



County of Yolo

PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

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

MINUTES

MARCH 8, 2007

ADMINISTRATIVE AGENDA

1. Vice –Chair Bertolero led the Pledge Of Allegiance
2. Chair Peart called the meeting to order at **8:33** a.m.

MEMBERS PRESENT: Bertolero, Kimball Merwin, Peart, Winters
MEMBERS ABSENT: Liu, Cameron
STAFF PRESENT: David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Phil Pogledich, Deputy County Counsel
Ivor Benci-Woodward, Principal Planner
Craig Baracco, Assistant Planner
Susan Provencal, Office Support

3. ADOPTION OF MINUTES OF THE **December 19-20, 2006** and **February 8, 2007** MEETINGS

Commission Action

The Minutes of the **December 19-20** Meeting were approved with corrections to read Robert Ramming on page 15, the deletion of Gerber on page 16 and correcting Woo to read Liu.

MOTION: Winters
SECOND: Merwin
AYES: Bertolero, Kimball, Merwin, Peart and Winters
NOES: None
ABSTAIN: None

ABSENT: Liu, Cameron

The Minutes of the **February 8, 2007** Meeting were approved with no corrections.

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

4. PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda was opened by Chair Peart. 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

5. CORRESPONDENCE

5.1 The Commissioner APA newsletter for Winter, 2007

Chair Peart acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.

6. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the commission's instructions to staff. A single motion may adopt all items on the Consent Agenda. 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.

6.1 Resolution of Appreciation for Carole Kjar

Mr. Morrison asked that the Resolution of Appreciation for Carole Kjar be carried forward to the April 12, 2007 meeting.

7. TIME SET AGENDA

7.1 **2002-001:** Extension of Time of one year for Tentative Parcel Map #4565 to divide a 100-acre parcel into four parcels with a remainder parcel in the Highway Services Commercial-Planned Development (CH-PD) Zone. The site is located at the southwest

corner of I-5 and County Road 8 in Dunnigan (APN: 052-060-11). A Categorical Exemption has been prepared for this project. Owner/Applicant: Mel Smith/Grant Park Development (E. Parfrey)

Eric Parfrey gave the staff report and explained that the staff recommends continuing this item for sixty days with specific direction given to the applicant to complete six specific tasks within the six months, then return to the Planning Commission to ask for the one-year extension. Mr. Parfrey cited two of the tasks were the need to post a bond for the required on and off site improvements and the requirement to obtain a revised waste discharge (WDR) permit that would allow the applicant to expand the existing water treatment ponds to serve this project.

Chair Peart opened the public hearing.

Jerry Burger, representing Grant Park Development, asked for the Planning Commission's support in extending the project. He stated that delays were beyond his control. He listed the accomplishments of the project to date. He said the project means jobs and economic benefits for the community and the County. He asked the Planning Commission to direct staff in clarifying issues.

Commissioner Kimball asked the applicant what could be completed within 60 days.

Mel Smith, representing Grant Park Development, said they are asking for a one-year extension.

Commissioner Merwin clarified that staff is recommending a sixty-day continuation in order to complete six specific tasks. Grant Park Development would then come back to the Planning Commission for a one-year extension.

Mr. Smith asked the Planning Commission to direct staff to finalize and record the map. He said the project was planned in phases and the market is not ready for phases 2, 3 and 4 at this time.

Mr. Morrison said the project as described and approved in the tentative Parcel Map included phasing. The conditions of approval initially approved by the Planning Commission did not include phasing. The six items staff has requested for completion do not include all of the items that need to be completed before the final map can be recorded. In November of 2006 Grant Park submitted proposed changes in the Conditions of Approval. Staff cannot change the Conditions of Approval without the Planning Commission's review. Mr. Morrison suggested that Grant Park file for a tentative map amendment to modify the conditions of approval and further address what improvements would be needed for each phase. Mr. Morrison stated that staff does support this project and acknowledged the work that the applicant has completed on this project.

Deanna Kirkland, secretary of the Dunnigan Advisory Committee, said the Advisory Committee voted to support the project and the one-year extension.

Mike Gaskill of Prudential, representing the buyer, said the buyer has put a great deal of money into escrow and wanted the project to move forward.

Chair Peart closed the public hearing.

Commissioner Winters said he supported the project and supported staff's recommendation to continue the hearing for a sixty-day period to complete specific tasks.

Commissioner Merwin also supported staff's recommendation and supported the project. He suggested that the applicant take the appropriate channels to amend the conditions of approval, if needed.

Commissioner Bertolero concurred with the commissioners and agreed with the staff recommendation of continuing the extension request for sixty days.

Commissioner Kimball said she appreciated the applicant's work. Commissioner Kimball agreed to extend the hearing sixty-days prior to the one-year extension. She expressed concern with the issue of communication between staff and the applicant.

Chair Peart concurred with the commissioners to support the staff's recommendations and supported the project. He said it is up to the applicant to move the project forward.

Commission Action

1. **HOLD** a public hearing and receive testimony on the proposed extension of Tentative Parcel Map #4565;
2. **CONTINUE** the matter for a period of 60 days until the next scheduled Planning Commission meeting in May, 2007; and
3. **DIRECT** the applicant to complete the following specific actions within the next 60 days to extend the one-year extension of Tentative Parcel Map #4565:
 - Complete the installation of fencing and signage at the wastewater treatment ponds to the satisfaction of Regional Water Quality Control Board (RWQCB) staff;
 - Obtain approval from the RWQCB staff of a Groundwater Monitoring Well Installation Workplan (GMWIW) that meets the requirements of the RWQCB staff;
 - Begin construction of the monitoring wells;
 - ~~Obtain approval from the RWQCB of a Workplan~~ Consult with RWQCB staff regarding the schedule for submittal and content of an application for to prepare a revised Waste Discharge Requirements (WDR) permit for the proposed Dunnigan Truck and Travel Center and the Grant Park development;
 - Submit a Master Landscaping and Irrigation Plan, including Bird Creek restoration plan, to the County Planning, Resources, and Public Works Department; and
 - Post a performance bond with the County for the full amount of improvements for the first phase of the project.

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

- 7.2 **2006-030:** Amendment to the proposed Updated Esparto General Plan to re-designate and rezone a 1 acre parcel from Agriculture (with A-1 zoning) to Commercial (with C-2 PD zoning), and other minor text modifications to the plan. The parcel is located at the southwest corner of State Route 16 and County Road 86A (APN: 049-170-11). A Tiered Mitigated Negative Declaration was prepared for the updated plan. Owner/Applicant: Deterding/Yolo County (E. Parfrey)

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

Commissioner Kimball asked if the Esparto Advisory Committee has agreed to the changes.

Chair Peart opened the public hearing.

Ron Voss, representing the Esparto Citizens Advisory Committee, said the committee voted to accept the zone changes to encourage ag related business. He said the advisory committee is concerned about the design guideline and the flow chart changes. Mr. Voss said that not all projects go through the advisory committee, in particular ministerial projects, thus impacting the community's opportunity to provide input to design prior to staff approval. He said Esparto now has a design sub-committee.

Chair Peart closed the public hearing.

Commissioner Bertolero said he supported the zone change to encourage ag business. He asked for clarification from staff on the design review and flow charts.

Mr. Parfrey said the Esparto Citizens Advisory Committee Design Review Guidelines will be adopted as a part of the Esparto General Plan update. He said when a building permit is requested, staff will be required to apply the design guidelines. The current County rules state that requests for building permits in unincorporated areas are ministerial and do not go before the citizens advisory committee for approval. Citizens have a right to obtain a building permit and changes in this rule may result in delays in issuing permits.

Mr. Morrison said that the point of zoning and building code requirements is that when the requirements are met the project is allowed to move ahead. Mr. Morrison said that the Esparto Citizens Advisory Committee has made an important contribution by establishing the design guidelines. He said staff will encourage applicants to use the guidelines, but cannot require applicants to go to the advisory committee in the case of ministerial permits.

Commissioner Bertolero said the new County Design Guideline Sub Committee may be able to consider each community individually in developing new countywide design guidelines.

Commissioner Kimball said she supported the rezone. She said the issue is timely and commended the Esparto committee for their work on the design guidelines. She is a member of the County Design Guideline Sub-Committee and supported the idea of individual community needs in developing the guidelines.

Commissioner Winters said he appreciated Mr. Voss' comments and work on the Esparto Citizens Advisory Committee. He supported the zone change for economic development reasons and supported staff's recommendations on the language change to accurately portray the citizens' advisory committee role.

Commissioner Merwin said he concurred with his fellow commissioners on the re-zone. He expressed that he does believe communities should have input into their community, but agreed that the process of issuing permits should be expedient. Commissioner Merwin asked if building permits are reviewed by staff.

Mr. Morrison said building permit applications are reviewed by planners for consistency with zoning, County and community general plan guidelines. Mr. Morrison said staff is capable of ensuring consistency with the guidelines.

Chair Peart concurred with his fellow commissioners. He said there should be some flexibility in how communities are designed.

County Counsel Phil Pogledich said the item is a recommendation to the Board of Supervisors, not a final action.

Commission Action

1. **HELD** a public hearing and received comments on the minor amendments to the draft Updated Esparto General Plan (**Attachment A**);
2. **ADOPTED** the revised ordinance approving the re-designation and re-zoning of various properties to implement the Updated 2007 Esparto General Plan (**Attachment B**).

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

REASONS FOR RECOMMENDED ACTIONS:

The Planning Commission heard public testimony and recommended approval of the draft Updated Esparto General Plan at its meeting of January 11, 2007. Staff is recommending two additional minor amendments to the plan, before it is heard at the Board of Supervisors in March 2007.

PROJECT DESCRIPTION:

The two minor additional changes to the Updated Esparto General Plan that are recommended include:

- Re-designation and rezoning of a 2-acre parcel; and
- Clarification of text and chart in the Design Review Guidelines.

- 7.3 **2006-080:** A Tentative Parcel Map to divide a 455-acre parcel into two parcels, and divide the Williamson Act contract, located on SR 45, one mile south of County Line Road (APN: 053-030-08). A Negative Declaration has been prepared for this project. Owner/applicant: Ellis (C. Baracco).

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

Chair Peart asked if the parcel was in the river and if it is protected by a levee.

Mr. Baracco said the parcel is in the 100-year flood zone, and the outer edge of the property is protected by the riverbank.

Chair Peart opened the public hearing.

Mr. Ellis, property owner, said he maintains a levee that was built by the former owner. He said he is concerned about #4 under the Conditions of Approval, regarding the Swainson's Hawk mitigation fee. He said he would like to see the fee applied instead when the building permit is requested.

Commissioner Kimball asked if Mr. Ellis farmed the land.

Mr. Ellis said he is a farmer and asked for the parcel division for the purpose of estate and financial planning. There are no plans to build at this time.

County Counsel recommended that a notice be recorded when the final map is recorded requiring payment of the Swainson Hawk fee if land is developed.

Chair Peart closed the public hearing.

Commissioner Bertolero said he supported the request for dividing the parcel and records a notice on the final map regarding the Swainson Hawk fee since the land will continue to be farmed at this time.

Commissioner Kimball supported the land division and a language change in condition #4 in the Conditions of Approval. She was pleased that the land will continue to be farmed.

Commissioner Winters concurred with his fellow commissioners and supports the land division and the change in language in condition #4 to be noted when recording the title.

Commissioner Merwin agreed with his fellow commissioners. He asked staff to clarify when the Swainson Hawk mitigation fee is required.

Chair Peart concurred with his fellow commissioners. He also agreed that the title should disclose that the fee will be required at the time that a building permit is obtained.

Commission Action

1. **HELD** a public hearing and receives comments;
2. **ADOPTED** the Negative Declaration, prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
2. **ADOPTED** the proposed Findings (**Attachment D**) for the project as presented in the staff report; and
3. **APPROVED** the Tentative Parcel Map (TPM # 4891) (**Attachment C**) and the Williamson Act successor agreements (**Attachment F**) in accordance with the Conditions of Approval (**Attachment E**).

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

CONDITIONS OF APPROVAL

General

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained within this staff report.
2. The Parcel Map for the project shall be filed and recorded at the applicant's expense with the Yolo County Planning, Resources and Public Works Department. The Parcel Map shall be recorded within two years from the date of approval by the Planning Commission or the Tentative Parcel Map shall become null and void without any further action in accordance with the State Subdivision Map Act.

Planning

3. The applicant shall pay fees in the amount of \$1,800, under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of the Notice of Determination to cover the cost of review of the environmental document by the California Department of Fish and Game.
4. Prior to issuance of building permits for the 117-acre parcel created by this application, the building permit applicant shall mitigate for the loss of Swainson's Hawk habitat by paying the Swainson's Hawk mitigation fee established in connection with the Yolo County Habitat Conservation Plan. The fee is currently set at \$8,600 per acre, and the building permit applicant shall pay the fee in effect at the time of building permit application for 2.5 acres prior to issuance of building permits. Concurrent with the recordation of the final Parcel Map, the applicant shall record a document, which shall be subject to the review and approval of the County Counsel, disclosing this requirement within the chain of title for the 117-acre parcel.
5. Concurrent with the recordation of the Final Parcel Map, the applicant shall record a "Right-to-Farm" Disclosure Notice (Title 10, Chapter 6, of the Yolo County Code) on the title of each

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of the new lots. The applicant shall provide a copy of the Right-to-Farm Ordinance to the buyers of the new parcel created by this map, prior to its purchase.

6. The Parcel Map submitted for recordation shall have the Parcel Map Number (PM #4891) indelibly printed on it. Said PM #4891 shall be prepared with the basis of bearings being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8-1.902 (f) of the Yolo County Code.
7. Prior to filing of the Final Parcel Map for recordation, the project shall comply with the County Inclusionary Housing Ordinance and all policies regarding affordable housing in effect at the time of the filing of the Final Parcel Map. To comply with the adopted ordinance, the applicant must pay an in-lieu fee for the construction of any home(s) on the newly created parcel.
8. Prior to the filing of the Final Parcel Map for recordation, the applicant shall sign and record Williamson Act Successor Agreements for each of the resulting parcels.

Building

9. All building permit plans shall be submitted to the Planning, Resources and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
10. Any home constructed in the "A" flood zone must be built with a bottom floor level at least one foot above the base flood elevation. No building permit will be issued without submitting a complete Elevation Certificate signed by a licensed surveyor or engineer.
11. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, the Parcel Map checking fees, School and Fire District fees, County Facilities Fees, and Environmental Health Fees.

Environmental Health

12. Prior to the issuance of any building permits, well and septic system designs shall be approved by the Environmental Health Department.

County Counsel

13. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action.

The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

14. Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in the following actions:
- legal action;
 - non-issuance of future building permits

FINDINGS

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

Upon due consideration of the facts presented in the staff report and at the public hearing for the proposed project, the Planning Commission approves the proposed Tentative Parcel Map #4891. In support of this decision, the Planning Commission makes the following findings:

California Environmental Quality Act:

1. That the proposed Negative Declaration and Initial Study prepared for the project is the appropriate environmental documentation.

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

Pursuant to the California Environmental Quality Act (CEQA) and guidelines, an environmental evaluation (Initial Study) has been circulated for 30 days for public review and to Responsible Agencies having jurisdiction over the project, with no significant comments noted.

*The proposed Negative Declaration is the appropriate level of environmental review pursuant to Article 6, Section 15070 of the CEQA Guidelines (**Attachment C**).*

Yolo County General Plan and Zoning:

2. That the design of the land division and the development proposed for construction on the parcels to be created by the land division is consistent with the Yolo County General Plan.

The subject property is designated as Agriculture in the Yolo County General Plan. As conditioned, the Tentative Parcel Map is consistent with the policies, goals and objectives of the County General Plan.

3. That the proposed Tentative Parcel Map is consistent with the applicable zoning standards.

The proposed project will result in the creation of two parcels of 117± and 337± acres respectively. The subject property is zoned Agricultural Preserve (A-P), which has a minimum 80-acre lot size for cultivated, irrigated land. The Tentative Parcel Map meets the minimum parcel sizes, width to depth ratio, access, and general requirements of the Yolo County Code.

Subdivision Map Act:

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

- a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

The subject property for the proposed Tentative Parcel Map is designated as Agriculture in the Yolo County General Plans. The property is zoned Agricultural Preserve (A-P), which has a minimum 80-acre lot size for cultivated, irrigated farmland. The proposed parcel map complies with the minimum parcel size and use in the A-P Zone and Agricultural General Plan designation.

- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The site has been determined to be suitable for agricultural use based on designations in the County General Plan. As conditioned, the Tentative Parcel Map is consistent with the requirements of the General Plan.

- c) That the site is not physically suitable for the type of development.

The proposed parcels comply with the minimum parcel size required by the Agricultural Preserve zone and the County General Plan. The site is under active cultivation and will continue to be farmed in the future.

- d) That the site is not physically suitable for the proposed density or development;

The Yolo County General Plan allows the creation of 80-acre parcels of land under Williamson Act contract. The Tentative Parcel Map, as approved, complies with the Yolo County Code, Improvement Standards adopted by the County and the previously approved Use Permit on the site, to ensure that the site is physically suitable for the proposed density of development.

- e) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

An Initial Study has been prepared and staff has determined that a Negative Declaration is the appropriate level of environmental review pursuant to the CEQA Guidelines. Prior to the recording of the Final Parcel Map, the applicant shall pay or mitigate for the loss of Swainson's hawk habitat according to the Department of Fish and Game Swainson's hawk Guidelines. The site is currently used for cultivation of row crops and alfalfa. The proposed creation of two parcels will not cause environmental damage or substantially and avoidably injure fish and wildlife or their habitat.

- f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed design of the requested Tentative Parcel Map will not cause serious health problems. All issues regarding health, safety, and the general welfare of future residents and adjoining landowners will be addressed as described in the Conditions of

Approval, by the appropriate regulatory agency prior to recordation of the Final Parcel Map, issuance of Building Permit, and/or issuance of Final Occupancy Permit.

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

Access to the 337 acre parcels come directly from County Roads 97 and State Route 45. Access to the 117-acre parcel will be granted through road access easements from that same public rights-of-ways. The design of the Tentative Parcel Map or the type of improvements required will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

- h) The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating or cooling opportunities;

Each of the proposed parcels is over 100 acres in size, providing significant opportunities for future development to incorporate passive or natural heating and cooling features.

Williamson Act:

Section 8-2.408(c) of the Yolo County Code requires that the following criteria are met:

5. That the division is consistent with the General Plan and will preserve agricultural uses.

The subject property is designated as Agricultural in the County General Plan. As conditioned, the proposed Williamson Act contract division is consistent with the Policies, Goals and Objectives of the County General Plan.

6. That the properties meet the minimum acreage requirement and criteria for division of the contract: Lot area shall be no less than 80 gross acres where the soils are capable of cultivation and are irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated, and 320 gross acres where the soils are not capable to cultivation (including rangeland but which are not income producing).

Each of the proposed parcels is currently cultivated and is irrigated. The smallest proposed parcel is 117 acres, which meets and exceeds the minimum required area under the Agricultural Preserve (A-P) Zoning requirements.

7. That the division will preserve agricultural uses from the encroachment of non-agricultural uses.

The smallest of the proposed parcels will be 117 acres. Their large size proposed agricultural use and geographic location would ensure that the land would not be encroached upon by non-agricultural uses.

8. That the parcels are legal parcels under the Subdivision Map Act (Government Code Section 66410 et. seq.)

The parcels associated with the proposed Williamson Act contracts would be legally established under Tentative Parcel Map No. 4891.

9. That each of the resulting parcels is large enough to sustain the agricultural uses to which it is restricted.

The proposed parcels are 347 and 117 acres. They exceed the minimum area for new parcels within the Williamson Act for both the County Code (80 acres) and the State Williamson Act (10 to 40 acres). The parcels would be generally consistent with the size of existing farm leases, and with other agricultural parcels within the immediate area.

6. That the subdivision will not result in residential development of the resulting parcels, except where residential uses will be incidental to the commercial agricultural use of the land.

Each proposed parcel would be allowed a primary and an ancillary dwelling under County zoning regulations, for a total of four homes without any further discretionary review. Assuming full build-out, the resulting density would be approximately one home per 113 acres, which is not consistent with urban residential development densities. Primary and ancillary homes are allowed as incidental use to agricultural uses under the Yolo County Code.

- 7.5 **2004-080:** A Tentative Subdivision Map to subdivide a 9.5-acre parcel into 9 single-family lots and one detention basin lot, located south of Russell Boulevard and west of Patwin Road, west of Davis (APN: 036-160-09). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Knox (I.F. Benci-Woodward)

Ivor Benci-Woodward said the applicant asked that this item be removed from the agenda, however, since it was noticed it must be heard. Mr. Benci-Woodward gave the staff report and answered questions from the commission.

Commissioner Kimball was concerned about the zoning on the south side of the parcel as it is in agricultural production by UC Davis and she did not see an ag buffer as a part of the plan.

Mr. Morrison said that UC Davis is not within the County's land-use jurisdiction. He said staff did not recommend an ag buffer because the site plan was consistent with adjoining residential development, which does not have ag buffers.

Commissioner Winters asked if the minimum parcel size for a house with a domestic well and septic was two acres.

Mr. Morrison said there is no minimum, however the guideline used by Environmental Health is one acre, but could vary depending upon the parcel size.

Chair Peart opened the public hearing.

Mr. Bob Young, representing the Unitarian Universal Church of Davis, located north of the property, said the church is undergoing modernization of their property and wants to know how this project will impact their changes. He is concerned about a proposed storage tank on the applicant's property and whether it will be above or below ground. He asked for a copy of the engineering plan and if the 100-year flood plain map has been finalized. He asked if the County had plans to have the subdivision connect to the City of Davis water and sewer system.

Mr. Morrison said there is no new flood map and all of the engineering plans submitted by the applicant are available to the public. The City of Davis had no plans to extend city water and sewer to the area.

Tim Swickford asked if there was only one ingress and egress and if this was if this was all that was required by the fire regulations.

Chair Peart asked if there was a motion to continue the item to a future meeting.

Commission Action

- (1) **HELD** a public hearing and received comments;
- (2) **MOVED to CONTINUE** Item 7.5 to a future Planning Commission meeting.

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

A ten-minute recess was called.

7.6 **2006-089:** Ten-year Interim Review and Amendment of the following Long-Term Off-Channel Mining Permits: (1) ZF #95-078 (Granite Construction); ZF #95-079 (Syar Industries); ZF #95-093 (Rinker Materials); ZF #95-094 (Teichert Materials – Esparto); and ZF #95-095 (Teichert Materials – Woodland). The five gravel mining operations are generally located along lower Cache Creek, as follows: Granite is located north of Cache Creek, between County Roads 85 and 87 (APNs: 048-140-20 and -22; 048-220-16 and -18); Syar is located south of Cache Creek, between County Roads 87 and 89 (APNs: 049-120-06; 049-130-05 and -027); Rinker is located south of Cache Creek, between County Roads 89 and 93 (APNs: 049-060-04 and -07, 049-070-04, -05, -06, -09, -10, and -13; and 025-450-01); Teichert - Esparto is located north of Cache Creek, between County Roads 87 and 89 (APNs: 048-210-06, -10, and -11); and Teichert - Woodland is located both north and south of Cache Creek, between County Roads 93 and 96 (APNs: 025-350-30 and -32; and 025-360-26). A General Rule CEQA Exemption has been prepared for this project. Owner/applicant: Yolo County (H. Tschudin).

Julia McIver, Deputy Director, Parks and Natural Resources, said staff is asking the Planning Commission to approve and forward to the Board of Supervisors for approval, the recommendations staff made in the completion of the Ten-Year Interim Review of the off-channel aggregate mining permits along the lower Cache Creek.

Heidi Tschudin, Contract Planner for the County of Yolo, presented background on mining permits granted originally issued in 1996 and two major components of the ten-year interim review. The first component looked at regulations and statutory changes or changing environmental conditions since 1996 to determine if the County felt that additional modifications

of the permit approval conditions are required. The second component re-examined the per ton regulatory fees put into place in 1996.

Julia McIver outlined the steps that were taken to prepare the review and the recommended actions staff believed are needed to manage the Cache Creek for the next ten years.

Chair Peart opened the public hearing.

Bob Schneider, representing Tuleyome, said he appreciated the cooperation of the operators and staff. Mr. Schneider reviewed the points made in a letter sent to the Board of Supervisors in November 2006. He said Yolo County has fiduciary responsibility for administering fees collected under the gravel ordinance. He said the County does not have accountability under the current arrangement with fees going directly to the Cache Creek Conservancy. He believed that the fees could be distributed through a contract arrangement to serve a larger area and include additional non-profit organizations that are interested working on the restoration and enhancement of Cache Creek.

Commissioner Kimball asked how monies could be distributed if the fees that currently go to the Conservancy instead went to the County.

Mr. Schneider said it could be distributed through grants and proposals. He said more stakeholders would be involved.

Lynnel Pollock, Executive Director, Cache Creek Conservancy, said the monies (\$.05 per ton) received by the Conservancy from the aggregate industry began in 1995, prior to the adoption of the ordinance. The monies provided a base funding for the Conservancy to begin restoration and development of programs along the Creek. The Conservancy has private landowner agreements for access along the Creek. The Conservancy works with other agencies and entities on projects.

Commissioner Kimball asked if the Conservancy had a role in working with County staff in regards to the amount of money that would come to the Conservancy as a part of the proposed change from \$.05 to \$.10.

Ms. Pollock said there was no action on record requesting the amount or how it would be used.

Chair Peart closed the public hearing.

Commissioner Winters thanked the staff for their work and thanked the agencies for protecting the creek. He said citizens of the County have benefited from the work done by the agencies. He supported the staff recommendations.

Commissioner Merwin commended staff and the gravel industry in finding solutions. He said the recommendations were appropriate and he supported them.

Commissioner Bertolero said he was impressed with the thoroughness of the staff report. He said the Cache Creek is an unpredictable entity with over eighty-one variables that require oversight and management. He commended the gravel companies for their compliance. He supported the proposed fee schedule and changes.

Commissioner Kimball said she has seen many changes in the Cache Creek. She commended the staff and operators for their willingness to work together to maintain the Creek. She said she would like to see an accounting of how all of the funds are used, such as administration and physical work, on an annual basis. She agreed that funding should continue going to the Conservancy, but would like to see multiple organizations involved. She supported staff's recommendations.

Chair Peart commended the gravel industry, staff and fellow commissioners for taking on this task. He supported the recommendations and fee increases.

Commission Action

- (1) **HELD** a public hearing and received comments;
- (2) **APPROVED** a recommendation to the Board of Supervisors for approval (**Recommended Actions**);

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

RECOMMENDED ACTIONS

Amendment of the Gravel Mining Fee Ordinance (Chapter 11 of Title 8 of the County Code) to change the per-ton mining fees from a total of \$0.20 per-ton sold to a total of \$0.45 per ton sold (see Attachment 1, Proposed Amendments to Gravel Mining Fee Ordinance).

Amendment of Long-Term Off-Channel Mining Permit No. ZF# 95-078 (Granite).
Amendment of Long-Term Off-Channel Mining Permit No. ZF# 95-093 (Rinker).

Amendment of Long-Term Off-Channel Mining Permit No. ZF# 95-079 (Syar).

Amendment of Long-Term Off-Channel Mining Permit No. ZF #95-094 (Teichert Esparto).

Amendment of Long-Term Off-Channel Mining Permit No. ZF# 95-095 (TeichertWoodland).

PROPOSED PERMIT MODIFICATIONS

The conditions of approval to which each mining permit is subject shall be modified as follows:

- 1) Amend existing Condition #3 for all permits:

The operator shall pay ~~\$0.15~~ \$0.35 per ton to the County for every ton of aggregate materials sold. The operator shall pay ~~\$0.05~~ \$0.10 per ton to the Cache Creek Conservancy for every ton of aggregate materials sold. Operators approved to utilize the Exception Surcharge shall pay an additional \$0.20 per ton for tonnage in excess of the base amount. Payment of these fees shall be in accordance with the

CCAP and all implementing ordinances, and the Gravel Mining Fee Ordinance enacted for this purpose.

- 2) Add new Condition #19.7 for Granite, #28.7 for Rinker; #25.10 for Syar; #22.8 for Teichert Esparto; #25.7 for Teichert Woodland:

The applicant shall be in full compliance and good standing at all times with the terms of other required federal, state, and regional agency permits.

- 3) Add new Condition #45.11 for Granite; #65.1 for Rinker; #60.1 for Syar; 42.1 for Teichert Esparto; 25.8 for Teichert Woodland:

Whenever possible and feasible, the operator shall use cleaner vehicles and equipment and/or shall retrofit existing vehicles and equipment with diesel particulate filters (DPFs).

- 7.4 **2007-003:** Zone change from Agricultural General (A-1) to Agricultural Preserve (A-P), and establishment of a Williamson Act contract, for a 54 acre parcel, located in the southeast corner of State Route 16 and County Road 99E, west of Knights Landing (APN: 056-190-08). A Categorical Exemption has been prepared for this project. Owner/applicant: Salado (I.F. Benci-Woodward).

Mr. Morrison, Assistant Director, Planning, presented the staff report and answered questions from the commission.

Chair Peart opened the public hearing.

No one came forward to speak.

Chair Peart closed the public hearing.

Commissioner Bertolero said it was good to see more land put into the Williamson Act. He supported the recommendation.

Commissioners Kimball, Winters, Merwin and Chair Peart concurred with Commissioner Bertolero and supported the staff's recommendation.

Commission Action

The Planning Commission recommended that the Board of Supervisors take the following actions:

- (1) **HOLD** a public hearing on the Zone Change and Williamson Act Contract Establishment.
- (2) **ADOPT** the Categorical Exemption as the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and Guidelines (**Attachment B**);
- (3) **ADOPT** the Findings (**Attachment C**);
- (4) **ADOPT** the attached **ORDINANCE** rezoning the property, (**Attachment D**); and,

- (4) **APPROVE** the Zone Change and Williamson Act Contract Establishment. (**Attachment E**).

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

FINDINGS

(A summary of the evidence to support each FINDING is shown in Italics)

In accordance with Yolo County General Plan Section 8-2.3005, Title 8, Chapter 2 of the Yolo County Code, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Planning Commission finds:

California Environmental Quality Act (CEQA) Guidelines

1. That the recommended Class 17 Categorical exemption is the appropriate levels of environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines.

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

General Plan

1. In accordance with Yolo County General Plan Policy, § 8-2.3005, Article 30, Chapter 2 of Title 8 the Yolo County Code, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Planning Commission finds:

That the public health, safety, and general welfare warrant the change of zone.

The proposed establishment of a Land Conservation (Williamson Act) Contract on this property will satisfy the purpose of the zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone or regulation is in conformity with the Master Plan (Agricultural Element of the General Plan);

The project is consistent with the Yolo County General Plan and the Yolo County Agricultural Element in that it supports and promotes a healthy and competitive agricultural community and economy.

3. That the soils found on the subject property are predominately Class 1 or II soils according to the Soils Survey of Yolo County;

The proposed property includes Class I and II soils.

Zoning Code

The 54.5-acre parcel is below the minimum acreage requirement of 80 acres for the establishment of an Agricultural Preserve zone, however there are exemptions to this requirement, with regard to property size in the zoning requirements of the Yolo County Code Section 8-2.407 (c, III):

If the proposed establishment of an Agricultural Preserve does not meet the minimum total acreage requirement (100 acres), the Agricultural Preserve shall only be established by its inclusion into an existing contiguous agricultural preserve that meets the minimum total acreage requirement.

Williamson Act

The parties may mutually agree to establish a new contract pursuant to the Government Code §51200 et.seq., provided that the Board or Council finds all of the following:

1. Upon approval of the zone change, the applicant shall be required to enter into a new Williamson Act contract for the initial term of ten years.

The new contract or contracts would enforceably restrict the boundaries of the parcel for an initial term, not less than 10 years

2. The parcel of land subject to contract will be large enough to sustain agricultural use, as defined in Section 51222.

The parcel will not negatively impact agricultural activity. Road access is ensured for the parcel, agricultural activity may be enhanced. Therefore, the project will not compromise the long-term agricultural productivity of the parcel.

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 Discussion of Brown Act Training (P. Pogledich).

County Counsel Phil Pogledich said that the intent of the Brown Act is to facilitate public participation, allow for public comment in government decisions, and curb misuse of the democratic process. Mr. Pogledich defined both meetings and serial meetings, the latter of which is prohibited under the Brown Act, and how they relate to the use of email and teleconference meetings.

Chair Peart left the meeting at 11:50 am and returned at 11:52 am.

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Mr. Pogledich defined sub-committees and ad hoc sub-committees and when they are subject to the Brown Act rules. He also defined noticing and agenda requirements for meetings and discussed closed sessions.

Mr. Pogledich reminded the Commissioners that filing of 700 forms, Statement of Economic Interests, is due on April 2, 2007 and that mandatory ethic training is required under AB1234. His next discussion will be conflicts of interest.

A lunch break was called.

8.2 Presentation regarding the Habitat Joint Powers Authority and its programs (M. Wong).

Maria Wong, Executive Director of the Habitat Joint Powers Agency in Yolo County, presented the background on the Habitat/Natural Community Conservation Plan and legal environment for conservation in five major habitats. Ms. Wong outlined the participants in the plan and the steps they will take to adopt and implement the NCC/HCP plan. She said the plan would develop conservation strategies and refine the list of covered species and activities.

She said there are many opportunities for participation at all levels and that funding continues to be a challenge. Ms. Wong invited Commissioners to a Habitat Open House on March 22, 2007.

Chair Peart asked if cities are a part of the partnership and how developers participate.

Ms. Wong said that developer projects less than 40 acres pay a fee and that developer projects over 40 acres come through the JPA Board and the cities are in partnership.

Commissioner Kimball asked how the Swainson Hawk fee would go away under the new plan.

Ms. Wong said the fee would not go away, but that the fee would be for multiple species, not just the Swainson Hawk.

8.3 Presentation on agricultural housing and labor camps (D. Morrison).

Mr. Morrison requested this item be moved to a future agenda.

8.4 Discussion of upcoming tour (D. Morrison).

Mr. Morrison stated that the purpose of a tour was to familiarize Commissioners with areas where projects are proposed for development. He said the tours have to be open to the public. Mr. Morrison suggested moving the discussion until a later date when there is interest in development in a specific area. The Commissioners agreed, as they recently toured areas within the County in preparation for the General Plan Update.

8.5 Proposed changes to the Planning Commission Rules (D. Morrison).

Mr. Morrison said there are no changes in the rules; however, the Planning Commission has the power to change the rules if a majority of the Commissioners present choose to do so. The discussion was a result of Commissioner Liu's request to consider changing the Planning Commission meeting date of the second Thursday of the month. Mr. Morrison reviewed the rules for the Commissioners.

Chair Peart asked to amend Rule 10 to include the Pledge of Allegiance, following Rule 1, Call to Order, in The Rules of Conduct for Business Before The County of Yolo Planning commission.

Commission Action

ADOPTED the recommended action to change Rule 10, Order of Business of The Rules of Conduct for Business Before The County of Yolo Planning Commission to include the Pledge of Allegiance as rule 2.

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

Recommended Action

RULE 10. ORDER OF BUSINESS. The regular order of the Commission shall be:

1. Call to order.
2. Pledge of Allegiance
3. Adoption of Minutes of previous meetings.
4. Opportunity for public to address Commission.
5. Correspondence.
6. Hearings and other scheduled matters.
7. Director's report.
8. Commission reports.
9. Future agenda items.
10. Adjournment

Chair Peart asked County Counsel if it is appropriate to ask an applicant if he/she agrees to the conditions of approval before the public hearing is closed.

County Counsel Phil Pogledich said there is no legal basis, but that it is good general practice to indicate a clear record.

Chair Peart recommended amending Rule 12, by inserting "Applicant Acceptance of Conditions of Approval" as an additional sub-rule under Rule 2, prior to item G.

Commission Action

- (1) **ADOPTED** the addition of a new Sub-Rule, Applicant Acceptance of Conditions of Approval, prior to Sub-Rule G, under Rule 10, Number 2, Regular Agenda, Conduct of the Hearing, in The Rules of Conduct for Business Before The County of Yolo Planning Commission.

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

Recommended Action

RULE 12. CONDUCT OF THE HEARING. It is the desire of the Commission to have a fair and impartial hearing on all matters. To do so requires the imposition of and compliance with the following rules of conduct:

1. **Consent agenda.** If the matter is on the consent agenda, the sequence of the hearing shall be:
 - a) Consideration of the written staff report.
 - b) Motions and vote of commission.

2. **Regular agenda.** If the matter is on the regular agenda, the sequence of the hearing shall be:
 - a) Consideration of the written and oral staff reports.
 - b) Open public hearing.
 - c) Testimony of proponents.
 - d) Testimony of opponents.
 - e) Rebuttal of principal proponents.
 - f) Surrebuttal by opponents.
 - g) Applicant Acceptance of Conditions of Approval
 - h) Close of public hearing.
 - i) Commission discussion.
 - j) Motions and vote of Commission.

Chair Peart asked the Commissioners if they wanted to amend Rule 1 by changing the Planning Commission meeting day to accommodate Commissioner Liu's conflict of meetings.

- (1) **CARRY** the amendment of Rule 1, Meetings, The Rules of Conduct for Business Before The County of Yolo Planning commission to the April 12, 2007 meeting.

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

9. 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, 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. Mr. Benci-Woodward is leaving Yolo County for new opportunities.
2. Mr. Morrison acknowledged that the Board of Supervisors increased planners' salaries and the search will continue to fill the vacant positions in the planning department.
3. The Board of Supervisors will review the General Plan updates at the March 27,2007 meeting.
4. The Sugar Mill project was remanded back to the County Board of Supervisors by the Delta Protection Commission. Staff is developing options for moving forward.
5. The Board of Supervisors directed staff to consider two new advisory committees for Madison and Zamora. Staff will go back to the Board of Supervisors with recommendations to possibly combine areas in close proximity.
6. Mr. Morrison and Heidi Tschudin will attend the Farm Bureau meeting this evening (March 8, 2007) to meet with the Ag Futures Alliance, Farm Bureau, South County Farmers and other ag interests to discuss recommendations made by the Board of Supervisors regarding the General Plan including use permit criteria, the formation of ag districts and other ag related issues.
7. Staff will be presenting recommended changes to the draft ag mitigation ordinance to the Board of Supervisors on March 20, 2007.
8. Staff tentatively plans to bring the Capay and Esparto General Plans before the Board of Supervisors in April.

Commissioner Winters asked if the Board of Supervisors made any decisions on the NW quadrant study group and Davis city edge development.

Mr. Morrison said staff prepared a summary of what they heard the Board direct during the February 6, 2007 Board meeting. The summary has not yet been approved and it was hoped that the summary would go to the Board on March 27, 2007.

10. 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. Vice-Chair Bertolero attended the El Macero Homeowners' meeting where Dan Ramos presented a new project for homes in the SE quadrant.
2. Commissioner Kimball said she is working as a member, with the Ag Future's Alliance with the Farm Bureau and other ag organizations to come together on development options for rural areas. Commissioner Kimball volunteered to serve as the Commission's liaison for the Zamora Advisory Committee if it is approved.
3. Commissioner Winters reviewed the Binning Ranch project with Mr. Masud Monfared of Parlin Development regarding his project and with a representative from the El Macero Homeowners' on the Dan Ramos presentation.
4. Commissioner Merwin met with Heidi Tschudin, Julia McIver and David Morrison regarding the proposed gravel mining review and changes.
5. Chair Peart attended the Dunnigan Advisory Committee meeting and met with Jerry Burger regarding the Grant Park Development project. He also received a letter from Bob Schneider of Tuleyome. Chair Peart is planning on attending the Stockton Planning Commissioners Association Conference.

11. 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.

Mr. Morrison said the following items are planned for the April 12, 2007 meeting:

1. Story Subdivision/Emerald Homes
2. East Park Subdivision/Emerald Homes
3. Capay Cottages/John Deterding
4. Proposed 2007-2008 budget for review
5. Knox Subdivision
6. Conflict of Interest presentation/Phil Pogledich
7. Larson Variance/Craig Baracco

12. ADJOURNMENT

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The Regular Meeting of the Yolo County Planning Commission was adjourned at **1:59 p.m.** The next scheduled meeting of the Yolo County Planning Commission is April 12, 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