



County of Yolo

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

MINUTES

June 12, 2008

ADMINISTRATIVE AGENDA

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

MEMBERS PRESENT: Bertolero, Kimball, Liu, Merwin, Peart, and Winters
MEMBERS ABSENT: Burton
STAFF PRESENT: David Morrison, Assistant Director of Planning
Philip Pogledich, Senior Deputy County Counsel
Eric Parfrey, Principal Planner
Donald Rust, Principal Planner
Craig Baracco, Associate Planner
Kevin Schwartz, Resource Specialist
Kent Reeves, Principal Natural Resources Planner
Wes Ervin, Economic Development Manager
Carole Kjar, Secretary to the Director
Aundrea Hardy, Office Support Specialist

3. ADOPTION OF MINUTES OF THE **May 8, 2008** MEETING.

Commission Action

The Minutes of the **May 8, 2008** Meeting were approved with no corrections.

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

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 Yolo County Resource Conservation District Annual Report.

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

CONSENT AGENDA

6.1 None.

TIME SET AGENDA

7.1 **2007-049 and 2007-050:** Use permit for a re-established marina and an associated road abandonment in the Agricultural Preserve (A-P) zone. The property is located on the Sacramento River near the I-5 bridge at Elkhorn, east of the City of Woodland (APN: 057-210-18). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Elkhorn Marina (C. Baracco)

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

Chair Bertolero opened the public hearing.

Robert Newton, project engineer, explained that, at the present time, the piers on I-5 have accumulated a lot of debris, and there is not a good diversion around the piers. He explained that this project is designed to eliminate the unsightly debris that accumulates every year.

Commissioner Kimball asked for clarification about the location of the no wake zone within the river for the boats.

Mr. Newton said they are only allowed to have development as far as their property line that joins the river, and that the no wake zone is at the limit of the development.

Commissioner Merwin asked who limits how wide the project can encroach into the river.

Mr. Newton responded that it is limited by the U.S. Army Corps of Engineers. He said it's the same distance apart as the Sacramento Yacht Club and the new hotel.

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Chair Bertolero asked if there are restricted hours on the pile driving operation.

Mr. Newton said yes, they have a very short period to drive the piles; therefore the construction may continue for two years instead of one.

Chair Bertolero closed the public hearing.

Commissioner Peart said that there's a need for the project because there's a lot of boating activity on the river, and it would be nice to have a place for people to park their boats.

Commissioner Kimball said she agrees that, overall, this is a good project; however, before she makes a decision, she definitely would like to see additional information provided regarding the biological resources on the landward side.

Commissioner Merwin concurred with his fellow commissioners. He asked what kind of screening will be incorporated into the project.

Craig Baracco explained that Mitigation Measure 1(b), under the Aesthetics Section of the Mitigated Negative Declaration, states the following: "Prior to issuance of building permits, the applicant shall submit a detailed landscaping and irrigation plan for the project site to be approved by Planning and Public Works Director. A variety of native plants, shrubs and grasses shall be used to enhance the visual character of the site and to visually integrate the project into the surrounding area." He said that the elements of screening and replacement of trees can be addressed through the landscaping plan.

Vice-Chair Winters said he thinks this is an excellent project that complements the marina on the east side of the river.

Commissioner Liu stated that this will be a valuable project for the area. She expressed that her main concern is not just the aesthetics and the landscaping, but also the safety of the project because of the multiple roadways between the boat storage and the marina. She also commented that she would like to see a unique and distinguishable boat launch permit created for the individual user.

Chair Bertolero concurred with his fellow commissioners, and said he thinks it would definitely be an improvement over the current usage at the site. He agreed with Commissioner Liu that, where there's no launch ramp, it's difficult to justify a launch fee. He said he would rather see it as a berth permit rather than a launch permit.

Commission Action

1. **HELD** a public hearing and received comments and;
2. **CONTINUED** this agenda item to a later date, so that the applicant can provide additional information concerning biological resources on the project site, and a complete review of the project under CEQA may be completed.

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

7.2 **2001-112:** One-year extension of a 3-lot commercial Tentative Subdivision Map in the Highway Commercial (CH) zone. The project is located at Barnard St., north of the City of Woodland (APN: 027-430-03). A Categorical Exemption has been prepared for this project. Owner/Applicant: Swift (D. Rust)

Donald Rust, Principal Planner, gave the staff report, and answered questions from the commission. He said the applicant is also present.

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

Commissioner Merwin said he is prepared to grant a one-year extension.

Vice-Chair Winters stated that he agrees with the one-year extension.

Commissioner Liu agreed that the applicant is making a good faith effort to complete the project.

Commissioner Peart agreed with the extension of one year.

Commissioner Kimball agreed, and expressed that she hopes the project can be completed quickly.

Chair Bertolero concurred with his fellow commissioners to support the staff report.

Commission Action

1. **HELD** a public hearing and received public testimony on the proposed extension of Tentative Parcel Map #4547; and
2. **APPROVED** the proposed time extension of one year for Tentative Parcel Map #4547 to May 11, 2009.

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

CONDITIONS OF APPROVAL

The property owner/applicant is in written agreement with draft conditions of approval, mitigation measures and monitoring program for the project. The recommended conditions, mitigation measures and monitoring program contained in this report reflect minor semantic changes completed during preparation of the report for the purpose of providing greater clarity.

General

The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained within this staff report.

The Parcel Map for the project shall be filed and recorded at the applicant's expense, with the Yolo County Planning and Public Works Department. The Parcel Map shall be filed for approval within two years from the date of approval by the Planning Commission of the Tentative Parcel Map. If the

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Parcel Map is not filed for approval within two years, then the Tentative Parcel Map shall become null and void without any further action in accordance with the California State Subdivision Map Act.

The Parcel Map submitted for recordation shall have the Parcel Map Number (PM # 4547) indelibly printed on it. Said PM # 4547 shall be prepared with the basis of bearings being the State Plane Coordinate System, North American Datum (NAD 83) pursuant to Article 9, Section 8-1.902 (f) of the Yolo County Code.

The project shall be developed in compliance with all adopted Conditions of Approval, Mitigation Measures and Monitoring Program for Zone File #2001-112, Parcel Map #45437 as contained herein and identified.

The applicant shall pay the appropriate fees prior to the issuance of Building permits, including but not limited to the Woodland Unified School District, City of Woodland Fire District, County Facilities Fees and Yolo County Environmental Health fees. Pursuant to Yolo County Agreement No. 98-77, payment of both City and County fees is required in connection with the development of the subject property.

Planning

1. The project shall be constructed and developed, including private and public improvements, in compliance with all applicable Federal and State laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
2. Construction activities shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday.
3. The applicant shall provide off street parking for all commercial development for the new parcel map as required pursuant to Section 8-2.2504 of the Yolo County Code. Said parking places shall be delineated on the plot map submitted with the building permit application.
4. If any building pad is to be raised, a soils report for the pad prepared by a geo-technical engineer will be required. Building foundations and slabs shall comply with any special requirements included in the soils reports.
5. All commercial buildings shall have a fire suppression system installed, which shall conform to the latest conditions of NFPA 13 and local requirements.
6. All building 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.
7. As required by Agreement No. 98-77, the applicant shall provide the Planning and Public Works Department with an approval or other appropriate documentation from the City of Woodland demonstrating its agreement to provide water and sewer services to all improvements on the subject property prior to building permit approval.
8. The applicant shall provide to the Planning and Public Works Department, an "will serve letter" from the City of Woodland to have water and sewer services provided, prior to building permit approval.
9. An encroachment permit will be required for all construction within the County's Right of Way.
10. Payment of mitigation fees to the Habitat Conservation JPA for the conversion of 9.1 acres to urban uses. Fee payment must be made **prior** to and is a condition for final parcel map approval.

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11. The proposed design of the individual sewer and water services shall be subject to the review and approval of the City of Woodland. The design, construction, of all on site improvements shall meet applicable City of Woodland standards. As required by Section 3 of Agreement No. 98-77. Within the City's right of way, all construction methods and materials shall be in accordance with the City of Woodland's Standard Plans and Specifications. The City of Woodland shall inspect all improvements within the City's right of way.
12. An encroachment permit is required for all construction within the City's right of way.
13. If required by the City of Woodland, water services shall be individually metered, and shall have individual reduced pressure backflow prevention devices (BFD) installed on the service side of the meters. Individual service, BFD, and meter sizes shall be based on calculations (City of Woodland water meter sizing forms) including estimated fire flows through building sprinklers.

Infrastructure and Improvements

15. Prior to Final Map recordation, engineered improvement plans for all on-site and off-site infrastructure and improvements shall be submitted to the Planning and Public Works Department by the applicant. No later than the submittal of engineered improvement plans, the applicant shall submit detailed cost estimates for all on-site and off-site infrastructure and improvements. Such cost estimates shall be of a sufficient amount for construction of all required and proposed on-site and off-site public and private roadway improvements including grading, roadbase work, paving, sidewalk, curb and gutters, signing and striping, lighting, landscaping and irrigation, masonry walls; and all necessary improvements for subdivision storm drainage, water supply, waste water systems, etc.
16. Prior to Final Map recordation, all cost estimates shall be subject to review and verification as determined by the Director of the Planning and Public Works Department, and a performance bond or other instrument, acceptable to the County, shall be posted by the applicant. The bond/instrument shall be for the amount sufficient to cover the cost estimate of constructing all on-site and off-site infrastructure and improvements as required pursuant to Condition No. 3 above, and required by the project conditions of approval and mitigation measures, contained herein. The bond/instrument shall be released accordingly upon satisfactory completion of all improvements and State and local permit final.
17. Prior to issuance of the first building permit in the parcel map, all parcel map infrastructure and improvements, as required by the project conditions of approval and mitigation measures contained herein, shall be completed by the applicant as determined by the Director of the Planning and Public Works Department.
18. A proposed 40' emergency access shall be a dedicated easement, constructed to Yolo County Standards as identified by County of Yolo Improvement Standards and Specifications (ST – P240). The applicant shall provide for rights of access and use of the emergency easement by the public.
19. If any right-of-way dedication is deemed necessary as determined by review and approval of the engineered improvement plans required by Condition No. 3 above, that right-of-way shall be the responsibility of the applicant including acquisition costs. All necessary legal descriptions and exhibits for recordation shall be prepared by the applicant and submitted to the Planning and Public Works Department. If in the event the applicant is unsuccessful in obtaining any necessary right-of-way the applicant may request that the County to condemn the property area in question through eminent domain proceedings. The applicant shall be responsible for all costs associated with eminent domain proceedings and condemnation including appraisal charges, County administrative costs (legal or otherwise), all court and acquisition costs, etc. Final condemnation shall be subject to Board of Supervisors approval.

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20. Prior to Final Map recordation any encroachment permit, as required by the State Department of Transportation (Caltrans), for work to be done within State right-of-way areas, shall be evidenced to the Planning and Public Works Department including a copy of the Caltrans stamped and approved engineered improvement plans. The drainage and hydrology study as required herein shall also be provided to Caltrans for review and comment. Verification of such review and any comments received shall be obtained by the applicant and provided to the Planning and Public Works Department prior to Final Map recordation.
21. Prior to Final Map recordation, the applicant shall submit a Parcel Map "Master Tree List" for review and approval by the Director of the Planning and Public Works Department, and for the purpose of preparing, reviewing and approving detailed landscape and irrigation plans prior to development of each parcel within the commercial project. Six to twelve varieties of trees shall be submitted. In addition to other factors, review of the types of trees shall include planting size (minimum 15 gallon), rate of growth, size at maturity, climatic resiliency, foliage, etc. The final "Master Tree List" shall require approval by the Director of the Planning and Public Works Department prior to Final Map recordation.
22. Prior to Final Map recordation the engineered improvement plans as required by Condition No. 3 above, shall include details and drawings for the construction of a minimum six-foot high fence for screening and protection along the entire South property line of proposed Parcels A, B and D and the entire western edge of the detention basin. The fence shall be completed concurrent with parcel improvements and shall be completed prior to the issuance of the first building permit.
23. Individual freestanding signs shall not be allowed for each parcel in a commercial development. A common shared freestanding sign may be allowed for the purpose of providing identification to one business/tenant from each parcel. The common freestanding sign shall be located on the "Designated Remainder", near the north end of the commercial project. Engineering and design details for the common sign shall be submitted No later than the building permit application and shall be subject to review and approval by the Director of the Planning and Public Works Department including size, height, display area (square feet), final placement of the sign, etc.

Operation and Management

24. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be operated and maintained by the property owner and/or the proposed property owners association utilizing Best Management Practices (BMP's), and in such a manner, and with such frequency, to insure for public health, safety and general welfare.
25. All costs of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc., shall be the responsibility of the property owner and/or the proposed property owners association. The property owners association shall be sufficiently funded for the purpose of ongoing and long-term operation and maintenance of all facilities, improvements, infrastructure, systems, equipment, common areas, etc., including the accumulation of a sufficient reserve fund for long-term major repair and/or replacement of the commercial projects water service lines, sanitary waste water lines and service systems including the detention pond, lift pump system, and storm drainage system.
26. Prior to Final Map recordation, a copy of the recorded documents for the easement identified on the proposed tentative map as: "Right of Way/Emergency Access Easement for Ingress and Egress over the Southern 40 feet (Parcel 4 of Parcel Maps Book 2 Page 1 County of Yolo) APN: 027-430-03, shall be sufficiently evidenced to, and is subject to review and approval by, the Director of the Planning and Public Works Department.

Parcel Development

27. Prior to building permit application submittal for each parcel within the commercial development, Site Plan review and approval by the Director of the Planning and Public Works Department shall be required for the development of each parcel. Development of each parcel shall be subject to the following development standards and information submittal requirements.

- a) Driveway access to and from the proposed private road for each parcel shall be limited to a maximum of two driveways. Driveway width may be sufficient to accommodate two-way traffic; however, shall not be of an excessive width or more than what is necessary to accommodate two-way passenger vehicles, transit bus and RV's.
- b) A detailed internal automotive, bicycle, and pedestrian circulation and parking plan shall be submitted addressing drive aisle locations and widths, parking spaces, bike racks and public transit stop locations including space dimensions; and parking lot curbing, striping, directional markings and signing, and intended connection location to the proposed County Road 99 bike route, etc. Proposed vehicle parking space quantities and types shall be subject to review pursuant to Yolo County Zoning Code Parking requirements. Details of the final parking and circulation plan shall be reviewed and approved by the Director of the Planning and Public Works Department prior to building permit issuance. All parking lot and circulation improvements shall be completed prior to the issuance of a Certificate of Occupancy for each parcel.
- c) Development of each parcel shall include construction of a two-way drive aisle access to all adjoining parcels including: 1) if the adjoining parcel is undeveloped, a drive aisle stub shall be constructed to allow connection to the adjoining parcel upon the parcel's subsequent development; or, 2) if the adjoining parcel was previously developed, construction of a drive aisle and completion of the connection to the parcel. Details of drive aisle regarding final location, width, length, etc., shall be reviewed and approved by staff prior to building permit issuance. All driveway and drive aisle improvements shall be completed prior to issuance of Certificate of Occupancy.
- d) A detailed landscape and irrigation plan shall be submitted and include, at a minimum, one 15 gallon parking lot tree of acceptable size (at maturity) and type for each six vehicle parking spaces (1:6). The parking lot trees shall be evenly spaced and disbursed over the entire parking field, and the types of trees selected shall, at maturity, provide substantial parking space/lot coverage and shade. The irrigation system shall be installed and designed for efficient water usage; however, supply adequate water to grow and sustain healthy site landscaping including trees, shrubs and ground cover. All parking lot landscaping and irrigation improvements shall be completed prior to the issuance of a Certificate of Occupancy for each parcel.

Each parking lot tree shall have a curbed tree well of sufficient depth and overhang distance to prevent tree damage from vehicle bumpers. On-site landscape strip areas shall be constructed along all property lines and include adequate ground cover, trees and shrubs, and be of a minimum of 10 feet in width along front property lines (adjacent to proposed private road), and 5 feet along rear property lines. Shared, side property lines, shall ultimately have a total of 10 foot wide landscape strips (a five foot landscape strip on each parcel). Development of each parcel shall include completion of half the shared landscape strip (five feet wide side along the side property line) including: 1) if the adjoining parcel is undeveloped, to allow completion of the landscape strip upon the parcel's subsequent development; or, 2) if the adjoining parcel was previously developed, completion of the 10 foot wide landscape strip.

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- e) A detailed site lighting plan shall be submitted and include site lighting details and illumination levels as determined by "foot-candles". All building and site lighting shall be hooded and directed to the intended area of illumination and minimize off-site light spill on to adjacent roadways and parcels. Final site lighting plans including the level of illumination is subject to review and approval by the Director of the Planning and Public Works Department.
- f) All exterior refuse receptacles and containers shall be located entirely within a masonry block refuse enclosure for the purpose of screening. The front of each refuse enclosure shall be screened through the use of solid gates. Design details concerning the enclosure shall be submitted No later than the building permit application and shall be subject to review and approval by the Director of the Planning and Public Works Department.
- g) Project signs and advertising displays shall require separate permits and shall be reviewed for compliance with sign code provisions. All necessary Caltrans sign permits, if required, shall be evidenced to the Planning and Public Works Department prior to permit issuance. As required by Condition No. 13, only a single common freestanding sign shall be allowed for the entire commercial project.

Building

- 28. As part of the building permit application for each building, the applicant shall submit a site drainage plan showing the finished grade and floor elevation. This can be a surveyed plan or based on reference elevation points on the site.
- 29. A soils report shall be prepared for any raised building pad area and shall be submitted with building permit application. The soils report shall be prepared by a California licensed geotechnical engineer.
- 30. Prior to issuance of a building permit for the first building all necessary permits as required by Federal, State and local agencies and districts shall be provided to the Planning and Public Works Department.

Public Utilities

- 31. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of existing subsurface service and/or utility lines.
- 32. The applicant shall be responsible for installation and/or relocation costs of any public utilities required to service the project. Public utilities shall be installed in accordance with Uniform Building Code (UBC) requirements, and are subject to review and approval by the Yolo County Building Division. Any utility easements required for the purpose of serving the project shall be obtained by, and the responsibility of, the applicant (documentation, recordation, etc.), and are subject to review and approval by the Director of the Planning and Public Works Department prior to Final Map recordation.

County Counsel

- 33. *In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall*

not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in the following actions:

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

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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2001-112, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) Guidelines:

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

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

Additional Findings:

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

The project, as approved, remains consistent with the 98-77 Agreement, the City Development Policy, and the Yolo County General Plan and the zoning of the property. There has been no change in the existing or proposed uses on the surrounding properties. In addition, no other information has been provided during the public hearing process that indicates any change in circumstances.

- 7.3 **2006-090:** Adoption 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 (APN: numerous). A Negative Declaration 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 said the item has been heard as a workshop format by the commission last year and April 10 of this year. He explained that this is the proposed Downtown Mixed Use new zone for Downtown Esparto; so the project, itself, would be the creation of the new zone added to the zoning regulations for the county, as well as rezoning all of the properties that are currently zoned Community Commercial Planned Development (C-2 PD) that are in the Downtown Esparto area.

Commissioner Kimball asked if this will potentially be a model for the rest of the county with respect to Downtown Mixed Use zone.

Eric Parfrey said, yes, this will be a model in those unincorporated towns that have ranges of public services.

Commissioner Kimball also asked if this will fit as a model zone for other places within Yolo County, in terms of the prohibition of detached single family homes, and the prohibition of predominately residential projects.

Eric Parfrey explained that this is a good template of this type of an ordinance that could be presented to citizens' advisory committees for review and input.

David Morrison clarified that this ordinance may be much more applicable to future specific plans, than to existing communities.

Chair Bertolero opened the public hearing.

Dan Wolk, attorney representing John Deterding, expressed that the DMX zone, as it stands now, would hinder the progress of development in Esparto, and it would require that John Deterding redesign the town center project. He recommended that the item be continued until the development community, staff, and the residents of Esparto, have a chance to revise the DMX and to study it more closely in order to meet the goals.

Commissioner Kimball asked Mr. Wolk to clarify their specific concerns.

Mr. Wolk said that they are concerned about the fact that, under the changes, detached single family units would not be permitted in the DMX zone; and that, secondly, projects which are predominately one single commercial use must be accompanied by one or more significant community benefits. He emphasized that Mr. Deterding doesn't disagree about the benefits of the DMX; however, he thinks some changes need to be made to encourage innovative smart growth.

Jim Durst, President of the New Seasons Community Development Corporation, said he feels that the wording in Section 8-2.1211, Paragraph (c), on the first page of the proposed Mixed Use Zoning Ordinance, should be changed from "require" to "encourage". He said this wording would allow, in essence, a way for development to negotiate with the county and with the community on a project by project basis rather than having an ordinance that covers all projects.

Ray Burton, landowner in Esparto, said one of his concerns is that if this is in place, it would chase away developers. He agreed with Mr. Durst that the wording should be changed from "require" to "encourage" throughout the ordinance, to give some incentives to the developers to go ahead and do a mixed use project.

John Hulsman, Jr., member of the Esparto Citizens Advisory Committee, gave background about the project and expressed his thoughts on issues about single family homes in a mixed use area.

Wes Ervin, Economic Development Manager for the County of Yolo, applauded the Mixed Use Zoning Ordinance and the fact that it is being developed, and expressed that it will allow single parcels that were previously commercial to accommodate new multiple uses in small towns like Esparto. He said it also is a state of the art type of zoning tool that does encourage innovative projects and helps put some of the under-utilized parcels back into economic use. He made the following recommendations about the ordinance.

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- Return the Single Family Housing back to C = Conditional use, as opposed to N = Not allowed.
- Section 8-2.1214, Paragraph (a), should either say encouraged to include a mix, or be deleted in its entirety.
- Section 8-2.1214, Paragraph (b), is redundant, and should be eliminated.
- Section 8-2.1216, Paragraph (c), a 25,000 square foot limitation should be eliminated, and perhaps a phrase should be inserted that says 25,000 square feet or a single store serving multiple lines of merchandise.

Chair Bertolero closed the public hearing.

Commissioner Peart commended staff and Eric Parfrey in particular, for all their hard work on the project. He said he's beginning to feel a little bit uncomfortable with this ordinance; it started out as an ordinance for the old town area, and now it has been extended out beyond what he was thinking at the beginning.

Commissioner Kimball agreed that an incredible job has been done in trying to craft something that works for everyone. She stated that she appreciates Wes Ervin's comments about needing to achieve balance, and the feeling that there may be a point where there are more restrictions and less encouragement. She expressed concern about the prohibition of single family units, and said she thinks there needs to be some continued discussion. She is concerned that the development community is just now looking at this new version of the draft, and she feels they need to come back to the advisory committee meetings, and continue to work with staff if they have major concerns.

Commissioner Merwin agreed with his fellow commissioners. He said he is very impressed with the community of Esparto and their level of involvement.

Vice-Chair Winters commended staff and the advisory committee for all their hard work on this proposal. He said he would like to see some of the language modified that might tend to make this ordinance a little too restrictive.

Commissioner Woo said she agrees with all the comments that were made, and that she appreciates the detailed work that was done on this ordinance. She stated that she is very open to suggestions that were made today to keep working in a positive direction.

Chair Bertolero concurred with his fellow commissioners, and said he thinks the concern in Esparto is not only revitalizing the old part of town, but also that there's a very limited amount of land left for commercial that isn't already surrounded by a pool of residential projects. He explained that if a lot of residential is allowed in that remaining small acreage, there would be almost no future land for commercial for Esparto. He said he believes this issue probably needs more work before the next Planning Commission Meeting.

David Morrison, Assistant Director of Planning, asked the commission if they would like staff to discuss the possibility of putting in lower density or medium density detached single family housing.

The commission unanimously agreed that further discussion is needed regarding single family housing units.

David Morrison stated that the revised ordinance, along with the environmental document, will be brought back to the commission for consideration.

Eric Parfrey expressed that he would like to move ahead with the preparation and 30-day review of the Negative Declaration.

Commission Action

1. **CONDUCTED** a public hearing regarding the Esparto Downtown Mixed Use (DMX) zoning district ordinance (**Attachment A**) and received testimony; and
2. **CONTINUED** the ordinance to a next regularly scheduled meeting for consideration of recommendations to the Board of Supervisors, including recommendation for adoption of the ordinance, together with appropriate CEQA documents (Negative Declaration) and related Findings.

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

A ten-minute recess was called.

- 7.4 **2008-025:** 2007 Annual review of mining permits compliance within the Cache Creek Area Plan (K. Schwartz/Parks)

Kevin Schwartz, Resource Specialist, Parks and Resources, gave the staff report, and answered questions from the commission.

Chair Bertolero asked if all permittees are now current on the restoration of the sites where the mining has been completed.

Kevin Schwartz responded that they are current in accordance with their reclamation plan.

Commissioner Peart reiterated that he doesn't think the proper time frame is being followed for reclaiming pits back to agriculture.

Kent Reeves, Principal Natural Resources Planner, clarified that this issue will be addressed in an amendment with regards to the Development Agreement and the Surface Reclamation Plans under the Surface Mining and Reclamation Act (SMARA).

Commissioner Liu asked if there would be consequences if CEMEX does not meet the Conditions of Approval.

David Morrison said that if the permit holder persists in their noncompliance without making any good faith effort towards addressing the areas of violation, then the County has the option of revoking the Mining Use Permit and terminating the Development Agreement.

Chair Bertolero opened the public hearing.

Mark Hirzy, with CEMEX, pointed out that they initiated the bank stabilization last year, because they were concerned about two areas that were eroding into the bank and threatening their property and equipment. He said they did a hydraulic analysis of the whole creek, and the designs were

engineered by Cunningham Engineering. He said they fully intend to complete the work on the project.

Chair Bertolero closed the public hearing.

Commissioner Merwin thanked staff and all of the various mining interests for their cooperation, and stated that he is prepared to move forward with the project. He said he agrees with Commissioner Peart about the importance of restoration of the sites.

Vice-Chair Winters concurred with Commissioner Merwin, and said that he is interested in moving ahead with the approval of these guidelines. He stated that this is an important industry for Yolo County, and that he appreciates staff's work on this very thorough document.

Commissioner Liu agreed with the staff's recommendation. She said she appreciates Mr. Hirzy's comments that he is prepared to submit the Spill Prevention, Control, and Countermeasure Plan (SPCCP report and to make those changes to stabilize the stream bank and the soil erosion to address the water quality. She concluded that she would like to see some significant efforts and results achieved.

Commissioner Peart said that staff and the gravel industry as a whole should be commended for doing a fine job, with the one exception of restoration.

Chair Bertolero concurred with his fellow commissioners.

Chair Bertolero announced that Commissioner Kimball left the meeting at 10:45 a.m.

David Morrison suggested that, since CEMEX was determined not to be in compliance, the Parks and Resources Department come back to the Planning Commission before the end of the year to provide an update on the status of the compliance of CEMEX, and also to provide information on the timing of the reclamation plan with regards to agriculture.

Commission Action

1. **DETERMINED** that Granite Construction (two sites), Schwarzgruber and Sons, Syar Industries, and Teichert Aggregates (two sites) have complied with the Conditions of Approval established under approved mining permits and reclamation plans;
2. **DETERMINED** that CEMEX has not complied with the Conditions of Approval, and that the Parks and Resources Department come back to the Planning Commission within six months time to provide an update on the status of the compliance of CEMEX, and also to provide information on the timing of the reclamation plan with regards to agriculture, and that the Parks and Resources Department will determine them to be in compliance once CEMEX completes the requirements as described in the attached annual compliance report;
3. **ADOPTED** the Findings (**Attachment C**) in support of determining that the mining operations are in compliance with all Conditions of Approval; and
4. **ADOPTED** the Categorical Exempt pursuant to the California Environmental Quality Act and Guidelines (**Attachment D**).

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

ABSTAIN: None
ABSENT: Burton, and Kimball

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

Upon due consideration of the facts presented in this staff report and at the public hearing, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Class 7 Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to the requirements of the California Environmental Quality Act, the Annual Report to the Planning Commissions is Categorically Exempt under Section 15307, Class 7 of the CEQA Guidelines as an action taken by a regulatory agency to assure the restoration, maintenance, and enhancement of natural resources.

Surface Mining and Reclamation Ordinances and Associated Approvals

That the individual mining operations are being operated in substantial compliance with the Yolo County Surface Mining and Reclamation Ordinances, individual mitigation monitoring plans, Development Agreements, the State Surface Mining and Reclamation Act, and Conditions of Approval of the mining permits issued to the producers.

Following review by staff, which was based upon on-site inspections, documentation provided by the operators, and aerial topographic maps, it is determined that the continuing mining and reclamation activities of Granite Construction (2 sites), Schwarzgruber and Sons, Syar Industries, and Teichert Aggregates (2 sites) are in substantial compliance with the County Surface Mining and Reclamation Ordinances, individual mitigation monitoring plans, Development Agreements, the State Surface Mining and Reclamation Act, and Conditions of Approval of the mining permits issued to the producers. It has also been determined that should CEMEX in 2008 complete the requirements as outlined in their 2007 Annual Compliance Review as well as comply with all the other Conditions of Approval, they will also be determined as compliant.

That the 2007 Annual Review complies with all applicable laws.

The review performed by staff, and public hearing before the Planning Commission, fulfill the requirements of Section 10-4.703 of the County Surface Mining Ordinance and 2774.b of the Surface Mining and Reclamation Act regarding the annual review of mining and reclamation compliance; Section 10-5.708 of the County Surface Mining Reclamation Ordinance and Section 2773.1 of the Surface Mining and Reclamation Act regarding annual review of financial assurances; Section 7.1 of the Development Agreements 96-286 through 96-290 inclusive; and the California Environmental Quality Act regarding mitigation monitoring program implementation.

7.5 SB 18 Tribal Consultation Workshop (Michelle LaPena)

Michelle LaPena, attorney with Rumsey Indian Rancheria, presented information about the issue of Productive SB 18 Tribal Consultation and the definition of SB 18, and offered to answer questions from the commission.

Commissioner Peart thanked Michelle LaPena for her presentation, and expressed that he thinks Yolo County is way out front in this effort. He said they should be commended.

Michelle LaPena said she agrees that there has definitely been a concern and awareness in Yolo County.

Chair Bertolero thanked Michelle LaPena for her very enjoyable presentation.

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

David Morrison gave the staff report, and presented the following items for information and discussion.

- Committee and Commission roles and responsibilities.
- Meeting requirements.
- Comment areas.
- County support.
- Local community issues.

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 None.

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.

David Morrison, Assistant Director of Planning, brought the commission up to date on the following:

- A. Board of Supervisors Approvals:
 - Authorized the General Services Manager to begin working with the State Department of Corrections on a possible re-entry facility at County Road 14 and

- Interstate 505.
 - Approved a response letter to the Rumsey Tribe on their proposed casino expansion, which expresses the county's concerns with the conclusions and methodology of the EIR analyzing the expansion.
- B. 2008-09 Budget:
 - The PPW Development Services Division will be holding three of its 20 positions vacant for budgetary cost savings. The Code Enforcement Officer position will not be filled; code enforcement will return to being handled by the planning staff and building inspectors. The receptionist position and the vacant Principal Planning position will not be filled, in anticipation of future budget reductions.
 - The Planning and Public Works Department may be shut down between Christmas and New Years; a majority of PPW staff are taking a voluntary furlough (extra time off without pay) the last two weeks of the year.
 - The PPW Building Division significantly increased its building permit fees by 20% to 25% earlier this year.
 - The PPW Planning Division will be looking at increasing its fees in September 2008, and going to as close to full cost recovery as possible.
- C. Delta Protection Commission Meeting: There are still two areas of appeal remaining on the Old Sugar Mill Specific Plan.
- D. Digitized Flood Insurance Rate Maps (DFIRM), which will remap large parts of Yolo County, will be issued later this year.
- E. Activity is occurring in the Delta regarding the Delta Protection Commission, the Sugar Mill, expansion of the Delta Vision regulatory agency, and the Bay Delta Conservation Plan.
- F. General Plan Update Schedule: Joint meeting of the Board of Supervisors and the Planning Commission on September 16; review of the Draft General Plan in early November; and, presentation to the Planning Commission for recommendation in January 2009. The General Plan was pushed back for three months to take care of additional policy writing.

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.

- A. Commissioner Merwin stated that he attended a Farm Bureau Meeting on Tuesday.
- B. Vice-Chair Winters: No report.
- C. Commissioner Liu reported that, last Saturday, June 7, 2008, she helped to coordinate a well-received and exciting, Ronald McDonald House Charities Scholarship Program for about 400 students and their parents, held at the State Capitol.
- D. Commissioner Peart said he attended a meeting at the Farm Bureau, sponsored by

the Chamber of Commerce Water Committee, where Supervisor McGowan and County Counsel presented and discussed the ground water ordinance.

- E. Commissioner Kimball reported that the design guidelines are very close to completion, and will soon be circulated to other groups.
- F. Chair Bertolero stated that last month he attended Yolo-Zamora, Esparto, Dunnigan, and Knights Landing Community Advisory Meetings, and that three advisory committees met regarding the Casino expansion.

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.

- A. Tour of the Cache Creek Conservancy.

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:53 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is July 10, 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