

MINUTES
YOLO COUNTY PLANNING COMMISSION
October 14, 1999

1. CALL TO ORDER

Vice Chair Woo called the meeting to order at 8:37 a.m.

MEMBERS PRESENT: Gerber, Heringer, Peart, Stephens, Walker, and Woo
MEMBERS ABSENT: Lang
STAFF PRESENT: John Bencomo, Assistant Director
Dave Daly, Senior Planner
Lance Lowe, Assistant Planner
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action

The Minutes of the September 9, 1999 meeting were approved with no corrections.

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

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3. PUBLIC REQUESTS

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

No one from the public came forward.

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4. CORRESPONDENCE

Vice Chair Woo 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 **99-041** - A request for a Conditional Use Permit to allow for a granny dwelling unit. Subject parcel is located on 1822 County Road 96B near Woodland in the Agricultural General (A-1) zone. This project is Categorically Exempt. APN: 025-210-66. Owner/Applicant: Marc and Cheri Battaglia (L. 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: Stephens
 AYES: Gerber, Heringer, Peart, Stephens, Walker, and Woo
 NOES: None
 ABSTAIN: None
 ABSENT: Lang

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 structures 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.

The property owners or 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.

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.
6. The mobile home was placed on either a Health & Safety Code (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.
7. The applicant shall observe the "Right to Farm" dispute resolution ordinance for the incompatibility of residential and agricultural operations.

Fire District

8. 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 Yolo County Planning and Public Works Department.

County Counsel

9. 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.

10. 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 # 99-041, 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) 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" (e.g., 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 other necessary facilities will be provided;

Pacific Gas and Electric Company will provide utilities. Access to the property will be provided by County Road 96B. The Yolo County Building Division and Environmental Health Departments will impose adequate safety/sanitation standards.

State of California Planning and Zoning Law

Notwithstanding Section 65901, 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 property owner's parents. An affidavit will be submitted every 2 years to ensure that the manufactured home is in compliance with the Conditions of Approval unless superceded by new zoning provisions that allow for second units as accessory units in the Agricultural General (A-1) Zone.

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

The parcel is not zoned for single-family or multi-family use. However, Yolo County has taken into account the dire need for affordable housing within the County and has consequently applied the state's provisions for second units to be inclusive of both the residential and agricultural zones.

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

Marc and Sheri Battaglia are planning on constructing the primary dwelling upon approval of the second "granny" unit.

- (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 "granny" unit is a separate, detached residence from the future primary single family dwelling unit on the property. The new residence will be "clustered" with the converted "granny" unit 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 does not apply to the project.

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

As indicated in the staff report staff had reviewed the existing dwelling unit to ensure the dwelling met with the "granny" unit criteria. The dwelling does not exceed 1,200 square feet of building area.

- (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 requirements.

- (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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- 5.2 **99-047** - A request for a Conditional Use Permit to allow for a granny dwelling unit. Subject parcel is located at 12230 County Road 84A in Capay in the Agricultural General (A-1) zone. This project is Categorically Exempt. APN: 061-180-02. Owner/Applicant: Martin and Susan Von Barga (L. 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: Stephens
 AYES: Gerber, Heringer, Peart, Stephens, Walker, and Woo
 NOES: None
 ABSTAIN: None
 ABSENT: Lang

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 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 other 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 65901, 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 Conditionals 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 within 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;

Martin and Susan Von Bargen the applicant's own an existing 1,400 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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- 5.3 **99-058** - A request to certify the Environmental Review Determination, a Negative Declaration, for the construction and crossing of a new water piping system at Putah Creek being designed for the Willowbank County Service Area. The pipeline crossing will serve to connect the City of Davis water system to the Willowbank Community Services Association water system for emergency backup and/or supply. Two scenarios are included in the Initial Study and are both being considered: one above the ground and one below. Subject location is along Putah Creek upstream (east) of Mace Blvd. and downstream of the County Road 32D crossing in a Residential Suburban (RS) Zone. Owner/Applicant: Willowbank Services/Yolo County Planning and Public Works (L. Lowe)

Commission Action

- (1) **CERTIFIED** the 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" – Negative Declaration and Initial Study**).

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

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 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 "4"**).

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 released 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.

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- 5.4. **99-062** - A request to certify the environmental document for a Floodplain Development Permit to construct four weirs, install erosion control measures, and plant native vegetation within the Cache Creek channel in the A-1 (General Agricultural) and A-P (Agricultural Preserve) zones. The project is located west of County Road 41 and north of State Highway 16, near Rumsey. A Negative Declaration has been prepared. APNS: 060-230-03, -04, and 06; 060-251-01. Applicant: Yolo County Planning and Public Works Department. Owners: Chester R. Lloyd, Chester G. Lloyd and Jan Lowrey et al. (D. Morrison)

Commission Action

- (1) **DIRECTED** staff to remove item from the October 14, 1999, agenda. It was placed on the Planning Commission agenda in error.

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

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6. REGULAR AGENDA

6.1 **99-029** - Grading and leveling of an approximate 7.5 acre area, and offsite hauling the resulting approximate 58,000 cubic yards of soil and aggregate. The project will occur over a five year period. The reason for the project is to incorporate the resulting level acreage into an existing agricultural operation. Location is 18946 County Road 95A, Woodland in the Agricultural Preserve (A-P) zone. A Negative Declaration has been prepared. APN: 025-200-33. Applicant/Owner: Tim and Jennifer Geerts (D. Daly)

Commission Action

(1) **DIRECTED** staff to continue item to the meeting of December 9, 1999.

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

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6.2. **99-038** - A request for a division of a 6.5 acre parcel into 4 Residential Suburban (R-S/B43) lots. The zoned parcel is located on the west side of Willow Avenue, north of Clarksburg Road, in the Residential Suburban (R-S)/B43. A Negative Declaration has been prepared. APN: 043-230-47. Owner/Applicant: Charles Pacheco (D. Daly)

Dave Daly gave the staff report, explained where the project is located, and answered questions from the Commission.

Commissioner Heringer asked if the private access road will be gravel, and if it's passable in the winter time. Dave Daly answered, yes.

Commissioner Gerber asked when the Clarksburg Advisory Committee approved this proposal. Dave Daly said approval occurred during the last couple of months.

Dave Daly clarified background information for Commissioner Woo regarding entitlements by the County.

The public hearing was opened.

Charles Pacheco, applicant, gave a brief description of the project and requested approval. He said he's read the Conditions of Approval and he and his partners have signed off on it and are willing to do what it takes to get it done.

The public hearing was closed.

Commission Action

(1) **CERTIFIED** that the proposed Negative Declaration was prepared pursuant to the

California Environmental Quality Act (CEQA) Guidelines;

- (2) **ADOPTED** the proposed **FINDINGS** contained in the staff report in support of the proposed actions; and,
- (3) **APPROVED** Tentative Parcel Map (TPM) #4415 subject to the **CONDITIONS OF APPROVAL** contained in the staff report.

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

Following presentation of the application and the recommended action, a public hearing was held at which one person from the public appeared, followed by a short deliberation of the Planning Commission.

CONDITIONS OF APPROVAL

Planning

- 1. The Covenants, Conditions & Restrictions (CC & R's) of each of the four proposed parcels shall contain "Right to Farm" provisions for adjacent and surrounding agricultural operations.
- 2. Final placement of each proposed single-family residence shall be reviewed and are subject to approval by staff prior to building permit issuance.
- 3. The applicant shall provide a minimum dwelling unit side yard setback of 20 feet from the south property line of Parcel 1.
- 4. The proposed Private Access Road shown on the tentative map shall be recorded as a private access easement for Parcels 2, 3 and 4, and for the parcel which the private road bisects located adjacent and south of the site (APN 043-230-44). The access road shall be privately and proportionately maintained by all affected subsequent property owner(s). The access easement and CC & R's concerning maintenance, repair, etc., shall be recorded concurrent with Final Parcel Map.
- 5. Initially, the proposed Private Access Road serving Parcels 2, 3 and 4 shall be improved as a compacted all weather surface sufficient to support large fire apparatus, refuse collection trucks, etc. Engineering design details of the Private Road including construction materials, compaction, drainage and roadside ditches, etc., shall be reviewed and are subject to approval by staff prior to Final Map recordation.
- 6. In addition to Condition No. 5, in the event the property located adjacent and south of the subject Private Road (APN 043-230-44), subdivides into additional single-family parcels, the Road shall be designed in such a way as to allow further construction and completion of the Road to Yolo County Cul-de-Sac Standards (ST. P244.1), including curbs, gutters and pavement, but excluding sidewalk improvements. The CC & R's for Parcel 2, 3 & 4 as required by Condition No. 4 above, shall contain provisions allowing developers of

the subject adjoining property to complete the Private Road to cul-de-sac standards.

7. The proposed Private Access Road shall be constructed concurrent with development of Parcel 2, 3 or 4, whichever occurs first. The subject Road shall be completed prior to occupancy permit issuance for Parcel 2, 3 or 4, whichever occurs first.
8. The applicant shall obtain the appropriate encroachment permit(s) for any construction activity within the Willow Avenue County right-of-way.
9. Grading of each proposed parcel shall be such as to not create drainage/runoff onto any adjoining property. Final grading plans shall be submitted with initial building permit application for each parcel. Final grading plans shall require review and approval by Planning & Public works Department staff prior to building permit issuance.

Building

10. As part of building permit application for each parcel, the applicant shall submit a site drainage plan showing the finished grade and floor elevation. This can be a surveyed plan or based on reference elevation points on the site.
11. A soils report shall be prepared for any raised building pad area and be submitted with building permit application. The soils report shall be prepared by a qualified geotechnical engineer.
12. Prior to Final Parcel Map recordation, authorization to access Parcel 1 across the irrigation ditch/easement along Willow Avenue shall be sufficiently evidenced to County staff. Prior to building permit issuance for Parcel 1 all necessary permits shall be provided to the County for construction of a private driveway and approach across and within the irrigation easement.

Fire District

13. Electrical power to serve each parcel shall be initially connected to on-site water wells and pumps, and subsequently to the each residence and/or other structures.
14. A Fire Department water supply connection of 1 1/2 inch (minimum), shall be installed for each parcel and be located between the water well pump / water tank and any proposed dwellings. The water supply connection line shall include a shut-off valve.
15. Each dwelling shall include a fire sprinkler suppression system pursuant to County Code. Appropriate information demonstrating the adequacy of water pressure for fire flow protection shall be submitted to the County Building Division for review and approval at the building permit application stage.
16. Access to each residence and proposed parcel shall consist of a minimum 20 foot wide driveway constructed of a compacted all-weather surface. Construction details to be approved by staff prior to building permit issuance for each dwelling.

Public Utilities

17. Property owners, or representatives of each, shall call Pacific Bell's Underground

Service Alert (USA) two days prior to the commencement of any underground work.

18. The applicant shall be responsible for installation and/or relocation costs of any public utilities required to service the construction and placement of a residences or other buildings on each parcel. Public utilities shall be installed in accordance with Uniform Building Code (UBC) requirements, and are subject to review and approval by the Yolo County Building Division. Any utility easements required for the purpose of serving proposed dwellings shall be the responsibility of the applicant (documentation, recordation, etc.).
19. Deeds shall expressly reserve any utility easement of record on all affected parcels unless otherwise abandoned.

Fish & Game

20. Prior to issuance of a building permit for each parcel the applicant shall compensate for the loss of Swainson's Hawk habitat according to the California Department of Fish & Game Swainson's Hawk Guidelines. This may be through a Habitat Mitigation Fee payable and due at the building permit stage prior to permit issuance.

County Counsel

21. 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.

FINDINGS *(A summary of the 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 #99-038, 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 public review and comment in accordance with CEQA, and no significant effects are expected to occur as a result of the project.

Yolo County and Clarksburg Community General Plans

- (2) That the proposal is consistent with adopted residential land use designations and policies of the Yolo County General Plan and Clarksburg Community General Plan.

The Yolo County General Plan (Master Plan) designates the subject site as Agriculture (AG). County General Plan land Use Policy – LU 11, speaks to the application of County policy with respect to the AG designation. Land Use Policy LU 11 applies if a Community Plan does not otherwise provide for specific policy or land use designation. The project site is located within the Clarksburg Community General Plan.

Community General Plan Policy states: "The areas designated RL on the General Plan (Clarksburg Community Plan), shall be zoned and used for light residential uses as described under the RL designation of the Yolo County General Plan."

The RL designation of the Yolo County General Plan allows for up to 6 dwelling units per net acre. The requested tentative parcel map proposes a density of 1.625 dwelling units per acre well below the allowable density range.

Residential Suburban (R-S) Zoning

Zoning Code – Article 7

- (3) That the proposed tentative parcel map meets the requirements of the Residential Suburban (R-S) Zoning District.

The R-S zone allows one single-family dwelling unit per lot. Lot area minimum within the R-S district is ½ acre. In addition to residential land use allowances, and minimum density and lot area standards, the proposed parcel map is consistent with lot dimension requirements of the R-S zone.

Subdivision Map Act

- (4) That the proposed tentative parcel map is consistent with the State Subdivision Map Act in regards to the Yolo County General Plan.

As required by Section 66473.5 of the Subdivision Map Act, the proposed tentative parcel map, including provisions for its design and improvements, is consistent with the Yolo County General Plan and relevant policies contained therein, as discussed in Finding 2 above.



- 6.3. **99-050** – A request for a Lot Line Adjustment and Reversion to Acreage Map #4177. Additionally, the Reversion to Acreage properties have been placed under joint easement with the Yolo County Land Trust and Yolo County Resource Conservation district totaling 113 acres. Property is located at 28472 County Road 87D near Winters in the Agricultural Preserve (A-P) zone. This project is Categorically Exempt. APNS: 030-190-10,11,13,14,15 and 16. Owner/Applicant: Peter and Debbie Hunter (L. Lowe)

Lance Lowe gave the staff report and answered questions from the Commission.

Commissioner Walker asked if the reversion can be changed back to its former state. Lance Lowe said it's a perpetual easement with the Yolo County Land Trust.

John Bencomo further clarified that in addition to all those encumbrances already mentioned, it would require a partial map, at the very least, if not a subdivision map that would have to be approved by this body in the future.

Commissioner Peart asked if it cannot be developed by anyone else if it's under a conservation easement. Lance Lowe said yes. Commissioner Peart asked if the lot line adjustment would be possible under the Williamson Act if it was not under a conservation easement. Lance Lowe said the contract is not being changed, the contract boundaries around the perimeter of the property will remain the same.

Commissioner Walker asked Steven Basha, County Counsel, for clarification about perpetuity. He also expressed that he would like to see the perpetuity issue discussed by the Commission in the future.

Commissioner Heringer expressed that he has a problem with perpetuity also.

John Bencomo clarified that the easement was part of the background information and is already in place. He said that before them today is a lot line adjustment and the elimination of some underlying lots that still remain in the parcels.

The public hearing was opened.

Peter Hunter, landowner, clarified that the easement has not actually been signed yet. He said they believe strongly in the preservation of agricultural land. He said the reason they wanted the easement was to exactly overlay the parcel lines.

Peter Hunter answered Steven Basha, County Counsel, by stating that the Conditions of Approval are agreeable with him. He said the only one he questioned was the maintenance of the road easements (Condition No. 2). After a period of clarifications and discussion, Condition No. 2 was eliminated. Mr. Hunter agreed with the modified Conditions of Approval.

The public hearing was closed.

Commissioner Woo said she believes the project is very commendable.

Commissioner Stephens commended Mr. Hunter because this is a very admirable project in an area that is very prone to development pressures.

Commission Action

- (1) **CERTIFIED** the Categorical Exemption is the appropriate level of Environmental Review pursuant to the California Environmental Quality Act (CEQA) Guidelines (**Exhibit "5"**);
- (2) **ADOPTED** the "Findings" for approval for the Lot Line Adjustment and Reversion to Acreage Map as presented in the staff report;

- (3) **RECOMMENDED APPROVAL** of the Lot Line Adjustment and Reversion to Acreage Map in accordance with the "Conditions of Approval" as presented in the staff report, with the exception of Condition No. 2.

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

Following presentation of the application and the recommended action, a public hearing was held at which one person from the public appeared, followed by a short deliberation of the Planning Commission.

CONDITIONS OF APPROVAL

1. The Reversion to Acreage Map shall not have any effect on privately held easements or rights-of-ways shown or not shown on the Final Map.
2. The Final Map for the project shall be filed with the Yolo County Planning and Public Works Department within two years from the date of approval by the Planning Commission or the Tentative Reversion to Acreage Map shall become null and void without any further action in accordance with the State Subdivision Map Act.
3. 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.

4. 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 #99-050, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

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

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an environmental evaluation has been prepared and circulated for "Responsible Agency" comment in accordance with CEQA. No significant comments have been received as of the date of this staff report. Consequently, staff has concluded no significant effects are expected to occur as a result of the project. A Categorical Exemption Class 5 and 17 will be prepared.

LOT LINE ADJUSTMENTS

In accordance with Yolo County Code Section 8-1.454. (Ordinance 939, effective November 18, 1982) the Yolo County Planning Director finds the following have been made in the affirmative:

1. That the application is complete;

On August 11, 1999 The Planning and Public Works Department had sent a letter of completeness to the applicant to acknowledge the completeness of application Zone File # 99-050.

2. That all record title holders who are required by the Subdivision Map Act of the State to consent to the Lot Line Adjustment have consented and the Public Works Department has approved the proposal as complying with said act;

Title of the properties is vested in Peter J. Hunter, as Trustee of the late Reginald A. Hunter, and Peter J. Hunter, also known as Peter James Hunter, a married man as his sole and separate property as to Parcels 1 and 2. And Peter J. Hunter and Deborah A. Hunter, husband and wife, as joint tenants as to Parcels 3, 4 and 5. A letter has been submitted with the signatures of both Peter and Debbie Hunter in acknowledgement of the project.

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

The applicants have retained a licensed land surveyor to prepare the Lot Line Adjustment and Reversion to Acreage Map (# 4177). The map submitted has been reviewed by the Planning and Public Works Staff and is an accurate depiction of the properties.

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

All existing easements currently encumbering the property will remain and be delineated on the final map unless written notarized documentation is provided relinquishing said easements. A 20 foot access and utility easement will also be added to provide access to the newly created 20 acre parcel adjoining the existing easement from County Road 87D and terminating at the northwest corner of the parcel.

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

The Lot Line Adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel. The application is accompanied with new easements for utility and access purposes to parcels that have been created as a result of the Lot Line Adjustment.

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

The design of the resulting parcels will not comply with existing requirements as to area. However, the parcels are existing as a result of the Waughtel's Subdivision Map filed on March of 1893. Consequently, the parcels have been "grandfathered" in as legal parcels pursuant to the Subdivision Map Act and are legally non-conforming as to the current zoning requirements for area in the Agricultural Preserve (A-P) Zone. On July 6, 1999 a "Request for Comments was mailed to the appropriate "Responsible Agencies" with no significant responses to warrant further review. As a result, all other aspects of the project, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and all other requirements have been satisfied. The project is in accordance with the Subdivision Map Act, County Zoning Regulations and General Plan.

In accordance with Section 8-2.408(e)(3) of Article 4 of Title 8, and provisions of the Blue Ribbon Ordinance No. 1157, the Yolo County Planning Commission finds:

7. That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of non-agricultural uses;

The properties are located immediately northwest of the City of Winters which will experience increasing pressures to develop due to the City's close proximity to urban employment centers such as Vacaville, Fairfield and San Francisco. The project will allow to the fullest extent, the encroachment of non-agricultural uses within the area. The reversion to acreage, Williamson Act Contract for the property coupled with the joint Conservation Easements approved by the Board of Supervisors will preclude any development on the property.

8. That the parcels resulting from the Lot Line Adjustment will tend to maintain the agricultural economy;

The Lot Line Adjustment will separate out agricultural property from non-agricultural property by the removal of five acres from an approximate 25 acre parcel in the Agricultural Preserve (A-P) Zone. The removed five acres will be added to properties that have underlying lots, which will be reverted to acreage encompassing approximately 93.70 acres. Pursuant to the Government Code, agricultural properties shall be large enough to sustain their agricultural

use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land. Approval of the project will maintain the agricultural economy pursuant to the Government Code (Williamson Act).

9. That the parcels resulting from the Lot Line Adjustment will tend to assist in the preservation of prime agricultural land;

The parcels resulting from the Lot Line Adjustment will tend to assist in the preservation of prime agricultural land due to the existence of both the Williamson Act Contract and joint Conservation Easements for the properties. Any development not consistent with the Williamson Act and conservation easement will be prohibited.

10. That the parcels resulting from the Lot Line Adjustment will preserve lands with public value as open space;

By definition pursuant to the Williamson Act (Government Code Section 51205) of the State, where the term "agricultural land" is used it shall be deemed to include land devoted to include open space use. The properties are in agricultural production orchard land for the production of prunes which is synonymous with open space land.

11. That the proposed use is consistent with the General Plan;

The Board of Supervisors adopted the most recent Yolo County General Plan on July 17, 1983. While there have been some policy changes since that time, there have been no comprehensive revisions of the Plan since its adoption. The County General Plan contains 42 goals that vigorously conserve and preserve agricultural land, which accounts approximately 95% of all properties in Yolo County. Consequently, non-

agricultural land uses are prohibited from agriculturally designated areas. The project is consistent with all 42 policy goals pursuant to the Yolo County General Plan.

12. That the proposed contract is in conformity with all the requirements of the Subdivision Map Act of the State;

The project is in accordance with the Subdivision Map Act of the State (Government Code Section 66410-66499.58).

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

The properties will be under the minimum size requirements as dictated by current zoning, however, the parcels were created in 1893 and are therefore legal parcels pursuant to the Subdivision Map Act and are determined to be legally non-conforming due to size requirements. Additionally, as per zoning requirements in Section 8-2.407 for the establishment of Agricultural Preserve Zoning, there is no minimum size requirements for properties which abut existing Agricultural Preserve Zones. The properties will remain in the Agricultural Preserve # 20 encompassing approximately 1,600 acres.

Reversion to Acreage Map:

Pursuant to Sections 66499.16 and 66499.17 of the Subdivision Map Act, the following findings are required to be made for the approval of a Reversion to Acreage:

§ 66499.16. Necessary findings by legislative body

Subdivided real property may be reverted to acreage only if the legislative body finds that:

- 14. Dedications or offers to dedicate to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
Either:

The proposed Lot Line Adjustment eliminates a 30 foot road easement connecting parcel 2 and 3 to County Road 87 D. This easement is not currently used as a County Road but PG & E poles are present. Abandoning this easement may affect owners of parcels 2 and 3 and PG & E. All easements for the property will remain and shall be delineated on the final reversion to acreage map # 4177, unless the Planning and Public Works Department has been provided with written notarized verification that said easements have been relinquished by the person(s) holding rights to said easements.

- 15. All owners of an interest in the real property within the subdivision have consented to reversion; or

Title in the properties is vested in Peter J. Hunter, also known as Peter James Hunter, a married man as his sole and separate property as to Parcels 1 and 2. And Peter J. Hunter and Deborah A. Hunter, husband and wife, as joint tenants as to Parcels 3, 4 and 5. A signed letter by both Peter James Hunter and Deborah A. Hunter has been submitted in acknowledgement of the reversion to acreage. Hence, all owners of interest in the real property have consented to the reversion to acreage.

- 16. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

This finding is inapplicable to this Reversion to Acreage Map. Due to the properties remote location no improvements have been warranted.

- 17. No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record.

No lots have been sold within five years from the date such map was filed for record as were originally were created by the Waughtel's Subdivision Map

§ 66499.17. Conditions of reversion

As conditions of reversion the legislative body shall require:

- 18. Dedications or offers to dedicate _____ necessary for the purposes specified by local

ordinance following reversion.

The project will not involve dedications or offers to dedicate as specified by local ordinance.

- 19. Retention of all previously paid fees necessary to accomplish the purposes of this division or local ordinance adopted pursuant thereto.

The property owner Mr. and Mrs. Hunter have prepaid all fees incurred by the project.

- 20. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division of local ordinance adopted pursuant thereto.

There will be no improvements on the property. Hence, no security or deposits have been required for any required improvements.

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- 6.4 **99-053** - Yolo County proposes to amend portions of the zoning Code related to Agricultural zoning provisions. Sections of the code affected by the proposed amendments cover agricultural zones designated A-P, A-1, A-E and/or AGI; also sections dealing with Definitions, General Provisions, Exceptions and Modifications, Use Permits and the Zoning Administrator. In addition, an agricultural land conversion mitigation ordinance is being proposed. The purpose of the code amendments is to further clarify existing provisions, streamline the discretionary permitting process, and further set forth and define the agricultural uses allowed in the respective zoning districts. APN: County Wide (D.Daly/M.Drack/J.Bencomo/D.Morrison)

John Bencomo requested that the staff's recommendation be changed so that comments and questions are received from the Planning Commission and/or the Public on the proposed zoning ordinance amendments, and hopefully an approval in concept will be received with any other alterations requested by the Commission. He also requested continuance of this item at the November Planning Commission Meeting.

Dave Daly gave an overview of the project and received comments from the Planning Commission on the code amendments.

The public hearing was opened.

Comments were received from Dona Mast, representing the Farm Bureau and the Yolo Land Trust, in support of the proposed code amendments. Ms. Mast also identified minor corrections to the proposed agricultural mitigation ordinance. Staff indicated that they would respond accordingly.

The public hearing was closed.

Dave Daly requested that the Commission and/or the public submit questions in writing to staff by October 21 so the answers can be presented in the staff report at the next meeting.

Commission Action

DIRECTED any members of the Commission, the public, and organizations to submit written

comments by October 21, 1999 to staff and to continue the item at the November 3 Planning Commission meeting.

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

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A ten minute recess was called. The meeting reconvened with Items 7. And 8., followed by Item 6.5.

6.5 **99-054** - Follow up site tour/compliance review of the aqua pond facility located at 43565 County Road 29, APN: 42-120-09 (Davis Aqua, Inc./Bruce Bailey, representative)

John Bencomo gave the background of the project and a tour was held.

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) Clarksburg Community Plan
- (2) Dunnigan Community Plan and Pilot Travel Center
- (3) Flood Issues in Madison and Neighboring Esparto Community
- (4) Agricultural Barn Ordinance
- (5) November 1999 Meeting Date

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8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

- (1) Commissioner Peart announced that he attended the Board of Supervisor's meeting this Tuesday where they dealt with the barn issue, and that everyone seemed very happy.

- (2) Commissioner Stephens said she attended the Esparto Advisory Committee Meeting and they're having problems with the infrastructure.
- (3) Commissioner Walker asked Commissioner Stephens about the Esparto infrastructure issue. She expressed her perception of the problem.
- (4) The Commission requested that the Esparto infrastructure issue be placed on the next agenda for a status report.
- (5) Commissioner Woo expressed that she attended the retreat for women architects where this year's theme was "sustainability". She said she's planning to go to the Planning Commission Conference in Monterey next month.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 3:40 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Wednesday, November 3, 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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