



# County of Yolo

**John Bencomo**  
DIRECTOR

## PLANNING AND PUBLIC WORKS DEPARTMENT

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292 West Beamer Street  
Woodland, CA 95695-2598  
(530) 666-8775 FAX (530) 666-8728  
[www.yolocounty.org](http://www.yolocounty.org)

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## YOLO COUNTY PLANNING COMMISSION

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

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### MINUTES

**December 13, 2007**

#### ADMINISTRATIVE AGENDA

1. Chair Peart called the meeting to order at **8:39** a.m.
2. Pledge of Allegiance was led by Commissioner Kimball.

MEMBERS PRESENT: Bertolero, Kimball, Merwin, Peart, Winters  
MEMBERS ABSENT: Liu  
STAFF PRESENT: Eric Parfrey, Principal Planner  
Stephen Nocita, Senior Deputy County Counsel  
Stephanie Berg, Associate Planner  
Darlene Comingore, Senior Civil Engineer  
Carole Kjar, Secretary to the Director  
Aundrea Hardy, Office Support Specialist

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3. ADOPTION OF MINUTES OF THE **November 8, 2007** MEETING.

#### Commission Action

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

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

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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

Chair Peart acknowledged receipt of all correspondence 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 **2007-069:** Variance to place a ranch manager's dwelling site nearly 1,200 feet away from the primary dwelling site, in the Agricultural Preserve (A-P) Zone. The second dwelling would be located within proximity to the parcel's agricultural activity (game bird operation). The property is located at 5454 Highway 16 in Guinda (APN:060-210-28). A Categorical Exemption has been prepared for this project. Owner/Applicant: Karlonas (S. Berg)

Stephanie Berg, Associate Planner, gave the staff report and answered questions from the commission. She said the applicant is in agreement with the Conditions of Approval.

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

Commissioner Bertolero said he sees no problem with the project. He also reported that the Capay Valley Citizens Advisory Committee recommended approval of the item.

Commissioner Kimball agreed that this particular case is a perfect example of when a variance is necessary. She stated that she is very much in favor of the project.

Commissioner Winters agreed that this is a reasonable request.

Commissioner Merwin concurred with his fellow commissioners.

Chair Peart agreed with the commission on this project; however, he stressed the importance of preserving agricultural land when variances are allowed.

**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**

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**C);**

3. **ADOPTED** the Findings for the project (**Attachment D**); and
4. **APPROVED** the Conditions of Approval; and
5. **APPROVED** the zone variance as described in the Findings.

MOTION: Kimball

SECOND: Merwin

AYES: Bertolero, Kimball, Merwin, Peart, and Winters

NOES: None

ABSTAIN: None

ABSENT: Liu

**CONDITIONS OF APPROVAL**

1. The approved variance shall apply only for placing a second dwelling unit approximately 1,200 feet away from the primary dwelling unit, for the purposes of providing a manager's dwelling at the property's game bird agricultural operation. The variance shall be valid for one year (until December 14, 2008) and subject to revocation and/or expiration as per County Code Section 8-2.2906. Consistent with the validity of the approved variance, the applicant shall obtain a building permit for the proposed second dwelling, failing which the variance shall become null and void.
2. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein.
3. The applicant shall obtain all necessary approvals from the Planning and Public Works Department prior to the establishment of a second dwelling site. All building permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
4. The applicant 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, Capay Valley Fire Protection District, County Facilities Fees, and Environmental Health fees.
5. All building plans and grading plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Engineering and Building Standards prior to the commencement of any construction.
6. Prior to issuance of any building permit (including the proposed second dwelling), the applicant shall finalize two closed building permits currently on file with the Planning and Public Works Department. This will require a fee made payable to Yolo County Planning and Public Works to "re-open" the permits, and shall include building inspections to final the permits.
7. The applicant shall comply with all necessary regulations including but not limited to the Yolo County Code, the Uniform Building Code, Uniform Fire Code, local fire department standards, and Yolo County Environmental Health standards.

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8. Prior to the issuance of a building permit for the second dwelling unit, Yolo County Environmental Health shall approve a septic system design. The site must be capable of installing a septic system that meets County Code requirements.
9. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.
10. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

### **FINDINGS**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2007-069, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, and Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission finds the following concerning the project:

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

### **California Environmental Quality Act (CEQA) Guidelines**

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

*That on the basis of pertinent information in the public record and comments received, the project consists of minor alterations in land use limitations, which do not result in any changes in land use or density and that a Categorical Exemption has been prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines, Section 15305.*

### **Variance Findings**

2. In accordance with Section 8-2.2904 of Chapter 2, Title 8 of the Yolo County Code, the Planning Commission finds:
  - a. That a variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

*A primary dwelling site already located on the parcel is in excess of 1,000 feet from the landowner's existing game bird agricultural operation. A ranch manager's dwelling is required at the agricultural operation for 24-hour monitoring purposes and to allow for future expansion. Placing the second dwelling within 250 feet of the primary dwelling would prevent the agricultural operation from achieving its business goals and maintaining current operations. A clustering requirement variance will not constitute a special privilege inconsistent to others in the area because the proposed second dwelling is an effort to support current and future expansion opportunities for an existing agricultural operation.*

- b. That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

*The 42-acre parcel does not contain any physical characteristics that would deprive the property of placing a second home site within proximity to the primary dwelling site, other than a pond located 150 feet to the west and the orchard located 95 feet to the north.*

*However, the second dwelling is intended to be located in close proximity to the game bird agricultural operation, approximately 1,200 feet away from the primary dwelling, to provide 24-hour monitoring. Placing a manager's dwelling at the agricultural operation would not interfere with any other agricultural uses on the property or within the vicinity of the property.*

- c. That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

*The property is zoned A-P (Agricultural Preserve). The 250-foot clustering requirement is typically applied to agricultural zoned parcels in an effort to minimize the residential development footprint and maximize agricultural production. The agricultural operation on the property requires 24-hour monitoring. Placing a manager's dwelling at the operation will allow the landowner's agricultural business to prosper, while meeting the needs of the game bird operation.*

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- 7.2 **2007-065:** Adoption of a Negative Declaration for the County Road 98 rehabilitation project. The project is located between the City of Woodland and the City of Davis. Owner/Applicant: Yolo County (S. Berg)

Stephanie Berg, Associate Planner, gave the staff report, and answered questions from the commission. She introduced Darlene Comingore, Senior Civil Engineer with the Planning and Public Works Department.

Darlene Comingore, Senior Civil Engineer, presented information and answered questions about the project.

Chair Peart opened the public hearing.

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Wallace Koontz, owner of property at the corner of County Road 29 and County Road 98 across from Plainfield Station, asked for clarification about the widening of the bridge. He also asked where the bicycle path would be located, when the project would be completed, and how much money he would receive if some of his property were taken.

Darlene Comingore responded that the bridge will be widened 23.5 feet from its current width, half on both sides, with three traffic lanes and two eight-foot shoulders, and that the bike lanes and shoulders are exactly the same piece of pavement. She explained to Mr. Koontz that the total project would be completed in approximately eight years, and that an appraisal would be done to determine the value of his property.

Diane Kerr, property owner at the corner of County Road 29 and County Road 98, asked why the bike path is located on County Road 98, not County Road 99. She expressed concern about the location of the project and the potential for disaster on County Road 98 with additional bicycle traffic.

Commissioner Kimball clarified that this is a safety project, not a bicycle lane project.

Ed Beoshanz, resident of Yolo County, expressed concern about the location of the bike path. He said that 90% of the people don't ride in the bike path; they ride out in the middle of the road, and that County Road 98 is the primary road for traversing the county with agricultural machinery. He suggested that the bike path be put on County Road 99 so there is direct path between Woodland and Davis for the bicycle riders.

Chris Dougherty, with Cal-West Seeds, said they are in the process of acquiring seventy acres on the corner of County Road 98 and County Road 27, and that they have built a new facility at this location. He stated that they support the project, and would like to know how they can get involved at this point, since they are new owners in the territory.

Chair Peart closed the public hearing.

Commissioner Winters asked staff if there are any noise mitigations for property owners.

Darlene Comingore explained that this is not considered a capacity-increasing project, because no through lanes are being added. She said the initial study states that the only noise impacts were temporary, related to construction.

Eric Parfrey clarified that the initial study on Page 46 deals with the noise impacts, and the initial study concludes that there would be no long term operational noise impacts to the project, i.e., there would be no anticipated significant increase in noise due to more traffic being drawn to a better road.

Commissioner Merwin said we're living in an era of environmentally-friendly alternative transportation-type situations, such as bicycling, and that's why bike lanes have entered into this discussion. He also explained that he thinks the primary purpose of the project is for safety reasons, and the fact that the road will be wider, will make it more bicycle friendly. He said he would encourage staff to work with all landowners, including Cal-West Seeds.

Commissioner Merwin asked if the road would be jogged if landowners across from each other were not in agreement.

Darlene Comingore explained that jogging the road would make it an unsafe project, and that staff would work extra hard to be cooperative with the landowners.

Commissioner Bertolero thanked the public for their comments. He explained his views on the project, and said that he agrees with Commissioner Merwin that, because of the funding, bicycles can't be excluded. Commissioner Bertolero concluded that this project is definitely needed, and that it would be good for the county.

Commissioner Kimball said she thinks the project is necessary, and that staff needs to work with the businesses and farmers to make this a project that is agreeable to everyone. She encouraged staff to get the correct information out to the property owners before the right of way process starts.

Commissioner Kimball encouraged that gentle sloping be included, and good vegetation be incorporated into the improvement plans.

Chair Peart stated that his fellow commissioners did an excellent job, and thanked everyone for attending.

Commissioner Merwin asked why a Mitigated Negative Declaration is needed as opposed to an Environmental Impact Report (EIR).

Eric Parfrey explained that there was a judgment by the independent consultant hired by the Public Works Division that an EIR would not be required to satisfy the California Environmental Quality Act.

### **Commission Action**

1. **HELD** a public hearing and received comments on the Mitigated Negative Declaration; and
2. **ADOPTED** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act (CEQA) and Guidelines (**Attachment A**);

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

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### **REGULAR AGENDA**

#### **8. DISCUSSION ITEMS**

##### **8.1 Overview of discretionary applications in agricultural zones (D. Morrison)**

Eric Parfrey said that David Morrison would like to move this item to the January 2008 Planning Commission Meeting. The commission unanimously agreed.

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8.2 Meeting Schedule for 2008.

Changes to the meeting schedule for 2008 were discussed.

**Commission Action**

The modified meeting schedule for 2008 was approved.

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

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8.3 Resolution for Amy Cameron.

This item was moved to the January 24, 2008 Planning Commission Meeting.

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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 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.

Eric Parfrey, Principal Planer, brought the commission up to date on the following:

- A. Accessory Structures Ordinance Workshop.
- B. Development Review Committee (DRC), a new committee requested by the County Administrator that has been formally established.
- C. Interviews for the Principal Planner position.
- D. Expansion of the Monroe Center (County Jail Facility) in Woodland.

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10. COMMISSION REPORTS



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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.

- A. Commissioner Winters said he had several informational conversations with property owners in the North West Quadrant who had concerns and interests regarding the request by ComSites West, LLC for a wireless telecommunications facility in the northwest Davis area. He stated that he did not attend advisory committee meetings this past month.
- B. Commissioner Merwin reported that he attended the Yolo County Farm Bureau Meeting last month, and the Planning Commission's subcommittee meeting for design guidelines.
- C. Commissioner Bertolero said he attended the Knights Landing Advisory Committee Meeting on November 14, the Dunnigan Advisory Committee Meeting on November 28, and the Design Guidelines Review Subcommittee Meeting on December 6. He said that next month the subcommittee will be circulating the commercial and industrial design guidelines to the various agencies for comment.
- D. Commissioner Kimball stated that she had a few conversations with Joe Lin, the appellant, on the status of the cell tower. She also reported that unfortunately she missed the last Design Review Subcommittee Meeting.
- E. Chair Peart reported that he attended the Dunnigan Advisory Committee Meeting. He said he also received a call from a Davis resident in favor of the cell tower project, who expressed concern about the appeal.

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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.

- 1. Election of new Chair and Vice-Chair
- 2. Brown Act Training
- 3. Discussion about Antiquated Subdivisions

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### 12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:10 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is January 24, 2008, 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,

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