



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

May 10, 2007

ADMINISTRATIVE AGENDA

1. Chair Peart called the meeting to order at **8:36** a.m.
2. Commissioner Bertolero led the Pledge Of Allegiance.

MEMBERS PRESENT: Bertolero, Kimball, Peart, Winters, Liu, Cameron, Merwin
MEMBERS ABSENT: None
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 **April 12, 2007** MEETINGS

Commission Action

- 3.1 The Minutes of the **January 11, 2007** Meeting were continued to the June 14, 2007 meeting as there was not a quorum of Commissioners that were attendance for the January 11, 2007 meeting.

Commissioner Merwin joined the meeting.

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3.2 The Minutes of the **April 12, 2007** Meeting were approved with no corrections

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

Rick Fenaroli, Wild Wings CSA Chair, distributed a General Plan Request for Separate Consideration to the Commissioners and commented upon the fact that Wild Wings was not included in the General Plan update for further growth. He said there are good mitigating circumstances for development and asked that in the future, Wild Wings be considered for growth.

5. CORRESPONDENCE

- 5.1 Notice of Planning Commissioner's Conference.
- 5.2 Affordable housing glossary.
- 5.3 Conservation Quarterly (USDA).
- 5.4 Cache Creek Watershed Forum.
- 5.5 The Cleaner Air News (Spring 2007).

Chair Peart acknowledged receipt of all correspondence sent with the packet and distributed it 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.

None

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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, Principal Planner, presented the staff report and answered questions from the commission. He said that the applicant has met the agreed upon conditions for a one-year extension, until January of 2008, of the tentative parcel map. He said staff recommends the extension with the understanding that the applicant will be back in January 2008 asking for an additional extension.

Chair Peart opened the public hearing.

Jerry Burger, applicant, thanked Mr. Parfrey for his thorough work and verification on this project. He said that the monitoring wells have been constructed and the first monitoring tests have been taken. He said he needed the approval of the Planning Commission to continue the project and the encouragement and support of the Planning Division to overcome the obstacles that have surfaced over the inconsistencies in the conditions of approval.

Commissioner Kimball asked for an update of the security bonds.

Mr. Burger said there are two parts to the security bond. The first is the construction for the mainline water and sewer, which has been accepted as complete, with a commitment for the bond. The second is for the Chevron truck stop. They have a commitment for the bond from their lender, but need the recorded parcel map.

Commissioner Liu asked if he could meet the monitoring well installation work plan, which is due in July of 2007.

Mr. Burger said he applied for a for a revision of the permit to make it larger and his engineers have committed to complete the requirements by the July date.

Chair Peart said Mr. Burger has been communicating with him regarding the changes and thanked him for his efforts in working more closely with staff. He asked if the applicant was willing to accept the conditions of approval.

Mr. Phil Pogledich, Deputy County Counsel, said the conditions were approved previously and are not an issue in the extension request.

Mr. Morrison, Assistant Director of Planning, said the conditions are subject to interpretation and how they are carried out. Staff is satisfied with the applicant's good faith progress to support the extension of time.

Chair Peart closed the public hearing.

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Commissioner Winters said he appreciated the work being done by the applicant and the thorough staff report. He supported the staff recommendation.

Commissioner Merwin said he is prepared to move forward on the extension.

Commission Liu said she supported the extension.

Commissioner Bertolero concurred with the Commissioners and believed the applicant has acted in good faith. He supported the extension.

Commissioner Kimball said she was happy to see the progress and the increased communication. She supported the extension.

Chair Peart said he also supported the project, as he believes it is good for Dunnigan.

Commission Action

1. **ADOPTED** a Categorical Exemption (**Attachment E**) pursuant to the California Environmental Quality Act (CEQA);
2. **ADOPTED** the proposed Findings (**Attachment D**) for extension of the Tentative Parcel Map #4304; and
3. **APPROVED** a one-year extension of Tentative Parcel Map No. 4565 (Smith) until January 6, 2008, subject to the original Conditions of Approval (**Attachment C**) for this project.

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

CONDITIONS OF APPROVAL

A. Planned Development Fifty-Six (Pd-56) Architectural Requirements:

1. All commercial buildings within the DTTC-PD shall be so arranged on the site to create "courtyards", where practical. Should the site design preclude such arrangement, buildings should be linked visually through architectural style, colors and materials, signage, landscaping, and design details. Final design and architectural plans shall be submitted to the Planning and Public Works Director for review and approval prior to Building Permit issuance for each parcel. The design review submittal shall include, but not be limited to, the following:
 - a) A detailed plot plan showing building footprint(s); driveway placement; parking areas; vegetation placement; fence locations and heights; sign locations; heights, and design; as well as any other structures and improvements;
 - b) Floor plans and elevations for all building sites;
 - c) Material board with samples of all exterior materials and colors, as well as a full-color architectural rendering of front elevations;

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- d) Landscape and irrigation plans indicating tree species, size, location, and planting and fencing details.
2. Design elements and architectural characteristics that should be incorporated into the DTTC-PD shall include:
 - a) Variety of surface texture;
 - b) Wall articulations and relief such as awnings, trellises, etc;
 - c) A comprehensive sign program that is incorporated into the design of the project;
 - d) Significant landscaping that complements the buildings;
 - e) Incorporating reveals, recesses, projections, cornices, trim elements and other architectural features to provide visual interest;
 - f) Varying rooflines to break up the apparent mass of the buildings.
3. The DTTC-PD shall be so designed with a consistent architectural theme that employs elements to visually unify the buildings and signage for each parcel. Subsequent buildings constructed on individual parcels shall maintain the architectural character of the development.
4. Building elevations within the development shall be distinct and not appear as "Corporate franchise buildings". Architecture utilizing bright colors and materials to enhance visibility and a style that can be characterized, as "generic" shall be discouraged. Buildings that are stylized in an attempt to utilize the building for advertising are also discouraged.
5. Exterior materials within the DTTC-PD should include masonry, plaster, stucco, textured block and brick. Other materials may be considered on a case-by-case basis.
6. Large areas of bright, intense colors shall also be discouraged. While more subtle colors usually work the best for the overall color, brighter accent colors are more appropriate for trim, windows, doors, and key architectural elements.
7. Roof designs for the DTTC-PD shall be integral with the architectural design of the buildings and shall not detract from that design. Roof materials should be functional, durable, and consistent with the quality of materials employed on the buildings they serve. Roof elements such as parapet caps, projecting cornices, and corner details should be used to define a roof. Roof mounted equipment shall be fully screened as seen from the ground level through the use of architectural features (i.e. parapets, etc.)
8. Colors or logos identified with an individual company should be employed as accent features to a building and should not be incorporated as a main architectural feature.
9. All buildings within the DTTC-PD should be oriented with the main entrance toward the adjoining street. Siting exceptions may include buildings, which orient around parking or shared open space. The siting and design of buildings should also consider the appearance from the streets.
10. Where practical, all landscaping strips shall include landscaping berms, low wall and shrubs to screen the parking lots to help reduce the scale of the adjoining street. All interior vehicle landscaping should have a minimum dimension of six (6) by eight (8') foot planters.
11. The use of landscaping and accent paving shall be required of all parcels to beautify the project entrance as viewed from the street. The vehicular entrance to a project should

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- be clearly defined and provide adequate site distance for vehicles and pedestrians. Designs shall include covered walks, seating areas, and other features to help create a pedestrian friendly experience.
12. Drive through facilities (fast-food, restaurants, etc.) must not face the public street. Stacking areas for vehicles shall be screened from view and be designed as an integral component of the on-site circulation system.
 13. Vacant building pads shall be landscaped with hydro-seed, sod or other suitable plant materials until such time building construction commences.
 14. All loading areas shall be located at the rear of a building where they will be screened from view and where noise, odors, and other potential nuisance impacts to surrounding properties may be minimized. Access to loading and storage areas should be incorporated into the circulation plan for the site and should provide separation from pedestrian and auto circulation.
 15. Where practical, shared parking and common driveways shall be required.
 16. All parking lots shall be designed in a manner that accommodates safe pedestrian access between buildings on the site and between buildings on the street. This can be accomplished through the use of separate walkways with textured paving, or trellises to accent and clearly define crosswalk areas and accent landscaping.
 17. Trash receptacles must be fully enclosed with durable materials that are architecturally compatible with the design of the buildings. Enclosures must be landscaped and screened. Trash enclosures shall be conveniently located for collection and maintenance.
 18. Service Station islands or other open canopies should be integrated architecturally and be compatible with the character of the building(s) on the site. Architectural design elements should include thick columns and pitched roofs, which match the main structure on the site.
 19. A comprehensive sign program for the entire DTTC-PD shall be required. Pole-mounted signs visible from the freeway shall consolidate multiple tenants onto a single sign face, where practical. The comprehensive sign program shall include recognition of the town of Dunnigan. Said signage shall be in accordance with Yolo County Sign height requirements. Such signage shall utilize a single monument sign on each frontage that identifies the overall name of the development. Signs for individual tenants shall be incorporated into the design of the project consistent with the guidelines of the sign program.
 20. Signs shall be designed with permanent (non-changeable) graphics that are either backlit or illuminated by means of recessed light fixtures at the sign base. Back-lit-sign letters fixed directly to the sign face are encouraged over cabinet signs or other types of lettering. Flashing or message-board signs are not allowed.
 21. Monument type signs are preferred for business identification whenever possible. Individual pole signs are discouraged. Where two or more tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign at the front entrance identifying the businesses. Monument signs should be no taller than six feet and shall be integrated with landscaping around the base.

B. Miscellaneous Conditions:

1. The Final Map and construction plans shall comply with the Planned Development No. 56 Ordinance, as adopted by the Yolo County Board of Supervisors and contained in Zone File 2002-001. Each commercial establishment shall be subject to design and site plan approval by the Planning and Public Works Director in accordance with the adopted Dunnigan Truck and Travel Center, Planned Development Master Plan, Conditions of Approval and Mitigation Measures. The Master developer shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Measures contained herein. The Master developer shall comply with both the spirit and the intent of all applicable requirements of the Dunnigan General Plan, County Code, Conditions of Approval, and Mitigation Measures.
2. The Dunnigan Truck and Travel Center, Planned Development shall remain substantially consistent as proposed. Any subsequent substantive changes in the project (as determined by Yolo County) may only occur subject to approval by the Yolo County Planning Commission.
3. The project shall be constructed and developed, including, private and public improvements, in compliance with all Federal and State laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
4. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc, shall be operated and maintained by the individual property owner in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. All costs of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the property owner.
5. The Master and Phase developers shall pay all appropriate fees prior to Building Permit Issuance, Final Inspection and Issuance of a Certificate of Occupancy subject to agencies of jurisdiction. Impact fees shall include, but not limited to: Pierce Unified School District fees, Dunnigan Fire Protection District fees, and County Facility fees.
6. The Master developer shall be responsible for the demolition and removal/abandonment of existing improvements on the subject site, including the abandonment of any wells and septic systems. All such demolition and removal shall be completed prior to the issuance of building permits for the subject properties.
7. The Master and Phase developers shall acquire any required permits from the Yolo/Solano Air Quality Management District for both mobile and stationary source emissions. Said permits shall be submitted to the Planning and Public Works Department prior to issuance of building permits.
8. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within seventy-five (75') shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. If human skeletal remains are

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- encountered during construction, all work within seventy-five (75') shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American Heritage origin, the appropriate Native American community as identified by the Native American Heritage Commission shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
9. Concurrent with the submission of the Final Map, a Master landscaping and irrigation plan shall be submitted by the Master developer in accordance with the adopted Dunnigan Truck and Travel Center, Planned Development. Said Master landscaping plan shall be approved by the Planning and Public Works Director prior to the approval and Filing of the Final Map. The Master Landscape Plan shall provide heavy landscaping in agricultural setback areas, the proposed detention basin and wastewater ponds to provide a visual transition between the rural land uses and new development. Subsequent Phase developers shall submit site development landscaping and irrigation plans which comply with the Master Landscaping plan.
 10. The Master developer shall restrict public access from adjoining agricultural lands in order to deter trespassing onto adjoining agricultural properties from the public parking lots and pedestrian ways. The Master developer shall construct six-foot (6') high fencing, including berms and hedgerows, which shall enclose the site. Said fencing shall commence at the northwesterly property line in a southerly direction, thence, east along the southerly property line and terminate at the south side of Commerce Way. The design and materials of the fence shall be subject to approval by the Planning and Public Works Director. Plain Chain link fencing and fencing with slats shall be prohibited.
 11. Prior to approval of the plans for the proposed hotels/motels, an acoustical report must be submitted which shows how interior noise levels would be kept at or below an Ldn of 45 dB in the motel/hotel rooms. Additionally, the motels/hotels should be laid out so that swimming pools and courtyard areas are shielded from the freeway noise by the buildings.
 12. The Master developer shall obtain approval from the Local Agency Formation Commission (LAFCO) for annexation of the Dunnigan Truck and Travel Center into the ~~Community~~ **County** Service Area No. 11 (CSA No. 11). LAFCO annexation shall occur for the DTTC-PD prior to approval of the Final Map. The ~~Community~~ **County** Service Area No. 11 shall be responsible for the operation and maintenance of lighting within the Dunnigan Truck and Travel Center.
 13. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with the County Service Area No. 11, minimum requirements. Street light locations and specifications shall be shown on the Improvement Plans and shall be approved by the Pacific Gas and Electric, County and CSA No. 11, prior to approval of the Final Map.
 14. Prior to the Filing of the Final Map, the developer shall record a "Right-to-Farm" Statement. The "Right-to-Farm" Statement shall serve to disclose that normal farming activities will take place in the area and that normal agricultural activities are not considered nuisances. The "Right-to-Farm State shall be in accordance with Chapter 6, Article 1 of the Yolo County Code. Said statement shall be approved to form by the County Counsel and shall be recorded in a manner to the satisfaction of the Planning and Public Works Department.

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15. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of existing subsurface service and/or utility lines.
16. The Master and Phase developers understand and agree that there is a jobs/housing balance raised in the Dunnigan General Plan EIR and that Program Three of Goal Two of the adopted Yolo County Housing Element requires the County to establish a housing trust fund to raise capitol for the development of housing affordable to low-and very low income households. The Housing Trust fund will include a "nexus" study to determine the correlation between non-residential development and the need for affordable housing. The Housing Trust funds will be derived from a per square footage fee on all commercial and industrial development. The Master and Phase developers are aware that the County is in the process of developing such a study to determine how to implement the Dunnigan General Plan in a fair and appropriate manner. The Master and Phase developers are further aware that the out growth of such a study may be the creation of a funding mechanism to allow the County to levy fees for the construction of affordable housing. Should such a mechanism be established by the County, prior to the issuance of a Certificate of Occupancy, the Master and Phase developers shall participate in an assessment district, or similar fair and appropriate mechanism, to provide funds for affordable housing in compliance with the Dunnigan General Plan and Yolo County Housing Element.
17. Prior to the recording of the Notice of Determination, the applicant shall submit assessment fees pursuant to Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4. Prior to the Filing of the Final Map, The developer shall mitigate for the loss of Swainson's Hawk habitat according to the California Department of Fish and Game Swainson's Hawk Guidelines or by participation in the preparation of the Yolo County Habitat Management Plan. Mitigation for the project shall be to the satisfaction of the California Department of Fish and Game.
18. The Final Map shall be prepared on the Basis of Bearing being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8-1902(f) of the Yolo County Code.
19. The Final Map shall be prepared and recorded within two (2) years of approval of the Tentative Subdivision Map, unless an extension of time is approved by the Planning Commission.
20. The applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

C. Engineering/Building:

1. All building plans and grading plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Engineering and Building Standards prior to the commencement of any construction.
2. Prior to the **Filing approval** of the Final Map, the Master developer shall submit for review and approval, engineered design improvement plans for all on-site and off-site infrastructure and improvements, including design details of the proposed round-a-bout, which shall have a inscribed circle diameter of 190 feet, **and all street and intersection improvements for Phase I-5 of DTTC.** Concurrent, with the submission of improvement plans, the Master developer shall submit detailed cost estimates for all on-site and off-site infrastructure and improvements. Such cost estimates shall be of sufficient amount for construction of all required and proposed on-site and off-site public and private improvements including, but not limited to: grading, roadbase work, paving, sidewalk, curb and gutters, sewer, water and storm drainage infrastructure, signing and striping, lighting, landscaping and irrigation, fencing, and all necessary improvements required for infrastructure development. Said cost estimates shall also be accompanied by all necessary information (including a bond or other guarantee **in the amount for** of the cost estimate **to secure**, implementation, and construction of all on and off site of improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code. **Concurrently with the Final Map approval, the Master developer shall enter into an Improvement agreement with the County in accordance with Section 8-1.1003, securing completion of public improvements within an agreed amount of time.**
3. Prior to Filing of the Final Map, the Master developer shall enter into a franchise agreement, or comparable legal authorization as required by County Counsel and Caltrans for the installation and maintenance of private utilities in the Public and State right-of-ways.
4. The applicant shall be responsible for installation and/or relocation cost of any public utilities required to service the project. Public Utilities shall be installed in accordance with adopted Uniform Code requirements and are subject to review and approval by Yolo County Engineering, Caltrans, Yolo County Building Division and utility service provider. Any utility easements required for the purpose of serving the project shall be obtained by, and the responsibility of, the developer (documentation, recordation, etc.) and are subject to review and approval by the Director of the Planning and Public Works Department prior to construction and/or grading of the project.
5. In accordance with Section 8-1.709 of the County Code, a preliminary soils report for the project site shall be prepared by a registered civil engineer and accepted by the County Building Official prior to the approval of the Final Map. If indicated by the soils report, a soil investigation for each lot shall be prepared by a registered civil engineer and accepted by the Chief Building Official prior to the approval and filing of the Final Map.

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6. Prior to Final Inspection, the Developer shall furnish, install, and pay all costs for water and sewer service connections and extensions to the existing main lines designed and constructed in accordance with the approved Improvement Plans and Standards and approved by the Yolo County Engineering Division, Caltrans and Yolo County Building Division.
7. Encroachment permits shall be obtained from the Planning and Public Works Department and Caltrans prior to any work within the County and State right-of-ways.
8. Lots shall be graded to drain to the street. A complete hydrology/hydraulic report shall be prepared by a registered civil engineer and approved by the Planning and Public Works Director prior to the Approval and Filing of the Final Map. The report shall specify the starting water surface elevation where connection to the existing storm drain system is proposed. The report shall include specific verification that the existing storm drain system to which stormwater from this development will be added has the capacity to contain the additional stormwater flows from the development during a one-hundred (100) year, twenty-four (24) hour storm event, without adversely affecting other properties served by the existing storm drain system.
9. **A stormwater drainage/flooding easement shall be granted to the public on the Final Map in the area of the detention basin.** Surface drainage shall be designed to accommodate a ten (10) year, one (1) hour storm event. All drainage conveyances shall be designed to provide positive drainage. Surface drainage shall be designed to prevent flooding on surrounding properties, County and State rights-of-ways.
10. Concurrent with Final Map submittal, the developer shall submit complete engineered plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Said drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Planning and Public Works Director prior to Approval and Filing of the Final Parcel Map.
11. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to October 15 of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to October 15 of each year. Engineered grading plans shall be submitted to the Planning and Public Works ~~Department~~ **Director** concurrent with the Final Map.
12. Natural gas, electricity, cable TV, and telephone services shall be installed in a common utility trench, as specified by the Planning and Public Works Director, in cooperation with affected service providers. Standard 12.5 foot Public Utility Easements shall be granted adjacent to all public street right-of-ways.
13. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider. Where practical all electrical, cable TV, and telephone services shall be installed in a common utility trench. Electrical Transformers serving the property shall be effectively screened from the public way with landscaping or other effective means as approved by the Planning and Public Works Director, in cooperation with affected service providers.

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14. Any topsoil excavated during the construction of the project shall be stockpiled and used on the subject site. Topsoil shall not be transported from the site to any other property. Stockpiling of materials and vehicle parking areas shall be located at least 100 feet from County Roads and Interstate 5.
15. All internal roads shown on the Final Parcel Map shall be dedicated to Yolo County, in accordance with Article 9 of Title 8 of the County Code. All improvements **within the County right-of-way** shall be constructed to Yolo County Standards and to the satisfaction of the Planning and Public Works Director prior to the issuance of Building Permits. **The proposed abandonment of County Road 90 shall not occur until such time road improvements serving adjacent properties and the DTTC-PD are completed.**
16. Where sidewalks transition into curbs at intersections, a standard sidewalk ramp shall be constructed in accordance with Yolo County standards and Americans with Disability Act (ADA) requirements. All improvements shall be to the satisfaction of the Planning and Public Works Director.
17. The Master developer shall acquire all necessary right-of-way dedication for the project. Said right-of-way shall be shown on the Final Map and engineered improvement plans submitted for the project. Any necessary additional off-site right-of-way shall be the responsibility of the Master developer including acquisition costs. All necessary legal descriptions and exhibits for recordation shall be prepared by the Master developer and submitted to the Planning and Public Works Department.
18. Detailed internal parking and circulation plans for the project shall be submitted to the Planning and Public Works Department concurrent with grading and building permit application. Said circulation plans shall include details on anticipated circulation patterns, drive aisle locations, curbing, striping, directional signing, accent paving, etc. Proposed vehicle and RV/semi truck parking space quantities shall be reviewed by the Planning and Public Works pursuant to County Zoning Code Parking requirements. Any other site plan revisions as required shall be incorporated and submitted concurrent with the parking and circulation plan. Details and final layout of parking and circulation areas shall be reviewed and approved by the Yolo County Planning and Public Works Director prior to Building Permit issuance. Where appropriate, and as determined by the Planning and Public Works Director, internal access between parcels shall be provided.
19. At the discretion of the County, a reimbursement agreement may be prepared between the County of Yolo and the Master Developer for partial reimbursement of road and infrastructure improvements benefiting off-site properties. For the preparation of such an agreement, the Master developer agrees to provide a breakdown of the actual costs with verification thereof to the satisfaction of the Planning and Public Works Director prior to final acceptance of the DTTC-PD improvements. The developer agrees that the quantity and formula are the fair and responsible amount of reimbursement based on benefit to other parties and total developed costs. The reimbursable amount, if any, will be based on the actual fees.

D. Dunnigan Fire District:

1. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be reviewed the Woodland Fire District and the Dunnigan Fire Protection District Chief prior to the issuance of Building Permits and shall be subject to review and approval by the Planning and Public Works Director.

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2. The Phase developers shall obtain approval of a Hazardous Materials Business Plan from the County Health Department, prior to issuance of any Certificate of Occupancy.
3. All structures that are 5,000 square feet or more in size shall be constructed with approved NFPA 13 fire sprinkler protection in accordance with the Yolo County Fire Sprinkler Ordinance. Plans for fire sprinkler systems shall be submitted to the Woodland Fire Department Fire Prevention Office for review and approval. A plan review and inspection fee is required by the Phase developers at plan submittal.
4. Prior to the Issuance of a Certificate of Occupancy, building addresses shall be posted in accordance with CFC Article 9.
5. If required, the Master developer shall provide storage for fire flows for the development. This storage could be provided in ground-level bolted steel tanks located at a well site. Standby fire pumps would also be required to move the water into the distribution system. The exact size of the temporary storage tanks would be approved by the Woodland Fire District and Dunnigan Fire District during the design of the water system and are subject to review and approval by the Planning and Public Works Director.
6. Fire hydrants and fire flow requirements shall be provided in conformation with the Uniform Fire Code and shall be approved by the Woodland Fire District and Dunnigan Fire District Chief and the Director of Planning and Public Works prior to the issuance of building permits. In addition, prior to the issuance of Certificate of Occupancy, the Phase developers shall work with the Dunnigan Fire District to ensure that emergency response times to the project site are consistent with accepted State and/or industry standards.

E. PUC/RWQCB/Environmental Health:

1. The Master developer shall obtain a Construction Activities Storm Water Permit from the California Regional Water Quality Control Board prior to commencement of construction activities. Said permit shall be submitted to the Yolo County Planning and Public Works Department prior to the issuance of grading permits.
2. The Phase developers shall submit "Will Serve" statements for both water and wastewater from the Dunnigan Water Works concurrently with the submission of Building permits.
3. Prior to the Filing of the Final Map, the Master developer shall submit to the Planning and Public Works **Department** ~~for approval by~~ **and** the California Regional Water Quality Control Board of construction plans for the wastewater treatment system designed by a licensed civil engineer. Said plans ~~shall~~ **may** include, but not be limited to the following items: wastewater treatment study to determine wastewater treatment capacity; locations of ponds; fencing of ponds; chlorination; pond lining material; construction specifications and details; design calculations; geotechnical evaluation; facility maintenance and operations plan, schedules and personnel. Design considerations ~~shall~~ **should** include:
 - a) The DWW shall purchase sufficient land to permit the largest ultimate wastewater disposal ponds to be constructed when needed.
 - b) The DWW shall establish a buffer zone between residential uses and proposed wastewater facilities **which** should be maintained. No odor sensitive land uses (such as sludge) should be allowed to encroach within 150 feet of residential land uses.
 - c) The DWW shall provide heavy landscaping along the western border to provide natural odor masking by vegetation.

- d) If sludge is to be air-dried on site, this activity should occur at the far eastern end of the facility putting maximum possible distance between drying sludge and residential land uses. If order problems occur from sludge drying on-site, sludge should be removed to an off-site location or mechanical dryers should be used.

A copy of said approval **from the California Regional Water Quality Control Board** shall be provided to the Planning and Public Works Department and the County Health Department prior to the issuance of any Grading and/or Building Permits for pond construction.

- 4. Prior to Filing of the Final Map, the Master developer shall submit a water supply system designed by a licensed civil engineer to the Regional Water Quality Control Board, Yolo County Environmental Health, Yolo County Planning and Public Works Department and Dunnigan Fire Protection District Chief. Said plans ~~shall~~ **may** include, but not be limited to the following items: domestic water supply wells; irrigation water supply wells; emergency water supply wells; well depths; well locations; construction specifications and details; design calculations; support design calculations, domestic well monitoring specifications; well geotechnical evaluation; water management plan and a facility maintenance and operation plan.

A copy of said approval from the California Regional Water Quality Control Board, Yolo County Environmental Health, and Dunnigan Fire Protection District shall be provided prior to issuance of any Grading and/or Building Permits.

- 5. The Master developer shall obtain approval from the California Public Utilities Commission (PUC) for sewer and water facilities. The Master developer shall demonstrate to the PUC that:
 - a) Present and/or future customer demand exists and that the proposed water and wastewater systems are both technically and financially viable public utilities.
 - b) Proposed revenues would be generated at a rate level not exceeding that charged for comparable service by other water purveyors in the general area.
 - c) The public utility would be self-sufficient (i.e. expenses would be supported without their being allocated between the proposed utility and other businesses).
 - d) The service provider would have a reasonable opportunity to derive a fair return on its investment, comparable to what other utilities are currently granted.
 - e) The service provider shall employ adequate staffing to operate the wells, distribution systems and storage tanks, and make repairs.

A copy of the PUC Certification shall be submitted to the Planning and Public Works Department prior to Filing of the Final Map.

- 6. The DWW shall **irrevocably** offer for dedication to the County any wells, equipment and right-of-way used to supply water (groundwater and/or imported surface water) to developments; the project applicant, or the applicant's successor in interest shall operate and maintain such wells, equipment and right-of-way to supply the development with potable water in accordance with the rules and regulations of the State and the County in perpetuity; County may accept the subject well, equipment and right-of-way for operation and maintenance as part of a **future** community water system, **if such a community system is developed in the future**; and, payment to the project applicant for capacity of the well exceeding the requirements of the development for which the well was installed will be determined by the County. The County is under no obligation to accept such well, equipment and right-of-way for operation and maintenance.

7. All new well sites for the community water system shall be sited in coordination with the County Department of Environmental Health, in order to avoid potential contamination. The design engineer for any new community well shall establish the depth of solid casing for that well to limit draw down at nearby shallow wells. New community wells should not be located near enough to existing shallow wells to create draw down problems.

F. Mitigation Measures (see attached Mitigation Monitoring and Reporting Plan)

1. All buildings shall comply with the seismic safety standards of the Uniform Building Code. This would include designing and constructing all new buildings to resist the effects of the maximum predicted shaking intensities (MM VI-VII) in compliance with the 1997 Uniform building code.
2. Subsurface utilities and pipelines shall be designed to accommodate minor differential displacements in areas underlain by unconsolidated alluvial materials.
3. Concurrent with submission of the Final Map, the developer shall have a licensed geotechnical engineer conduct a detailed evaluation of the soil conditions for the project site. If expansive soils are determined to be present on the project site, the primary contractor shall employ standard engineering practices that would mitigate the effects associated with expansive materials. Any recommendations regarding soil preparation, structural setback requirements, foundation types, and site drainage made by the licensed geotechnical engineer shall be required as "Conditions of Approval" for the development of the project site.
4. As a component of the required engineered grading plans, the applicant shall submit a detailed erosion control plan for the specific development to minimize sedimentation in the Bird Creek channel. The plan should contain detailed measures to control erosion of stockpiled earth and exposed soil, provide for re-vegetation of graded slopes before the first rainy season and following construction, and specify procedures for monitoring of the plan's effectiveness. The plan shall include, but not be limited to the following:
 - a) Limit the amount of grading as much as possible during the design phase of the project.
 - b) Follow local grading ordinances and recommendations of the developers' geotechnical engineer during grading operations.
 - c) All construction and grading should be restricted to the dry season, April 15 to October 15. All stabilization measures required to provide at least temporary protection against erosion during the rainy season would be installed by October 15. If grading operations cannot be completed before the commencement of the rainy season, temporary erosion control measures shall be designed to intercept sediments and debris that may be eroded from the development site.
 - d) Provide for erosion control on all bare areas during the potential rainy season (October 16 through April 14).
 - e) Revegetate exposed soils as soon as possible after completion of grading and construction activities.
 - f) Leave existing vegetation undisturbed until construction is actually ready to begin.
 - g) Immediately revegetate (using drought tolerant, native, fire/frozen tolerant plants) all disturbed areas or otherwise protect them from both wind and water erosion upon the completion of grading activities.
 - h) Direct runoff away from all areas disturbed by construction.
 - i) Restrict the operation of vehicles or the riding of horses off of designated roads and trails.

- j) Construct temporary sediment basins, sediment ponds, and silt traps and basins where needed for use during project construction.
 - k) Limit the wet weather of unpaved overflow parking areas to the extent necessary to avoid soil erosion and turf damage, and include inspection of the areas after each use to monitor their condition and ensure their readiness for the next time the areas are needed.
 - l) Minimize the use of heavy equipment near drainageways to prevent destruction of the local ecosystem and to prevent addition of sediment to the drainageways.
- ~~5. Prior to the submission of the Final Map, the applicant shall have a licensed geotechnical engineer conduct a detailed evaluation of the soil conditions (soils report) for the project site. If expansive soils are determined to be present on the project site, the primary contractor shall employ standard engineering practices that would mitigate the effects of expansive materials. Any recommendations regarding soil preparation, structural setback requirements, foundation types, and site drainage made by the licensed geotechnical engineer shall be reflected in the Building Plans for the development of the project site.~~
- ~~a) Excavation and re-compaction of weak soils and fills in areas of proposed structures.~~
 - ~~b) Construction of buildings on pier and grade beam foundations that are supported at depth on well consolidated sedimentary materials.~~
 - ~~c) All earthwork shall be in accordance to the adopted soils report~~
- 6.5. To ensure that construction mitigation is utilized, final approval should not be given to the DTTC-PD project until the developer or contractor submits a satisfactory construction mitigation plan. This plan should specify the methods of control that will be utilized, demonstrate the availability of needed equipment and personnel, and identify a responsible individual who, if needed, can authorize the implementation of additional measures. The construction dust mitigation plan should, at a minimum, include the following:
- a) Provision of equipment and staffing for watering of all exposed or disturbed soil subsurfaces at least twice daily, including weekends, and holidays. An appropriate dust palliative or suppressant, added to water before application, should be utilized.
 - b) Watering or covering of stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
 - c) Regular sweeping of construction area and adjacent street of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic.
 - d) Enforcement of a speed limit of 15 miles per hour for all construction vehicles when off pavement.
 - e) All materials transported by truck will be covered or wetted down.
 - f) All inactive portions of the site will be watered with an appropriate dust suppressant, covered or seeded.
 - g) Suspension of earthmoving or other dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes.
- 7.6. A single-lane roundabout **with an inscribed diameter of 190 feet** shall be installed on County Road 8 at the project access point. The developer shall widen CR8, between the I-5 southbound ramps and the project access, to provide a four-lane section. The four-lane section of CR8 shall include two interior lanes that feed the roundabout at the western terminus and the CR 8 overpass of I-5 at the eastern terminus of the section; the outer lane on eastbound CR8 shall terminate at a right turn onto the southbound on-ramp to I-5, while the outer lane on westbound CR8 will terminate at a right turn onto CR89B. The existing portion of this segment of CR8 shall be resurfaced.

1.2(a) The intersection of CR8/CR99W shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane and an exclusive eastbound left turn lane.

1.2(b) The intersection of CR8/I-5 Northbound Ramps shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane, an exclusive eastbound left turn lane, and an exclusive westbound right turn lane.

1.2(c) The intersection of CR8/I-5 Southbound Ramps shall have a traffic signal installed and be widened to provide an exclusive southbound left turn lane, an exclusive westbound left turn lane, and an exclusive eastbound right turn lane.

1.3(a) The intersection of CR8/I-5 Northbound Ramps shall have a traffic signal installed and be widened to provide an exclusive northbound left turn lane, an exclusive eastbound left turn lane, and an exclusive westbound right turn lane. The project shall also pay a fair share of the improvements required under the General Plan No Project scenario.

1.3(b) The intersection of CR8/I-5 Southbound Ramps shall have a traffic signal installed and be widened to provide an exclusive southbound left turn lane, an exclusive westbound left turn lane, and an exclusive eastbound right turn lane. The project shall pay a fair share of the improvements required under the General Plan No Project scenario and fund the installation of the exclusive eastbound right turn lane.

1.3(c) A single-lane roundabout shall be installed on CR8 at the project access point. The project should widen CR8, between the I-5 southbound ramps and the project access, to provide a four-lane section as described previously. The existing portion of the segment of CR8 shall be resurfaced.

The following table provides a preliminary mitigation plan for all of the improvements needed for the study intersections, including the mitigation plan described above for the Truck Stop Project. This overall mitigation plan is based on the DTTC-PD as well as the Auction Yard TIS. The table also shows mitigation previously conditioned on the development project at the northeast quadrant of the interchange.

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MITIGATIONS	NE QUADRANT	TRUCK STOP	AUCTION YARD	37-ACRE HC
1. CR 8/1-5 SB Ramps				
Install 3-way Stop Sign		Phases 1&2		
Install Traffic Signal		Phase 3 ¹		Reimburse (40%)
Install southbound left turn lane		Phase 5		Reimburse (40%)
Install westbound left turn lane		Phase 5		Reimburse (40%)
Install eastbound right turn lane		Phases 1&2		Reimburse (40%)
2. CR 8/1-5 NB Ramps				
Install 3-way Stop Sign		Phase 3		
Install Traffic Signal		Reimburse (53.5%) ²		Condition
Install northbound left turn lane		Phase I & 2		Reimburse (40.5%)
Install eastbound left turn lane		Reimburse 53.5%		Condition
Install westbound right turn lane	Condition			
3. CR 8/CR 99W				
Install Traffic Signal			Condition	
Install northbound left turn lane			Condition	
Install eastbound left turn lane	Condition			
Install southbound right turn lane	Condition			
4. CR 8/Truck Stop Access				
Install Roundabout		Phases 1&2		Reimburse (41%)
5. County Road 8				
Widen from I-5 to CR 89B		Phases 1&2		Reimburse (41%)
Widen from I-5 to CR 99W	Condition			
6. County Road 99W				
Improve north of CR 8	Condition			
Improve south of Pilot Truck Stop			Condition	

¹ Should the 37-acre Truck HC Parcel develop prior to Phase 3 of the Truck Stop Project, the project would be responsible for implementing this mitigation measure, with subsequent reimbursement from the Truck Stop Project.

² Should phases 3-5 of the Truck Stop Project develop prior to the 37-acre Truck HC parcel, that project would be responsible for implementing this mitigation measure, with subsequent reimbursement from the 37-acre Truck HC parcel.

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- ~~8~~-7. All native trees with trunk diameters exceeding 12 inches and existing riparian habitat should be mapped as part of the Master landscaping plan submittal for the DTTC-PD. Said landscape plans should be reviewed to determine whether sensitive vegetation resources would be adversely affected by the proposed development plan, including construction-related impacts and long-term affects due to changes in drainage or irrigation. Treatment of trees to be preserved shall be addressed as a tree preservation component of the Landscape Plan for development. Standards contained in the tree preservation component of the Plan should include the following:
- a) Trees to be retained should be identified in the field through flagging or other obvious marking methods prior to any grading.
 - b) Tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
 - c) Paving within tree driplines should be prohibited or stringently minimized, using porous materials such as gravel, loose boulders, cobbles, wood chips or bark mulch where hardscape improvements are necessary for access in the vicinity of trees.
 - d) Trenching should be prohibited within tree driplines. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.
 - e) Landscape irrigation within tree driplines should be minimized. Turf or any landscaping with high water requirements should be prohibited. Permanent irrigation improvements should be limited to bubbler, drip, or subterranean systems.
- ~~9~~-8. Bird Creek and the proposed detention basin shall be preserved and enhanced as open space features and wildlife corridors. A minimum of 100 feet shall be provided from the top of both sides of the creek bank. Where well-developed riparian cover is absent, a mosaic of native riparian and upland species trees and shrubs shall be established along the creek corridors to provide protective cover for wildlife and enhance the habitat of the setback area. The creek preservation and enhancement effort should be a required component of the Landscape Plan, prepared by a Landscape Architect familiar with native plants and restoration of riparian habitat.
- ~~10~~-9. Any proposed modifications to the Bird Creek channels shall be coordinated with representatives of the CDFG and U.S. Army Corps to ensure that the concerns and possible requirements of both agencies can be easily incorporated n the proposed plans. Jurisdictional determinations and appropriate mitigation may be required subject to the provisions of Section 404 of the Clean Water Act and Sections 1601-1606 of the CDFG Code.
- ~~11~~-10. Future landscaping along riparian and wildlife sensitive areas and private developments within the DTTC-PD shall emphasize the use of native tree species to the extent possible. Suitable native species for use in landscaping improvements include: valley oak (*Quercus lobata*), blue oak (*Quercus douglasii*), live oak (*Quercus agrifolia*), Fremont cottonwood (*Populus Fremonti*), California buckeye (*Aesculus californica*), and Black Walnut (*Juglans hindsii*).
- ~~12~~-11. The applicant shall be required to consult with the California Department of Fish and Game to mitigate for the loss of Swainson's Hawk foraging habitat in accordance with CDFG and Yolo County Habitat Mitigation requirements. A copy of the fully executed habitat management agreement with the CDFG shall be submitted to the Yolo County Planning and Public Works Department prior to the issuance of grading permits or initiation of site improvements, which ever occurs first.
- ~~13~~-12. A pre-construction survey shall be conducted by a qualified biologist and submitted to the Planning and Public Works Department. If raptor nests are encountered, an

appropriate buffer zone shall be established based on topography, vegetation screening, and adjacent habitat, and construction activities shall be prohibited within the zone during the nesting season (nesting season is typically from May through August).

- 14-13.** If identified, representatives from CDFG and USFWS shall be consulted to determine whether the nest tree or burrow shall be protected and a permanent buffer established to ensure future use or whether the nest site may be destroyed once the young have fledged.
- 15-14.** The project applicant shall consult with the Dunnigan Fire Protection District and reach a mutual agreement that provides reasonable offsets for the project's impacts to fire protection services. Said agreement shall be based on the fee schedule proposed by the DTTC-PD or Fire District Impact Fee Study, when adopted.
- 16-15.** The DTTC-PD Master Plan shall be amended to reflect the following:

The developer shall establish a Landowner Association for all parcel owners for maintenance of common private facilities including, but not limited to: detention basin, drainage improvements, landscaping, etc. within the DTTC-PD project area. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be operated and maintained by the property owner and/or the Landowners Association utilizing Best Management Practices, and in such a manner, and with such frequency, to ensure public health safety and general welfare.

All costs of ownership, operation and maintenance and replacement of private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be the responsibility of the property owner and/or the Landowners Association. The Landowners Association shall be adequately funded for the purpose of ongoing and long term maintenance of all facilities, improvements, infrastructure systems, equipment, common areas, etc., including the accumulation of a sufficient reserve funds for long-term major repair and/or replacement of the water well and service lines, sanitary sewer system, storm drainage system including detention basin, any private roads, common truck and automobile parking area and all other common facilities as necessary.

The Master developer shall submit developer CC&R's for review Prior to Filing of the Final Map; Recordation of CC&R's against each parcel shall occur concurrently with Filing of Final Map.

- 17-16.** Prior to issuance of building permits, the phase developers shall submit construction plans which comply with the following minimum requirements for light and glare:
- a) Outdoor night lighting shall be focused downward and/or shielded. Roadway and pavement surfaces should be selected to minimize upward reflected light.
 - b) All outdoor lighting should be turned off after 11:00 PM if not in use unless needed for safety and security. Safety and security lighting (except street lighting) can usually be at lower levels when the area is not at use.
 - c) A lighting design should attempt to conceal lights to avoid glare. When concealing lights, avoid placing lights too close to an object to avoid reflected glare.
 - d) Lighting fixtures should be selected that can be shielded, if a potential problem exists, after installation.
 - e) Non-glare glass shall be used in all buildings to minimize and reduce impacts from daytime glare.

- f) Structure exterior materials shall be composed of a minimum of 50 percent low reflectance, non-polished finishes.
- g) Bare metallic surfaces on new structures shall be painted to minimize reflectance.
- h) Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixtures. All light fixtures shall be installed and shielded in such a manner that not light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the County with certification that adjacent areas will not be adversely affected and that off site illumination will not exceed 2-foot candles.

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 #2002-001, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines

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

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

Additional Findings:

2. An extension of time shall be approved only when it is found that circumstances under which the subdivision map was granted have not changed.

The project as approved remains consistent with the current Dunnigan General Plan and the zoning of the property. There has been no change in the existing or proposed uses on the surrounding properties. In addition, no other information has been provided during the public hearing process that indicates any change in circumstances.

- 7.2 **2007-015:** Establishment of a Williamson Act contract and zone change for 60± acres located on County Road 14 west of State Route 113, east of Zamora (APN: 056-200-04). A Categorical Exemption has been prepared for this project. Owner/Applicant: Aoki (S. Berg)

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Stephanie Berg, Associate Planner, presented the staff report and answered questions from the commission. She said the parcel is an existing farmed parcel and that it is consistent with the requirement for the Williamson Act.

Chair Peart opened the public hearing.

Chair Peart closed the public hearing.

Commissioner Bertolero said it was a very good idea and he was in favor of it.

Commissioner Kimball said she was always in favor of moving land into the Williamson Act. Commissioner Winters agreed with his fellow commissioners.

Commissioner Merwin said he is pleased to see this happening.

Commissioner Liu said she thought it was refreshing to move in this direction and supported the move.

Chair Peart also supported the request.

Commission Action

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

1. **HELD** a public hearing and receive comments;
2. **DETERMINED** that a Categorical Exemption as the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and Guidelines (**Attachment B**); and,
3. **ADOPTED** the Findings (**Attachment C**); and,
4. **APPROVED** the Zone Change and **ADOPT** the attached Ordinance rezoning the property, (**Attachment D**); and,
5. **APPROVE** the establishment of a Williamson Act Contract (**Attachment E**).

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

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-015, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

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

California Environmental Quality Act (CEQA) Guidelines

That the recommended Class 17 Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

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

General Plan Agricultural Element

That the proposal is consistent with the following General Plan principles:

Agriculture Goal – 1:

Conserve and preserve agricultural lands in Yolo County, especially areas currently farmed or having prime agricultural soils and outside existing planned communities and city limits.

Agriculture Objective – 4:

Utilization of the Williamson Act, conservation easements, and Agricultural Lands Conversion Ordinance and similar tools to preserve agricultural lands.

Agriculture Policy – 5:

Yolo County shall actively maintain the Williamson Act Land Conservation (Agricultural Preserve) program.

The project is consistent with these policies as it proposes the establishment of a Williamson Act contract for the preservation of prime agricultural land for farming purposes.

Zoning Code

In accordance with Section 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 Board of Supervisors finds that:

1. 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 A-P (Agricultural Preserve) zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone is in conformity with the Master 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 I or II soils according to the Soils Survey of Yolo County.

The proposed property includes Class I soils.

In accordance with Section 8-2.401 of the Yolo County Code, the purpose of the Agricultural Preserve (A-P) Zone 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.

Although the 60-acre parcel is below the minimum acreage requirement of 80 acres for the establishment of an Agricultural Preserve (A-P) parcel, there are exceptions to this requirement with regard to property size in the zoning requirements for establishment of a Williamson Act Contract in Section 8-2.407.5 of the Yolo County Code:

The minimum area of each parcel subject to a new Williamson Act Contract shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated; and 80 gross acres where the soils are capable of cultivation but are not irrigated, and 160 gross acres where the soils are not capable of cultivation include range land and lands which are not income producing. The 60-acre subject parcel is actively farmed in alfalfa.

Williamson Act

That in accordance with the Government Code of the State, pursuant to Section 51200 et seq., the applicant may agree to establish a new Williamson Act contract, provided that the Yolo County Board of Supervisors finds all of the following:

1. The land is devoted to agricultural use, as defined in Section 51242.
The 60-acre parcel is actively farmed in alfalfa. Historical use of the site has been for agricultural uses. The only existing structures on the parcel are an agricultural pump and agricultural well.
2. The land is located within an area designated as an agricultural preserve.
Agricultural lands that are primarily zoned A-P and enrolled in the Williamson Act surround the subject parcel. The project would join the County's Agricultural Preserve number 3 (AP-003).
3. Upon approval of the zone change, the applicant shall be required to enter into a new Williamson Act contract with the County for the initial term of ten years.
The new contract would enforceably restrict the boundaries of the parcel for an initial term, not less than 10 years.
4. The parcel of land subject to contract will be large enough to sustain agricultural use, as defined in Section 51222.
The subject parcel is approximately 60 acres and will more than satisfy the requirements of state law.

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7.3 **2007-014:** Variance for a second home proposed more than 250 feet from the first home on a five-acre parcel in Monument Hills located at 18658 County Road 95 (APN: 025-183-79). A Categorical Exemption has been prepared for this project. Owner/Applicant: Gabor (S. Berg)

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

Commissioner Liu asked where the existing well is located, if the leech field could be moved and if the staff's suggestion for the modular home location is the only location where it could be moved. She also asked if the burden of hardship had been met.

Mr. Morrison, Assistant Director of Planning, said there are other areas, but they are restricted by the 250-foot rule and Environmental Health requirements.

Mr. Pogledich said that in order to support the variance the commission would have to find unique circumstances, not hardship, and must be consistent with privileges that others enjoy.

Commissioner Merwin asked if the 250-foot cluster requirement applies to agricultural parcels in general and asked why it is permissible to have their ancillary home within 250 feet of the neighbor's house, but not within 250 feet of their primary home.

Mr. Morrison said the 250-foot cluster requirement applies to all parcels zoned A-1 and AP and ensures future owners the opportunity to make agricultural use of the property.

Mr. Pogledich said the standard may not be applicable to every situation, but that it was established by the Board of Supervisors and the Planning Commission is obligated to follow that standard unless they can find reasons to justify the variance.

Chair Peart opened the public hearing.

Brad Gabor, applicant and owner, thanked Ms. Berg for her work. He said alternative locations were either too close to the neighbors leech field or too close to the road for their preference. He asked the Planning Commission to approve their request for a variance.

Andrea Gabor said that the amount of land lost to future agriculture is the same wherever the house is placed. Mrs. Gabor said their proposal makes it more comfortable for their needs.

Chair Peart closed the public hearing.

Commissioner Bertolero said the parcel will remain a 5-acre parcel and is not likely to be farmed. If it were vacant, and not developed, it might be different. He would support the variance.

Commissioner Kimball said she appreciated the work done on the property. She is most concerned about setting precedent and that the applicant made decisions by building a driveway, trees and animal pens. She said she felt the applicant was asking the commission to grant a variance based on the applicant's decision. She said she was not sure of her decision.

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Commissioner Winters said that looked different 10 years ago before the owner put effort into the land. He said he was sympathetic to regulations, but cannot see much difference in placing the home less than 250 feet from the neighbor's home or less than 250 feet from their own home. He said he would support the variance.

Commissioner Merwin said he appreciated Commissioner Kimball's comments and does not like to set precedence. He said he doesn't see logical sense in restricting the homeowners from what seems to be a reasonable decision. He said he would be happy to review variances on a one-to-one basis.

Commissioner Liu agreed with the commissioners' comments. She asked if there is any danger of well contamination and asked if there was any other information from the applicants could provide to the commission, other than aesthetics reasons. She said she would like to visit the site in order to make her decision.

Mr. Morrison said no, that contamination was not an issue.

Chair Peart re-opened the public hearing.

Mr. Gabor said the neighbors within 300 feet were notified. He said the he has talked to two of the neighbors that were supportive of the variance.

Chair Peart closed the public hearing.

Chair Peart said that we should not discuss how we are going to vote ahead of time, but should be listening to the Commissioners' comments. He said the history of the 250-foot requirement came about from applicants requesting "granny flats" for family. He said he believed the Planning Commission should stick with the rules that exist. He said he says they have a strong basis for denying the variance, and not setting a precedent for the future.

Commissioner Merwin thanked Chair Peart for his comments.

Commission Action

HELD a public hearing and receive comments;

DETERMINED that a Categorical Exemption is the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and Guidelines (**Attachment C**);

ADOPTED the FINDINGS for the project (**Attachment D**); and

MOTION: Kimball
SECOND: Peart
AYES: Kimball and Peart
NOES: Bertolero, Merwin and Winters
ABSTAIN: Liu
ABSENT: Cameron

The motion died.

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Chair Peart asked for a new motion.

Commission Winters asked that ZF #2007-014 be continued to the June 14, 2007 Planning Commission meeting and directed staff to make findings for approval.

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

7.4 **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 presented the staff report that was continued from the April 12, 2007 meeting, and answered questions from the commission.

Chair Peart opened the public hearing.

Kent Calfee, attorney representing the applicant, said the conditions are acceptable to the applicant.

Chair Peart closed the public hearing.

Commissioner Winters said he was satisfied that the conditions are acceptable to the applicant and the staff.

Commissioner Merwin said that the changes followed the discussion from the last meeting and that he has no further comments.

Commissioner Liu thanked the staff and said it adds beauty and value to the house. She supported the recommendations.

Commissioner Bertolero said in the future the newly formed Design Review Committee would be preparing clear guidelines to help applicants understand the difference between landscape and structure to reduce confusion.

Commissioner Kimball said she has not changed her position on this issue.

Chair Peart said he agreed with his fellow Commissioners and hoped this would not set a precedent.

Commission Action

That the Planning Commission:

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1. **DETERMINED** that a Categorical Exemption under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines is the appropriate environmental documentation for the project (**Attachment D**);
2. **ADOPTED** the **FINDINGS (Attachment E)** for the project;
3. **APPROVED** the variance described in the Findings subject to the **CONDITIONS OF APPROVAL (Attachment F)**.

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

CONDITIONS OF APPROVAL

The applicants shall be responsible for all costs associated with implementing the following Conditions of Approval, which the Planning Commission finds are necessary and appropriate:

1. The front tier of the trellis structure (i.e., the section constructed on a lower level than the rest of the structure, extending approximately twelve feet from behind the public street), shall be removed.
2. Within thirty (30) days of the effective date of this variance (defined in Yolo County Code section 8-2.2905 as the sixteenth day following final action by the Planning Commission, unless an appeal is filed), the applicants will apply for a demolition permit for the removal of the front section of the trellis and a building permit for the remaining portion of the structure. The applicant shall submit complete construction drawings, including details of the foundation, and elevations for three sides. The applicant shall pay all appropriate fees prior to Building Permit Issuance and Final Inspection and meet all applicable building codes.
3. 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.
4. 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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-010, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission finds the following concerning the project:

California Environmental Quality Act (CEQA) Guidelines

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

That on the basis of pertinent information in the public record and comments received, a project that is denied is exempt from further environmental review and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines. Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, set back variances not resulting in the creation of any new parcels are exempt from CEQA review

Variance Findings

The applicants have sought a variance from the zoning requirement of a front yard setback of 35 feet (from the property line) for an existing trellis structure. This variance is hereby granted in part, subject to the Conditions of Approval adopted concurrently herewith. Among other things, the Conditions of Approval require the prompt removal of a portion of the trellis structure, which shall occur in accordance with the requirements of a County demolition permit. Further, the Conditions of Approval also require the applicants to seek and receive a County building permit for the remaining portion of the trellis structure. The failure to satisfy the Conditions of Approval may result in revocation of the variance, as provided in Section 8-2.2906 of the Yolo County Code.

In accordance with Section 8-2.2904 of Article 27 of the Yolo County Zoning Regulations the Planning Commission finds:

- a. The variance includes conditions that assure that the reduction of the front yard setback requirement for the trellis structure does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
- b. That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the front yard setback requirement to the trellis structure would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification.

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- c. That the granting of the variance, as described in these Findings and the corresponding Conditions of Approval, will be in harmony with the general purpose and intent of this chapter and the General Plan.

- 7.5 **2006-007:** Public Hearing to consider revocation of a Minor Use Permit for the operation of a self-described "non-profit/no kill shelter for abandoned and abused small animals" located at 26763 State Highway 16 in Esparto (APN: 049-170-10). Current Use Permit allows for up to twenty-five (25) dogs. Owner/applicant: Mapes (H. D'Agostino/C. Baracco).

Heidi D'Agostino, Yolo County Code Enforcement Officer presented the staff report for revocation of the use permit for the operation of a non-profit/no kill shelter for abandoned and abused small animals.

Sargent Mike Neves, investigator with the Yolo County Animal Services, presented the results of a search warrant on the Mapes property. He described the conditions of the animals and stated that Ms. Mapes was charged with felonies by the Yolo County Sheriff's Department.

Chair Peart opened the public hearing.

Chair Peart closed the public hearing.

Commissioner Winters said he appreciated the comments from the animal control officer and was happy that the District Attorney was involved. He said it was hard to look at this.

Commissioner Merwin said he was sorry to hear that an individual was permitted and abused the animals.

Commissioner Liu thanked the persons for the thorough investigation and for saving the lives of the animals.

Commissioner Bertolero said good intentions had gone awry. He said he was upset that Ms. Mapes would take the responsibility of caring for animals when she was not capable of caring for them.

Commissioner Kimball thanked staff and animal control for their work and the upcoming changes in animal ordinances. She said she would like to see inspections conducted more frequently.

Chair Peart thanked everyone for their work and agreed with his fellow Commissioners. He said he hopes the situation will be resolved quickly to avoid costs to the County.

Commission Action

The Yolo County Planning Commission, in its capacity as the Yolo County Board of Zoning Adjustment under Yolo County Code section 8-2.218, took the following actions:

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1. **RECEIVED** a report from staff regarding the operation of a dog kennel, including facility conditions, animal health concerns, and pending criminal neglect charges, supporting the revocation of the Minor Use Permit **#2006-007 (Attachment "A")** held by the kennel operator;
2. **CONDUCTED** a public hearing, as required by Yolo County Code section 8-2.2806, with regard to revocation of the Conditional Use Permit; and
3. **ADOPTED** the findings attached to this staff report revoking the Conditional Use Permit, effective immediately.

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

FINDINGS

With regard to Conditional Use Permit No. 2006-007, the Yolo County Planning Commission (acting as the Yolo County Board of Zoning Adjustment), having reviewed the staff report, considered testimony provided at the May 10, 2007 hearing, and reviewed all other evidence submitted in connection with this matter, finds as follows:

(A summary of the documentary evidence to support each FINDING is shown in Italics; references are to attachments to the Staff Report and PowerPoint slides shown on May 10, 2007)

1. Suzi Mapes, the holder of the Minor Use Permit, has failed to provide for the basic needs of the animals under her care.
 - a. The animals were not provided with adequate food.

Evidence: Photos depicting the Miniature Pinscher (Attach. C and F) and Bulldog; statement of Lynn Burnham (Attach. D); and the contents of the Staff Report.
 - b. The animals were not provided with adequate water.

Evidence: Photos depicting the "sample kennel" (Attach. E) and the Macaw cage (Attach. G); statement of Lynn Burnham (Attach. D); and the contents of the staff report.
 - c. The animals were not provided with basic grooming.

Evidence: Photos depicting the Miniature Pinscher (Attach. C and F); statement of Lynn Burnham (Attach. D); and the contents of the staff report.
 - d. The animals were not provided with sanitary shelters.

Evidence: Photos depicting the "sample kennel" (Attach. E), and the Macaw cage (Attach. G); statement of Lynn Burnham (Attach. D); and the contents of the staff report.

- e. Some of the animals were not provided with shelter of adequate size.

Evidence: Photo depicting the Australian Shepherds (Attach. H).

Each of the foregoing findings is also supported by testimony provided during the May 10,2007 hearing.

- 2. Based on the foregoing, there is a compelling public need to revoke the Minor Use Permit.
- 3. The public hearing in this matter was properly noticed at least ten days in advance and has been conducted in accordance with all applicable provisions of the Yolo County Code and California law.
- 4. Minor Use Permit No. 2006-007 is hereby revoked, effective immediately.

ADJOURN AS THE YOLO COUNTY PLANNING COMMISSION AND CONVENE AS THE YOLO COUNTY HISTORIC PRESERVATION COMMITTEE

- 7.6 **2007-020:** Historic Alteration Permit to install a new entrance ramp for the St. Agnes Church, which is designated as a County Historic Landmark. The subject property is zoned and located at 9965 Main Street in Zamora (APN: 055-130-0). A Negative Declaration has been prepared for this project. Owner/applicant: Archdiocese of Sacramento (C. Baracco).

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

Chair Peart opened the public hearing.

The Pastor from Saint Agnes' Church asked the Planning Commission to consider approving the ramp, as there are many elderly parishioners that need the ramp for safety reasons.

Ray Diffenderferr said the ramp built because the old steps were chipped and old. He said they wanted to improve and preserve the church. He invited everyone to visit.

Chair Peart closed the public hearing.

Commissioner Bertolero said he appreciated staffs' work and photographs.

Commissioner Kimball said she was happy to see all of the work that has been done, especially the ironwork fencing.

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Commissioner Winters agreed with his fellow commissioners. He said the church was a tremendous asset to the community of Zamora and the parishioners and the ramp looked good.

Commissioner Merwin said he appreciated the applicant's seeing the need to do complete the project. He said the church would benefit from the improved access.

Commissioner Liu said she appreciated the ADA improvements and the investments that have been made to preserve the church. She said she supported the staff's recommendation.

Chair Peart commended the people that have worked on the project and said he appreciated the work that was done. He said he would like to see the fees waived on this non-profit improvement to a historical building.

Commission Action

That the Yolo County Historic Preservation Commission:

1. **HELD** a public hearing and receive comments;
2. **DETERMINED** that the Categorical Exemption as the appropriate level of environmental document pursuant to the California Environmental Quality Act (CEQA) and Guidelines (Attachment C);
3. **ADOPTED** the Findings (Attachment D); and
4. **APPROVED** the Historic Alteration Permit subject to the Conditions of Approval (Attachment E).

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

CONDITIONS OF APPROVAL

Historic Alteration Permit

Planning

1. The subject project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2007-020, as contained herein and identified below.
2. The exterior changes to the St. Agnes Church will be limited to the construction of an access ramp, walkway and replacement of existing stairs as depicted by this staff report. Any further alterations to the exterior of the Church must receive approval the Historic Preservation Commission and the County Building Division before construction begins.

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3. If, after approval of the design by the Historic Preservation Commission, any changes are proposed to the project by the applicant/owner, they shall be reviewed and approved by the Director of the Planning, Resources and Public Works Department, who may defer to the Historic Preservation Commission, if they interpret the changes to be more than minor.

Building

4. The applicant shall obtain the necessary building permits for all improvements. New construction shall meet State of California minimum code requirements for fire, life, and safety standards.
5. 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.
6. The applicant shall be responsible for all applicable fees prior to the issuance of building permits, including, but not limited to, Fire District, School District, and County Facilities fees.

County Counsel

7. The applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.
8. The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

**ADJOURN AS THE YOLO COUNTY HISTORIC PRESERVATION COMMISSION
AND RECONVENE AS THE YOLO COUNTY PLANNING COMMISSION**

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7.7 2007-032: Proposed Ordinance Amendment to the Yolo County Code to establish universal design and visitability standards (**Attachment A**).

Lonell Butler, Chief Building Official, presented a public workshop on the proposed draft Access and Visitability Ordinance and answered questions from the commission.

Mr. Morrison said at this time staff is looking for comments, feedback or direction from the Commission and will schedule a public hearing at a later date.

Mr. Pogledich said the County Counsel's office has been advised by the Building Industry Association that they do not believe that the County can mandate features be added in new construction, but that the County can suggest builders offer these features to new home buyers. He said County Counsel is looking at this issue. By offering the features to homebuyers the cost would shift from the builder to the homebuyer. He said some buyers might not want some of the features.

Chair Peart asked what issues surfaced at previous workshops.

Mr. Butler said the two concerns included the path of travel, from a public sidewalk, driveway or from a garage, and a roll in shower in the bathroom.

Commissioner Liu asked if other counties have a similar ordinance.

Mr. Morrison said that the staff's concern is that the population is aging and that it can be expensive to retrofit a home. He said that staff believed that other jurisdictions have mandated features on a percentage of new homes that are built, particularly in new subdivisions.

Commissioner Winters said that while he is sympathetic to the aging population and that the suggestion to include accessible features when building is good, he doesn't envision entire subdivisions being mandated to include such features.

Chair Peart opened the public hearing.

Mr. Dan Boatwright, Castle Companies, said they have already incorporated universal design concepts in the White Subdivision in Knights Landing. He said they, as builders, came up with a list that includes visitability features that are not intrusive to homebuyers, including a sloping the slab from the garage to the door entering the house and wider hallways. He said including some features, such as a radius turn-around for a wheelchair in a half-bath downstairs, does present a problem.

Mr. Artie Zahadani, representing the North State Building Association, said it is important to address the aging population. He said that there does exist state law and precedent that says no local jurisdiction can mandate builders incorporate these features in new homes. He said it is a negotiation and should be voluntary, in order to contain building costs and not force homebuyers out of the market. He said he would like to meet with County Counsel to resolve this issue and he would be at the table if the program were voluntary.

Mark Armstrong, representing Emerald Homes, said the company voluntarily agreed to address some of the visitability issues in their two projects in Esparto including wider doorways, hallways and grab bar backing at no additional cost to the home buyer. Some of the issues are more

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difficult to address such as path of travel from the sidewalk or driveway and these will have to be specific in the ordinance. We need to balance the market, building costs and needs.

Alice Jahn, associate civil engineer with Laugenour and Meikle, expressed concern language regarding sidewalk to front door access. Drainage requirements and setbacks raise the floor and make the slope from the front sidewalk to the doorway difficult. She asked the Planning Commission to consider front door access optional or to consider the garage access. She also asked for more workshops with Mr. Butler.

Chair Peart closed the public hearing.

Commissioner Winters said he would like staff to meet with County Counsel and building representatives behind the scenes before an actual ordinance is proposed.

Commissioner Winters agreed with Commissioner Winters and applauded the idea of increased access and visitability. He said he would like more research before mandating an ordinance.

Commissioner Liu said the points made were well taken and that this is a negotiation with builders as well as a public health and welfare consideration. She said all Planning Commission decisions regarding ordinances are based on public hearings and research. She said she would be willing to take the time to have additional workshops, as she believed this issue is one of strong personal opinions. She said building considerations may be personal, but like seat belt and cell phone ordinances, there is a public safety issue and she would like to have more information.

Commissioner Bertolero agreed that the Commission needed to have more information before coming to a decision. He said he appreciated the builders' input and agreed that it is a difficult balance between building to preserve land, builders' costs and what we impose on buyers. He said it is not a "one ordinance fits all" situation.

Commissioner Kimball said she would like to know what the hard costs to builders in complying with a visitability ordinance. She said she believed that a percentage of building might be mandated to comply with the ordinance. She also asked if such costs could be subsidized for seniors on limited incomes. She said there is room for creativity.

Chair Peart agreed with his fellow Commissioners. He said some of the items in the ordinance might be more than is needed, such as a roll-in-shower. He said there are issues to be worked out and that the Commission would need more time before it could support an ordinance.

Chair Peart called a ten-minute break.

Commission Action

The Planning Commission:

1. **HELD** a public workshop and receive public comments, and provide direction to staff regarding a draft ordinance to establish universal design and visitability standards (**Attachment A**).

- 7.8 **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 (D. Morrison)

Mr. Morrison presented the staff report and answered questions from the commission. This was an item that was carried forward as the applicant was not available for the March Planning Commission meeting. The Commissioners also asked that an Environmental Health representative be present to answer questions. Mr. Morrison recommended deleting the reference to the driveway on Conditions of Approval numbers 45. He also recommend changing number 25 to include submitting a site plan to show the location of the driveway and in reference to the private road. Number 25 should also include the culvert calculation for the roadside ditch to ensure that the culvert is appropriately sized for the ditch.

Chair Peart opened the public hearing.

Mr. Knox, the applicant, gave background on the property and the project. He said that he submitted the application in 2004 and after meeting with Planning, Environmental Health and the Fire Department; he is ready to move forward at this time.

Bruce Sarazin, Director of Environmental Health, said the reason this project is viable because the soil conditions are the best soils for handling septic systems. He said he asked the applicant to research the groundwater for nitrate levels. The studies revealed that the nitrate levels were consistent with an acceptable range. He said nine additional septic tanks would not have a detrimental impact on the nitrate levels in the groundwater.

Commissioner Winters asked for information and recommendations on water levels, quality of the aquifers and the depth of wells on these properties.

Mr. Sarazin said the water levels in the nearby wells were at about 30 feet below ground surface according to Laugenour and Meikle engineers.

Tim Swickert, Elder at Grace Valley Christian Center, said he was neutral to the project. He said he would like to have notification to potential homebuyers that there is a school adjacent to the properties.

Chair Peart closed the public hearing.

Commissioner Bertolero said he had discussed the project with Bill Knox, co-applicant. He said the drawings show water tanks in two different places. At the request of neighbors, they decided to place the tank further to the west to be able to shield it with landscaping. He said he would like to see a condition to use the retention pond dirt to construct a berm around the water tank and to raise the elevation of the tank to allow water to flow to the retention pond if there was a rupture. He also said that pipes on the shallow aquifers should be sealed to avoid contaminating the wells.

Commissioner Kimball said she had talked to Reggie Knox and she said she appreciated the consideration that was given to the neighbors. She said that using native trees and shrubs

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around the retention basin would serve as a model for other Yolo County development. She commended the applicants for their work.

Commissioner Winters said he appreciated the applicants' work. He said the community is accepting of the project and he is looking forward to the project moving forward.

Commissioner Merwin said he concurred with his fellow Commissioners. We asked if the applicant is comfortable with the notification on the deed regarding the school.

Mr. Morrison said he is unsure if there is a legal requirement to notice buyers regarding the school, but this could be included if the Commission desired.

Commissioner Liu thanked staff for working on updating the conditions and the environmental reports. She said she shared Commissioner Bertolero's concern regarding the shallow aquifer. She said she would like to ask Mr. Sarazin if there is any value in sealing the pipes on the aquifer.

Chair Peart said the pipes would be sealed, as required by current Yolo County code. He said he is concerned about the nitrates and preferred the project had eight parcels instead of nine to allow for more separation. He asked what was the source of water for the water tanks.

Chair Peart re-opened the public hearing.

Rich Nast, representative from Laugenour and Meilke said there are individual water wells being planned for individual homes and a separate deep well for the fire system adjacent to the tank.

Chair Peart closed the public hearing.

Commission Action

1. **HELD** a public hearing on Tentative Subdivision Map No. 4747;
2. **ADOPTED** the Mitigated Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA guidelines (Attachment B);
3. **ADOPTED** the Findings (Attachment C);
4. **ADOPTED** the Conditions of Approval (Attachment D); and
5. **APPROVED** the Tentative Subdivision Map (Attachment E).

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

CONDITIONS OF APPROVAL

(Revised May 10, 2007)

GENERAL CONDITIONS OF APPROVAL

1. The subject project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2004-080, as contained herein and identified below.
2. This project is approved for a nine-lot single-family residential subdivision (Tentative Subdivision Map #4747) as shown in Attachment C and as conditioned by these Conditions of Approval and Mitigation Measures. Any modification to the approved plans, extent or manner of operation of the subdivision shall be submitted for review and approval to the Director of the Planning, Resources, and Public Works Department.
3. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Measures contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval.
4. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Game Code Section 711.4, fees (\$1,800) are payable by the project applicant upon filing of the Notice of Determination by the Yolo County Planning, Resources, and Public Works Department within five working days of approval of this project by the Board of Supervisors.
5. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider.
6. The developer shall be responsible for the demolition and removal of existing improvements and debris on the subject site, including the abandonment of any wells and septic on the subject property. All such demolition and removal shall be completed prior to the issuance of building permits for any subject property.
7. The developer shall obtain a Construction Activities Storm Water Permit from the Central Valley Regional Water Quality Control Board prior to commencement of construction activities. Said permit shall be submitted to the Yolo County Planning and Public Works Department prior to the issuance of grading permits.
8. Unless authorized by the Planning, Resources, and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning, Resources, and Public Works Director shall be established on all disturbed soils prior to November 1st of each year. Work performed during the rainy season (between November 1 and April 15) of each year shall be conducted in such a manner that the disturbed areas can be stabilized with erosion control measures within 48 hours. Engineered grading plans shall be submitted to the Planning, Resources, and Public Works Department concurrent with the Final Subdivision Map.

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9. Any topsoil excavated during the construction of the project shall be stockpiled and used on the subject site. Topsoil shall not be transported from the site to any other property. Stockpiling of materials and vehicle parking areas shall be located at least 100 feet from occupied residences adjacent to the development.

Planning

10. The Final Subdivision Map shall be prepared and recorded within two (2) years of approval of the Tentative Subdivision Map, unless an extension of time is approved by the Planning Commission. No person shall sell, lease, or finance any parcel or parcels or commence construction of any building for sale, lease, or financing thereon, except for model homes, or allow occupancy thereof, until the Final Map is in full compliance and has been filed for recordation with the Clerk Recorder of Yolo County.
11. The Final Map shall be prepared on the Basis of Bearing being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8.1902(f) of the Yolo County Code.
12. Prior to filing the Final Subdivision Map for recordation, the applicant shall record a "Home Owners' Association Agreement" for the proposed subdivision. The Agreement shall provide for membership of the Association, ownership of the retention basin (Lot 10) and private road, maintenance of the fire flow storage tank, and payment of any assessments, maintenance and repair for both of the retention basin and private road. All terms, conditions, restrictions, and covenants contained in the Agreement are deemed covenants running with the land, are for the benefit of the land affected by the Agreement, and shall inure to the benefit of, and be enforceable by, all owners of said land and their heirs, devisees, assigns, and successors in interest. A copy of the recorded Agreement shall be provided to the Planning, Resources, and Public Works Department prior to filing of the Final Subdivision Map.
13. At the time of the filing of the Final Subdivision Map for recordation, fee title dedication for Lot 10 shall be granted to the Home Owners' Association. The developer shall provide access gates and improvements on the retention basin lots, as approved by the Planning, Resources, and Public Works Director. Language conveying said lot shall be shown on the Final Subdivision Map and accepted prior to recordation.
14. Prior to filing the Final Subdivision Map for recordation, the Map shall be submitted for review and approval by the Planning, Resources, and Public Works Department and shall be accompanied by all necessary information (including a bond or other acceptable guarantee for the cost of public improvements, site grading, utilities, the private road, the fire flow storage tank, and the retention basin,) in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code.
15. Prior to filing the Final Subdivision Map for recordation, the developer shall submit complete engineered grading and drainage plans detailing topography and site drainage. The grading and drainage plans shall delineate approximate building envelopes, building pad elevations, and finish slab-floor elevations. Lots shall drain to the street. At a minimum, the finish slab-floor elevations shall be no less than twelve inches (12") thick and two percent (2%) grade above the edge of pavement. Said drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall

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be approved by the Planning, Resources, and Public Works Director prior to approval of the Final Subdivision Map for recordation.

Prior to the issuance of a Building Permit for each lot within the subdivision, a complete engineered grading and drainage plan detailing topography and site drainage shall be approved by the Planning, Resources, and Public Works Department. The grading and drainage plans shall delineate specific building envelopes, building pad elevations, and finish floor elevations

16. The Final Subdivision Map submitted for recordation shall include a "Right-to-Farm" statement covering all residential lots. The Right-to-Farm statement shall be in accordance with Chapter 6, Article 1 of the Yolo County Code. Said statement shall be approved to form by the County Counsel and shall be recorded in a manner to the satisfaction of the Planning, Resources, and Public Works Director.
17. Prior to filing the Final Subdivision Map for approval, 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 Map. To comply with the adopted Ordinance, the applicant must pay an In-Lieu Fee, to be determined by the County.
18. The construction plans shall include detailed plans for appropriate fencing along the back of each residential lot, suitable to discourage trespass into the adjacent residences, church property, and university land.
19. The applicant shall establish an Agreement between the Homeowner's Association and a household waste collection agency for continuous waste collection service.
20. Prior to filing the Final Subdivision Map for recordationthe issuance of the Building Permit for each lot, a Landscape pPlan shall be approved by the Planning, Resources, and Public Works Director. The Landscape Pplan shall provide a minimum of one (1) fifteen gallon tree in the front yard of each dwelling. Trees, landscaping, and appropriate irrigation systems for the front yard of each lot shall be installed prior to the issuance of the Certificate of Occupancy for that lot. The Landscape Pplans shall also include details regarding the storm retention basin on Lot 10, which shall be bonded for as part of the subdivision improvements. The Landscape Pplan shall emphasize the use of low-maintenance, drought-tolerant species, and shall require that no more than twenty-five percent (25%) of the front yard be covered in turf. The project shall also conform with the County landscaping standards (including the approved tree list) and State Water Efficiency Landscape Ordinance.
21. The Final Subdivision Map shall show the retention basin located entirely on Lot 10. The retention basin shall not extend into any residential lot. To provide sufficient capacity, the depth of the retention basin may be increased. The retention basin shall be completely fenced as part of the Landscape Plan required prior to Final Map to prevent trespass and/or injury.
22. All building plans and grading plans shall be submitted to the Planning, Resources, and Public Works Department for review and approval in accordance with County Building Standards, prior to the commencement of any construction.

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23. Non-agricultural trees shall not be removed unless first authorized by the Planning, Resources, and Public Works Director. Treatment of trees to be preserved shall be addressed as a tree preservation component of the required grading and/or landscaping plan, which shall include the following:
 - a. Trees to be retained shall be identified in the field through flagging or other obvious marking methods prior to any grading.
 - b. Temporary fencing shall be required along the outermost edge of the dripline of each tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
 - c. Trenching shall be prohibited within the driplines of trees to be retained. Any required utility poles within the dripline shall be installed by boring or drilling through the soil.
 - d. Should any oak trees need removal as a result of infrastructure improvements, house locations, or other improvements, the developer shall replant the trees at a ratio of three to one (3:1). ~~Also see Condition of Approval No. _____ below.~~ Tree removal shall be done in accordance with the approved mitigation measures for this project.
24. The developer shall pay all appropriate fees prior to Building Permit issuance. Fees shall include but may not be limited to: Davis Unified School District fees, City of Davis Fire Protection District fees, and County Facility fees.
25. Each dwelling shall be provided with a minimum of two (2) enclosed off-street parking spaces. Enclosed parking spaces may be either attached or detached from the main dwelling. Carports shall not be allowed. Concrete driveways shall have a minimum width of sixteen (16) feet. Where ~~the any~~ enclosed parking spaces are detached, they shall be located in the rear half of the lot, unless architecturally compatible as determined by the Planning, Resources, and Public Works Director. When detached, driveway strips, including irrigation systems, shall be encouraged. The minimum length of any driveway shall be twenty (20) feet.
26. Prior to Building Permit approval, the project shall comply with all County ordinances and policies regarding universal design and visitability in effect at the time of the filing of the Building Permit.
27. No two adjoining houses shall have the same elevation.
28. The front setbacks of all houses shall be staggered so as to increase the visual variety along the street view.
29. The southern orientation of roof surfaces of all dwellings shall have electrical conduit stubs installed, two spaces for photovoltaic circuits on the electrical panel, and relocation of roof vents where feasible to accommodate solar energy equipment.
30. All homes shall be equipped with energy star appliances, low-e windows, and water efficient plumbing fixtures.

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31. All homes are limited to the use of EPA Phase II-Certified woodstoves and fireplaces, LPG-fired fireplaces, pellet stoves, or other devices that minimize emissions.

~~32. All homes shall have a minimum six (6) foot high (maximum of seven (7) foot high, upon approval of a Building Permit) wood fence around the rear yard.~~

~~33.~~³² Each dwelling shall display address numbers in accordance with Section 8-2.1706 of the County Code, prior to the issuance of Certificates of Occupancy. Signage within the development shall conform with Section 8-2.2406 of the County Code.

~~34.~~³³ Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify the Yolo County Planning, Resources, and Public Works Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within seventy-five feet (75') shall immediately stop and the Planning, Resources, and Public Works Director shall be immediately notified. A qualified archaeologist shall record any cultural resources found on the site and the information shall be submitted to the Planning, Resources, and Public Works Department. If human skeletal remains are encountered during construction, all work within seventy-five (75') shall immediately stop and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American Heritage origin, the appropriate Native American community as identified by the Native American Heritage Commission shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.

~~35.~~³⁴ Construction activities shall be limited to the hours set forth below:

Monday-Friday	7:00 AM to 7:00 PM
Saturday	8:00 AM to 5:00 PM

Construction shall be prohibited on Sundays and holidays. These criteria shall be included in the grading plan submitted to the County for review and approval prior to the issuance of grading permits. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the Planning, Resources, and Public Works Director.

~~36.~~³⁵ All unpaved construction areas shall be sprinkled with water or other acceptable Yolo-Solano AQMD dust control agents during dust generating activities to reduce dust emissions. Additional watering dust control agents shall be applied during weather or windy days until dirt emissions are not visible. Such measures include, but are not limited to:

~~a.~~^a) On dry days, dirt or debris spilled onto paved surfaces shall be swept up immediately to reduce suspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction related dirt in dry weather.

~~b.~~^b) On-site stockpiles of excavated material shall be covered or watered. Stockpiling of materials and vehicle parking areas shall be located at least 100 feet from occupied residential areas.

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~~e.c)~~ Soils shall not be exposed nor shall grading occur during periods when wind speeds cause nuisance dust emissions for surrounding properties in the vicinity.

~~d.d)~~ Vehicles shall be operated on unpaved surfaces at speeds that will not create nuisance dust emissions for surrounding properties.

~~e.e)~~ All construction equipment shall be in accordance with the requirements of the Yolo-Solano Air Quality Management District for both heavy-duty vehicles and construction equipment.

~~f.f)~~ Land grading operations shall be prohibited during days of high wind (at 15mph, with gusts exceeding 20 mph).

Building

~~37.36.~~ The developer shall acquire all required permits from the Yolo-Solano Air Quality Management District for both mobile and stationary source emissions. Said permits shall be submitted to the Planning, Resources, and Public Works Department prior to the issuance of Building Permits.

~~38.37.~~ All construction equipment shall use properly operating mufflers, and no significant noise-generating construction equipment such as pumps or generators shall be allowed to operate within 500 feet of any occupied residence during construction hours, unless the equipment is surrounded by a noise protection barrier acceptable to the Planning & Public Works Director. These criteria shall be included in the grading plan submitted by the applicant/developer for review and approval of the Planning & Public Works Director prior to issuance of grading permits.

~~39.38.~~ Each dwelling shall be provided with a fire sprinkler system. ~~Public Wwater~~ line connections for each dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe diameter of either one-and-a-quarter inches (1.25") or one-and-a-half inches (1.5"), as needed.

~~40.39.~~ All grading and foundation plans for the development must be reviewed and approved by the Chief Building Official prior to the issuance of Grading and Building Permits to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in design.

Public Works

~~41.40.~~ The Final Subdivision Map shall be submitted to the Planning, Resources, and Public Works Department for review by the County Surveyor. The map shall be accompanied by all the items specified in Sections 8-1.903 and 8-1.1002 of the Yolo County Code.

~~42.41.~~ All roads shown on Final Subdivision Map shall be dedicated to Yolo County. The right of way width dedicated shall be sufficient for the road widths and frontage improvements required by these conditions, as determined by the Director of the Planning, Resources, and Public Works Department.

~~43.42.~~ The Final Subdivision Map shall provide private drainage easements for the proposed drainage channels along the rear of the residential lots.

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- ~~44.43.~~ The Final Map shall provide a public drainage/flood easement on the ~~retention~~ basin parcel owned by the Homeowners Association (Lot 10).
- ~~4544.~~ Prior to Final Subdivision Map approval, engineered improvement plans shall be submitted to the Planning, Resources, and Public Works Department for approval. Plans shall detail the public improvements required by Yolo County Code Section 8-1.1001, and these Conditions of Approval, to the satisfaction of the Director of Planning, Resources, and Public Works. Final improvement plans shall be submitted on 24" by 36" mylar sheets.
- ~~4645.~~ The improvement plans shall detail all road improvements to Class "AC" standards with ~~vertical curbs, gutters, sidewalks, driveways, and ADA accessible handicap ramps.~~ All new and reconstructed streets shall be designed with a Traffic Index of 57 with a turn-around bulb of 7, and shall have a minimum ~~four~~three-inch (34") thick asphalt concrete surfacing. The private road shall be dedicated to the Homeowner's Association on the Final Subdivision Map, and its maintenance shall be addressed in the CC&Rs submitted to the County prior to approval of the Final Map.
- ~~4546.~~ Improvement plans shall detail the required signage improvements necessary to provide safe travel for both pedestrians and bicyclists to access and use the existing bike and pedestrian pathway south of the intersection of Patwin Road and Russell Boulevard, to the satisfaction of the Planning, Resources, and Public Works Director.
- ~~4647.~~ Road improvement plans shall detail all signage improvements necessary to ensure safe traffic turning movements for left and right hand turns from Russell Boulevard to Patwin Road, to the satisfaction of the Director of the Planning, Resources, and Public Works Department.
- ~~4748.~~ Improvement plans shall indicate ~~headwalls~~ and erosion protection measures where the storm drain-pipe empties into the ~~retention~~ basin. The ~~retention~~ basin shall be seeded with an appropriate native grass seed mixture to reduce erosion.
- ~~4849.~~ Prior to Final Map approval, Joint Utility Trench plans shall be submitted to the Planning, Resources, and Public Works Director for review. All utilities required to serve the subdivision shall be extended underground to the site and installed underground on the site. Electricity, telephone, and cable TV services shall be installed in a common utility trench. Electrical transformers and propane tanks shall not be located in any front yard and shall be effectively screened from public view.
- ~~5150.~~ Prior to Final Map approval, an engineered drainage study shall be submitted to the Planning, Resources, and Public Works Department for approval, demonstrating that storm water drainage and control features are designed so ~~that as to accommodate~~ the peak storm water flows in the one-hour 10-year event for surface drainages and a 24-hour 100-year storm event for the ~~retention basin do not increase downstream of the project.~~
- ~~5251.~~ Prior to Final Map approval, ~~the a Landscaping Plan~~ shall be submitted to the Planning, Resources, and Public Works Department for approval, showing decorative ~~"wrought iron" appearance~~ fencing around the perimeter of the entire ~~retention~~ pond. The plan shall also provide a driveway approach and gate for maintenance access into

the retention basin. The Landscape Plan shall incorporate the water quality standards and mosquito control standards included in Conditions 54 and 55 below. The Plan shall provide vegetative screening and a berm around the proposed fire flow storage tank so that visibility from existing homes is minimized. The berm shall be constructed such that any potential spillage from the fire flow storage tank drains to the retention basin. Trees proposed within the basin shall not reduce the storm water capacity below the required standards.

~~5352.~~ Prior to approval of the Final Map, the developer shall create a Common Interest Development (Homeowners' Association) in accordance with the requirements of the State Department of Real Estate for the purpose of jointly owning and funding maintenance of the retention basin. Conditions, covenants, restrictions, and pro-forma budgets shall be submitted to the County prior to the approval of the Final Map. Prior to Final Map approval, the developer shall provide evidence to the County that the Homeowners' Association has been fully established and funded, and title for the retention basin has been transferred to the Homeowners' Association.

~~54.~~ Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with County requirements. Street light locations and specifications shall be shown on the Improvement Plans and approved by the County prior to approval of the Final Map.

~~55.~~ The developer shall furnish, install, and pay all costs for street lights constructed at the required intervals, to the satisfaction of the Planning, Resources, and Public Works Director.

~~56.53.~~ Encroachment permits shall be obtained from the Planning, Resources, and Public Works Department prior to any work within the County right-of-way.

~~56.~~ Prior to the issuance of Grading Permits, the developer shall submit an approved Storm Water Pollution Prevention Plan (SWPPP) to the Planning, Resources, and Public Works Department that includes both construction stage and permanent storm water pollution prevention practices, including a description of the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls.

~~57.~~ The Best Management Practice (BMPs) of installing storm drain signage (SD-13) shall be implemented to reduce pollution from entering the storm water system. The curbs or sidewalks shall be painted or have signs attached at each storm drain inlet to advise residents not to put contaminants (motor oil, paint, car washing soaps, etc.) down the storm drain system because these contaminants will pollute the ponds, creek, and rivers.

~~5854.~~ Prior to issuance of a grading permit, the project applicant shall submit, for the review and approval of the County Planning, Resources, and Public Works Director, an erosion control plan that will utilize standard construction practices to limit the effects of erosion (in compliance with the SWPPP) during construction of the proposed project. Measures may include, but are not limited to:

- Hydro-seeding;

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- Placement of erosion control measures within drainage ways and ahead of drop inlets;
- The temporary lining (during construction activities) with “filter fabric” (a specific type of geo-textile fabric);
- The placement of straw wattles along slope contours;
- Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);
- The use of siltation fences; and
- The use of sediment basins and dust palliatives.

6055. The following ~~detention~~ basin requirements shall be implemented. These modifications to the proposed basin would increase the water quality benefits to more closely achieve the design criteria of an Extended ~~D~~Retention Basin. The revised design shall be submitted for the review and approval of the County Planning and Public Works Department prior to the recording of the Final Map.

- ~~Energy dissipation Riprap~~ shall be provided at the pond inlet to ~~provide energy dissipation,~~ prevent re-suspension of sediment, and prevent scour of the basin bottom.
- The proposed pond shall have side slopes of ~~three~~two-horizontal to one-vertical or flatter.
- An operations and maintenance plan (O&M plan) shall be prepared that ensures the basin will receive appropriate annual and routine inspections, maintenance, and operation. The O&M plan shall estimate the cost of the annual O&M and potential future repair costs to be paid by the Homeowners’ Association.

6456. Design of the ~~detention~~ basin and drainage facilities shall comply with local, state, and federal standards, ~~as well as the Sacramento-Yolo Mosquito & Control District,~~ and shall meet with the approval of Planning, Resources, and Public Works Department prior to the issuance of grading permits. The Best Management Practice (BMPs) identified by the Sacramento-Yolo Mosquito & Vector Control District below shall be included in the ~~detention~~ basin O&M plan to reduce the mosquito population associated with the ~~detention~~ basin:

- ~~Trenches, basins, and Roadside~~ swales shall be maintained so that runoff is capable of completely passing through the structure within three days after introduction, especially during the peak mosquito breeding months of April through October.
- The bottom of the ~~trenches, basins, and roadside~~ swales shall be free of depression, i.e., tire ruts, in order to limit standing water within the structure.
- Vegetation management shall be performed annually to remove ~~excessive vegetation within the structure~~ emergent vegetation and other debris to prevent water blockage and mosquito breeding habitat.
- Grass clippings and other debris shall be removed from trenches, basins, and swales on a regular basis. Vegetation shall be kept below 4 inches.
- All aquatic and periphery vegetation shall be completely or significantly reduced on a yearly basis.
- Allow access for continual larval and mosquito surveillance.
- Outlets shall be regularly cleaned of debris.

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- Water conveyance systems shall be constructed and graded sufficiently to allow for a continuous flow of water.
- Water depth in the retention basin shall not be more than four feet to discourage emergent vegetation.

City of Davis Fire Department

~~6257.~~ The developer shall furnish, install, and pay all costs for fire hydrants, valves, ~~and boxes~~ and a 12,500-gallon fire flow storage tank, as required by the City of Davis Fire Department. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be approved by the City of Davis Fire Department Chief prior to the issuance of Building Permits.

Environmental Health

~~6358.~~ On-site septic tank systems proposed for the subdivision shall obtain prior approval for construction and operation from the County Environmental Health Division. The specific location for the individual septic systems and leach fields shall not deviate from those locations depicted in the Tentative Subdivision Map exhibit (Attachment C).

~~64.6459~~ All proposed private wells shall obtain prior approval from the County Environmental Health Division and cannot deviate from those locations depicted in the Tentative Subdivision Map exhibit (Attachment C). All new wells must pass inspection and meet appropriate water quality requirements ~~for a public water supply.~~ At a minimum, the water must meet coliform bacteria and inorganic chemical standards prior to approval of the Certificate of Occupancy for each residential lot.

~~60.~~ The Final Subdivision Map submitted for recordation shall include a statement advising future buyers that due to potential concerns about water quantity and water quality in the area, domestic wells should be constructed and tested prior to the construction of homes on any individual lot.

County Counsel

~~6561.~~ The project developer shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the developer of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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6662. Failure to comply with the Conditions of Approval as approved by the Board of Supervisors may result in the following actions:

- non-issuance of future building permits; and/or
- legal action.

Mitigation Measures

6763 Prior to filing the Final Subdivision Map for approval, the developer shall comply with the County Agricultural Mitigation Ordinance and all policies regarding agricultural mitigation in effect at the time of the filing of the Final Map. To comply with the adopted Ordinance, the applicant must pay an In-Lieu Fee, to be determined by the County.

6864. Prior to filing the Final Subdivision Map for approval, the developer shall be required to pay a fee of \$8,660 per acre to the Yolo County Joint Powers Agency, for mitigation of the loss of Swainson's hawk habitat.

6965. Prior to any site preparation or construction activity in the breeding and non-breeding season, the applicant shall conduct burrowing owl surveys in conformance with CDFG burrowing owl recommendations (CDFG, 1995). All surveys shall be submitted to the Yolo County Planning, Resources and Public Works Department for review. If burrowing owls are detected during pre-construction surveys, the applicant shall implement the following mitigation measures, consistent with CDFG recommendations:

- a. Avoid occupied burrows during the burrowing owl breeding season, February 1 through August 31.
- b. Prior to this breeding season, September 1 through January 31, occupied burrows should be avoided. If avoidance is not possible, owls may be evicted, and the Applicant must provide compensation for loss of burrows per CDFG standards. The applicant should schedule the removal of trees and shrubs outside of the raptor breeding season (March 15 through September 15). For any vegetation removal and site preparation that occurs during the breeding season (March 15 through September 15), the applicant shall conduct preconstruction surveys as described in (e), below.
- c. For construction that will occur between March 15 and September 15 of any given year, the applicant shall conduct a minimum of two preconstruction surveys for (i) suitable nesting habitat within one-half mile of the project site for Swainson's hawk; and (ii) within 500 feet of the project site for tree-nesting raptors and northern harriers. Surveys shall be conducted by a qualified biologist and will conform to the Swainson's Hawk Technical Advisory Committee (2000) guidelines and CDFG burrowing owl recommendations (CDFG,1995) for those species. These guidelines describe the minimum number and timing of surveys. If nesting raptors are detected during preconstruction surveys, the applicant shall implement mitigation measures described in (d), below.
- d. If nesting raptors are recorded within their respective buffers, the applicant shall adhere to the following buffers:

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- i. Maintain a 1/4-mile buffer around Swainson's hawk nests, and a 500-foot buffer around other active raptor nests. These buffers may be reduced in consultation with CDFG; however, no construction activities shall be permitted within these buffers except as described in (ii), below.
- ii. Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined in consultation with CDFG), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall immediately inform the construction manager and CDFG. The construction manager shall stop construction activities within the buffer until either the nest is no longer active or the project receives approval to continue from CDFG.

7066. The project shall comply with the recommendations in the Soil Investigation for the Knox Subdivision performed by Raney Geotechnical, Inc. All construction activity involving earthwork, foundations, seismic design, slab-on-grade, elevated wood floors, flatwork, and pavements shall be as described in the Soil Investigation report, unless otherwise approved by the Yolo County Planning, Resources and Public Works Director.

7467. Prior to Building Permit issuance for any structure, the developer shall ensure that residential structures incorporate elevated foundations one foot above the identified Base Flood Elevation or, alternatively, the developer shall submit a Letter of Map Revision to FEMA to remove the site from the flood plain as mapped by FEMA.

Chair Peart called for a one-hour lunch break and to reconvene at the Planning Department.

Reconvened at Planning, Resources and Public Works Department, 292 W. Beamer Street

Commissioner Cameron joined the meeting

1:09 p.m.

7.9 Joint meeting with the Capay Valley General Plan Advisory Committee, Clarksburg General Plan Advisory Committee, Dunnigan Advisory Committee, Esparto Citizens Advisory Committee, Knights Landing General Plan Citizens Advisory Committee, Madison Advisory Committee, and West Plainfield Advisory Committee on Airport Development.

Chair Peart welcomed the Advisory Committee members and asked for introductions. Chair Peart turned the meeting over to David Morrison, Assistant Director of Planning.

Mr. Morrison said the purpose of the meeting was to learn about the issues shared by Advisory Committees, determine how staff can better serve the advisory committees and open discussion for all to share information.

Mr. Morrison presented updated information on the Yolo County General Plan staff direction resulting from the Board of Supervisors' meeting.

- A. Committee and Commission roles and responsibilities.
Mr. Morrison explained the roles and responsibilities of the advisory committees in relationship to staff and the Planning Commission; and how the advisory committee recommendations are incorporated into the decision –making process.
- B. Meeting requirements.
Mr. Morrison said the advisory committees are subject to the Brown Act rules. He said that bylaws could be specific to each committee based on community needs.
- C. Comment areas.
Mr. Morrison presented a boundary map based on fire districts and explained that there is overlap between communities. He said he would like the committees to reach an agreement regarding boundaries in the future. Discussion included how more than one committee might comment on specific projects, joint committee meetings for projects impacting more than one community, and how lines might be drawn between the communities.
- D. County support.
Mr. Morrison explained that the Board of Supervisors asked staff to determine what in what ways staff could assist the advisory committees if funding was available. Discussion included a budget for each advisory committee to use as needed for items such as copying services, tape recorders, Spanish translations and newsletters. It was suggested that each advisory committee submit a proposed budget for the upcoming year. Advisory committees would like to have a greater staff presence at meetings, particularly at meetings with developers making presentations.
- E. Open discussion of local community issues.
 - 1. Madison said one of the challenges the community faces is water and sewer hook-ups for development, as there is no infrastructure in place for growth.
 - 2. Clarksburg said they would also face septic/sewer issues with development. They also face a decline in agricultural products that are financially viable and agricultural housing. Clarksburg has also had development halted by the Delta Protection Commission and has fears that the levees will not meet the new standards set by the Army engineers, which would impact insurance rates. They have also lost land designated for the fire department and will have to sell bonds to finance that undertaking.
 - 3. Dunnigan agreed that they also need services and face potential flood issues. They said they also face more traffic and accidents with the casino. They said they would like to have a tourist draw and develop areas along the I505 to the county land for retail. The question is how do they sell Dunnigan to attract financial resources.

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4. Knights Landing said truck traffic and bridges are major issues. There are only six lanes in and out of Knights Landing and they are all via bridges. Lack of a fire department and trained volunteer are also challenges, as this impacts insurance rates.

5. Esparto said challenges from the development of the casino and proposed growth included increased traffic, lack of parks and changes to community character. They said they are pleased with the restoration of the high school auditorium and the agreement for UC Davis to use the facility.

The consensus of the participants in the joint Planning Commission and Advisory Committee appointees was that the exchange was beneficial and that another joint meeting would be scheduled in September or October of 2007.

5:00 pm Chair Peart called for a 15-minute break.

Commissioners Winters, Liu and Merwin left the meeting.

REGULAR AGENDA

8. DISCUSSION ITEMS

- 8.1 Status report on the update of the Yolo County General Plan (D. Morrison).

Mr. Morrison said there was no additional information on the General Plan Update.

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

Mr. Morrison presented background information regarding Farm Worker Housing Regulations and answered questions from the commissioners.

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. Morrison said staff has been interviewing candidates for the assistant, associate and principal planner positions. He said he is hopeful he will have offers extended for June or July.

2. Eric Parfrey will be sitting in for the June 14, 2007 Planning Commission meeting.

3. The Botter appeal will be going before the Board of Supervisors on Tuesday, May 15, 2007. The conditions appealed are (1) the number of attendees at public events; (2) the number of small domestic animals that can be treated at the on-site veterinary service; and (3) the requirement for improvements to County Road 100A. Staff will defend the Planning Commission's decision to deny the appeal.

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 Kimball attended the Yolo Watch Group meeting on May 20, 2007. She said the discussion focused on the benefits to the agricultural community in an ag special district.
2. Commissioner Bertolero attended the Clarksburg Citizens Advisory Committee meeting on April 12, 2007 and the Dunnigan Citizens Advisory Committee meeting on April 18, 2007. He participated in the first Yolo County Design Review Sub-Committee and was pleased with the initial discussion. He attended the El Macero Homeowner's meeting regarding the Ramos project on May 8, 2007.
3. Commissioner Cameron had nothing to report at this time.
4. Chair Peart said he participated in the Cache Creek tour with the Chamber of Commerce and that they visited Huff's Corner and the Madison bypass area.

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.

There were no future items at this time.

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at **5:25 p.m.** The next scheduled meeting of the Yolo County Planning Commission is June 14, 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

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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