

MINUTES
YOLO COUNTY PLANNING COMMISSION
December 9, 1999

1. CALL TO ORDER

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

MEMBERS PRESENT: Gerber, Heringer, Lang, Peart, Stephens, Walker, and Woo
MEMBERS ABSENT: None
STAFF PRESENT: John Bencomo, Interim Director
David Morrison, Resource Manager
Dave Daly, Senior Planner
Mark Hamblin, Associate Planner
Lance Lowe, Assistant Planner
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETING

Commission Action

The Minutes of the November 3, 1999 meeting were approved with no corrections.

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

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3. PUBLIC REQUESTS

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

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.

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5. CONSENT AGENDA

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

Items 5.1, 5.2 and 5.4 were removed and placed on the Regular Agenda following Item 6.0.

5.3 **99-061** – A request for a Lot Line Adjustment on two parcels of approximately 20 and 7 acres. The project is located on State Route 16 within the Town of Esparto, north of County Road 19H and east of County Road 85B. A Categorical Exemption has been prepared. APNS: 049-140-28 and 29. Owner/Applicant: N. Echarte (D. Daly)

Commission Action

- (1) **CERTIFIED** that the proposed Categorical Exemption 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** the Minor Lot Line Adjustment.

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

CONDITIONS OF APPROVAL

- 1. A "Certificate of Compliance" will be issued by the Planning and Public Works Department for recordation of the final lot line adjustment exhibit and legal description.
- 2. Within thirty (30) days of the issuance of the "Certificate of Compliance", the applicant shall record the certificate inclusive of the final lot line adjustment exhibit and legal description with the County Recorder's Office, or it shall be deemed null and void.
- 3. 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.

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 #99-061, the Yolo County Planning Commissions finds the following:

General Plan and Zoning Consistency

- (1) The proposal is consistent with the General Plan land use designation and zoning of the subject parcels.

The Yolo County General Plan and Esparto Community General Plan designate the subject properties Agriculture (AG). Consistent with this AG designation, the subject parcels are zoned Agricultural General (A-1). The current A-1 code allows 5 acre parcels. The proposed parcels are consistent with the A-1 zoning class. Further, given the pre-existing configuration of the parcels created by the development of SR 16, the proposed lot line adjustment results in a minor change for the purpose of consistency with the State right-of-way.

California Environmental Quality Act (CEQA) Guidelines

- (2) That the proposed Categorical Exemption prepared for the project is the appropriate environmental document.

California Environmental Quality Act (CEQA) Guidelines, Section 15305(a) (Minor Alterations in Land Use Limitations) Categorically Exempts the proposed Minor Lot Line Adjustment from further environmental review. See Exhibit 3 for Notice of Exemption.

Lot Line Adjustment

- (3) That the lot line adjustment will not result in the abandonment of any street or utility easement of record.

The project does not include abandonment of street or utility easements. Further, utility easements as a result of future construction will be required as needed.

- (4) That the lot line adjustment will not result in the elimination or reduction of access to any resulting parcel.

The proposed lot line adjustment will not have an effect on current or future access to the parcels involved.

- (5) That the design of the resulting parcels comply with existing requirements as to 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, are in conformity with the purpose and intent of the Yolo County General Plan and zoning provisions.

The proposed lot line adjustment will result in parcels that meet the requirements of the A-1

zoning district. Further, details as stipulated in the above finding will be addressed if and when the application is made for building permits and construction improvements on the parcels involved.

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6. REGULAR AGENDA

The following Items 5.1, 5.2 and 5.4 were taken off the Consent Agenda.

- 5.1 **99-029** – A request for a Use Permit to grade and level an approximate 7.5 acre area, and off-site hauling of approximately 58,000 cubic yards of soil and aggregate. The project is located on County Road 95A, between County Roads 24 and 25, near Woodland. The project will occur over a five year period. APN: 025-200-33. Owner/Applicant: T. Geerts (D. Daly)

Dave Daly answered questions from the Commission and requested that the item be continued to allow additional time to resolve evolving project issues.

Commission Action

- (1) **DIRECTED** staff to continue the item to the meeting of January 13, 2000.

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

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- 5.2 **99-067** – A request for a Conditional Use Permit for the establishment of a home site on a parcel less than twenty acres in the Agricultural General (A-1) Zone. Subject property is located on County Road 29, immediately north of the North Davis Meadows II Subdivision and the City of Davis Municipal Golf Course, approximately 1.5 miles north of the City of Davis. A Categorical Exemption has been prepared. APN: 04-120-24. Owner/Applicant: Mark and Cindy Korte (L. Lowe)

Lance Lowe gave the staff report. He stated that this property has not been farmed in recent years and, due to the size of the property (8-1/2 acres), staff has determined that a single-family dwelling would be the best possible use for the property.

Commissioner Lang asked if the surrounding subdivision is on septic tanks. Lance Lowe said that the subdivision started out as requiring septic tanks and leach fields and replacement areas for all the development, and about three-quarters through the subdivision each individual property owner granted an easement to hook up to the services provided.

Commissioner Walker asked if there are other similar properties in this general area that could be developed. Lance Lowe replied that the property to the west (about 70 acres) was under

conservation easement and is precluded from development. The areas to the south and north, due to the nature of being agriculture, are limited to any kind of urban development. He said that agricultural barns and such would be permitted uses on the properties.

Commissioner Gerber asked about the 2-1/2 acre parcel immediately to the northeast. Lance Lowe stated that there is a home and a three-car garage on this property.

John Bencomo added that over the last few years these two islands were created between North Davis Meadows I and North Davis Meadows II. He stated that staff is still somewhat in a quandary with regard to the highest and best use for this property, in that, although it's identified as A-1 Agricultural, it has literally been constricted by all the residential uses that surround it. He feels it's questionable how viable it is to any kind of a real operation, however it doesn't preclude a small farm unit to still succeed in terms of some orchards or unique crops.

Commissioner Stephens stated that the language in the Staff Analysis should clearly state the intent of the recent action on zoning changes for A-1. It was stated that, if approved, the proposed zoning ordinance will not become effective until February 2000.

The public hearing was opened.

Tamara Burns, resident near the development, asked whether the home is one- or two-story, and if the parcel can be subdivided down the line if it is developed. She asked how deep the proposed pond will be and if it will include a special liner, and what the estimated leakage will be for the pond. She also asked for clarification regarding who will maintain the swale that goes around the property.

Commissioner Heringer asked Mrs. Burns if her property gets flooded on a regular basis. She said she hasn't been there long enough to know.

Lance Lowe said the City of Davis was sent a Request for Comments but has not yet responded.

Wendel Flint, owner of the property, stated that he's available to answer any questions.

Commissioner Heringer asked Mr. Flint if the property has been flooded on a regular basis. He responded that he simply doesn't know. Mr. Flint said that he doesn't think leakage is a problem as far as the pond is concerned.

Sarah Rock, resident on Granite Bay Place, said that she and the neighbors on Granite Bay are in support of the one house, but definitely prefer the access from Road 29, not Silverado.

Lance Lowe asked the applicants to clarify the issues identified by Mrs. Burns.

Mark Korte, one of the applicants, said they plan to build a large, one-story house of about 4,000 to 5,000 square feet. He said they will probably be putting in more trees and possibly a walking path around the perimeter of the property, and that they would like to have a pond. He stated that he would like to have Silverado Drive access considered.

Steven Basha, County Counsel, asked the applicant if he's had a chance to look at the Conditions of Approval. He answered yes, and asked why the 12' easement in Condition 4 is necessary. John Bencomo clarified that in the event that the road or the channel needed to be improved further and expanded, the easement can be utilized.

Mr. Korte responded to Steven Basha by stating that they are happy with Condition 4 and all the Conditions of Approval.

Commissioner Peart said he's still very concerned about the swale and the drainage. John Bencomo stated that all the drainage from the improvements on this property will have to be handled within the confines of their property, and that staff will look at this issue.

The public hearing was closed.

Commissioner Walker asked Steven Basha to elaborate on the legal ramifications of impeding natural surface flows. Steven Basha said he thinks John Bencomo has addressed that issue, stating that one property owner cannot use their property, including the water and ground, in such a way as to unduly interfere with the use of property by their neighbors.

Commissioner Walker expressed that all the people who live in that area will, on occasion, be subject to some inconvenience caused by high water flows, but he thinks that the law is clear about impeding the natural flow.

Commissioner Woo asked questions about subdividing the property and building more houses. John Bencomo said this is not a part of this proceeding and would require not only coming back before this body, but it would require a zone change and a new parcel map at the very least.

Commissioner Woo commented that she thinks the applicants should have the flexibility of deciding down the road whether they wish to build a one-story or two-story house, and not be held to what was stated today.

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 "5"**);
- (2) **ADOPTED** the "Findings of Approval" for the Conditional Use Permit, as presented in the staff report; and
- (3) **APPROVED** the Conditional Use Permit in accordance with the "Conditions of Approval" as presented in the staff report.

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

MINUTES YOLO COUNTY PLANNING COMMISSION DECEMBER 9, 1999

ABSTAIN: None
ABSENT: None

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

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained within this staff report.
2. 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, unless superceded by new zoning provisions for Agricultural General (A-1) properties.
3. A new plot plan shall be submitted to delineate access to the property via County Road 29. The single-family dwelling shall be located so as to ensure the balance of the property is used in accordance with the Agricultural General (A-1) Zone (e.g. farming purposes). The revised plot plan shall be subject to the approval of the Director of the Planning and Public Works Department for the relocation of access and siting of the single family dwelling, prior to the issuance of a building permit for the property.
4. Dedication of additional 12' of right-of-way adjacent to County Road 29 (42' total from centerline of road) to match existing easements along County Road 29 shall be required prior to the issuance of a Certificate of Occupancy for the building permit(s) for the property.
5. The applicant shall observe the "Right to Farm" dispute resolution ordinance for the incompatibility of residential uses and agricultural operations.
6. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including but limited to the Davis Unified School District, East Davis/Davis Fire Protection District, County Facility fees, and environmental health fees.
7. The single family dwelling shall have a fire suppression system installed, which shall conform to the latest conditions of NFPA 13D and local requirements.
8. If the single-family dwelling is to be located within the Federal Emergency Management Association (FEMA) designated 100 year flood zone, a Flood Elevation Certificate shall be filed at the Yolo County Planning and Public Works Department prior to building permit issuance. Said Elevation Certificate and building plans shall reflect one another.
9. Any grading will require a grading permit to be approved by the Chief Building Official pursuant to Appendix 33 of the 1998 Uniform Building Code. The grading permit shall include a drainage plan to ensure the project site adequately drains into existing ditches and culverts and the proposed detention pond. No fill shall be transported off-site.

10. As part of the building submittal, the applicant shall provide a site drainage plan showing the finish floor elevation, finish grade elevation, and general topography into the natural drainage way off-site.
11. If a pad is to be raised for the single-family dwelling, a soils report for the pad performed by a geotechnical engineer will be required. Building foundations and slabs shall comply with any special requirements included in the soils report.
12. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
13. Encroachment permits shall be obtained from the Planning and Public Works Department prior to any work within the County right-of-way.
14. The proposed pond shall not be filled with water from the public water supply

North Davis Meadows Agreement No. 96-102 between the County of Yolo and Northwest Partners II.

If, at a time unspecified, the property owner benefits from the improvements of the North Davis Meadows II improvements (e.g. access from Silverado Drive, sewer connection, etc.), the property owner agrees to the following as stipulated in Agreement No. 96-102:

Silverado Drive Street Improvements

15. The cost of the east one half of Silverado Drive which lies West of Moldenhauer/Flint property APN: 041-120-24 will be reimbursed to Developer by owner of that property if and when it becomes eligible to build on two or more separate lots. The triggering event will be the earlier of the recording of a map dividing the parcel into two or more buildable parcels or the issuance of the second building permit.

Water Well and Distribution Systems

16. The water well and distribution systems adjacent to lots in NDM#2 have the capacity to serve at least 48 houses (nine in addition to the 39 in NDM#2). Therefore each house outside of NDM#1 or #2 which connects to said system will reimburse the developer for 1/48th (2.083333%) of the actual cost of said system, in addition to paying for the pipes to connect it to the system. Should more than nine houses connect to the system the additional houses over nine shall reimburse the C.S.A. and not the developer.
17. If connection is made to the existing water well system, the property owner is responsible for coordinating financing and obtaining permits for the water service connection. Additional

services such as landscape maintenance, street lighting, and curbside refuse collection may be required depending on site location of the single family dwelling. It is recognized that the parcel may not receive a direct benefit from all of the services provided within the North Davis Meadows County Service Area; however, a reduced fee will need to be calculated based on the proportional value of the services provided.

18. The above conditions 14 and 15 shall not be construed to limit the right of the county to enlarge, relocate, alter or extend the public improvements, nor shall it be construed as a grant to the Developer or the owner on any of the adjacent properties any right to any exclusive use or specific capacity in or to the improvements.
19. Agreement No. 96-102 shall expire in ten years after the date of execution of May 7, 1996. After such expiration, all of the rights and entitlements of Developer shall be null and void.

Note: While it is the county's present intention to do so, whether to require reimbursement of future development shall be determined in the sole discretion of the county officials review the permit application and developer assumes the risk that such officials will decide not to require reimbursement or that the county will be unsuccessful in collecting reimbursement amounts which it has required. County shall not be obligated to pay any funds to developer unless and until they are collected. No interest shall be collected or paid on any reimbursement funds. Development shall be deemed to occur on other benefiting properties at the time a final map is approved, or a building or equivalent permit is issued, whichever occurs first.

Prior to the issuance of a building permit with the County of Yolo, the applicant shall mitigate for the loss of Swainson's Hawk habitat according to the California Department of Fish and Game Swainson's Hawk Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish and Game.

County Counsel

20. 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.

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

- **Legal action;**
- **Non-issuance of future building permits.**

FINDINGS 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 # 99-067, 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 structure; 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:

1. 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 requested use is listed as a Conditional Use in the Zone regulations pursuant to Section 8-2.604 (s) which states: One single-family dwelling or one mobile home when located on a parcel containing at least five (5) acres. Additionally, pursuant to the revised Agricultural General (A-1) Zone regulations approved by the Planning Commission on November 3, 1999 and subject to Board of Supervisor's approval: one single family dwelling is a permitted use on any Agricultural General (A-1) Zoned parcel regardless of size. The project is consistent with the current zoning designation and proposed zoning designation for the Agricultural General (A-1) Zone.

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

The property is an approximate 8.5 acre parcel surrounded by low density residential use immediately south and west of the subject site. To the east of the property is the Davis Municipal Golf course and immediately north across County Road 29 is agricultural properties in row crop production.

Due to the nature of the surrounding area (e.g. low-density residential and open space recreation) and the size and current use of the property (e.g. fallow), the proposed use will reinforce the existing rural character of the immediate neighborhood.

3. The request will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

As mentioned, the addition of one-single family dwelling is consistent with the integrity and character of the immediate neighborhood. The property has not been farmed in recent years and is currently unimproved in fallow pasture. A single-family dwelling is, in staff's opinion, the highest and best use of the property, relative to past approvals on adjoining properties. Permitted uses in the Agricultural General (A-1) properties are as follows:

The addition of one single-family dwelling is consistent with the use and character of adjoining properties and will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare of the surrounding properties or area.

4. The request will be in conformity with the Yolo County General Plan;

The Yolo County General Plan contains 42 policies which are intended to fortify and preserve the Agricultural properties in the County by prohibiting and/or limiting inappropriate uses. As such, the County General Plan contains provisions in Land Use that allow for residences for property owners and family members. Specifically, Land Use policy states that: LU 17- Residential land uses in the agricultural areas shall be limited to dwellings only for preservation for the family farm, for farm employees and those persons who own the farm land, up to a limit established by ordinance and implemented by Conditional Use Permit. All such dwellings shall be encouraged to locate on lands unsuited for agricultural user and/or in "clustered" configurations to minimize the conversion of agricultural lands to other uses. A maximum dwelling unit density for the total acreage of the farm or ranch shall be established by ordinance. The proposed project meets these standards and is consistent with the Yolo County General Plan.

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

Utilities will be provided via PG&E for electric and gas service. Access will be provided via County Road 29. As part of the building submittal, the applicant shall provide a site drainage plan showing the finish floor elevation, finish grade elevation, and general topography into the natural drainage way off-site. This will ensure that adequate drainage will be provided. The applicant shall contact the Yolo County Planning and Public Works Department, Environmental Health and Building Department for necessary building, encroachment,

sanitation and well permits. Upon verification of the above, the project will not jeopardize the health, safety, or general welfare of the property or area.

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- 5.4 **95-093** – A request to establish Financial Assurances for Phase 3 of the Solano Concrete Long-Term, Off-Channel Mining Permit, to ensure reclamation of 90 acres to row and tree crops. The project site is located south of Cache Creek, between County Roads 89 and 92D, northeast of the town of Madison in the General Agriculture/Sand and Gravel (A-1/S-G) zone. A Categorical Exemption has been prepared. APN: 049-070-06 and – 10. Applicant/Owner: Solano Concrete (D. Morrison)

David Morrison gave the staff report and offered to answer questions.

Commissioner Heringer asked for clarification regarding the bonds. David Morrison said that every time a new phase is opened up, financial assurances have to be provided. If these financial assurances are approved, Solano Concrete's total financial assurance obligation will be approximately \$2.5 Million.

Commissioner Walker said, with regards to soil resources, he thinks the Commission should refine its goals in terms of the requirements and expectations. David Morrison stated that, after looking at monitoring data from Ag. Reclamation, the Commission believes that reclamation should be reviewed, it is certainly their option to do so. Commissioner Walker expressed that on a precedent basis, he thinks that whatever action is taken by the Commission can well be used in the future.

Commissioner Walker asked David Morrison for an estimate of the approximate percentage of soils that could be used for row crops vs. poplar in this particular piece. His estimate, by just looking at the area and not the volume and depth, was 60-40 or 50-50 for prime soils.

The public hearing was opened.

Mark Hirzy, with Solano Concrete, said he didn't have any comments, but that he'd be happy to answer any questions.

The public hearing was closed.

Commissioner Walker asked who determines that the required provisions are actually followed through as these topsoils are being replaced. David Morrison said that the applicant performs soils testing to ensure that the reclamation plan was carried out, and those reports are submitted to the County. In addition, production reports are received from Sagara Farms, who lease-farms the site, and the reclaimed areas within the Hudson Farms have consistently met the target requirements of meeting pre-mining production levels.

David Morrison noted that it won't become official until January 3 that Solano Concrete has tentatively been purchased by a group called Peter Kiewit Sons.

Commission Action

- (1) **CERTIFIED** that the proposed Categorical Exemption (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **APPROVED** the establishment of financial assurances in the amount of \$685,510 for Phase 3, Subphase A, of the Solano Concrete long-term, off-channel mining permit.

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

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 ten minutes.

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- 6.1 **99-056** – A request for a Williamson Act contract division resulting in 57 acres and 51 acre contracts. The project is located north and south of County Road 25, 1 mile west of County Road 27, near Woodland. A Categorical exemption has been prepared. APNS: 040-040-20 and 040-080-01. Owner/Applicant: Emison/Hennigan (D. Daly)

Dave Daly gave the staff report. He said the contract division qualifies under the existing zoning code for A-P contract divisions simply because the two properties were owned by two separate owners prior to the contract being entered into back in 1970 through a series of estate settlements, etc.. The properties are still independently owned so they qualify to come out of a single contract and go into two separate successor agreements under the code provisions on the books.

Commissioner Woo asked why it needs to be split if two owners can be under the same Williamson Contract. Dave Daly stated that the contract prohibits them from selling the properties independently of one another, or for any financial arrangements independently of one another, so by dividing the contract they'll have more latitude in those matters.

John Bencomo added that the split in this particular case would make it more consistent with the Williamson Act, because it is really out of compliance right now with the State law.

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

Commission Action

- (1) **CERTIFIED** a Categorical Exemption pursuant to Section 15317, Class 17, of the California Environmental Quality Act (CEQA) Guidelines;
- (2) **ADOPTED** the **FINDINGS** as presented in the staff report; and
- (3) **APPROVED** the division of Agricultural Preserve Contract #70-018.

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

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

CONDITIONS OF APPROVAL

1. Within 60 days of approval of the proposed contract division by the Planning Commission, the applicant shall submit to the Planning and Public Works Department the following:
 - a. A complete Title Report covering each of the two parcels involved in the proposal including legal descriptions and accompanying exhibits; and,
 - b. To the satisfaction of the County Counsel's Office, all necessary documentation clearly identifying all parties legally authorized to execute the Williamson Act Successor Agreements.
2. Within 30 days from receipt of the Williamson Act Successor Agreements by the applicant, the applicant shall return the executed and notarized agreements to the Planning and Public Works Department.
3. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.
4. 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)

California Environmental Quality Act (CEQA) Guidelines

- (1) That the recommended Categorical Exemption for this project is the appropriate environmental document pursuant to the California Environmental Quality Act (CEQA) Guidelines.

Pursuant to CEQA §15317, Class 17 (Open Space Contracts or Easements), the project is exempt from further environmental review. Categorical Exemption Class 17 covers of the establishment of agricultural preserves the making and renewing of open space contracts under the Williamson Act.

Agricultural Preserve Contract Division

In accordance with Yolo County General Plan Policy LU 6, Section 8-2.408(i) of the Yolo County Code and the Williamson Act, the Planning Commission finds the following:

General Plan

- (2) That the historic and current agricultural operation on the subject parcels is consistent with the Yolo County General Plan.

The applicant has stated that the intent is to continue to farm the land consistent with existing and historic agricultural operations that have produced commercial row crops. Further, the subject parcels will remain in Agricultural Preserve (A-P) zoning (County Code §8-2.401 - .408), and be subject to the agricultural land use requirements therein.

- (3) That the Yolo County General Plan speaks to the preservation of agricultural land uses.

General Plan Policy LU 6 – Protect and Conserve, states "It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits." The subject properties are presently farmed and contain Prime Farmland, Class I soil.

- (4) That the General Plan further supports the maintenance of land under Williamson Act contract to promote this preservation.

The proposed Williamson Act Successor Agreements will encourage continued farming and preservation of the subject lands.

Zoning Code – Agricultural Preserve (A-P)

- (5) The proposed contract division is consistent with Yolo County Zoning Code requirements.

Section 8-2.408(i) allows for the division of a Williamson Act Contract regardless of acreage and irrigation requirements provided that the following are satisfied:

- "1) *At the time of execution of the original Williamson Act contract two or more parcels which were not then owned by the same owners were made subject to a single contract;*
- 2) *Each landowner or successor in interest to the landowner at the time of execution of the original contract will hold, upon completion of the division, substantially the same parcel or parcels as he or his predecessor held at the time of execution of the original contract; and*
- 3) *Each landowner or successor in interest executed a single Williamson Act successor agreement as to the parcel or combination of parcels he formerly held subject to the original contract."*

Based on the documents provided by the applicant on record, the proposed Williamson Act contract division satisfies the above requirements. As represented by the applicant, the subject parcels are currently owned as follows: Eleanor May Emison/Wilford Hall Martin Trust owns 57.28 acres (APN 040-040-20), and Eleanor May Emison owns 51.18 acres (APN 040-080-01). The documents provided by the applicant show that the subject parcels were separately owned at the time of execution of the original Williamson Act contract in 1970.

Subsequently, the current parties involved in the contract became successors in interest and will hold substantially the same parcels the predecessors held at the time of execution of the original Williamson Act contract. Prior to preparation and execution of the proposed Williamson Act Successor Agreements, additional documentation is required from the applicant, as conditioned in this report.

Williamson Act

- (6) That the proposed successor agreements are consistent with Williamson Act provisions.

Williamson Act 51200 et. sec., allows for the division of contracts and provides that all successors in interest shall be able to exercise the rights of the owner in the original contract.

▽ ▽ ▽

- 6.2 **99-060** – A request for a Tentative Parcel Map (TPM#4420) and lot width Zone Variance for the division of an approximate 1.20 acre parcel in the Residential Suburban (RS) Zone. The project is located at the junction of County Road 32A (Montgomery Avenue) and Willowbank Road in South Davis. APNS: 069-160-051. Owner/Applicant: H. Clemente/M. Flanders (L. Lowe)

Lance Lowe gave the staff report.

Commissioner Heringer asked how close the city line is to this piece of property. Lance Lowe explained that the city line to the north is the creek and that the city is just on the other side of the creek.

Commissioner Woo asked if the adjoining parcels on Willowbank are all on septic systems. Lance Lowe answered, "yes".

John Bencomo informed that, as of Tuesday, December 7, 1999 at the Board of Supervisors Meeting, the Willowbank area subdivision is going forward in terms of formation of a district, but currently it's all on its own in terms of septic and water.

The public hearing was opened.

Marian Flanders, Applicant, said she's available to answer questions, and made a correction that she believes the address is 27482 Willowbank Road.

Steven Basha asked Marian Flanders if she's had a chance to look at the Conditions of Approval in the staff report. She answered that the Conditions of Approval are totally acceptable.

The public hearing was closed.

Commissioner Gerber asked who receives the Request for Comments sent out by the County. Lance Lowe said that, in this particular case, it was sent to the appropriate agencies, the service district, and to the Homeowner's Association for information. He said that each property owner within a 300' radius is notified prior to the hearing.

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"**);
- (2) **ADOPTED** the Findings of Approval for the Tentative Parcel Map (TPM # 4420) and Zone Variance, as presented in the staff report; and
- (3) **APPROVED** the Tentative Parcel Map (TMP # 4420) and Zone Variance in accordance with the "Conditions of Approval" as presented in the staff report.

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

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 ten minutes.

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for all costs associated with implementing the conditions contained within this staff report.

2. The Final Map for the project shall be filed at the applicant's expense with the Yolo County Planning and Public Works Department within two years from the date of approval by the Planning Commission or the Tentative Parcel Map shall become null and void without any further action in accordance with the State Subdivision Map Act.
3. The applicant shall obtain written confirmation from the Willow Bank Community Services District indicating intent to provide water service for fire suppression and domestic water supply to the divided property. The "will serve" letter shall be reviewed and approved by the Yolo County Planning and Public Works Department prior to building permit issuance.
4. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including but not limited to the Davis Unified School District, East Davis/Davis Fire District County Facilities Fees and environmental health fees
5. Construction activities shall be limited from 6:00 am to 6:00 pm, Monday through Friday.
6. If a pad is to be raised, a soils report for the pad performed by a geotechnical engineer will be required. Building foundations and slabs shall comply with any special requirements included in the soils report.
7. The new single-family dwelling shall have a fire suppression system installed, which shall conform to the latest conditions of NFPA 13 and local requirements.
8. The applicant shall provide two off street parking places as required pursuant to Section 8-2.2504 of the Yolo County Code. Said parking places shall be delineated on the plot map submitted with the building permit application.
9. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
10. Encroachment permits shall be obtained from the Planning and Public Works Department for the driveway connection to the County right-of-way (Willowbank Road) prior to the commencement of any construction.

County Counsel

11. 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.

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

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

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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File # 99-060, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

The Initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, an environmental evaluation (Initial Study) has been circulated and comments have not been received to warrant any further environmental review. A Negative Declaration has been deemed the appropriate level of environmental review.

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 Negative Declaration has been circulated for 21 days for public review and to responding "Responsible Agencies" having jurisdiction over the project with no further comments noted by "Responsible Agencies" or the general public.

TENTATIVE PARCEL MAP Subdivision Map Act (Government Code Section 66472)

Pursuant to Section 66474 of the Subdivision Map Act a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451;

The project entails the division of one approximate 1.2 acre parcel into two parcels of 50 and .69 acres. The properties are zoned Rural Residential (RS) with a minimum size of ½ acre. The area is predominately built-out with residential suburban homes on ½ acre lots. The City of Davis General Plan Designation for the properties is Residential-Low Density (2.00-7.99

Units Per Gross Acre and 2.40 Units per net acre. Similarly, the Yolo County General Plan designates the property RL- Residential Low Density (6 units per net acre). The proposed Tentative Parcel Map (TPM # 4420) is consistent with the Low-Density Residential designation of the Yolo County General Plan. The Yolo County Zoning Ordinance designates the property as Residential Suburban (RS) (2.00 units per acre). The proposed Tentative Parcel Map (TPM # 4420) is consistent with both the General Plan and Zoning for the property.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

The proposed design and improvement of the property is consistent with the use, intensity, and development standards of the property and existing area. The project is consistent with both the General Plan and Zoning designation for the area.

3. That the site is not physically suitable for the type of development;

A "Request for Comments" has been prepared and sent to "Responsible Agencies" with jurisdiction over the project. As of the date of this staff report there have been no significant comments received that would indicate the project would contradict any regulations of agencies with jurisdiction over the project that might render the site unsuitable for this type of development. Furthermore, the City of Davis and Yolo County General Plans have recognized the Willowbank Subdivision as suitable for Low-Density Residential Development.

4. That the site is not physically suitable for the proposed density or development;

As noted above, the proposed project site is suitable for Low-Density Residential Development as presented.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The proposed parcel to be developed is among existing single-family dwellings on each side of the property to be created. The area is surrounded by residential dwellings to the north, east, and west. Although, the property to the south is agricultural and has the potential to contain endangered, threatened, or rare species or their habitats, the presence of residential development on all adjacent sides of the project reduces and/or eliminates that likelihood. An initial study has been prepared and circulated with no responses noted as of the date of this staff report. Accordingly, staff has determined a Negative Declaration is the appropriate level of environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines. The Negative Declaration has been sent to the appropriate regulatory agencies with no major concerns noted. The Yolo County Planning and Public Works staff has determined the project is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems;

The design of the property will not cause serious public health problems. A tentative site Plan of the project has been reviewed and approved by the Yolo County Environmental Health Department in conjunction with the planning submittal. All issues regarding health, safety and general welfare of the area will be dealt with accordingly by the appropriate regulatory agency prior to recording of the final map or occupancy of the dwelling unit.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The design of the Tentative Parcel Map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

VARIANCES Planning and Zoning Law Section 65906

Variances from the terms of zoning ordinances shall be granted only when because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The Planning Commission shall grant a variance only when, in accordance with the provisions of Section(s) 65900 through 65906 of Article 3, Chapter 4, of Title 7 of the Government Code of the State, all of the following circumstances are found to apply:

8. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

The division of properties will meet the minimum lot area requirements, however, the lot width in the Residential Suburban Zone is 125 feet. The project proposes a front yard width of 93.88 feet, 31.12 feet less than the minimum required. Although, the minimum width in the Residential Zone is 125 feet, virtually all of the existing properties have a front yard width comparable to the proposed project. Due to the lot width of existing properties, the granting of this variance will not constitute a grant of special privilege inconsistent with the limitations

upon other properties in the vicinity and zone in which the subject property is situated.

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

The subject property is relatively narrow in width and deep in length consistent with virtually all of the properties in the Willowbank Subdivision. Upon survey of the area, at least 90% of the properties in the Willowbank Subdivision do not meet the yard width requirement of 125 feet. Consequently, the strict application of enforcing the lot width requirements will preclude the property owner from proceeding forward with the division of the property for the purposes of one additional homesite. Adhering to the lot width requirements in the Residential Suburban (RS) Zone will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

10. That the granting of such variance will be in harmony with the general purpose and intent of the Zoning and General Plan of the County of Yolo.

The granting of the variance will allow the division of a property, that when divided, will be consistent with the surrounding residential area and neighborhood for use, size and density. The property is designated by both the Davis and Yolo County General Plans as Low-Density Residential. Similarly, the property is Zoned Residential Suburban (RS), one single family dwelling per lot. The granting of the variance will be in harmony with the general purpose and intent of the Zoning and General Plan of the County.

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- 6.3 **99-071** – A request for a Land Conservation (Williamson Act) Contract Division. The Williamson Act Contract currently encumbers 195-76 acres. The division of contract would establish one contract for three contiguous parcels totaling 175.76 acres and one contract for a 20.00 acre parcel. The project is located on County Road 2, 3 miles north of Dunnigan and 1 mile south of the County Line. APNS: 051-010-14, 17, 18 and 051-140-07. Owner/Applicant: D. LaMoureaux (L. Lowe)

Lance Lowe gave the staff report.

Commissioner Stephens asked what the extensive improvements entail. Lance Lowe said they entail fixing up the property. He said the potential buyer of the property has repaired the orchard, has purchased several farming implements to farm the property, and has done so for the last ten months.

The public hearing was opened.

Dale Wallis, potential owner, presented a description and history of the property, and illustrated to what extent she and her husband have made improvements. She asked that the Commission seriously consider letting this contract split go through so they can farm the property.

Steven Basha asked Dale Wallis if she has looked at the Conditions of Approval. She said she has looked at them and they are acceptable.

Dan LaMoureaux with Remax Real Estate, representing the estate of Mr. Ramirez in the sale of the property, reiterated that the estate does not have the ability to maintain nor make the payments on the property. He expressed that he hopes this item is approved.

Commissioner Stephens commented that this is one of the better presentations she's seen in her three years on the Commission, and that she feels this warrants the Commission's approval.

Commissioner Peart expressed that the orchard looks much better, and that it is viable.

Commissioner Woo asked why this item is different from "Impossible Acres". John Bencomo said the primary difference is that in this case there's a long history of changes in ownership, and it's currently out of compliance with the Williamson Act. He said that "Impossible Acres" was part of a larger holding of land that had several 20-acre parcels in a cluster, and it was viewed as high potential for speculation, and that's clearly not the case in this area.

The public hearing was closed.

Commission Action

- (1) **CERTIFIED** the Categorical Exemption prepared for the project, in accordance with the California Environmental Quality Act (CEQA) Guidelines (**Exhibit "5"**);
- (2) **ADOPTED** the Findings of Approval as presented in the staff report; and
- (3) **APPROVED** the Agricultural Preserve Division subject to the "Conditions of Approval" as presented in the staff report.

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

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

CONDITIONS OF APPROVAL

1. The owners of the 20.00 acre property shall annually demonstrate that except for a homesite no larger than one acre, the property is being used for the commercial production of agricultural products or is planted with immature fruit or nut trees, or vines. Failure to file the declaration or questionnaire by April 1 or failure to meet the above criteria shall cause the

property to be valued pursuant to Section 423 (3) of the Revenue and Taxation Code using as the stipulated income to be capitalized the product of the property's factored base year value and the capitalization rate applicable for valuing restricted open space land. If the property owner fails to file the declaration or questionnaire for two consecutive years, the County shall consider giving notice of non-renewal of the Williamson Act contract. The above conditions shall be reflected in the applicable Williamson Act contract(s).

2. Properties which are subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless approval of a division of the Williamson Act contract is first approved as provided in the Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).
3. Separate Williamson Act Contracts shall be drafted in accordance with said act. The department shall transmit the revised Agricultural Preserve Contracts with legal descriptions to the Yolo County Counsel's Office who shall review the new contracts, as binding documents between the County of Yolo and the applicants.
4. Upon acceptance and approval of the Williamson Act Contracts by the Yolo County Board of Supervisors, a recorded copy shall be provided to the Planning and Public Works Department.
5. 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 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.

6. 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 FOR APPROVAL

(Evidence to support the required findings is shown in italics)

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File # 99-071, the Yolo County Planning Commission finds the following:

California Environmental Quality Act and Guidelines (CEQA)

The project is deemed to be Categorically Exempt and a Categorical Exemption has been prepared as the appropriate environmental assessment for the project in accordance with the California Environmental Quality Act and Guidelines under the following provisions:

§ 15317. Open Space Contracts and Easements

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process.

Yolo County Zoning Regulations

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:

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

The proposed agricultural contract configuration meets the minimum 20 acre requirement established for certain circumstances by the County's AP Zone Section 8-2.408 (e)(2)(ii). The potential owner has stated that they plan to continue to farm the property as "Over nineteen of the twenty acres are planted with walnut trees; approximately twelve acres are bearing at commercially viable levels". At this time the applicants have not filed for non-renewal of the current contracts. Consequently, the successor Williamson Act Contracts will be in effect for at least ten years from the date of contract renewal.

2. That the parcels tend to maintain the agricultural economy;

The Walton property is currently being farmed in orchards. Similarly, the 20 acre parcel is being farmed in orchard by the applicant who is trying to acquire the property subject to the Williamson Act Contract Division. As stated by the applicant, several repairs and improvements have occurred and the applicant plans to continue to farm the parcel. "To this end, approximately 250-300 new trees were planted last year (replacing those lost to disease, wind, damage, etc.), Over nineteen of the twenty acres are planted with walnut trees; approximately twelve acres are bearing at commercially viable levels). Approval of the project will allow the property to be unencumbered by adjoining properties under separate ownership and will clear title on the subject properties providing greater benefit to the agricultural operations of the properties. Accordingly, the parcels will tend to maintain the agricultural economy;

3. That the parcels will tend to assist in the preservation of prime agricultural lands;

Upon approval, the new Williamson Act contracts will consist of 176 and 20 acres. The properties are currently farmed and have been historically farmed. The properties have irrigation as supplied by the Dunnigan Water District. According to the Williamson Act, lands are considered prime agricultural land based on several factors. Pursuant to the Williamson

Act, prime agricultural land means any of the following:

- 1) *All land that qualifies for rating as Class I and II in the Natural Resource Conservation Service land use capability classifications;*
- 2) *Land which qualifies for rating 80 through 100 in the Storie Index Rating;*
- 3) *Land which supports livestock used for the production of food and fiber in which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;*
- 4) *Land planted with fruit- or- nut- bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.*
- 5) *Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre for three of the previous years.*

The properties meet the definition of prime agricultural land on several accounts. Clearing up title on the existing prime agricultural properties with new Williamson Act Contracts will tend to assist in the preservation of prime agricultural lands;

4. That the parcels will preserve lands with public value as open space;

Agricultural lands are a principle component of open space. The properties are to remain in agricultural use. The properties are to remain within agricultural contracts. The subject properties have been planted in agricultural production and will be continually farmed.

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

The proposed agricultural use is consistent with the goals and policies of the General Plan. They have been historically farmed and will continue to be farmed and under Williamson Act Contract.

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

The proposed Williamson Act Contract Division is not subject to the provisions of the Subdivision Map Act.

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

The properties will consist of approximately 176 and 20 acres. The 176 acre parcel will more

than meet the minimum required as noted above. However, the 20 acre parcel will not. In certain circumstances, the Yolo County Code provides allowances for parcels which do not meet the minimum sizes noted above.

As provided in Section 8-2.408(e)(ii), the proposed division will result in a parcel of at least 20 acres in irrigated orchard. The owner will be required to file annual declarations, as specified. Consequently, the project is consistent with the acreage requirements.

▽ ▽ ▽

Item 6.4 will follow Items 6.5 and 6.6.

6.4 A workshop to discuss infrastructure financing and maintenance for two approved subdivisions of 63 and 72 units (Zone File Nos. 98-001 and 98-043), located in the R-1/PD (Single Family Residential/Planned Development) Zone. The projects are generally located between Grafton Street (County Road 20A) and State Highway 16, west of Sebastian Way, in the town of Esparto. APNS: 049-150-18, -19, -37, -38, and 43. Owner/Applicants: Western Development and C & J Properties (D. Morrison)

David Morrison gave the staff report.

Steven Basha, County Counsel, stated that, as the report also indicates, a modification to a couple of the Conditions will be brought back to the Commission.

Commissioner Heringer asked if there is some agreement between the four different agencies. David Morrison suggested that the involved parties answer this question.

Commissioner Gerber asked for an update from the parties who are present.

The public workshop was opened.

Tom Marking, General Manager with the Esparto Community Services District, presented an encapsulation of what has occurred on the project. He stated that the developers and the Services District don't have the money to fund the project, and they're not able to come to terms on this entire project for funding at this point. He and his Board recommend that they not put Esparto Community Services District financially at risk by fronting development. He stated that they have funding for a number of projects that will benefit the town, but they can't afford something as expansive as this project.

Commissioner Stephens asked if the Services District has completely stopped work on the project. Tom Marking said they can't proceed until they have agreement on who's going to pay for what, what the percentages are, and when these monies are going to be paid. He stated that the engineering is estimated to be approximately \$80,000, which is about 10% of the project. He expressed that, if they can't get this project off dead center soon, the District will pursue viable projects within the Service Area they have long term wanted to do, and whoever doesn't want to get on board will have to speak to them when they get their financing arranged.

Commission Walker asked Mr. Marking to identify the projects the District would like to do. Mr. Marking said that the main project the town needs is a 300,000-gallon reservoir and pressure boost station that would equalize the pressure in the town. He stated that the second project would be to increase about 400 feet of line from the reservoir site and the well to the main part of town so there

is not so much static loss when trying to pump. They would also increase their sewer pump station at their treatment plant, since currently their pumps are at maximum capacity. He concluded that the District intends to go forward with these core projects.

Commissioner Stephens asked if they have commitment for the funding for the engineering study. Mr. Marking stated that they are working on funding. David Morrison said he understands that funding was there, but apparently not finalized.

Commissioner Stephens asked if Country West, the first development, wanted to go forward on their own. Tom Marking said that he thinks so. He also said that for Country West to be served, there are other things that need to be done, including collection system improvements, treatment plant improvements, and an increase of the reservoir.

Commissioner Stephens asked Mr. Marking if they can get enough money to do the improvements necessary to serve Country West. Mr. Marking said that the price per unit would certainly cover their costs, but it's a matter of whether the price per unit can be put up front to do that.

Commissioner Stephens asked Mr. Marking if the District has a commitment from Country West and C&J. Mr. Marking said that he thinks Country West and C&J both are very committed to develop.

In response to Commissioner Stephens, Mr. Marking explained the financing mechanism for forming an improvement district.

Commissioner Stephens asked if the District will make a commitment to form a lighting and landscape district. Mr. Marking said, "no".

David Morrison clarified that LAFCO doesn't approve assessment districts, they only handle agency jurisdictional boundaries. He stated that only agencies having taxing authority can form assessment districts. He said that if the District chooses not to, that responsibility would likely fall back on the County. The County does have other maintenance districts for other communities within the County, and collects the assessments and contracts out and oversees the maintenance. He stated that the County wants to explore options and get something concrete to bring back before the Commission rather than just amending the Condition of Approval and leaving it wide open.

Commissioner Walker asked Mr. Marking if it's possible to construct what they feel is reasonable for immediate and near future needs and then, as the financing for these three proposals materialize, add to it based upon money in hand and available to them. Mr. Marking responded that they can put in a 300,000 now and perhaps 3-5 years down the road as some development occurs, put a second one in, but it's much less expensive to put in a 500,000 now.

Commissioner Walker stated that he views the responsibility of finding financing by the developers as their problem, not the District's, and he would encourage the District not to get involved in assuming some of that fiscal responsibility. He thinks the District is on the right track.

Commissioner Heringer asked how much money it will take to do this. Mr. Marking said the District's portion is about \$300,000, and around \$850,000 for the entire projects. The payment schedule

would be about \$70,000 per year, and the District would be responsible if there was non-payment. He expressed that the District can't place their citizens and their assets at risk.

Stan Sandgren, with Country West II Project, said they are trying to resolve the funding without putting the community at risk. He thinks they're getting close to agreeing with all the developers.

Commissioner Woo asked Mr. Sandgren if they would be contributing to the projects the existing community needs now if the Services District goes ahead with that movement, whether the others are included or not. He said, "yes".

Commissioner Heringer expressed that he feels the present citizens should pay a percentage of the total project costs for improvements.

Mr. Marking said that the District's core project to fill a 300,000 gallon reservoir, a booster pump station, a revampment of their existing well to feed that reservoir, a sewer station upgrade, and about 400 feet of 10' water main inclusion would be about \$310,000 to \$320,000. He stated that the District has that amount of cash right now, which will expend a bulk of their reserves. In answer to Commissioner Lang, he said the phase in will be done about July or August of next year.

Commissioner Stephens said the Commission knows they do not micromanage service districts, but they do need to get a sense of what's going to happen in Esparto.

Commissioner Heringer commented that the Commission has already approved the development as far as they can go, but they can't solve the financing.

Commissioner Stephens clarified that she is not talking about pulling approvals. She feels that the biggest concern is that these developments have adequate sewer and water. She said the community wants quality development that pays for itself.

Tom Moran, C&J Properties, said he agrees 100% with Stan's prior comments, and he appreciates Tom's explanation of his perspective. He thinks the bottom line is that they're all working towards the resolution of this financing question, and he feels that progress is being made. He said it's wonderful that the District is taking the initiative to do some improvements for the community benefit and they want to tag onto that.

Mr. Moran stated that he thinks the fact that they're here today answers Commissioner Stephens' question, and that obviously they want to see things happen. It's a matter of working through the various conditions, and that infrastructure is a very important one, and they're prepared to do that. He said C&J is prepared to do it, Stan is prepared to do it, and he knows Kent Calfee has interest in this as well. He thinks it's an evolutionary process, and they're making progress. He expressed that they're prepared to upfront some engineering to get it off the ground, and he thinks this will be very helpful in defining the numbers more accurately.

Commissioner Stephens asked why their focus on the project has changed. Mr. Moran said the District has volunteered the lead in terms of the financing/bonding mechanism. He stated that the issue on the table, at this point, is how the developers can guarantee the risk that this will be repaid. He said they're currently working on a mechanism that makes them and the District comfortable in terms of satisfying this need for off-site infrastructure requirements.

Commissioner Walker commended Mr. Moran and Mr. Sandgren and the rest of the people involved for their very methodical, common sense approach to examining the costs, benefits and the

liabilities. He said that, until the questions are answered properly, and to their satisfaction, he doesn't think they should do anything -- they'll get there.

Kent Calfee, involved in the Esparto Community for a long time, said he's confident that they'll find a solution that will be ultimately acceptable to the District and the development community. He said he's been very active in the discussions with the developers and the District, and he anticipates taking part in the ultimate solution of the \$850,000 problem. However, the first step of this process is to break it down into chunks that can be digested and solved. He stated that he has committed one third of the \$24,000 for engineering. He appreciates that he has no guarantees. Ron Voss expressed that there was never any doubt that the developers would have to be fully responsible for any additional infrastructure, sewer and water, etc. Also, there was never a question that the community was going to ask the developers to do something for the community that they weren't willing to pay themselves. He said the relationship with the developers has been good. Speaking on behalf of the Advisory Committee, he stated that they are experiencing a lot of frustration and they're asking what's the future of the development.

Commissioner Walker stated that he sees this as a challenge that has to be solved internally, completely. Compared to what was heard three or four months ago, when there were many questions about the ability or interest of this service district in starting this, it seems that things are underway on a positive course, and can only be taken one at a time.

John Bencomo said that he thinks the frustration being expressed is a sentiment that everyone is feeling. He reminded the developers to revisit the Conditions of Approval because the tentative maps do have the timeframe, so there is a little bit of a time urgency as well to add to this challenge. He said they have an approval for the tentative map at this time and it has to be finalized within the time frame, and to do that they have to have these solutions brought forward.

David Morrison said that if the final subdivision map has not been approved within the time frame, it has to come back to the Commission for an extension of time, which is discretionary action.

Stan Rooney, Chairman of the Esparto Community Services District, said that at last night's meeting, their Board agreed that they were going ahead with what they have to do for their community, and if they want to come in it's up to them to pay their share.

Commissioner Stephens said, for the record, that the Commission gave the approvals for development based on Conditions of Approval that were fully agreed upon, and that financing problems are not the community's responsibility. She believes it's the Commission's responsibility to see that the development that has been approved proceeds as it was approved, and she wants to see the responsibilities carried out. She expressed that, as developers, they are experienced and know what's involved, and maybe they'll have to work a little bit harder.

John Taglio, C&J Properties, told Commissioner Stephens that he appreciates her deep concern for the community. He said they are committed to see this through, and when this was approved in late summer, they realized they couldn't build homes this year. They hope to build homes next year, and if they don't get this solved and have the Community Services District in a position to be able to provide connections, they won't be able to build next year. He said they are committed to put up the \$24,000, of which their share is \$8,000, and are prepared to write the check today, and will do that

as soon as they are told.

Mr. Taglio said the reason they hesitated until last Friday was because, in regular meetings, all three developers agreed to have the Community Services District's engineer give a scope of work that is involved for the improvements for the sewer and water, and they received that as of last Friday. He stated that they will be getting that money to Tom Marking so he can proceed with the engineering aspect. As far as the improvements for the \$850,000, they are methodically working towards a way to get that money advanced so that they can go forward, and they're not being passive about it. He said they have a meeting scheduled with the lender that the Services District was going to work with, and if that doesn't work, they'll go to the next step of how to advance the money. He assured the Commission that they're working and are thoroughly committed.

Commissioner Woo asked Tom Marking if he agrees with Mr. Taglio. He stated that he wants to see the Facilities Agreement progress on the basis they were responsible for \$850,000 in improvements. He said they were trying to blend in their projects with them to a total package, and that they did not volunteer to get funding. When it came to a point where they could not front the money, the District said there's a possibility that they could, as an agency, form an improvement district and perhaps get funding. It was not a volunteer on the District's part, it was either they do this, or it's going to fall flat. The District didn't want to see this process stop, so they thought that, as a backup position, they would pursue funding if they could be guaranteed that their citizens would not be at risk. He said there is no guarantee that the District will not be the collateral and their Board will not progress on that basis. In order to get something started, Mr. Marking had suggested that they at least get the engineering going on a separate agreement, which came out to about \$80,000, of which there seems to be a serious commitment for the first \$24,000 of the \$80,000 proposed. He stated that if development wants to come into town, they'll have to pay their fair share.

The public workshop was closed.

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6.5 **95-094 and 95-095** – A request to establish a 123-acre Agricultural Easement as mitigation for the Teichert Woodland and Esparto Long-Term, Off-Channel Mining Permits. The proposed easement is located south of County Road 19 and east of County Road 94B, north of Cache Creek, near the City of Woodland in the General Agriculture (A-1) and General Agriculture/Sand and Gravel (A-1/S-G) Zones. A Categorical Exemption has been prepared. APNS: 025-350-03 and -28; 02-350-30 and -32. Applicant/Owners: Teichert Aggregates and Muller Farms (D. Morrison)

David Morrison gave the staff report. He noted that the financial assurances are still in place and will not be released until the agricultural production meets or exceeds prior mining production levels. He said the agricultural easement also includes a portion of approximately 30 acres of land that is still being mined and will be reclaimed agricultural in the future. He pointed out that, should agricultural production levels fail to meet their expectations on either of these sites in the future, staff will be bringing this back forward and Teichert would have to find an equivalent amount of acreage (another 53 acres) someplace else of productive prime ag. land in order to offset those losses.

The public hearing was opened.

Lillie Noble, Teichert Aggregates, stated that she agrees with staff's presentation and that the easement before the Commission was negotiated with the help of Steven Basha, David Morrison, and Muller Farms, and is in compliance with the ordinance. She said the document spells out the

details of how, when, and where this agricultural easement is going to be delivered, and that the selected property complements the Cache Creek Nature Preserve, other preserves out there, and future net gains.

Steven Basha asked if the Muller's have signed off on these easements. Lillie Noble said that the Muller Farms have signed, it is currently at Teichert for signature, and they will deliver a contract.

The public hearing was closed.

Commission Action

- (1) **CERTIFIED** that the proposed Categorical Exemption (See Exhibit 1) was prepared in accordance with the California Environmental Quality Act (CEQA); and
- (2) **ACCEPTED** the Conservation Easement (see Exhibit 2) to protect approximately 123 acres of prime farmland from future conversion to nonagricultural uses.

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

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 three minutes.



6.6 **99-095** – A request to clarify the Teichert Woodland Long-Term, Off-Channel Mining Permit with respect to maximum allowed depth. The project site is located south of County Road 19 and east of County Road 94B, north of Cache Creek, near the City of Woodland in the General Agriculture (A-1) and General Agriculture/Sand and Gravel (A-1/S-G) Zones. An Addendum Environmental Impact Report has been prepared. APNS: 250-350-32. Applicant/Owner: Teichert Aggregates (D. Morrison)

David Morrison gave the staff report. This item is a request to clarify an error in Development Agreement No. 96-286, by amending the agreement to indicate that the maximum allowed depth for Phase 1 of the Teichert (Woodland) mining operation is 57 feet.

The public hearing was opened.

Lillie Noble, Teichert Aggregates, stated that she agrees with staff's presentation.

The public hearing was closed.

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** that the proposed Addendum EIR (see Exhibit 1) was prepared in accordance with the California Environmental Quality Act and Guidelines (CEQA); and
- (2) **ADOPT** the Findings (see Exhibit 2) in accordance with the County Surface Mining Ordinance and the County Development Agreement Ordinance; and
- (3) **AMEND** Development Agreement No. 96-286 to correct the maximum allowed depth of mining within Phase 1 of the Teichert (Woodland) mining operation from 37 feet to 57 feet, as described in Exhibit 3.

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

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 five minutes.

FINDINGS

In accordance with Section 8-10.401 of the County Development Agreement Ordinance, the Planning Commission makes the following findings with regard to the proposed modification of Development Agreement No. 96-286:

- (a) The proposed project is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

The proposed project is consistent with several policies of the Off-Channel Mining Plan (OCMP), Action 2.4-10, which encourages off-channel excavation operations to access additional aggregate reserves through the use of wet pits, in order to increase mining efficiency and to minimize the surface land area disturbed by mining. Action 6.4-2 requires reclaimed off-channel excavations that extend below the groundwater level to provide for the development of shallow areas to create wetland and riparian habitat. Action 7.4-1 solicits the dedication of restored habitat areas and/or recreational areas to the County or to an appropriate land trust, in order to provide continuous open space along the creek. The proposed amendment would allow for more efficient mining, provide improved wetland habitat, and create appropriate open space for future dedication to the public.

- (b) The proposed project is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.

The proposed clarification with respect to maximum allowed depth is compatible with the requirements of the Agricultural General (A-1) Zone in which the mining will be located. The clarification would correct a textual error and would not result in any new incompatible uses with the existing zoning.

- (c) The proposed project is in conformity with and will promote public convenience, general

welfare and good land use practice.

The proposed clarification conforms with all applicable requirements of the County Off-Channel Surface Mining Ordinance and the County Surface Mining Reclamation Ordinance. The corrected depth will promote more efficient mining, reduce the area of disturbance by mining, improve the quality of reclaimed wetlands habitat, and create valuable public open space for the future.

- (d) The proposed project will not be detrimental to the health, safety and general welfare.

The proposed clarification will not be detrimental to existing environmental conditions that might impair the public health, safety, and/or welfare. Modeling performed as a part of the EIR indicate that nearby wells would not be adversely affected by a maximum allowed depth of 57 feet in Phase 1. Geotechnical studies demonstrated that slopes would remain stable at the lower depth. Groundwater quality would not be affected by the proposed clarification and will continue to be monitored.

- (e) The proposed project will not adversely affect the orderly development of property or the preservation of property values.

The proposed clarification is necessary to ensure the orderly development of mining and reclamation operations conducted at the Teichert Aggregates (Woodland) site. The corrected depth will ensure that sufficient sand and gravel resources are available to meet anticipated Phase 1 production at the Woodland site. In addition, the corrected depth will provide a permanent, year-round pond within the seasonal wetlands to be reclaimed within Phase 1. The year-round pond will provide a valuable refuge for insects, fish, amphibians and other species during the dry summer months. Consequently, approval of the proposed clarification will enhance the implementation of both long-term mining operations and habitat reclamation. The corrected maximum depth of mining will not affect nearby off-site agricultural operations, nor will it adversely affect property values in the area.

- (f) The proposed project will meet the intent of Section 8-10.202(a) of the County Development Agreement Ordinance, which states that: "In consideration for entering into a development agreement, the County shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval."

As documented in Development Agreement No. 96-286, the Teichert Aggregates (Woodland) Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- *Dedication to the County of 64 acres including the reclaimed habitat and lake at the Storz site, including approximately 30 acres within the Cache Creek Channel;*
- *Dedication to the County of approximately 98 acres including the reclaimed habitat and lake at the Muller site, including a 40-foot public access easement from either County Road 19 or County Road 94B;*

- *Design and implementation of a 30-acre demonstration habitat and groundwater recharge facility at the Rodgers site, and dedication to the County including all existing access easements; and*
- *Restoration, maintenance, and permanent protection of a 4.75 acre site for Valley Elderberry Longhorn Beetle habitat.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-286.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Planning Commission makes the following findings with regard to the proposed clarification of the maximum allowed depth for Phase 1 of the Teichert (Woodland) long-term, off-channel mining permit (ZF #95-09), as approved by the Board of Supervisors under Minute Order No. 96-444.

- (a) The proposed project complies with SMARA and the County Surface Mining and Reclamation Ordinances.

The clarification is consistent with all applicable state and local requirements, including Section 10-5.533 of the County Surface Mining Reclamation Ordinance, which requires operators to include wetland habitat where reclamation plans include permanent lakes; Section 10-5.530 governing final slope angles; Section 10-05.507 requiring internal drainage for reclaimed pits; and 10-5.529 concerning the provision of shallow depths in permanent wet pits to provide wildlife habitat.

- (b) The proposed project shall be conducted pursuant to a reclamation plan approved in accordance with SMARA, State Mines and Geology Board Regulations, and the County Surface Mining Reclamation Ordinance.

The Reclamation Plan for the Teichert Aggregates (Woodland) Long-Term Off-Channel Mining Permit was approved by the Yolo County Board of Supervisors on November 25, 1996, in accordance with all applicable state and local requirements. The proposed clarification will not require any change to the adopted Reclamation Plan.

- (c) The proposed project will not be detrimental to the public health and safety.

The proposed clarification will not be detrimental to existing environmental conditions that might impair the public health, safety, and/or welfare. Modeling performed as a part of the EIR indicate that nearby wells would not be adversely affected by a maximum allowed depth of 57 feet in Phase 1. Geotechnical studies demonstrated that slopes would remain stable at the lower depth. Groundwater quality would not be affected by the proposed clarification and will continue to be monitored.

- (d) The proposed project is consistent with the General Plan, any applicable specific plans, and the zoning of the site.

The proposed project is consistent with several policies of the Off-Channel Mining Plan

(OCMP). Action 2.4-10, which encourages off-channel excavation operations to access additional aggregate reserves through the use of wet pits, in order to increase mining efficiency and to minimize the surface land area disturbed by mining. Action 6.4-2 requires reclaimed off-channel excavations that extend below the groundwater level to provide for the development of shallow areas to create wetland and riparian habitat. Action 7.4-1 solicits the dedication of restored habitat areas and/or recreational areas to the County or to an appropriate land trust, in order to provide continuous open space along the creek. The proposed amendment would allow for more efficient mining, provide improved wetland habitat, and create appropriate open space for future dedication to the public.

The proposed clarification with respect to maximum allowed depth is compatible with the requirements of the Agricultural General (A-1) Zone in which the mining will be located. The clarification would correct a textual error and would not result in any new incompatible uses with the existing zoning.

- (e) The proposed project is compatible with the existing uses of surrounding lands.

The proposed clarification would make the text in the Development Agreement which describes the project consistent with the graphics in the Development Agreement and would not result in any new effects that would be incompatible with surrounding land uses.

- (f) The site is physically suitable for the proposed project, giving consideration, but not limited to such factors as local groundwater conditions, flood protection, drainage, habitat, and aesthetics.

The corrected maximum allowed depth for Phase 1 has been analyzed in the certified Project-Level Environmental Impact Report for the Teichert Aggregates (Woodland) mining operation (SCH#96013031) and all appropriate mitigation measures have been adopted as necessary to ensure that the site is physically suited for the approved mining operation. In addition, annual monitoring of environmental conditions such as flood protection, groundwater conditions, drainage, habitat, and aesthetics is being conducted to ensure continued compliance.

- (g) The proposed project includes provisions for a "net gain" to the County.

As documented in Development Agreement No. 96-290, the Teichert Aggregates (Woodland) Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- *Dedication to the County of 64 acres including the reclaimed habitat and lake at the Storz site, including approximately 30 acres within the Cache Creek channel;*
- *Dedication to the County of approximately 98 acres including the reclaimed habitat and lake at the Muller site, including a 40-foot public access easement from either County Road 19 or County Road 94B;*
- *Design and implementation of a 30-acre demonstration habitat and groundwater recharge facility at the Rodgers site, and dedication to the County including all existing access easements; and*

- *Restoration, maintenance, and permanent protection of a 4.75 acre site for Valley Elderberry Longhorn Beetle habitat.*

The proposed clarification will not change the net gains as approved under Development Agreement No. 96-286.

- (h) The environmental document for the proposed project was prepared in accordance with the provisions of CEQA and the State CEQA Guidelines.

An Addendum EIR has been prepared in accordance with CEQA.

- (i) A written response to the State Department of Conservation has been prepared and considered for the proposed project, describing the disposition of major issues raised by the Department.

Staff contacted representatives from the Office of Mine Reclamation, who indicated that since the proposed clarification will not result in a change to the reclamation plan, review by the Department of Conservation is not required.

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A ten minute recess was called. The meeting reconvened with Item 6.4, followed by Items 7. and 8.

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.

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

- (1) Williamson Act/Super Williamson Act Workshop
- (2) Zoning Ordinance Amendment
- (3) Status of Interim Director position.

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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 Woo said she attended the California County Planning Commissioner's Association Conference in Monterey, along with David Morrison and Dave Daly. Highlights included an interesting talk about population trends and how they affect Planning Commissioners, a farmland preservation panel of people with different interests in farmland preservation, and a mock Planning Commission. She expressed that it was a lot of fun, and recommended that people attend.

- (2) Commissioner Heringer described his extensive trip to New Zealand and Australia.

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9. ELECTION

Election of the new Chair and Vice-Chair of the Yolo County Planning Commission.

Commission Action:

Commissioner Woo was nominated as Chair for 2000.

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

Commissioner Stephens was nominated as Vice-Chair for 2000.

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

10. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:10 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Thursday, January 13, 2000, 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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