



County of Yolo

John Bencomo
DIRECTOR

PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

CHAIR: Amy Cameron
VICE-CHAIR: Don Peart
MEMBERS: Leroy Bertolero; Aurora Cornejo; Mary Liu, Jeff Merwin; Don Winters

MINUTES

January 11, 2007

ADMINISTRATIVE AGENDA

1. PLEDGE OF ALLEGIANCE
2. Chair Cameron called the meeting to order at 8:38 a.m.

MEMBERS PRESENT: Cameron, Cornejo, Merwin, Peart, Winters
MEMBERS ABSENT: Bertolero, Liu
STAFF PRESENT: David Morrison, Assistant Director of Planning
Phil Pogledich, Deputy County Counsel
Ivor Benci-Woodward, Principal Planner
Stephanie Berg, Associate Planner
Craig Baracco, Assistant Planner
Carole Kjar, Secretary to the Director

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3. ADOPTION OF MINUTES OF THE **November 30, 2006** MEETING

Commission Action

The Minutes of the **November 30, 2006** Meeting were approved with no corrections.

MOTION: Winters SECOND: Merwin
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None
ABSENT: Bertolero, Liu

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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.

No one from the public came forward.

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5. CORRESPONDENCE

5.1. None.

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CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the commission's 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.

None.

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TIME SET AGENDA

6.1 **2006-078:** Use Permit to construct a processing facility for almonds and walnuts, including an almond huller/sheller building, walnut sheller, storage, warehouses, offices, scale house, loading docks, and related uses on a 42-acre portion of a 157-acre parcel. The subject property is zoned Agricultural Preserve (A-P) and is located east of Interstate 505 and south of Count Road 31A, two miles north of Winters (APN:038-040-23). A Negative Declaration has been prepared for this project. Owner/Applicant: Mariani/McDowell (I. Benci-Woodward)

Ivor Benci-Woodward gave the staff report and answered questions from the commission.

The public hearing was opened.

George Griffin, resident at 25568 Buckeye Road, on the ranch immediately north of the proposed development, said this is a good project, but a bad location. He then addressed a number of concerns about the proposed location, including traffic and aesthetic issues. He urged the commission to not relocate the boundaries of Winters by extending industrial uses across 505 and one-half mile north.

Frank Haley, 25501 Buckeye Road, expressed concern about the long range planning effort in downtown Winters, and about where displaced industrial activity will go. He also expressed concern about leapfrog development, light and noise pollution, and traffic.

The public hearing was closed.

Vice-Chair Peart asked staff if Buckeye Road is a standard county road, and if there's a weight limit for the bridge.

David Morrison explained that there are no safety concerns about the design, the width, or the weight limit on the bridge.

Commissioner Winters asked the applicant to speak about the project.

The public hearing was re-opened.

Jack McDowell, the applicant, representing Mariani Company, explained the project, and said their concern is to be a good neighbor.

Commissioner Winters asked how noise, aesthetics, and visual development would be mitigated.

David Morrison stated that Condition 10 requires the fencing and landscaping to screen the buildings, Condition 11 requires the lighting plan to ensure that lighting isn't deflected, and staff does not see any significant impact coming from noise as a result of this proposal.

The public hearing was re-closed.

Commissioner Merwin expressed that he respects the comments of the neighbors; however, this project is in an agricultural area. He stated that he is in support of the project.

Commissioner Winters said he appreciates the responses from the neighbors, and that he supports the project.

Vice-Chair Peart said he thinks this project is good for the county, the agricultural community, and the City of Winters.

Chair Cameron stated that she, too, will be supporting the project, because it's a good project for this county at this time. She added that she sympathizes with the neighbors.

Commission Action

- (1) **HELD** a public hearing and accepted public testimony;
- (2) **ADOPTED** the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program (**Attachment C**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
- (3) **ADOPTED** the recommended Findings (**Attachment D** for approval); and
- (4) **APPROVED** the Conditions of Approval (**Attachment E**); and
- (5) **APPROVED** the Conditional Use Permit.

MOTION: Cornejo SECOND: Peart
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None

ABSTAIN: None
ABSENT: Bertolero, Liu

CONDITIONS OF APPROVAL

Planning

1. The subject project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2006-078, as contained herein and identified below.
2. The subject project shall be only for the uses approved by this Use permit. The project is approved for the processing facility as shown in the Site Plan in **Attachment B** and as conditioned by these Conditions of Approval. Any future proposal to change the use or expand the uses of the facility shall be submitted to the Director of the Planning, Resources and Public Works Department for review and approval prior to the modification.
3. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval.
4. This Use Permit (#2006-078) shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. An extension of time may be granted by the Director of Planning, Resources and Public Works, however, the extension shall not exceed a maximum of one year.
5. All private facilities, improvements, infrastructure, systems, equipment, common areas etc., shall be operated and maintained by the property owner in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. The applicant shall maintain the project site including any landscaped areas and/or fences in an orderly weed- and litter-free condition.
6. All cost of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas etc., shall be the responsibility of the property owner.
7. All building plans and grading plans shall be submitted to the Planning, Resources and Public Works Department for review and approval in accordance with County Engineering and Building Standards prior to the commencement of any construction.
8. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within seventy-five (75') shall immediately stop and the Planning, Resources and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning, Resources and Public Works Department. If human skeletal remains are encountered during construction, all work within seventy-five (75') shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American Heritage origin, the appropriate Native American community as identified

- by the Native American Heritage Commission shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
9. The proponent shall pay all appropriate fees prior to Building Permit Issuance, Final Inspection or Issuance of a Certificate of Occupancy subject to agencies of jurisdiction. Impact fees shall include, but not be limited to: Winters Unified School District fees, City of Winters Fire Protection District fees, County Facility fees, Public Works Encroachment fees, Environmental Health fees.
 10. The applicant shall install adequate facility, fence, and nighttime light screening, such as a row of mature trees and other landscaping, to visually screen the processing building(s), parking area, loading docks, and accessory buildings from adjacent properties and I-505. The applicant shall submit screening plans for Planning Department approval.
 11. Prior to issuance of building permits, the applicant shall submit an on-site parking and lighting plan. The parking plan shall indicate circulation patterns and designate off-street loading spaces for truck deliveries. Any lighting used to illuminate the off-street parking or loading areas shall be so arranged as to direct light away from adjoining properties.
 12. Any outside storage properties shall require screening from public view through the use of landscaping and landscaped fences as necessary.
 13. All exterior refuse receptacles and containers shall be located within a screened enclosure.
 14. Within 5 days of Planning Commission approval, the applicant shall cause to have recorded, a Notice of Determination and pay the appropriate filing fee for the non-exempt project in conformance with the California Department of Fish and Game Guidelines.

Swainson's Hawk Mitigation Program

15. The applicant shall participate in the County's Swainson's Hawk Mitigation Program. As of January 9, 2006 projects that exceed 40 acres in area are required to dedicate suitable conservation easements as determined by the Yolo County Habitat Conservation Plan Joint Powers Agency and the California Department of Fish and Game. Fee payments and conservation easement acquisitions must be made **prior** to and is a condition for occupancy approval.

Public Works

16. Public Works Encroachment permits shall be obtained from the Planning, Resources and Public Works Department prior to any work within the County right-of-way.
17. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of any subsurface service and/or utilities.
18. Unless otherwise authorized by the Planning, Resources and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1 and after April 1 of each year to prevent erosion. Such excavation activities may be approved between November 1 and April 1 subject to an erosion control plan approved by the Director. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning, Resources and Public Works Director shall be established on all disturbed soils prior to October 15 of each year.

19. Natural gas, electricity, cable TV, and telephone services shall be installed in a common utility trench, as specified by the Planning, Resources and Public Works Director, in cooperation with affected service providers.
20. Access shall be provided off of County Road 31. An encroachment permit will be required and a paved driveway access shall be constructed and completed according to Public Works specifications, prior to commencement of the proposed use. The applicant shall agree to work with the adjacent landowner, south side of CR 31/Buckeye Road, so that placement of the driveway approach is acceptable to both parties. No access shall be made available off of County Road 31A.
21. Truck Access: A designated Surface Transportation Assistance Act (STAA) truck route does not serve County Road 31, 31A or Buckeye Road. Should the need arise, the applicant will be required to make alternative arrangements for any truck over 38 feet in length to access the site. The closest STAA route is State Route 505, approximately one mile from the project site.

Building

22. Prior to Building Permit issuance, the bidder shall provide a drainage plan and site grading plans. The builder shall submit a topographic drainage plan including all necessary calculations required to show that development will not result in increased storm water flow on adjoining properties. The drainage plan shall be prepared by a California Licensed Surveyor or Engineer. The drainage plan shall be approved by the Planning, Resources and Public Works Director.
23. The applicant shall provide for two paved accessible parking spaces with van access space as specified by the Chief Building Official. An accessible path of travel shall be required to and from the paved accessible parking areas and the facility, in compliance with California accessibility regulations.
24. The applicant shall obtain building permits for all structures prior to commencement of their construction. New construction shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed buildings shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes in effect at the time of building permit approval.
25. The project shall be constructed and operated in compliance with all applicable Federal and State laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
26. Prior to the issuance of a Certificate of Occupancy, building addresses shall be posted in accordance with CFC Article 9.

Environmental Health

27. The applicant must have the project reviewed by the Central Valley Regional Water Quality Control Board (CVRWQCB) to determine if the processing facility will generate liquid waste that must be disposed of under a CVRWQCB waste discharge permit. The applicant must then meet the requirements of this permit, if necessary.

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28. Any on-site septic tank system proposed for the site shall obtain approval from the County Environmental Health Department.
29. If the project's liquid wastes are allowed to be disposed of via a septic system, based upon CVRWQCB review, a septic system site plan must be submitted to Yolo County Environmental Health. The site plan must be approved and the septic system completed through permits issued by Environmental Health.
30. The proposed new well must pass inspection and water quality requirements of a public water supply in order to serve the new facility. At a minimum, the water must meet coliform bacteria and inorganic chemical standards prior to certificate of occupancy approval.
31. The applicant shall file a hazardous materials/waste plan with Yolo County Environmental Health.
32. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of existing subsurface service and/or utility lines.
33. The applicant shall be responsible for installation and/or relocation cost of any public utilities required to service the project. Public Utilities shall be installed in accordance with adopted Uniform Code requirements and are subject to a review and approval by Yolo County Engineering, Caltrans, Yolo County Building Division and utility service provider. Any utility easements required for the purpose of serving the project shall be obtained by, and the responsibility of, the developer (documentation, recordation, etc.) and are subject to review and approval by the Director of the Planning, Resources and Public Works Department prior to construction and/or grading of the project.

Winters Fire Department

34. The project will require fire hydrants, structures will need to be fitted with a fire sprinkler system that meets National Fire Protection Association (NFPA) pamphlet 13 and the Winters Fire Department standards.
35. The project will be required to provide for Emergency vehicle access, approved by the Winters Fire Department.
36. The storage of combustibles and flammable liquids shall be in accordance with CFC Article 79.

County Counsel

37. 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's 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.
38. The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate 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 operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an

amount determined to be sufficient to satisfy the above indemnification and defense obligation.

1. Failure to comply with the approved Conditions of Approval may result in the following actions:
 - **non-issuance of future building permits; and**
 - **legal action.**

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2006-078, the Yolo County Planning Commission finds the following: *(A summary of evidence to support each FINDING is shown in Italics)*

California Environmental Quality Act (CEQA) Guidelines

That the recommended Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that there will not be a significant effect on the environment as a result of the proposed project

General Plan

That the proposal is consistent with the Yolo County General Plan as follows:

That Yolo County General Plan designates the subject property as Agricultural (AG). Lands that have been designated agricultural are subject to conservation standards, limitations, and other requirements to conserve the agricultural use of the land. A food processing facility is consistent with an Agricultural designation and the following General Plan Policy:

Land Use Policy, LU-18 Agricultural Area Uses, states that: "Yolo County shall consider the placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reason of hazard or nuisance to concentrations of people. Findings for approval shall include, but are not limited to:

- *The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals), and*
- *Will not diminish nor prevent agricultural use on site or on adjoining agricultural lands, and*
- *The use has some hazard or nuisance aspect which precludes it from being placed in an urban area, and*
- *The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products."*

Additionally, the Agricultural Element encourages development that is agriculturally related, including breeding stations and production facilities for seed companies. The project is consistent

with Agricultural Goal AG-5, which states:

“Create sites for agricultural industry in order to meet demand for agricultural suppliers, laboratory research, field research, seed research, food processing and other related activities.”

Williamson Act

It is the policy of Yolo County to vigorously conserve and preserve its agricultural lands, especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits. The Williamson Act, administered by the County, ensures conservation of prime agricultural lands in order to prevent premature or unnecessary conversion from agriculture through the establishment of agricultural preserves.

The subject is currently in agricultural production. The existing agricultural use and Williamson Act Contract will not change upon approval of the Use Permit. The proposed nut processing facility will be located on an approximately 41-acre previously developed portion of the 154±-acre parcel. The remainder of the property will remain in agricultural production, thereby retaining its agricultural integrity.

Zoning Code

In accordance with Section 8-2.2804 of Chapter 2, Title 8 of the Yolo County Code, the Planning Commission finds the following:

- a) The requested land use is listed as a conditional use in the zoning regulations;

The proposed nut processing facility is in the Agricultural Preserve (A-P) district. Section 8-2.404(m) lists agricultural crop processing as a major use permit within the A-P district.

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

The nut processing facility will contribute to the expansion of the agricultural economy of the Yolo County area.

- c) The requested land use will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

The applicant will have to comply with the Conditions of Approval of this Use Permit, which require adequate shielding of buildings and machinery to prevent unacceptable aesthetic, visual, and noise levels from the nut processing activities.

- d) The requested use will be in conformity with the General Plan.

The proposed use is consistent with its Agricultural designation and is consistent with all relevant policies and development standards of the Yolo County General Plan, including Land Use Policy LU-18 Agricultural Area Uses.

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

All necessary infrastructure and utilities will be required of the proposed project. A new domestic water well septic system will serve the project site. Buckeye Road, County Road 31 and 31A are not a designated Surface Transportation Assistance Act (STAA) truck route. No truck over 38 feet in length will be able to access the site. Interstate 505 STAA route (approx. 1.1 miles from the project site).

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6.2 **2005-061:** Amendment of Planned Development No. 9 (PD-9) Ordinance and Tentative Map to create five parcels of 5, 5, 5, 9, and 36 acres respectively. The subject property is zoned General Agricultural/Planned Development (A-1/PD-9) and is located west of County Road 95 and north of County Road 25, in the Monument Hills area, approximately three miles west of Woodland (APN: 040-040-40). A Statutory Exemption has been prepared. Owner/applicant: Dan Dowling (E. Parfrey)

Eric Parfrey gave the staff report and answered questions from the commission.

Commissioner Merwin asked if other potential parcels in the county have non-recorded, no-build restrictions.

David Morrison said that it is not known how many no-build restrictions there are, and that the Department stopped using them about twelve years ago on the advice of County Counsel about their enforceability. He said this project is a very unique circumstance.

The public hearing was opened.

Kent Kalfee, representing the owners, stated the proposal is that the home sites be located adjacent to the northwesterly boundary, and the only interruption with the agricultural activity would be the actual footprints. He explained the history of the project, and said it's county policy, from 1980 to today, that all of Monument Hills, including this parcel, be designated rural residential, with a minimum size of five acres.

Ken Kalfee proposed that the change of zone and parcel map be approved, but that it be conditioned on the applicant coming forward with 60 acres of mitigation ground, either on site or off site, that would be permanently dedicated to a non-residential use, by way of a permanent restriction. He said that this is a solution that honors the historic concern and the applicant's absolute right to have a use consistent with the current General Plan.

Rich Jenness, with Laugenour and Meikle, Civil Engineers, addressed the flooding issues on the parcel.

Lola Lee Ferrendelli, resident at 19500 County Road 95 for thirty years, spoke about the property and the significant flooding in the area. She said she hopes the Planning Commission continues to abide by the original land-use decisions, which she believes were correct.

Georgiann Hartman, resident at 19504 County Road 95 for about twenty years, stated that the flooding has become worse since the property was developed. She stated that this is productive farmland, and that it should not be changed to residential.

Ilsa VonLeden, residing at 19508 County Road 95, explained that it would significantly change the way of life for other families in the area if the 60 acres were divided. She said they believe it's the county's obligation to think first of the people who are already there, and have lived there with the

belief that the land use would not be changed. She also explained the flooding on the property.

Terry VanHouten, resident at 19508 County Road 95, clarified that there is significant flooding throughout the area.

Romona VonLeden, resident at 19508 County Road 95, said that adding more homes will change the entire dynamic, as well as the flooding problems. She expressed that the agricultural land should be preserved.

The public hearing was closed.

Commissioner Merwin stated that he 's inclined to follow the county's determination on the project.

Commissioner Winters said he's pleased that so many members of the community spoke to the commission. He said he would like to have this issue continued until a full commission is present, and also to let the Board of Supervisors resolve the apparent conflict between the zoning and the General Plan.

Philip Pogledich, Deputy County Counsel, clarified that a no-build restriction that affects a single piece of property does need to be recorded to be effective and binding on subsequent buyers. He explained that, where it's part of a zoning ordinance, as is the case here, and the zoning ordinance makes clear the nature of the restriction, there's no requirement for recording something additional against the property. By virtue of the fact that the zoning makes clear the restriction, a potential future buyer would be on notice of its existence. He concluded that there's no question here of whether the law accurately reflects the intent of the board as far as the zoning ordinance is concerned.

Cornejo Cornejo said that she will be supporting staff's recommendations.

Vice-Chair Peart explained that he will be supporting the staff recommendation.

Chair Cameron said she, too, will support the staff recommendation.

Commission Action

Recommended that the Board of Supervisors:

- (1) **RECEIVE** a report from staff, and **HOLD** a public hearing and receive comments;
- (2) **DETERMINE** that a Statutory Exemption under Section 15270(a) of the California Environmental Quality Act (CEQA) Guidelines is the appropriate environmental documentation for the project (**Attachment C**). Section 15270(a) states that CEQA does not apply to projects which a public agency rejects or disapproves;
- (3) **ADOPT** the Findings for the project as presented in the staff report (**Attachment D**);
- (4) **RECOMMEND** denial of the proposed amendment to the County's PD-9 zoning ordinance (**Attachment E**) and the proposed Tentative Parcel Map; and
- (5) **REFER** the issue of redesignating the portion of the PD-9 area at issue from RR (Rural Residential) to A (Agricultural) to the Countywide General Plan Update program for consideration.

MOTION: Peart SECOND: Merwin
AYES: Cameron, Cornejo, Merwin, and Peart

NOES: Winters
ABSTAIN: None
ABSENT: Bertolero, Liu

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2005-061, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, Yolo County Zoning Code Section 8-2.2904 (zoning requirements), the Yolo County Planning Commission finds the following concerning the project: *(A summary of evidence to support each FINDING is shown in Italics)*

California Environmental Quality Act (CEQA) and Guidelines

1. In determining that the proposed Statutory Exemption for this project is the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of pertinent information in the public record and comments received, a project that is denied is exempt from further environmental review and that a Statutory Exemption has been prepared in accordance with the California Environmental Quality Act and Guidelines.

Zoning Code

2. In conformity with Article 30, Title 8 of the Yolo County Zoning Code, the Planning Commission finds:

That on the basis of pertinent information in the public record and the facts presented at the public hearing provided for in Section 8-2.3004 of this article and by investigation, the Commission finds that the public health, safety, and general welfare do not warrant the proposed amendment to the Planned Development 9 (PD-9) zoning district for all the reasons set forth in the "Staff Analysis" section of the Staff Report prepared in connection with this item. In particular, the Planning Commission finds that while the requested amendment is consistent with the General Plan, the General Plan designation for this property should have been amended many years ago and it does not reflect the longstanding County policy against developing the Property. In conformity with Section 8-2.3005 of this article, if the facts do not justify such change, the Commission shall recommend that the application be denied. A recommendation for denial shall terminate consideration of the matter unless the applicant or other interested party appeals to the Board in the manner provided in Article 33 of Chapter 2 of this title.

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- 6.3 **2006-082:** Amendment of the County Sign Ordinance (Section 8-2.2406 of the Yolo County Code), regarding the regulation of agricultural signs, real estate signs, commercial signs, and other related changes. The proposed amendments would apply throughout the unincorporated area. A Negative Declaration has been prepared for this project. Owner/applicant: Yolo County (C. Baracco)

Craig Baracco gave the staff report and answered questions from the commission.

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

Commission Action

Recommended that the Board of Supervisors:

- (1) **HOLD** a public hearing and receive comments on the update of the County sign ordinance (**Attachment B**);
- (2) **CERTIFY** the Negative Declaration (**Attachment A**) as the appropriate level of environmental document for this project, in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
- (3) **APPROVE** the Draft Ordinance Amendment to Chapter 2 of Title 8 of the Yolo County Code (**Attachment B**) as revised by the Planning Commission.

MOTION: Winters SECOND: Cornejo
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None
ABSENT: Bertolero, Liu

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A five-minute recess was called.

6.4 **2006-065:** Appeal of the Director's approval of a Site Plan Review for a highway commercial project, including a hotel, two restaurants, two gas stations, and a retail building. The subject property is zoned Highway Commercial (C-H) and is located east of Interstate 5 and north of County Road 8 in Dunnigan (APN: 052-050-84). A Statutory Exemption has been prepared for this project. Owner/Appellant: Mel Smith (S. Berg)

Stephanie Berg gave the staff report and answered questions from the commission.

The public hearing was opened.

Betty Woo, architect for the Grant Park Development, stated that they are trying to make a more pedestrian-friendly development. She emphasized concern about the danger of truck traffic in the area.

Mel Smith, owner of the ten-acre commercial project, and resident north of this project, presented background information about the project, and asked that the appeal be approved.

The public hearing was closed.

Vice-Chair Peart said he wishes that staff could work with the applicant in modifying the project regarding the truck issue, so it can be approved.

Commissioner Cornejo stated that Betty Woo's architectural drawing is very good, and that with the proposed changes, she would approve this project.

Commissioner Merwin expressed that he agrees with Vice-Chair Peart and that he's comfortable with the revised proposal.

Commissioner Winters concurred with Commissioner Merwin that there should be adequate parking for truckers. He said he likes the revised project.

Chair Cameron stated that she's leaning towards supporting the applicant with the new, revised

plan.

Eric Parfrey clarified some of the analysis of the project.

The public hearing was re-opened.

Betty Woo said that everything they are doing is in complete compliance with current zoning; therefore, there are some inaccuracies in the policy.

The public hearing was left open so that the public hearing would not have to be re-noticed.

Commission Action

- (1) **CONTINUED** the item and left the public hearing open until such time as there is resolution from the staff and the applicant.

MOTION: Merwin SECOND: Winters
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None
ABSENT: Bertolero, Liu

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A five-minute recess was called.

- 6.5 **2002-043:** Amendment to the 1983 Capay Valley Area General Plan and rezoning of various parcels within the area to implement the proposed amendments. A Tiered Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (I. Benci-Woodward)

Ivor Benci-Woodward gave the staff report. He noted that there is a proposed zoning change for one parcel in Rumsey from Residential-Suburban to A-1. There is the issue of resolving the split zoning of parcels in Guinda along Route 16, with commercial along the highway and residential in the rear.

Mr. Benci-Woodward noted that a third proposed change is to address the split zoning of lots in Capay. In Capay, staff is now proposing that the split lot zoning remain until a new mixed use zone has been created sometime in the future, because changing the zoning now would have the result of creating lots under one acre in size, which would create issues with Environmental Health related to private septic systems. In Capay, staff is also recommending an increase in the community (urban growth) boundary to include the split zoning lots to not unintentionally create smaller lots.

Lastly, a change in the updated plan is to zone the existing park and open space lands to appropriate parks and open space zoning.

The public hearing was opened.

Cecelia Hammersmith, 7718 State Highway 16, asked why APN# 060-150-03, which is attached to their property (owned by Don Hayes), has been chosen for rezoning.

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Ivor Benci-Woodward said there's a mistake on the graphic, and that this parcel will remain A-1.

Ron Voss, resident of Esparto, said that, if agriculture is, in fact, one of the backbones of the Capay Valley, then he would hope that there would be some statement in the General Plan that would encourage farm worker housing.

Vincent Facciuto, 4815 State Highway 16 in Guinda, asked for clarification about the zoning of his property that is located across from the Rumsey Hall.

Staff clarified that the zoning for this property will remain Community Commercial.

Larry Carson, owner of property in Guinda, asked questions about zoning on his property.

Staff said that the zoning would change, but the lot lines would not change.

Ms. Hammersmith asked again why her property on Highway 16 (060-150-03, owned by Don Hayes) is being changed from commercial to agricultural.

Ivor Benci-Woodward said staff is recommending that it revert back to A-1, from Commercial.

Ms. Hammersmith said that she would not like this change in zoning to take place.

The public hearing was closed.

Chair Cameron asked if there was a particular purpose for rezoning Ms. Hammersmith's piece of property.

Ivor Benci-Woodward said he thinks it would be very hard to have any type of residence or even a home occupation business in that area; therefore staff recommends that it revert back to A-1, because it's not large enough, and it would be inconsistent with environmental health guidelines.

Commissioner Merwin thanked everyone involved with this process, and stated that he's generally supportive of this update. He expressed that he believes farm housing should be encouraged on agricultural land, and he asked staff to address if "up to six beds" means that it's more of a dormitory style of housing or if it's more a single family dwelling style of housing.

Commissioner Winters mirrored the comments of Commissioner Merwin and said he appreciates the work of staff and the community advisory committee. He stated that he is fully supportive of the update. He added that, regarding Ms. Hammersmith's appeal, he thinks that the zoning on her small piece of property should not be changed.

Commissioner Merwin added that he was pleased to see the inclusion in the ag. element for allowing production of sustainable renewable energy, i.e., ethanol/bio-diesel agricultural parcels.

Commissioner Cornejo concurred with her fellow commissioners, and thanked staff and the community for their hard work. She said she will be supporting the staff recommendations for the General Plan.

Commissioner Peart thanked everyone from the valley for their participation, and stated that he fully supports the General Plan. He said he wishes that, in the future, the Yolo County General Plan could specify a minimum of one-acre lots to allow room for septic tanks and wells.

Chair Cameron thanked everybody for coming to the meeting today. She said that, she too, supports the General Plan, and agreed with Commissioner Merwin that, in terms of the farm labor housing, everything should be done to help farmers help farm laborers. She added that she would like to keep Ms. Hammersmith's (Hayes) property commercial.

The public hearing was re-opened.

A gentleman clarified that the old county road that used to go into Guinda adjoined Ms. Hammersmith's property, and that may be why it has historically been zoned commercial.

Commission Action

Recommended that the Board of Supervisors:

- (1) **HOLD** a public hearing on the final 2006 Capay Valley Area General Plan update; and,
- (2) **ADOPT** the Negative Declaration as the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and guidelines (**Attachment B**); and,
- (3) **ADOPT** the Findings (**Attachment C**); and
- (4) **ADOPT** the attached **RESOLUTION** adopting the Negative Declaration Environmental Report and making findings of fact for the 2006 Capay Valley General Plan (**Attachment D**).
- (5) **ADOPT** the attached **RESOLUTION** amending the Yolo County General Plan to rescind the 1982 Capay Valley General Plan and adopt the 2006 Capay Valley General Plan (**Attachment E**); and,
- (6) **ADOPT** the attached **ORDINANCE** rezoning certain properties in the unincorporated area, and the towns of Capay, Guinda, and Rumsey in accordance with the 2006 Capay Valley General Plan Update (**Attachment F**); and,
- (7) **APPROVE** the 2006 Capay Valley General Plan update, with exceptions (**Attachment G**).

MOTION: Merwin SECOND: Cornejo
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None
ABSENT: Bertolero, Liu

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing on January 11, 2005 for Zone File #2002-043, the Yolo County Board of Supervisors finds the following: *(A summary of evidence to support each FINDING is shown in Italics)*

California Government Code Section 65100

State Guidelines recommend amendment of the General Plan and Zoning Code from time to time.

Yolo County previously adopted on May 18, 1982 a Capay Valley Area General Plan consistent with the Yolo County General Plan and Zoning Ordinance, which implements the General Plan. The project is the recommended update of the Capay Valley Area General Plan.

California Environmental Quality Act (CEQA) and Guidelines

1. That the proposed Negative Declaration / Initial Study prepared for the project is the appropriate environmental documentation. Pursuant to the CEQA Guidelines, the environmental evaluation (Initial Study) and Negative Declaration was circulated for public review and to responding Responsible Agencies having jurisdiction over the project with any comments noted.

*The proposed Negative Declaration (**Attachment B**), is the appropriate level of environmental review pursuant to Section 15070 of the CEQA Guidelines. Potentially significant effects of the project were identified as a result of the Initial Study. All potentially significant environmental impacts will be lowered to less than significant impacts. Based upon the changes, alterations, conditions of approval, and mitigation measures that have been incorporated into or adopted in connection with the proposed project, no significant adverse environmental effects will occur. There is no substantial evidence, in light of the whole record before the agency, that the project as proposed may have a significant effect on the environment.*

General Plan

2. The Update of the Capay Valley General Plan is consistent with the Goals, Policies, and implementation measures of the Yolo County General Plan.

The Yolo County General Plan is concurrently undergoing an update, which will result in adoption of new policies, goals, and implementation measures. The policies, goals, and implementation measure proposals for the 2006 Capay Valley General Plan will be included by Resolution and Ordinance in both the existing General Plan or any update. Any update shall be consistent with the Yolo County General Plan.

3. The Update of the Capay Valley General Plan is consistent with Yolo County General Plan Land Use, and Yolo County Zoning Ordinance.

The Yolo County General Plan is concurrently undergoing an update, which will result in adoption of new Land use designations and changes to the County Zoning Ordinance. The land use and zoning proposals for the 2006 Capay Valley General Plan update will be included by Resolution and Ordinance in both the existing Zoning ordinance or any update. Any update shall be consistent with the Yolo County General Plan.

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- 6.6 **2006-030:** Amendment to the 1996 Esparto General Plan and rezoning of various parcels within the community to implement the proposed amendments. A Tiered Mitigation Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey gave the staff report and answered questions from the commission.

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The public hearing was opened.

Ron Voss, Member of the Esparto Citizens Advisory Committee, expressed his thanks to the members of the advisory committee, community members, and Lance Lowe and Eric Parfrey for their hard work on this revision. He distributed information and discussed issues that are in the staff report and the proposed General Plan, including Policy E-H.2 (recommendation by the advisory committee that ten percent of the lots be available for custom owner builder homes); Land Use Policy No. 7 (regarding the 500 house maximum); and the comment area outside of the town limit.

Mike Goodin, member of the General Plan Committee, thanked staff and his fellow committee members for all their work. He stated that he thinks that the full committee is in complete agreement with this plan as it's being presented by the county.

Moira Nobles, 26548 Capay Street, Esparto, distributed and explained her letter dated January 11, 2007, regarding amendment to the 1996 Esparto General Plan and rezoning of various parcels.

Peter Ansel and Marcella, owners of duplexes on Plainfield Street, each requested a zero lot line down the middle of their duplex to facilitate affordable housing. They submitted documents to the commission for consideration.

Mark Herrington, resident of Esparto, said he doesn't like the idea of his property being rezoned without being told what the zone will be.

Mark Armstrong, with Emerald Homes, said he supports both the Esparto Citizen's Advisory Committee's and staff's recommendation.

Tracy and Anna McNamara, landowners in Esparto, requested that their property be zoned C-3 so they can open their retail materials yard business.

Jeff Goeman, property owner in Esparto (Parcel No. 049-38-532), said that he hopes his property will remain C-2 for the good of his family business.

William Gilmore, resident on Alpha Street in Esparto, requested that his property be kept at R-1-PD.

Eric Parfrey clarified that all of the agricultural properties east of Alpha Street, including Mr. Gilmore's property, will be kept at R-1-PD, in accordance with the Citizen's Advisory Committee's proposal.

Ron Voss, resident of Esparto, commented on how some of the specific commercial-related zonings were approached by the Advisory Committee. He said that, generally, the Advisory Committee would try to strike a balance between what the existing use is and what they would like to have for long term.

Mike Goodin, member of the General Plan Committee, concurred with Ron Voss and stated that, on the advice of the county staff, the Advisory Committee did not want to have spot zoning and leapfrog zoning. He also said that an owner could always get a use permit for the desired use.

The public hearing was closed.

Commissioner Cornejo said she agrees with the recommendations of the staff.

Vice-Chair Peart stated that, in general, he concurs with staff's recommendations. He also pointed out that affordable housing can be very nice housing for a lot of very nice people.

Commissioner Merwin commended everybody for the huge amount of time they spent on the project, and said he's inclined to allow the McNamara's to put their business there, because he doesn't think it would hurt a gas station/strip mall. He stated that he is generally supportive of the General Plan Update, with the one notable exception of the McNamara's property. He also said that he is not in favor of meandering subdivisions; he supports the grid system of layout.

Commissioner Winters thanked everyone involved with this very complicated project, and said he supports the updated General Plan. He recommended that the Goeman property remain at C-2 and that the McNamara's property be zoned C-3.

Chair Cameron thanked everyone for their comments. She stated that she's in favor of the Goeman property remaining at C-2, and that she is leaning towards changing the McNamara's zoning to C-3.

Eric Parfrey said there was an error in the staff report, and that it should be changed to read that staff is supportive of measuring residential densities in net acres, as recommended by the Citizens Advisory Committee.

Commission Action

Recommended that the Board of Supervisors:

- (1) **HOLD** a public hearing and receive comments on the draft updated Esparto General Plan (**Attachment A**);
- (2) **ADOPT** the Tiered Mitigated Negative Declaration, prepared for the Esparto General Plan Update, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment B**);
- (3) **ADOPT** the Mitigation Monitoring and Reporting Plan implementing and monitoring all Mitigation Measures in accordance with CEQA and Guidelines (**Attachment C**);
- (4) **APPROVE** the Resolution certifying the Tiered Mitigated Negative Declaration and making findings of fact for the Updated 2007 Esparto General Plan (**Attachment D**);
- (5) **APPROVE** the Resolution amending the Yolo County General Plan by rescinding the 1996 Esparto General Plan and approving the Updated 2007 Esparto General Plan (**Attachment E**), with the exceptions of correcting an error in the staff report in measuring housing density in net acres, not gross acres; changing the zoning of the McNamara property referenced on Yolo Avenue adjacent to the Caltrans property, to C-3 zoning; maintaining the three parcels on Road 21A at C-2 zoning, as they exist currently; expanding the boundary comment area using the Esparto Community Advisory Committee's language; and to support staff's recommendation regarding the 10% owner builder policy in the General Plan; and
- (6) **ADOPT** the ordinance approving the re-designation and re-zoning of various properties to implement the Updated 2007 Esparto General Plan (**Attachment F**), with said exceptions.

MOTION: Merwin SECOND: Cornejo
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None

ABSENT: Bertolero, Liu

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REGULAR AGENDA

7. PRESENTATIONS

7.1 Wes Ervin, County Economic Development Manager, regarding the Economic Development Division and its programs.

The presentation by Wes Ervin was postponed to a future meeting.

7.2 Presentation of Resolution to Commissioner Cornejo.

David Morrison presented a resolution to Commissioner Cornejo and commended her for her community service and serving as planning commissioner for the past four years. He wished her best of luck in her future endeavors.

Vice-Chair Peart said it's been a pleasure to work with Commissioner Cornejo, and that she's done a wonderful job.

Chair Cameron concurred with Vice-Chair Peart, and expressed that Commissioner Cornejo will be missed.

Commissioner Merwin wished Commissioner Cornejo well in her future endeavors.

Commissioner Merwin said it's been a pleasure serving with Commissioner Cornejo, and that he's sorry to see her leave.

(1) **APPROVED** the Resolution to Commissioner Cornejo.

MOTION: Peart SECOND: Winters
AYES: Cameron, Cornejo, Merwin, Peart, and Winters
NOES: None
ABSTAIN: None
ABSENT: Bertolero, Liu

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8. DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisors' meetings on items relevant to the Planning Commission and an update of the Planning, Resources 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.

Assistant Director David Morrison brought the commission up to date on the following:

1. Mary Kimball was introduced. She was nominated by Supervisor Rexroad to serve on the Planning Commission, beginning February 2007.
2. Commissioner Merwin is being nominated for a second term.
3. Commissioner Cornejo has submitted a letter to the Planning Commission indicating that, after a more careful review of the circumstances regarding the vineyards project in Monument Hills, as part of the General Plan Update, she would like to change her vote and support the vineyards. This letter will be forwarded to the Board of Supervisors for their consideration on February 6, 2007 as part of the General Plan.

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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.

1. Commissioner Merwin said he attended a Yolo County Farm Bureau Meeting on Tuesday night, and that he also received a phone call from Kent Calfee regarding the Dowling proposal that was heard today.
2. Commissioner Winters: No report.
3. Chair Cameron: No report.
4. Vice-Chair Peart stated that he, too, received a call from Mr. Calfee. He welcomed Mary Kimball to the Planning Commission.

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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.

1. Presentation by Wes Ervin, Economic Development Manager for Yolo County.
2. Discussion on Agricultural Housing.

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11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 1:53 p.m. The next scheduled meeting of the Yolo County Planning Commission is February 8, 2007, 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 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, Resources and Public Works Department