdivision. Subject property is located on the north side of State Highway 16, 5 miles west of Woodland in the Residential/PD=45 zone. An EIR was previously certified for this project. APN: 025-440-17, 43 and 025-190-61. Applicant/Owner: Milton Watts (M. Hamblin)

Commission Action

- (1) **DIRECTED** staff to continue this item at the November 1999 Planning Commission Meeting, in accordance with the applicant/owner's request.

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



- 6.4. **99-007** – A compliance review of a Conditional Use Permit that allowed for the operation of a vehicle dismantling and wrecking operation in Dunnigan. APN's: 051-202-04, 05, 06, and 07. Owner: Clifton Backhaus (M. Hamblin)

Commissioner Peart asked if he could be excused from voting on this issue since he does business with the Backhaus family. Commissioner Lang agreed.

Mark Hamblin gave the staff report and asked for the Commission's guidance as to how to proceed.

John Bencomo said one of his overriding concerns is the issue of integrity and credibility for the conditions that we impose.

Commissioner Woo asked if the wrecking yard has been visited lately. Mark Hamblin said no he hasn't been out there lately.

Commissioner Lang asked if they are within the site area. Mark Hamblin said the majority of the area is within the proposed industrial designated area, but he cannot elaborate more specifically without having dimensions for it.

Commissioner Woo asked for clarification on the recommended action. Mark Hamblin said that at the hearing it would be requested of the Commission to say whether or not this facility is in violation, which would trigger a formal investigation. John Bencomo said that, at that point, staff would bring forward more specific evidence, and he feels it's obvious that some of the conditions in the permit which dealt with the height of the actual junk pile (storage of the materials) far exceeded what was characterized in the use permit. He also stated that, up to

this point, they have not been able to get a great deal of cooperation from the applicant in terms of responding, and his understanding from others is that the pile has increased in size.

John Bencomo said the purpose today is to draw the attention to both the applicants and the surrounding property owners that we are serious about visiting this issue, and to give them an opportunity to give their side of the story.

Steven Basha, County Counsel, said that, from his perspective, the purpose of this item being on today's agenda is just to see if there's a basis to take this next step. He stated that everything the Commission hears today goes to this decision and would not be evidence that would be used as part of the revocation hearing -- that case would have to be made at that time. Anyone who makes a presentation today, if the recommended action is approved by the Commission, would have to come back and present those specifics all over again if they want to be part of the revocation hearing.

The public hearing was opened.

Adella and Clifton Backhaus, owners of Smith's Auto Center, and Spencer Backhaus, manager of Smith's Auto Center, expressed that they believe the main issue is the high pile, and that all the other yards are having the same problem because the price right now is rock bottom. They said they're getting so much scrap because a lot of the farmers are dumping it right by their back gate, so they have to bring it in so they can open the gates and operate. They explained a map of their operation.

Adella Backhaus said they had a workshop of the Dunnigan Citizen's Committee to try to get this issue resolved. She said that Eric Lindsay said they did a real good service to the community, because before them, the residents next door to the north had brought all their old wrecks in from the highway that they'd towed.

Spencer Backhaus showed the Commission some pictures of other wrecking yards in the town of Woodland, showing that their cars, etc., are sticking up above their fences.

Commissioner Heringer said he appreciates the pictures, but that everybody is breaking the code. He said that the zoning could be changed, but that wouldn't improve the situation about the junk pile being too high, or that they're over the fence.

Spencer Backhaus said that until the price goes up, it probably will stick up above the fence. He said the prices are starting to climb so they're hoping that it won't take too much longer to take care of the problem. He said he doesn't see any way possible that vehicles and harvesters sticking above the fence can be avoided.

Commissioner Heringer asked if they've closed the yard to this type of thing. They said that right now they're not taking any more since they have no room.

Steven Basha, County Counsel, asked Spencer Backhaus to identify who took the pictures and when they were taken, and that they will be kept as part of the record.

John Bencomo refined the perspective, stating that the Backhaus' property is properly zoned and has a proper use permit, so that's not the question, the question is the terms. He recognizes that they do provide a much-needed service, particularly in a rural community, because the junk has to go somewhere. He said that, while he's sympathetic to the change in

the market, it's not something that is a major focus at this time. His concern is primarily the operational characteristics and how that impacts adjoining property, and that his goal is to find a balance between an ability for them to maintain their operation, and hopefully in a profitable manner, and not impact to the detriment of the residential properties that are adjoining.

Commissioner Stephens asked what their hours of operations are now. They stated they start until 8:00 in the morning and work until 5:00.

Steven Basha, County, Counsel, asked if they aren't accepting new materials now, and what their operation consists of.

Spencer Backhaus stated that right now they're cleaning up, and getting things organized, because when they receive it in it comes in all mixed (heavy iron, tin, wire, etc.), and when they take it to a place they won't receive it that way. He said they don't receive anything in now, they're just separating it and cutting it down. They stated that the State inspector came out and said they have a clean yard.

Commissioner Woo asked how their business makes money. They explained that they have a AAA towing outfit, and are trying to get certified as a recycling operation. They are attempting to phase out their scrap yard business, since it's not a profitable business.

Roxanna Payntar, neighbor of Backhaus' Towing Service, said their property doesn't affect anything in the neighborhood since there are no aesthetics out there in the country. She has not heard them work before or after hours. She feels they do a good service to the community, and that it keeps the neighborhood safe.

Sally Hastings, neighbor since 1968, expressed that she disagrees with Roxanna Payntar, and that she has been awakened at 2:00 a.m. by the clanging of metal. She stated she, her family, and Ruby Flesner are not enemies of the Backhaus family, and that they only ask that they make a living in accordance within the parameters of the law and the local ordinance, and they not respond vindictively to this request.

Ruby Flesner, neighbor of the junkyard, said that no junkyard should be operated in such a messy condition. She expressed that she is bothered by noise every morning, every day of the week, and in the middle of the night.

Commissioner Stephens asked if they operate a towing service. Mrs. Backhaus said their towing service is operated in the main property for which they first got the use permit.

Commissioner Gerber asked when they haul vehicles in. Mrs. Backhaus responded they hardly ever bring them into the yard, they tow them elsewhere. She agreed that the tow trucks leave the yard during the night in response to CHP.

Clifton Backhaus stated that they do not work in the yard at night – they have no lights and it's too dangerous.

Spencer Backhaus invited anyone who is interested to come out and tour their site.

Commissioner Stephens asked if they've attempted to tell farmers that they can't handle harvesters, etc. Clifton Backhaus said they do, but that the farmers don't have any way to get rid of it, and they beg them to take it. Spencer Backhaus said they cut up some at the job site and bring it in piece at a time. Spencer Backhaus said the farmers are aware that they are not accepting anything at the present time.

The public hearing was closed.

John Bencomo suggested that the Commission consider that the use permit be revisited and revise the conditions of the use permit to clarify what is expected and what is allowable and to address some of the operational characteristics to make those clear. For example, there's no mention with regard to the operational hours, etc. He believes that will help in this effort. The proposed draft conditions can be discussed with the Backhaus family and possibly with the Dunnigan Committee and/or the surrounding neighbors and see that it's amenable to others concerns as well.

Commissioner Stephens asked if there are any interim stipulations about not adding any more to the pile even though the family is voluntarily doing that, so that the problem will not become worse until they can take some final action. John Bencomo said he thinks that direction could be given to the Backhaus family at this time from the Commission in terms of the Commission's position on the current use permit. He said his hope and intent is to bring this back as soon as possible for formal action, possibly at the next meeting.

Commissioner Gerber thinks John Bencomo's suggestion is a good one. He thinks the conditions are not clear for the current permit, and that he believes it is a good idea to revisit and rethink what's happening out there and what needs to happen.

John Bencomo said that procedurally we need to go through the process that was recommended in the staff report. He clarified that, as a staff, his goal was not to hinder the use permit as much as just to revisit the conditions and hopefully bring some clarity to the operation and the expectations.

In answer to Commissioner Lang, Steven Basha, County Counsel, stated that the purpose of the revocation hearing would be to delve into the issue further, factually, to see what's going on. He said the hearing will probably be reasonably similar to today, but he suggested that the Commission focus in on facts and try to gather as many objective, not subjective, facts as they can. The purpose of the hearing would be to elicit facts and support for one position or another.

Commissioner Heringer said he doesn't think it's any question they're out of compliance. He sees no way to correct this but to go into this hearing and gather some facts.

Commission Action

DIRECTED staff to schedule a conditional use permit revocation hearing for an automobile wrecking yard if it is found to be in violation of the County's Zone regulations, including non-compliance with its conditions of approval, and/or impair the integrity or character of the neighborhood.

MOTION: Heringer SECOND: Stephens
AYES: Gerber, Heringer, Lang, Stephens, and Woo
NOES: None

ABSTAIN: Peart
ABSENT: Walker

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

CONDITIONS OF APPROVAL

Existing conditions previously approved by the Planning Commission for the operation.

1. A conditional use permit to allow the continuance of an existing wrecking yard for the storage and dismantling of cars in the M-2 Zone.
2. The wrecking yard is to be operated in a manner not detrimental to the surrounding area.
3. The portion of the parcel to the north of the existing homesite is not to be used for the storage or operation of the wrecking yard.
4. The wrecked vehicles to be stored are completely fenced with a solid screen fence (8 to 12 foot high solid fence).
5. The designated "buffer parcel" is to be free and clear of vehicles and equipment by June 30, 1989 and all wood shall be removed by December 31, 1989.
6. An 8 foot metal fence is to be constructed between the wrecking yard and the buffer parcel.
7. An 8 foot steel fence is to constructed along the northern boundary of the residential suburban (R-S) zoned property by July 31, 1989.
8. An 8 foot steel fence is to constructed along the western boundary of the residential suburban zoned property by December 31, 1989.
9. A gate shall be built across the PG&E easement between the block wall and steel fence by July 31, 1989.
10. Landscaping shall be in place along the fence to be constructed on the northern boundary of the residential suburban (R-S) zoned property by April 15, 1989.



- 6.5. **ZF 2044** – A compliance review of Conditional Use Permit for the Roving Knight Recreational Park in Knights Landing. APN: 056-282-13. Owner: Stan Young/Roving Knight RV Park (L. E. Lowe)

Lance Lowe presented the staff report. He said the original Conditional Use Permit was approved in 1968 and had allowances for approximately twenty recreational vehicles. It was at that time that the residents could stay up to a period of six months, and subsequently the owner had been notified that people were living there permanently. In 1976, the use permit was

modified to include permanent living on the site. At that time, as part of the modification, it also included that a yearly joint inspection be held with Housing and Community Development, which regulates mobile home parks, and County Planning staff. As a result of numerous staff changes, this has never been followed up, and it has come to staff's attention, as a result of numerous complaints. Staff subsequently conducted a staff visit with members of the Health Department, Building Divisions, and Environmental Health and the Fire District. Consequently a letter was sent to the owner notifying him of numerous health and safety violations, particularly in regard to environmental health and life threatening electrical issues.

Lance Lowe stated that he has been in contact with the owner on several occasions, as well as a representative of HCD, and at this time they're looking at doing a joint inspection at a later date and bring it back to the Commission. Staff wants to bring it to the forefront that the permits are acquired and that the Conditional Use Permit is renewed annually as stipulated in the Conditions of Approval in 1976.

Commissioner Heringer asked who owns this property. Lance Lowe said it's owned by Mr. Stan Young, and it's zoned R3/RDP so it's consistent with the zoning.

John Bencomo added that the primary concern he has with regard to this establishment is the overall condition of the site. He thinks that the conditions and the whole format of the use permit is lacking in clarity. He feels that the County and the State HCD Agency did fall down in terms of not living up to their own requirement for the annual inspections. He personally doesn't think the applicant is without some responsibility in that as well, because it is his use permit and it is his responsibility to see to it that he stays in compliance with those terms. He stated that a primary concern to him and to Environmental Health and the local fire representative is that it is a safe environment. He's not sure that if there was a catastrophe or fire, there would be the equipment or manpower to provide the emergency services that are necessary. He would like to see the site come up to both fire and building code and become a habitable site. He stated that the use permit is expired and out of compliance, and that the use permit conditions should be revisited and solidified in terms of clarity.

Commissioner Woo asked if the difference between this item and the previous one is that they still had a use permit which couldn't be modified until it was revoked and a new one given. In this instance they have no use permit, it's expired and gone, so when we're talking about amending the use permit, we can do that this time without revoking because there's nothing to revoke. John Bencomo said yes, and that they would actually have to apply. He stated that another distinction is that in the other instance the applicant did not respond, and had not been cooperative through the years, and to the credit of this applicant, he has made effort to cooperate thus far, even though more cooperation is needed.

The public hearing was opened.

Stan Young, owner of the park, mentioned that the first 20 spaces were designed by County Planning staff. He said that in those days recreational vehicles were different, and that each additional improvement in the park has been submitted to State Housing, who has regularly inspected, and it meets all the codes. He stated that most of the people are not permanent – there are annuals who come in every year and stay three, four or five months and go to a different job. He feels he is in compliance with all the comments made by staff.

Commissioner Gerber asked how much on-site management is at the park. Mr. Young said he

has a manager and his wife, and an assistant manager and his wife, and there is someone there 24 hours a day.

Commissioner Woo said she appreciated getting his list of how they're correcting items. Mr. Young said he thinks they've taken care of just about everything. He commented that the original park was built under the old electrical code, and later the code was changed and those first 20 spaces are under the old code, and they meet the code at the time.

Commissioner Stephens asked Mr. Young if he's meeting current code requirements. Mr. Young said the State Housing has inspected them over the years many times and the only thing they find wrong are maintenance problems like dripping faucets, sewer connection hoses, and similar items, which are correctable and that one of those happens almost daily in a moving park. Commissioner Stephens asked if he's planning any further upgrades to his park. He answered that he is not at the moment. He said all but the first 20 are up to code and have adequate space.

Commissioner Heringer asked how many of the original 20 spots are in permanent housing. Mr. Young answered that about half are. Commissioner Heringer asked if the rent has been raised on those lots. Mr. Young said no, not in the last couple of years. He said that the electrical, 30 amps service to each RV, still meets the code. He stated that the electrical to the box for the trailer is up to code.

Commissioner Lang asked what kind of fire district Knights Landing has. Mr. Young said it's a good volunteer fire department that amazingly quick. He said they have a hydrant just off the RV park site. He said they're down behind the levee and he's not concerned that if one caught on fire he would lose everything. There are four entrances to the park which are all available to the fire department.

Commissioner Stephens asked Mr. Young if he meets required psi for fire suppression if they don't have enough water. He answered that the fire hydrants have plenty, but that they don't have enough to irrigate properly when people are all using their water.

John Bencomo stated that the community has had inadequate pressure for some time, and that Planning and Public Works Department is currently assisting the community with a grant and a loan to put in another well and a pump. He is not sure if that will address the fire protection issue, it's just to keep the system, in general, somewhat adequate.

Mr. Young said their water system may be annoying, but it gets the job done.

Mary Leiser, from the Knights Landing Advisory Committee, said they are trying to upgrade the Knights Landing Community, especially with having this new General Plan, and that Stan Young has been a problem in the community. She expressed that he does not live in the community, and to get him to do these things has been almost impossible. She stated that the chief of the fire department has had big concerns with the trailer park on the propane tanks, and as far as the water, there has been a problem with the pressure in the community. She believes Mr. Young should continually upgrade his property for the people who are living there. She said Mr. Young also owns other property in Knights Landing in a nice residential area, and it has been brought to the attention of the Advisory Committee that the property is a disgrace and has four trailers in deplorable condition and a boat stored on it. She stressed that they'd like to see this trailer park made livable for the residents, and that it is her understanding that the State has not inspected the property for a long time

Mr. Young said the boat yard where he has his office is zoned C-2, and storage isn't permitted

under the C-2, but parking is. He said they do park both trailers and autos on the pavement in the back, but they're not long term, and they are on wheels. He stated that the Fifth Street property originally was built by Standard Oil Company many years ago, and was purchased by Beneto Oil who continues to store trucks and do mechanical work in the shop, even though Mr. Young now owns the property. He said he has a letter from the Planning Department which recognizes the pre-existing use and even though it's zoned residential, it just says to go ahead and use it the way its always been used, but don't expand on it. He said that as far as upgrading the park is concerned, all they have is electric, water, and sewer – there aren't buildings, so he doesn't know what else to do besides mow the grass.

Mary Leiser, Advisory Committee, added that as a good neighbor and a landlord for the community, that he should be appalled that he's forcing these people to see this visual blight.

John Bencomo stated that the primary issue today is the trailer park, and staff would still hold the same recommendations.

Carol McNamar, Assistant at the RV park, said that as far as the Fire Department, they had no problem at all going through, and if they did, she was not made aware. She expressed that the park has been getting cleaner.

Audrey Garner, resident of Knights Landing, feels that when they added the other 23 spaces that piping should have been upgraded.

The public hearing was closed.

Commissioner Stephens specified the following issues that need to be addressed: (1) Electrical being a very large one, (2) the sizing of the water lines, and (3) compatibility with the General Plan that has just been adopted, to correct any blighted aspects or upgrades.

Commissioner Lang said that when Mr. Young comes in for a permit to do anything else, then he will have to come in compliance with all the rest of the rules. John Bencomo said, typically, yes.

Steven Basha, County Counsel, stated that Mr. Young is operating with an expired permit, and that when there's an application, and it comes before the Commission, they can impose all lawful conditions.

Commission Action

- (1) **DIRECTED** staff to continue work on a joint inspection with the California Housing and Community Development Department (HCD) to rectify issues of concern evidenced by a previous inspection, and;
- (2) **DIRECTED** staff to make a subsequent progress report back to the Commission for evaluation with recommendations regarding an amendment to the original Conditional Use Permit and Conditions of Approval.
- (3) **DIRECTED** staff to pay particular attention to the electrical, the size of the water lines, the compatibility with the newly adopted General Plan and fire protection issues.

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

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



6.6. **99-053** - A Request for a workshop on Draft Amendments to the Yolo County Zoning Code regarding Agricultural Zones. Applicant: Yolo County Planning and Public Works Department (J. Bencomo, D. Daly, M. Drack, D. Morrison)

Marshall Drack explained that some of the reasons why the agricultural portions of the ordinance are being rewritten at this time are policy changes that occur over time. The ordinance needs to reflect what the Board and this Commission have done, and things that have happened to Yolo County over the last 10, 15, 20, and 30 years or more.

The rewrite highlights are as follows:

- Increasing the minimum parcel size in the A-1 Zone from 5 to 20 acres.
- Increasing the minimum parcel size in the AP Zone for Williamson Act Contracted parcels being split from 20 acres for irrigated land to 40 acres, and from 40 acres for non-irrigated land, to 80 acres.
- Preparation of an Agricultural Land Conversion Ordinance (in progress) which addresses the urbanization of Ag. lands by requiring replacement of lands removed from production, when converted to urban uses.
- Intensification of the industrial uses allowed in the Agricultural Industry Zone. This is intended to encourage industry, jobs, and services in Yolo County compatible with agriculture. It is also intended to require that project proponents come to the County with all information necessary for this Commission to review the proposed project prior to recommending any Rezoning or Use Permit to the Board. (Site Plan; Environmental; Engineering; Mapping; Preliminary Design Standards, etc.) Once the AGI Zone is approved, any change in use, consistent with the purposes of the AGI Zone, could then be approved or denied by a Minor Use Permit, administered by the Zoning Administrator. This streamlined process is intended as another attractant to agricultural industry.
- Elimination of the AE Zone. This was one of the original ideas to preserve agricultural lands – it requires that the lands around the AE Zone be Agricultural. This is in effect taken care of by the General Plan, the Agricultural Preserve Zone, the Williamson Act Contracts, etc. AE Zone is therefore a duplication of other existing land use controls already in place.
- Simplification and standardization of language referring to Williamson Act Contracts, and their administration.
- Identification of certain agricultural uses which should be more closely scrutinized for purposes of public health and safety (e.g., Feed Lot Dairies).
- Identification and expansion of land uses which bring in sales tax revenues that are compatible with agriculture or a rural setting, such as bed and breakfasts, wineries,

- lodges, and farmer's markets.
- Simplification of certain sections, which over time, had accumulated multiple references within the entire Zoning Ordinance, and at times, were difficult for staff and the general public to comprehend if not impossible for the County to enforce (e.g., who can live in a mobile home, and where).
- General Housekeeping in cleaning up unnecessary format matters and old tracking information (e.g., deleted references to previous deleted sections).
- Writing numerous definitions to assist with routine interpretation of the document, as well as enforcement of its intent (e.g., "Rural Recreation").
- Changing "Permitted" uses to "Principal" uses, so that the Department can review and comment upon a proposed use.
- Routine use of the Minor Use Permit process for purposes of streamlining simple matters (e.g., "Animal hospitals, veterinary offices, and kennels").

John Bencomo addressed the above-mentioned policy issues, Dave Daly presented the actual ordinance rewrite to the Commission.

Commissioner Stephens asked why dairies went under the minor use permit vs. the major. John Bencomo said it's basically site specific. It would be based on environmental, and if it's going to be a major dairy, and it's controversial, it will be kicked up to the Planning Commission level. His idea is to bring things in at the lowest level possible with all the safeguards in place, and if necessary they can always be kicked up.

John Bencomo clarified that this item is a continuation of what was started many months ago, and his hope is that it could come back next month as an action item.

Commissioner Stephens asked if staff dealt with the Super Williamson Act.

John Bencomo said he is anticipating going to the Board on September 28, 1999 to do both the 20-year Williamson Act, as well as the ag. element and revisiting of the growth management map, and that the ordinance requirements will be addressed at that time. He said the intent for the ag. element is that it will provide a greater foundation for some of the ag. economic changes they want to provide in the ordinance.

David Morrison explained the Ag. Mitigation Ordinance. He said the Board of Supervisors has asked that staff expand the ag. mitigation policy to all conversion of ag. land to non-agricultural uses, which is what this additional section in the zoning code is intended to implement. Discussion was held and questions from the Commission were answered.

Commission Action

DIRECTED staff to continue this item at the October 14, 1999 Planning Commission Meeting as an action item.



- 6.7. A Request for a workshop on Draft Amendments to the Yolo County Administrative Code regarding the exemption of Agricultural Buildings from the Building Permit Requirements. Applicant: Yolo County, Office of the County Counsel (C. Mack)

Charles Mack, County Counsel, distributed and explained a Draft Ordinance, a Draft Owner's Agreement, and a Draft Agricultural Building Permit Exemption Requirements, as follows:

The Board of Supervisors has struggled with a policy problem which is that of the interplay between the operation of the normal uniform building code and the other building codes and agricultural operations, certain agricultural buildings, and a perceived problem, a part of the segment of the farming community.

The Board heard from both the regulatory interest and the farming interest, and after going through a series of hearings, made a rough cut and asked him to prepare a draft, consisting of the Board's marching orders and a couple of issues that probably won't get resolved until the very final policy determination of what happens. The resolution is that there is an option for the Board not to relax the rules, not to change the standards, not to build something smaller, lighter, or lesser, but simply withdraw the County permit system and simply leave those involved to pursue the building aspect on their own. The draft does that for a limited class of buildings and applies to what the uniform codes define as agricultural buildings. He said they're concerned with maintaining property lines, maintaining setbacks, protecting wells and septic systems, protecting utility access and fire access and anything that would cause fire risk. These agricultural buildings must comply with the zoning regulations, which means they have to be in an agricultural zone and comply with the various setbacks and other zoning requirements, and meet the health and safety requirements.

There will be referral to Environmental Health to determine the environmental health aspects, and to the Local Fire Chief for determining the fire access and fire fighting aspects. It is also required that the elevation be set so as to satisfy FEMA. Another aspect included is that one of the ground rules is that no utilities are to be furnished to the interior of the building and no mechanical permit is to be required. Maximum limit on the size of building and parcel size are additional areas to provoke discussion.

Charles Mack said the Board of Supervisors is interested in getting input from the Commission, persons from the agricultural interest, and participation from the larger community.

Commissioner Lang asked questions about the size limit. Charles Mack said that if it is decided there should be a size limit, the obligation is to plug in the magic number.

Commissioner Stephens asked if the prior regulation eliminated the lights inside the building. Charles Mack answered that, to him, lights, mechanical, and plumbing inside the building are the hallmarks of an operation. He stated that an operational facility is outside the definition of an ag. building and outside the whole arena where there is a policy tradition for relaxing the rules.

Commissioner Stephens asked if there has been any thought to what the appropriate fees might be and if they will cover the costs of monitoring and implementing this ordinance. Charles Mack said the Board is in the process of discussing who should bear the burden of policy formulation, whether it should be spread among the applicants or be borne by the County.

Chris Konwinski, Attorney representing Joe Heidrick and inadvertently the whole agricultural community in this circumstance, said this has been to the Board of Supervisors twice now, and this is the second time in front of this Commission. At the last Board of Supervisor's meeting, he understood that they wanted to implement an exemption of some sort for an ag. building from a permit, and that the Board had three or four issues that they were still open about, which include:

Inside Utilities -- Mr. Konwinski said he believes that is an important issue to address, and that if electrical, mechanical, or water is put inside the building, a permit is needed. In response to Commissioner Stephens question, he stated that ag. buildings under UBC202 now are allowed to have power and there are less requirements on those buildings by their nature, because they are not permitted by the definition. It's a structure designed and constructed to house farm instruments, hay, grain, poultry, livestock, or other horticultural products, not for use by the public. Those buildings now have relaxed standards from the building code and also allow power. Lights are needed in a hay building, which is a safety issue. As far as an agricultural building, it lists grain storage, and augers, fans, different things for cooling/temperatures might be needed. There are reasons for commodity storage where power is necessary. If that was excluded, a farmer who realizes later that he does need lights since it's not safe, would have to, in addition to getting a permit for electricity, go back and re-permit this building after the building is built, which is not an easy process. He fears that this would create an incentive for people to start running the extension cord or doing something inappropriate or making buildings that weren't as productive as they could be because a fair usage has been precluded.

If a permit is obtained for water, electrical, or mechanical, then an inspector is allowed on the property.

Fire Chief Intervention – The Board expressed an interest in making sure that it was commensurate with what was necessary for fire protection, but there are also issues about making sure too many tasks are not being delegated to the Fire Department or somehow shifting the County's responsibility to the Fire Department. Mr. Konwinski believes that, with the Fire Chief's situation, if they're given, by this ordinance, a great degree of discretion, there's no source for method of appeal for any difference aside from litigation. When looking at trying to simplify things, he wants to make sure that in an ordinance more power is not given than is appropriate. He said he wants to make sure these things are safe from a fire standpoint to make sure there's access, etc., but that we don't want to add new discretionary requirements that nobody has control over, with exception of the Fire Chief.

As to the Fire Chief, Mr. Konwinski spoke with County Counsel in advance of this meeting. On Page 3, No. 6, where it refers to the Fire Chief of the local fire district, County Counsel expressed that his intent is that this merely dictate what current lies. Mr. Konwinski said he has no problem that it is determined that the building complies with the access and water supply, but the question is, when we say "has determined", what does that mean that the Fire Chief has to do? To him, this paragraph sounds like he takes on the role of building inspector, and he's not sure that is something anybody really wants to put on them. He feels it's more appropriate that there's just a process where the site plan is submitted for compliance. The same is submitted to the Fire Chief, and that will show where the roadways are, where the access is, where the nearest water is, and he can determine if that is or isn't appropriate. By the agreement that's at the end of these documents, this has to be the code, and has to meet all the fire obligations. He doesn't think the role of the Fire Chief should be increased to become the building inspector, and he doesn't think that's going to work in the current system that we have. He said he's especially troubled by the last part of that, where it says, "and that the proposed building complies with any reasonable conditions required to attain compliance, including but not limited to, reasonable conditions imposed because of limitations in fire flow". He stated that he's had the opportunity to hear a few of the discussions before this matter, and he knows that ambiguity was one of the problems.

He said he doesn't know what reasonable conditions imposed because of limitations in fire flow. He feels that if it says we're going to abide by the fire code, that's fine, but once we start adding this kind of language, he's worried we're going to have the same problem. He wants to make sure that whatever we create is able to be understood by the next person or people three or four years from now when they try to determine what this means.

— Minimum Parcel Size – As far as the issue of the size of the building that was addressed, and was not listed and specifically withdrawn as an issue to be raised, the Board of Supervisors was comfortable without a size limit. Mr. Konwinski agrees that if County Counsel puts it into the document the discussion will continue as to the size. His understanding is that the Board was concerned about the building size, but no one could come to grips as to what would be the limitation. The important thing being looked at is why we're here making this application in the first place. He said we're looking at big buildings and commodity storage and agricultural storage, and with the economies of scale these buildings have to be big. He said if we come with a number, the poor guy who wants it 1,000 more feet has to go through the same process his clients had to go through to change this whole thing. He submits that picking a wild number out of the blue wouldn't be appropriate either. He feels that staff, or anybody, is always free to bring up that issue to the Commission if there is a safety concern. He advocates that the Board of Supervisors weren't looking at size, and he would submit that this shouldn't be something that we're troubled with.

Mr. Konwinski says he agrees with County Counsel to an extent. There are certainly small parcels that may not have any utility from a farming standpoint, but could very well be used with a storage site. You look at the way some of these ranches are configured, a lot of times the headquarters or where something is going on, those tend to be some of the smaller parcels, and that's generally where you're going to want to put a storage facility – putting it out in a field won't do anybody good. He thinks that rather than just absolute on a minimum parcel size, one thing we have to remember is that it limits the zoning to A-1 or A-P, so by its nature we're not going to be in a residential zone. There's a chance that that could be a neighboring zone, and he recommends that, rather than limiting the parcel size, maybe say that it has to be at least 200 feet, or whatever the best number is, but from a zoning other than A-P or A-1. If it happens to be a parcel that abuts a residential area, you make sure that the building isn't there, but doesn't exclude that parcel that's somewhere out in the bypass that's a perfect place to put a storage building like this.

The last item he's concerned with, which he and County Counsel agree on, is No. 3 of the Owner's Agreement. It provides a procedure in the event that there's a violation. He thinks that from previous discussions, they've eliminated the fact that you've gone through a hearing process and, after it has been determined by either the Planning Commission or the Board of Supervisors, then you'll go with this remedial section, because right now the way it reads, it says "I understand and agree that if 90 days after receipt of written notice from Yolo County that I have not cured a violation of exemption, I must remove the building". He thinks that whatever process is currently used for some kind of violation, it would be appropriate that it would go through that process, then once you've had the opportunity to exhaust your remedies and discussions through hearings, then at that point you would have the requirement that you either cure the defect or remove it. He doesn't think just on a random notice that's an appropriate remedy to be providing.

Marshall Drack, on behalf of the Planning and Public Works Department, clarified that the first few pages would be the policy, and the last three pages would become an application, like a four-color application at the counter. He also said that this information would get translated into boxes, parcel number, ownership statements, etc. He stated that they work very closely with all elements of the County on this, and what they're trying to do is give back to the ag. community. They have to put those standards in forthright language so that anybody can understand it so there will be no interpretation problems.

Charles Mack, County Counsel, replied to Chris Konwinski. He said that, when it comes to location, he liked his idea about a setback from a non-ag. zone, and that he'd be happy to work on some notice and hearing language before a take-down order.

Commissioner Heringer asked what the limitations are in fire flow. Charles Mack said that the fire code leaves it open because that is determined by the facts involved. He said he's thrown it back to the Uniform Fire Code which has a very general standard. He expressed that he would appreciate any suggestions. Commissioner Heringer said that what kind of a fire it is would be better language than limitations of fire flow. Charles Mack answered that the Uniform Fire Code is concerned with available water supply for fire suppression, and where there is no water pipe then it's left by the code to the expression of the chief. Charles Mack said he will do what he can to address the issue.

The public hearing was closed.

John Bencomo clarified that, as a workshop, it was the intent to provide the public forum and then for the Commission to provide any comments that will be taken forward to the Board when this is an action item. He said that written comments can also be submitted from the Commission.

Commissioner Gerber suggested that Mr. Konwinski's concerns be discussed by the Commission.

Commissioner Lang expressed that this should be left ambiguous. He feels the more ambiguous, the better they are.

Commissioner Heringer said he thinks no electricity is too strict and way off base. He said he feels lights are absolutely essential if the owner wants them.

Commissioner Peart stated that he agrees with Commissioner Heringer on the electrical part. He said we're not talking about safety of the electrical parts, because it will have to meet standards to be hooked up by PG&E, so there will be some standards that will have to be met as far as the safety part of the electrical. He thinks that the Board of Supervisors is doing everything they can to accommodate the agricultural community on these large buildings, and things should not be cluttered up and made more difficult. He said he has a little problem with the fire chiefs. They have a lot of power and they can cause a lot of unnecessary problems when they're going strictly by the fire code.

Commissioner Woo said they should take Charles Mack up on his offer to put in some wording on hearing. Charles Mack said he'll be glad to do that.

Commissioner Peart said the 200 foot setback was a very good idea and would like to see that included, from a zone other than A-1 of ag. preserve.

Commissioner Stephens thinks the limitation on lighting is unreasonable, and that the spacing between non-compatible zoning should be handled on a minimum parcel size. It's either a setback or buffer or whatever you want to call it. She's not sure that 200 feet is the appropriate size. She thinks this should be deferred to Planning administrators to determine what is an adequate buffer.

John Bencomo said the building requirement is maximum 60 feet per structure, and so in that regard 200 feet sounds more than adequate. He thinks that the issue raised with respect to setback also broaches the area of compatibility and some other more buffer aspects, and that's where it becomes a little more gray and is really on a site-by-site basis. He suggested that in some unique cases there may be some residences that are on either side of a small parcel, in which case someone else may want to come in and put a gigantic structure. He's not sure how appropriate that would be.

Charles Mack asked John Bencomo if, when he talked about a site-by-site, his concern was that 200 feet might not be enough, or that they might not need 200 feet. John Bencomo said he was just trying to address Commissioner Stephens' concern that maybe 200 feet may not be adequate.

Commissioner Stephens said she thinks it depends on the situation, and in many cases it isn't even an issue. It's only if there are different types of land uses and when you go without a permit, sometimes you have to put in a little more protection to treat those cases that might fall through the cracks. She's not saying it needs to be more than 200 feet, she doesn't think you can tell until you look at the site, and so she maybe would rather see it just a uniform setback of some sort. She thinks that might be to the detriment of the farmers, because in lots of cases there's no need for any setback other than 60 feet, and that the whole intent of this is to not get a permit.

Commissioner Heringer stated that he would like to see them clean up that fire chief Paragraph No. 6 and add language that's understandable to the general public, particularly the limitations of fire flow.

Commissioner Woo asked if the local fire chief has to be consulted on these things. Brett Hale said a big issue with them is their first responder. Charles Mack thinks that some sort of regulation is critical.

Commissioner Peart said that the Dunnigan Fire District requires a 20 foot road in and out with a 90 foot turnaround so they won't have to back up their fire trucks, and that is required on all buildings that are over 200 feet from a County road. They're going to have to have a 20 foot road in to be able to turn and come back out.

Commissioner Heringer said the most important piece of equipment in a fire with hay is a forklift to move the hay out of the barn.

John Bencomo suggested that the Commission identify some specific areas that they want to ask County Counsel and the staff to revisit, and in light of their comments and interests, take a look at those, and in forming their final document for the Board review, respond to some of those issues.

Commission Action

DIRECTED staff to revisit the fire, utility, and land use issues.



The Commission recessed for lunch and will reconvene with Item 6.6.

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) Ag. Element
- (2) Twenty-Year Williamson Act Workshop
- (3) Growth Management Map
- (4) Turn of the Century Rescission
- (5) Planning Commissioner's Workshop in Monterey on November 5 and 6.



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.

No reports from the Commission.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:00 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday, October 14, 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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