



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

CHAIR: Jeb Burton
VICE-CHAIR: Richard Reed
MEMBERS: Leroy Bertolero; Jeff Merwin; Richard Reed; Keith Williams; Don Winters

MINUTES

October 14, 2010

ADMINISTRATIVE AGENDA

1. Chair Burton called the meeting to order at 8:34 a.m.
2. Pledge of Allegiance was led by Vice-Chair Reed.

MEMBERS PRESENT: Burton, Bertolero, Kimball, Merwin, Reed, Williams, and Winters
MEMBERS ABSENT: None
STAFF PRESENT: David Morrison, Assistant Director of Planning
Donald Rust, Principal Planner
Eric Parfrey, Principal Planner
Stephanie Cormier, Associate Planner
Jeff Anderson, Assistant Planner
Philip Pogledich, Senior Deputy County Counsel
Aundrea Tyler, Office Support Specialist

3. ADOPTION OF MINUTES OF THE **SEPTEMBER 9, 2010** MEETING.

Commission Action

The Minutes of the **September 9, 2010** meeting were approved with one correction under Commissioner Reports.

- A. Commissioner Bertolero reported his attendance at the Capay Citizen's Advisory Committee meeting and a meeting with Joel Rominger, Don Rust and the Climate Action Plan consultant, Culley Thomas.

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MOTION: Winters SECOND: Reed
AYES: Burton, Bertolero, Reed, and Winters
NOES: None
ABSTAIN: Williams
ABSENT: Kimball, Merwin

4. 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 Chair. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

None

5. CORRESPONDENCE

- 5.1 California County Planning Commissioners Association, 80th Annual CCPCA State Conf.
- 5.2 Packet from UC Davis regarding Youth Voices for Change: Opinions and Ideas for the Future of West Sacramento.

Chair Burton acknowledged receipt of all correspondence received prior to the meeting and distributed at the beginning of the meeting.

TIME SET AGENDA

- 6.1 **ZF #2007-049:** Continued public hearing on a request for an extension of a Use Permit to construct and operate a marina on the west bank of the lower Sacramento River, just north of the Interstate-5 Bridge. The project site is zoned A-1 (Agricultural General) and is designated in the General Plan as being within the Elkhorn Specific Plan area (APN: 057-210-17, -18). The Use Permit was approved by the Planning Commission on August 14, 2008, and the Planning Director approved a one year extension in 2009. The applicant is requesting an extension in order to obtain approvals from all applicable state and federal agencies. A Categorical Exemption has been prepared for this project. Owner/Applicant: Hugh Turner/Robert Newton (J. Anderson)

Jeff Anderson, Assistant Planner, presented the project, and answered questions from the commission.

Commissioner Merwin and Commissioner Kimball arrived during the public hearing.

Chair Burton opened the public hearing.

Robert Newton, applicant, explained that he had encountered difficulties with the bureaucracy of dealing with the Army Corp of Engineers and other agencies, and at the present time, is unsure of

when the project will make it through the Army Corp of Engineers', as they are currently very interested in any proposed changes to the levees.

Regina Cherovsky, Reclamation District 2035 clarified that the district is in support of the project and requested that the commission encourage the applicant to work with the Reclamation District to resolve challenges.

Chair Burton closed the public hearing.

Commissioner Bertolero said that the biggest concern was contamination of the water, but as far as the danger of the fuel spilling there will not be fueling on site at the marina or live aboard vessels, and there is tidal water there. Additionally, the letter that came from the Reclamation District adequately answered any questions or issues he may have had. He was pleased to see that all parties were willing to work together to move the project forward.

Vice-Chair Reed stated that he spoke to Ms. Cherovsky regarding the Reclamation District's approach on dealing with the issues, and while he agrees with staff that both the applicant's project and the district's are compatible, he is aware that the ultimate goal is to provide quality domestic drinking water for Woodland and Davis, along with screening the fish intake. Therefore, he encourages the applicant, the Reclamation District, and the Clean Water District to have some meaningful discussions to identify and resolve any outstanding issues; assuming that both projects will be built. He supports the staff recommendation for the two-year extension.

Commissioner Williams stated that he supports the staff recommendation and is less concerned about the extension granted through the county, than he is about the bureaucracy that the applicant will have to endure in going through the other agencies.

Commissioner Merwin encouraged the applicant and the Reclamation District work together to the best of their abilities to resolve any conflicts that they have and expressed his sympathies in regards to gaining approvals through the various government agencies.

Commissioner Winters felt the staff recommendation for a two-year extension was appropriate

Commissioner Kimball said she spoke to Ms Cherovsky as well, and though she understands they cannot force the applicant and the Reclamation District to work together, she does encourage them to so that they can move forward. If there were a way to request that they work together in the conditions, she would like to include that.

David Morrison, Assistant Director of Planning Services, clarified that both parties will have to work together due to the shared road access.

Chair Burton said he also spoke to Ms. Cherovsky prior to the meeting, and he is in support of the marina project as he was when the Planning Commission heard it the first time. He encouraged everyone to come to a solution that would benefit both parties.

Commission Action

The Planning Commission:

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the "General Rule" Exemption (Attachment B) as the appropriate level of

environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;

3. **ADOPTED** the recommended Findings (Attachment C); and
4. **APPROVED** the request to extend the Use Permit for an additional two years.

MOTION: Reed SECOND: Bertolero
AYES: Burton, Bertolero, Kimball, Merwin, Reed, Williams, and Winters
NOES: None
ABSTAIN: None
ABSENT: None

6.2 **ZF# 2002-043:** Adoption of the updated 2010 Capay Valley Area Plan (Amendment No. 2010-1 to the 2030 Yolo Countywide General Plan). The Yolo County Board of Supervisors heard testimony and considered the 2006 updated Capay Valley Area Plan at hearings during 2007. In September, 2007, the Board directed staff to put the plan adoption on hold until after the Countywide General Plan was approved, which occurred in November, 2010. The Capay Valley plan is the first of the community plans to be considered. Staff has revised the previous 2006 Capay Valley Area Plan, primarily by editing background information and updating policies to conform with the new Countywide General Plan. Owner/Applicant: Yolo County (E. Parfrey/S. Cormier)

Eric Parfrey, Principal Planner, presented the project and answered questions from the commission.

There was discussion regarding timelines and the integration of recently submitted comments by the Capay Valley Citizens' Advisory Committee, as well as other public and commissioner comments.

Chair Burton opened the public hearing.

Andrew Fulks thanked staff for incorporation of comments from the previous meeting and reiterated the importance of the comments and changes that were not integrated into the final document.

Chair Burton closed the public hearing.

Vice-Chair Reed commented on the two changes he wanted to see integrated into the Capay Valley and apologized for not making it clearer that it was not a recommendation, but rather something he wanted to see integrated into the document.

Chair Burton said the commission has four different options in front of them. One, ignore all comments and recommendations and vote purely on the staff recommendation, or option two, take the comments presented to the commission and try to incorporate them immediately into a recommendation to the staff, and eventually to the Board of Supervisors. Option three would be to table the item and provide staff the opportunity to go back for the next couple of hours during the meeting and make adjustments as feasible, and finally, option four would be to continue the item until the next meeting.

Commission Action

The Planning Commission:

1. **TABLED** the item for return as the final meeting item to allow the project planner time to integrate comments were feasible.

MOTION: Reed SECOND: Kimball
AYES: Burton, Kimball, Merwin, Reed, Williams, and Winters
NOES: Bertolero
ABSTAIN: None
ABSENT: None

- 6.3 **ZF #2009-046:** Adoption of the Water Efficient Landscape Ordinance. The State Legislature adopted the "Water Conservation in Landscaping Act of 2006" (AB 1881) which required the Department of Water Resources to update the State Model Water Efficient Landscape Ordinance. The updated model ordinance contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation. All California cities and counties are required to adopt the model ordinance, or develop an ordinance that is at least as effective as the state's model ordinance. Yolo County Planning and Public Works Department has prepared its own ordinance to fit local conditions. Owner/Applicant: Yolo County (J. Anderson)

Mr. Anderson presented the ordinance and answered questions from the commission.

Commissioner Kimball recommended including a special provision for utilizing reclaimed water.

Mr. Morrison recommended striking public water purveyor in the applicability section of A3 as it might be duplicative to the community water system.

There was further discussion and consideration regarding community water systems, alternative plantings and buffers.

Chair Burton opened the public hearing.

Chris Shearing, Legal Counsel for Sacramento County Farm Bureau, said most of his concerns regarding rural and ag parcels that are not connected to a community water system were resolved through Commissioner Merwin's discussion. He urged staff to go back and look at AB1881, particularly some specific recitals that provide the context for the ordinance, which grew out of a California Urban Water Counsel stakeholders group. The intent was to develop recommendations to improve the efficiency of water use in urban irrigated landscapes.

Chair Burton closed the public hearing.

Commissioner Bertolero said that overall it appears that the ordinance will add considerable cost to projects, but it is something that needs to be done.

Commissioner Kimball agreed with Commissioner Bertolero and the Sacramento County Farm Bureau's comments, and would like to see her comment regarding ecological restoration be included, and she will work with staff on that.

Vice-Chair Reed complimented staff for attempting to shoehorn the item into Yolo County context

and agrees with the various modifications mentioned during the meeting. A couple of interesting things that caught his eye were the self certification by landscape architects and installers, emphasis on native plants, and the weather based self adjusting irrigation control. He concurred with the approach and the changes discussed.

Commissioner Winters agreed with his fellow commissioners, thanked staff, and the Farm Bureau for their comments, and is supportive of the staff recommendation.

Commissioner Merwin said that he is generally pleased with how things are going, but is disappointed that our state is continuing to over regulate. He added that a five thousand square foot trigger is onerous for an individual homeowner. When the Legislature passed the regulation, they were not thinking about agriculture; therefore, he suggested that the county not include it either. Additionally, if he could, he would like to tweak the five thousand square foot trigger for homeowners, because it will be onerous, as well as for anyone that might be utilizing water from a reclamation district, flood control district, or an irrigation district; otherwise, he is in support of the ordinance.

Commissioner Williams said he appreciates staff's efforts on the report.

Chair Burton also commended staff for taking something intended for urban use and attempting to apply it to Yolo County. He shares the agricultural concerns as well, and he is frustrated that he has a water meter on his house in West Sacramento, which has been for the last five years, but when you go to Southern California, they are watering their sidewalks. He commended the county for stepping up and dealing with the issues.

Commissioner Merwin moved that they approve the recommended actions with the deletion in Section 8.2, Applicability, A3, direct staff to work with Commissioner Kimball to revise the wording under definitions for the purpose of broadening it to capture a range of projects that are customarily undertaken in Yolo County, and to include a definition of community water systems.

Commission Action

The Planning Commission:

1. **HELD** a public hearing and received comments on the proposed Water Efficient Landscape Ordinance (**Attachment A**);
2. **DETERMINED** that the Water Efficient Landscape Ordinance is exempt from review under the California Environmental Quality Act (CEQA) and Guidelines (**Attachment F**);
3. **APPROVED** an ordinance amending Chapter 2 of Title 8 of the Yolo County Code.

MOTION: Merwin SECOND: Bertolero
AYES: Burton, Bertolero, Kimball, Merwin, Reed, Williams, and Winters
NOES: None
ABSTAIN: None
ABSENT: None

Chair Burton called a five-minute recess.

6.2 – CONTINUED

ZF# 2002-043: Adoption of the updated 2010 Capay Valley Area Plan (Amendment No. 1 to the 2030 Yolo Countywide General Plan). The Yolo County Board of Supervisors heard testimony and considered the 2006 updated Capay Valley Area Plan at hearings during 2007. In September, 2007, the Board directed staff to put the plan adoption on hold until after the Countywide General Plan was approved, which occurred in November, 2010. The Capay Valley plan is the first of the community plans to be considered. Staff has revised the previous 2006 Capay Valley Area Plan, primarily by editing background information and updating policies to conform with the new Countywide General Plan. Owner/Applicant: Yolo County (E. Parfrey/S. Cormier)

Eric Parfrey presented the items that were integrated into the Capay Valley Area Plan at the recommendation of the Capay Valley Citizens' Advisory Committee and the Planning Commission.

PAGE GP1-3 POLICY 5:

Implementation Measure 2:

The committee recommends this paragraph be deleted.

Staff recommendation: Retain the measure as written as it is consistent with County General Plan policies:

Yolo County shall pursue strategies to discourage development of antiquated subdivisions. Such strategies could include dedication of perpetual agricultural conservation easements, cluster developments and Transfer of Development Rights (TDRs). Other strategies include those that are voluntary for landowners, such as lot line mergers/ adjustments to restrict and/or eliminate antiquated subdivisions.

Planning Commission action: Retain the measure.

Implementation Measure 3:

This paragraph should be deleted on the grounds it is covered in Policy 8, Implementation Measure 1 page GP1-4.

Staff recommendation: Staff agrees that the measure ("specialty farming areas") is already addressed in Measure 1.

Planning Commission action: Delete the measure.

PAGE GP1-4 POLICY 8:

Implementation Measure 2:

Delete paragraph.

Staff recommendation: Retain the measure as further revised on a motion by Commissioner Reed.

Planning Commission action: Retain and revise the measure as follows:

Yolo County shall recognize the potential for part-time commercial agriculture, such as direct sales, processing, agri-tourism, and other ancillary activities that are compatible with the rural quality of life and unique community character of the Capay Valley.

PAGE GP1-5 POLICY 4:

Change the wording from “shall engage” to shall consult the agricultural community.

Staff recommendation: Staff agrees with the edit.

Planning Commission action: Revise the measure as proposed.

PAGE GP1-6-7 POLICY 4:

Please change this section to read:

With the exception of individual residences appurtenant to active farming operations, where new urban (non agricultural) development is approved adjacent to agricultural lands, a setback of 300 feet shall be required of the developer, not the agricultural parcel, for urban uses that adjoin agricultural preserves or active orchards, except where the active orchard property owner agrees in writing that the 300 foot buffer is not needed.

Delete the section “The buffer area shall generally be designated Open Space (OS), but may also be designated Public and Quasi-Public (PG) or Parks and Recreation (PR) based on applicable circumstances.”

Staff recommendation: Retain the policy as it is written since it is consistent with the General Plan policy on required buffers (Land Use Policy LU-2.1), which all requires a 300 foot buffer but allows the buffer to be reduced to no more than 100 feet.

Planning Commission action: Retain the policy as written.

PAGE GP1-8 POLICY 1:

There is a discrepancy with this policy section and the Table shown on page CIR.4 which shows the Arbuckle Road (C.R.41) as a “B” and County Road 78 as an “E”.

Staff recommendation: The committee misread the policy, which had been revised to delete the reference to LOS “C.” Retain the policy as it is written since it is not inconsistent with the table as it has been revised. However, the following revision is proposed to the background text that describes the table on page CIR-4:

“LOS D is considered acceptable from County Road 78 to County Road 85B (Yolo County 2030 Countywide General Plan). LOS E is projected on this segment but LOS D could be met assuming that the Caltrans Yolo-16 Safety Improvement Project is implemented.”

Planning Commission action: Retain the policy as written. (The Planning Commission did not act upon the proposed text change on page CIR-4, above.)

PAGE GP-9 POLICY 1:

Implementation Measure 2:

This paragraph should be changed to read:

The County shall vigorously assist the residents of Capay Valley in obtaining funding for

road, bridges and drainage maintenance that is above and beyond the County Public Works maintenance activities.

Policy 2:

Change this to add after the words design standard “and the preservation of existing bridges”.

Staff recommendation: Retain the implementation measure and policy as written based on Public Works recommendations. Plans for the Rumsey bridge replacement are pending.

Planning Commission action: Retain the implementation measure and policy as written.

PAGE GP1-10 POLICY 3:

Implementation Measure 3:

This should read:

The County shall actively implement the Memorandum of Understanding with the Wintun Tribe and develop a park-and-ride lot to provide a shuttle for casino patrons and employees as an alternative to automobile use.

Staff recommendation: Revise the implementation measure to indicate that a park and ride lot is not now being proposed by the Tribe, as follows:

The County ~~is to implement the agreement~~ will coordinate with Cache Creek Casino and Resort ~~and develop a park-and-ride lot to provide a shuttle~~ to provide transportation options for casino patrons and employees as an alternative to automobile use.

Planning Commission action: Revise the implementation measure as proposed by staff.

PAGE GP1-11 POLICY 4:

Implementation Measure 4:

Please change this to read:

Farm labor housing shall be located within existing farms or community designated boundaries....

Staff recommendation: Staff agrees with the edit.

Planning Commission action: Revise the measure as proposed.

PAGE GP1-12 GOAL 2: POLICY 1:

Please change this to read:

The County shall continue to identify historic buildings, bridges and sites and actively pursue policies to preserve them and mitigate adverse impacts thereon.

Staff recommendation: Retain the policy as written based on Public Works recommendations. Plans for the Rumsey bridge replacement are pending.

Planning Commission action: Retain the policy as written.

PAGE GP1-17 POLICY 6:

This is a duplication of a previously described policy and should be removed.

Staff recommendation: Staff agrees that the policy (“New communities shall not be created outside of the designated Urban Growth Boundaries...”), is redundant.

Planning Commission action: Delete the policy.

PAGE GP1-18 POLICY 9:

This should be deleted as it is already covered on page GP1-13 Policy 4.

Staff recommendation: Retain the policy as written based on Tribe recommendations (“The County shall encourage landowners to consider options for open space and conservation easements for the purpose of protecting tribal cultural resources.”)

Planning Commission action: Retain the policy as written.

PAGE GP1-19

Implementation Measure 3: “In concert with implementation measure #1....”

This section should be deleted because this comes under state jurisdiction and responsibility.

Staff recommendation: Staff agrees that the measure can be deleted because the County does not perform water quality monitoring.

Planning Commission action: Delete the measure.

PAGE GP1-20 HEALTH CARE POLICY 1:

This should read:

The County shall promote and encourage plans for development of medical facilities proposed to be located in Capay Valley.

Staff recommendation: Staff agrees with the edit.

Planning Commission action: Revise the measure as proposed.

PAGE GP1-23 POLICY 5:

Implementation Measure 3:

This entire section should be deleted because testing is already conducted by the Flood Control District.

Also delete “Recommend continued analysis of Cache Creek water” section because has already been covered previously and deleted.

Staff recommendation: Retain the measures as written since water quality testing is conducted by the Flood Control District and previous reference to continued analysis of Cache Creek water has

been deleted so this measure is not now redundant.

Planning Commission action: Retain the measures as written.

PAGE GP1-25 GOAL 9 POLICY 2:

Implementation Measure 1:

This should be deleted because this is already done by U.C.D.

Staff recommendation: Retain the measure as written since testing is conducted by the State and Flood Control District.

Planning Commission action: Retain the measure as written.

PAGE CIR-3 CONDITIONS (background text)

Please add the following:

Due to budget restraints, the County has suspended maintenance of a number of county roads.

Staff recommendation: Staff agrees with the edit as further revised:

Due to budget restraints at the current time, the County has suspended maintenance of a number of county roads.

Planning Commission action: Revise the text as proposed.

PAGE CIR-4 TABLE CIR-1 (background text)

As stated previously this table contradicts the level of service set forth on Page GP1-8.

Staff recommendation: Retain the policy as it is written since it is not inconsistent with the Table as it has been revised.

Planning Commission action: Retain the policy as written.

TRAFFIC GENERATION ON SR.16 (background text)

“The Cache Creek Casino Resort, which was previously called the Cache Creek Indian Bingo and Casino Project,.....”

In view of the withdrawal of plans for additional expansion of the Casino, this section should be deleted.

Staff recommendation: Staff agrees with the edit as further revised:

The Cache Creek Casino Resort, which was previously called the Cache Creek Indian Bingo & Casino Project, has expanded the existing casino, with possible additional expansion proposed for 2013. ~~According to the Draft TEIR (Tribal Environmental Impact Report) prepared for the Cache Creek Casino Resort Event Center Project 2010, the proposed casino expansion is expected to increase its patronage by approximately 40 percent.~~ The Cache Creek Casino, owned by the Rumsey Rancheria Band of Yocha-De-He Wintun Indian

~~Tribe Nation of California (Tribe), has recently constructed~~ access improvements that include new and reconfigured driveways, traffic signals, ~~and~~ acceleration and deceleration lanes. ~~According to the TEIR, turnouts located within SR 16 will~~ may be constructed in consultation with Caltrans, whose Yolo-16 Safety Improvement Project identifies the need for turnouts on SR 16 somewhere between Capay and CR 82. The Cache Creek Casino has been and will continue to be a major traffic generator in the Capay Valley.

Planning Commission action: Revise the text as proposed.

PAGE CIR-5 (background text):

Please amend as follows:

Additional traffic in the Capay Valley area is generated by the recently completed Yocha Dehe Golf Club at Cache Creek Casino Resort, which was approved by the County in 2004. Another generator of traffic along SR 16 is the annual Almond Festival and summer rafting traffic.

Staff recommendation: Staff agrees with the edit, as further revise as follows:

Additional traffic in the Capay Valley area is generated by the recently completed Yocha Dehe Golf Club at Cache Creek Casino Resort, which was approved by the County in 2004. Another generator of traffic along SR 16 is the annual Almond Festival, held throughout the valley during a mid-March weekend, and summer rafting trips along Cache Creek during the last weekend of February.

Planning Commission action: Revise the text as proposed.

PAGE CN-15 1890'S (background text)

The Guinda Hotel supported a popular bar until the 1970's (Not 1950's)

Staff recommendation: Staff agrees with the edit.

Planning Commission action: Revise the text as proposed.

Commissioner Winters moved that they adopt the recommended actions as noted by staff with the additional amendments as noted in addition to the changes included in the memo distributed at the beginning of the meeting from Mr. Parfrey.

Commission Action

That the Planning Commission recommends the Board of Supervisors:

1. **HELD** a public hearing and receive public comments on the 2010 Capay Valley Area Plan (**Attachment A**);
2. **ADOPTED** the Resolution certifying that the Initial Study/Negative Declaration is the appropriate level of environmental document for this project and that it has been completed in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment B**); and
3. **APPROVED** the Resolution amending the Yolo County General Plan to rescind the 1982 Capay Valley Area General Plan and adopt the 2010 Capay Valley Area Plan (**Attachment C**).

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MOTION: Winters SECOND: Kimball
AYES: Burton, Bertolero, Kimball, Merwin, Reed, and Winters
NOES: None
ABSTAIN: None
ABSENT: None

6.4 **ZF 2010-005:** Adoption of the Clustered Agricultural Housing Ordinance, an amendment to the Yolo County Code. The proposed Ordinance would allow landowners of multiple adjacent lots, one of which is 20 acres or less in size, to cluster some small-lot agricultural housing in one corner of a parcel in return for placing an agricultural conservation easement on the remainder of the reconfigured properties. The cluster ordinance is needed to provide an alternative to the development of substandard lots or antiquated subdivision lots into dispersed rural estates. Instead, small lots would be concentrated in one area of the property. The Clustered Agricultural Housing Ordinance is a voluntary program that would be available to those limited numbers of landowners who would qualify, estimated to be about between 1,500 to 2,000 landowners in the agricultural area. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, provided a brief review of the ordinance, and answered questions from the commission.

Chair Burton opened the public hearing.

Denise Sagara, Yolo County Farm Bureau, thanked Mr. Parfrey for reiterating that the Ag Working Group did take a vote to modify the original Ag Cluster Housing Ordinance into three separate items. At meetings she attended, she said the farmers/growers that were there, understood what the county is trying to do with the program, but also mostly agreed that the bottom line was that with owners coming in and owning the new parcels will make it more difficult for the growers to farm next to them. At the Yolo County Farm Bureau meeting the previous night, it was discussed along with buffers. Mr. Parfrey proposed a one-hundred foot buffer, but that needed to be changed because of the requirement to have a five-hundred foot buffer requirement when certain pesticides are used. She said most of her comments had already been addressed, but at the end of the day, it is going to make it more difficult to farm around those parcels.

Robert Ramming, organic farmer in Yolo County, said he was somewhat of a bulldog on ag land preservation, and has participated with several entities, including: one with LAFCO, as a member of the Yolo County Farm Bureau Board, the Land Use Committee, the Yolo County Ag Futures Alliance, and in the Ag Working Group for the last few months. He stated that the Ag Working Group was a very diverse group which didn't agree on much; however, they came to a consensus that the devil is in the many details on the ag cluster ordinance. He personally thinks the ordinance is aimed primarily at antiquated subdivisions, and that it can be a very good tool for using some land that would be lost anyway. He discussed ag easements, ranchettes, and perpetuity, shared his thoughts on the ordinance, and encouraged the commission to consider a trial period to limit the ordinance to areas that are already at risk in terms of being antiquated subdivisions.

Chair Burton closed the public hearing.

Commissioner Winters said he appreciates both the public comments and work done by staff. It is

pretty clear that it can be a useful tool in dealing with antiquated subdivisions, although he is not sure how many homeowners would be willing, or able, to pull off all the necessary compromises and legal arrangements. He thinks farmers largely want to grow crops not houses and doesn't think it is enough of an advantage for them to sell off smaller lots. However, he was still torn and wanted to hear what the other commissioners had to say, but was intrigued by the ordinance.

Commissioner Merwin said he made it fairly clear at the last meeting that he is concerned about throwing the baby out with the bathwater by trying to do something that facilitates the formation of ranchettes, whether they are clustered or not. Although he does see potential value for antiquated subdivisions, what they were originally talking about was an ordinance that could potentially affect dozens of homesites. Now, they are talking about something that could affect thousands of homesites, which, in his opinion, is going in the wrong direction, and that he cannot support. He does like, and appreciates and respects Eric's diligence, as well as that he put in a four year sunset and buffer requirements.

Commissioner Williams said when he first heard the proposal he thought, "What an elegant idea"; however, after attending a citizen's advisory committee meeting in Capay, he saw what a controversial subject it was. He expressed concerns about all the little clustered housings and said that it may be a good idea to have homeowners associations to take care of shared sewage treatment. He also liked that the program is voluntary. He recommended leaving the sunset clause open for four years, and he would really like it limited to locations that have antiquated subdivisions.

Vice-Chair Reed explained that they all have the same-shared goal of preserving ag land and limiting ranchettes. The question in his mind is whether it will be better to do nothing, or attempt to do something, but there is always fear of the unknown.

Commissioner Kimball thanked Mr. Parfrey for providing maps for clarification and she doesn't see any difference between antiquated subdivisions and separate legal parcels. Speaking from a Yolo Land Trust perspective, a big part of the ordinance is putting an easement on property and creating an easement is extremely difficult, so she doesn't think there are thousands of landowners that will be rushing in to take advantage of the ordinance. It is going to make possible for people that really want to do it, to do it. Another thing is that most people the Yolo Land Trust sees getting easements are recently new landowners within Yolo County. They come in, purchase eighty acres, put a house on it, perhaps some horse stables, and then they put an easement on the rest of the land. She appreciates and understands that the ordinance will make it more difficult to farm, but it is already harder to farm given the way people are utilizing parcels. She agreed that the devil is in the details but until they try something different, the fact that it is voluntary, requires an easement, and has to go through the Planning Commission provides a lot of safeguards, and she is in full support of ordinance.

Commissioner Bertolero concurred with everything he heard and said he farmed for twenty-five years in Yolo and Solano County, and houses in the middle of the field are a pain. If the individual parcels were allowed to have their houses and ancillary houses, and are scattered throughout the farm, then it is much more difficult to deal with than to have them clustered with a buffer. His biggest concern is the bonus parcel. Staff feels that it is necessary to offer an incentive to get people to put large acreages into large easements. He sees it as growth inducing. He realizes there are buffers to consider and there is a lot of uncertainty, but he really feels that it should stand on its merits. Antiquated subdivisions should not get bonuses.

A discussion and clarification regarding the bonus parcels followed

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Chair Burton stated that he does not agree with the ordinance and sees it as a fundamentally poor idea.

Discussion regarding the bonus parcels ensued, followed by a decision to take “straw” votes on individual areas of the ordinance

Commission actions on individual areas under discussion:

- Reduce the number of new small lot parcels that may be created if there is already a home on the “remainder parcel,” to eliminate any bonus parcel (Section 8-2.2419(f)(4))

AYES: Bertolero, Burton, Kimball, Merwin, Reed, Williams, and Winters

NOES: None

ABSTAIN: None

ABSENT: None

- Add a clause to “encourage common or community water and wastewater systems” (Section 8-2.2419(f)(8))

AYES: Bertolero, Burton, Kimball, Merwin, Reed, Williams, and Winters

NOES: None

ABSTAIN: None

ABSENT: None

- Reduce the “sunset” period of the ordinance from four to three years

AYES: Bertolero, Burton, Merwin, and Williams

NOES: Winters, Kimball, Reed

ABSTAIN: None

ABSENT: None

- Require a minimum of five separate legal parcels to participate in the program

AYES: Merwin, Burton

NOES: Bertolero, Kimball, Reed, Williams, and Winters

ABSTAIN: None

ABSENT: None

- Require a minimum acreage to participate

AYES: None

NOES: Bertolero, Burton, Kimball, Merwin, Reed, Williams, and Winters

ABSTAIN: None

ABSENT: None

- Landowner can only sell to parcels to family members

AYES: None

NOES: Bertolero, Burton, Kimball, Merwin, Reed, Williams, and Winters

ABSTAIN: None

ABSENT: None

- Push forward with the TDR Ordinance.

AYES: Bertolero, Burton, Kimball, Reed
NOES: Winters and Merwin
ABSTAIN: Williams
ABSENT: None

Commission Action

The Planning Commission recommended that the Board of Supervisors:

1. **HOLD** a public hearing and receive public comments on the proposed Clustered Agricultural Housing Ordinance (**Attachment A**); and
2. **CERTIFY** that the Initial Study/Negative Declaration is the appropriate level of environmental document for this project and that it has been completed in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment E**); and
3. **APPROVE** an Ordinance amending Chapter 2 of Title 8 of the Yolo County Code by adding Section 8-2.2418 to Article 24 General Provisions.

MOTION: Winters SECOND: Kimball
AYES: Kimball, Reed, Williams, and Winters
NOES: Burton, Bertolero, and Merwin
ABSTAIN: None
ABSENT: None

WORKSHOP

- 6.5 **ZF# 2010-005:** Workshop (no action) to consider three portions of the comprehensive update of the Zoning Ordinance and related chapters of Title 8 of the County Code, including Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), and Chapter 10 (Local CEQA Guidelines). Owner/Applicant: Yolo County (E. Parfrey)

The workshop regarding the comprehensive update of the Zoning Ordinance and related chapters of Title 8 of the County Code was postponed until the next regularly scheduled Planning Commission meeting.

WORKSHOP

- 6.6 **ZF# 2010-005:** Workshop (no action) to consider the update of the zoning regulations for the agricultural zones (Article 3 of Title 8 of the County Code). Owner/Applicant: Yolo County (S. Cormier)

The zoning regulations and agricultural zones update workshop was postponed until the next regularly scheduled Planning Commission meeting.

REGULAR AGENDA

7. DISCUSSION ITEMS

7.1 None

8. DIRECTOR'S REPORT

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

8.1 Staffing changes

A. Craig Griesbach, Building Inspector III, has been hired as the Chief Building Official for the City of Oroville. The Yolo County Building Department is unsure of whether or not they will fill that position.

8.2 Community

A. Due to the lack of projects, there have not been many advisory committee meetings.

B. The Dunnigan Partnership Group is continuing to hold off on submittal of their application, as the partnership is currently being redefined.

8.3 Board of Supervisors

A. Approval of County Road 75A Abandonment;

B. Approval of the Results Radio Tower at the Landfill;

C. Approval of a moratorium on Habitat Conversion;

D. Support for the County and cities working together to share services; and

E. Support for the Development Services Division to oversee the mining program under the direction of the County Administrator's Office.

9. 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.

A. Commissioner Bertolero attended advisory committee meetings in Clarksburg and

Dunnigan, spoke to Regina Cherovsky, and plans to attend the state conference in Monterey in November.

- B. Commissioner Kimball had a discussion with Regina Cherovsky and announced that the Yolo Land Trust has received a CDFA, a Special Crops Grant to start the first of its kind beginning farmer training and incubator training for the Sacramento Valley. They are excited, as it lends itself well to potential opportunities with the 2030 Yolo County General Plan in regards to agriculture and small lot areas around town, and they will be able to help young persons, or new career minded persons, who want to farm and are looking for smaller lots around urban areas. Yolo Land Trust also has potential land that new farmers will be able to lease.
- C. Vice-Chair Reed attended the Yolo Land Trust, "A Day in the Country", event and also attended an event on October 9, 2010 held by Full Belly Farms, as well as speaking to Regina Cherovsky.
- D. Commissioner Williams attended a couple of the advisory committee meetings, including the Capay Valley Citizen's Advisory Committee.
- E. Commissioner Merwin reported his attendance at the Yolo County Farm Bureau meeting and shared information from his trip to New York.
- F. Commissioner Winters reported a visit to Phoenix Ranch located between Dixon and Vacaville, which is used to do animal therapy and field trips with children. He also went out of state in New Hampshire and Vermont.
- G. Chair Burton reported that he had been involved in some West Sacramento related functions, attended the Yolo Land Trust, "A Day in the Country," and spoke to Regina Cherovsky.

10. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

10.1 Proposal for a mining permit

10.2 Continuation of the two workshops from the current meeting regarding the ordinance updates.

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:53 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is December 9, 2010, in the Board of Supervisors' Chambers.

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 the Board within fifteen days from the date of the

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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,

David Morrison, Assistant Director
Yolo County Planning and Public Works Department