



# County of Yolo

## PLANNING 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

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### MINUTES

**JUNE 14, 2007**

#### ADMINISTRATIVE AGENDA

1. Chair Peart called the meeting to order at 8:36 a.m.
2. Pledge of Allegiance was led by Commissioner Winters.

MEMBERS PRESENT: Peart, Bertolero, Kimball, Merwin, Winters, Cameron  
MEMBERS ABSENT: Liu  
STAFF PRESENT: David Morrison, Assistant Director of Planning  
Eric Parfrey, Principal Planner  
Hope Welton, Deputy County Counsel  
Stephanie Berg, Associate Planner  
Craig Baracco, Assistant Planner  
Susan Provencal, Office Support Specialist

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3. ADOPTION OF MINUTES OF THE **January 11, 2007** and the **May 10, 2007** MEETINGS

#### Commission Action

The Minutes of the **January 11, 2007** Meeting were approved.

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

The Minutes of the **May 10, 2007** Meeting were approved with the following corrections: Commissioner Bertolero did not abstain from the April 12, 2007 minutes as reflected in the May 10, 2007 minutes; Correct the minutes to reflect that all commissioners were present for the May 10, 2007 meeting.

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

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#### 4. PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present agenda, was opened by the Chair. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

No one from the public came forward.

#### 5. CORRESPONDENCE

##### 5.1. Minutes of the Board of Supervisors March 27, 2007 meeting.

David Morrison, Assistant Director, Planning, said that the Board of Supervisors is tentatively scheduled to hear the General Plan land use alternative update at the July 17, 2007 meeting. He said staff would be asking the Board for more direction from the Board on specific growth locations in order to complete the traffic and air quality analysis.

##### 5.2 Chair Peart distributed information on the raising of the Shasta Dam and providing an alternate water supply for Yolo County. He explained that the Bureau of Reclamation is considering this as a viable alternative to provide more water to Northern California and asked for support on this action.

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

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#### CONSENT AGENDA

##### 6.1 None

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#### TIME SET AGENDA

##### 7.1 **2007-014:** Variance for a second home proposed more than 250 feet from the first home on a five-acre parcel in the General Agricultural (A-1) Zone. The property is located in the

Monument Hills area 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 with new findings and answered questions from the commission.

Commissioner Kimball asked if the approval of the variance would set a precedent for others in rural residents.

Mr. Morrison said that each planning application is considered on a case-by-case basis; and the findings on the Gabor application are not legally binding on any other application.

Commissioner Merwin said he was comfortable with the findings, because of the fact that the neighbor's home is within 250 feet from the Gabor's home.

Commissioner Winters thanked staff for their work and wished the Gabors success in relocating their home.

Commissioner Bertolero said he agrees with granting variances on a case-by-case basis and supported this variance.

Commissioner Kimball said she had visited the site and still had a concern with setting precedence by granting this variance. She said she was more comfortable with the case-by-case basis of granting variances. She said she supported the variance.

Commissioner Cameron had no comments.

Chair Peart said he was opposed to the variance based on the facts of the variance.

Chair Peart opened the public hearing. No one from the public came forward.

Chair Peart Closed the public hearing.

### **Commission Action**

1. **HELD** a public hearing and received comments;
2. **DETERMINED** that a Categorical Exemption is the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPTED** the Findings for the project (**Attachment D**); and
4. **APPROVED** the zone variance as described in the Findings.

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

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- 7.2 **2004-055:** Extension of Time of one year for Tentative Parcel Map #4608 to divide a 6.6-acre parcel into two parcels in the Residential High Density-Planned Development (R-3/PD) Zone. The site is located at northeast corner of Woodland and Yolo Avenues in Esparto (APN: 049-250-08). A Categorical Exemption has been prepared for this project. Owner/Applicant: Ray Burton/Esparto Corners (E. Parfrey).

Eric Parfrey, Principal Planner, presented the staff report.

Due to the time scheduled for the public hearing, Chair Peart, held the commission questions and public hearing until the scheduled time of 9:00 am., then opened the public hearing.

Ray Burton, applicant, explained the reason for the extension was to accommodate the zone change to support developing affordable housing in Esparto.

Kim Koontz, Executive Director of Yolo Mutual Housing, said she was working with Mr. Burton and supported the extension in order to provide sixty rental units of affordable housing.

Chair Peart closed the public hearing.

Commissioner Bertolero said that Esparto needs the project and that was appropriate to provide more time.

Commissioner Kimball said that she appreciated the project and that re-zoning takes time.

Commissioner Cameron said that she concurred with her colleagues.

Commission Winters said that affordable housing for the workforce in Yolo County is essential. He said he supported the project.

Commission Merwin said he also concurred with his fellow commissioners.

Chair Peart said there is a great need for affordable housing and he thought this was a good project that should be given the time to be completed.

### **Commission Action**

1. **HELD** a public hearing and received comments;
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 #4608; and
3. **APPROVED** a one-year extension of Tentative Parcel Map #4608 until March 10, 2008, subject to the original Conditions of Approval (**Attachment C**) for this project.

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

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Due to scheduling time, the Planning Commission proceeded with the Commissioners reports.

## 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 Bertolero attended two Design Review Committee meetings and they have finished up the industrial section. He said they have had good input from other jurisdictions. He attended three Advisory Committee meetings, Capay Valley, Knights Landing and Madison. He said he also met with Mr. Deterding regarding the Capay Cottages and spoke to the representatives of Parker and Story developments.
2. Commissioner Kimball said she has also attended two Design Review Committee meetings and has helped in getting interns from UC Davis to help. She said she met with John Deterding regarding Capay Cottages. She said she attended a celebration on the Bobcat Ranch, north of Winters, that was recently purchased by Audubon California for a conservation easement.
3. Commissioner Cameron said she had nothing to report.
4. Commissioner Winters said he did drive-byes on the three proposed developments before the Planning Commission to get a better understanding of the proposals.
5. Commissioner Merwin said he also attended the two Design Review Committee meetings and appreciates the intern that joined the team. He said he also attended a Farm Bureau meeting. He hosted a bus tour of water agency staff members from the Port of West Sacramento to Clarksburg. He said he answered questions regarding the Port, the ship channel and the Sugar Mill project.
6. Chair Peart said he did receive calls from Mr. Deterding, but was unable to connect with him. He commended the Design Review Committee for their work to date.

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## 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. Offers are being extended to candidates for the opening Planning position this week in an effort to fill the three vacancies in a tight market.
2. The County will be engaged in the expansion of the Cache Creek Casino recently announced by the Rumsey Band of Wintun Indians.
3. Mr. Morrison made a presentation to the Delta Protection Commission at their request, to provide a summary of the General Plan update, to provide a sense of how Yolo County will be treating the primary Delta Zone in their future land use plans.
4. The Governor of California has proposed new legislation to limit construction in flood plains. This will be an important issue for Yolo County, as approximately 25 percent of the County is in the flood plain.
5. The Governor has proposed de-funding the Williamson Act this year, as has been done in previous years.
6. Dr. Wheeler, professor at UC Davis, asked Mr. Morrison to present a lecture on planning and its relationship to development in California.
7. Mr. Morrison said he and Heidi Tschudin would be making a series of presentations on the preferred land use alternatives in the General Plan to the four city councils in Yolo County.
8. Mr. Morrison said he is working with Wes Ervin, Economic Development Manager and the CAO to put together a program to review the county's planning and building permit processes to see how they can be improved, streamlined and made more customer friendly.

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- 7.3 **2004-081:** A Tentative Subdivision Map (E. Parker) to divide a 16.9 acre parcel into 62 single family lots, plus a detention basin, in the Single Family Residential/Planned Development (R-1/PD) Zone. The property is located north of State Route 16 and south of Lamb Valley Slough, generally between Winters and Alpha Streets, in Esparto (APN: 049-160-15). A Mitigated Negative Declaration has been prepared for this project. Owner/applicant: Emerald Homes (E. Parfrey)

Eric Parfrey, Principal Planner, presented the staff report referencing the E. Parker/Emerald Homes, Story/Emerald Homes and Capay Cottages/John Deterding subdivisions. He called attention to items in the Development Agreements that set forth community improvements that would be paid for by the Emerald Homes developers. Mr. Parfrey said the E. Parker project developers are proposing major improvements to the Lamb Valley Slough and a pedestrian path on the top of the levee. Mr. Parfrey outlined the MERCSA issue of maintaining the landscaping outside of the detention basin and the question of credits to the developers against park fees for the improvements they propose within the developments.

Commissioner Cameron asked where the schools are located and expressed a concern for walkable areas from the home sites to the schools.

Darlene Comingore, Senior Civil Engineer, said the County is working on safe routes to schools within the communities. She said much of the sidewalk is already in place.

Commissioner Kimball asked if the Lamb Valley Slough would have a concrete lining, moving away from natural erosion control, and if there is a buffer between the houses and the levee.

Mr. Parfrey said there would be a ten-foot buffer with landscaping. Mr. Parfrey said potential regional flooding solutions for Esparto have been considered. Cal Trans is embarking on a project to raise Highway 16 to take it out of the flood plain. As a part of this project, Cal Trans is proposing large detention basins with the intention of providing drainage for the Willow Slough. The proposed improvements to the Lamb Valley Slough will hopefully contribute to the bigger picture of a regional solution. Natural features may be lost, but will balance flood control. Mr. Parfrey said there would not be any concrete.

Commissioner Bertolero asked if there were any birds or burrowing owls found on the property.

Mr. Parfrey said there was no evidence of birds or raptor nests; and that a pre-construction survey would be conducted to ensure that there are no owls or Swainson Hawks.

Commissioner Bertolero said he was uncertain of the ratio of mitigation for farmland loss. He also expressed concerns that decisions regarding the developer agreements were going to be made after the Planning Commission review.

Mr. Parfrey said the in-lieu mitigation fee is based on the current ordinance, although staff, at the direction of the Board of Supervisors, is proposing a 2:1 ratio. Mr. Parfrey said there are only three issues outstanding; park fee credits, whether MERCESA has legal authority to maintain landscaping in detention basins, and the fair-share contributions from the Orcioli project. Mr. Parfrey said that resolution is near and will be complete by the time the projects go before the Board of Supervisors. He said it is the Commission's decision if they are comfortable approving the project with these issues.

Commissioner Peart asked when the ag mitigation fees would be paid.

Mr. Parfrey said the fees would be paid when the final map goes to the Board of Supervisors.

Chair Peart opened the public hearing.

Mark Armstrong, applicant for Emerald Homes, said he believes that all issues will be resolved before the project goes before the Board of Supervisors. He said that he believes that the developer has gone to extra lengths to address details, such as the improvements to the Lamb Valley Slough. He said the channel would not be lined with concrete; only the culvert at the crossing and it will be landscaped with native grasses. He said that Emerald Homes would pay mitigation fees in accordance with whatever ordinance is in place. Mr. Armstrong said that they have worked closely with the Esparto Advisory Committee to propose a contribution to the Esparto downtown enhancement project to benefit the community.

Commissioner Cameron asked how many of the sixty-two units are single-story homes and how many are two-story homes.

Mr. Armstrong stated that approximately twenty-five percent of the homes would be single-story. He said one of the models has two-stories, the other three models are single-story. They will be constructed according to lot size.

Alice Jahn, Associate Civil Engineer with Laugenour & Meikle, discussed the improvements to the Lamb Valley Slough. She said the lining would be earth. Grasses would be used; and elevations, estimated at one to two feet, would be based on the FEMA map. The capacity, at 1400 square feet per second, was called for by the study performed by Wood Rogers.

Jim Durst, representing New Season Community Development Corporation and a resident of Esparto, believes that the Emerald Corporation has made a good faith effort to comply with regulations and the requests made by the Esparto Advisory Committee. He commended and thanked Emerald Homes for the donation to the New Season Development for the downtown improvement project.

Seth Merewitz, representing John Deterding, said his client is in favor of the Parker project. He said he does share concerns regarding Conditions of Approval Nos. 29 and 66, Mitigation Measure No 6, and Section 4.01.02 of the Development Agreement, all dealing with the traffic improvement. He said he is comfortable that the three development teams would be able to reach an agreement on these items before going to the Board of Supervisors.

Chief Barry Burns, of the Esparto Fire Department and representing MERCSA, said he is concerned about MERCSA maintaining the sloughs. He said MERCSA is considering raising rates to handle the maintenance of the parks at this time. He said he is also concerned about the safety of children walking to school. He said he had asked for a walking bridge. He said Alpha Street area is the first area to flood. This means that children will be walking through a flood area to get to school.

Pat Harrison, ECAC member and resident, said the subdivisions are filling a void in the housing needs for Esparto.

Giacomo Morris, ECAC member and resident, said he appreciated the work that staff and the developers have done on the three subdivisions in working with the ECAC. He expressed concern about the infrastructure, including traffic circulation and drainage. He said the present detention basins are not effective and it seems a waste of space to add more. He said he was pleased with the community benefit donations. He said he would like to see more MERCSA involvement.

Mike Goodin, ECAC member, said the developers have worked hard to come to the current agreements, and believed that the work to be done will be a net plus for the community. He said the flooding issues are a part of a larger regional issue.

Tom Michaelson, Superintendent of Schools, said he would like to see walkability and safety for children walking to school incorporated into the projects. He said the sidewalks needed to be wider and well lit.

Mark Armstrong said walkability to schools is an issue and improvements to Plainfield will be completed as a part of the Alpha Street extension to accommodate the walkability of the children. These improvements will be built as a part of the Capay Cottage development. He said he believed that the County direction to improve the Lamb Valley Slough is a first step in a regional solution for flooding.

Commissioner Merwin said the design would force children to walk an extra distance to school. He said he is also concerned that the school district is being forced to develop further from the center of town. He said a family attraction for buying a home would be the ability for their children to get to school safely. He asked about a low-flow crossing.



Mr. Morrison said that a bridge had been considered and there were issues with ADA compliance.

Mr. Armstrong said that as future property is developed, there would be additional improvements for walkability, as outlined in the Esparto General Plan.

Commissioner Cameron asked what the walking distance for the children would be.

Mr. Parfrey said the walking distance from the subdivision to the school is about 1000 feet.

Chair Peart closed the public hearing.

Commissioner Winters complimented the staff and Emerald Homes for multi-year work on this project. He said he was pleased that the work included the input from the community. He said the agreements are extensive for the size of the development. He supported the development.

Commissioner Merwin commended all of the parties for finding beneficial solutions. He said he appreciated the collaborative efforts. He said his question regarding a low-flow crossing was an effort to consider an alternative safe route for children walking to school.

Mr. Morrison said that the County was not able to support a low-flow crossing because it presented the same ADA challenges as a bridge. He said that safety and county liability were the more important issues, as the crossing would encourage people to use a pedestrian path in a flood stage.

Commissioner Bertolero said there has been a lot of work and financial input by the developers. He appreciated the effort and cooperation by the developers to fix issues within the community. He said he is pleased with the outcomes and would support the project.

Commissioner Kimball commended staff and the developers and was appreciative of the response to the community. She agreed with her fellow commissioners regarding the school issues. She asked that the work to the Lamb Valley Slough and the detention basins include native grasses and that the work be done in collaboration with the Yolo Resource Conservation District.

Commissioner Cameron said she was comfortable with moving the project forward. She said she is confident that staff will work with the developers on the final issues.

Chair Peart said he is also comfortable with the project and would be supporting approval.

### **Commission Action**

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

1. **HOLD** a public hearing and receive public comments;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment E**) prepared for the Tentative Subdivision Map (TSM #4755), and the Errata and Revisions to the Initial Study/Mitigated Negative Declaration (**Attachment F**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. **ADOPT** the Mitigation Monitoring and Reporting Plan (**Attachment G**) implementing and monitoring all mitigation measures in accordance with CEQA and the CEQA Guidelines;
4. **ADOPT** the recommended Findings (**Attachment H**) for approval of the Tentative

Subdivision Map #4755;

5. **APPROVE** the draft Development Agreement (**Attachment I**); and
6. **APPROVE** the Tentative Subdivision Map #4755 in accordance with the Conditions of Approval (**Attachment J**).

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

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS OF APPROVAL**

1. This project is approved for a 62 lot single-family subdivision, Tentative Subdivision Map #4755 as shown in **Attachment B** and as conditioned by these conditions of approval and mitigation measures (E. Parker Subdivision). Any modification to the approved plans, extent or manner of operation of the subdivision shall be submitted for review and approval by the Planning, Resources and Public Works Director.
2. The developer shall be responsible for all costs associated with implementing the conditions of approval and mitigation measures contained herein. The developer shall comply with both the spirit and the intent of all applicable requirements of the Esparto General Plan, County Code, conditions of approval and mitigation measures.
3. Pursuant to Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, an environmental assessment fee (\$1,800) and County recording fee (\$50) 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.
1. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider.
2. In accordance with Section 8-1.709 of the County Code, a soils report for the project site has been prepared by a registered civil engineer (Wallace Kuhl & Associates, December 20, 2005) and shall be accepted by the County Building Official prior to the issuance of any building permits. The geotechnical report shall indicate compliance with compaction and other requirements for building pads and structures, and the recommendations shall be made a part of construction plans.
3. 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 the subject properties.
4. The 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, Resources and Public Works Department prior to the issuance of grading permits.

5. Unless otherwise authorized by the Planning, Resources and Public Works Director, grading, excavation, and trenching activities shall be completed after April 1 and prior to November 1<sup>st</sup> 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 1<sup>st</sup> of each year. Engineered grading plans shall be submitted to the Planning, Resources and Public Works Department concurrent with the Final Subdivision Map.
6. 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.
7. Electrical transformers serving the property may be located in the front yards and shall be screened from public view with landscaping or other effective means as approved by the Planning, Resources and Public Works Director, in cooperation with affected service providers.

## **CONDITIONS OF APPROVAL PRIOR TO RECORDING THE FINAL SUBDIVISION MAP**

### **Planning**

8. Except as otherwise provided in the Development Agreement for the E. Parker Project at Section 3.11, the Final Subdivision Map shall be prepared and recorded within 2 years of approval of Tentative Subdivision Map #4755 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 Subdivision Map thereof is in full compliance and has been filed for recordation by the County Clerk Recorder of Yolo County.
9. The Final Subdivision 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.
10. At the time of filing the Final Subdivision Map for recordation, fee title dedication of the detention basin, tot lot, bicycle/pedestrian path and slough channel portions of the subdivision and public landscape easements shall be granted to the County. The developer shall provide improvements to these locations as provided herein. Language conveying these portions of the subdivision shall be shown on the Final Subdivision Map and accepted prior to recordation.
11. Prior to Final Subdivision Map approval, 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 guarantee for the cost of public improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code.
12. To comply with the adopted Inclusionary Housing Ordinance, the developer must construct 13 affordable units (7 moderate units and 6 low income units) out of the planned 62 units. The Inclusionary Housing Agreement signed by the developer prior to approval of Tentative Subdivision Map #4755 shall be recorded after the Final Subdivision Map is approved.

13. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of Swainson's hawk habitat per Condition of Approval (COA) # 63, below.
14. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of agricultural land per COA # 61, below.
18. Prior to Final Subdivision Map approval, the developer shall receive approval from the Local Agency Formation Commission (LAFCO) for annexation of the subject property into the Esparto Community Services District (ECSD) for provision of street lighting, water supply and wastewater collection, treatment and disposal.
19. The Final Subdivision Map 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 as to form by the County Counsel and shall be to the satisfaction of the Planning, Resources and Public Works Director.
20. The Lamb Valley Slough channel within the subdivision shall be designed and improved to convey its 100-year stormwater flows (approximately 1,400 cubic feet per second as determined by Wood Rodgers in its recent drainage study). Prior to Final Subdivision Map approval, a detailed Lamb Valley Slough Channel Improvement Plan shall be submitted with the engineered improvement plans for review and approval by the Planning, Resources and Public Works Director. This detailed improvement plan shall be substantially consistent with the cross section of Lamb Valley Slough shown on Tentative Subdivision Map #4755. The access road for maintenance purposes on top of the south bank of the improved Lamb Valley Slough shall be aggregate base, 10 feet wide. Bollards shall be installed on each end of the access road to limit unauthorized vehicular access. The access road shall also serve as a pedestrian trail, with two access points, one off Adan Street and the other between Lots 8 and 9 from the tot lot on Parcel A. The access along the south levee slope shall be an aggregate base path, 3 feet wide with the slope in any direction not to exceed 5% maximum running slope and 2% maximum cross slope. The rear fences for the lots backing up to the slough shall be of open tubular steel design like in the Lopez subdivision along its detention basin in order to provide added security. The 10 foot wide maintenance path at the bottom of the south levee shall be seeded with native grasses and free of obstructions. The improvement plan shall include signage to warn the public to stay out of the slough in particular during periods when water is present. Yolo County shall be a co-applicant for the state and federal permits necessary to complete these improvements to Lamb Valley Slough. Trees planted in the public spaces may be a mix of native evergreen and deciduous trees, chosen from the County's approved native plant list in the *Parks and Open Space Master Plan*, with the exception that the detention basin trees will be all evergreen. The detention basin shall be seeded with native grasses.
21. Prior to Final Subdivision Map approval, a detailed Landscape Improvement Plan shall be submitted for review and approval by the Planning, Resources and Public Works Director. This detailed improvement plan shall be substantially consistent with the E. Parker Subdivision Conceptual Landscape Development Plan by Wood Rodgers dated June, 2007. The improvement plan shall include landscape, irrigation, walking and bicycle paths, and tot lot improvements and equipment specifications on the public portions of the subdivision (detention basin, tot lot, paths and street right of way), and front yard landscape and irrigation specifications. The County landscape easement along State Route 16 shall be a minimum of 10 feet in width. The Landscape Improvement Plan shall propose appropriate architectural and landscaping details for a prominent gateway including acoustic redwood fence; planting strips; and relocation of the existing gateway signage to the detention basin

frontage.

To provide a street canopy, a minimum of one 15 gallon tree in the planter strip between the sidewalk and the street in front of each dwelling (street tree) and one in the front yard (accent tree) shall be provided. The tree in the front planter strip shall be installed with a 2 feet deep, 10 feet long root barrier. Trees, landscaping and irrigation systems for the front yard of a lot consistent with the approved improvement plan shall be installed prior to the issuance of a final occupancy certificate for that residence. The landscaping plan shall emphasize the use of low-maintenance, drought-tolerant species and shall conform with the County landscaping standards (including the approved tree list) and State Water Efficiency Landscape Ordinance, with the provision that the detention basin trees will be evergreen as required by the Esparto Design Review Guidelines (Appendix A of the updated 2007 Esparto General Plan). No more than 25 percent of the front yards, including the landscape strip between the street and sidewalk, shall be covered in sod.

22. The developer shall submit comply at all times with the Best Management Practices of the Sacramento-Yolo Mosquito and Vector Control District, which may include but not be limited to the following. These BMPs shall be incorporated into all improvement plans to the satisfaction of the Planning and Public Works Director.
  - a. Trenches, basins, and swales shall be designed and 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.
  - b. The bottom of trenches, basins, and swales shall be free of depressions (i.e., tire ruts) in order to limit standing water within the structure.
  - c. Vegetation shall be kept below a maximum height of four inches (4"). Vegetation management shall be performed regularly to remove excessive vegetation from trenches and swales. Grass clippings and other debris shall be removed promptly.
  - d. The detention basin shall be adequately sloped to allow positive drainage from inlet to outlet. Water depth within the basin shall not exceed four feet (4') to discourage emergent vegetation. Side slopes of the basin shall not be steeper than 3:1 (horizontal:vertical).
  - e. Storm water conveyance systems shall be constructed to allow for a continuous flow of water. Drains shall be designed with sufficiently sloped sides to allow adequate drainage without standing water. Drains shall be cleaned annually of emergent vegetation and other debris to prevent water blockage and the creation of mosquito breeding habitat.
23. The developer and construction contractor(s) shall develop a construction management plan for review and approval by the Planning and Public Works Director. The plan shall include at least the following items and requirements to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction:
  - a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.

- b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on State Route 16 through the town of Esparto.
  - c. Notification procedures for public safety personnel and affected property owners regarding when major deliveries, detours, and lane closures would occur. Affected property owners include all properties where access will be impacted by construction, deliveries, or detours.
  - d. Provisions for accommodation of bicycle flow, particularly along State Route 16.
  - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
24. Prior to the initiation of ground-disturbing activities, the developer shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.

If human remains are found in the course of any earthmoving activities, the County Coroner must be contacted and work must stop to ensure that the area is not further disturbed. If the remains are determined to be of Native American origin, the State Native American Heritage Commission will be contacted and no further excavation or disturbance of the site can occur until the process set forth in Public Resources Code, Section 5097.98 is implemented.

The Public Resources Code, Section 5097.98 requires that upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally-accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendant(s) regarding their recommendations as prescribed in this section and, if applicable, has taken into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendents regarding the descendents' preferences for treatment.

The descendents' preferences for treatment may include: preservation of Native American human remains and associated items in place, the nondestructive removal and analysis of human remains and items associated with Native American human remains, relinquishment of Native American human remains and associated items to the descendents for treatment, or other culturally appropriate treatment. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section are located in the project area and to provide a basis for additional treatment measures.

## **Public Works**

25. The Final Subdivision Map shall be submitted to the Planning, Resources and Public Works Department for review and approval 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. An electronic version of the Final Subdivision Map shall be submitted following approval.
26. All roads shown on the Final Subdivision Map shall be dedicated to Yolo County, or conveyed to the State, as appropriate. The right of way widths dedicated or conveyed shall be as shown on Tentative Subdivision Map #4755, unless modified in order to provide for the road widths and frontage improvements required by these conditions, as determined necessary by the Planning, Resources and Public Works Department Director.
27. 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 Planning, Resources and Public Works Director. Final improvement plans and as-built drawings shall be submitted on 24" x 36" Mylar sheets.
28. Prior to Final Subdivision Map approval, the developer shall submit complete engineered grading and drainage plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Lots shall drain to the street. At a minimum, the finish slab elevation shall be no less than 12 inches plus 2 percent average front yard slope above the top of the back of the sidewalk or curb elevation. The drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Planning, Resources and Public Works Director prior to Final Subdivision Map approval.
29. Prior to Final Subdivision Map approval, engineered street improvement plans shall be submitted to the Planning Resource and Public Works Director for approval. The improvement plans shall detail road improvements on residential streets to Class "A" standards with vertical curbs, gutters, ADA accessible sidewalks, and driveways. Curb, gutter and sidewalk are not required by the County along State Route 16. All new and reconstructed residential streets shall be designed with a Traffic Index of 7, and shall have minimum 4-inch thick asphalt concrete surfacing. Improvements in the State Route 16 right of way shall be to Class A standards and meet Caltrans requirements.

The developer has agreed to construct circulation improvements at a cost that is more than its fair share based on its percentage of cumulative traffic, per Section 4.01.02 of the Development Agreement for the E. Parker Project. The improvement plans shall detail the improvements required by Caltrans in its encroachment permit to be constructed within the State Route 16 right of way for the north County Road 86A access for the subdivision. Subject to approval by Caltrans in its encroachment permit and to the extent not already completed by Caltrans (or other developers through an encroachment permit), the developer shall construct the following improvements in State Route 16 right of way at the County Road 86A intersection: left turn lane on westbound State Route 16, left turn lane on eastbound State Route 16, tapered right turn lane on westbound State Route 16 into the subdivision, 8-foot paved shoulder and earthen drainage swale on north side of highway (curb, gutter, underground drainage pipe and sidewalk not required), and electrical and other signal related conduit installed in the repaved and new pavement areas for a future traffic signal.

Landscape consistent with the approved Landscape Improvement Plan in COA #21,

above, shall be installed within a County easement between the north side of the drainage swale and the rear lots and south side of the detention basin adjoining the highway. Developer shall be partially reimbursed for those improvements it constructs within the State Route 16 right of way by developers of properties on the south side of the intersection or by other near term development that benefit from this signalized intersection, as provided in Section 4.01.02 of the Development Agreement for the E. Parker Project. These developers shall be responsible for all additional improvements required to signalize the intersection, as provided in that section

The improvement plans for the E. Parker Subdivision shall also detail the improvements necessary to extend Alpha Street from Plainfield Street to State Route 16 and the improvements on State Route 16 for right turn in and out access. If the Story Subdivision (Tentative Subdivision Map No. 4691) is already under construction at the time the Final Subdivision Map for the E. Parker Subdivision is approved, then the Alpha Street extension shall be constructed with the E. Parker Subdivision, and reimbursed by other near term development as provided for in Section 4.01.02 of the Development Agreement for the E. Parker Project. If the Story Subdivision is not already under construction, then the E. Parker developer shall construct as a secondary access a 24 foot wide road section from Adan Street to State Route 16 for right turn in and out access at the highway, and the Story developer shall be responsible for remaining construction of the full Alpha Street extension; i.e., from Plainfield Street across Lamb Valley Slough to the north end of Adan Street, the remaining improvements from Adan Street to State Route 16, and any State Route 16 improvements not required for the secondary access to the E. Parker Subdivision.

The improvement plans shall detail the scope of improvements on State Route 16 for the right turn in and out required for the interim secondary access. The improvement plans shall be reviewed and approved by the Planning, Resources and Public Works Director prior to Final Subdivision Map approval for the E. Parker subdivision. Each developer shall bond for the Alpha Street extension improvements it is responsible to construct.

Evidence of the necessary encroachment permits from Caltrans for work in the State Route 16 right of way to be completed with this subdivision shall be submitted prior to Final Subdivision Map approval.

The E. Parker Developer's obligations with respect to these circulation improvements are further described in the Development Agreement for the E. Parker Project at Section 4.01.02. and in COA 63.

30. Improvement plans shall detail barricades and chain link fencing at the west end of Adan Street in the subdivision, to restrict access to the adjacent property, to the satisfaction of the Planning, Resources and Public Works Director.
31. Prior to Final Subdivision Map approval, an engineered drainage analysis shall be submitted to the Planning, Resources and Public Works Department demonstrating that stormwater drainage and control features on the project site are designed so that the peak stormwater flows in the 10-year and 100-year, 24-hour storm event are detained on site and do not increase stormwater flow rate during these events downstream of the project. The Base Flood Elevation (BFE) for the E. Parker Subdivision is to be established from the existing Flood Insurance Rate Map (FIRM) No. 060423 0359C and No. 060423 0367B utilizing the map referenced bench marks correlated to the project vertical datum. From the mapped Flood Zone A boundary, elevations shall be established along the boundary and house pad elevations determined with finish floor elevations designed to be a minimum of 1.0 feet above the BFE. Other factors will be considered such as existing and future elevations of State Highway 16 which may influence flood depths from overland flow.



32. Prior to Final Subdivision Map approval, a Joint Utility Trench Plan shall be submitted with the engineered improvement plans for review and approval by the Planning, Resources and Public Works Director. 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.
33. Prior to Final Subdivision Map approval, a Detention Pond Improvement Plan shall be submitted for review and approval by the Planning, Resources and Public Works Director. This detailed improvement plan shall be substantially consistent with the detention pond design in Tentative Subdivision Map #4755. The improvement plan shall indicate headwalls and erosion protection measures where the stormdrain pipe empties into the detention basin. The detention basin shall be seeded with an appropriate grass seed mixture to reduce erosion and shall be landscaped consistent with the detailed Landscape Improvement Plan.

### **Esparto Community Service District**

34. Prior to Final Subdivision Map approval, the developer shall obtain approval from the Esparto Community Services District (ECSD) for its water and sewer facilities shown on the improvement plans. ECSD approval shall be noted on signature blocks on the improvement plans. The sewer and water service improvement plans shall be consistent with the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement," signed between Emerald Homes LT, LLC and the ECSD, dated August 9, 2006. Fees shall be paid to the District for Final Subdivision Map processing and review of the improvement plans for compliance with District standards in accordance with the existing ordinance.
35. The developer shall furnish, install and pay all costs for water and sewer service connections and extensions to the existing lateral lines designed and constructed in accordance with ECSD standards and approved by the ECSD General Manager, as outlined in the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement." Wastewater and water hookup fees shall be paid to the ECSD at the time of building permits are issued. Services shall not be provided until fees are paid in full.
36. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with ECSD standards and approved by the ECSD General Manager, as well as in accordance with the County Improvement Standards and Specifications minimum requirements. Street light model, locations and specifications shall be shown on the improvement plans and approved by the County and the ECSD prior to approval of the Final Subdivision Map. The type of street light installed shall be of attractive residential design. The developer shall furnish, install and pay all costs for street lights constructed at the required intervals to the satisfaction of ECSD and the County of Yolo.
37. Each dwelling shall be provided with a fire sprinkler system. Public water line connections for each dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe diameter of either 1.25 inches or 1.5 inches as required by the ECSD.

### **Esparto Fire Protection District**

38. The developer shall furnish, install and pay all costs for fire hydrants, valves and boxes required by the Esparto Fire Protection District. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be approved by the Chief of the Esparto Fire Protection District prior to the issuance of building permits.

## **Madison Esparto Regional County Service Area**

39. The Madison Esparto Regional County Service Area (MERCSA) shall maintain the detention pond, walking and bicycle paths, and tot lot improvements within the subdivision, as well as the irrigation system and landscaping along State Route 16. The Yolo County Flood Control District will be responsible for maintenance of the improved Lamb Valley Slough channel, including the access road/trail at the top of the south levee. The existing MERCSA fee of \$120 annually per resident is not adequate. The County shall sponsor a Prop 218 vote to establish new fees within the existing MERCSA and/or establish a new Zone of Benefit fee assessment, or revise the existing Zone of Benefit fees, that shall apply once these improvements are accepted by the County. The developer shall cooperate in the establishment of a new fee assessment that fully meets the funding requirements of MERCSA to maintain these public improvements in the subdivision. The developer shall be responsible for their maintenance prior to acceptance.

## **CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS**

### **Planned Development Sixty (PD-60) Architectural Requirements**

40. In order to achieve architectural diversity, a minimum of 4 different models with 3 different elevations shall be provided. The final building plans and elevations shall be reviewed and approved by the Planning, Resources and Public Works Director and shall comply with the architectural requirements described below in the planned development conditions. The final building plans and elevations shall be substantially consistent with the conceptual plans for the models, elevations and floor plans as shown on **Attachment D** (Plan 135.1364— inclusionary unit, Plan 140.1647, Plan 140.1842 and Plan 235.1979), unless the Planning, Resources and Public Works Director approves alternative models, plans, square footage and/or elevations submitted by the developer and determines them to be in substantial compliance with the Esparto Design Review Guidelines (Appendix A of the updated 2007 Esparto General Plan) to the extent feasible. The plans shown on Attachment D are in compliance with the Esparto Design Review Guidelines.
41. Each dwelling shall be provided with a minimum of 2 enclosed off-street parking spaces, with the exception of the inclusionary units which will have one enclosed off-street parking space. The driveways shall be concrete and have a minimum width of 16 feet, with the exception of the inclusionary units which shall have a minimum width of 10.5 feet. The driveways shall have a minimum length of 18 feet.
42. The building setback and coverage requirements for the homes in the subdivision shall be as set forth in the Planned Development Sixty (PD-60) Ordinance.
43. Each house shall include a front entry walkway, 2 feet in width, from the front door to the street. That walkway may include steps and is in addition to any walkway from the door to the driveway.
44. Exterior colors shall be comparable to existing residential units in Esparto. The houses are stucco with alternative materials for the front elevations (stone, wood or brick) offered as an option at buyer's additional cost. The use of alternative front materials shall not end immediately at the street corner of corner lot houses, to avoid the visual effect on that corner if the front materials were stopped at front edge of the house. Front walls facing the street shall have at least three different wall lines, excluding the garage.

45. No two adjoining houses shall have the same elevation.
46. The front setbacks of all houses shall be staggered through dispersal, to the extent feasible, of one and two story homes and by adjusting the front setbacks of two story homes when side by side, with the staggering and dispersal proposed by the developer subject to approval of the Planning, Resources and Public Works Director.
47. The minimum roof pitches shall be 5 feet vertical to 12 feet horizontal.
48. The southern orientation of roof surfaces of all dwellings shall have electrical conduit stubs installed, 2 spaces for photovoltaic circuits on the electrical panel, and relocation of roof vents where feasible to accommodate solar energy equipment.
49. All homes shall be equipped with energy efficient appliances, low-e windows and water efficient fixtures. Each home shall be constructed to meet PG&E's "energy star" standards, which at the time of Tentative Subdivision Map approval, were 15% above the minimum Title 24 requirements. The developer also will offer, as an extra feature on each home at buyer's additional cost, solar panels on the rear side of the roof and related piping and heating improvements. The developer shall provide confirmation acceptable to the Planning, Resources and Public Works Department that the features described above will be available in each home prior to the issuance of the first building permit.
50. See Section 4.01.02.C of the Development Agreement for the E. Parker Project for the visitability/universal design features agreed to by the Developer.
51. No fireplaces or woodstoves shall be allowed in any of the homes, with the exception of fireplace inserts approved the U.S. Environmental Protection Agency.
52. All homes shall have a minimum 4-foot high (maximum 7-foot high, upon approval of a building permit) "good neighbor" wood fence in rear and side yards and may include a 3-foot fence in the front yard, except those fences adjacent to public areas subject to the following fencing requirements; (i) the rear yard fences along State Route 16 shall be redwood and of a noise attenuation and durable design subject to review and approval of the Planning, Resources and Public Works Director and (ii) the rear yard fences across from the detention basin and Lamb Valley Slough shall be black tubular steel design (open fencing) similar to the Lopez subdivision to provide added security in the adjoining open areas. Any fence in the front yard shall be no more than 3-foot high.
53. Each dwelling shall display address numbers in accordance with Section 8.1706 of the County Code prior to issuance of occupancy permits. Signage within the development shall be in accordance with section 8-2.2406 of the Yolo County Code.

#### **Other Planning Conditions**

54. 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.
55. 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 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) 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 should be prohibited within driplines of trees to be retained. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.
  - (d) Should any oak trees over 6-inches in diameter at breast height 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).
56. The developer shall pay all fees required by other agencies or jurisdictions prior to building permit issuance, final inspection or issuance of a certificate of occupancy (e.g., Esparto Unified School District fees, Esparto Fire District fees, and Esparto Community Service District fees).
57. The developer shall pay a per unit fee to the County for park and recreation facilities in the amount of \$2,150 at the time a building permit is issued. The cost of developing the tot lot, pedestrian and bicycle paths and the passive recreational use of the detention basin on the public portions of the subdivision may be an offset against payment of the per unit fees, up to a maximum waiver of 75 percent of the total fees for the project.

### **Building**

58. The developer 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, Resources and Public Works Department prior to issuance of building permits.
59. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Significant noise-generating construction equipment shall be shielded by noise-attenuating buffers such as structures or truck trailers when within 100 feet of adjacent occupied residences.
60. Encroachment permits shall be obtained from the Planning, Resources and Public Works Department prior to any work within the County right-of-way.

### **Mitigation Measures**

The following Mitigation Measures provide the equivalent or better mitigation than the draft measures identified in the Initial Study (**Attachment E**) and **Attachment F** of the Planning Commission staff report (Errata and Revisions to Mitigated Negative Declaration) for the project and are added as project approval conditions:

61. Yolo County has initiated a zoning ordinance amendment that would require mitigation for any farmland loss, regardless of whether the land is included in an existing plan and designated for growth. The following proposed amendment to Sec. 8-2.2416 of the zoning ordinance (Agricultural Land Conversion) shall be applied to the project as follows:

1. Requirements. Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change, permit, or other discretionary or ministerial approval by the County. A minimum of two (2) acres of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use (2:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable; and public uses such as parks, schools, and cultural institutions.

The proposed project is eligible to pay an in-lieu agricultural mitigation fee, or to dedicate a suitable conservation easement to mitigate for loss of agricultural land, as determined by the County, at a ratio of 1:1 (a higher ratio in the draft ordinance is not applicable to this subdivision). The fee established by the County will be approximately \$5,525 per acre.

62. The project shall be required to reduce air quality impacts by incorporating trip reduction measures and specific design features into the project, and/or adopting other measures that are recommended by the Yolo Solano Air Quality Management District (YSAQMD). Construction activities on the site shall incorporate the standard PM10 dust suppression requirements recommended by the YSAQMD, including:

- Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- Ground cover shall be reestablished in disturbed areas quickly.
- Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

The project shall incorporate the standard NOx reduction requirements recommended by the YSAQMD, including:

- To the extent that equipment and technology is available and cost effective, the applicant shall encourage contractors to use catalyst and filtration technologies;
- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required; and
- District Rule 2.3 requires controlling visible emissions not exceeding 40% opacity for more than three minutes in any one-hour.

In addition, the project shall comply with the following Esparto General Plan policy: Any new residential projects with wood burning appliances shall use only pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or gas fireplaces; installation of open hearth wood burning fireplaces shall be prohibited.

63. As mitigation for the loss of Swainson's hawk foraging habitat and otherwise provide for protection of interested protected bird species:
- (a) The project shall be required to pay a fee of \$8,660 per acre to the Yolo County Joint Powers Agency or with written approval of the CDFG and subject to its conditions, secure a conservation easement over Swainson's hawk foraging habitat, along with appropriate enhancement and management funds, as provided for in the "Agreement Regarding Mitigation for Impacts To Swainson's Hawk Foraging Habitat in Yolo County."
  - (b) Prior to any site preparation or construction activity, the developer shall protect raptor nesting habitat as described in this mitigation measure. All surveys shall be submitted to the Yolo County Planning, Resources and Public Works Department for review.
  - (c) Prior to any site preparation or construction activity in both the breeding and nonbreeding season, the developer shall conduct burrowing owl surveys in conformance with CDFG burrowing owl recommendations (CDFG, 1995). If burrowing owls are detected during preconstruction surveys, the developer shall implement the following mitigation measures, consistent with CDFG recommendations:
    - (1) Avoid occupied burrows during the burrowing owl breeding season, February 1 through August 31.
    - (2) 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 developer must provide compensation for loss of burrows per CDFG standards.
  - (d) The developer shall make very effort to 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 developer shall conduct preconstruction surveys as described in (e), below.
  - (e) For construction that will occur between March 15 and September 15 of any given year, the developer shall conduct a minimum of two preconstruction surveys for (a) suitable nesting habitat within one-half mile of the project site for Swainson's hawk; (b) within 500 feet of the project site for tree-nesting raptors and northern harriers; and (c) within 165 feet of the project site for burrowing owls prior to construction. 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 (f), below.
  - (f) If nesting raptors are recorded within their respective buffers, the applicant shall

adhere to the following buffers:

(1) Maintain a 1/4-mile buffer around Swainson's hawk nests, a 500-foot buffer around other active raptor nests, and 165 feet around active burrowing owl burrows. These buffers may be reduced in consultation with CDFG; however, no construction activities shall be permitted within these buffers except as described in (2), below.

(2) 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.

(g) Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999).

64. (a) The applicant shall prepare and submit detailed engineering plans for the crossing over the slough at Alpha Street, to the County Planning, Resources and Public Works Department for review and approval prior to submission to the regulatory agencies. The plans shall include an off-site Wetland and Riparian Corridor Mitigation Plan. Specific actions to preserve and enhance existing riparian and wetland habitat in and along Lamb Valley Slough are prevented by the need for flood protection and maintenance and therefore not required pursuant to Policy E-R.9 of the 2007 Esparto General Plan. The improved channel as shown in the cross section on Tentative Subdivision Map #4755 must remain clear and unobstructed in order contain the 100-year flood event (determined by Wood Rodgers to be 1,400 cfs). The levee slopes must be kept free of tree and bush roots for stability. The maintenance paths must be clear of obstructions. If any jurisdictional wetlands are affected by construction, appropriate mitigation such as creation of similar habitat off-site at a ratio of 1:1 or greater, shall be proposed in the Wetland and Riparian Corridor Mitigation Plan, as required by the regulatory agencies.

(b) The applicant shall prepare and submit the detailed engineering plans, and the Wetland and Riparian Corridor Mitigation Plan, for the above bridge improvements, to the appropriate regulatory agencies for review and approval. The County will submit applications along with the developer to receive needed permits. Permits that would be required may include, but may not be limited to: U.S. Army Corps of Engineers ("fill" permit under the provisions of Section 404 of the Federal Clean Water Act); and California Department of Fish and Game (Streambed Alteration permit under the provisions of Section 1600-1607 of the California Fish and Game Code).

65. (a) The applicant shall be required to raise all residences out of the 100-year flood hazard area by elevating the pads of the individual homes so that the finished floor elevations would be one foot above the flood level.
- (b) The applicant shall be required to dedicate an approximate 82 to 87-foot easement along the south levee of Lamb Valley Slough and complete improvements in the Lamb Valley Slough Improvement Plan, which is consistent with any long term plans to provide a regional drainage system in the Esparto community in the future.
66. (a) To improve the level of service (LOS) to acceptable levels at the Plainfield Street/Yolo Avenue intersection in the near term (year 2010), the proposed project shall contribute a fair-share towards the cost of constructing an additional crossing of the Lamb Valley Slough which will reduce traffic volumes at the Plainfield Street/Yolo Avenue intersection. The project's fair share contribution percentage shall be based on the project's contribution to peak hour vehicle trips in the cumulative scenario of 2030 buildout under the 2007 Esparto General Plan.
- (b) The combination of additional through traffic on SR 16 from the three residential projects under the existing General Plan along with the new connection proposed to the E. Parker residential subdivision would also affect the intersection at SR 16/County Road 86A, causing the LOS to degrade from LOS C to LOS E. The ultimate improvement at the SR 16/County Road 86A intersection will require a traffic signal, as determined by Caltrans and Yolo County. Under near-term (year 2010) conditions, a traffic signal is not warranted at this intersection based on Caltrans' peak hour volume warrant. However, a traffic signal is warranted under future year conditions. The project's fair share contribution to the signal shall be based on the project's contribution to peak hour vehicle trips in the cumulative scenario of 2030 buildout under the 2007 Esparto General Plan.

### **ONGOING**

67. The 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.

68. 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.



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Chair Peart called a five-minute break.

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7.4 **2004-015:** A Tentative Subdivision Map (Story) to divide a 16.2 acre parcel into 78 single-family lots, plus a detention basin, in the Single Family Residential/Planned Development (R-1/PD) Zone. The property is located south of County Road 20X, between County Road 87 and Alpha Street, in Esparto (APN: 049-250-01, -05, and -06). A Mitigated Negative Declaration has been prepared for this project. Owner/applicant: Emerald Homes (E. Parfrey)

Eric Parfrey presented the staff report and answered questions from the commission. He gave an overview of the Story subdivision and said that the project elevations are similar to the Parker subdivision. Mr. Parfrey called attention to the proposed improvements as a part of the Parker subdivision. He said the timing of the improvements, specifically to Alpha Street as listed in the development agreement, is dependent on which of the subdivisions, Parker or Story, is built first. The community benefits are the same as in the Parker subdivision. Mr. Parfrey said the references to the landscaping in the development agreements for all of the subdivisions are consistent with the Parks Master Plan. The Esparto Design Guidelines asked for limited use of evergreens in the detention basin.

Commissioner Merwin asked why Durst Place is not aligned with the other streets, north and south.

Mr. Parfrey said there is a land-locked parcel owned by Ray Burton. There are other parcels that have limited access, contributing to the irregular shape of the Durst property.

Commissioner Kimball asked what the buffer is between the back of the houses and the ag field.

Mr. Parfrey said the distance is 100 feet, which meets the ag buffer requirement in the Esparto General Plan. He said a staff member from the Ag Commission raised the issue regarding a requirement for a buffer of more than 100 feet for farmers spraying crops. Staff responded that the development would be lost if a 500 foot buffer was required. The Esparto General Plan is not consistent with the ag commission's requirements in terms of an ag buffer.

Chair Peart opened the public hearing.

Mark Armstrong, applicant for Emerald Homes, said the irregular shape of the Durst place was taken into account in the circulation design and was used to calm traffic and create pedestrian/bike path crossings. He said in regards to the issue of spraying of pesticides, they have complied with the 100-foot buffer, as required.

Commissioner Kimball asked if there screening would be provided between landlocked areas and the residents.

Mr. Armstrong said that they are installing a fence, but that the County could require screening if the commercial use property is developed.

Ron Voss, Chair of the ECAC and resident of Esparto, thanked and complimented Emerald Homes on being open to the ideas presented by the ECAC. He also thanked Mr. Parfrey for the thorough

and professional work on the subdivisions. He said he was concerned about Condition of Approval No. 57 regarding the offset of up to 75% of the park fees for the developers due to the improvements they are making. He said he has asked staff to review and change the fee, with no response. He said the ECAC has not had an opportunity to provide community input on establishing a new fee. He said the County has not provided the ECAC with an accounting of money that is supposed to be accumulating for a new park. He said more than one-half of the funds have been spent on maintenance of other areas, such as detention basins, which are not suitable for parks.

Seth Merewitz, representing John Deterding, said his client is in favor of the Story project with the understanding with staff and the applicant that Conditions of Approval Nos. 28 and 65, Mitigation Measure No. 6, and Section 4.01.02 of the Development Agreement will be addressed and resolved before going to the Board of Supervisors.

Chair Peart closed the public hearing.

Chair Peart re-opened the public hearing.

Mark Armstrong wanted to reiterate that the park fee and credit might change. However, when the subdivision application was accepted as complete, the fee was set at \$2,150 per unit. We have included other issues to provide community recreation benefits, such as the tot lot and the walkways around the detention basins.

Mr. Morrison said approximately \$190,000 was being held for parks in Esparto from previously paid fees. Detention basins could be designed differently, but staff believes that with landscaping the basins can also serve as recreational facilities. This is the reason in the past for allowing improvements to be credited against the park fees.

Commissioner Kimball asked if the park fees were for development and maintenance of recreation facilities.

Mr. Morrison said the fees can only used for development, not maintenance. Developers have been given credits against the fees for landscaping detention basins and bike paths. None of the monies that have been received from the park fees has been expended to date.

Chair Peart closed the public hearing.

Commissioner Bertolero said the impacts of the Story project are similar to the Parker subdivision, with the exception of the buffer as the property is next to ag land. He said it is inconvenient to the farmer to have only a 100-foot buffer, but it is workable. He said it was good to have staff, the applicants and the community work out so many of the issues prior to coming for the Planning Commission.

Commissioner Kimball said she is not sure why the ECAC General Plan only requires a 100-foot buffer. She said she would prefer a greater buffer. She said the difficulty of new homeowners is that they do not understand agriculture. She thanked everyone for the work on this project.

Commissioner Cameron said she was very uncomfortable with the 100-foot buffer, as this hurts the farmer. She said she does not understand the discrepancy between the Ag Commissioner's requirement of 500 feet and Esparto's General Plan of 100 feet.

Commissioner Winters he is very excited about the visitability standards that are being included with

the project. In regards to the buffer, he said he understood the impact to the developer if the buffer were larger, especially in terms of amenities being offered to the community. He said he is ready to move forward.

Commissioner Merwin said he is concerned with the ag buffer, and concurs with his fellow commissioners. He said in the future that staff needs to look more closely at this issue in future developments. He said he supported the project.

Chair Peart said he concurred with his fellow commissioners regarding the ag buffer, especially with a high school parcel next to an ag property. He said he would like to look at this more closely in the

future. He said it is not the job of the Planning Commission to change park fees and appreciated Mr. Voss' passion regarding these fees.

Commissioner Bertolero asked if the applicant has agreed to all of the conditions of approval on Attachment J.

Chair Peart re-opened the public hearing.

Mark Armstrong said the applicant agreed to all of the conditions of approval with the exception of those mentioned which they expect to resolve. He also mentioned Condition of Approval No. 19, a right to farm ordinance, included in the subdivision as a measure to mitigate complaints as a supplement to the ag buffer.

Commissioner Kimball suggested educating new homebuyers through meetings with the ag commissioner and other community members.

Mr. Morrison said there are other residential properties near by. He said there is a partial restriction on aerial spraying as a lake is being developed by the Syar mining company that connects to the aquifer.

Mr. Voss said there has been extensive discussion of the ag buffer in the past. The fact is that if a 300-foot ag buffer is imposed on the developer, there will be no development, especially in a small community like Esparto.

Mike Goodin said he agreed with Mr. Voss regarding the 100-foot buffer. He said they wanted to leave the door open for development, unless adjoining property owners were willing to negotiate.

Seth Merewitz said he believed the wording regarding buffers states that the minimum buffer would be 100 feet unless otherwise negotiated by adjacent property owners.

Chair Peart closed the public hearing.

### **Commission Action**

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

1. **HOLD** a public hearing and receive public comments;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment E**) prepared for the Tentative Subdivision Map (TSM #4691), and the Errata and Revisions to the Initial Study/Mitigated Negative Declaration (**Attachment F**), as the appropriate level of environmental review in

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

3. **ADOPT** the Mitigation Monitoring and Reporting Plan implementing and monitoring all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment G**);
4. **ADOPT** the recommended Findings (**Attachment H**) for approval of the Tentative Subdivision Map #4691;
5. **APPROVE** the draft Development Agreement (**Attachment I**); and
6. **APPROVE** the Tentative Subdivision Map #4691 in accordance with the Conditions of Approval (**Attachment J**).

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

## **CONDITIONS OF APPROVAL**

### **GENERAL CONDITIONS OF APPROVAL**

1. This project is approved for a 78 lot single-family subdivision, Tentative Subdivision Map #4691 as shown in **Attachment B** and as conditioned by these conditions of approval and mitigation measures (Story Subdivision). Any modification to the approved plans, extent or manner of operation of the subdivision shall be submitted for review and approval by the Planning, Resources and Public Works Director.
2. The developer shall be responsible for all costs associated with implementing the conditions of approval and mitigation measures contained herein. The developer shall comply with both the spirit and the intent of all applicable requirements of the Esparto General Plan, County Code, conditions of approval and mitigation measures.
3. Pursuant to Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, an environmental assessment fee (\$1,800) and County recording fee (\$50) 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.
4. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider.
5. In accordance with Section 8-1.709 of the County Code, a soils report for the project site has been prepared by a registered civil engineer (Wallace Kuhl & Associates, December 20, 2005) and shall be accepted by the County Building Official prior to the issuance of any building permits. The geotechnical report shall indicate compliance with compaction and other requirements for building pads and structures, and the recommendations shall be made a part of construction plans.

7. 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 the subject properties.
8. The 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, Resources and Public Works Department prior to the issuance of grading permits.
9. Unless otherwise authorized by the Planning, Resources and Public Works Director, grading, excavation, and trenching activities shall be completed after April 1 and prior to November 1<sup>st</sup> 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 1<sup>st</sup> of each year. Engineered grading plans shall be submitted to the Planning, Resources and Public Works Department concurrent with the Final Subdivision Map.
10. 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.
11. Electrical transformers serving the property may be located in the front yards and shall be screened from public view with landscaping or other effective means as approved by the Planning, Resources and Public Works Director, in cooperation with affected service providers.

## **CONDITIONS OF APPROVAL PRIOR TO RECORDING THE FINAL SUBDIVISION MAP**

### **Planning**

12. Except as otherwise provided in the Development Agreement for the Story Project at Section 3.11, the Final Subdivision Map shall be prepared and recorded within 2 years of approval of Tentative Subdivision Map #4691 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 Subdivision Map thereof is in full compliance and has been filed for recordation by the County Clerk Recorder of Yolo County.
13. The Final Subdivision 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.
14. At the time of filing the Final Subdivision Map for recordation, fee title dedication of the detention basin, tot lot, bicycle/pedestrian path and public landscape portions of the subdivision shall be granted to the County. The developer shall provide improvements to these locations as provided herein. Language conveying these portions of the subdivision shall be shown on the Final Subdivision Map and accepted prior to recordation.
15. Prior to Final Subdivision Map approval, 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 guarantee for the cost of public improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code.

16. To comply with the adopted Inclusionary Housing Ordinance, the developer must construct 16 affordable units (8 moderate units and 8 low income units) out of the planned 78 units. The Inclusionary Housing Agreement signed by the developer prior to approval of Tentative Subdivision Map #4691 shall be recorded after the Final Subdivision Map is approved.
17. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of Swainson's hawk habitat per Condition of Approval (COA) # 63, below.
18. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of agricultural land per COA # 61, below.
18. Prior to Final Subdivision Map approval, the developer shall receive approval from the Local Agency Formation Commission (LAFCO) for annexation of the subject property into the Esparto Community Services District (ECSO) for provision of street lighting water supply and wastewater collection, treatment and disposal.
19. The Final Subdivision Map 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 as to form by the County Counsel and shall be to the satisfaction of the Planning, Resources and Public Works Director.
20. Prior to Final Subdivision Map approval, a detailed Landscape Improvement Plan shall be submitted for review and approval by the Planning, Resources and Public Works Director. This detailed improvement plan shall be substantially consistent with the Story Subdivision Conceptual Landscape Plan by Wood Rodgers dated June, 2007. The improvement plan shall include landscape, irrigation, walking and bicycle paths, and tot lot improvements and equipment specifications on the public portions of the subdivision (detention basin, tot lot, paths and street right of way), and front yard landscape and irrigation specifications. The Landscape Improvement Plan shall propose appropriate architectural and landscaping details for the acoustic redwood fence and landscaped areas along County Road 20X, plus any other gateway features.

To provide a street canopy, a minimum of one 15 gallon tree in the planter strip between the sidewalk and the street in front of each dwelling (street tree) and one in the front yard (accent tree) shall be provided. The tree in the front planter strip shall be installed with a 2 feet deep, 10 feet long root barrier. Trees, landscaping and irrigation systems for the front yard of a lot consistent with the approved improvement plan shall be installed prior to the issuance of a final occupancy certificate for that residence. The landscaping plan shall emphasize the use of low-maintenance, drought-tolerant species and shall conform with the County landscaping standards (including the approved tree list) and State Water Efficiency Landscape Ordinance, with the provision that the detention basin trees will be evergreen as required by the Esparto Design Review Guidelines (Appendix A of the updated 2007 Esparto General Plan). No more than 25 percent of the front yards, including the landscape strip between the street and sidewalk, shall be covered in sod.

21. The developer shall submit comply at all times with the Best Management Practices of the Sacramento-Yolo Mosquito and Vector Control District, which may include but not be limited to the following. These BMPs shall be incorporated into all improvement plans to the satisfaction of the Planning and Public Works Director.

- a. Trenches, basins, and swales shall be designed and 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.
  - b. The bottom of trenches, basins, and swales shall be free of depressions (i.e., tire ruts) in order to limit standing water within the structure.
  - c. Vegetation shall be kept below a maximum height of four inches (4"). Vegetation management shall be performed regularly to remove excessive vegetation from trenches and swales. Grass clippings and other debris shall be removed promptly.
  - d. The detention basin shall be adequately sloped to allow positive drainage from inlet to outlet. Water depth within the basin shall not exceed four feet (4') to discourage emergent vegetation. Side slopes of the basin shall not be steeper than 3:1 (horizontal:vertical).
  - e. Storm water conveyance systems shall be constructed to allow for a continuous flow of water. Drains shall be designed with sufficiently sloped sides to allow adequate drainage without standing water. Drains shall be cleaned annually of emergent vegetation and other debris to prevent water blockage and the creation of mosquito breeding habitat.
22. The developer and construction contractor(s) shall develop a construction management plan for review and approval by the Planning and Public Works Director. The plan shall include at least the following items and requirements to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction:
- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
  - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on State Route 16 through the town of Esparto.
  - c. Notification procedures for public safety personnel and affected property owners regarding when major deliveries, detours, and lane closures would occur. Affected property owners include all properties where access will be impacted by construction, deliveries, or detours.
  - d. Provisions for accommodation of bicycle flow, particularly along State Route 16.
  - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
23. Prior to the initiation of ground-disturbing activities, the developer shall inform all

construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.

If human remains are found in the course of any earthmoving activities, the County Coroner must be contacted and work must stop to ensure that the area is not further disturbed. If the remains are determined to be of Native American origin, the State Native American Heritage Commission will be contacted and no further excavation or disturbance of the site can occur until the process set forth in Public Resources Code, Section 5097.98 is implemented.

The Public Resources Code, Section 5097.98 requires that upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally-accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendant(s) regarding their recommendations as prescribed in this section and, if applicable, has taken into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants regarding the descendants' preferences for treatment.

The descendants' preferences for treatment may include: preservation of Native American human remains and associated items in place, the nondestructive removal and analysis of human remains and items associated with Native American human remains, relinquishment of Native American human remains and associated items to the descendants for treatment, or other culturally appropriate treatment. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section are located in the project area and to provide a basis for additional treatment measures.

### **Public Works**

24. The Final Subdivision Map shall be submitted to the Planning, Resources and Public Works Department for review and approval 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. An electronic version of the Final Subdivision Map shall be submitted following approval.
25. All roads shown on the Final Subdivision Map shall be dedicated to Yolo County, or conveyed to the State, as appropriate. The right of way widths dedicated or conveyed shall be as shown on Tentative Subdivision Map #4691, unless modified in order to provide for the road widths and frontage improvements required by these conditions, as determined necessary by the Planning, Resources and Public Works Department Director.
26. 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 Planning, Resources and Public Works Director. Final improvement plans and as-built drawings shall be submitted on 24" x 36" Mylar sheets.



27. Prior to Final Subdivision Map approval, the developer shall submit complete engineered grading and drainage plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Lots shall drain to the street. At a minimum, the finish slab elevation shall be no less than 12 inches plus 2 percent average front yard slope above the top of the back of the sidewalk or curb elevation. The drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Planning, Resources and Public Works Director prior to Final Subdivision Map approval.
28. Prior to Final Subdivision Map approval, engineered street improvement plans shall be submitted to the Planning Resource and Public Works Director for approval. The improvement plans shall detail road improvements on residential streets to Class "A" standards with vertical curbs, gutters, ADA accessible sidewalks, and driveways. All new and reconstructed residential streets shall be designed with a Traffic Index of 7, and shall have minimum 4-inch thick asphalt concrete surfacing.

The developer has agreed to construct circulation improvements at a cost that is more than its fair share based on its percentage of cumulative traffic, as further described at Section 4.01.02 of the Development Agreement for the Story Project.

Improvement plans shall detail the off site improvements necessary to extend Alpha Street from Plainfield Street to State Route 16 and the improvements on State Route 16 for right turn in and out access, if not already approved with the final subdivision map for the E. Parker Subdivision (Tentative Subdivision Map #4755). If the E. Parker Subdivision is not already under construction at the time the Final Subdivision Map for the Story Subdivision is approved, then the Alpha Street extension shall be constructed with the Story Subdivision and completed prior to the issuance of the 50th building permit. In that circumstance, the Story developer shall be responsible for construction of the full Alpha Street extension; i.e., from Plainfield Street across Lamb Valley Slough to the north end of Adan Street, the remaining improvements from Adan Street to State Route 16, and any State Route 16 improvements. If the E. Parker Developer has not already constructed the 24-foot wide road section from Adam Street to State Route 16 for its secondary access, that segment shall be constructed by the Story developer as well.

The improvement plans for the E. Parker Subdivision shall detail the scope of improvements on State Route 16 for the right turn in and out required for the interim secondary access if it is constructed before the Story Subdivision. Those improvement plans shall be reviewed and approved by the Planning, Resources and Public Works Director prior to Final Subdivision Map approval for the Story Subdivision. Each developer shall bond for the Alpha Street extension improvements it is responsible to construct.

Evidence of the necessary encroachment permits from Caltrans for work in the State Route 16 right of way to be completed with this subdivision shall be submitted prior to Final Subdivision Map approval.

The Story Developer's obligations with respect to these circulation improvements are further described in the Development Agreement for the Story Project at Section 4.01.02.

29. The developer shall dedicate right-of-way and improve County Road 20X as shown on Tentative Subdivision Map #4691. County Road 20X would be improved with a cross-section of 61 feet (a 20.5-foot auto lane on the south side and 18-foot lane on the north side) with a five-foot planter strip and five-foot sidewalk on the south side. A landscaped open space strip would be located between the sidewalk on County Road 20X and the back of the first row of lots.

30. Improvement plans shall detail barricades and chain link fencing at the south end of Winters Street and at the east end of Ranchero Way in the subdivision, to restrict access to the adjacent properties, to the satisfaction of the Planning, Resources and Public Works Director.
31. Prior to Final Subdivision Map approval, an engineered drainage analysis shall be submitted to the Planning, Resources and Public Works Department demonstrating that stormwater drainage and control features on the project site are designed so that the peak stormwater flows in the 10-year and 100-year, 24-hour storm event are detained on site and do not increase stormwater flow rate during these events downstream of the project. The Base Flood Elevation (BFE) for the Story Subdivision is to be established from the existing Flood Insurance Rate Map (FIRM) No. 060423 0359C and No. 060423 0367B utilizing the map referenced bench marks correlated to the project vertical datum. From the mapped Flood Zone A boundary, elevations shall be established along the boundary and house pad elevations determined with finish floor elevations designed to be a minimum of 1.0 feet above the BFE. Other factors which may influence flood depths from overland flow will be considered.
32. Prior to Final Subdivision Map approval, a Joint Utility Trench Plan shall be submitted with the engineered improvement plans for review and approval by the Planning, Resources and Public Works Director. 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.
33. Prior to Final Subdivision Map approval, a Detention Pond Improvement Plan shall be submitted for review and approval by the Planning, Resources and Public Works Director. This detailed improvement plan shall be substantially consistent with the detention pond design in Tentative Subdivision Map #4691. The improvement plan shall indicate headwalls and erosion protection measures where the stormdrain pipe empties into the detention basin. The detention basin shall be seeded with an appropriate grass seed mixture to reduce erosion and shall be landscaped consistent with the detailed Landscape Improvement Plan.

#### **Esparto Community Service District**

34. Prior to Final Subdivision Map approval, the developer shall obtain approval from the Esparto Community Services District (ECSD) for its water and sewer facilities shown on the improvement plans. ECSD approval shall be noted on signature blocks on the improvement plans. The sewer and water service improvement plans shall be consistent with the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement," signed between Emerald Homes LT, LLC and the ECSD, dated August 9, 2006. Fees shall be paid to the District for Final Subdivision Map processing and review of the improvement plans for compliance with District standards in accordance with the existing ordinance.
35. The developer shall furnish, install and pay all costs for water and sewer service connections and extensions to the existing lateral lines designed and constructed in accordance with ECSD standards and approved by the ECSD General Manager, as outlined in the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement." Wastewater and water hookup fees shall be paid to the ECSD at the time of building permits are issued. Services shall not be provided until fees are paid in full.
36. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with ECSD standards and approved by the ECSD General Manager, as well as in accordance with the County Improvement Standards and Specifications minimum requirements. Street light model, locations and specifications shall be shown on the

improvement plans and approved by the County and the ECSD prior to approval of the Final Subdivision Map. The type of street light installed shall be of attractive residential design. The developer shall furnish, install and pay all costs for street lights constructed at the required intervals to the satisfaction of ECSD and the County of Yolo.

37. Each dwelling shall be provided with a fire sprinkler system. Public water line connections for each dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe diameter of either 1.25 inches or 1.5 inches as required by the ECSD.

#### **Esparto Fire Protection District**

38. The developer shall furnish, install and pay all costs for fire hydrants, valves and boxes required by the Esparto Fire Protection District. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be approved by the Chief of the Esparto Fire Protection District prior to the issuance of building permits.

#### **Madison Esparto Regional County Service Area**

39. The Madison Esparto Regional County Service Area (MERCESA) shall maintain the detention pond, walking and bicycle paths, and tot lot improvements within the subdivision, as well as the irrigation system and landscaping along County Road 20X. The existing MERCESA fee of \$120 annually per resident is not adequate. The County shall sponsor a Prop 218 vote to establish new fees within the existing MERCESA and/or establish a new Zone of Benefit fee assessment, or revise the existing Zone of Benefit fees, that shall apply once these improvements are accepted by the County. The developer shall cooperate in the establishment of a new fee assessment that fully meets the funding requirements of MERCESA to maintain these public improvements in the subdivision. The developer shall be responsible for their maintenance prior to acceptance.

### **CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS**

#### **Planned Development Sixty One (PD-61) Architectural Requirements**

40. In order to achieve architectural diversity, a minimum of 4 different models with 3 different elevations shall be provided. The final building plans and elevations shall be reviewed and approved by the Planning, Resources and Public Works Director and shall comply with the architectural requirements described below in the planned development conditions. The final building plans and elevations shall be substantially consistent with the conceptual plans for the models, elevations and floor plans as shown on **Attachment D** (Plan 135.1364—inclusionary unit, Plan 140.1647, Plan 140.1842 and Plan 235.1979), unless the Planning, Resources and Public Works Director approves alternative models, plans, square footage and/or elevations submitted by the developer and determines them to be in substantial compliance with the Esparto Design Review Guidelines (Appendix A of the updated 2007 Esparto General Plan) to the extent feasible. The plans shown on Attachment D are in compliance with the Esparto Design Review Guidelines.
41. Each dwelling shall be provided with a minimum of 2 enclosed off-street parking spaces, with the exception of the inclusionary units which will have one enclosed off-street parking space. The driveways shall be concrete and have a minimum width of 16 feet, with the exception of the inclusionary units which shall have a minimum width of 10.5 feet. The driveways shall have a minimum length of 18 feet.

42. The building setback requirements for the homes in the subdivision shall be as set forth in the Planned Development Sixty-one (PD-61) Ordinance.
43. Each house shall include a front entry walkway, 2 feet in width, from the front door to the street. That walkway may include steps and is in addition to any walkway from the door to the driveway.
44. Exterior colors shall be comparable to existing residential units in Esparto. The houses are stucco with alternative materials for the front elevations (stone, wood or brick) offered as an option at buyer's additional cost. The use of alternative front materials shall not end immediately at the street corner of corner lot houses, to avoid the visual effect on that corner if the front materials were stopped at front edge of the house. Front walls facing the street shall have at least three different wall lines, excluding the garage.
45. No two adjoining houses shall have the same elevation.
46. The front setbacks of all houses shall be staggered through dispersal, to the extent feasible, of one and two story homes and by adjusting the front setbacks of two story homes when side by side, with the staggering and dispersal proposed by the developer subject to approval of the Planning, Resources and Public Works Director.
47. The minimum roof pitches shall be 5 feet vertical to 12 feet horizontal.
48. The southern orientation of roof surfaces of all dwellings shall have electrical conduit stubs installed, 2 spaces for photovoltaic circuits on the electrical panel, and relocation of roof vents where feasible to accommodate solar energy equipment.
49. All homes shall be equipped with energy efficient appliances, low-e windows and water efficient fixtures. Each home shall be constructed to meet PG&E's "energy star" standards, which at the time of Tentative Subdivision Map approval, were 15% above the minimum Title 24 requirements. The developer also will offer, as an extra feature on each home at buyer's additional cost, solar panels on the rear side of the roof and related piping and heating improvements. The developer shall provide confirmation acceptable to the Planning, Resources and Public Works Department that the features described above will be available in each home prior to the issuance of the first building permit.
50. See Section 4.01.02.C of the Development Agreement for the Story Project for the visitability/universal design features agreed to by the Developer.
51. No fireplaces or woodstoves shall be allowed in any of the homes, with the exception of fireplace inserts approved the U.S. Environmental Protection Agency.
52. All homes shall have a minimum 4-foot high (maximum 7-foot high, upon approval of a building permit) "good neighbor" wood fence in rear and side yards and may include a 3-foot fence in the front yard, except the rear yard fences along County Road 20X shall be redwood and of a noise attenuation and durable design subject to review and approval of the Planning, Resources and Public Works Director. Any fence in the front yard shall be no more than 3-foot high.
53. Each dwelling shall display address numbers in accordance with Section 8.1706 of the County Code prior to issuance of occupancy permits. Signage within the development shall be in accordance with section 8-2.2406 of the Yolo County Code.

### **Other Planning Conditions**

54. 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.
55. 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 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) 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 should be prohibited within driplines of trees to be retained. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.
  - (d) Should any oak trees over 6-inches in diameter at breast height 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).
56. The developer shall pay all fees required by other agencies or jurisdictions prior to building permit issuance, final inspection or issuance of a certificate of occupancy (e.g., Esparto Unified School District fees, Esparto Fire District fees, and Esparto Community Service District fees).
57. The developer shall pay a per unit fee to the County for park and recreation facilities in the amount of \$2,150 at the time a building permit is issued. The cost of developing the tot lot, pedestrian and bicycle paths and the passive recreational use of the detention basin on the public portions of the subdivision may be an offset against payment of the per unit fees, up to a maximum waiver of 75 percent of the total fees for the project.

### **Building**

58. The developer 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, Resources and Public Works Department prior to issuance of building permits.
59. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Significant noise-generating construction equipment shall be shielded by noise-attenuating buffers such as structures or truck trailers when within 100 feet of adjacent occupied residences.
60. Encroachment permits shall be obtained from the Planning, Resources and Public Works Department prior to any work within the County right-of-way.

## Mitigation Measures

The following Mitigation Measures provide the equivalent or better mitigation than the draft measures identified in the Initial Study (**Attachment E**) and **Attachment F** of the Planning Commission staff report (Errata and Revisions to Mitigated Negative Declaration) for the project and are added as project approval conditions:

61. Yolo County has initiated a zoning ordinance amendment that would require mitigation for any farmland loss, regardless of whether the land is included in an existing plan and designated for growth. The following proposed amendment to Sec. 8-2.2416 of the zoning ordinance (Agricultural Land Conversion) shall be applied to the project as follows:

Requirements. Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change, permit, or other discretionary or ministerial approval by the County. A minimum of two (2) acres of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use (42:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable; and public uses such as parks, schools, and cultural institutions.

The proposed project is eligible to pay an in-lieu agricultural mitigation fee, or to dedicate a suitable conservation easement to mitigate for loss of agricultural land, as determined by the County, at a ratio of 1:1 (a higher ratio in the draft ordinance is not applicable to this subdivision). The fee established by the County will be approximately \$5,525 per acre.

62. The project shall be required to reduce air quality impacts by incorporating trip reduction measures and specific design features into the project, and/or adopting other measures that are recommended by the Yolo Solano Air Quality Management District (YSAQMD). Construction activities on the site shall incorporate the standard PM10 dust suppression requirements recommended by the YSAQMD, including:

- Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- Ground cover shall be reestablished in disturbed areas quickly.
- Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

The project shall incorporate the standard NOx reduction requirements recommended by the YSAQMD, including:

- To the extent that equipment and technology is available and cost effective, the applicant shall encourage contractors to use catalyst and filtration technologies;
- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required; and
- District Rule 2.3 requires controlling visible emissions not exceeding 40% opacity for more than three minutes in any one-hour.

In addition, the project shall comply with the following Esparto General Plan policy: Any new residential projects with wood burning appliances shall use only pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or gas fireplaces; installation of open hearth wood burning fireplaces shall be prohibited.

63. As mitigation for the loss of Swainson's hawk foraging habitat and otherwise provide for protection of interested protected bird species:

- (a) The project shall be required to pay a fee of \$8,660 per acre to the Yolo County Joint Powers Agency or with written approval of the CDFG and subject to its conditions, secure a conservation easement over Swainson's hawk foraging habitat, along with appropriate enhancement and management funds, as provided for in the "Agreement Regarding Mitigation for Impacts To Swainson's Hawk Foraging Habitat in Yolo County."
- (b) Prior to any site preparation or construction activity, the developer shall protect raptor nesting habitat as described in this mitigation measure. All surveys shall be submitted to the Yolo County Planning, Resources and Public Works Department for review.
- (c) Prior to any site preparation or construction activity in both the breeding and nonbreeding season, the developer shall conduct burrowing owl surveys in conformance with CDFG burrowing owl recommendations (CDFG, 1995). If burrowing owls are detected during preconstruction surveys, the developer shall implement the following mitigation measures, consistent with CDFG recommendations:
  - (1) Avoid occupied burrows during the burrowing owl breeding season, February 1 through August 31.
  - (2) 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 developer must provide compensation for loss of burrows per CDFG standards.
- (d) The developer shall make very effort to 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 developer shall conduct preconstruction surveys as described in (e), below.
- (e) For construction that will occur between March 15 and September 15 of any given

year, the developer shall conduct a minimum of two preconstruction surveys for (a) suitable nesting habitat within one-half mile of the project site for Swainson's hawk; (b) within 500 feet of the project site for tree-nesting raptors and northern harriers; and (c) within 165 feet of the project site for burrowing owls prior to construction. 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 (f), below.

- (f) If nesting raptors are recorded within their respective buffers, the applicant shall adhere to the following buffers:
    - (1) Maintain a 1/4-mile buffer around Swainson's hawk nests, a 500-foot buffer around other active raptor nests, and 165 feet around active burrowing owl burrows. These buffers may be reduced in consultation with CDFG; however, no construction activities shall be permitted within these buffers except as described in (2), below.
    - (2) 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.
  - (g) Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999).
64. The developer shall be required to raise all residences out of the 100-year flood hazard area by elevating the pads of the individual homes so that the finished flood elevations would be above the flood level, as provided for in COA #31, above.
65. (a) To improve the level of service (LOS) to acceptable levels at the Plainfield Street/Yolo Avenue intersection in the near term (year 2010), the proposed project shall contribute a fair-share towards the cost of constructing an additional crossing of the Lamb Valley Slough which will reduce traffic volumes at the Plainfield Street/Yolo Avenue intersection. The project's fair share contribution percentage shall be based on the project's contribution to peak hour vehicle trips in the cumulative scenario of 2030 buildout under the 2007 Esparto General Plan.
- (b) The combination of additional through traffic on SR 16 from the three residential projects under the existing General Plan along with the new connection proposed to



the E. Parker residential subdivision would also affect the intersection at SR 16/County Road 86A, causing the LOS to degrade from LOS C to LOS E. The ultimate improvement at the SR 16/County Road 86A intersection will require a traffic signal, as determined by Caltrans and Yolo County. Under near-term (year 2010) conditions, a traffic signal is not warranted at this intersection based on Caltrans' peak hour volume warrant. However, a traffic signal is warranted under future year conditions. The project's fair share contribution to the signal shall be based on the project's contribution to peak hour vehicle trips in the cumulative scenario of 2030 buildout under the 2007 Esparto General Plan.

## **ONGOING**

66. The 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.

67. 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.

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- 7.5 **2005-066:** A Tentative Subdivision Map (Capay Cottages) to divide a 3.4 acre parcel into 20 single family lots, plus a detention basin, in the Single Family Residential/Planned Development (R-1/PD) Zone. The property is located east of Alpha Street and north of Capay Street, in Esparto (APN: 049-130-32 and 049-326-01). A Mitigated Negative Declaration has been prepared for this project. Owner/applicant: Deterding (E. Parfrey)

Eric Parfrey, Principal Planner, presented the staff report and answered questions from the commissioners. He said there are twenty units proposed for 3.2 acres of land in an attempt to provide entry-level workforce housing. The developer has agreed to participate in the transportation improvements, specifically Alpha Street between Alpha Street and Grafton Street. Mr. Parfrey said the issues still outstanding are minor, including rolled curbs and fencing of the property, and he believes they will be resolved prior to going before the Board of Supervisors.

Chair Peart opened the public hearing.

Seth Merewitz, representing John Deterding, said the project is a new concept for Yolo County. He

said the community benefits include a tot-lot, detention basin, walking paths and the fair-share improvements of sidewalks and traffic improvements. He said he believes the rolled curb will allow for more green development, as well as add to the aesthetics. He said his expectation is that the issues would be worked out prior to the Board of Supervisor's meeting.

Todd Tomarraza, Laugenour & Meikle, said the rolled curb has a cleaner look and less concrete.

Ron Voss, ECAC member and resident, said the advisory committee supported the project. He said they do have a concern with the density proposed, but they are excited about the design and concept. He said there is a need for this type of housing in Esparto. He said parking is still a concern. Mr. Voss said he appreciated that Mr. Deterding has worked closely with the community.

Chair Peart closed the public hearing.

Commissioner Bertolero asked if the applicant had agreed with the conditions of approval.

Mr. Merewitz said the applicant agreed with the changes discussed and would continue to work with the other developers on the remaining issues.

Commissioner Bertolero said the more affordable housing is an asset to Esparto and contributes to the preserving of agricultural land. He thanked Mr. Parfrey for his work on the projects.

Commissioner Kimball said she had met with Mr. Deterding and was impressed with his commitment to the community of Esparto. She said she liked the rolled curbs and appreciated the community benefit funding that Mr. Deterding agreed to include. She said she still had some concerns with the 100-foot buffer.

Commissioner Cameron said she was supportive of the project and said she appreciated the design. She said she preferred the rolled curb and is comfortable with the 100-foot buffer as the adjacent property is zoned residential.

Commissioner Winters said he concurred with his fellow commissioners and supported the project for entry-level housing.

Commissioner Merwin said he supported the project and agreed with his fellow commissioners. He asked if the Commission needed to amend the conditions of approval to include the rolled curbs.

Chair Peart said he agreed with the Commissioners and would like to see the project move forward as it would provide an example of high density, affordable housing.

Mr. Parfrey summarized the changes that the applicant has agreed to in the conditions of approval. He also summarized the conditions that are still under discussion with the applicant and the other developers that would be resolved prior to the project going before the Board of Supervisors.

### **Commission Action**

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

1. **HOLD** a public hearing and receive public comments;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment E**) prepared for the Tentative Subdivision Map (TSM #4833), and the Errata and Revisions to the Initial Study/Mitigated

Negative Declaration (**Attachment F**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

3. **ADOPT** the Mitigation Monitoring and Reporting Plan implementing and monitoring all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment G**);
4. **ADOPT** the recommended Findings (**Attachment H**) for approval of the Tentative Subdivision Map #4833; and
5. **APPROVE** the Tentative Subdivision Map #4833 in accordance with the Conditions of Approval (**Attachment I**).

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

### **Conditions of Approval**

#### **GENERAL CONDITIONS OF APPROVAL**

1. This project is approved for a 20 lot single-family subdivision (Tentative Subdivision Map #4833) as shown in **Attachment B** of the Planning Commission staff report and as conditioned by these conditions of approval and mitigation measures. Any modification to the approved plans, extent or manner of operation of the facility shall be submitted for review and approval to the Director of Planning, Resources and Public Works Department.
2. The developer shall be responsible for all costs associated with implementing the conditions of approval and mitigation measures contained herein. The developer shall comply with both the spirit and the intent of all applicable requirements of the Esparto General Plan, County Code, conditions of approval and mitigation measures.
3. Pursuant to Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, an environmental assessment fee (\$1,800) and County Recording fee (\$50) 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.
4. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider.
5. In accordance with Section 8-1.709 of the County Code, a soils report for the project site shall be prepared by a registered California civil engineer and shall be accepted by the County Building Official prior to the issuance of any building permits. The geotechnical report shall indicate compliance with compaction and other requirements for building pads and structures, and the recommendations shall be made a part of construction plans.
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 the subject properties. The developer/contractor shall be responsible for any permits required for demolition, removal or abandonment.

7. The 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, Resources and Public Works Department prior to the issuance of grading permit.
8. Unless otherwise authorized by the Planning, Resources and Public Works Director, grading, excavation, and trenching activities shall occur between April 1 and November 1<sup>st</sup> 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 1<sup>st</sup> of each year. Engineered grading plans shall be submitted to the Planning, Resources and Public Works Department concurrent with the Final Subdivision Map.
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.
10. Electrical transformers serving the property shall be effectively screened from public view with landscaping or other effective means as approved by the Planning, Resources and Public Works Director, in cooperation with affected service providers.

## **CONDITIONS OF APPROVAL PRIOR TO RECORDING THE FINAL SUBDIVISION MAP**

### **Planning**

11. The Final Subdivision Map shall be prepared and recorded within three (3) years of approval of the Tentative Subdivision Map, unless an extension of time is approved by the Planning Commission, or unless otherwise provided in a Development Agreement. 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 thereof is in full compliance and has been filed for recordation by the County Clerk Recorder of Yolo County.
12. 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.
13. At the time of filing the Final Subdivision Map for recordation, fee title dedication of the detention basin (Parcel A) shall be granted to the County. The developer shall provide improvements to the detention basin parcel. Language conveying said parcel shall be shown on the Final Subdivision Map and accepted prior to recordation.
14. At the time of filing the Final Subdivision Map for recordation, fee title dedication of the tot lot (Parcel B) shall be granted to the County. The developer shall provide improvements to the tot lot parcel. Language conveying said parcel shall be shown on the Final Subdivision Map and accepted prior to recordation.
15. Prior to Final Subdivision Map approval, 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 guarantee for the cost of public

improvements), in accordance with Sections 8-1.903 and 8-1.1002 of the Yolo County Code.

16. Prior to Final Subdivision Map 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 construct four (4) affordable units out of the planned 20 units. An Inclusionary Housing Agreement shall be approved by the County and signed by the applicant prior to Tentative Subdivision Map approval.
17. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of Swainsons Hawk habitat (see Condition of Approval #73, below).
18. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of agricultural land (see Condition of Approval #70, below).
19. Prior to Final Subdivision Map approval, the developer shall receive approval from the Local Agency Formation Commission (LAFCO) for annexation of the subject property into the Esparto Community Services District (ECSO) for provision of water supply and wastewater collection, treatment and disposal, and into the Madison Esparto Regional County Service Area (MERCOSA) for detention basin, bicycle and pedestrian path, and tot lot maintenance.
20. The Final Subdivision Map 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 to the satisfaction of the Planning, Resources and Public Works Director.
21. Prior to filing the Final Subdivision Map for recordation, a subdivision landscaping plan shall be approved by the Planning, Resources and Public Works Director. The landscape plan shall provide a minimum of one (1) fifteen (15) gallon tree in the front of each dwelling in the planter strip (see Condition of Approval # 50, below). Trees, landscaping and appropriate irrigation systems for the front yard of lots and planter strips shall be installed prior to the issuance of occupancy permits. The landscaping plan shall also include details regarding the storm detention basin, tot lot, and any other common or public open space, including appropriate long-lasting fencing (e.g. chain link or tube steel) for lots that are adjacent to open space areas and appropriate fencing of the eastern and southern project boundaries to avoid trespass onto adjacent properties. Landscaping and appropriate irrigation systems in the common or public owned areas shall be installed prior to the issuance of a certificate of occupancy. The landscaping plan shall emphasize the use of low-maintenance, drought-tolerant species and shall conform with the County landscaping standards and State Water Efficiency Landscape Ordinance. No more than 25 percent of the front yards shall be covered in sod. Trees planted in the detention basin and any other public spaces may be a mix of native evergreen and deciduous trees, chosen from the County's approved native plant list in the *Parks and Open Space Master Plan*.
22. The developer shall submit comply at all times with the Best Management Practices of the Sacramento-Yolo Mosquito and Vector Control District, which may include but not be limited to the following. These BMPs shall be incorporated into all improvement plans to the satisfaction of the Planning and Public Works Director.
  - a. Trenches, basins, and swales shall be designed and 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.

- b. The bottom of trenches, basins, and swales shall be free of depressions (i.e., tire ruts) in order to limit standing water within the structure.
  - c. Vegetation shall be kept below a maximum height of four inches (4"). Vegetation management shall be performed regularly to remove excessive vegetation from trenches and swales. Grass clippings and other debris shall be removed promptly.
  - d. The detention basin shall be adequately sloped to allow positive drainage from inlet to outlet. Water depth within the basin shall not exceed four feet (4') to discourage emergent vegetation. Side slopes of the basin shall not be steeper than 3:1 (horizontal:vertical).
  - e. Storm water conveyance systems shall be constructed to allow for a continuous flow of water. Drains shall be designed with sufficiently sloped sides to allow adequate drainage without standing water. Drains shall be cleaned annually of emergent vegetation and other debris to prevent water blockage and the creation of mosquito breeding habitat.
23. The developer and construction contractor(s) shall develop a construction management plan for review and approval by the Planning and Public Works Director. The plan shall include at least the following items and requirements to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction:
- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
  - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on State Route 16 through the town of Esparto.
  - c. Notification procedures for public safety personnel and affected property owners regarding when major deliveries, detours, and lane closures would occur. Affected property owners include all properties where access will be impacted by construction, deliveries, or detours.
  - d. Provisions for accommodation of bicycle flow, particularly along State Route 16.
  - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
24. Prior to the initiation of ground-disturbing activities, the developer shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. All project construction personnel shall be informed that collecting

significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.

If human remains are found in the course of any earthmoving activities, the County Coroner must be contacted and work must stop to ensure that the area is not further disturbed. If the remains are determined to be of Native American origin, the State Native American Heritage Commission will be contacted and no further excavation or disturbance of the site can occur until the process set forth in Public Resources Code, Section 5097.98 is implemented.

The Public Resources Code, Section 5097.98 requires that upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally-accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendant(s) regarding their recommendations as prescribed in this section and, if applicable, has taken into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendents regarding the descendents' preferences for treatment.

The descendents' preferences for treatment may include: preservation of Native American human remains and associated items in place, the nondestructive removal and analysis of human remains and items associated with Native American human remains, relinquishment of Native American human remains and associated items to the descendents for treatment, or other culturally appropriate treatment. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section are located in the project area and to provide a basis for additional treatment measures.

### **Public Works**

25. The Final Subdivision Map shall be submitted to the Planning, Resources and Public Works Department for review and approval 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. An electronic version of the Final Map shall be submitted following approval.
26. All roads shown on the Final Subdivision Map shall be dedicated to Yolo County. The right of way width dedicated shall be as shown on the tentative subdivision map, and 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.
27. Prior to Final 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 and as-built drawings shall be submitted on 24" x 36" Mylar sheets.
28. Prior to Final Map approval, the developer shall obtain approval from the Esparto Service District for the District's water and sewer facilities and street lights shown on the Improvement Plans. The District's approval shall be noted on the cover sheet or on every sheet that includes CSD facilities signature blocks on the Improvement Plans.
29. The Improvement Plans shall detail road improvements on residential streets to Class "A" standards with rolled curbs, gutters, sidewalks, driveways, and ADA accessible handicap

ramps. All new and reconstructed residential streets shall be designed with a Traffic Index of 7, and shall have minimum 4-inch thick asphalt concrete surfacing.

30. The Improvement Plans shall detail road improvements for Alpha Street north of the planned extension over Lamb Valley Slough, from Plainfield to Grafton Street. The improvement to Alpha Street shall include improvements to the existing roadway and widening of the roadway on the east side to a minimum width of 20 feet. The Alpha Street road improvements shall be coordinated with the utility pipeline extensions needed for the E. Parker subdivision and shall be completed by buildout of the residential units of Capay Cottages or the completion of the utility pipeline work, whichever occurs later.
31. The Improvement Plans shall detail sidewalk improvements along the north side of Plainfield Street between Alpha Street and Bonyng Street and shall be completed by buildout of the residential units of Capay Cottages.
32. Prior to Final Subdivision Map approval, the developer shall submit complete engineered grading and drainage plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Lots shall drain to the street. At a minimum, the finish slab elevation shall be no less than twelve inches (12") plus two percent (2%) average front yard slope above the top of the back of the sidewalk or curb elevation. Said drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Planning, Resources and Public Works Director prior to approval of the Final Subdivision Map.
33. Prior to Final Map approval, Joint Utility Trench plans shall be submitted to the Planning, Resources and Public Works Department for review. All utilities required to serve the subdivision shall be extended underground to the site and installed underground on the site. Electricity, streetlights, telephone, and cable TV services shall be installed in a common utility trench.
34. Prior to Final Map approval, the engineering drainage study by Laugneour & Meickle dated January 20, 2006, shall be approved by the Planning, Resources and Public Works Department. The study shall demonstrate that stormwater drainage and control features on the project site are designed so that the peak stormwater flows in the 10-year and 100-year, 24-hour storm events are adequately detained on site and do not increase stormwater flow rates during these events downstream of the project.
35. Prior to filing the Final Map for approval, design and landscaping plans for the detention pond shall be submitted to the County for approval. Improvement plans shall indicate headwalls and erosion protection measures where the stormdrain pipe empties into the detention basin. The detention basin shall be seeded with an appropriate seed mixture to reduce erosion, and planted with native trees (see COA # 21, above).

### **Esparto Community Service District**

36. The Improvement plans shall be subject to review and approval by Esparto Community Service District (ECSD) for sewer and water service and street lights. The Improvement Plans shall be consistent with any "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement" signed between the developer and the ECSD. Fees shall be paid to the District for Final Map processing and review of the improvement plans for compliance with District standards in accordance with the existing ordinance.
37. The developer shall furnish, install and pay all costs for water and sewer service connections and extensions to the existing lateral lines designed and constructed in



accordance with ECSD standards and approved by the ECSD's engineer, as outlined in a "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement." Wastewater and water hookup fees shall be paid to the ECSD at the time of building permits are issued. Services shall not be provided until fees are paid in full.

38. Street lights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with ECSD standards and approved by the ECSD's engineer, as well in accordance with the County Improvement Standards and Specifications minimum requirements. Street light locations and specifications shall be shown on the Improvement Plans and approved by the County and the ECSD prior to approval of the Final Map.
39. The developer shall furnish, install and pay all costs for street lights constructed at the required intervals to the satisfaction of ECSD and the County of Yolo.

### **Esparto Fire Department**

40. The developer shall furnish, install and pay all costs for fire hydrants, valves and boxes required by the Esparto Fire Department to serve the project. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and shall be approved by the Esparto Fire Department chief prior to the issuance of Building Permits.

### **Madison Esparto Regional County Service Area**

41. The Madison Esparto Regional County Service Area (MERCOSA) shall maintain the detention pond, walking and bicycle paths, and tot lot improvements within the subdivision. The existing MERCOSA fee of \$120 annually per resident is not adequate. The County shall sponsor a Prop 218 vote to establish new fees within the existing MERCOSA and/or establish a new Zone of Benefit fee assessment, or revise the existing Zone of Benefit fees, that shall apply once these improvements are accepted by the County. The developer shall cooperate in the establishment of a new fee assessment that fully meets the funding requirements of MERCOSA to maintain these public improvements in the subdivision. The developer shall be responsible for their maintenance prior to acceptance.

## **CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS**

### **Architectural and Design Conditions**

42. In order to achieve architectural diversity, a minimum of two different models with two different elevations shall be provided. The house sizes shall be approximately 1,320 square feet (two story units); and approximately 1,485 square feet (two story "carriage" units with a detached garage and a 460 square foot apartment above). The plans shall be approved by the Planning, Resources and Public Works Director. Modifications to the proposed models, elevations, and square footage for the units that are of a non-significant nature may be approved by the Planning, Resources and Public Works Director.
43. Eighteen of the proposed units (not including the two "carriage" units) shall include a deep garage that can accommodate either two tandem parked cars, or can be converted into an optional "family room," which would allow only one parked car in the garage. The inclusionary units may have one enclosed off-street parking space. A minimum of three (3) off-street guest parking spaces shall be provided north of Lot 8. Enclosed parking spaces may be either attached or detached from the main dwelling. Carports shall not be allowed. Where the 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. Concrete driveways shall have a minimum width of 10 (ten) feet for the tandem garages and 16 (sixteen) feet for the double-wide (carriage unit) garages. The minimum length of any concrete driveway shall be twenty (20) feet, except for the inclusionary units and “carriage” units.

44. The building plans and elevations for the subdivision should comply with the specific requirements of the Design Review Guidelines (Appendix A of the updated 2007 Esparto General Plan) to the extent feasible. The plans shall be approved by the Planning, Resources and Public Works Director.
45. The building setback and coverage requirements shall be as set forth in the Planned Development Sixty-two (PD-62) Ordinance.
46. Each house shall include a front entry walkway, 2 feet in width, from the front door to the street. That walkway may include steps and is in addition to any walkway from the door to the driveway.
47. Exterior colors shall be comparable to existing residential units in Esparto. The houses are stucco with alternative materials for the front elevations (stone, wood or brick) offered as an option at buyer’s additional cost. The use of alternative front materials shall not end immediately at the street corner of corner lot houses, to avoid the visual effect on that corner if the front materials were stopped at front edge of the house. Front walls facing the street shall have at least three different wall lines, excluding the garage.
48. No two adjoining houses shall have the same elevation.
49. Residential street lights, not freeway type street lights, shall be used. The light style proposed is the Spring Lakes Street Light #916.
50. Each house shall include a planter strip in front, between the sidewalk and the road. Planter strips shall be planted with at least one 15-gallon street tree that will provide a street canopy in the future. The tree shall be installed with a two-foot deep, 10-foot long, root barrier.
51. Exterior colors and materials will be comparable to existing residential units in Esparto. The building plans for the subdivision shall include a diversity of exteriors for the houses, based on optional exteriors provided at extra cost.
52. The front setbacks of the houses on the south side of Capay Street shall be staggered three feet between adjacent dwelling units.
53. The minimum roof pitches shall be five vertical to twelve horizontal.
54. The southern orientation of roof surfaces of all dwellings shall have electrical conduit stubs installed, two (2) spaces for photovoltaic circuits on the electrical panel, and relocation of roof vents where feasible to accommodate solar energy equipment.
55. All homes shall be equipped with energy efficient appliances, low-e windows and water efficient fixtures. Each home shall be constructed to meet PG&E’s “energy star” standards, which at the time of Tentative Map approval, were 15% above the minimum Title 24 requirements. The applicant also will offer, as an extra feature on each home at buyer’s additional cost, solar panels on the rear side of the roof and related piping and heating improvements. The applicant shall provide confirmation acceptable to the Planning, Resources and Public Works Department that the features described above will be available

in each home prior to the issuance of the first building permit.

56. The design of the homes shall include the following "accessibility" or "visitability" features:
- (a) One no step, accessible entrance to house shall be provided. A no step accessible entrance means: (i) 34" net clear width, measured between face of door and stop when door is in 90° position, (ii) a threshold no greater than 1/2" with 45° bevel, (iii) 60" x 60" level landing area next to and outside of entry, (iv) minimum 3' wide path of travel to the accessible entry from the vehicle unloading area, with slope in any direction not to exceed 5% maximum running slope and 2% maximum cross slope, and (v) a vehicle unloading area with a level landing not less than 40" wide. At developer's election, no step accessible entrance shall be through either the front entry or garage entry to house. If the no step accessible entrance is the front entry, then 3' wide accessible path of travel from garage driveway may connect to side of porch; if it is the garage entry to the house, then garage slab may slope to create 1/2" threshold with 45° bevel at garage entry, with the garage slope not to exceed 2%. At developer's election, the vehicle unloading area may be at the top of the driveway or be the slab within the garage. An alternative design is proposed by the developer and agreed to by the Chief Building Official.
  - (b) One interior accessible route from accessible entry to accessible first floor bathroom, common use room, kitchen and bedroom, 36" wide and level. For two-story houses, no accessible bedroom on first floor is required and the first floor bathroom may be a powder room/half-bath. Each accessible room shall have 32" net clear opening. Kitchen shall include 36" wide path of mobility provided there is no island.
  - (c) Rocker light switches on first floor.
  - (d) Light switches, receptacles, and environmental and alarm controls shall be at accessible height between 42" and 48."

The developer has agreed as a further community benefit to offer the following optional visitability/universal design features at developer's cost:

- (a) Grab bars in accessible bath and at side and back of toilet at no additional cost.
- (b) Anti-scald devices included for faucets in kitchen and accessible bathroom.
- (c) Single-action hardware for all doors.
- (d) One additional eyehole in front door between 42" and 48" and the other higher eyehole.

Developer has agreed as a further community benefit to offer the following optional visitability/universal design features at buyer's cost:

- (a) Work/floor space in front of kitchen sink of 30" x 48" and base cabinet pullout/lazy susan shelves in that work space location in front of the sink (if no kitchen island).
- (b) Removable base of sink in accessible bathroom.

- (c) Shower with threshold no greater than 1/2" with 45° bevel (only single-story houses).
- (d) These optional features must be requested by buyer prior to house construction that involves the requested option. In other words, the builder must not be required to remove, replace or modify any existing construction to provide the requested optional feature.

Developer shall provide confirmation acceptable to the Planning, Resources and Public Works Director that the standard features described above will be available in each home prior to the issuance of the first building permit.

- 57. No fireplaces or woodstoves shall be allowed in any of the homes, with the exception of fireplace inserts approved the U.S. Environmental Protection Agency.
- 58. All homes shall have a minimum 4-foot high (maximum 7-foot high, upon approval of a building permit) "good neighbor" wood fence in rear and side yards, except those fences adjacent to common areas subject to other fencing requirements. Any fence in the front yard shall be no more than 3-feet high.
- 59. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Significant noise-generating construction equipment shall be shielded by noise-attenuating buffers such as structures or truck trailers when within 100 feet of adjacent occupied residences.
- 60. Each dwelling shall be provided with a fire sprinkler system. Public water 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.
- 61. Each dwelling shall display address numbers in accordance with Section 8.1706 of the County Code prior to issuance of occupancy permits. Signage within the development shall be in accordance with section 8-2.2406 of the Yolo County Code.

### **Other Planning Conditions**

- 62. 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.
- 63. 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 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) 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 should be prohibited within driplines of trees to be retained. Any required utility line poles within the dripline should 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).
- 64. The developer shall pay all appropriate fees prior to building permit issuance, final inspection or issuance of a certificate of occupancy subject to agencies of jurisdiction. Impact fees shall include, but not be limited to: Esparto Unified School District fees, Esparto Fire District fees, County Facility fees, and Esparto Community Service District fees.
- 65. The developer shall pay a \$2,150 per unit fee to the County for park and recreation facilities, as required by the Esparto General Plan, at the time building permits are issued. The cost of developing the tot lot, pedestrian and bicycle paths and the passive recreational use of the detention basin on the public portions of the subdivision may be an offset against payment of the per unit fees, up to a maximum waiver of 75 percent of the total fees for the project.

### **Building**

- 66. The developer 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, Resources and Public Works Department prior to issuance of building permits.
- 67. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Significant noise-generating construction equipment shall be shielded by noise-attenuating buffers such as structures or truck trailers when within 100 feet of adjacent occupied residences.
- 68. Each dwelling shall be provided with a fire sprinkler system. Public water line connections for each dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe diameter of either one and one-quarter inches (1.25") or one and one-half inches (1.5"), as needed.
- 69. Encroachment permits shall be obtained from the Planning, Resources and Public Works Department prior to any work within the County right-of-way.

### **Mitigation Measures**

The following Mitigation Measures identified in the Initial Study/Mitigated Negative Declaration (**Attachment E** of the Planning Commission staff report) for the project are added as project approval conditions. Proposed modifications to the Mitigation Measures, as described in **Attachment F** of the Planning Commission staff report (Errata and Revisions to Mitigated Negative Declaration), are shown in underline and strikeout.

- 70. Yolo County has initiated a zoning ordinance amendment that would require mitigation for any farmland loss, regardless of whether the land is included in an existing plan and designated for growth. The following proposed amendment to Sec. 8-2.2416 of the zoning ordinance (Agricultural Land Conversion) shall be applied to the project as follows:
  - (a) Requirements. Agricultural mitigation shall be required conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change, permit, or other discretionary or ministerial approval-by the County. A minimum of two (2) acres of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use (42:1 ratio).

Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable; and public uses such as parks, schools, and cultural institutions.

The proposed project is eligible to pay an in-lieu agricultural mitigation fee, or to dedicate a suitable conservation easement to mitigate for loss of agricultural land, as determined by the County. The fee established by the County will be approximately \$5,525 per acre.

71. The project shall be required to reduce air quality impacts by incorporating specific design features into the project, and/or adopting other measures that are recommended by the Yolo Solano Air Quality Management District (YSAQMD). Construction activities on the site shall incorporate the standard PM<sub>10</sub> dust suppression requirements recommended by the YSAQMD, including:

- Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- Ground cover shall be reestablished in disturbed areas quickly.
- Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

The project shall incorporate the standard NO<sub>x</sub> reduction requirements recommended by the YSAQMD, including:

- To the extent that equipment and technology is available and cost effective, the applicant shall encourage contractors to use catalyst and filtration technologies;
- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required; and
- District Rule 2.3 requires controlling visible emissions not exceeding 40% opacity for more than three minutes in any one-hour.

In addition, the project shall comply with the following Esparto General Plan policy: Any new residential projects with wood burning appliances shall use only pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or gas fireplaces. Installation of open hearth wood burning fireplaces shall be prohibited.

72. (a) The project shall be required to pay a fee of \$8,660 per acre to the Yolo County Joint Powers Agency, or dedicate suitable conservation easements for the

Swainson's hawk, as determined by the JPA and the California Department of Fish and Game.

- (b) Prior to any site preparation or construction activity, the applicant shall protect raptor nesting habitat as described in this mitigation measure. All surveys shall be submitted to the Yolo County Planning, Resources and Public Works Department for review.
- (c) Prior to any site preparation or construction activity in both the breeding and nonbreeding season, the applicant shall conduct burrowing owl surveys in conformance with CDFG burrowing owl recommendations (CDFG, 1995). If burrowing owls are detected during preconstruction surveys, the applicant shall implement the following mitigation measures, consistent with CDFG recommendations:
  - (1) Avoid occupied burrows during the burrowing owl breeding season, February 1 through August 31.
  - (2) 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.
- (d) 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.
- (e) 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 (a) suitable nesting habitat within one-half mile of the project site for Swainson's hawk; (b) within 500 feet of the project site for tree-nesting raptors and northern harriers; and (c) within 165 feet of the project site for burrowing owls prior to construction. 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 (f), below.
- (f) If nesting raptors are recorded within their respective buffers, the applicant shall adhere to the following buffers:
  - (1) Maintain a 1/4-mile buffer around Swainson's hawk nests, a 500-foot buffer around other active raptor nests, and 165 feet around active burrowing owl burrows. These buffers may be reduced in consultation with CDFG; however, no construction activities shall be permitted within these buffers except as described in (2), below.
  - (2) 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.

- (g) Prior to any site preparation or construction activity, the applicant shall identify the locations of all potential Valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The applicant shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS,1999).
73. (a) The applicant shall be required to elevate all residences out of the 100-year flood hazard area by constructing the pads of the individual homes so that the finished floor elevations would be one foot above the flood level.
- (b) The applicant shall provide detailed drainage plans prior to final map to ensure that the discharge from the detention basin is adequately conveyed off the site.
- (c) The applicant shall notify every home purchaser of the flood hazards of the project site and shall notify each purchaser that they will be required to purchase and retain flood insurance at all times.
74. (a) To improve the level of service (LOS) to acceptable levels at the Plainfield Street/Yolo Avenue intersection in the near term (year 2010), the proposed project shall contribute a fair-share towards the cost of constructing an additional crossing of the Lamb Valley Slough which will reduce traffic volumes at the Plainfield Street/Yolo Avenue intersection. The project's fair share contribution percentage shall be based on the project's contribution to peak hour vehicle trips in the cumulative scenario, assuming no contribution from other than the immediate pending projects. The project's fair share contribution shall be satisfied by improving Alpha Street between Plainfield and Grafton Streets, and by providing sidewalks along the north side of Plainfield Street.

### **ONGOING**

75. 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.

76. 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.

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7.6 **2007-001:** Update of Titles 6 and 8 in the Yolo County Code, regarding the regulation of animals. The proposed ordinance changes would apply to all unincorporated properties. A Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (C. Baracco).

Heidi D'Agostiono, Code Enforcement Officer, and Craig Baracco, Assistant Planner, gave the staff report and answered questions from the commission.

Chair Peart opened the public hearing.

Mr. Joe Martinez, representing the Yolo County Farm Bureau, referred to a letter written to the Planning Commission. He said that after reviewing the changes, the Farm Bureau supports the changes in the ordinances.

Eric Sakach, Director of the Humane Society of the United States West Coast Regional Office, commended staff and the Commission for undertaking the changes to the ordinance. He presented information on game fowl and changes in the state laws. He said that people do not want to live near cock fighting operations due to the cruelty to animals and the potential for criminal activity and unsavory conduct, as documented by law enforcement research. He said that research also reveals cock fighting encourages avian flu.

Rick Landon, Yolo County Agricultural Commissioner, said he supports the changes in the ordinance.

Warren Berg, citizen of Yolo, said he was concerned about the number of animals per acre allowed under the ordinance. He said he buys animals from 4-H to sell on the wholesale market. He said the ordinance needs more research, as it is prejudicial against youth raising animals.

Chair Peart closed the public hearing.

Commissioner Winters clarified that rural residential zoning does not allow roosters.

Commissioner Bertolero said he liked the license for roosters instead of a use permit. He said he would like to know more about the length of time for the license and at what would trigger a change in status to require a permit.

Craig Baracco said the ordinance does not specify the number of inspections, and that the administration of the ordinance is responsible by Animal Services, including the fees and term of the license.

Commissioner Kimball said she appreciated the changes that were made to accommodate 4-H and FFA and immature animals. She said she also agreed with the licensing of roosters, however, she

was perplexed as to how the implementation will take place.

Commissioner Cameron said she appreciated the work that was done on the changes to the ordinance and supported the changes.

Commissioner Winters said he agreed with the Commissioners. He said the ordinance would give law enforcement the tools to eliminate cock fighting.

Commissioner Merwin said he agreed with his fellow commissioners. He said he hoped that the rooster license fee would not be excessive and would be long-term. He said he hoped it would allow for fines if the terms were violated and that the process would be complaint-driven.

Chair Peart commended the staff for the work on resolving issues. He said he concurred with his fellow commissioners and supported the ordinance.

The Planning Commission recommended the following actions to the Board of Supervisors:

1. **HOLD** a public hearing and receive public comments on the Ordinance Amendment of the County Code related to animal keeping (**Attachment A**);
2. **ADOPT** the Negative Declaration (**Attachment B**) as the appropriate level of environmental document for this project, in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
3. **APPROVE** the Ordinance Amendment to Sections 6-1.304, 6-1.306, 6-1.308, 6-1.313, 6-1.401.1 and 6-1.407 of Title 6, and Sections 8-2.404, 8-2.2411, 8-2.254, and 8-2.604 of Title 8 of the Yolo County Code (**Attachment A**)

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

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## 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.

- 11.1 Mr. Morrison asked if the Commissioners wanted to hold meetings in July and August. He recommended canceling the August meeting.
- 11.2 Chair Peart said he would have to cancel the barbeque in September.
- 11.3 Commissioner Bertolero said the policy for installing new fuel tanks need to be reviewed.
- 11.4 Eric Parfrey suggested presenting a workshop on agricultural buffers.

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## 12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at **1:22 p.m.** The next regularly scheduled meeting of the Yolo County Planning Commission is July 12, 2007, in the Board of Supervisors' Chambers.

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision.

Respectfully submitted by,

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