

MINUTES
YOLO COUNTY PLANNING COMMISSION
November 3, 1999

1. CALL TO ORDER

Chairman Lang called the meeting to order at 8:40 a.m.

MEMBERS PRESENT: Gerber, Heringer, Lang, Peart, Stephens, and Walker
MEMBERS ABSENT: Woo
STAFF PRESENT: John Bencomo, Interim Director
Dave Daly, Senior Planner
Lance Lowe, Assistant Planner
Mark Hamblin, Associate 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 October 14, 1999 meeting were approved with no corrections.

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

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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

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

Commissioner Stephens expressed concern about the status of the agreement between the Esparto Community Services District and Parker Place and Country West II subdivisions for provision of sewer and water services. John Bencomo suggested that this be included as a regular agenda item at the next Planning Commission Meeting, and that the interested parties be invited. The Commission was in agreement.

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5. CONSENT AGENDA

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

There were no items on the Consent Agenda.

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6. REGULAR AGENDA

- 6.1 **99-031** – Continued consideration of a request for a 3-year extension of time to file the tentative subdivision map for the Wildwing Country Subdivision (TSM#3847)/APN: 025-440-17, 43 and 025-190-61. Owner/Applicant: Milton Watts (M. Hamblin)

Mark Hamblin gave the staff report. He said the question that staff had at the initial presentation of this item to the Commission back in September was whether we are comfortable with the EIR as it was certified in 1985 and reaffirmed in 1992.

John Bencomo clarified that his intent is not to stop this particular project, but he feels compelled to question whether the conclusions that were drawn still hold true today. He said he believes the primary areas of concern he has are very pragmatic in that they are in two areas, one is the traffic conditions on Highway 16, the other is water quantity and its potential ramifications to the others that draw from the same aquifer. He feels that some additional information is needed regarding these areas of concern, which will help to provide some insurance to the County and the developers in terms of being able to successfully deliver the product that is being presented. In summary, if the Commission shares these concerns, he would like to invite the applicant and their representatives to work with staff and to come back to the Commission with some added information to help ameliorate some of the concerns that the staff and Commission may share on this issue.

The public hearing was opened.

Jim Taylor, from Beau Chevaux Farms on Road 19 to 20, said he supports this project and feels it's a good thing for the country club and the community overall.

Seth Merewitz stated that he's here on behalf of Mr. Milton Watts, his wife Dorothy, Mr. John Roberts, and Mrs. Marilyn Ward. He said he thinks the concerns that have been raised are absolutely valid and he appreciates this opportunity to respond to them and to inform the Commission. He expressed that the requested extension is to allow additional time for a lot of

additional work to be done prior to filing the final map, and to secure the proper financing and complete the report. He stated that this time the extension is coming forward and there is a serious developer behind it, and that an improved economy has occurred. He said he and the applicant would be willing to accept a two-year extension rather than the three-year extension that was presented, in effort to show good faith that they want to move this project forward, and that they want to develop it soon. He stated that they're just looking for the time to complete the studies to get the approvals to go forward.

Milton Watts, the applicant, provided a bit of history on the project, with special attention to the reasons for the extension in 1994 and 1996. He said he hopes the project is approved because he thinks it's still a good project, and that he doesn't question that there are some additional answers and information that is needed.

Mr. Nick Coussoulis, developer, gave a sense of whom he is, the projects he's done, and his commitment to work with County staff and to meet the conditions that have been required within the approval. He stated that if the applicant is granted the extension that he needs, they will build a project that the community will be proud of, and that if they run into problems, they will come back to inform the Commission. They want to build a project that is commensurate to the needs of the community and one from which they can make a profit. Mr. Coussoulis stated that they will be selling lots to other builders also, but will be building a lot of this project themselves.

Commissioner Stephens asked Mr. Coussoulis to identify the studies that need to be done. He answered that he is referring to the final engineering on the project and a design for the golf course (about \$1,000,000 worth) to bring the project ready to build. Commissioner Stephens asked if he sees any problems with the access off Highway 16 as proposed in the original plan. He answered, yes. He stated that they plan to do a traffic study, and would absolutely be willing to pay an outside consultant to do that type of study.

Commissioner Gerber asked Mr. Coussoulis what kind of builders he's selling lots to in Riverside County. Mr. Coussoulis said they build mostly move-up housing. Currently they are in the process of building two-acre lots in Riverside where people said it couldn't be done, but they're doing it very successfully and they're making a profit. The housing they're building is from 2,900 to 4,000 square feet. They can build affordable housing, but they do like the next stage up.

Tim McGahey, President of the Board of Directors at the Yolo Fliers Club, informed that his organization is supportive of this project. The applicants have communicated with the Yolo Fliers Club since the early stages of this project. They feel it is an appropriate use of the land in the area, and it would be beneficial to the community and their organization being a neighbor and being involved. They think it is appropriate that the Commission grant the time extension.

Commissioner Lang asked Mr. McGahey if their new well supplies the clubhouse and the golf course. He said they have a domestic well that supplies the clubhouse and a big production well that irrigates the golf course. The golf course well was just drilled this past winter since the well they were using collapsed and was pumping sand. The testing of the well upon completion indicated that the quality of the water was quite good and the volume that is being pumped is significant.

Commissioner Heringer asked what the water table was when they arrived on the scene, and what it is today. Mr. McGahey said he couldn't answer that.

Commissioner Stephens asked Mr. McGahey if his Board has concerns about the golf course becoming public. He said they feel this is a positive project, and that they have received a

commitment from the applicants that they will be kept in the loop as the project moves forward, and whatever is done will be to the mutual benefit of their project and the Fliers Club.

The public hearing was closed.

Commissioner Walker said he's been watching this project with great interest since the original idea was conceived in the mid 80's. He feels the location is appropriate for a housing development, and that he supports the concept and an extension. He feels that, in terms of traffic volumes, whether this project is approved or disapproved will have little impact on Highway 16 since it's a given that traffic will increase. He sees no significant impact on this project as far as groundwater is concerned. He thinks the proposal to use the effluent is an ideal way to dispose of the sewage treatment water. He also expressed that he doesn't feel the project's contribution to air quality is a problem.

Commissioner Walker asked if the County now requires sprinklers in all new residential units. Brett Hale, the Chief Building Official, said they are required in all the rooms in the dwelling, including the attached garage.

Commissioner Peart concurred with Commissioner Walker's comments. He said he appreciates the staff's concerns about the date of the EIR. He said he has not heard of any concerns from the Woodland School District, the Esparto School District, and the Yolo County Farm Bureau, and that he feels it must be a good project since nobody is here complaining. He said the traffic issue concerns him and is a major problem. He feels the water issue will not have a tremendous amount of impact. He stated that he will support the limited extension.

Commissioner Heringer concurred with both of his peers. He said he has major concerns about traffic. He stated that it would be necessary that a traffic study be made and alternate methods of transporting people particularly. He is concerned about water and he believes that a major water study should be done. He also feels the busing of school kids and the tax base should be addressed. He supports the two-year extension with two sophisticated courses of study, one for traffic and one for water.

Commissioner Walker responded to a comment by Commissioner Heringer, stating that there is a detailed analysis of water availability and current trends, subsidence, etc., in Yolo County being conducted through the auspices of the Yolo County Water Resources Association, which indicates what is happening. It involves the Corps of Engineers and some Federal and State Geological Agencies.

Commissioner Gerber announced that he likes this project for some of the reasons his colleagues have already stated, and that he believes it's in the right location, and probably won't result in the loss of significant agricultural assets in Yolo County. He stated that the traffic is his major concern, and needs to be reviewed and updated. He said he will vote for the two-year extension.

Commissioner Stephens said she worked on this project in the early 80's, on the Specific Plan and a little bit on the EIR, and she thinks this project can be a fine attribute for the County. She stated that she has insight into how much things have changed for the environment requirements and how much has changed out there. Her major concern is Highway 16 and the increased traffic. She said she will vote for an extension only if staff is directed to do whatever it takes to do an outside objective traffic analysis of Highway 16 on the new cumulative conditions that result from all the other traffic sources that weren't there when we did this development. She stated that she agrees that a water study should be done since they're not answered in these documents. She said

impact on public facilities has changed and needs to be updated, and the fiscal impacts of any major development need to be carefully evaluated. She believes an honest look should be taken by outside experts, not the attorneys, the developer's people, and not even the applicant's people. She said she can only vote for an extension with the inclusion of the following four conditions: Highway 16, water, public schools and financial impact.

John Bencomo agreed that the conditions that were mentioned are very pragmatic in nature. He said he would like the Commission to entertain allowing staff to take a break so that they can consult with representatives of the applicant on clarifying some issues with respect to some of the existing mitigation conditions.

A ten minute recess was called.

Steven Basha, County Counsel, said that they have discussed timing and clarification issues on the studies with the applicant and the applicant's representative. The recommendation to the Commission includes: Modify Condition 4 under the final subdivision map to read: "Prior to recordation of the final subdivision map the developer shall submit for approval by the Director of the Yolo County Planning and Public Works Department the results of a traffic, water supply, and fiscal impacts studies and plans for the roadway improvements, street light locations, on-site signing and striping, sanitary sewer improvements, water improvements, storm drainage improvements, and grading." He stated that encompassed within the traffic study, it's his understanding that the applicant intends to involve Caltrans. The applicant's position is that there's already involvement with intersections and since Highway 16 is a State Highway, none of that can be done without Caltrans' blessing, input, and signoff.

Steven Basha, County Counsel, asked Seth Merewitz if he's in agreement with all the conditions, including the modified condition, and with the statement of the understanding that they will be working with Caltrans on roadway improvements if any are required. Mr. Merewitz responded that the PIP on Pages 43 and 44 already includes their consultation and approval by Yolo County Public Works and Transportation and Caltrans on all of the changes, Brown's Corner, intersections, etc., so he thinks those are already anticipated. Mr. Merewitz, representing Mr. Watts, the applicant, stated that he concurs and accepts the Conditions of Approval, the Amended Condition 4, and the understanding that Caltrans will be involved. Mr. Coussoulis, the developer, stated that he concurs also.

John Bencomo clarified that prior to the first final map, no soil will be turned until all these studies are in place and approved, and that there be a two-year extension as part of the Commission's action.

Steven Basha, County Counsel, advised the Commission to keep in mind that some of these conditions, as Commissioner Stephens has pointed out, may not be as relevant now as they were drafted in 1992. He said that as far as their action today, they do not change any of those conditions except for the Amendment to Condition 4. The condition that they will consult with both the Esparto and the Woodland School District will be included in Condition 4 also.

Commission Action

- (1) **APPROVED** a two (2) year extension, with the suggested modifications to Condition 4, including consultation with the Esparto and Woodland School Districts.

MOTION: Heringer SECOND: Peart

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

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

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6.2 **99-007** – Consideration of an Amendment/Compliance Review of an existing Conditional Use Permit and Conditions of Approval, allowing for the operation of a vehicle dismantling and wrecking operation in Dunnigan (APN: 051-202-04 05, 06, 07) (Cliff Backhaus) (Mark Hamblin)

Mark Hamblin gave the staff report. He stated that staff is presenting a series of draft conditions for consideration that may address the concerns that had been previously expressed.

The public hearing was opened.

David Janes, Attorney, on behalf of Cliff's Auto Center, stated that his client had just received the proposed additional conditions about two weeks ago. He proposed that this item be put over for sixty to ninety days during which time he and his client can work with staff to forge some compromise on some of these areas. He expressed that, under Item 13, Hours, during much of the year that isn't a problem, but during the heated summer hours when working among metal pieces which retain heat, he feels there should be some flexibility. He stated that the noise issue, under Item 14, is a legitimate concern and they'd like to do some research and testing on how many decibels are involved -- they don't believe there's offending activity taking place. They don't believe Item 16, Odors, is a concern and he expressed that they can live with any reasonable requests. They don't think Item 17, Lighting, is a problem because they're not generating lighting. Item 18 -- Pending a change in zoning to M2, he doesn't think there would be a real problem on their agreement not to expand or intensify their operations. He also stated that they are not objectionable to Item 19, and they feel that Item 20 is unrealistic.

Mr. Janes said that his client is a victim of the current economic times. He said, in his view, they are not only running a business, trying to survive as a small family business, but doing a real environmental service to this County by accepting trash, etc. that otherwise gets dumped along the roads.

John Bencomo, in response to the question of the continuance, stated that staff acknowledges that the applicant may not have had adequate time to study and respond to the conditions, and they would not have any difficulty with a continuance request. He asked, in view of the fact that this has been a long-standing issue, that it not be continued to ninety days, but to sixty days, as was one of the options that was presented.

Mr. Janes and the applicant stated that the sixty-day extension, to the January 13, 2000 meeting, is acceptable.

Commissioner Stephens asked if, during this interim period, there will be any restrictions on operation. John Bencomo responded that, as he recalls, that was part of the direction from the

Planning Commission that no new materials be accepted.

Spencer Backhaus agreed, and said that so far they haven't taken in any scrap. He stated that they still have to operate and process what they have in order to solve any of the problems that are listed in the items. John Bencomo stated that he leaves that to the Commission's discretion.

Mr. Janes expressed that with the shorter days now, he wouldn't think a person would be as objectionable about a tin piles' height on a November afternoon or evening as they might on a July evening. He said he would hope that restriction would be lifted during this interim for the next sixty days.

John Bencomo said his primary concern is that nothing be added to the existing pile. He also feels that they should keep to the restricted hours of operation as were already presented.

Mr. Janes stated that these will be among the issues they'll work on during the interim.

Commissioner Walker said it is his understanding that the applicant and the staff will get together to resolve these various issues. He added that this is not peculiar just to Dunnigan, he sees this as a statewide problem. He thinks it is deserving of some serious thought, because it isn't going to disappear by itself, and in fairness to the applicant, he agrees they are providing a service.

George Payntar, landowner in Dunnigan since 1995, and employed by Caltrans for over seventeen years, said he lives between the Hastings and Ruby Flesner. He clarified an issue that there's pounding of metal all night long. He said his pigs are guilty of that because they clap open a door and it makes a "bang" noise when it drops. He also expressed that the applicant is doing a community service, and he hopes that the economy will improve and be more cost effective for them.

The public hearing was closed.

Commissioner Peart said he's been advised by Counsel that he has a conflict because he has done business with Mr. Backhaus, so he asked to be excused from this discussion and vote.

Commission Action

- (1) **DIRECTED** staff to delay any additional consideration on this item until January 13, 2000, plus the conditions that the applicant not add to their existing piles of scrap, and that the hours of operation be 8:00 a.m. to 5:00 p.m., six days a week, until the January 13 meeting.

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

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

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6.3 Consideration for the establishment of a Conditional Use Permit (ZF#2044) with Conditions of Approval for the continued operation of the Roving Knight Recreational Vehicle (RV) Park in Knights Landing (Stan Young) (Lance Lowe)

Lance Lowe gave the staff report and distributed additional correspondence to the Commission. He said it has come to staff's attention, as a result of the two previous Planning Commission hearings, that the Roving RV Park is in non-compliance with the Conditional Use Permit, and that the Park, itself, is under an expired Conditional Use Permit as modified in 1976. He said at this time staff is looking at fixing up some of the issues and acquiring the necessary permits.

John Bencomo added that staff efforts have been to approach this strictly as an enforcement item. He said it seems that the applicant is showing a level of cooperation, but the next step is to legitimize by establishing a Use Permit.

Commissioner Peart asked if the applicant will come back to the Commission for approval of the Use Permit. John Bencomo answered, yes. Commissioner Peart asked if the water line is a compliance issue. John Bencomo assured that this area will be investigated further, and it definitely will be an issue raised and discussed as the Use Permit application is being presented.

The public hearing was opened.

Spencer Bole, Stan Young's son-in-law, said that Stan had recently asked he and his wife to start taking an active role in the management and maintenance of the RV Park. He stated that for the last two months he has been spending the majority of his time assisting Stan to meet and comply with a number of concerns that have been raised. He said that Mr. Young is not here this morning, because he is with a contractor, recommended by the State Housing Inspector, who is going over the entire park, including the original 20-space installation which had the original small electrical services. He expressed that Mr. Young has agreed to update those to the current code. Mr. Bole related that Stan Young is very sincere in wanting to be compliant, and that he will agree to the conditions and is looking at this point to be back in December and have the capability of establishing a new Use Permit.

Jeff Gilbert, Fire Chief in Knights Landing, said he has been involved in both inspections with Lance Lowe, and that the owner has made great progress in the last two months as far as correcting some of the conditions. He said the place is a fire hazard, and with the electrical conditions, it's a miracle that a disaster hasn't occurred; however, he gives them great credit for moving in the right direction with cleaning, etc.

Commissioner Walker asked if a "No Parking" sign in the problem area would be helpful. Jeff Gilbert said yes, and that is something he will mitigate with the owner.

Commissioner Heringer suggested that a sign be made that says "Fire Lane". Mr. Gilbert said that is a very good idea.

Mary Leiser, Chairman of the Knights Landing Advisory Committee, said the community appreciates the effort of John Bencomo and Lance Lowe in resolving this problem and finally giving the people in the Roving Knight Park a safe place to live. She said she has questions about the RV parking plan, and also has concerns about people parking on Highway 45, especially during tomato season, because it is a very impacted area. Lance Lowe said staff is looking into these items.

John Bencomo added that these items can be addressed specifically when we come back with

the establishment of the Use Permit.

Audrey Garner, from the community of Knights Landing, expressed appreciation to staff for having the area cleaned up and making it a decent place for the people to live. She said she'd like for Mr. Young and his son-in-law to remember that there is a Volunteer Fire Department in Knights Landing, a Community Center that needs work, a library that always needs help, so anytime they have extra money, there's always areas to donate in the community.

The public hearing was closed.

Commission Action

- (1) **RECOGNIZED** that the Roving Knight Recreational Vehicle (RV) Park is operating on an expired Conditional Use Permit;
- (2) **DIRECTED** staff to formulate revised Conditions of Approval subject to a subsequent progress report back to the Planning Commission for evaluation of compliance with requirements as contained in this Planning Commission Memorandum;
- (3) **DIRECTED** staff, in the case of non-compliance, to forward the violation to the Yolo County District Attorney's Office to initiate legal enforcement proceedings, as appropriate.

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

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



6.4 **99-053** – Continued Consideration of Amendments 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)

Dave Daly presented a brief background of the ordinance amendment package. He said the item was continued to allow staff to respond to correspondence received prior to the meeting, and to respond to comments made by the Planning Commission and the public. He recapped some of the major comments received and highlighted staff's responses.

Comments and questions were received from the Planning Commission on the code amendments, which were answered and clarified by staff.

The public hearing was opened.

Bill Emlen, Planning and Building Director from the City of Davis, covered some of the issues they raised at the last meeting. He said they still have some concerns, although they think positive changes have been made in reference to the agricultural research definition and how that follows under the list of conditional uses in the ag. zone. He stated that their primary concern is that the definition still is not tied down enough, and they suggested a square footage limit to better define "ancillary", which will give a greater level of assurance that this will not become problematic down the road. He said their general thought is to have a square footage limit. The City of Davis' concern is that they do not want to see industrial type parks appearing on the periphery of Davis.

The public hearing was closed.

John Bencomo stated that staff's approach was to allow for a decision-maker to have flexibility to see, based on the merits of individual projects, what was appropriate. He said that, with respect to the City of Davis, there is a very clear pass-through agreement. When there are discretionary-type proposals that are within the sphere of the planning area of Davis, it is built into the processes that there is a formal review by the City Council. He believes the County has a long history of not doing anything in terms of major development in the unincorporated area. He said there's a good incentive for the County to be consistent and to be obliging to the City because the result is that the tax dollars will be affected. He feels that the City has a strong insurance policy that the County will not be doing anything, particularly in their borders, that may in any way compete or be to their detriment.

Commissioner Peart asked where large greenhouse research facilities would fit. Dave Daly answered that they would be embodied within the definition of agricultural research, but that it's all reviewed through a use permit. John Bencomo said that the more serious laboratory settings still will be locating in the City of Davis or on the University, and not in the unincorporated area.

Steven Basha, County Counsel, said that in drafting ordinances and laws, it is difficult to try to draw a fine line between being too rigid and structured and being too open, and trying to establish a balancing between the two. He thinks that in drafting ordinances and laws, it's important to try to have enough flexibility so that each case can be decided on a case-by-case basis. He thinks that, to a certain extent, that's the effort that's trying to be accomplished by requiring a use permit, which is a very public and open process. He feels that hard numbers and hard requirements create an inflexibility that in one situation may create the impediment and stop something that this Commission and County wants to encourage, and that would not be a problem for the City of Davis.

Commissioner Stephens suggested the term "production" be added to agriculture because she thinks the square footage cap is too restrictive.

Bill Emlen said they understand that the conditional use permit processes provides case-by-case review, but once a decision of that nature has been made, he thinks it really does open the door. He thinks that this particular provision has some far-reaching implications, depending on how it's interpreted in the future, and they'd like a little more time to really work through this provision and to provide input.

Commissioner Walker said that he thinks the word "agriculture", by itself, assumes the production of food and fiber, and is generally accepted as the production of something for use by man.

Commissioner Heringer expressed that in all cases it's important to be general and not

specific, because it's too restrictive.

Commissioner Stephens said she respects City of Davis' concerns, but she would like to move forward on this item.

Commissioner Gerber stated that he respects City of Davis' concerns also, but he agrees with the legal staff that the permitting process provides adequate protection. He thinks this item should be moved forward.

Commissioner Peart expressed that he feels there is a need for certain facilities to be made as far as agricultural research facilities are concerned. He thinks that the County is headed in the direction of inviting more research-type facilities, and due to the closeness to Davis, he thinks it works very well for everybody. He thinks that the City of Davis will be able to participate in the use permit process if there is a project about which they are concerned. He would like to move forward on this item.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** the proposed Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines;
- (2) **ADOPT** the proposed **FINDINGS** contained in the staff report in support of the proposed action; and,
- (3) **ADOPT** an ordinance **APPROVING** the recommended zoning code amendment as reflected in Exhibit 1.

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

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 twenty minutes.

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 hearings regarding Zone File #99-053, 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 change is expected to occur as a result of the recommended zoning code amendments.

General Plan Consistency

- (2) That the recommended zoning code amendment is consistent with the policy of Yolo County to vigorously conserve and preserve agricultural lands in Yolo County located outside of existing and planned urban communities and cities. *(General Plan Policy LU 6 - Protect and Conserve)*

The Yolo County General Plan speaks to the preservation of agricultural land uses. The proposed zoning code amendment is consistent with agricultural preservation by virtue of increasing minimum parcel size requirements in the A-P, A-1 and A-E zoning districts, and additionally, by placing greater discretionary control over potentially more intense land uses within the rural agricultural areas of Yolo County.

Further, existing land use provisions, consistent with the General Plan Agricultural (AG) designation, are clarified by the proposed code amendment. The current zoning code amendment represents no substantive change in land use entitlement inconsistent with the Yolo County General Plan.

- (3) Yolo County General Plan Land Use Policy LU 18 – Agricultural Area Uses, allows placement of certain agriculturally related land uses within agricultural areas that may be incompatible within an urban setting. Such land uses are to be reviewed and approved through a discretionary conditional use permit process. The current Zoning code of the County provides for related agricultural land uses, i.e., Agricultural Processing Plants, Agricultural Storage, Fertilizer Plants and Yards, within agricultural areas of the County, through the conditional use permit review process.

Consistent with General Plan Policy LU 18 the recommended code amendment contains provisions for agriculturally based and related land uses that are subordinate to, and support agriculture. Agriculturally related land uses consistent with this Policy, i.e., Agricultural Processing Plants, Agricultural Research Facilities, Oil and Gas Well Drilling Operations, Fertilizer Plants, will require Minor or Major Conditional Use Permit review and approval within the A-P, A-1 and A-E Zoning Classes. The use permit process will be inclusive of the appropriate environmental analysis and documentation, and public hearings. A change to the AGI Zoning Class will also require compliance with Conditions for Establishment contained therein, commensurate with use permit level review and processes.

Zoning Code

- (4) The Yolo County Zoning Code was initially adopted in November 1963. Though there have been a number of amendments since its initial adoption the zoning code is antiquated.

Through the years, there has been an increasing concern that the meaning of terminology found in the 1963 code has become less precise. There is also concern that the application of certain provisions have not kept pace with evolving agricultural business practices. Finally, the permit application process has become more cumbersome and time-consuming due to increasing complexities brought about by agricultural conservation and environmental laws as well as State and Federal regulations not in effect in 1963.

- (5) That the proposed code amendment is consistent with current zoning and land use

provisions for rural agricultural areas within Yolo County.

The proposed code amendment is consistent and compatible with existing provisions of the A-P, A-1, A-E and AGI Articles. Clarification of land uses identified in the amended text are in line with an agricultural rural setting and character of Yolo County and support the agricultural industry.

- (6) That the recommended code amendment clarifies existing agricultural zoning provisions.

Due to difficulty with interpreting the existing zoning code, and the code being cumbersome to use, there is a necessity to remove ambiguity and improve implementation and understanding of the code. The proposed amendments work toward this end through reducing redundancy, repetition and the use of obscure language and cross referencing.

- (7) That the proposed code amendment simplifies the discretionary permitting process under the Agricultural zoning sections.

Existing code provisions contained in the Agricultural zoning Articles require that conditional use permits be acted upon by the Planning Commission. For the purpose of reducing the valuable time of the Planning Commission with more routine Conditional Use Permit applications, i.e., granny units, second dwellings, uses customarily found within agricultural areas, new provision for a "Minor" Conditional Use Permit application process is recommended. The minor CUP will involve the same level of review and analysis as is customary with current use permits, and will include public notification and hearing before the County Zoning Administrator. A Category of "Major Use Permit" is also recommended consistent with current use permit review and approval requirements.

- (8) That the recommended Agricultural Land Conversion Ordinance is consistent with Yolo County policies of agricultural preservation.

The proposed Agricultural Land Conversion Ordinance provides a means to mitigate for the loss of agricultural land through replacement land and/or an in-lieu fee upon adoption of an Agricultural Conservation Easement Program by Yolo County. Further, the proposed Ordinance insures that replacement land is in like kind with respect to acreage, soil quality and water supply.

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7. INTERIM DIRECTOR'S REPORT

A report by the Interim 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.

Steven Basha, County Counsel, announced that, effective Tuesday, November 2, 1999, John Bencomo was appointed as the Interim Director of Planning and Public Works.

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

- (1) Williamson Act and Super Williamson Act
- (2) Wildwing Residential Subdivision
- (3) Appointment of Interim Director

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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 Gerber announced that he met with Mr. Merewitz yesterday concerning Wildwing.
- (2) Commissioner Stephens said she talked with Seth Merewitz on several occasions and looked over what was done in the past. She stated that the Agricultural Enhancement and Advancement Subcommittee of the Economic Development Council met yesterday to decide their new goals for agricultural advancement in Yolo County. It was determined that they should implement the goals they already have, rather than develop new ones.
- (3) Commissioner Peart stated that he met Mr. Watts, who talked about his projects.
- (4) Commissioner Walker commented on the "Catfish Farm". He expressed that before the Commission acts on the next inquiry, he feels that arrangements should be made to have someone speak to the Commission about aquaculture.
- (5) Commissioner Heringer said that he received calls from Seth Merewitz and Jim Taylor. He stated that he's greatly concerned about something that's happening at the Clarksburg Marina regarding a permit that is out of order. He thinks every consideration should be given to the individual who is involved.
- (6) Commissioner Lang said he met with Milton Watts and Seth Merewitz last evening. He also suggested that the election of Vice Chair be placed on the next Planning Commission agenda.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 1:00 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday, December 9, 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, Interim Director
Yolo County Planning and Public Works Department

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