



# County of Yolo

John Bencomo  
DIRECTOR

## PLANNING AND PUBLIC WORKS DEPARTMENT

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## YOLO COUNTY PLANNING COMMISSION

CHAIR: Leroy Bertolero  
VICE-CHAIR: Don Winters  
MEMBERS: Jeb Burton; Mary Kimball; Mary Liu; Jeff Merwin; Don Peart

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### MINUTES

April 10, 2008

#### ADMINISTRATIVE AGENDA

1. Chair Bertolero called the meeting to order at 8:33 a.m.
2. Pledge of Allegiance was led by Commissioner Merwin.

MEMBERS PRESENT: Bertolero, Burton, Kimball, Merwin, Peart, Winters  
MEMBERS ABSENT: Liu  
STAFF PRESENT: Eric Parfrey, Principal Planner  
Craig Baracco, Associate Planner  
Philip Pogledich, Senior Deputy County Counsel  
Carole Kjar, Secretary to the Director  
Aundrea Hardy, Office Support Specialist

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3. ADOPTION OF MINUTES OF THE **March 13, 2008** MEETING.

#### Commission Action

The Minutes of the **March 13, 2008** Meeting were approved with no corrections.

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

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### 5. CORRESPONDENCE

- 5.1 Memo from Yolo-Zamora Citizen's Advisory Committee regarding constituent area.
- 5.2 April Newsletter from the California County Planning Commissioners Association.

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

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### CONSENT AGENDA

None.

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### TIME SET AGENDA

- 6.1 **2008-004:** Adopt findings and approve Major Variance to reduce front yard setback requirements to allow for the reconstruction of a demolished home located at 38904 Aspen Street, near Kentucky Ave., and West Street, just north of the City of Woodland, in the Agricultural General (A-1) zone (APN: 027-081-13). A Categorical Exemption has been prepared for this project. Owner/Applicant: Medina (C. Baracco) (Continued from March 13, 2008 Meeting)

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

Chair Bertolero opened the public hearing.

Sam Hayes, the draftsman working with the client, explained the reasons for the project, and said that they are in agreement with the new setbacks required by the building division.

Chair Bertolero closed the public hearing.

Commissioner Merwin said he's pleased that staff worked with the applicant to achieve a reasonable compromise, and that he supports the revised proposal.

Vice-Chair Winters echoed Commissioner Merwin's remarks, and agreed that this is a great compromise. He said he will be supporting the staff report.

Commissioner Peart said that he originally opposed the project; however, due to staff and the applicant working together to make a good compromise, he will now support the project.

Commissioner Kimball said that a great job was done by all to be flexible, and that she will be supporting the project.

Commissioner Burton expressed that he's glad that a compromise could be found that works for everybody.

Chair Bertolero concurred with his fellow commissioners.

### **Commission Action**

1. **DETERMINED** that a Categorical Exemption under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines is the appropriate environmental documentation for the project (**Attachment D**);
2. **ADOPTED** the **FINDINGS (Attachment B)** for the project; and
3. **APPROVED** the variance described in the Findings attached hereto, subject to the Conditions of Approval (**Attachment C**).

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

### **CONDITIONS OF APPROVAL**

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

#### **Planning**

1. This variance shall apply solely to the rebuilding of a single-family home, previously destroyed by fire, located at 38904 Aspen Street, Woodland.
2. The front and rear yards shall be a minimum of 25 feet as measured from base of wall to property line.
3. All other requirements of the Yolo County Zoning Code for the A-1 zone shall be followed, including side yards, parking, height of building, and any accessory structures built on the site.

#### **Building**

4. The applicant shall apply for a building permit for the construction of the single-family home, shall follow all applicable building codes and regulations, and pay all appropriate fees.
5. All structures within the 100-year floodplain shall be elevated a minimum of 1 foot above Base Flood Elevation.

**Environment Health**

6. The sewer pipe connection to the City of Woodland sewer service shall be made of non-corrosive materials.

**County Counsel**

7. 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.
8. 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 Planning Commission 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, testimony at the public hearing for Zone File #2008-004, and all other documents in the record, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, the Woodland Area General Plan, Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission approves a variance allowing the rebuilding of a replacement home with front and rear yard setbacks of 25 feet and finds the following concerning the project:

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

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

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

*Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor set back variances not resulting in the creation of any new parcels are exempt from CEQA review. The variance at issue in this application meets these criteria.*

**Variance Findings:**

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

- a. Any 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;

*The A-1 Zone requires a front yard requirement of 90 feet from the right-of-way and a rear yard setback of 50 feet. The applicant shall be allowed to rebuild the home with front and rear yard setbacks of 25 feet. The variance does not constitute a grant of a special privilege with respect to this parcel. Residences of a similar (or even larger) size may be constructed on other parcels in this vicinity that are zoned A-1. By granting this variance, the Planning Commission finds that it is simply ensuring that the subject parcel enjoys the same residential development rights as other surrounding parcels. If the Planning Commission were to instead deny the requested variance, the subject parcel would not enjoy the same privileges as other parcels in the same vicinity and zone.*

*Conditions of approval have been prepared for this project, which limit this waiver specifically to the rebuilding of the previously destroyed house at this specific parcel. The variance will not apply generally.*

- 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 would deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

*While the property is zoned A-1, the subject parcel is approximately 8,500 sq. ft. in area, a size which renders the parcel non-viable for any form of agriculture. Given the depth of the lot of 85 feet, no home can meet the existing setbacks in the A-1 zone. The lot is served by City of Woodland sewer service and a community well; no significant new City services will need to be provided in connection with the proposed home. The property lies on the edge of the City and is surrounded by urban land uses such as homes and light industrial development. The parcel had previously been developed with a single-family-home.*

*Due to the size, dimensions, and services available to this parcel, applying the setbacks found on a typical A-1 zoned is not appropriate. The unique circumstances found on this property make it appropriate to apply the front and rear setbacks found in residential zones. Both the R-1 (Single-family) and R-2 (Single-family or Duplex) require front and rear yard setbacks of 25 feet.*

*Given the unique, urban-style size, configuration and services found on this parcel, setbacks normally found in those zones are appropriate. Therefore, front and rear yard setbacks of 25 feet are appropriate for this property alone.*

- 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 (General) Plan.

*The property is designated Agriculture/Low Density Residential in the Yolo County Woodland Area General Plan. Reconstruction of an existing single-family home with a slightly larger footprint is consistent with the provisions of this land use designation.*

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6.2 **2007-031:** Use permit for a new winery in the Agricultural Preserve (A-P) zone. The property is located west of County Road 92B and north of County Road 15B, south of Zamora (APN: 054-230-05). A Negative Declaration has been prepared for this project. Owner/Applicant: Giguere (C. Baracco)

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

Commissioner Kimball asked if there are planting or native vegetation plans for the retention pond.

Craig Baracco said a landscaping plan is required for the project.

Commissioner Kimball asked if there will be a dedicated plan showing which roads would be utilized the most for trucks that will be entering the facility.

Craig Baracco said that, given the small amount of development in the area, and the almost negligible amount of existing traffic generated, the recommendation from the Public Works Division was to not require a dedicated plan for truck traffic; however, this could be addressed through a condition of approval.

Commissioner Burton asked if there is a long term traffic plan for adding wineries with tasting rooms in the Dunnigan Hills region.

Eric Parfrey, Principal Planner, stated that ideally the kind of the cumulative impacts of winery development would be presented when a wider general plan or regional plan update is done in the future.

John Giguere, the applicant, presented background information about the project, and stated that, as a participant in the Dunnigan Hills viticultural region, he doesn't see wineries flooding to the region and becoming an issue to the county. He pointed out that tasting room operations are inherently unprofitable, and the few that would go in would be welcome in terms of tourism. He further explained the project, addressed the truck traffic issues, and answered questions from the commission.

Commissioner Peart asked Mr. Giguere if the truck traffic would be using County Road 15B rather than County Road 92B.

Mr. Giguere clarified that the truck traffic would be using County Road 15B.

Chair Bertolero asked how much water is generated to run the winery.

Mr. Giguere said it's to their advantage to minimize the amount of water they use; they feel they can run the facilities adequately with 100 gallons of water a minute.

Chair Bertolero opened the public hearing.

Gayle Cusick, resident of Zamora, said she and her husband are owners of the adjoining parcel to the proposed winery site. She stated that they are not opposed to the winery, but they feel there are several issues that the applicants should be required to mitigate prior to obtaining approval for the project, including lighting, dust, the narrow road conditions, and the increase in traffic. She expressed concern about the winery trucks and winery personnel using County Road 92B in its

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present condition.

Chair Bertolero closed the public hearing.

Commissioner Peart expressed that the Giguere family did a wonderful job with the R.H. Phillips Winery in the Dunnigan Hills area. He stated that he is very supportive of this project and its proposed location, and he believes the applicant will keep the truck traffic off of County Road 92B.

Commissioner Kimball echoed Commissioner Peart's comments about the Giguieres and their commitment to the county. She requested that, from a standpoint of safety, a condition of approval be added stating that truck traffic shall use County Road 15B. She also stated that she would like the applicant to work with the appropriate agency in the county regarding the pond and attempt to use that area from a wildlife habitat perspective, using native vegetation. She concluded that she is definitely inclined to approve the project.

Commissioner Burton said he is very excited about the project. He also expressed that he would like to see an infrastructure in place prior to more wineries coming into the area.

Commissioner Merwin concurred with his fellow commissioners that this is a good project, and stated that he would be willing to consider a condition about limiting truck traffic on County Road 92B. He concluded that he is supportive of the project.

Vice-Chair Winters said he thinks this is an appropriate project for our county, and that he will be supportive of the project. He also supported Commissioner Kimball's idea of a condition of approval to keep truck traffic on County Road 15B.

Chair Bertolero said he toured the site yesterday, and explained that most of the roads could be driven very safely at 50 mph. He said he was very impressed that there were no potholes on the roads, and stated that, overall; this is a good project that develops agriculture.

Philip Pogledich, Senior Deputy County Counsel, suggested the following wording for adding a condition relating to the truck route, for consideration by the applicant.

"The applicant shall take reasonable steps to require, to the extent feasible, that trucks serving the facility use County Road 15B rather than County Road 92B."

The applicant agreed to the above condition.

**Commission Action**

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

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

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ABSTAIN: None

ABSENT: Liu

### **CONDITIONS OF APPROVAL**

#### **Planning**

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval.
2. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time; however such an extension shall not exceed a maximum of one year.
3. The applicant shall comply with all parking space requirements provided in Section 8-2.2504 of the Yolo County Code including but not limited to the following: The applicant shall provide one (1) parking space for each 2,000 square feet of gross floor area for the winery and storage operations. The applicant shall also provide one (1) parking space for each 200 square feet of gross floor area for the wine tasting and retail area. Based on the proposed winery and wine-tasting operations, a total of 62 parking spaces will be required, including two van accessible paved parking spaces. The owner shall designate off-street loading spaces for the winery operation prior to commencement of said use.
4. The applicant shall ensure that the gravel parking lot is annually maintained in a condition acceptable to Yolo County Planning and Public Works standards.
5. Any lighting used to illuminate the off-street parking or loading areas shall be so arranged as to direct light away from adjoining lots and the night sky.
6. Any outside storage shall require screening from public view through the use of fencing or landscaping, if necessary, prior to commencement of use.
7. The applicant shall apply for and maintain a Yolo County Business License prior to commencement of the winery operations.

#### **Resources**

8. Prior to issuance of the first building permit(s), the applicant shall mitigate for the loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan. The applicant shall pay a Swainson's Hawk mitigation fee for the area disturbed by development. The fee is currently set at \$8,660 per acre. The exact acreage to be mitigated shall be calculated upon submission of a grading plan to the Department of Planning and Public Works.

#### **Public Works**

9. A County encroachment permit will be required, and a paved commercial driveway access shall be constructed and completed according to Yolo County Public Works specifications, prior to commencement of the proposed uses.



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10. The applicant shall submit a grading and drainage plan for the site for review and approval of County Public Works, and submit and meet all the requirements of a Stormwater Pollution Prevention Plan.
11. The applicant shall take reasonable steps to require, to the extent feasible, that trucks serving the facility use County Road 15B rather than County Road 92B.

### **Building**

12. Prior to commencement of the proposed uses, the applicant shall provide two paved accessible parking stalls with van access space as specified by the Chief Building Official. An accessible path of travel to and from the accessible parking spaces to the facility shall be required.
13. 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.
14. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.

### **Zamora Fire Department**

15. The applicant will maintain proper defensible space around all buildings.
16. Access to an adequate water supply for fire fighting shall be maintained at all times.

### **Environmental Health**

17. The applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board. The Permit must be obtained prior to initiating any winemaking operations.
18. The water system will likely be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. Monitoring wells should precede the installation of a domestic well and testing to assure that the water quality for the winery is equivalent to that of a community water system. The construction of the domestic well will be required to be done under permit by Yolo County Environmental Health.
19. Disposal of domestic wastewater by way of a septic system is allowable under permit from Environmental Health. Liquid waste, other than domestic sewage must not be disposed of into the septic system.
20. If the wine tasting operations meet the definition as a retail food facility, as described under Health and Safety Code 113785(b)(2), the operation must meet Environmental Health permit requirements that include, but are not limited to, facility construction standards and water quality standards, prior to commencement of said uses.
21. The applicant shall meet all of the Hazardous Materials Business Plan requirements of Yolo County Environmental Health.

### **County Counsel**

22. 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.
23. 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 Planning Commission 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 #2007-031, the Yolo County Planning Commission finds the following:

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

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

1. That the recommended Initial Study/Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

*The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that there will not be a significant effect on the environment as a result of the proposed project.*

### **General Plan**

2. That the proposal and requested land use is in conformity with the General Plan.

*The General Plan Land Use designation for the property is Agricultural. The project is consistent with the following General Plan Land Use policy:*

*LU-18 Agricultural Area Uses. Yolo County shall consider the placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reason of hazard or nuisance to concentrations of people. Findings for approval shall include, but are not limited to:*

- The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals); and

*The proposed project involves commercial agricultural uses such as wine production and storage facilities, as well as visitor attractions related to the tasting and purchasing of wine. This use is directly related to the growing, processing, and bottling of the grapes/wine.*

- Will not diminish nor prevent agricultural use on site or on adjoining agricultural lands; and

*The processing facility will not diminish nor prevent agricultural use on this site or on adjoining agricultural lands. The subject site is currently open space. This project supports and promotes a health and competitive agricultural community and economy.*

- The use has some hazard or nuisance aspect which precludes it from being placed in an urban area; and

*The location of this facility in the less populated area of the County is preferable due to the winery operation. The location of the facility will place it in proximity to both existing and planned grape growing operations.*

- The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

*The development of the winery will enhance the production of indigenous agricultural products. This project will encourage the planting of additional wine grapes and will enhance the market for the existing agricultural products.*

### **Zoning Code**

In accordance with Section 8-2.404.5 of the Yolo County Code, the Planning Commission finds the following:

3. The requested land use is listed as a conditional use in the zoning regulations and is allowed under the following authorization:

*The property is zoned Agricultural Preserve (A-P). The proposed new uses are consistent with the A-P designation under Section 8-2.404.5. The new uses will promote and enhance the agricultural community and economy.*

### **Use Permit**

In accordance with Section 8-2.2804 of the Yolo County Code, the Planning Commission finds the following:

4. The requested use is essential or desirable to the public comfort and convenience.

*The proposed new uses provide a necessary service to local farming industry. It is desirable for uses of this type to be located in an area accessible to agricultural operations and away from urban areas.*

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5. The requested land uses will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

*The requested uses will create little or no impact to the character of the area. The tasting and retail room, future winery expansion, and special events will slightly increase traffic on existing County Roads. Proposed buildings are consistent with or improve upon structures found in the Agricultural zone.*

*Based upon conditions set forth by Yolo County Planning and Public Works Department, Yolo County Environmental Health, Central Valley Regional Water Quality Control Board, Bureau of Alcohol, Tobacco and Firearms, Department of Alcoholic Beverage Control, and Conditions of Approval for this Use Permit, the proposed uses will not result in serious public health problems. Continued compliance will be required with all agencies.*

6. The requested use will be in conformity with the General Plan.

*Yolo County General Plan's Land Use Policy LU-18 discusses the consideration of placement of certain agricultural related land uses in agricultural areas, by means of conditional use permits, which uses may be incompatible with urban sites by reasons of hazard or nuisance to concentrations of people. The very nature of the project lends itself to requiring close proximity to the product that is being processed, namely wine grapes.*

7. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

*The existing facility will construct a self-contained septic to be used for domestic purposes. All wine production waste will be treated by on-site treatment ponds. The Central Valley Regional Water Quality Control Board will be the reviewing agency for domestic and process wastewater disposal from the proposed project, which is subject to CVRWQCB permits.*

*The project site is accessed off of County Roads 92B and 15B. An encroachment permit and commercial driveway will be required as per Yolo County Public Works Standards.*

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A ten-minute recess was called.

- 6.3 **2007-073:** Lot Line Adjustment and Williamson Act successor agreement between two parcels in the Agricultural Preserve (A-P) zone. The application also includes Williamson Act successor agreements for two additional parcels. The properties are located on County Road 98 approximately one mile northwest of the City of Davis (APN: 041-120-03, 041-120-04, 040-200-15, & 040-200-16). A Categorical Exemption has been prepared for this project. Owner/Applicant: Staib/Stone (J. Anderson)

Staff requested that this item be continued to the May 8, 2008 Planning Commission hearing. Planning staff and County Counsel have worked closely with the applicant and the Department of Conservation staff to discuss options for resolving the unique situation that is posed by the application. The continuation of this project will give staff and the applicant additional time to solve the issues.

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6.4 **2007-058:** Adoption of proposed amendments to the Yolo County Zoning Ordinance (Article 2 of Title 8 of the County Code) pertaining to the review and permitting of accessory structures in the agricultural and residential zone districts. The recommended changes would apply to all such-zoned properties in the unincorporated area of Yolo County. A Categorical Exemption has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, gave the staff report, and answered questions from the commission. He explained that this is an update to the accessory structures portion in the zoning ordinance.

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

Commissioner Merwin said he is pleased with the process as it's moving forward.

Vice-Chair Winters commended Eric Parfrey on his thorough job on the project, and said he's pleased with the quality of the report.

Commissioner Peart commended the people from Dunnigan and Eric Parfrey for their hard work on this project.

Commissioner Kimball thanked Deanna Kirland and Eric Parfrey for their work to make this a useful and helpful report.

Commissioner Burton said he's happy with the improved clarity of the document.

Chair Bertolero stated that he thinks the definitions are now better defined and easier to understand, and, when this is approved, it will bring the Yolo County Code into conformance with the current state law pertaining to residential second units and also with the 2007 California Building Code. He thanked Eric Parfrey for his input and hard work on this very complex issue.

### Commission Action

Recommended that the Board of Supervisors:

1. **INTRODUCE** by title only and waive the first reading of the Accessory Structure Ordinance Amendments to the Yolo County Code (**Attachment A**);
2. **CONDUCT** a public hearing regarding the ordinance and receive testimony; and
3. **CONTINUE** the ordinance to a future regularly scheduled Board of Supervisors meeting for consideration for adoption of the ordinance, together with appropriate CEQA documents and related Findings.

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

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6.5 **2006-090:** Discussion of the proposed Downtown Mixed Use (DMX) zoning district as an amendment to the Yolo County Code and rezoning of properties in downtown Esparto along Yolo Avenue and Woodland Avenue from C-2 (Community Commercial) to DMX. A Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

Eic Parfrey, Principal Planner, gave the staff report, and answered questions from the commission. He explained a graphic of the adopted 2007 General plan land use diagram for Esparto.

Chair Bertolero said that if anybody from the public has comments at this time they can come forward.

Giacomo Moris, resident of Esparto, thanked Eric Parfrey for all his work in helping the Esparto Citizens Advisory Committee with this project. He said he thinks this subject is generally well received by the community, and it is his impression that everyone is on the same page as to where they want to see the downtown revitalized and developed. He expressed concern about their town growing so quickly and stated that he'd like to see some preservation of either mixed use or strictly commercial uses in the area designated for mixed use.

John Hulsman, Esparto resident at 26858 County Road 23, offered comments about the project, including horizontal mixed use development. He expressed concern about the industrial property, and spoke about condominiums, townhouses, affordable housing for seniors, etc.

Barry Burns, of Esparto, asked why there's no mixed use on Highway 16 by County Road 21A at the south end of Esparto, to help slow traffic.

Eric Parfrey responded that the biggest difference between this existing General Plan adopted by the County for Esparto, and the Burden Revitalization Plan, is that the Burden Plan has the concept of major activity center on the north end of Yolo Avenue and a similar major activity center on the south side of Yolo Avenue. He said that to create a major activity node, mixed use, commercial, other types of civic uses at the south end of Yolo Avenue, the current General Plan would have to be changed, which would be a significant update.

Commissioner Merwin said he's pleased with the progress being made on this item. He commended Eric Parfrey and the citizens of the Esparto area for their involvement.

Vice-Chair Winters echoed Commissioner Merwin's comments, and commended both the community members and the planning staff for facilitating these programs.

Commissioner Peart said he appreciates the efforts of staff and the community on this project.

Commissioner Kimball stated that she's impressed with the progressiveness of the project, and that she appreciates the incentives with regards to parking. She also suggested that the allowed uses be set up in a table format for clarity. In conclusion, she said that she appreciates all the work of the community, and if it's what they want, she's happy to move forward.

Commissioner Burton said that, while he's happy with the project, he expressed caution about reducing the rights to low cost senior housing, etc., because he thinks this will be an issue for the region in the future, especially as we start moving to the agricultural tourism with Capay

Valley and the wineries coming into the area.

Chair Bertolero said he attended several community meetings where this issue was discussed, and he thinks it is a good community effort to work together to come up with a plan. He thanked the people from the community, and said he thinks that this is a good document.

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## REGULAR AGENDA

### 7. DISCUSSION ITEMS

#### 7.1 Brown Act Training (P. Pogledich)

Philip Pogledich, Senior Deputy County Counsel, distributed a handout entitled, "The Brown Act", dated April 9, 2008, which he prepared for the Yolo County Planning Commission. He reviewed key points of the handout, and responded to specific questions from the commission.

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### 8. 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 Planner, brought the commission up to date on the following:

- A. Personnel/Administrative Items:
  - Planner position vacancy.
  - The Code Enforcement Officer position will remain vacant for the foreseeable future. Complaints received by the Planning Division will be processed by the individual planners.
  
- B. Board of Supervisors Agenda:
  - Clark Pacific project was approved on April 1, 2008.
  - First Reading of the Yolo County Agricultural Conservation Easement Program and In-Lieu Agricultural Mitigation Fee ordinances, April 22, 2008.
  - Second Reading of the Yolo County Agricultural Conservation Easement Program and In-Lieu Agricultural Mitigation Fee ordinances, May 6, 2008.
  
- C. Planning Commission Agenda:
  - Extension of Jensen Subdivision in Knights Landing.
  - Extension of R.H. Phillips Subdivision, north of Woodland.
  - Proposed Marina at Elkhorn.
  
- D. The stipend for the Planning Commission members has been increased from \$50 to \$100 per Planning Commission meeting.

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9. 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.

- A. Commissioner Merwin reported that he attended a Yolo County Farm Bureau Meeting last Tuesday night, and also toured several different types of residential possibilities in Esparto, Davis, and the Woodland area, with the design guidelines subcommittee.
- B. Vice-Chair Winters said he received a letter from Tim and Gayle Cusick regarding Agenda Item 6.2.
- C. Commissioner Peart stated that he attended a Dunnigan Advisory Committee Meeting, and he also received information and a call from Gayle Cusick. He pointed out that the California County Planning Commissioners Association Northern District Conference will be held in Lake County on May 17, 2008, and expressed that it's a worthwhile conference.
- D. Commissioner Kimball said she attended the design guidelines tour, and that the subcommittee is very close to the final draft which will be circulated to several different areas within the county for review and comment.
- E. Commissioner Burton stated that he spoke to members of the staff on a couple of the issues, and has nothing else to report.
- F. Chair Bertolero reported that he attended four community advisory committee meetings, two in Esparto, one in Dunnigan, and one in Madison. He said he also went on a residential field trip with the design review subcommittee in Esparto, Woodland, and Davis, and was fascinated by the rear access garages that were not visible from the street. He said that, before the last meeting, he met with Don Clark and representatives from Clark Pacific, and also received a letter regarding Agenda Item 6.2.

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10. 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.

No items were requested.

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11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:58 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is May 8, 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,

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