



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

APRIL 12, 2007

ADMINISTRATIVE AGENDA

1. Chair Peart called the meeting to order at **8:31** a.m.
2. Mary Kimball led the Pledge Of Allegiance

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
Stephanie Berg, Associate Planner
Craig Baracco, Assistant Planner
Susan Provencal, Office Support

3. ADOPTION OF MINUTES OF THE **January 11, 2007** and **March 8, 2007** MEETINGS

Commission Action

3.1 The Minutes of the **January 11, 2007** Meeting were carried to the May 10, 2007 meeting as a quorum of members was not present from the January 11, 2007 meeting to approve them.

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

MOTION: Winters

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 Esparto Citizens Advisory Committee regarding two Emerald Homes subdivisions, March 20, 2007.
- 5.2 Notice of Planning Commissioner Association Spring Conference for May 19, 2007.
- 5.3 SACOG Regional Report February/March 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, Assistant Director, presented a resolution to Carole Kjar, thanking her for her ten years of service as secretary to the Planning Commission. Mr. Morrison commended Carole for her expertise and professionalism and wished her best of luck in her future career and endeavors.

Chair Peart said he appreciated the work that Carole has done for the Planning Commission.

6.2 Proposed 2007-2008 Planning and Building Division Budget

Mr. Morrison, Assistant Director, presented the proposed 2007-2008 Budget for the Planning and Building Division. He said there is a four percent increase over the 2006-2007 Budget. He said majority of the proposed expenses consists of staff salaries and benefits. There are no significant changes, with the exception of budgeting for an additional inspector, although. there are still three openings in the Planning Division that are actively in recruitment status. He said a proposed increase in zoning fees at nine percent and increase in building fees will cover the additional salary and benefit increases. Building fees have not increased in the last ten years and will increase approximately thirty percent, which is still low compared to other counties.

Commissioner Bertolero asked if the increase in the planning staff was included in the budget.

Mr. Morrison responded that the vacant positions are in the current budget, and that expenses are running under budget in salaries in the current fiscal year.

Commissioner Kimball asked if it would take as long to hire the inspector position, as it has been to hire planning staff.

Mr. Morrison explained that while the inspection position is competitive, planners are in short supply both in private and public sectors.

7. TIME SET AGENDA

- 7.1 **2007-004:** A Use Permit for a wireless tower located west of County Road 93 and south of State Route 16, one half mile west of the Wild Wings development (APN: 025-460-04). The site is zoned A-P (Agricultural Preserve). A Negative Declaration has been prepared for this project. Owner/applicant: Landmark Wireless (C. Baracco)

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

Commissioner Winters asked if the trees would interfere with the reception.

Mr. Baracco said there would still be a line of sight to the Wildwing subdivision.

Chair Peart opened the public hearing.

Mr. Jeff Leinert, the wireless applicant, said he believes the site meets the coverage objective for the rural residential area, including Wildwings, and that it effectively minimizes visual impact.

Commissioner Merwin asked if the trees would interfere with the coverage.

Mr. Leinert said the line of sight would not be blocked.

Chair Peart asked the applicant if he accepted the thirteen conditions of approval.

The applicant said that he does accept them.

Chair Peart closed the public hearing.

Commissioner Bertolero said he foresees topping the trees in the future and supports the project.

Commissioner Kimball said she appreciated the work in finding a good site and approved the project.

Commissioner Winters said he was in support of this proposal.

Commissioner Merwin said he is pleased with the location and approved the proposal. He expressed concern about the trees in the future.

Chair Peart agreed with the Commissioners and supported the proposal. He said the trees should be topped rather than removed in the future.

Commission Action

1. **HELD** a public hearing and receive comments;
2. **ADOPTED** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPTED** the Findings (**Attachment D**); and
4. **APPROVED** the Use Permit subject to the Conditions of Approval (**Attachment E**).

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

CONDITIONS OF APPROVAL

Planning

1. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2007-004). Construction shall be limited to one 99-foot high wireless telecommunication monopole with four panel antennas and one microwave dish, and a 6,175 sq. ft. fenced lease area, as shown on the approved Site Plans (**Attachment B**). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this use permit, and shall be administered through Site Plan Review approved by the Director of the Planning, Resources and Public Works Department. The facility shall be operated in a manner consistent with the project's approval. Upon termination of the wireless communication system use, the project site shall be restored back to its original condition within 180 days.

2. The use allowed under this Use Permit (ZF #2007-004) shall commence within one (1) year from the date of approval by the Yolo County Planning Commission or said permit shall be deemed null and void without further action.
3. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the communication tower and shall not be unreasonably opposed to sharing the site and facilities with other service providers.
4. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold area shall be adequately maintained and free from graffiti.
5. The monopole shall be fitted with lighting so as to be visible to passing aircraft.
6. The proposed monopole, accessory structures, perimeter fencing, and landscaping shall be designed, constructed and completed utilizing materials consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Planning, Resources and Public Works Department.
7. The applicant shall satisfy all requirements of the Federal Aviation Administration, including FAA form 7460-1, *Notice of Proposed Construction or Alteration*.

Building

8. 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 structures shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
9. 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.

Environmental Health

10. Prior to the issuance of a building permit the applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health.

Public Works

11. Prior to the finaling of the building permit the applicant shall complete the following road improvements: The driveway nearest the cell tower will be paved, a 15" diameter culvert will be installed and the roadside ditch will be graded to drain.

County Counsel

12. In accordance with Section 8-2.2415 of the Yolo County Code, 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.

13. 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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-004, the Yolo County Planning Commission finds the following:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act and Guidelines (CEQA)

1. That the recommended Negative Declaration/Initial Study 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

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

The Yolo County General Plan designates the subject property as Agricultural (AG).

The project is consistent with the following General Plan Policies:

Conservation Policy CON-7 Design and Site Development Standards: Yolo County shall apply design and site development standards to prevent unnecessary disruption of the terrain, vegetation, and significant resource areas. Application of the standards shall include mitigation of potential adverse environmental impacts.

Scenic Highway Policy SH-9 Towers and Lines: Yolo County shall recommend the establishment of electric towers, solar power facilities, wind power facilities and electromagnetic frequency transmission towers and/or above ground lines outside of scenic highway corridors, where feasible.

Zoning

3. That the proposal is consistent with the Wireless Communication Facilities Ordinance (Section 8-2.2417 of the Yolo County Code) as follows:

The site is adequate for the development of the proposed wireless communication facility.

The subject property is approximately 180 acres and is utilized for farming. The site is set back from the main road. The site is considered adequate for the proposed project.

4. Opportunities to collocate the subject facility on an existing facility have either been exhausted or are not available in the area.

There is currently no reception and/or only intermediate reception in the project area. No appropriate structures with the required height were available for collocation in the general project area. The only wireless towers existing in the area are too far from the subject location.

5. The facility as proposed is necessary for the provision of an efficient wireless communication system.

Currently, a fairly large geographic area within the general area of the subject property does not receive adequate wireless communication signals under existing wireless communication services. There is no other tower located in the area where new equipment can be collocated, in order to provide adequate wireless signal coverage. Therefore, the applicant's proposal to provide the needed service to a significant portion of this uncovered area is considered necessary.

6. The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource.

Since the subject property is relatively flat, the proposed project would not require significant grading and thus would not impact the existing topography. The proposed lease are will disturb a minimal (6400 square feet) amount of ground. The surrounding almond orchard will remain undisturbed. The proposed project location is not within any designated public viewing area or scenic corridor.

7. The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.

The proposed facility is just over a mile away from the Watts-Woodland airport. The tower does not lie within the take-off or landing zones of the airport, nor is it located in the height-restriction zone outlined in the Watts-Woodland Airport Master Plan. The monopole will not create a hazard for aircraft in flight. However, due to the proximity of the Monopole to the airport, the Watts-Woodland Airport has requested that the tower be fitted with lights so that it will be more visible to passing aircraft. In the interests of public safety, such lighting is recommended as a condition of approval.

8. The applicant agrees to accept proposals from future applicants to collocate at the approved site.

As a condition of project approval, the applicant is required to cooperate with the County and other providers in collocating on the subject tower.

9. That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

- a. The requested land use is listed as a conditional use in the zoning regulations.
Pursuant to Section 8-2.604 (i), the proposed wireless communication facility is allowed within the Agriculture Preserve Zone through the Minor Conditional Use Permit review and approval process.
- b. The request is essential or desirable to the public comfort and convenience.
Wireless communication is widely used as an efficient communication system for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.
- 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.
As evidenced in the Negative Declaration/Initial Study, the proposed project will not create a significant effect on the character of the surrounding agricultural area. Wireless communication technology has been determined not to be detrimental to the public health safety or general welfare so long as the appropriate standards are implemented. Therefore, the proposed project does not pose a detrimental effect to public health, safety or general welfare.
- d. 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.

7.2 **2007-010:** Variance for front yard improvements constructed in the front yard setback and public right-of-way, located at 27454 Meadowbrook Drive in the Willowbank Subdivision (APN: 069-160-14). The site is zoned R-S (Residential Suburban). A Categorical Exemption has been prepared for this project. Owner/Applicant: Larsen (C. Baracco).

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

Commissioner Kimball asked Mr. Baracco to comment on the letters she and other commissioners received citing examples of other structures in the neighborhood that were built in the setback.

Mr. Baracco said that other possible violations are not a justification for a variance.

Mr. Morrison, Assistant Director, said that wood structures are specifically defined in the building code and that this particular structure meets the definition, and requires a permit. He said that not everything assembled in a yard is considered a structure.

Commissioner Winters asked staff to describe the public safety consideration.

Mr. Baracco said the structure encroaches on the public right of way for street improvements and public travel.

Mr. Morrison added that the public right of way is an easement owned by the county and ensures access for emergency vehicles and personnel, such as police and fire. The easement is also the county's liability. He restated that the structure does not meet the zoning or building code and was constructed without encroachment or building permits.

Commissioner Merwin said he read that the Larsen's were willing to dismantle part of the structure and asked if a compromise was possible.

Mr. Morrison stated that the Planning Commission could make that decision. Staff has recommended denying the variance. He said there is also the issue of setting precedent for future building in the area.

Commissioner Bertolero asked what would have been allowed if the party had applied for a permit.

Mr. Baracco said a small structure of approximately three feet from the front of the house would have been allowed. If the applicant had submitted the plans for the existing structure, the permit would have been denied.

Chair Peart opened the public hearing.

Kent Calfee, attorney for the Larsens, said he views the structure as part of the landscaping, which adds to the aesthetic improvement to the neighborhood. Landscaping does not require a permit. He asked the commission to grant a variance.

Two neighbors came forward to say the structure was attractive.

Dr. Larsen said he would like to come to a resolution that would satisfy everyone.

Chair Peart closed the public hearing.

Commissioner Winters said he looked at the structure and it is pleasing and does enhance the neighborhood. He said while sympathizes he with the Larsens and the letdown from their contractor, the permitting process would not have allowed them to build the structure. He is not sure how he will vote, and would listen to his fellow commissioners.

Commissioner Merwin said he did not agree that the arbor structure is the same as a home addition and did not agree with the need to require a permit for this kind of structure. He sees this as an aesthetic benefit to the house and community. Commissioner Merwin agreed that the portion of the structure in the county's right-of-way should be removed. He proposed that guidelines be established to allow similar structures. He is inclined to allow the variance for a portion of the structure.

Commissioner Bertolero said that he had visited the property. He said the ultimate responsibility falls to the landowner to get permits. Commissioner is concerned about setting precedent in allowing this variance. While he thought the structure was attractive, he is not in favor of the structure, but would consider a compromise. He said he would listen to his fellow commissioners.

Commissioner Kimball said she appreciated the fact that the structure is attractive, but it is a structure. She said the owners should have gone through the permit process and would have learned this type of structure would not have been approved. Commissioner Kimball is not in favor of the variance.

Chair Peart concurred that the Larsen's intent was good, but it is a weak excuse to say the contractor failed to get a permit. He believes that this is definitely a structure. Commissioner Peart would like to see a compromise, but supports staff in the denying the variance.

Mr. Phil Pogledich, Deputy County Counsel, corrected three findings, to clarify them for a possible motion.

Mr. Morrison explained the alternatives in terms of supporting or denying the variance and relationship to the structure. He said the Planning Commission could direct staff to draft new finding to support the variance.

Chair Peart re-opened the public hearing.

Mr. Kent Calfee, attorney for the Larsens, said he believed that after hearing the discussion, there could be a finding made to define the structure as an arbor or a trellis, and therefore an integral component of the landscaping design.

Chair Peart closed the public hearing.

Chair Peart polled the commissioners resulting in direction to staff to bring back a proposal to reconsider supporting the variance by removing a section of the structure near the street in the county right of way.

Commission Action

1. **DIRECTED** staff to return to the Planning Commission at a future meeting with a Findings and Conditions for a variance that removes the wood portion of the structure, closest to the street, and allows the brick work to remain.

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

Chair Peart called a ten-minute break.

7.6 Presentation by Donita Hendrix and Gary Schadd of the Dunnigan Water District regarding the impacts of growth proposed as a part of the County General Plan update.

Gary Schadd, Dunnigan Water District Manager, thanked the Planning Commission for the opportunity to speak. He said the district is studying how they can improve service to the farm customers and become a water supplier to an urban customer base, because 30% of their current customer base would be lost to development. He said the district has hired consultants to assist them in gaining knowledge and the potential of taking on the responsibilities of sewage treatment and storm water management. An additional challenge would be determining if annexing Old Town Dunnigan and the Hardwood subdivision would be in the best interests for Dunnigan and the Bureau of Reclamation. He said M & I water service was included in their contract with the Bureau of Reclamation.

Commissioner Kimball asked how many agricultural customers the district serves now and whether there would be more or less M & I water usage with urban development.

Mr. Schadd said there are currently 120 agricultural customers, however, lands taken from the farmland for development remain in the district and continue to have repayment obligations. Additional water will be needed for development.

Chair Peart clarified that the Dunnigan water district is a California water district and not a county water district. He is concerned about keeping the water district whole, as an agriculture irrigation district.

Donita Hendrix said changing from being primarily a water provider for agriculture to urban service has a major impact on how the district does business.

Mr. Schadd said he believes the district can work with the county and the developers to meet the district's goals.

Chair Peart thanked Mr. Schadd, Donita Hendrix and Cynthia for their presentation.

7.4 **2006-079:** Zone boundary adjustment and Lot Line Adjustment for 8.4 acres located on the east side of Jefferson Boulevard, north of South Netherlands Road, south of Clarksburg (APN: 043-110-29). The site is zoned A-1 (General Agricultural) and A-P (Agricultural Preserve). A Categorical Exemption has been prepared for this project. Owner/Applicant: McCoy (S. Berg)

Commissioner Merwin excused himself from this discussion as he stated he is a shareholder in the corporation holding one of the parcels.

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

Commissioner Bertolero asked if the new parcel would be the same acreage as they now own.

Ms. Berg said they are approximately the same size.

Chair Peart opened the public hearing.

Justin McCoy, the applicant, said the staff report covered all of the questions, objections and support from the neighbors and reclamation district. The lot line adjustment provides an easement for the Merwins, allowing them to continue access to their property

Mr. Greg Merwin, an applicant, said he believes the lot line adjustment will provide him with an opportunity to do more with the land and provide a safe area for storing his equipment.

Chair Peart closed the public hearing.

Commissioner winters commended staff for the thorough report and supports the project.

Commissioner Bertolero concurs with Commissioner Winters and supports the project.

Commissioner Kimball said she supported the win-win solution and commended the staff.

Chair Peart concurred with his fellow commissioners.

Commission Action

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

1. **HOLD** a public hearing and receive comments;
2. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment E**);
4. **APPROVE** the Resolution for the Lot Line Adjustment (**Attachment F**);
5. **ADOPT** an Ordinance approving the Zone Boundary Adjustment (**Attachment G**); and,
6. **APPROVE** the Williamson Act Contract Amendment. (**Attachment H**).

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

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein.
2. Upon approval by the Board of Supervisors, the property owner(s) or administrators of trust shall execute the Williamson Act Contract Amendment for the subject Agricultural Preserve property on a form approved by the Office of the County Counsel of Yolo County. Said contract shall be recorded in the Office of the Yolo County Clerk/Recorder and a copy of the recorded contract shall be returned to the Planning, Resources and

Public Works Department prior to the issuance of any building entitlement on the subject properties.

3. The property subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless approval of a division of the Williamson Act Contract is granted as provided in the Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).
4. Upon approval of the Lot Line Adjustment by the Board of Supervisors, the Planning, Resources and Public Works Department shall issue a "Certificate of Compliance" with Lot Line Adjustment plat map and legal descriptions. The Certificate of Compliance shall be recorded in the Office of the Yolo County Clerk/Recorder within 30 days of issuance. A copy of the recorded Certificate of Compliance shall be returned to the Planning, Resources and Public Works Department prior to the issuance of any building permits on the subject properties.
5. Recordation of the Certificate of Compliance for the Lot Line Adjustment shall not in any way result in the elimination, obstruction, or reduction in size of any access way to the resulting parcels.
6. Concurrent with the recordation of the Certificate of Compliance and Lot Line Adjustment, the applicant shall record a "Right-to-Farm" Disclosure Notice (Title 10, Chapter 6, of the Yolo County Code) on title of the parcel identified as APN: 043-110-29. The applicant shall provide a copy of the Right-to-Farm Ordinance to any buyer of the parcel created by this Lot Line Adjustment, prior to purchase.
7. The applicant shall maintain a 15-foot access along the north bank of the canal for the maintenance of Duck Slough by Reclamation District 999.
8. The applicant shall obtain all necessary approvals from the Planning and Public Works Department prior to the establishment of a home site. All building permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
9. The applicant shall pay the appropriate fees prior to the issuance of any building permits, including, but not limited to, the River Delta Unified School District, Clarksburg Fire District, County Facilities Fees and Yolo County Environmental Health fees.
10. Prior to the issuance of building permits, septic system design shall be approved by Yolo County Environmental Health. Special designed septic system or on-site sewage disposal system may be required due to unfavorable soil conditions.
11. Prior to the issuance of any building permits, a geotechnical report addressing foundation design in expansive soils shall be submitted for review and approval by the Building Division. Building foundations and slabs shall comply with any special requirements included in the geotechnical report.
12. Any development shall include private and public improvements in compliance with all applicable federal and state laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
13. A Caltrans encroachment permit will be required for all construction within the State's right-of-way.

14. Prior to commencement of any grading and/or construction activities, the applicant shall submit to the Yolo County Planning, Resources and Public Works Department proof of any necessary approvals from the Regional Water Quality Control Board.
15. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.
16. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Board of Supervisors may result in the following:

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

FINDINGS

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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2006-079, the Yolo County Planning Commission recommended that the Board of Supervisors find the following:

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Class 17 and Class 5 Categorical Exemptions are the appropriate levels of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to CEQA Section 15305, Class 5 (Lot Line Adjustments), and Section 15317, Class 17 (Open Space Contracts or Easements) the project is categorically exempt from further environmental review. Class 5 includes minor lot line adjustments not resulting in the creation of any new parcels. Class 17 covers the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.

General Plan

That the project is consistent with the Yolo County General Plan and policies in the Agricultural Element in that it continues to conserve and preserve agricultural lands, especially areas currently farmed, and that it ensures compatibility of land uses adjacent to agricultural operations, so that agricultural productivity is not substantially affected.

The proposed Lot Line Adjustment and Zone Boundary Adjustment will not substantially decrease agricultural production on the A-P zoned parcel and will not affect the parcel's Williamson Act Contract. The proposed parcel configuration is proposed in order to reduce curvature of the slough area along the canal to enhance farming practices. Removing the buildable area from the A-1 zoned parcel's canal bank easement will also prevent unnecessary obstruction to the Reclamation District. Residential use of the land will be restricted due to the limitation of urban service facilities and infrastructure.

Williamson Act (Government Code Section 51257)

To facilitate a Lot Line Adjustment, pursuant to subdivision (d) of Section 66412 of the Subdivision Map Act, and notwithstanding any other provision of the Williamson Act, the parties may mutually agree to rescind the contract and simultaneously enter into a new contract pursuant to Government Code Section 51200 et. Seq., provided that the Board of Supervisors finds all of the following:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, but not less than 10 years.

Upon approval of the project, the applicant shall be required to enter into a new Williamson Act contract for the initial term of ten years. The new contract for the reconfigured parcel of approximately 261± acres will be restricted in accordance with Government Code Section 51200 et. seq.

2. There is no net decrease in the amount of the acreage restricted.

There will be no decrease in the amount of acreage restricted and no net change in the acreage of the parcel in the Williamson Act. The A-1 parcel is not under contract.

3. At least 90 percent of the land under the former contract remains under the new contract.

The new Williamson Act Contract equaling the same total acreage will be amended to reflect the new boundary lines. Approximately three to five acres will be taken out of contract (less than three percent) and replaced with an equal amount. More than 95 percent of the land under the former contract will remain under the new contract.

4. After the lot line adjustment, the parcel of land subject to contract will be large enough to sustain its agricultural use, as defined in Section 51222.

The land subject to the Williamson Act Contract is approximately 261± acres and will more than meet the requirements as defined in Section 51222 of the Government Code.

5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

The amendment of zoning boundaries and Williamson Act Contract will have relatively little negative impact to agricultural activity on the parcel under contract. Reducing the curvature of the slough will enhance farming practices. Removing developable land near the canal bank and easement area will minimize conflicts with the reclamation district. Total acreage restricted by the Williamson Act Contract will not be reduced and the project will not compromise the long-term agricultural productivity of the parcel under contract.

6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

Development of a home site on the A-1 parcel, a permitted principal use on all agriculturally zoned lands in Yolo County, may likely result in the removal of adjacent land from agricultural use (on the existing A-P parcel). However, areas not currently farmed on the existing A-1 parcel will be put into agricultural production as an even exchange of land. Additionally, the County's Right to Farm ordinance will be required as a condition of project approval, which ensures the maintenance of agricultural activity when residential uses are located in the vicinity of agricultural production.

7. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

The lot line adjustment does not change the existing number of parcels. The lot line adjustment will not result in an uneven exchange of developable land and will be in conformance with the County's General Plan Land Use policies that support efficient use of land.

Zoning Code

That the purpose of the Agricultural Preserve Zone (A-P), Section 8-2.401 of the Yolo County Code, shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land Conservation Act of 1965, as amended. Uses approved on contracted land shall be consistent and compatible with the provisions of the Act.

The 261±-acre parcel (APN: 043-110-22) currently meets and will continue to meet all the requirements of the A-P zone with regard to land use in the zoning requirements of the Yolo County Code (Section 8-2.402) and the amended Williamson Act Contract (Section 8-2.408).

The purpose of the Agricultural General Zone (A-1), Section 8-2.601, shall be to provide uses on lands best suited for agriculture.

The 8±-acre parcel (APN: 043-110-29) is an existing legal non-conforming parcel (less than 20-acre minimum requirement) with an A-1 zoning designation. The existing parcel is currently not farmed.

- 7.3 **2007-001:** Workshop on the draft update to various animal regulations for the unincorporated area. A Negative Declaration will be prepared for this project. Owner/Applicant: Yolo County (C. Baracco).

Craig Baracco, Assistant Planner, and Heidi D'Agostino, Code Enforcement Officer, gave the staff report addressing Titles 8 and 6 changes and definitions. Chief Fletcher from the Sheriff's Animal Control Division presented information regarding issues of animal housing, public safety, public nuisance, health issues and illegal uses of animals. Staff answered questions from the Commissioners.

Commissioner Merwin asked under what circumstances the leash law applied.

Chief Fletcher explained that the leash law means the animal is off the owner's property, without the presence of the owner and roaming the neighborhood.

Commissioner Kimball asked if families raising meat birds would need a permit.

Mr. Baracco said that the staff would add language to the ordinance to exclude juvenile animals.

Commissioner Bertolero asked why dogs were licensed and not cats.

Chief Fletcher said the State of California requires licensing for dogs to control rabies vaccination.

Commissioner Winters asked if there is anything that can be done about feral roosters.

Chief Fletcher said that if someone is feeding the birds, they are then responsible for maintaining the bird.

Chair Peart said that Animal Control needs a tool to respond to complaints and he supports the ordinance for that reason. He said that there may have to be some exceptions for 4-H or a large family that has an animal for each child.

Mr. Morrison said staff would come back to the Planning Commission for a public hearing.

Warren King, from Knights Landing, said cats should be licensed. He said that the cost of a dog license should be increased. He said that roosters create a nuisance in his neighborhood.

Mr. Hornbuckle said he has 4-H animals and would have too many points according to staff. He said he is also concerned about the number of rabbits on some property.

Commission Action

1. **HELD** a public workshop and received public comments and provided direction to staff regarding the update of County Ordinances related to animal keeping (**Attachment A**)
2. **SCHEDULED** a public hearing at a later date to consider recommendations regarding the draft ordinance and Negative Declaration.

- 7.5 Status Report on the update of the Yolo County General Plan. A Program Environmental Impact Report will be prepared for the General Plan update. Owner/Applicant: Yolo County (D. Morrison)

Mr. Morrison, Assistant Director Planning, presented a verbal staff report and answered questions from the commission. He said that the minutes of the Board of Supervisors March 27, 2007 meeting have not been made public as yet. Mr. Morrison projected that the General Plan update would be completed by July 2008.

Commissioner Kimball asked what is being developed in the city of Winters.

Mr. Morrison said there was a motion to include commercial development at County Road 12A and I-505, but there was no second, so the motion died. There was discussion by the supervisors, and a motion made to approve staff's recommendation, which included County Road 19 and I-505 development, that did pass. Staff's recollection is that the Board of Supervisors agreed that commercial development on County Road 27 and I505 should be a joint discussion with the County and the City of Winters. This will still need to be confirmed with the Board minutes when they become public.

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 Discussion of conflict of interest laws (P. Pogledich).

Phil Pogledich, Deputy County Counsel, presented an overview of conflict of interest training. He stated that California law requires mandatory ethics training every two years while in your position as a Planning Commissioner, with county staff maintaining a copy of completion for audit purposes. Mr. Pogledich said county counsel is available for advice if you encounter a potential conflict of interest situation.

Personal financial gain includes gain in the decision or vote, and in the steps leading to a decision. If you receive \$500.00 or more of income per calendar year from a source of income that comes before the Planning Commission on an application, you are required to abstain from voting. This is also true if you hold a business management or employment position in an entity that comes before the Planning Commission or if you hold an interest in real property valued at \$2000.00 or more, or is within 500 feet of property that is the subject of a Planning Commission hearing. A commissioner is also required to abstain from voting if your personal finances are impacted by a Planning Commission decision, which includes promised income of \$500.00 or more.

A gift is defined as something received and commissioners must disclose any gifts of \$50.00 or more on the Form 700, filed annually. Gifts may be viewed by the public as a bribe, so perception is a way to test your decision to accept a gift.

Mr. Pogledich reviewed the principle of fair and unbiased decision-making, and the three types of impermissible bias: personal interest in the outcome of a decision, people bias and factual bias.

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

It was agreed to move the discussion on agricultural housing and labor camps to the May 10, 2007 Planning Commission meeting.

8.3 Changes to the Planning Commission Rules of Conduct (D. Morrison).

Mr. Morrison stated that Commissioner Liu has requested that the rules of conduct be reviewed with regards to the regular meeting time and date. Currently the regular meeting date is the second Thursday of each month, beginning at 8:30 a.m., pursuant to Rule 1 of the Rules of Conduct.

The commissioners discussed the advantages and disadvantages of making a change at this time, considering calendar dates that have been set by individuals, availability of the Board of Supervisors chambers for meetings, and the impact to public notification.

Commission Action

- (1) **Determined** that no action will be taken at this time and that staff will bring this issue back at a later date.

8.4 Joint meeting with the County's Citizens Advisory Committees (D. Morrison).

Mr. Morrison asked the Planning Commission for their concurrence in holding a joint meeting with the planning commissioners and the appointees of the existing seven advisory committees. Mr. Morrison said the Board of Supervisors has asked how we can better serve our committees. He said he would like to see the discussion include setting boundaries, interaction with the Planning Commission, roles of committees and a discussion of the Brown Act.

Chair Peart said he is concerned about conflicts of interest for committee appointees regarding projects that are proposed by the appointees. Mr. Pogledich said the same rules do not apply to committee appointees as apply to Planning Commissioners, so such conflicts of interest issues are not illegal.

The commissioners agreed to the meeting and asked to have an informal setting, preferably on a regular Planning Commission set date.

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. Rick Moore, Assistant Director Public Works, announced he is leaving Yolo County to pursue international career opportunities.
2. Angelica Zaragoza has been promoted to Lead Permit Counter Technician in the Building Division, a well-deserved promotion.
3. The Board of Supervisors has asked staff to take action to separate the Parks and Resources Division to a separate county department and that task is underway.

4. Mr. Morrison attended the first meeting of the new Madison Advisory Committee on April 5, 2007. They are very well organized and Marilyn Gordon is Chair.
5. The Esparto General Plan Update will be going to the Board of Supervisors on April 17, 2007 for consideration by the Board as recommended by the Planning Commission.
6. The Ag Mitigation ordinance has been continued for additional work by staff, as directed by the Board of Supervisors.
7. The White subdivision in Knights Landing is under construction.

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. Commissioner Winters had no report.
2. Commissioner Merwin attended the Yolo County Farm Bureau meeting.
3. Vice-Chair Bertolero attended the Esparto Advisory Committee meeting on March 20, 2007 where they discussed two subdivisions that are being proposed and as a community they are in favor of them. He attended the March 27, 2007 afternoon session of the Board of Supervisors meeting and discussion on the General Plan Update. He attended the April 11, 2007 meeting of the Knights Landing Advisory Committee.
4. Commissioner Kimball attended the meeting of the Northern California Council of Planning Commissioners in Stockton. Commissioner met with Judy Scott from Yolo County Land Watch, regarding the Dunnigan Hills special district. The group is well organized and is working on what should be allowed in special districts.
5. Chair Peart attended the Farm City breakfast. He attended the March 27, 2007 Board of Supervisors meeting on the General Plan Update. He attended the April 11, 2007 meeting of the Dunnigan Advisory Committee. Chair Peart attended the Northern California Council of Planning Commissioners in Stockton and was impressed with the amount of activity in the Port of Stockton, especially in the area of importing gypsum for agricultural uses.

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. Dunnigan Truck and Travel Center map extension would be on the May agenda.

2. Three Esparto subdivisions may be ready for presentation at that time.

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at **12:59 p.m.** The next scheduled meeting of the Yolo County Planning Commission is May 10, 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