



# County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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

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## YOLO COUNTY PLANNING COMMISSION

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

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### AGENDA

**THURSDAY, OCTOBER 9, 2008**

**Board of Supervisors Chambers  
625 Court Street, Room 206  
Woodland, CA. 95695**

Please refer to the last page of this agenda for notices regarding accommodations for persons with disabilities and for appeals of Planning Commission actions.

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#### **ADMINISTRATIVE AGENDA**

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8:30 a.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
- 3.1 Minutes of August 14, 2008.
4. **PUBLIC REQUESTS**

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

**5. CORRESPONDENCE**

5.1 None

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**CONSENT AGENDA**

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8:40 a.m.

6.1 None

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**TIME SET AGENDA**

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8:45 a.m.

7.1 **2008-016:** Tentative Parcel Map application for the subdivision of a 13-acre industrial parcel into four parcels of approximately 3+ acres each, in the Heavy Industrial/Planned Development (M-2/P-D) zone. The project is located at 52360 Willow Point Road, in the town of Clarksburg (APN: 043-240-05). A Negative Declaration has been prepared for this project. Owner/Applicant: Gordon and Sylvie Jensen (J. Anderson)

9:00 a.m.

7.2 **99-087:** Requested release of a compliance bond for the Boatyard RV Park in the Multiple-Family Residential (R-3) zone. The project is located at 42100 4th Street in the town of Knights Landing. A Categorical Exemption has been prepared for this project. (APN: 056-282-12 & -13). Owner/Applicant: Bole (C. Baracco)

9:10 a.m.

7.3 **2008-031:** Variance to exceed the 250-foot clustering requirement for an ancillary dwelling in the Agricultural Preserve (A-P) zone. The project site is located at 32560 Russell Blvd. in the Winters area (APN: 038-100-08). The applicant wishes to place a second home site approximately 1,500 feet away from the primary home site in order not to disturb a productive chestnut operation. A Categorical Exemption has been prepared for this project. Owner/Applicant: Buck/Eng (S. Berg)

9:20 a.m.

7.4 **2008-026:** Variance to reduce minimum lot size requirement and allow a Lot Line Adjustment for two parcels located in the General Agriculture (A-1) zone. The project is located at 3750 State Highway 16, one-half mile south of the town of Rumsey. A Categorical Exemption has been prepared for this project (APN: 060-220-22, -23 & -58). Owner/Applicant: Heath/Peterson (C. Baracco)

9:30 a.m.

7.5 **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 Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

10:00 a.m. WORKSHOP

- 7.6 **2007-081:** Discussion of the proposed Alcoholic Beverage Control (“ABC”) Ordinance and amendments to the Yolo County Code. The proposed ordinance would provide a set of procedures for the review and approval/denial for the sale of alcohol or alcoholic beverage licensing, provide the county with better control and enforcement authority over alcohol sales, and would amend the Yolo County Code regarding alcoholic beverage sales within the unincorporated areas of the county. Owner/Applicant: Yolo County (D. Rust)

Approximately 12:00 noon - Adjourn to field trip to Cache Creek Preserve

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**REGULAR AGENDA**

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**8. DISCUSSION ITEMS**

- 8.1 County General Plan Update schedule of meetings

**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.

**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.

**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.

**12. ADJOURNMENT**

The next scheduled meeting of the Yolo County Planning Commission is November 13, 2008.

Respectfully submitted by,

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

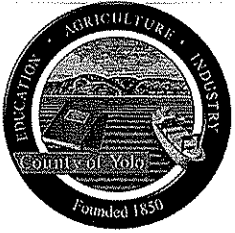
**\*\*\* NOTICE \*\*\***

*If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact David Morrison, Assistant Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact David Morrison, Assistant Director as soon as possible and preferably at least 24 hours prior to the meeting. David Morrison, Assistant Director may be reached at 530-666-8041, or at e-mail [david.morrison@yolocounty.org](mailto:david.morrison@yolocounty.org), or at the following address: Yolo County Planning and Public Works Department, 292 West Beamer Street, Woodland, CA 95695.*

**\*\*\* NOTICE \*\*\***

*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 that 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.*





# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

OCTOBER 9, 2008

**FILE #2008-016:** A Tentative Parcel Map (TPM No. 4927) (**Attachment B**) to subdivide a 13-acre industrial parcel into four parcels of approximately 3+ acres each, and to rezone the property from Heavy Industrial Planned Development (M-2 PD) to Heavy Industrial Planned Development No. 64 (M-2 PD-64). Development is not proposed as part of the application. The project is located in the town of Clarksburg.

**APPLICANT/OWNER:** Gordon and Sylvie Jensen  
52360 Willow Point Road  
Clarksburg, CA 95612

**LOCATION:** 52360 Willow Point Road,  
adjacent to the Old Sugar Mill site in the town of  
Clarksburg (APN: 043-240-05) (**Attachment A**).

**GENERAL PLAN:** Industrial (Yolo County  
General Plan) and Master Plan (Clarksburg  
General Plan)

**ZONING:** Heavy Industrial Planned  
Development (M-2 PD)

**FLOOD ZONE:** B (areas within the 500  
year flood plain)


**SOILS:** Merritt silty clay loam (Class II)

**ENVIRONMENTAL DETERMINATION:** Negative Declaration

**REPORT PREPARED BY:**

  
Jeff Anderson, Assistant Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Planning Commission recommends the following actions to the Board of Supervisors:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Initial Study/Negative Declaration, with the Errata, prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the proposed Findings (**Attachment D**) for the project;
4. **APPROVE** the Tentative Parcel Map (TPM #4927) (**Attachment B**) in accordance with the Conditions of Approval (**Attachment E**); and

**AGENDA ITEM 7.1**

- 5. **ADOPT** the Ordinance rezoning the property from Heavy Industrial Planned Development (M-2 PD) to Heavy Industrial Planned Development No. 64 (M-2 PD-64) (**Attachment F**).

**REASONS FOR RECOMMENDED ACTIONS**

The division of this 13-acre parcel into four parcels of approximately 3+ acres will allow for separate ownership of each parcel, and will accommodate small scale industrial businesses that seek to locate their operations in Yolo County. Increased industrial development has the potential to increase the number of jobs in the county and broaden the types of industrial services available in the Clarksburg vicinity. The rezoning of the parcels to the M-2 PD-64 zone will restrict the types of heavy industrial uses allowed on the four new parcels.

**BACKGROUND**

The proposed project is a Tentative Parcel Map for the division of an approximately 13-acre parcel into four parcels of approximately 3+ acres each (**Attachment B**). The project site is located at 52360 Willow Point Road, at the northernmost edge of the town of Clarksburg (**Attachment A**). The 13-acre parcel is currently developed with two buildings and accessory structures throughout the parcel. The proposed Parcel 2 is developed with an office building and trailer. The proposed Parcel 3 is currently occupied by a full service drilling company, and has an office building and storage/shop area, trailer, and a paved parking lot. The two remaining proposed parcels (Parcel 1 and Parcel 4) are not developed with permanent structures; however, the applicant has used the area to store equipment necessary for his industrial business. The applicant is not proposing development at this time. The parcels will likely be developed by a separate party subsequent to the sale of the individual parcels.

The project site is currently served by Willow Point Road, a county maintained road. The proposed southernmost parcel (Parcel 4) will have direct access to Willow Point Road. The applicant will record a road maintenance easement to grant access to the remaining three proposed parcels. This road maintenance easement would connect to Willow Point Road and traverse through the proposed Parcels 2, 3, and 4. In addition to other standard and project specific requirements, the Public Works Division has required the applicant to provide engineered improvement plans for a turn pocket on eastbound Willow Point Road upon approval of the Final Map. The turn pocket will ensure there is safe access to the four industrial parcels.

**STAFF ANALYSIS**

The resulting four parcels of 3+ acres each are consistent with the Industrial land use designation of the Yolo County General Plan and the Master Plan designation of the Clarksburg General Plan. This project will provide for development consistent with the policies of the Clarksburg General Plan, while ensuring adequate services and infrastructure, in a manner compatible with surrounding land uses. The project, as conditioned, is in compliance with the County General Plan, County zoning regulations, and other ordinances, and with the California Environmental Quality Act (CEQA) and the Subdivision Map Act.

**Planned Development Ordinance:** The land use designation of the subject property was changed from Industrial to Master Plan in the Clarksburg General Plan (2001) and the zoning was changed from Heavy Industrial (M-2) to Heavy Industrial Planned Development (M-2 PD). These designations require the preparation of a planned development ordinance to define and, if appropriate, limit the intensity and types of uses. The Planned Development Ordinance shall be the responsibility of the applicant and must be prepared consistent with Title 8, Chapter 2, Article 20, of the Yolo County Code (Planned Development Combining Zone).

The Planned Development Ordinance (**Attachment F**) created for this project limits several industrial uses that have the potential of causing considerable nuisances. The ordinance also limits building height, and provides general regulations for landscaping and signage so that the project will blend in with the surrounding agricultural area.

**Agricultural Buffer:** The subject property is bordered by agricultural lands to the west and south. The property to the west is zoned Agricultural General (A-1) and is growing alfalfa. The property to the south is zoned Agricultural Preserve (A-P) and is an active vineyard. The Yolo County Agricultural Commissioner has requested that the applicant maintain a 300-foot buffer along the southern boundary of the project site (proposed Parcel 4). The Agricultural Commissioner recommends this 300-foot buffer to prevent the potential for spray drift of pesticides, herbicides, and other chemicals onto the subject property. The buffer would be measured from the last row of grapes on the vineyard property (APN: 043-230-49) and extend north 300 feet onto the project site. The buffer area could be used for outdoor storage only, and no structures may be constructed or occupied within the buffer area. Vineyard operations use an airblast spraying technique that has the potential to drift further than other types of applications. Therefore, the Agricultural Commissioner is only recommending a buffer from the vineyard property to the south and not from the property to the west that is growing alfalfa.

Planning staff respects the Agricultural Commissioner's recommendation of the 300-foot buffer; however, staff recommends that some flexibility be allowed so that future development is not so severely hindered on the proposed Parcel 4. To be consistent with Agricultural Policy 22 of the Yolo County General Plan Agricultural Element, staff recommends a buffer setback of 300 feet along the southern boundary of the project site unless the adjacent property owner agrees in writing that the 300 foot buffer is not needed. In such case, the buffer may be reduced to no less than 100 feet.

**Agricultural Mitigation:** The Agricultural Commissioner has also requested that the applicant mitigate for the loss of potential farmland for the two proposed parcels that do not contain permanent structures (Parcel 1 and Parcel 4). In accordance with Section 8-2.2416 (Agricultural Conservation Easement Program) of the County Code, the applicant shall be required to mitigate for the loss of potential farmland by paying the agricultural mitigation fee of \$10,100 per acre for the proposed Parcel 1 (3.57 acres) and Parcel 4 (3.17 acres), or by purchasing, in perpetuity, a farmland conservation easement equal to the acreage lost, and deeded to a qualifying entity approved by the county.

Planning staff does not recommend that mitigation be required for the loss of potential farmland for the proposed Parcel 1 and Parcel 4. The entire 13+ acre parcel has been developed and/or disturbed with industrial facilities and operations. The two parcels that are not developed with permanent structures (Parcel 1 and Parcel 4) are used by the project applicant to store equipment that is necessary for his industrial business. The project site has been zoned Heavy Industrial (M-2) since 1982 and was rezoned to Heavy Industrial Planned Development (M-2 PD) in 2001. The applicant has owned the property for approximately ten years and has used the entire site in an industrial capacity for the duration. Similar to the Clark-Pacific project located on the former Spreckels site, planning staff considers the area used by the project applicant for the storage of equipment, to be disturbed and extensively developed, thus not viable agricultural land that requires mitigation.

The Department of Conservation Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every two years with the use of aerial photographs, a computer mapping system, public review, and field reconnaissance. The 2006 Clarksburg Area Important Farmland Map (**Attachment G**) designated the project site as "urban and built-up land."

#### AGENDA ITEM 7.1

The Department of Conservation has determined that the site does not contain prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance.

**Flood Hazard:** The project site is located in Flood Zone "B", as designated by the Federal Emergency Management Agency (FEMA), and is not subject to 100-year flood flows, but may be affected by 500-year flood flows. However, there is a possibility that FEMA will decertify many of the levees in the Clarksburg area, which could place the project site in a 100-year flood hazard area. New Flood Insurance Rate Maps (FIRMs), produced by FEMA, are expected later this year. The project site is approximately one-third mile from the Sacramento River. The potential risk of flooding, and the placement of any buildings, will be evaluated during the building permit process.

**SUMMARY OF AGENCY COMMENTS**

A Request for Comments was prepared and circulated for the proposed project from March 18, 2008 to April 2, 2008. An Initial Study/Negative Declaration was circulated between September 10, 2008 and September 30, 2008. The Clarksburg General Plan Advisory Committee recommended approval of the project to the Planning Commission at their June 19, 2008 meeting. Comments received during the review period are displayed below and will be incorporated into the project as appropriate.

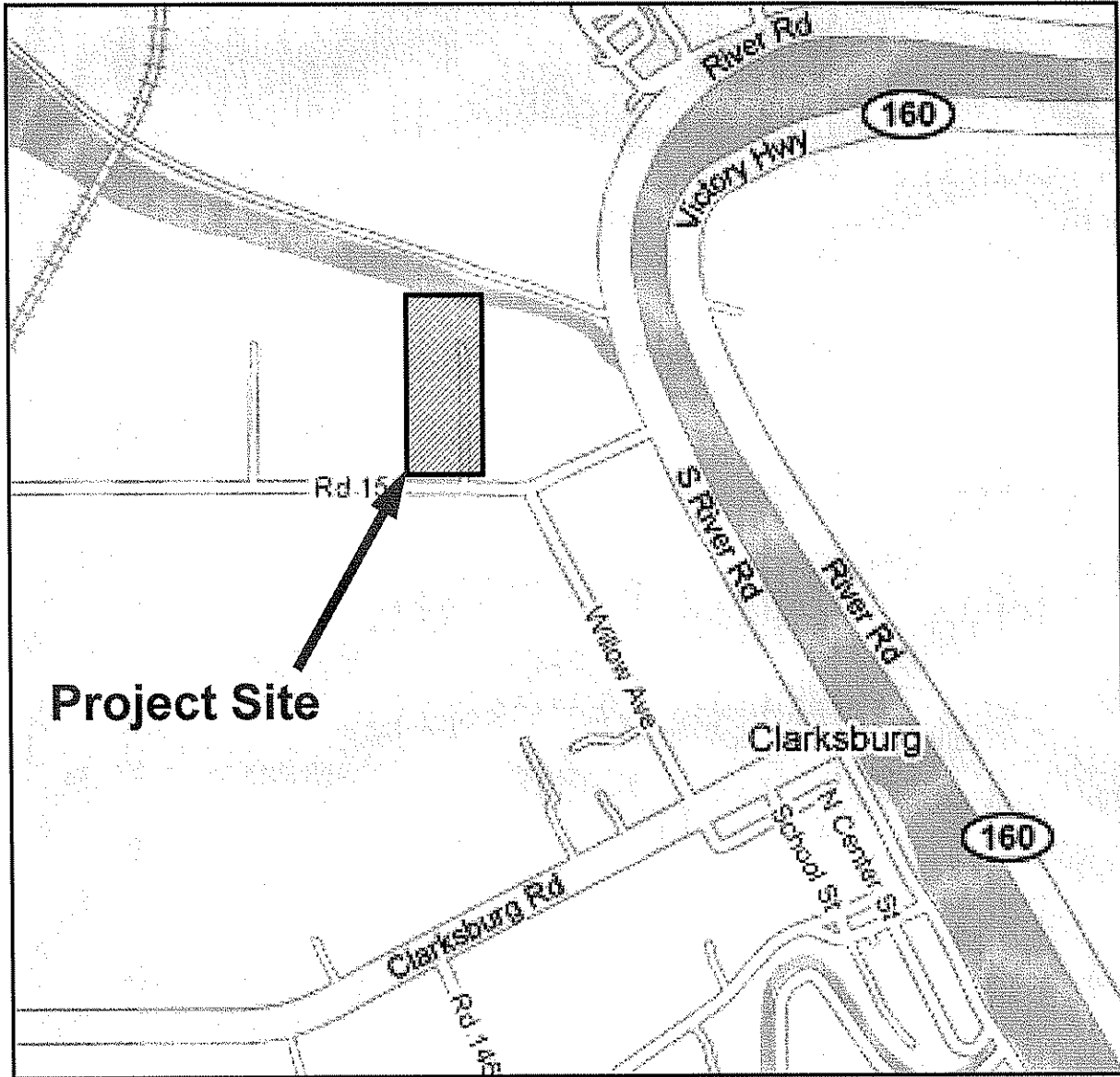
<b>Date</b>	<b>Agency</b>	<b>Comment</b>	<b>Response</b>
March 18, 2008	Yolo County Building Division	There is an outstanding code enforcement violation. A commercial coach was installed without approvals and permits. Applicant must apply for permits to resolve the code enforcement case.	Included in Conditions of Approval.
April 4, 2008	Yolo County Public Works Division	<ul style="list-style-type: none"> <li>▪ Provide turn-pocket on east-bound Willow Point Road.</li> <li>▪ Provide engineered improvement plans for extending the existing 25-foot wide paved access road.</li> <li>▪ Provide an engineered drainage plan.</li> </ul>	All comments are included in Conditions of Approval.
April 4, 2008	Maria Wong, Habitat JPA Manager	The applicant shall mitigate for the loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan.	Included in Conditions of Approval.
April 16, 2008	Central Valley Regional Water Quality Control Board (CVRWQCB)	Any development on the new parcels will require permits and approvals from the Regional Water Board.	Included in Conditions of Approval.

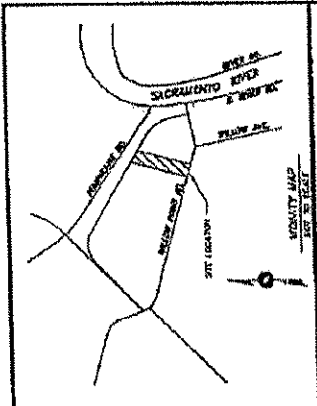
May 2, 2008	Yolo County Environmental Health Department (YCEH)	<ul style="list-style-type: none"> <li>▪ All septic systems must meet all relevant setback requirements and must be approved by YCEH.</li> <li>▪ The septic system is approved for domestic sewage only. Liquid wastes from industrial operations must not be disposed of into a septic system. Final disposal of this waste must be done under permit from CVRWQCB.</li> <li>▪ Industrial users will need to submit a Hazardous Materials Business Plan (HMBP).</li> </ul>	All comments are included in Conditions of Approval.
June 18, 2008	Yolo County Agricultural Commissioner	<ul style="list-style-type: none"> <li>▪ Requests a 300-foot buffer along the southern boundary of the project site. The buffer would be measured from the last row of grapes on the vineyard property (APN: 043-230-49) and extend north 300 feet onto the project site.</li> <li>▪ Requests that the applicant mitigate for the loss of potential farmland for the two proposed parcels that do not have permanent structures (Parcel 1 and Parcel 4).</li> </ul>	Comments noted.
September 19, 2008	Yolo-Solano Air Quality Management District	Reserves the right to review any new development resulting from creation of the new parcels.	Comment noted.

**ATTACHMENTS**

- A:** Location Map
- B:** Tentative Parcel Map #4927
- C:** Memo of Errata and Initial Study/Negative Declaration
- D:** Findings
- E:** Conditions of Approval
- F:** Ordinance Rezoning the Properties from M-2 PD to M-2 PD-64
- G:** Clarksburg Area Important Farmland Map (2006)
- H:** Memo from Wes Ervin, Manager of Economic Development

# LOCATION MAP



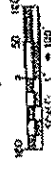


**OWNER/CLIENT:** GORDON & SYLVIA JENSEN  
 P.O. BOX 252  
 YUBA COUNTY, CALIF. 95992  
 PHONE: (916) 241-1149

**ENGINEER/CONTRACTOR:** LAURENCE AND WHELE  
 202 SOUTH STREET  
 YUBA COUNTY, CALIF. 95992  
 PHONE: (916) 444-1229

**ASSISTANT'S NUMBER:** APN 043-260-04-1

- EXISTING USE:** RESIDENTIAL
- PROPOSED USE:** RESIDENTIAL
- EXISTING ZONING:** R-1
- PROPOSED ZONING:** R-1
- SEWER SERVICE:** PRIVATE SEWER
- WATER SERVICE:** BURIED TO EXISTING
- ELECTRIC SERVICE:** PRIVATE OVERHEAD WIRE
- GAS SERVICE:** PRIVATE OVERHEAD WIRE
- TELEPHONE SERVICE:** A/B
- FLOOD ZONES:** 7948 R, 040021 820 6
- GROSS AREA:** 1.996 ACRES

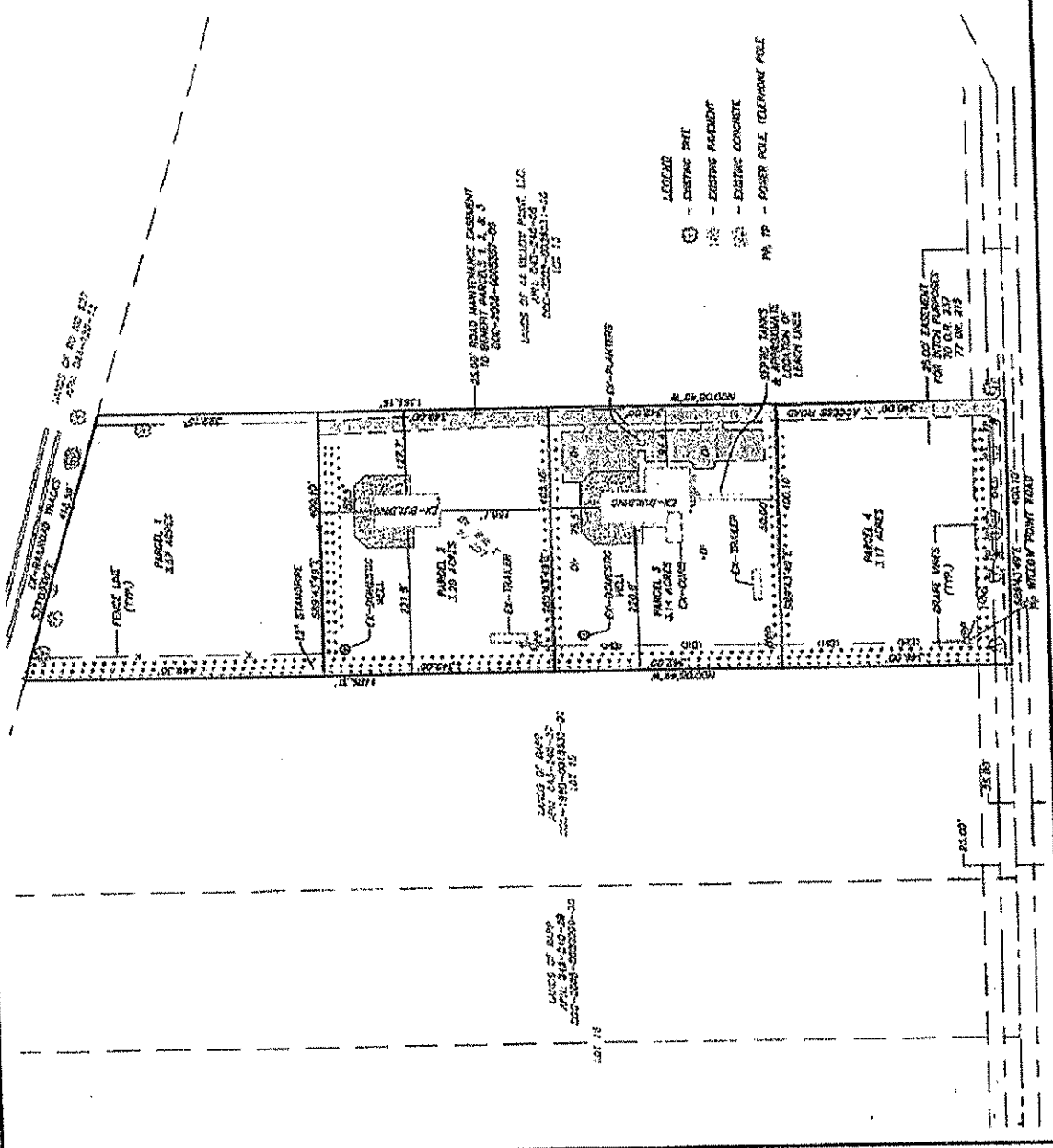


**TENTATIVE PARCEL MAP NO. 4927**

**GORDON AND SYLVIA JENSEN**  
 BEARS LOT 14 OF "HOLLAND LAND COMPANY SUBDIVISION  
 NO. 94" FILED IN BOOK 3 OF MAPS AT PAGE 48,  
 YUBA COUNTY RECORDS,  
 ALSO BEARS A PORTION OF SECTION 28  
 TOWNSHIP 7 NORTH, RANGE 4 EAST,  
 MOUNT Diablo BASE AND MERIDIAN  
 YUBA COUNTY, CALIFORNIA



**SHEET 1 OF 1 MARCH 3, 2007**



**ATTACHMENT B**

**Errata for Jensen Tentative Parcel Map  
Initial Study/Negative Declaration**

The Initial Study/Negative Declaration is amended at the following pages to incorporate the following changes to the text.

The following changes to the Initial Study/Mitigated Negative Declaration are outlined in bold underline or ~~strikethrough~~.

Page 7 – Agricultural Resources

Add the following changes to “Discussions of Impacts” for II(a):

- a) *Less Than Significant Impact.* The 2006 Clarksburg Area Important Farmland Map, prepared by the Department of Conservation pursuant to the Farmland Mapping and Monitoring Program, designates the project site as “urban and build-up land.” The site is zoned Heavy Industrial/Planned Development (M-2/P-D) and is designated Industrial (I) in the Yolo County General Plan and is designated Master Plan (MP) in the Clarksburg General Plan. The property is currently developed with an industrial use; however, a portion of the property is ~~vacant and has the potential to be utilized for agriculture production not developed with permanent structures.~~ The two parcels that are not developed with permanent structures (Parcel 1 and Parcel 4) are used by the project applicant to store equipment that is necessary for his industrial business. The proposed Tentative Parcel Map will be required to mitigate for the loss of agricultural land. The area used by the project applicant for the storage of equipment, has been disturbed and extensively developed, thus it is not viable agricultural land that requires mitigation.

Add the following changes to the “Discussions of Impacts” for II(c):

- c) *Less Than Significant Impact.* The site is zoned Heavy Industrial/Planned Development (M-2/P-D); however, the proposed parcels (Parcel 1 & Parcel 4) are ~~undeveloped and have the potential to be farmed~~ not developed with permanent structures. The Agricultural Conservation Easement Program (Section 8-2.2416) defines agricultural land or farmland as “those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production.” ~~The applicant shall be required to mitigate for the loss of potential farmland by 1) paying the agricultural mitigation fee of \$10,100 per acre for the proposed Parcel 1 (3.57 acres) and Parcel 4 (3.17) or 2) purchasing, in perpetuity, a farmland conservation easement equal to the acreage lost, and deeded to a qualifying entity approved by the county. Agricultural mitigation (payment of an in-lieu fee or purchase of a conservation easement) shall be completed as a condition of approval prior to the acceptance of the Final Parcel Map. The applicant shall adhere to the requirements set forth in Section 8-2.2416 (Agricultural Conservation Easement Program) of the County Code. The applicant has owned the property for approximately ten years and has used the entire site in an~~

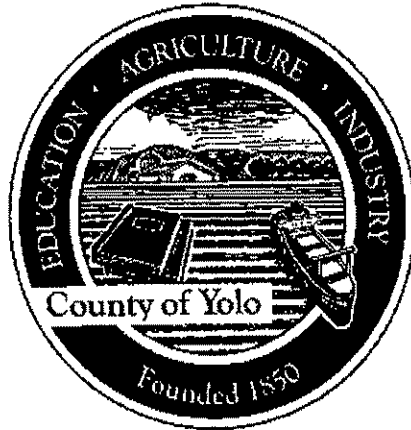


**industrial capacity for the duration. The area used by the project applicant for the storage of equipment (Parcel 1 & Parcel 4), has been disturbed and extensively developed, thus it is not viable agricultural land that requires mitigation.**

Page 18 – Transportation/Traffic

Add the changes to "Discussion of Impacts" for XV(a,b):

- a, b) *Less Than Significant Impact.* Development is not proposed as part of this application. If future development occurs as a result of approval of the Tentative Parcel Map, **a an slight** increase in truck traffic and automobile traffic associated with industrial operations would likely occur. As a Condition of project approval, the applicant will be required to provide engineered improvement plans for a **left**-turn pocket on east-bound Willow Point Road. The turn pocket will ensure there is safe access to the four industrial parcels. ~~The county has not established a level of service standard for Willow Point Road. However,~~ **Circulation Policy 7 of the Yolo County General Plan requires a service level of "C" for all county roads.** The potential increase of truck and automobile traffic that will result from future development is not likely to significantly contribute to congestion on Willow Point Road, **or cause the service level of the road to decline below level "C."** As stated above, the applicant will be required to add a **left**-turn pocket into the property to allow for safe truck and automobile access and to maintain the traffic flow on Willow Point Road.



## **YOLO COUNTY PLANNING & PUBLIC WORKS DEPARTMENT**

**INITIAL STUDY/ NEGATIVE DECLARATION  
ZONE FILE # 2008-016  
Jensen  
Tentative Parcel Map**

**September 10, 2008**

## Negative Declaration / Initial Environmental Study

1. **Project Title:** Zone File No. 2008-016
2. **Lead Agency Name and Address:**  
Yolo County Planning and Public Works Department  
292 West Beamer Street  
Woodland, CA 95695
3. **Contact Person and Phone Number:** Jeff Anderson at (530) 666-8036 or e-mail at jeff.anderson@yolocounty.org.
4. **Project Location:** The project site is located at 52360 Willow Point Road, adjacent to the Old Sugar Mill site in the town of Clarksburg.  
APN: 043-240-05
5. **Project Sponsor's Name and Address:**  
  
Gordon & Sylvie Jensen  
PO Box 657  
Clarksburg, CA 95612
6. **General Plan Designation(s):** Industrial (Yolo County General Plan) & Master Plan (Clarksburg General Plan)
7. **Zoning:** M-2/P-D (Heavy Industrial/Planned Development)
8. **Description of the Project:** The proposed project is a request to approve a Tentative Parcel Map (TPM #4927) to divide 13.096 acres into four parcels of approximately three acres each (Figure 2, Project Map/Site Plan). The project site is zoned M-2/P-D (Heavy Industrial/Planned Development) and is designated as Industrial in the Yolo County General Plan and is designated Master Plan in the Clarksburg General Plan. The parcels will retain the same zoning and land use designations. The applicant does not propose any development at this time. However, approval of the parcel map would allow for each parcel to be developed with industrial uses.

The project site is located on Willow Point Road, at the northernmost edge of the town of Clarksburg (Figure 1, Regional Location Map). The site is bordered by native grass and shrubs (Old Sugar Mill site) to the east, a vineyard to the south, and alfalfa to the west. The property to the north is a canal owned by Reclamation District 627. The project site is currently developed with two buildings and two trailers. The proposed "Parcel 2" is developed with an office building and trailer. The proposed "Parcel 3" is currently occupied by a full service drilling company, and has an office building and storage/shop area, trailer, and a paved parking lot. The two remaining proposed parcels ("Parcel 1" and "Parcel 4") are undeveloped. The project site will continue to be served by on-site septic systems and private wells.

Any future construction as a result of approval of the Tentative Parcel Map would be required to comply with all applicable Uniform Building Code requirements and Yolo County permitting requirements. The project site is located in flood zone "B", as

designated by the Federal Management Agency (FEMA), and is not subject to 100-year flood flows, but may be affected by 500-year flood flows. However, there is a possibility that FEMA will decertify many of the levees in the Clarksburg area, which could place the project site in a 100-year flood hazard area. New Flood Insurance Rate Maps (FIRMs) produced by FEMA are expected later this year.

Although the project site is zoned M-2/P-D (Heavy Industrial/Planned Development), the proposed parcels have the potential to be farmed. Approval of the parcel map would essentially convert "farmland" to a non-agricultural use. The Agricultural Conservation Easement Program (Section 8-2.2416) defines agricultural land or farmland as "those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production." The applicant shall be required to mitigate for the loss of potential farmland by 1) paying the agricultural mitigation fee of \$10,100 per acre for the proposed Parcel 1 (3.57 acres) and Parcel 4 (3.17) or 2) purchasing, in perpetuity, a farmland conservation easement equal to the acreage lost, and deeded to a qualifying entity approved by the county.

Development that could result from approval of the Tentative Parcel Map has the potential to decrease foraging habitat for the Swainson's Hawk. Prior to the recording of the Final Map, the applicant will be required to mitigate for the loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan, as outlined in the Conditions of Approval. The applicant will be required to pay a Swainson's Hawk mitigation fee for the proposed Parcel 1 and Parcel 4. The fee is currently set at \$8,660 per acre and will be collected for 6.74 acres prior to the recording of the Final Map.

The project site is currently served by Willow Point Road, a county maintained road. The applicant has recorded a 25-foot by 1,037-foot road maintenance agreement to benefit and provide sufficient access for proposed Parcel 1, Parcel 2, and Parcel 3. Should development occur as a result of approval of the parcel map, a slight increase in truck and automobile traffic associated with industrial operations would likely occur. As a condition of project approval, the applicant will be required to provide engineered improvement plans for a turn pocket on east-bound Willow Point Road. The turn pocket will ensure there is safe access to the four industrial parcels.

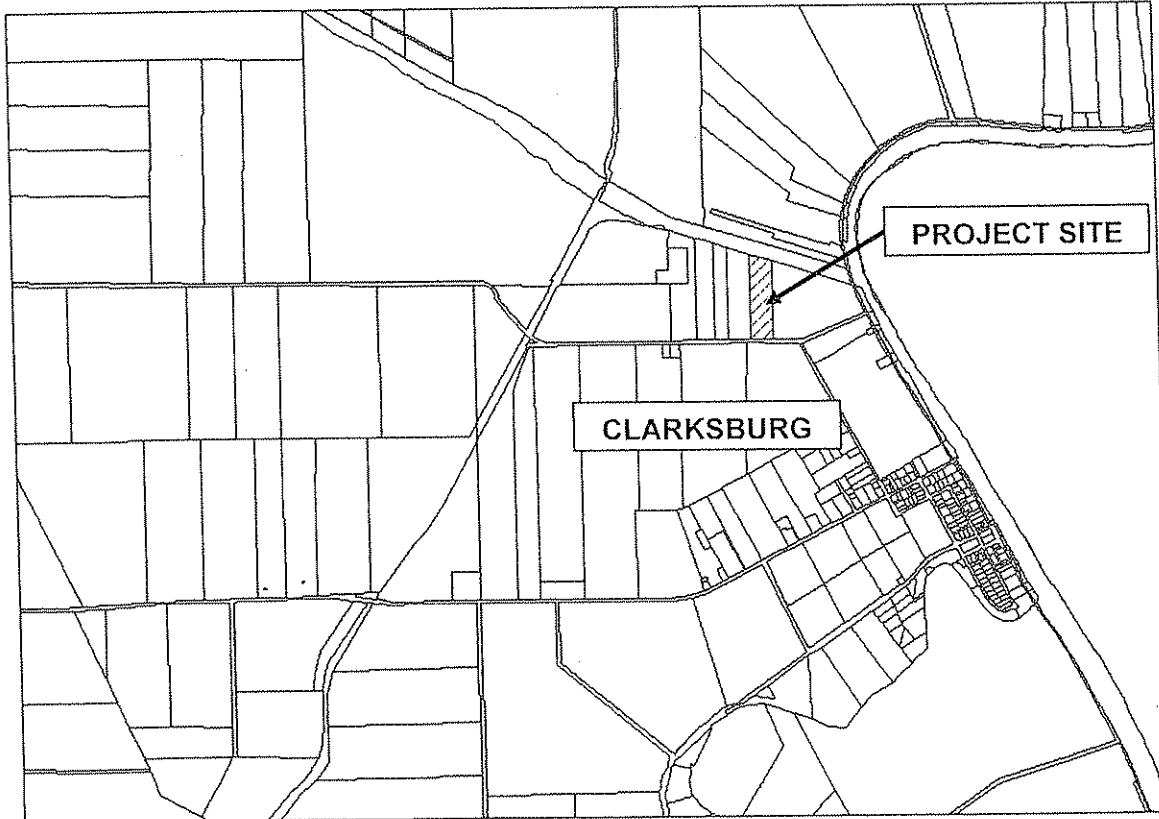
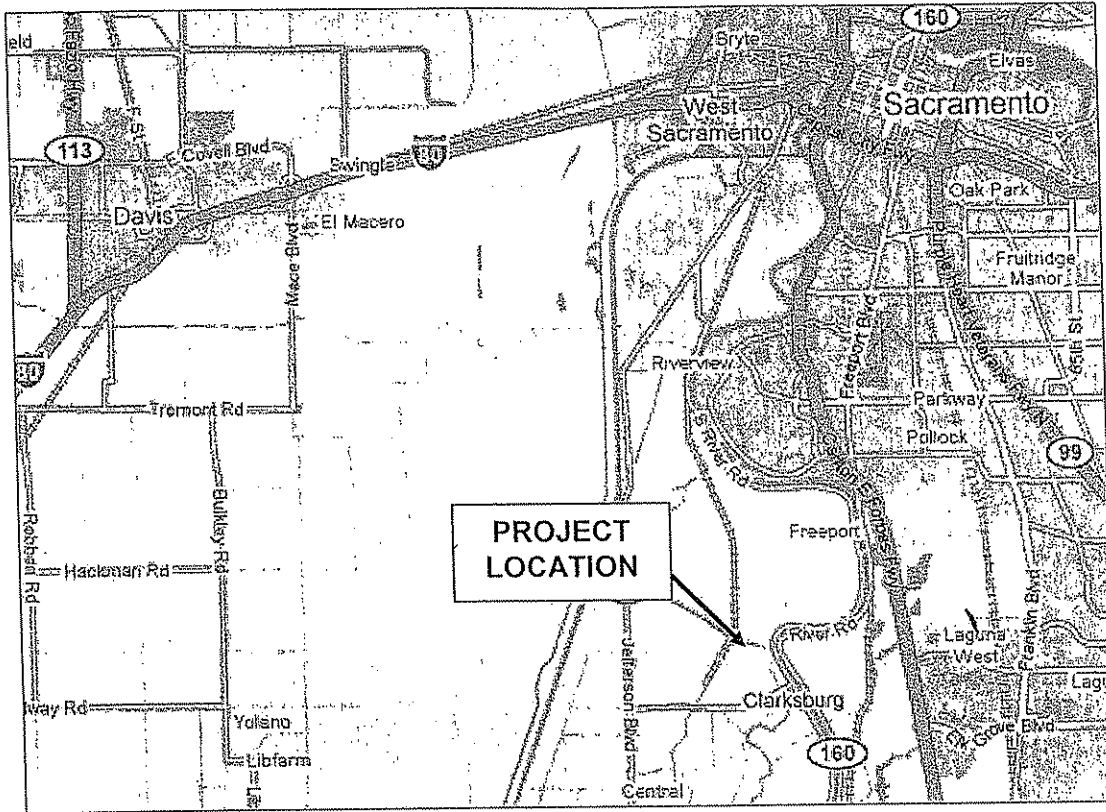


FIGURE 1  
REGIONAL LOCATION MAP



**9. Surrounding Land Uses and Setting:**

Relation to Project	Land Use	Zoning	General Plan Designation
Project Location	Industrial (Equipment storage and office)	M-2/P-D (Heavy Industrial/Planned Development)	Industrial (I)/Master Plan (MP)
North	Waterway/Canal	A-P (Agricultural Preserve)	Agriculture
South	Vineyard	A-P (Agricultural Preserve)	Agriculture
East	Native grass/shrubs	M-2 (Heavy Industrial)	Industrial (I)/Specific Plan (SP)
West	Alfalfa	A-1 (General Agriculture)	Agriculture

**10. Other public agencies whose approval is required:** None

**11. Other Project Assumptions:** The Initial Study assumes compliance with all applicable State, Federal, and local codes and regulations including, but not limited to, County of Yolo Improvement Standards, the California Building Code, the State Health and Safety Code, and the State Public Resources Code.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality              |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION:** (To be completed by the Lead Agency)

On behalf of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the

project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Planner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planner's Printed name

**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the project as described herein may have a significant effect upon the environment.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.



3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. A definition of "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. A determination that a "Less Than Significant Impact" would occur is appropriate when the project could create some identifiable impact, but the impact would be less than the threshold set by a performance standard or adopted policy. The initial study should describe the impact and state why it is found to be "less than significant."
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration, pursuant to Section 15063 (c)(3)(D) of the California Government Code. Earlier analyses are discussed in Section XVII at the end of the checklist.
7. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

**I. AESTHETICS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *No Impact.* The project is not located within view of any scenic highways or vistas. The adjoining roadways and highways are not listed or designated as "scenic highways" and there are no scenic resources on or within view of the project site.

- b) *No Impact.* No construction is proposed that will affect any scenic resources or natural features.
- c) *No Impact.* The proposal does not present a significant demonstrable negative aesthetic effect to the agricultural and industrial character of the area. The project site is currently developed with two buildings and two trailers. Future industrial development will be allowed pending approval of the Tentative Parcel Map.
- d) *No Impact.* Approval of the parcel map will allow for the development of four industrial parcels. The future construction of buildings on the four industrial parcels could produce additional sources of light to the surrounding agricultural area. However, any future development of the parcels will require a lighting plan before building permits are issued.

**II. AGRICULTURAL RESOURCES:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a) *Less Than Significant Impact.* The site is zoned Heavy Industrial/Planned Development (M-2/P-D) and is designated Industrial (I) in the Yolo County General Plan and is designated Master Plan (MP) in the Clarksburg General Plan. The property is currently developed with an industrial use; however, a portion of the property is vacant and has the potential to be utilized for agriculture production. The proposed Tentative Parcel Map will be required to mitigate for the loss of agricultural land.
- b) *No Impact.* The four resulting parcels retain the Heavy Industrial/Planned Development (M-2/P-D) zoning. The parcel is not under a Williamson Act contract.
- c) *Less Than Significant Impact.* The site is zoned Heavy Industrial/Planned Development (M-2/P-D); however, the proposed parcels (Parcel 1 & Parcel 4) are undeveloped and have the potential to be farmed. The Agricultural Conservation Easement Program (Section 8-2.2416) defines agricultural land or farmland as "those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production." The applicant shall be required to mitigate for the loss of potential farmland by 1) paying the agricultural mitigation fee of \$10,100 per acre for the proposed Parcel 1 (3.57 acres) and Parcel 4 (3.17) or 2) purchasing, in perpetuity, a farmland conservation easement equal to the acreage lost, and deeded to a qualifying entity approved by the county. Agricultural mitigation (payment of an in-lieu fee or purchase of a conservation easement) shall be completed as a condition of approval prior to the acceptance of the Final Parcel Map. The applicant shall adhere to the requirements set forth in Section 8-2.2416 (Agricultural Conservation Easement Program) of the County Code.

**III. AIR QUALITY:**

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

The Yolo Solano Air Quality Management District (YSAQMD) has published a set of recommendations that provide specific guidance on evaluating projects under CEQA relative to the above general criteria (YSAQMD, 2007). The Guidelines identify quantitative and qualitative long-term significance thresholds for use in evaluating the significance of criteria air pollutant emissions from project-related mobile and area sources. These thresholds include:

Reactive Organic Gases (ROG)	10 tons/year
Oxides of Nitrogen (NOx)	10 tons/year
Particulate Matter (PM <sub>10</sub> )	80 ppd
Carbon Monoxide (CO)	Violation of a state ambient air quality standard for CO

Development projects are considered cumulatively significant if:

1. The project requires a change in the existing land use designation (i.e., general plan amendment, rezone); and
2. Projected emissions (ROG, NOx, or PM<sub>10</sub>) of the project are greater than the emissions anticipated for the site if developed under the existing land use designation.
  - a) *Less Than Significant Impact.* There is no change in the land use designation for the project site. The project would not substantially conflict with or obstruct implementation of the Yolo Solano Air Quality Management District Air Quality Attainment Plan (1992), the Sacramento Area Regional Ozone Attainment Plan (1994), or the goals and objectives of the County's General Plan.
  - b) *Less Than Significant Impact.* Approval of the parcel map could result in the construction of additional industrial operations, but any future residential development would be considered less than significant. This is considered a negligible impact because any potentially sensitive receptors would be exposed to minor amounts of construction dust and equipment emissions for short periods of time with no long-term exposure to potentially affected groups. There are no permanent sensitive

receptors in the vicinity of the project site. Thresholds for project-related air pollutant emissions would not exceed significant levels as set forth in the 2007 YSAQMD Guidelines.

- c) *No Impact.* Effects on air quality can be divided into short-term construction-related effects and those associated with long-term aspects of the project. Long-term mobile source emissions from any future construction of industrial operations would not exceed thresholds established by the Yolo-Solano Air Quality Management District Guidelines (2007) and would not be cumulatively considerable for any non-attainment pollutant from the project. The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant. The project applicant shall prepare a Planned Development Ordinance (PD) as part of the application to limit the intensity of industrial uses allowed. The PD Ordinance will limit the types of Heavy Industrial uses allowed, including uses that are commonly known for producing excessive pollutants. Any future construction and proposed use will be reviewed by the Planning and Building divisions to ensure compatibility with air quality standards.
- d) *Less Than Significant Impact.* The project is a parcel map, which could result in future development of additional industrial operations. The air pollutants generated by any future construction would be primarily dust and particulate matter during construction, as described in (b) above. Dust will be controlled through effective management practices, such as water spraying during construction activity, and will therefore be a less than significant impact. There are no sensitive receptors in the immediate vicinity. The property is surrounded by agricultural uses on the east and south, fallow land to the west, and a canal to the north.
- e) *No Impact.* The proposed parcel map would not create objectionable odors.

**IV. BIOLOGICAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 4040 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *Less Than Significant Impact.* Development that could result from approval of the Tentative Parcel Map has the potential to decrease foraging habitat for the Swainson's Hawk. Prior to the recording of the Final Map, the applicant will be required to mitigate for the loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan, as outlined in the conditions of approval. The applicant will be required to pay a Swainson's Hawk mitigation fee for the proposed Parcel 1 and Parcel 4. The fee is currently set at \$8,660 per acre and will be collected for 6.74 acres prior to the recording of the Final Map.
  
- b-f) *No Impact.* The parcel map would not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan including the Draft County Habitat Conservation Plan. Any potential future development resulting from the parcel map would be required to comply with the provisions of the Draft County Habitat Conservation Plan.

**V. CULTURAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a) *No impact.* The project site is not known to have any historical significant or significant characteristics as defined by the criteria within the CEQA Guidelines.
  
- b) *No Impact.* The project site is not known to have any archaeologically significant characteristics as defined by the criteria in the CEQA Guidelines.
  
- c) *No impact.* No paleontological resources are known or suspected and no unique geologic features exist on the project site.
  
- d) *Less Than Significant Impact.* No human remains are known or predicted to exist in the project area. If, however, any future development resulting from the parcel map should uncover human remains, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

**VI. GEOLOGY AND SOILS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known Fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion of Impacts**

- a) *Less Than Significant Impact.* Any future development will comply with all applicable Uniform Building Code requirements. New construction resulting from approval of the parcel map will require Building Permit approval from the Yolo County Planning Public Works Department.

Any major earthquake damage that may result from residential development after approval of the parcel map is likely to occur from ground shaking and seismically related ground and structural failures. Local soil conditions, such as soil strength, thickness, density, water content, and firmness of underlying bedrock affect seismic response. Seismically induced shaking and some damage should be expected to occur during an event but damage should be no more severe in the project area than elsewhere in the region. Any future potential development would require framed construction on proper foundations constructed in accordance with Uniform Building Code requirements which are generally flexible enough to sustain only minor structural damage from ground shaking. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking.

The project site contains normal, not expansive soils; therefore should any future industrial development occur, the risk of seismic-related ground failure is minimal. Geologic hazard impacts that are associated with expansive soils include long-term differential settlement and cracking of foundations, disruption and cracking of paved surfaces, underground utilities, canals, and pipelines.

The project site is relatively level and approval of the project and any subsequent development would not expose people or structures to potential landslides.

- b, c, d) *No Impact.* No new construction is proposed. Any future construction would be required to comply with all applicable Uniform Building Code requirements. The project is not located on expansive soils.
- e) *Less Than Significant Impact.* The site would rely on on-site septic and leach field. The soils are capable of supporting the use of septic tanks and leach fields according to the Yolo County Environmental Health Department (YCEH). Location of existing and proposed new septic systems must meet the requirements and be approved by YCEH. Liquid wastes from industrial operations, mechanic shops, and similar operations which may use hazardous chemicals or create designated waste may not be disposed of into a septic system. Plumbing waste lines from such operations must be segregated from the domestic sewage lines. Final disposal of this waste must be done under permit from the Central Valley Regional Water Quality Control Board.

**VII. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a, b, c) *Less Than Significant Impact.* The parcel map itself does not involve any hazardous materials or hazardous waste, however new uses allowed through future construction could involve hazardous materials or waste. Any industrial development that is permitted as a result of this parcel map will be required to meet YCEH requirements. Industrial users will need to submit a Hazardous Materials Business Plan (HMBP) to YCEH as soon as they store, handle, or use greater than the threshold quantity (55-gal, 500-lb, 200 ft<sup>3</sup>) of a hazardous material at this site. An HMBP is also required if they generate hazardous waste, operate underground or aboveground hazardous materials or waste tanks, or are subject to Risk Management Plan (RMP) requirements.
- d) *No impact.* The project is not located on a site which is included on a list of hazardous waste sites.
- e, f) *No Impact.* The project site is not located within an airport land use plan. However, the project site is located approximately two miles from the Borges-Clarksburg airport, a private facility. The site is located outside of the airport safety zones (the clear zone, the approach-departure zone, and the overflight zone) and any future development as a result of the parcel map would not result in a safety hazard.
- g) *No impact.* The parcel map would not interfere with any adopted emergency response or evacuation plans.
- h) *No impact.* The project is located in an agricultural setting and will not expose urban development to the risk of wildland fires.

**VIII. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Significantly deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion of Impacts**

- a) *Less Than Significant Impact.* The parcel map does not propose development that would violate any water quality standards or waste discharge requirements. However, approval of the parcel map would allow for the construction of industrial buildings on separate parcels. Construction activity associated with developing the parcels would increase the amount of impervious surface on the site. The owner/applicant of the individual parcels would be required to secure a Storm Water Pollution Prevention Plan (SWPPP) for the disturbance of one acre or more.
- b) *Less Than Significant Impact.* The two developed portions of the site are currently served by separate wells. The proposed parcel map would result in potential future development of four total parcels, which would require an additional well for the northern parcel (Parcel 1) and the southern parcel (Parcel 4). However, this would not result in a significant impact to groundwater supplies.
- c) *Less Than Significant Impact.* Should development occur as a result of the approval of this Tentative Parcel Map, absorption rates would likely decrease slightly and run-off would increase incrementally onsite, but would be of less than significant volume so as not to impact adjoining areas. The overall effect of the proposed project and any future industrial development would not substantially alter the existing drainage pattern of the project site or the surrounding area and would not, therefore, result in substantial erosion or siltation on- or off-site.
- d) *Less Than Significant Impact.* Approval of the parcel map will allow for the creation of four parcels, which would increase the amount of impervious surface on site. This would not significantly alter land topography in a way that would substantially alter the site's drainage pattern. The construction of industrial buildings would decrease absorption rates slightly and would increase run-off onsite. Issues related to the development of the parcels will be examined in the building permit review process.
- e) *Less Than Significant Impact.* See (d), above. The parcel map does not propose changing existing drainage patterns. Any development will require a SWPP for regulation under the National Pollutant Discharge Elimination System (NPDES) for the disturbance of an area greater than one acre. In addition, grading plans would be required for any proposed construction to address erosion control and drainage.
- f) *No Impact.* See (a) and (e), above. No additional impacts to water quality are anticipated.
- g) *Less Than Significant Impact.* All of the proposed parcels are located in flood zone "B", as designated by the Federal Emergency Management Agency (FEMA), and not subject to 100-year flood flows. However, there is a possibility that FEMA will decertify many of the levees in the Clarksburg area, which could place the project site in a 100-year flood hazard area. New Flood Insurance Rate Maps (FIRMs) produced by FEMA are expected later this year. Housing is not proposed as part of this application.
- h) *Less Than Significant Impact.* See (g) above. The parcel map does not propose any buildings. Any new construction, as a result of approval of the parcel map, would be subject to site plan review and the building permit process.

- i) *Less Than Significant Impact.* The parcel map does not propose any buildings. The project area is located approximately 1500 feet from the Sacramento River. Any future construction will be evaluated in the building permit process.
- j) *No Impact.* The project would not result in the location of future construction near any enclosed bodies of water that would pose a seiche hazard. The project is not located near an ocean; therefore, it would not pose a tsunami hazard. In addition, the project site is not typically associated with mudflow hazard.

**IX. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *No impact.* The parcel map would not physically divide an established community. The project is located at the northwest end of the town of Clarksburg.
- b) *No Impact.* The resulting parcels will meet all the requirements of the Yolo County Zoning Code and County General Plan. The applicant will submit a Planned Development Ordinance as part of the project application which will limit the intensity of industrial uses allowed on the proposed parcels.
- c) *No Impact.* The County does not have an adopted HCP or NCCP although there is a draft HCP/NCCP. The parcel map would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**X. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a, b) *No impact.* There are no known mineral resources on the site and the site is not delineated as resource recovery site. This parcel map will not affect the availability of any known mineral resource or resource recovery site.

**XI. NOISE**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a, b, c, d) *Less Than Significant Impact.* Approval of the parcel would not expose persons to or generate excessive noise levels. The noise from potential future development on the resulting parcels would be slightly higher than levels already present on the site, which are minimal. The site is zoned Heavy Industrial/Planned Development, meaning that almost all industries are allowed, including those which may create some objectionable conditions, including excessive noise. However, the applicant will prepare a Planned Development Ordinance which will limit the types of industrial uses to those that are more compatible with light industrial than heavy industrial.
- e) *No Impact.* The project is located approximately two miles from the Borges-Clarksburg airport. Future development as a result of the parcel map will not be subjected to nocuous levels of noise due to nearby aircraft.
- f) *No Impact.* The project is not located in the vicinity of a private airstrip.

**XII. POPULATION**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Discussion of Impacts**

- a) *No Impact.* If approved, the parcel map would allow for the development of four industrial parcels. Given the small size of the industrial parcels, such development would not induce substantial population growth.
- b, c) *No Impact.* No existing housing or people will be displaced by this parcel map.

**XIII. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response time or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *No Impact.* The project has been sent to the Clarksburg Fire District with no major concerns noted. Therefore, the project will not result in the need for additional fire protection services. Any new development resulting from approval of this Tentative Parcel Map will be evaluated by the Clarksburg Fire District.
- b) *No Impact.* The project site is currently developed with two industrial operations. By allowing for the subdivision of the parcel, it is likely that two additional industrial uses may locate to the project area. This addition would not strain police services in the area nor would it impact response times.
- c) *No Impact.* Development is not proposed as part of this Tentative Parcel Map application. However, prior to the issuance of any future building permits for the properties, the applicant shall pay all applicable school impact fees. Effects on enrollment from the possibility of four (total) industrial parcels will be negligible.
- d) *No Impact.* The project will not have an impact on local parks.
- e) *No Impact.* Should any future development occur from the result of the parcel map, the properties will be served by a private septic system and water well. An access easement has been recorded for use of the existing private to service the proposed "Parcel 1", "Parcel 2", and "Parcel 3". No development is proposed at this time. Any future development will be evaluated for its impact on public facilities.

**XIV. RECREATION**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

a, b) *No Impact.* The proposed parcel map does not include housing or any other type of development that would increase the use of existing regional parks or other recreational facilities. The project will not require the construction or expansion of recreational facilities since housing is not proposed. The proposed industrial parcels will be used by workers during the daytime hours. Industrial parcels are allowed residences for watchmen. However, the addition of a night watchman will not impact recreational facilities.

**XV. TRANSPORTATION/TRAFFIC**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase on either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) *Less Than Significant Impact.* Development is not proposed as part of this application. If future development occurs as a result of approval of the Tentative Parcel Map, a slight increase in truck traffic and automobile traffic associated with industrial operations would likely occur. As a Condition of project approval, the applicant will be required to provide engineered improvement plans for a turn pocket on east-bound Willow Point Road. The turn pocket will ensure there is safe access to the four

industrial parcels. The county has not established a level of service standard for Willow Point Road. However, the potential increase of truck and automobile traffic that will result from future development is not likely to significantly contribute to congestion on Willow Point Road. As stated above, the applicant will be required to add a turn pocket into the property to allow for safe truck and automobile access and to maintain the traffic flow on Willow Point Road.

- c) *No Impact.* The project will not have an impact on air traffic patterns.
- d) *No Impact.* The parcel map does not contain elements that would increase traffic hazards. A 25-foot wide private access easement has been recorded to benefit the proposed "Parcel 1", "Parcel 2", and "Parcel 3".
- e) *No Impact.* The project will not have an effect on emergency access. As a Condition of Approval the applicant will be required to include a cul-de-sac (turning) bulb at the northern terminus of the paved private access road to allow for turning of emergency vehicles and trucks.
- f) *No Impact.* The resulting parcels will each be over three acres in size. There will be adequate parking for any future industrial development.
- g) *No Impact.* The project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

**XVI. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *No Impact.* The design and placement of septic tanks and leach fields must be reviewed and approved by the Yolo County Environmental Health Department (YCEH). In addition, depending on

case-specific circumstances, it may be appropriate for the wastewater disposal systems to be regulated by the California Regional Water Quality Control Board under Waste Discharge Requirements (WDRs). Since construction is not proposed as part of this Tentative Parcel Map, wastewater disposal systems will be reviewed as part of the building permit process.

- b) *No Impact.* The project will not require the construction of new wastewater treatment facilities or expansion of existing facilities. The parcels will be served by individual septic tanks and leach fields. The design and placement of these systems will be reviewed by the California Regional Water Quality Control Board during the building permit process and will require final approval from YCEH.
- c) *No Impact.* The project site is not part of any existing storm water drainage facilities and would not require any. Any development that results from approval of the Tentative Parcel Map will require the following permits and approvals from the Regional Water Board: (1) Coverage under the state Water Board's NPDES General Permit for discharges of storm water associated with construction activity; and (2) Coverage under the State Water Board's NPDES General Permit for discharges of storm water associated with industrial activities.
- d) *No Impact.* The parcels will be served by private domestic wells. Currently, there are two wells on the property (proposed "Parcel 2" and proposed "Parcel 3"). Any new well systems have to be reviewed by and meet all the requirements of Yolo County Environmental Health.
- e) *No Impact.* The project site is not located near any existing wastewater treatment provider and has no potential of connecting to any such facility.
- f) *No Impact.* The site is served by the county landfill. Any solid waste resulting from future development as a result of the Tentative Parcel Map will not significantly impact the county landfill. The project site is currently developed with two industrial operations. The creation of four parcels will likely allow for the development of two additional industrial businesses. This is not a significant impact on existing landfill facilities.
- g) *No Impact.* No development is proposed as part of this Tentative Parcel Map. Any future development will be required to comply with all relevant statutes related to solid waste.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

Does the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion of Impacts**

- a) *No Impact.* Based on the information provided in this Initial Study, no potential environmental impacts would be caused by the project. No important examples of major periods of California history or prehistory in California were identified; and the habitat and/or range of any special status plants, habitat, or plants would not be substantially reduced or eliminated.
  
- b) *No Impact.* Based on the analysis provided in this Initial Study, no environmental impacts would result from the project.
  
- c) *No Impact.* Based on the analysis provided in this Initial Study, no impacts to human beings would result from the proposed project. The project as proposed would not have substantial adverse effects on human beings, either directly or indirectly.

**REFERENCES**

- Yolo County Zoning Ordinance
- Yolo County General Plan
- Clarksburg General Plan
- Application materials



**FINDINGS  
ZONE FILE #2008-016  
JENSEN TENTATIVE PARCEL MAP**

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2008-016, the Board of Supervisors approves the proposed Tentative Parcel Map #4927. In support of this decision, the Board of Supervisors makes the following findings:

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

**California Environmental Quality Act**

1. That the proposed Negative Declaration and Initial Study prepared for the project is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment.*

*Pursuant to the California Environmental Quality Act (CEQA) and Guidelines, an environmental evaluation (Initial Study) has been circulated for 30 days for public review and to Responsible Agencies having jurisdiction over the project, with no significant comments noted.*

*The proposed Negative Declaration is the appropriate level of environmental review pursuant to Article 6, Section 15070 of the CEQA Guidelines (**Attachment C**).*

**Yolo County General Plan**

2. That the design of the land division and the development proposed for construction on the parcels to be created by the land division is consistent with the Yolo County General Plan.

*The subject property is designated as Industrial in the Yolo County General Plan and as Master Plan in the Clarksburg General Plan. As conditioned, the Tentative Parcel Map is consistent with the policies, goals and objectives of the County General Plan.*

**Zoning Code**

3. That the proposed Tentative Parcel Map is consistent with the applicable zoning standards. [Article 18 of the County Zoning Ordinance]

*The proposed project will result in the creation of four parcels of approximately 3+ acres each. The subject property is zoned Heavy Industrial Planned Development (M-2 PD), which uses an underlying zoning of Heavy Industrial. The concurrently approved Planned Development Ordinance (PD-64) restricts the types of heavy industrial uses allowed on the four new parcels (**Attachment F**). There are no minimum lot area requirements, except in all instances there shall be provided on the site adequate space to accommodate all required off-street parking and loading*

*necessitated by the proposed use. The Tentative Parcel Map meets the access and general requirements of the Yolo County Code.*

### **Subdivision Map Act**

4. Pursuant to Section 66474 of the Subdivision Map Act a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

*The subject property for the proposed Tentative Parcel Map is designated as Industrial in the Yolo County General Plan and Master Plan in the Clarksburg General Plan. The creation of four industrial parcels of 3+ acres each is consistent with policies of both general plans. Land Use Policy 43 of the Yolo County General Plan states that in areas designated for industry and commerce, Yolo County shall encourage the initiation and growth of appropriate industry and commerce.*

b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

*The site has been determined to be suitable for industrial use based on designations in the County General Plan and Clarksburg General Plan. As conditioned, the Tentative Parcel Map is consistent with the requirements of both plans.*

c. That the site is not physically suitable for the type of development.

*The 1982 Clarksburg General Plan designated the project site as Industrial and rezoned the site to Heavy Industrial (M-2). The site has been leveled and used for industrial purposes. The proposed Parcel 2 and Parcel 3 are developed with structures associated with industrial operations. The proposed Parcels 1 and 4 have been used for the storage of industrial equipment.*

d. That the site is not physically suitable for the proposed density or development.

*The Yolo County General Plan allows and encourages industrial growth in areas already designated for industry. The Tentative Parcel Map, as conditioned, complies with the Yolo County Code and Improvement Standards adopted by the County, to ensure that the site is physically suitable for the proposed density of development.*

e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*An Initial Study has been prepared and staff has determined that a Negative Declaration is the appropriate level of environmental review pursuant to the CEQA Guidelines. Prior to the recording of the Final Parcel Map, the applicant*

*shall pay or mitigate for the loss of Swainson's hawk habitat according to the Department of Fish and Game Swainson's hawk Guidelines. The applicant will be responsible for payment of mitigation for loss of Swainson's hawk habitat on the two parcels that do not contain permanent structures (Parcel 1 and Parcel 4). The proposed creation of four parcels will not cause environmental damage or substantially and avoidably injure fish and wildlife or their habitat.*

- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

*The proposed design of the requested Tentative Parcel Map will not cause serious health problems. All issues regarding health, safety, and the general welfare of future residents and adjoining landowners will be addressed as described in the Conditions of Approval, by the appropriate regulatory agency prior to recordation of the Final Parcel Map, issuance of Building Permit, and/or issuance of Final Occupancy Permit.*

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

*Access to the southern parcel (Parcel 4) will come directly from Willow Point Road. Access to the remaining three parcels will be granted through a road access easement. The applicant will record a Private Road Maintenance Agreement, which will also serve as the Private Vehicular Access Easement (PVAE).*

*The design of the Tentative Parcel Map or the type of improvements required will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.*

- h. The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating or cooling opportunities.

*Each of the proposed parcels is over three acres in size, providing opportunities for future development to incorporate passive or natural heating and cooling features.*

**CONDITIONS OF APPROVAL  
ZONE FILE #2008-016  
JENSEN TENTATIVE PARCEL MAP #4927**

**General**

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Board of Supervisors.
2. 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 recorded within two years from the date of approval by the Board of Supervisors or the Tentative Parcel Map shall become null and void without any further action in accordance with the state Subdivision Map Act.
3. The applicant and all future landowners of the parcels created by Parcel Map #4927 shall adhere to the requirements and regulations set forth in the Ordinance (PD-64) approved concurrently with the Tentative Parcel Map.

**Planning Division 530-666-8808**

4. The applicant shall pay fees in the amount of \$1926.75 (\$1876.75 for state filing fee plus \$50 county processing fee), under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of the Notice of Determination to cover the cost of review of the environmental document by the California Department of Fish and Game.
5. The Parcel Map submitted for recordation shall have the Parcel Map Number (PM #4927) indelibly printed on it. Said PM #4927 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.
6. Prior to the recording of the Final Map, 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 proposed Parcel 1 & Parcel 4, a total of 6.74 acres. The fee is currently set at \$8,660 per acre and shall be collected for 6.74 acres (\$58,368.40 total) prior to the recording of the Final Map.
7. The owner shall maintain a buffer setback of 300 feet along the southern boundary of the project site unless the adjacent property owner agrees in writing that the 300-foot buffer is not needed. In such case, the buffer may be reduced to no less than 100 feet. The buffer area may be used for the parking of vehicles and equipment. In addition, unoccupied (i.e. storage) buildings may be constructed within the buffer area.
8. Landscaping shall be installed along the length of the southern boundary of Parcel 4. This required landscaped area shall be permanently maintained in a manner that preserves plant health and that is otherwise consistent with the design at the time of completion. A landscape plan shall be submitted to and approved by the Planning

and Public Works Department prior to the recording of the Final Map. Required landscaping shall be installed within one (1) year of approval of the Final Map.

9. The applicant shall submit a sign plan to the Planning and Public Works Department prior to the installation of a monument sign. Only signs allowed per the PD-64 Ordinance shall be permitted.
10. Any development on the new parcels will require the following permits and approvals from the Regional Water Board:
  - a. Coverage under the State Water Board's NPDES General Permit for discharges of storm water associated with construction activity; and
  - b. Coverage under the State Water Board's NPDES General Permit for discharges of storm water associated with industrial activities.
11. Prior to the issuance of building permits, there shall be a formal (written) consultation with Regional Water Board staff to determine whether a septic system permitted by Yolo County is appropriate for the specific industrial facility to be constructed.
12. Depending on case-specific circumstances, it may be appropriate for the wastewater disposal systems to be regulated by the Regional Water Board under Waste Discharge Requirements (WDRs).

**Building Division 530-666-8775**

13. There is an outstanding Code Enforcement Case on the property for two commercial coaches that were installed without approval and permits. Applicant shall obtain approvals and permits for the trailers or remove them before Final Map approval.
14. The applicant shall pay the appropriate fees prior to the issuance of building permits, including, but not limited to, the Parcel Map checking fees, School and Fire District fees, County Facility fees, and Environmental Health fees.

**Public Works Division 530-666-8811**

15. Prior to Final Map approval, provide engineered improvement plans for a turn-pocket on east-bound Willow Point Road to ensure there is a safe access to the four industrial parcels, including trucks. Any additional right-of-way required for this work to be obtained by the applicant. Plans shall be signed and sealed by a professional civil engineer in the State of California, and reviewed and approved by the County Engineer.
16. Prior to Final Map approval, provide engineered improvement plans for extending the existing twenty-five foot wide paved private access road that meets County Standards, including a cul-de-sac (turning) bulb at the northern terminus to allow for turning of emergency vehicles and trucks. Include replacement of the existing corrugated metal culvert at the current driveway with reinforced concrete pipe. Plans shall be signed and sealed by a professional civil engineer in the State of California, and reviewed and approved by the County Engineer.
17. Prior to Final Map approval, provide an improvement bond and enter into an Improvement Agreement to ensure all improvements are completed within one (1)

year of map approval. Submit an engineer's cost estimate for all improvements required by conditions of approval using public agency unit prices, adding ten percent contingency, plus twenty percent county administrative cost allowance.

18. Prior to Final Map approval, provide an engineered drainage plan for review and approval by the County Engineer. The drainage plan must be prepared in accordance with the County Standards and be signed and sealed by a professional civil engineer in the State of California. The plan must demonstrate how storm water flows from the site will be conveyed through the proposed parcels, and how post-development drainage to the public right-of-way will be managed so as not to exceed pre-development flows. Dedicate the storm water easements necessary to provide for drainage from all parcels. A maintenance agreement shall be recorded for each storm water easement.
19. Prior to Final Map approval, provide a copy of the private road maintenance easement to be recorded concurrently with map, for county review.

**Environmental Health Department 530-666-8646**

20. Prior to the issuance of any building permits, well and septic system designs shall be approved by the Environmental Health Department.
21. Prior to Final Map approval, the precise location, not just approximate locations, of existing septic systems must be disclosed. Existing and future septic systems must meet current setback distances to any proposed property lines. Relocation of existing septic system(s) will be required where setback distances are not met.
22. Proposed parcel maps must show adequate approvable area(s) where the sewage disposal system and replacement sewage disposal systems can be located. This area must meet Yolo County Ordinance 765 setback requirements to structures, drainage courses, property lines and nearby wells. The sewage disposal areas cannot be under areas that will be paved.
23. The septic system is approved for domestic sewage only. Liquid wastes from industrial operations, mechanic shops, and similar operations which may use hazardous chemicals or create designated waste must not be disposed of into a septic system. Plumbing waste lines from such operations must be segregated from the domestic sewage lines. Final disposal of this waste must be done under permit from the Central Valley Regional Water Quality Control Board.
24. Industrial users will need to submit a Hazardous Materials Business Plan (HMBP) to Yolo County Environmental Health (YCEH) as soon as they store, handle, or use greater than the threshold quantity (55-gal, 500-lb, 200-ft<sup>3</sup>) of a hazardous material at this site. An HMBP is also required if they generate hazardous waste, operate underground or aboveground hazardous materials or waste tanks, or are subject to RMP requirements.

**County Counsel 530-666-8172**

25. 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.

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

- **non-issuance of future building permits;**
- **Legal action.**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE YOLO COUNTY BOARD OF SUPERVISORS  
REZONING A 13.096-ACRE PARCEL FROM M-2 PD (HEAVY INDUSTRIAL PLANNED  
DEVELOPMENT) TO M-2 PD-64 (HEAVY INDUSTRIAL PLANNED DEVELOPMENT NO. 64)**

The Board of Supervisors ("Board") of the County of Yolo, State of California, hereby ordains as follows:

**Section 1. Purpose and Findings.**

The purpose of this Ordinance is to rezone a 13.096-acre parcel referred to as Assessor's Parcel No. 043-240-05 (the "Property") from M-2 PD (Heavy Industrial Planned Development) to M-2 PD-64 (Heavy Industrial Planned Development No. 64). This Ordinance facilitates the industrial development of the property in a manner consistent with existing zoning entitlements. This Ordinance modifies those existing entitlements, however, by eliminating certain uses that may be incompatible with surrounding agricultural operations and other nearby uses and, in addition, by adding height restrictions, lot and yard area requirements, and other restrictions.

The Findings in support of this action are set forth in a separate document, incorporated herein by this reference, approved concurrently by the Board with the adoption of this Ordinance. Also, in a resolution adopted concurrently with the approval of this Ordinance, the Board of Supervisors: (a) found that the Initial Study/Negative Declaration ("ND") for the Project was prepared in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and all other provisions of California law; (b) stated and found that it had reviewed and considered the information and analysis contained in the ND; (c) stated and found that the ND reflects the Board's independent judgment; and (d) adopted the ND.

**Section 2. Principal Permitted Uses.**

The following principal industrial and manufacturing uses shall be permitted in PD-64 (all citations are to the Yolo County Code):

- (a) All uses permitted in the M-1 Zone (Sec. 8-2.1702)
- (b) All uses permitted in the M-2 Zone (Sec. 8-2.1802), except for the following:
  - a. Dairies, creameries, milk condensing plants, cheese factories, ice cream manufacturing, milk bottling, and central distributing stations for dairy products

**Section 3. Accessory Uses.**

The accessory uses permitted in PD-64 shall include all accessory uses permitted in the M-2 Zone (Sec. 8-2.1803).

**Section 4. Conditional Uses.**

The conditional uses permitted in PD-64 shall include all conditional uses permitted in the M-2 Zone (Sec. 8-2.1804), except for the following:

- (a) Acid, cement, explosives, fireworks, fertilizer, gas, glue, gypsum, lime, plaster of paris, and plastics manufacture or storage;
- (b) Animal feed, sales, stockyards, animal slaughtering;



- (c) Bone distillation;
- (d) Copper, iron, tin, zinc, and other ore smelting and slag piles;
- (e) Dumping, disposal, incineration, and reduction of garbage, sewage offal, dead animals, refuse;
- (f) Fat rendering;
- (g) Hog farms;
- (h) Inflammable, explosive, and poisonous liquid or gas storage;
- (i) Junk yards, automobile wrecking yards, building and house wrecking yards, storage and baling of scraps, paper, rages, sacks, and metal, and scrap metal yards;
- (j) Refining of petroleum and its products; and
- (k) Tanneries and the storage curing of raw, green, and salted hides and skins.

**Section 5. Height Regulations.**

The maximum height of structures in PD-64 shall be forty-five (45') feet, except as provided in Section 8-2.2605 of Article 26 of the Yolo County Code.

**Section 6. Lot and Yard Requirements.**

The minimum lot and yard requirements allowed in the M-2 Zone, as set forth in Section 8-2.1806 of the Yolo County Code, shall be allowed in PD-64, except where changed for conditional uses and to accommodate on-site parking and loading.

**Section 7. Other Required Conditions.**

Additional conditions required in the M-2 Zone, as set forth in Section 8-2.1807 of the Yolo County Code, shall be required in PD-64. The landowner(s) shall maintain a buffer setback of 300 feet along the southern boundary of the project site unless the adjacent property owner agrees in writing that the 300-foot buffer is not needed in connection with agricultural activities and uses on the adjoining property. In such case, the buffer may be reduced to no less than 100 feet. The buffer area may be used for the parking of vehicles and equipment. In addition, unoccupied (i.e. storage) buildings may be constructed within the buffer area.

**Section 8. Landscaping.**

As a condition to Parcel Map approval, landscaping is required to be installed along the length of the southern boundary of "Parcel 4," as this is the entrance of the site and the area most visible from Willow Point Road. This required landscaped area shall be permanently maintained in a manner that preserves plant health and that is otherwise consistent with the design at the time of completion.

**Section 9. Signage.**

Only the following signs shall be allowed in PD-64:

- (a) One monument sign located at the entry point of "Parcel 4," adjacent to Willow Point Road. The monument sign shall be ground mounted, single or double-sided, and supported from grade with a solid base. The sign shall be oriented for vehicular view along Willow Point Road and shall contain language identifying the name of the center and/or the tenants and the address. The monument sign shall have an area no greater than twenty-four (24) square feet and the maximum height shall be no

- greater than ten (10) feet.
- (b) Signs that are appurtenant to a permitted use on the premises, which signs do not project above the highest point of the building, which are integral with or are attached flat against the building, or which are suspended entirely beneath the canopy portion of the building. The aggregate area of such signs shall not exceed two (2) square feet for each one linear foot of building frontage. Animated or moving signs and flashing or oscillating lights are prohibited.

**Section 10. Authority.**

The Board of Supervisors has authority to adopt this Ordinance pursuant to the general police power granted to Counties by the California Constitution, as well as the provisions of the California Planning and Zoning Law (Cal. Gov. Code sections 65000 *et seq.*).

**Section 11. Severability.**

If any section, sub-section, sentence, clause, or phrase of this Ordinance or any exhibit is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

**Section 12. Effective Date**

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of member of the Board of Supervisors voting for and against the same.

The foregoing ordinance was introduced before the Board of Supervisors of the County of Yolo and, after a noticed public hearing, said Board adopted this ordinance on the \_\_\_\_ day of \_\_\_\_\_ 2008, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Duane Chamberlain, Chairman  
Yolo County Board of Supervisors

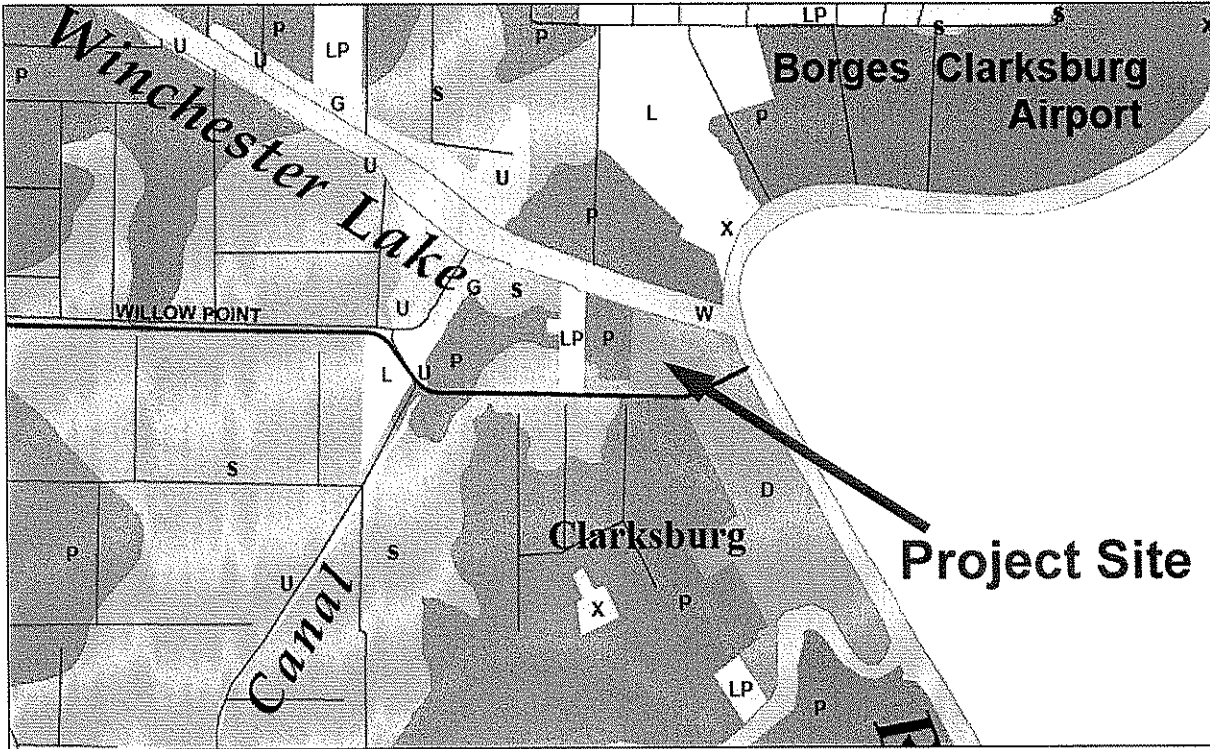
Attest:  
Ana Morales, Clerk  
Board of Supervisors

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

# Clarksburg Area Important Farmland 2006



**polygon\_ty**

Prime Farmland

Farmland of Statewide Importance

Unique Farmland

Farmland of Local Importance

Farmland of Local Potential

Grazing Land

Other Land

Urban and Built-Up Land

Water Area

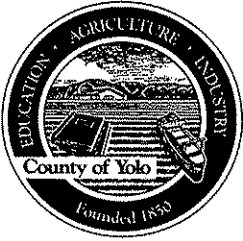
0 0.125 0.25 0.5 Miles

This map is an enlargement of a 1:100,000-scale published map. The Department of Conservation makes no warranties as to the suitability of this product for any particular purpose.

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Map data, categories and statistics are available on the World Wide Web at: [www.consrv.ca.gov/dlrmfp](http://www.consrv.ca.gov/dlrmfp) or contact the Farmland Mapping and Monitoring Program, 601 K Street, MS 13-01, Sacramento, CA 95814. Phone (916) 324-0859; e-mail: [fmmp@conserv.ca.gov](mailto:fmmp@conserv.ca.gov)





# COUNTY OF YOLO

Office of the County Administrator

*Sharon Jensen*  
County Administrator

625 Court Street, Room 202 Woodland, CA 95695  
(530) 666-8150 FAX (530) 668-4029  
www.yolocounty.org

## Memorandum

**To:** David Morrison, Assistant Director of Planning  
**From:** Wes Ervin, Manager of Economic Development  
**Date:** 10/2/2008  
**Re:** Agricultural Mitigation Fee requirements for Jensen Industrial Project in Clarksburg,  
Project # 2008-016

---

I request the Planning Commission waive the Agricultural Mitigation fee of \$10,100 per acre, believing that the imposition of this fee in this case would be unfair to this applicant. My reasons are stated below:

1. The agricultural mitigation ordinance mandated a permit condition not anticipated by the Jensens when they filed their application for a lot split on March 9, 2008. At that time the existing mitigation ordinance did not apply to not currently in agricultural use;
2. The Agricultural Mitigation ordinance requiring the mitigation in these draft conditions was enacted May 6, 2008 – after the Jensens applied. The new ordinance is now being applied to this applicant, which includes language requiring the fee regardless of zoning if the land could potentially be farmed. This industrial land in Clarksburg was not to my knowledge discussed or considered during the development of that ordinance;
3. This property has been zoned industrial for many decades, and has always intended for industrial uses. It is also part of a larger industrial area in Clarksburg;
4. It has not been farmed for many decades, nor has there ever been an expectation that it would be farmed;

Second, I am pleased that a smaller buffer is being recommended in order that the southern parcel (Parcel #4) can be reasonably built upon.



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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

### PLANNING COMMISSION STAFF REPORT

October 9, 2008

**FILE #99-087:** Requested release of a compliance bond for the Boat Yard RV Park in the Multiple-Family Residential (R-3) zone.

**OWNER/APPLICANT:** Shelly and Spencer Bole  
44086 N. El Macero Drive  
El Macero, CA 95618

**LOCATION:** 42100 4th Street in the town of Knights Landing (APN: 056-282-12 & -13)  
**(Attachment A)**

**GENERAL PLAN:** Residential High Density  
**ZONING:** R-3 with RVP overlay (Multi-Family Residential, Recreational Vehicle Park)  
**FLOOD ZONE:** A (areas within the limits of the 100-year flood plain)  
B (areas within the limits of the 500-year flood plain)  
**SOIL TYPE:** Sycamore Silt Loam (Class I)  
Sacramento Clay (Class III)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**REPORT PREPARED BY:**

  
Craig Baracco, Associate Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTION

That the Planning Commission:

1. **HOLD** a public hearing to determine if the Boat Yard RV Park has complied with the terms of Agreement No. 00-301 (**Attachment B**), and whether the associated compliance bond should be released.
2. **DETERMINE** that a Categorical Exemption under Section 15270(a) of the California Environmental Quality Act (CEQA) and Guidelines is the appropriate environmental documentation for the project (**Attachment E**).
2. **DENY** authorization of the release of the bond until such time as all the terms of the Agreement are fulfilled.

## **REASONS FOR RECOMMENDED ACTION**

While the vast majority of the agreement requirements have been fulfilled and the RV Park has been substantially improved from the time the Agreement was signed, two significant items have not yet been completed. The applicant has not provided code compliant stairs on the levee, and has not made improvements to the entrance, including curb, gutter, and sidewalk.

## **BACKGROUND**

The Boat Yard RV Park, previously know as the Roving Knight RV Park, has operated under a Conditional Use Permit issued in November 1968 and modified in 1976. The property has had a history of code compliance problems. Notices of violations were issued in 1972, 1976, 1982 and June 30, 1999. Hearings before the Planning Commission were held in August 1972 and November 1982 to consider revocation of the Use Permit. On August 10, 2000 the Planning Commission, based on this history of violations, voted to revoke the Use Permit. The owner of the RV Park then appealed the decision of the Planning Commission to the Board of Supervisors. The Board overruled the revocation and reached an agreement (No. 00-301) with the property owner to ensure code compliance. The full text of the agreement is included as **Attachment B**.

The owner and the County agreed to a list of improvements made to the RV Park. Also, as part of the agreement, the owner produced a bond for the amount of \$15,000 to ensure compliance with the agreement. According to the terms of the agreement, the agreement will automatically renew unless, upon the application of the Planning and Public Works Director or owner to the Planning Commission, a determination is made that financial assurances are no longer necessary. The current owners of the RV Park have made an application to the Planning Commission that financial assurances are no longer needed and that the compliance bond be released.

## **STAFF ANALYSIS**

Staff has conducted a comprehensive review of the Agreement, case files, and all relevant records concerning the Boatyard RV Park to determine if the Boat Yard RV Park has fulfilled the requirement of the agreement. Other county divisions and departments were consulted and the site was visited.

The applicants have fulfilled the vast majority of the requirements. Water lines and common faculties have been updated. An additional dumpster has been added to the facility. Trailer pads are numbered, and all clearances and setbacks are maintained. The facility has maintained a current business license. Landscaping, fencing, and signage are all well maintained. Trees and other landscaping on the site are kept well trimmed. The site is largely free of trash. County Code enforcement has continued annual monitoring of the site and reports no new code enforcement complaints or violations. There are currently no open permits, violations, or active trouble files for the site.

However, there are two requirements from the agreement that have not been fulfilled. They are:

10. Owner shall obtain code compliant stairs on the levee.
  
12. Owner shall make improvements to the entrance, including curb, gutter, sidewalk, and paving.

The stairs referred to extend from the RV Park grounds down the Sacramento River levee to small boat dock directly on the Sacramento River. See the photos in **Attachment C**. The stairs as they exist do not comply with current California Building Code (**Attachment D**) requirements for such structures. Most notably, the existing stairs are too narrow and lack a guard rail capable of supporting a person's weight. A review of records reveal that no building permits were issued concerning the stairs, and a comparison to site photos included in the original Use Permit

revocation staff indicate that the stairs are unchanged from 1999. It appears that no effort has been undertaken by the applicant to comply with requirement #10.

Requirement #12 states that the owner shall make improvements to the entrance, including curb, gutter, sidewalk, and paving. The entrance to the RV Park consists of two driveways. Both are paved, but the curb, gutter, and sidewalk only extend to one of the two driveways (see photos in **Attachment C**). As the street runs to the west, the improvements fade out in between the two driveway entrances. One driveway has curb, gutter, and sidewalk, but the other does not. There is no County record of an encroachment permit to indicate that any work has been done in the County Right-of-Way since the agreement was signed. Staff concludes that the applicant has not completed their street improvements and thus has not fulfilled requirement #12.

While the vast majority of the agreement's requirements have been satisfied, and overall the RV Park appears to be well-maintained and well-run, the applicant has not fulfilled two significant requirements of the original agreement. Therefore, at this time staff recommends that the Planning Commission deny this application and not release this bond.

Environmental review is satisfied by the Categorical Exemption under Section 15270(a) of the California Environmental Quality Act Guidelines states that CEQA does not apply to projects that a public agency rejects or disapproves.

### **SUMMARY OF AGENCY COMMENTS**

Planning staff consulted with relevant county agencies to review compliance with the agreement. All relevant comments are integrated into the staff report above.

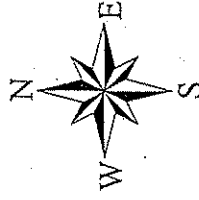
### **APPEALS**

Any person who is dissatisfied with the decision of the Planning Commission may appeal its decision to the Board of Supervisors by filing with the Clerk of the Board of Supervisors (625 Court Street, Room 204, Woodland, CA 95695) within fifteen (15) days of the Commission's decision. A written notice of the appeal specifying their reason(s) and the payment of the fees to cover expenses of the application and the appeal process shall be made at the Clerk of the Board and the Planning and Public Works Department.

### **ATTACHMENTS**

**ATTACHMENT A:** Project Location  
**ATTACHMENT B:** Agreement No. 00-301  
**ATTACHMENT C:** Site Photos  
**ATTACHMENT D:** California Building Code Requirements for Stairways  
**ATTACHMENT E:** Categorical Exemption

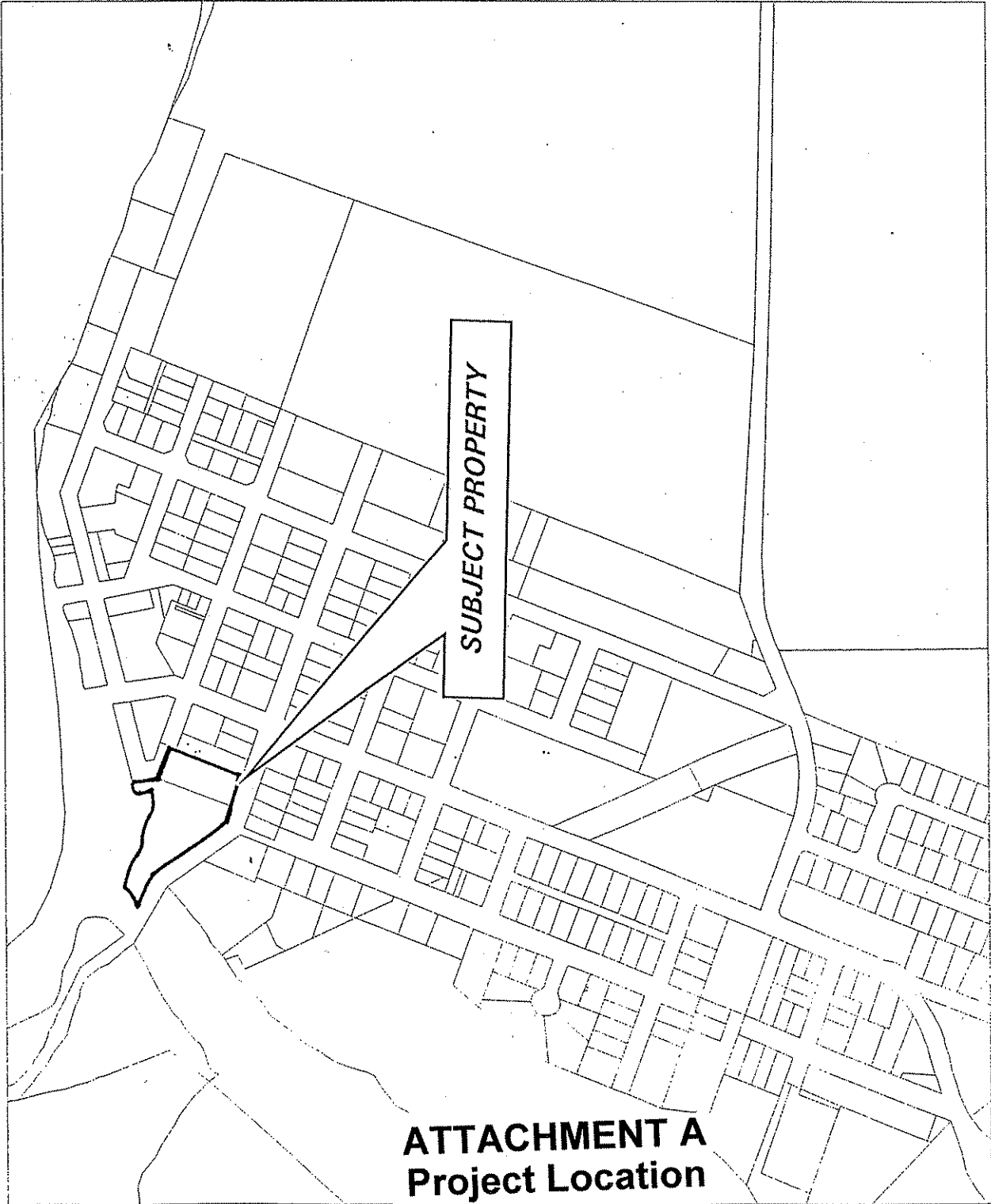
# Yolo County Planning and Public Works



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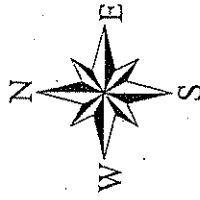


**ATTACHMENT A  
Project Location**

The information and depictions herein have been produced using data available by Yolo County. The informations and depictions herein are for informational purposes and Yolo County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements and distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, flood insurance studies, and/or other official means.



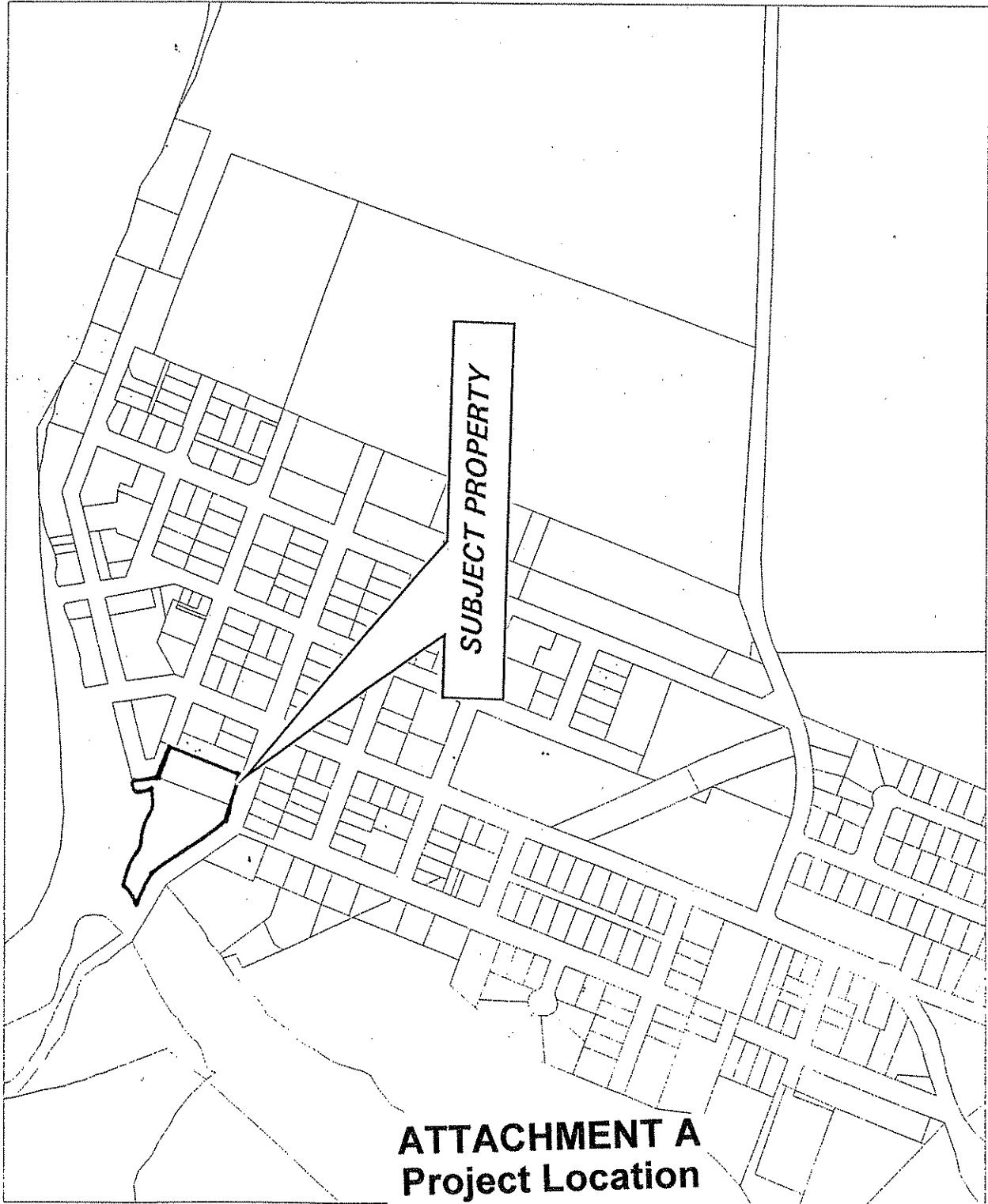
**Yolo County  
Planning and  
Public Works**



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Scale 1 in = 500 ft



Printed 5/31/00



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cc: J. Lowe

BOARD OF SUPERVISORS  
Yolo County, California

Meeting Date: December 12, 2000

To: CAO  
County Counsel ✓  
Auditor  
Plan & Pub Works 4  
Alcohol Drug/MH  
Health Services ✓  
Human Resources

Agenda Item No. 43  
Stanley W. Young Appeal

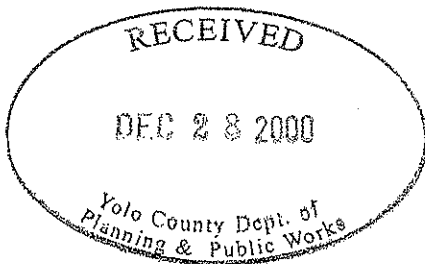
Minute Order No. 00-432: Took the following action:

- A. Reopened the public hearing regarding the Planning Commission's revocation of Conditional Use Permit #642.
- B. Approved and authorized the Chair to sign Agreement No. 00-301 with Stanley W. Young regarding the Boat Yard RV Park.
- C. Continued the requested appeal of October 12, 2000, Planning Commission's Revocation of Conditional use Permit No. 642, to the January 16, 2001 Board of Supervisors' meeting to consider whether: 1) All RV Park water supply outlets are potable; 2) The water supply system is in accordance with adopted Health and Safety Standards for pressure and volume; and 3) The appellant has improved any deficiencies in the water system.

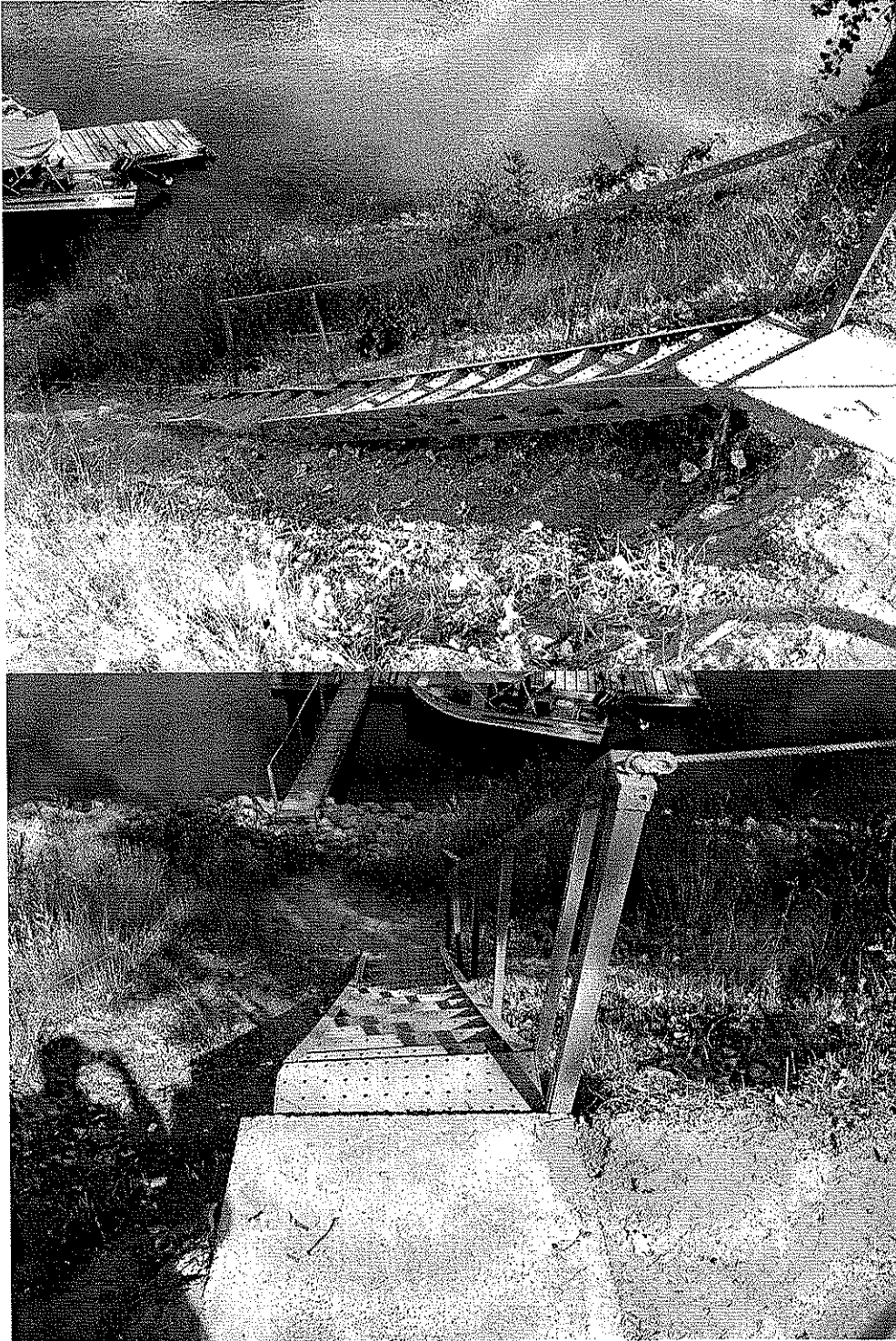
MOTION: Pollock, McGowan, Wolk.

SECOND: Rosenberg.

AYES: Stallard, Rosenberg, Pollock,

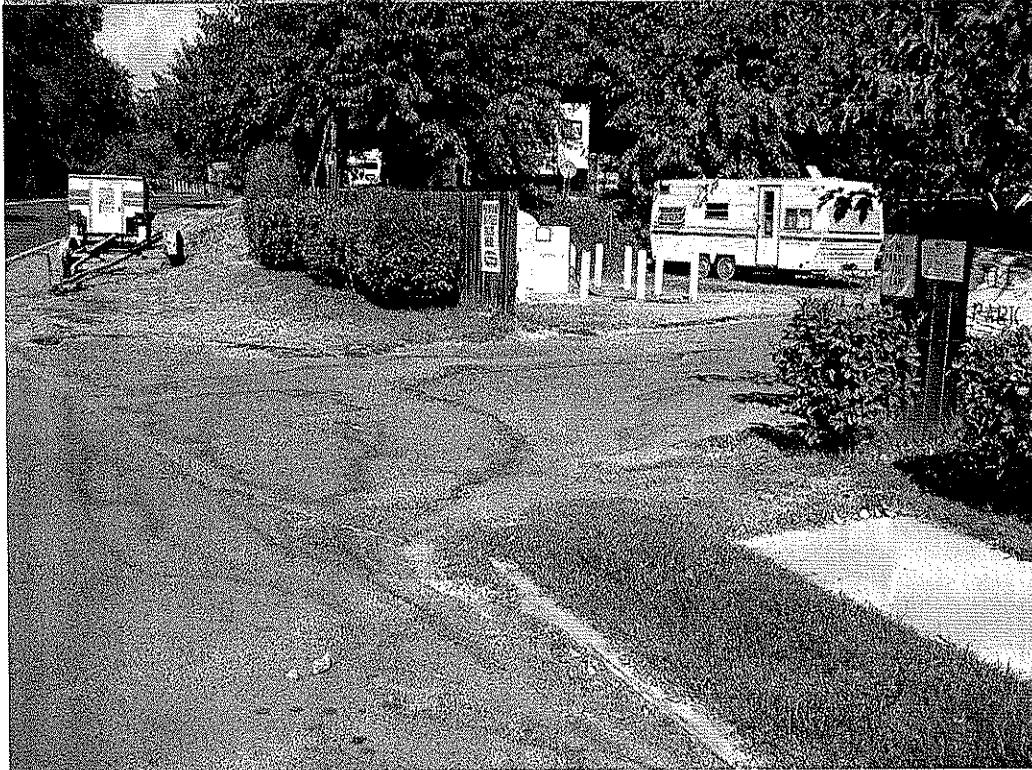


**ATTACHMENT B**  
**Agreement No. 00-301**

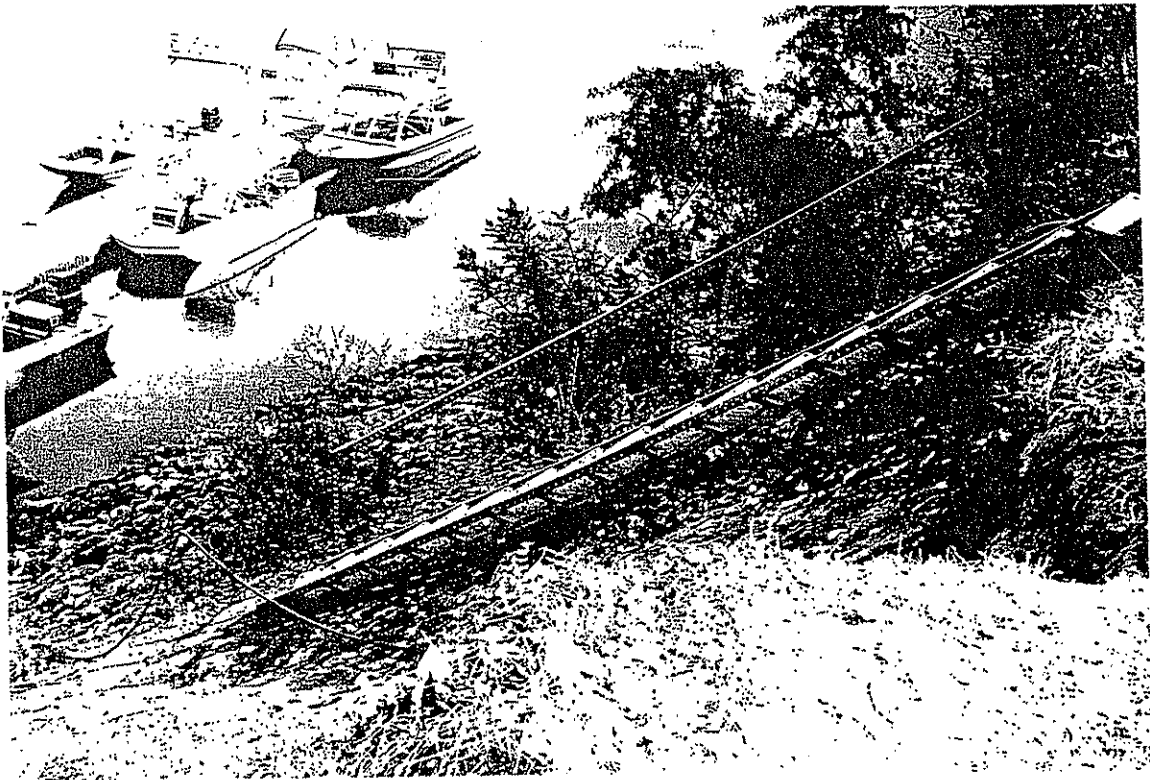
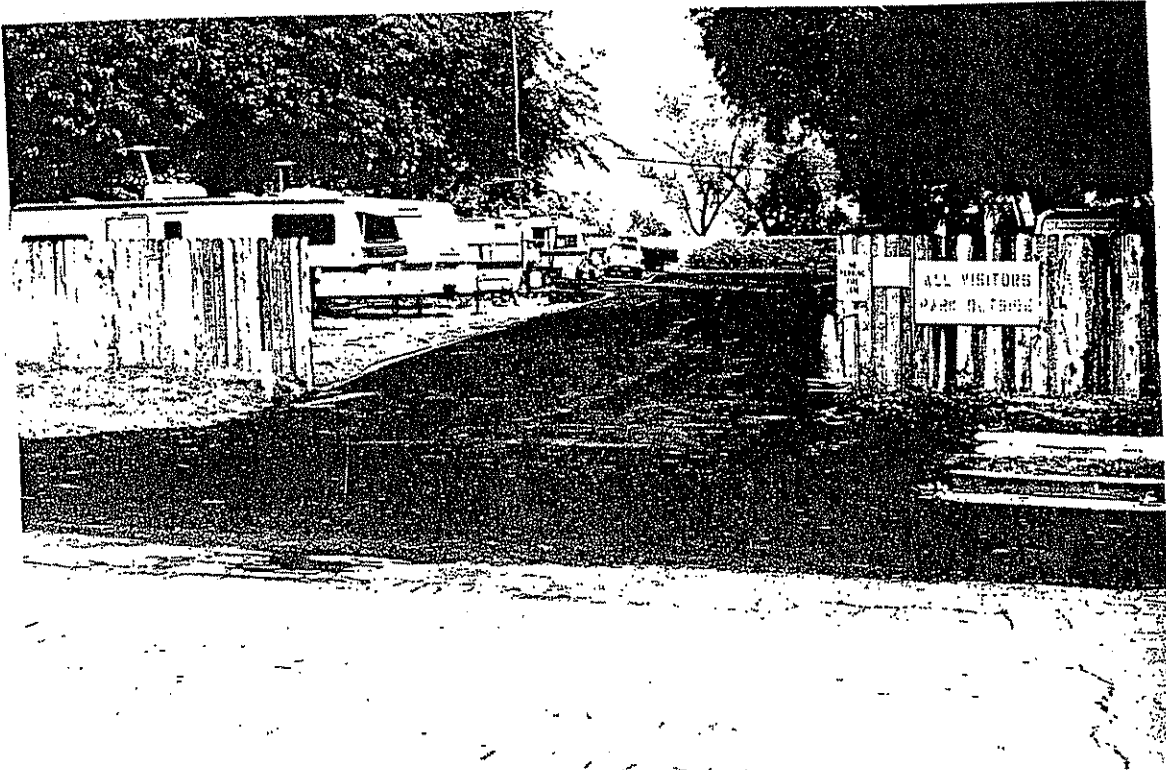


Levy Stairs, Current Condition

**ATTACHMENT C**  
Site Photos



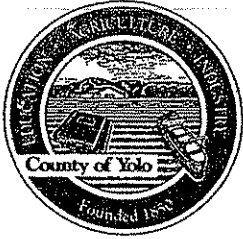
Driveway Entrance, Current Condition



File Photos from Original Staff Report.  
1999 Conditions  
Stairs and Driveway







# County of Yolo

## Office of the County Counsel

625 COURT STREET, ROOM 201 WOODLAND, CALIFORNIA 95695 TELEPHONE: (530) 666-8172

DIRECT: (530) 666-8275

FACSIMILE: (530) 666-8279

STEVEN M. BASHA  
COUNTY COUNSEL

Jennifer B. Henning, Deputy

### MEMORANDUM

**TO:** THE HONORABLE LOIS WOLK, Chair,  
and Members of the Board of Supervisors

**FROM:** STEVEN M. BASHA, County Counsel  
Jennifer B. Henning, Deputy *JBA*

**DATE:** December 12, 2000

**SUBJECT:** Zone File 642, 2044, 2529 and 99-087 – (Stanley W. Young) Continued  
Public Hearing to Consider an Appeal of the Yolo County Planning Commission's  
Revocation of Conditional Use Permit #642, as amended, for the Roving Knight  
Recreational Vehicle (RV) Park (now known as the Boatyard RV Park) in a Residential  
Multi-Family (R-3), Recreational Vehicle Park (RVP) Zone.

---

### RECOMMENDED ACTION:

That the Board of Supervisors take the following actions:

1. **REOPEN** the public hearing regarding the Planning Commission's Revocation of Conditional Use Permit #642;
2. **AUTHORIZE** the Chair to sign the Agreement regarding the Boat Yard RV Park (Attachment A); and
3. **FURTHER CONTINUE** the requested appeal of October 12, 2000, Planning Commission's Revocation of Conditional Use Permit No. 642, to the January 16, 2001 Board of Supervisor's Meeting to consider whether: 1) All RV Park water supply outlets are potable; 2) The water supply system is in accordance with adopted Health and Safety Standards for pressure and volume; and 3) The appellant has improved any deficiencies in the water system.

### REASON FOR RECOMMENDED ACTION:

The Agreement reached between staff and the owner resolves two competing concerns by ensuring proper health and safety standards for the residents of the Park while at the same time preventing closing the Park which would result in their dislocation. Under the Agreement, the owner would be responsible for completing all of the work and obtaining all of the approvals identified by the Planning

Commission and planning staff as health and safety issues by December 31, 2000. After December 31, 2000, the owner would be responsible for maintaining the Park in such a manner as to remain at all times in compliance with Federal, State and local laws and regulations.

To ensure continued compliance, the owner will provide to the Director of Planning and Public Works an irrevocable letter of credit each year in the amount of \$15,000. Should conditions in the Park fall out of compliance, the Director would issue notice to the owner to correct the deficiency and if the owner failed to do so after thirty (30) days, the Director may draw upon the letter of credit to pay for the repairs to be made.

The Agreement would continue indefinitely unless after December 31, 2002, the owner applies to the Planning Commission to reduce or eliminate the requirement of an irrevocable letter of credit. The Planning Commission would then hold a hearing to determine whether the owner has been in compliance and has illustrated a good faith intention to remain in compliance with the conditions imposed by the Agreement. The Agreement is also binding against any successors in interest, though the subsequent owner could make an application similar to the one described above within 90 days of taking title to the property.

Per the Board's motion of December 5, 2000, the public hearing should be further continued until January 16, 2001 to consider the adequacy of the quality, pressure and volume of the water at the Park.

## **BACKGROUND**

The original conditional use permit for the Roving Knight Recreational Vehicle Park was approved in November 1968 and was subsequently modified in 1976. The property has a history of problems. Notices of violations were issued on June 23, 1972, December 8, 1976, September 22, 1982, and June 30, 1999. Hearings before the Planning Commission were held in August 1972 and November 1982 to consider revocation of the permit. On August 10, 2000, based on information contained in the record that the Park has had numerous violations, previous revocation hearings, and has been the subject of continued community concern, the Planning Commission held a hearing and revoked the conditional use permit. The revocation became effective on October 12, 2000 when the Planning Commission did not take action to suspend the effective date. The Planning Commission's decision was based in part of the failure of the owner to enter into a written agreement that would set forth a time table for making repairs in the Park and provide financial assurances for future compliance.

On October 24, 2000, the operator of the Park, Mr. W. Stanley Young, filed an appeal of the Planning Commission's decision with the Clerk of the Board. The Board of Supervisors held a hearing on December 5, 2000 to consider the appeal. The Board unanimously decided to allow the owner, Mr. Young, until December 12, 2000 to enter into a written agreement and until January 16, 2001 to resolve issues regarding water quality, pressure and flow in the Park.

The appeal application and Planning Commission minutes and staff reports from the August 10, 2000 and October 12, 2000 meetings are on file with the Clerk of the Board as part of the Memorandum



The Honorable Lois Wolk, Chair  
and Members of the Board of Supervisors  
December 12, 2000  
Page - 3

to the Board of Supervisors for Agenda Item No. 34 from the December 5, 2000 Board of Supervisors meeting.

**BUDGET IMPACT**

There will be no impact to the General Fund as a result of signing this Agreement.

**OTHER AGENCY INVOLVEMENT**

The Agreement was drafted by the County Counsel's Office and was reviewed by the Planning and Public Works Department. The Planning and Public Works Department and the Environmental Health Department continue to work with the owner to determine appropriate water standards for the Park.

JBH/bp

Attachment A – Agreement Regarding the Boat Yard RV Park (formerly the Roving Knight RV Park)

DEC 27 2000

AGREEMENT NO. 00-301

Agreement Regarding the Boat Yard RV Park  
(formerly the Roving Knight RV Park)PATRICIA CRITZENDEN, CLERK OF THE BOARD  
BY *Ana Morales*  
DEPUTY

This Agreement ("Agreement") is made this 12th day of December, 2000, by and between County of Yolo ("County") and W. Stanley Young, owner of the Boat Yard RV Park ("Owner") with reference to the following:

Whereas, W. Stanley Young is the owner of the Roving Knight RV Park, now known as the Boat Yard RV Park (hereafter "RV Park"), which is the real property as described in Exhibit A and currently identified as Assessor's Parcel Numbers 056-282-12 and 056-282-13; and

Whereas, the RV Park is required to have a conditional use permit for lawful operation under the Yolo County Zoning Code and Title 25, Section 2402 of the California Code of Regulations; and

Whereas, the RV Park has been in operation since November 6, 1968 when the first conditional use permit was approved to allow the construction, operation, and maintenance of a 20 space recreational park for overnight travel trailers and campers; and

Whereas, since that time County has received numerous complaints and issued notices of violations on June 23, 1972, December 8, 1976, September 22, 1982, and June 30, 1999; and

Whereas, Owner has appeared before the Yolo County Planning Commission to consider revocation of the conditional use permit in August 1972, November 1982 and July 2000, and for revocation hearings in January 1983 and August 2000; and

Whereas, conditions through the years have risen to the level of health and safety concerns from time to time, including exposed cables, improper vehicle sewer connections, faulty electrical outlets, open wiring, overcrowded vehicle spaces, emergency information not properly posted, lack of adequate access to electrical panels, some electrical equipment not weather safe, possible inadequate water supply, tenant propane tanks not secured, and failure to meet fire safety standards; and

Whereas, after the most recent revocation hearing, Owner has made significant good faith efforts to correct these deficiencies, expending considerable resources and substantially improving the health and safety conditions in the RV Park; and

Whereas, County and Owner would like to continue improvement and end thirty years of complaints, violation notices, and hearings regarding the RV Park and to ensure continued compliance with all health and safety standards and provide on-going protection to the residents of the RV Park;

**NOW, THEREFORE**, the parties hereby agree as follows:

1. Owner shall be responsible for completing the work and obtaining all of the approvals contained in Exhibit B attached hereto and incorporated herein by this reference, by December 31, 2000.
2. Owner shall maintain the RV Park facilities, including all improvements made pursuant to this Agreement, in such a manner as to remain at all times in compliance with federal, State and local laws and regulations.
3. As a guarantee for compliance with all criteria and conditions imposed by this Agreement, Owner shall provide to the Director of the Planning and Public Works Department ("Director") an irrevocable letter of credit in the amount of \$15,000 for one (1) year. A new, valid irrevocable letter of credit must be provided to the Director of the Planning and Public Works Department every twelve (12) months, except as otherwise provided in this Agreement.
4. If the Director determines that Owner has failed to comply with all of the criteria and conditions of this Agreement, he shall provide written notice to the Owner detailing the alleged deficiencies.
5. Unless more time is provided by the Director, Owner shall make all corrections within thirty (30) days from the date such notice is mailed. If such corrections are not made to the satisfaction of the Director, the Director may draw upon the irrevocable letter of credit to pay for repairs to be made.
6. Any dispute regarding the sufficiency of Owner's correction of deficiencies shall be decided by the Director who shall put his or her decision in writing and mail a copy thereof to Owner. The decision of the Director shall be final unless within ten (10) days from the date such copy is received by the owner Owner, Owner appeals the decision in writing to the Yolo County Planning Commission. Any such written appeal shall detail the reasons for the appeal and contain copies of all documentation supporting the Owner's position. Owner shall be afforded the opportunity to be heard and offer evidence in support of his appeal to the Yolo County Planning Commission at the next regularly scheduled Planning Commission meeting. The decision of the Planning Commission shall be final unless the Owner appeals to the Yolo County Board of Supervisors within ten (10) days of the Planning Commission's decision.
7. Owner shall fully comply with all applicable County, State and Federal Laws. Any litigation between the parties to this Agreement shall be filed in the Yolo County Superior Court.
8. After December 31, 2002, Owner may file an application with the Department of Planning and Public Works to reduce or eliminate the requirement of an irrevocable letter of credit. Such application shall be heard by the Planning

Commission and the irrevocable letter of credit may be reduced or eliminated upon a finding that Owner is in compliance with all of the criteria and conditions imposed by this Agreement and has illustrated a good faith intention to remain in compliance with all of the criteria and conditions imposed by this Agreement and all applicable laws.

9. This Agreement will automatically renew at the end of two (2) years unless, upon the application of the Director or Owner to the Planning Commission, a determination is made that financial assurances are no longer necessary.
10. This Agreement shall be binding on the heirs, assigns and successors in interest of Owner. Any successor in interest may, within ninety (90) days of obtaining title for the RV Park, file an application at no charge to the successor in interest with the Department of Planning and Public Works to terminate this Agreement. Such application shall be heard by the Planning Commission and the Agreement may be terminated upon a finding that new Owner has illustrated a good faith intention to remain in compliance with all of the criteria and conditions imposed by this Agreement and all applicable laws. Such good faith intention may be shown by a record of ownership of similar RV or residential parks in compliance with Federal, State and local requirements, evidence of financial ability to maintain the RV Park in compliance with Federal, State and local requirements, or other such evidence as the Commission may consider sufficient.
11. Owner represents that he has the sole authority to execute this Agreement on behalf of the RV Park and also represents that the approval of no other persons or entities is required for this Agreement to be binding as to the RV Park and Owner. Owner understands that the County is relying on these representations in entering this Agreement.
12. In accordance with Yolo County Code Section 8-2.2415, Owner agrees 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 Owner's conditional use permit when such action is brought within the applicable statute of limitations. The County shall promptly notify Owner of any claim, action or proceeding and the County shall cooperate fully in any defense. If the County fails to promptly notify Owner of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, Owner shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that Owner post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.
13. This Agreement constitutes the entire agreement between the County and Owner and supersedes all prior negotiations, representations, or agreements, whether

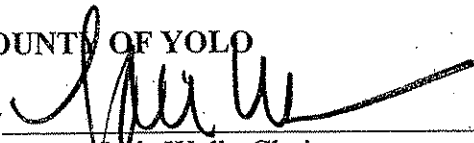
written or oral, except that this Agreement does not supersede or otherwise impact the existing Condition Use Permit issued by the County for the RV Park. In the event of a dispute between the parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement shall be deemed to have been drafted by the parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this Agreement.

14. This Agreement may only be amended by the written agreement of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above set forth.

COUNTY OF YOLO

By

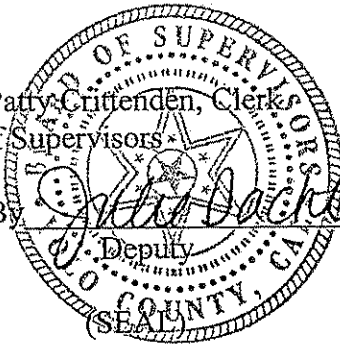
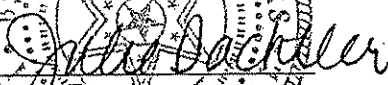


Lois Wolk, Chair  
Board of Supervisors

"County"

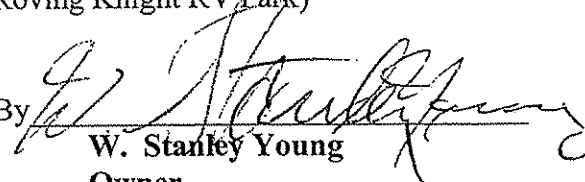
Attest: Patty Crittenden, Clerk  
Board of Supervisors

By

  
  
Deputy

Boat Yard RV Park (formerly known as  
Roving Knight RV Park)

By

  
W. Stanley Young  
Owner

APPROVED AS TO FORM:  
STEVEN M. BASHA, COUNTY COUNSEL

By

  
Deputy County Counsel

**Exhibit A:**  
**Legal Description of the Roving Knight RV Park**  
**(now known as the Boat Yard RV Park)**  
**Assessor's Parcel Numbers 056-282-12 and 056-282-13**

A tract of land located in the Town of Knights Landing, California, bounded on the north by the right bank of the Sacramento River, on the east by Block 13, on the south by the north line of the State Highway, and on the west by the Centerline of the Sycamore Slough, and more particularly described in that certain deed dated June 21, 1960 from River Farms Company to O.H. Ivey and Winnifred Ivey recorded in Volume 607 at Page 244, Official Records of Yolo County.

Exhibit B:  
Requirements for Work and Approvals Imposed by the  
Planning Commission on August 10, 2000

1. County staff and operator shall reach a binding written agreement that establishes a specific and clearly delineated and enforceable plan to rectify all past and present violations within a reasonable and specific timeframe.
2. The operator shall remedy all health, safety and general welfare concerns for users of the RV Park, including electrical, water supply and sewer services.
3. County staff and operator shall reach a binding written agreement that establishes a specific and delineated and enforceable plan for operation of the RV Park in full compliance with the conditions of approval.
4. County staff and operator shall reach a binding written agreement that establishes enforceable financial and other assurances to confirm full compliance with milestones for bringing the RV Park into full compliance with the conditions of approval and to confirm that the RV Park will continue to be operated in full compliance with the conditions of approval.
5. Owner shall obtain approvals from the Yolo County Environmental Health, the Knights Landing Fire District and Knights Landing Services District.
6. Owner shall upgrade water line to current standards.
7. Owner shall upgrade common facilities (i.e. waterlines, fixtures, etc.).
8. Owner shall remove all trash, including pruning of trees.
9. Owner shall obtain an additional dumpster for the facility.
10. Owner shall obtain code compliant stairs on the levee.
11. Owner shall participate in proper weed and brush abatement.
12. Owner shall make improvements to the entrance, including curb, gutter, sidewalk, and paving.
13. Owner shall install display of trailer spaces.
14. Owner shall comply with all setback requirements.
15. Owner shall maintain propane tanks with appropriate clearances.
16. Owner shall submit a current site plan delineating trailer space layout not exceeding 43 units including numbering of space locations, parking (enough to accommodate visitor parking and each trailer), setbacks (approved by staff and the Planning Commission) propane tanks and clearances, improved circulation patterns (re-paving of existing access and paving or crushed rock for trailer pads and parking), fencing, signage and landscaping.
17. Owner shall obtain a mechanism for annual compliance (such as a business license).
18. Owner shall submit a letter of credit as a guarantee for future compliance.
19. Owner shall abide by a specific timeline for compliance.
20. Owner shall obtain approval from all agencies of jurisdiction.

2. This section shall not apply to doors arranged in accordance with Section 403.12.
3. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

**1008.1.9 Panic and fire exit hardware.** Where panic and fire exit hardware is installed, it shall comply with the following:

1. The actuating portion of the releasing device shall extend at least one-half of the door leaf width.
2. The maximum unlatching force shall not exceed 15 pounds (67 N).

Each door in a means of egress from a Group A, or *assembly area not classified as an assembly occupancy*, E, I-2 or I-2.1 occupancies having an occupant load of 50 or more and any Group H occupancy shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

**Exception:** A main exit of a Group A occupancy in compliance with Section 1008.1.8.3, Item 2.

Electrical rooms with equipment rated 1,200 amperes or more and over 6 feet (1829 mm) wide that contain overcurrent devices, switching devices or control devices with exit access doors shall be equipped with panic hardware and doors shall swing in the direction of egress.

If balanced doors are used and panic hardware is required, the panic hardware shall be the push-pad type and the pad shall not extend more than one-half the width of the door measured from the latch side.

**1008.2 Gates.** Gates serving the means of egress system shall comply with the requirements of this section. Gates used as a component in a means of egress shall conform to the applicable requirements for doors.

**Exception:** Horizontal sliding or swinging gates exceeding the 4-foot (1219 mm) maximum leaf width limitation are permitted in fences and walls surrounding a stadium.

**1008.2.1 Stadiums.** Panic hardware is not required on gates surrounding stadiums where such gates are under constant immediate supervision while the public is present, and where safe dispersal areas based on 3 square feet (0.28 m<sup>2</sup>) per occupant are located between the fence and enclosed space. Such required safe dispersal areas shall not be located less than 50 feet (15 240 mm) from the enclosed space. See Section 1024.6 for means of egress from safe dispersal areas.

**1008.3 Turnstiles.** Turnstiles or similar devices that restrict travel to one direction shall not be placed so as to obstruct any required means of egress.

**Exception:** Each turnstile or similar device shall be credited with no more than a 50-person capacity where all of the following provisions are met:

1. Each device shall turn free in the direction of egress travel when primary power is lost, and upon the manual release by an employee in the area.
2. Such devices are not given credit for more than 50 percent of the required egress capacity.
3. Each device is not more than 39 inches (991 mm) high.
4. Each device has at least 16.5 inches (419 mm) clear width at and below a height of 39 inches (991 mm) and at least 22 inches (559 mm) clear width at heights above 39 inches (991 mm).

Where located as part of an accessible route, turnstiles shall have at least 36 inches (914 mm) clear at and below a height of 34 inches (864 mm), at least 32 inches (813 mm) clear width between 34 inches (864 mm) and 80 inches (2032 mm) and shall consist of a mechanism other than a revolving device.

**1008.3.1 High turnstile.** Turnstiles more than 39 inches (991 mm) high shall meet the requirements for revolving doors.

**1008.3.2 Additional door.** Where serving an occupant load greater than 300, each turnstile that is not portable shall have a side-hinged swinging door which conforms to Section 1008.1 within 50 feet (15 240 mm).

## SECTION 1009 STAIRWAYS

*[DSA-AC] In addition to the requirements of this section, means of egress, which provide access to, or egress from, buildings or facilities where accessibility is required for applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance, shall also comply with Chapter 11A or Chapter 11B, Section 1133B.4, as applicable.*

**1009.1 Stairway width.** The width of stairways shall be determined as specified in Section 1005.1, but such width shall not be less than 44 inches (1118 mm). See Section 1007.3 for accessible means of egress stairways.

### Exceptions:

1. Stairways serving an occupant load of less than 50 shall have a width of not less than 36 inches (914 mm).
2. Spiral stairways as provided for in Section 1009.8.
3. Aisle stairs complying with Section 1025.
4. Where an incline platform lift or stairway chairlift is installed on stairways serving occupancies in Group

# ATTACHMENT D

## California Building Code

### Requirements for Stairways



R-3, or within dwelling units in occupancies in Group R-2, a clear passage width not less than 20 inches (508 mm) shall be provided. If the seat and platform can be folded when not in use, the distance shall be measured from the folded position.

*Means of egress stairs in a Group I-2 occupancy used for the movement of beds and litter patients shall provide a clear width not less than 44 inches (1118 mm).*

**1009.2 Headroom.** Stairways shall have a minimum headroom clearance of 80 inches (2032 mm) measured vertically from a line connecting the edge of the nosings. Such headroom shall be continuous above the stairway to the point where the line intersects the landing below, one tread depth beyond the bottom riser. The minimum clearance shall be maintained the full width of the stairway and landing.

**Exception:** Spiral stairways complying with Section 1009.8 are permitted a 78-inch (1981 mm) headroom clearance.

**1009.3 Stair treads and risers.** Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. Stair tread depths shall be 11 inches (279 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. Winder treads shall have a minimum tread depth of 11 inches (279 mm) measured at a right angle to the tread's leading edge at a point 12 inches (305 mm) from the side where the treads are narrower and a minimum tread depth of 10 inches (254 mm).

**Exceptions:**

1. Alternating tread devices in accordance with Section 1009.9.
2. Spiral stairways in accordance with Section 1009.8.
3. Aisle stairs in assembly seating areas where the stair pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1025.11.2.
4. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be 7.75 inches (197 mm); the minimum tread depth shall be 10 inches (254 mm); the minimum winder tread depth at the walk line shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).
5. See the Section 3403.4 for the replacement of existing stairways. *[HCD 1] See Chapter 34, Section 3403.1, Exception 2 for additions, alterations or repairs to existing buildings. [DSA-AC] For applications listed in Section 109.1 regulated by the Division of the State*

*Architect-Access Compliance, see Chapter 11B, Section 1134B.*

**1009.3.1 Winder treads.** Winder treads are not permitted in means of egress stairways except within a dwelling unit.

**Exceptions:**

1. Curved stairways in accordance with Section 1009.7.
2. Spiral stairways in accordance with Section 1009.8.

**1009.3.2 Dimensional uniformity.** Stair treads and risers shall be of uniform size and shape. The tolerance between the largest and smallest riser height or between the largest and smallest tread depth shall not exceed 0.375 inch (9.5 mm) in any flight of stairs. The greatest winder tread depth at the 12-inch (305 mm) walk line within any flight of stairs shall not exceed the smallest by more than 0.375 inch (9.5 mm) measured at a right angle to the tread's leading edge.

**Exceptions:**

1. Nonuniform riser dimensions of aisle stairs complying with Section 1025.11.2.
2. Consistently shaped winders, complying with Section 1009.3, differing from rectangular treads in the same stairway flight.

Where the bottom or top riser adjoins a sloping public way, walkway or driveway having an established grade and serving as a landing, the bottom or top riser is permitted to be reduced along the slope to less than 4 inches (102 mm) in height, with the variation in height of the bottom or top riser not to exceed one unit vertical in 12 units horizontal (8-percent slope) of stairway width. The nosings or leading edges of treads at such nonuniform height risers shall have a distinctive marking stripe, different from any other nosing marking provided on the stair flight. The distinctive marking stripe shall be visible in descent of the stair and shall have a slip-resistant surface. Marking stripes shall have a width of at least 1 inch (25 mm) but not more than 2 inches (51 mm).

**1009.3.3 Profile.** The radius of curvature at the leading edge of the tread shall be not greater than 0.5 inch (12.7 mm). Beveling of nosings shall not exceed 0.5 inch (12.7 mm). Risers shall be solid and vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.52 rad) from the vertical. The leading edge (nosings) of treads shall project not more than 1.25 inches (32 mm) beyond the tread below and all projections of the leading edges shall be of uniform size, including the leading edge of the floor at the top of a flight.

**Exceptions:**

1. Solid risers are not required for stairways that are not required to comply with Section 1007.3, provided that the opening between treads does not permit the passage of a sphere with a diameter of 4 inches (102 mm).
2. Solid risers are not required for occupancies in Group I-3.

**1009.4 Stairway landings.** There shall be a floor or landing at the top and bottom of each stairway. The width of landings shall not be less than the width of stairways they serve. Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the stairway. Such dimension need not exceed 48 inches (1219 mm) where the stairway has straight run.

**Exceptions:**

1. Aisle stairs complying with Section 1025.
2. Doors opening onto a landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches (178 mm) into a landing.
3. *[HCD 1 & SFM] In Group R-3 occupancies, a floor or landing is not required at the top of an interior flight of stairs, including stairs in an enclosed garage, provided a door does not swing over the stairs.*

**1009.5 Stairway construction.** All stairways shall be built of materials consistent with the types permitted for the type of construction of the building, except that wood handrails shall be permitted for all types of construction.

**1009.5.1 Stairway walking surface.** The walking surface of treads and landings of a stairway shall not be sloped steeper than one unit vertical in 48 units horizontal (2-percent slope) in any direction. Stairway treads and landings shall have a solid surface. Finish floor surfaces shall be securely attached.

**Exception:** In Group F, H and S occupancies, other than areas of parking structures accessible to the public, openings in treads and landings shall not be prohibited provided a sphere with a diameter of 1.125 inches (29 mm) cannot pass through the opening.

**1009.5.2 Outdoor conditions.** Outdoor stairways and outdoor approaches to stairways shall be designed so that water will not accumulate on walking surfaces.

**1009.5.3 Enclosures under stairways.** The walls and soffits within enclosed usable spaces under enclosed and unenclosed stairways shall be protected by 1-hour fire-resistance-rated construction or the fire-resistance rating of the stairway enclosure, whichever is greater. Access to the enclosed space shall not be directly from within the stair enclosure.

**Exception:** Spaces under stairways serving and contained within a single residential dwelling unit in Group R-2 or R-3 shall be permitted to be protected on the enclosed side with 0.5-inch (12.7 mm) gypsum board.

There shall be no enclosed usable space under exterior exit stairways unless the space is completely enclosed in 1-hour fire-resistance-rated construction. The open space under exterior stairways shall not be used for any purpose.

**1009.6 Vertical rise.** A flight of stairs shall not have a vertical rise greater than 12 feet (3658 mm) between floor levels or landings.

**Exception:** Aisle stairs complying with Section 1025.

**1009.7 Curved stairways.** Curved stairways with winder treads shall have treads and risers in accordance with Section 1009.3 and the smallest radius shall not be less than twice the required width of the stairway.

**Exception:** The radius restriction shall not apply to curved stairways for occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2.

**1009.8 Spiral stairways.** Spiral stairways are permitted to be used as a component in the means of egress only within dwelling units or from a space not more than 250 square feet (23 m<sup>2</sup>) in area and serving not more than five occupants, or from galleries, catwalks and gridirons in accordance with Section 1015.6.

A spiral stairway shall have a 7.5 inch (191 mm) minimum clear tread depth at a point 12 inches (305 mm) from the narrow edge. The risers shall be sufficient to provide a headroom of 78 inches (1981 mm) minimum, but riser height shall not be more than 9.5 inches (241 mm). The minimum stairway width shall be 26 inches (660 mm).

**1009.9 Alternating tread devices.** Alternating tread devices are limited to an element of a means of egress in buildings of Groups F, H and S from a mezzanine not more than 250 square feet (23 m<sup>2</sup>) in area and which serves not more than five occupants; in buildings of Group I-3 from a guard tower, observation station or control room not more than 250 square feet (23 m<sup>2</sup>) in area and for access to unoccupied roofs.

**1009.9.1 Handrails of alternating tread devices.** Handrails shall be provided on both sides of alternating tread devices and shall comply with Section 1012.

**1009.9.2 Treads of alternating tread devices.** Alternating tread devices shall have a minimum projected tread of 5 inches (127 mm), a minimum tread depth of 8.5 inches (216 mm), a minimum tread width of 7 inches (178 mm) and a maximum riser height of 9.5 inches (241 mm). The initial tread of the device shall begin at the same elevation as the platform, landing or floor surface.

**Exception:** Alternating tread devices used as an element of a means of egress in buildings from a mezzanine area not more than 250 square feet (23 m<sup>2</sup>) in area which serves not more than five occupants shall have a minimum projected tread of 8.5 inches (216 mm) with a minimum tread depth of 10.5 inches (267 mm). The rise to the next alternating tread surface should not be more than 8 inches (203 mm).

**1009.10 Handrails.** Stairways shall have handrails on each side and shall comply with Section 1012. Where glass is used to provide the handrail, the handrail shall also comply with Section 2407 of the *California Building Code*.

**Exceptions:**

1. Aisle stairs complying with Section 1025 provided with a center handrail need not have additional handrails.
2. Stairways within dwelling units, spiral stairways and aisle stairs serving seating only on one side are permitted to have a handrail on one side only.

3. Decks, patios and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not require handrails.
4. In Group R-3 occupancies, [HCD 1 & SFM] *a continuous run of treads or flight of stairs with fewer than four risers does not require handrails.*
5. Changes in room elevations of only one riser within dwelling units and sleeping units in Group R-2 occupancies do not require handrails.

[DSA-AC] *For applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance, see Chapter 11B, Section 1133B.4.1.*

**1009.11 Stairway to roof.** In buildings located four or more stories in height above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device.

**1009.11.1 Roof access.** Where a stairway is provided to a roof, access to the roof shall be provided through a penthouse complying with Section 1509.2.

**Exception:** In buildings without an occupied roof, access to the roof shall be permitted to be a roof hatch or trap door not less than 16 square feet (1.5 m<sup>2</sup>) in area and having a minimum dimension of 2 feet (610 mm).

**1009.11.2 Protection at roof hatch openings.** Where the roof hatch opening providing the required access is located within 10 feet (3049 mm) of the roof edge, such roof access or roof edge shall be protected by guards installed in accordance with the provisions of Section 1013.

## SECTION 1010 RAMPS

[DSA-AC] *In addition to the requirements of this section, means of egress, which provide access to, or egress from, buildings or facilities where accessibility is required for applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance, shall also comply with Chapter 11A or Chapter 11B, Section 1133B.5, as applicable.*

**1010.1 Scope.** The provisions of this section shall apply to ramps used as a component of a means of egress.

### Exceptions:

1. Other than ramps that are part of the accessible routes providing access in accordance with *Chapter 11A or 11B*, ramped aisles within assembly rooms or spaces shall conform with the provisions in Section 1025.11.
2. Curb ramps shall comply with *Chapter 11A or 11B Section 1127B.5, as applicable.*
3. Vehicle ramps in parking garages for pedestrian exit access shall not be required to comply with Sections 1010.3 through 1010.9 when they are not an accessible route serving accessible parking spaces, other required accessible elements or part of an accessible means of egress.

**1010.2 Slope.** Ramps used as part of a means of egress shall have a running slope not steeper than one unit vertical in 12 units horizontal (8-percent slope). The slope of other pedestrian ramps shall not be steeper than one unit vertical in eight units horizontal (12.5-percent slope).

**Exception:** An aisle ramp slope in occupancies of Group A shall comply with Section 1025.11.

**1010.3 Cross slope.** The slope measured perpendicular to the direction of travel of a ramp shall not be steeper than one unit vertical in 48 units horizontal (2-percent slope).

**1010.4 Vertical rise.** The rise for any ramp run shall be 30 inches (762 mm) maximum.

**1010.5 Minimum dimensions.** The minimum dimensions of means of egress ramps shall comply with Sections 1010.5.1 through 1010.5.3.

**1010.5.1 Width.** The minimum width of a means of egress ramp shall not be less than that required for corridors by Section 1017.2. The clear width of a ramp and the clear width between handrails, if provided, shall be 36 inches (914 mm) minimum.

**1010.5.2 Headroom.** The minimum headroom in all parts of the means of egress ramp shall not be less than 80 inches (2032 mm).

**1010.5.3 Restrictions.** Means of egress ramps shall not reduce in width in the direction of egress travel. Projections into the required ramp and landing width are prohibited. Doors opening onto a landing shall not reduce the clear width to less than 42 inches (1067 mm).

**1010.6 Landings.** Ramps shall have landings at the bottom and top of each ramp, points of turning, entrance, exits and at doors. Landings shall comply with Sections 1010.6.1 through 1010.6.5.

**1010.6.1 Slope.** Landings shall have a slope not steeper than one unit vertical in 48 units horizontal (2-percent slope) in any direction. Changes in level are not permitted.

**1010.6.2 Width.** The landing shall be at least as wide as the widest ramp run adjoining the landing.

**1010.6.3 Length.** The landing length shall be 60 inches (1525 mm) minimum.

### Exceptions:

1. Landings in nonaccessible Group R-2 and R-3 individual dwelling units are permitted to be 36 inches (914 mm) minimum.
2. Where the ramp is not a part of an accessible route, the length of the landing shall not be required to be more than 48 inches (1220 mm) in the direction of travel.

**1010.6.4 Change in direction.** Where changes in direction of travel occur at landings provided between ramp runs, the landing shall be 60 inches by 60 inches (1524 mm by 1524 mm) minimum.

**Exception:** Landings in nonaccessible Group R-2 and R-3 individual dwelling units are permitted to be 36 inches by 36 inches (914 mm by 914 mm) minimum.

**1010.6.5 Doorways.** Where doorways are located adjacent to a ramp landing, maneuvering clearances required for accessibility are permitted to overlap the required landing area as specified in Chapter 11A or Chapter 11B, Section 1133B.5.

**1010.7 Ramp construction.** All ramps shall be built of materials consistent with the types permitted for the type of construction of the building, except that wood handrails shall be permitted for all types of construction. Ramps used as an exit shall conform to the applicable requirements of Sections 1020.1 through 1020.1.3 for exit enclosures.

**1010.7.1 Ramp surface.** The surface of ramps shall be of slip-resistant materials that are securely attached.

**1010.7.2 Outdoor conditions.** Outdoor ramps and outdoor approaches to ramps shall be designed so that water will not accumulate on walking surfaces.

**1010.8 Handrails.** Ramps with a rise greater than 6 inches (152 mm) shall have handrails on both sides. Handrails shall comply with Section 1012.

**1010.9 Edge protection.** Edge protection complying with Section 1010.9.1 or 1010.9.2 shall be provided on each side of ramp runs and at each side of ramp landings. See Chapter 11A, Sections 1114A.7 and 1122A.6, for curb and wheel guide requirements.

**Exceptions:**

1. Edge protection is not required on ramps that are not required to have handrails, provided they have flared sides that comply with Chapter 11A or Chapter 11B, Section 1127B.5.
2. Edge protection is not required on the sides of ramp landings serving an adjoining ramp run or stairway.
3. Edge protection is not required on the sides of ramp landings having a vertical dropoff of not more than 0.5 inch (12.7 mm) within 10 inches (254 mm) horizontally of the required landing area.

**1010.9.1 Curb, rail, wall or barrier.** A curb, rail, wall or barrier shall be provided that prevents the passage of a 4-inch-diameter (102 mm) sphere, where any portion of the sphere is within 4 inches (102 mm) of the floor or ground surface.

**1010.9.2 Extended floor or ground surface.** The floor or ground surface of the ramp run or landing shall extend 12 inches (305 mm) minimum beyond the inside face of a handrail complying with Section 1012.

**1010.10 Guards.** Guards shall be provided where required by Section 1013 and shall be constructed in accordance with Section 1013.

**SECTION 1011  
EXIT SIGNS**

**1011.1 Where required.** Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or the path of egress travel is not immediately visible to the occupants. Exit sign

placement shall be such that no point in a corridor is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign.

**Exceptions:**

1. Exit signs are not required in rooms or areas that require only one exit or exit access.
2. Main exterior exit doors or gates that are obviously and clearly identifiable as exits need not have exit signs where approved by the building official.
3. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3.
4. Exit signs are not required Group I-3 occupancies where inmates are housed or held.
5. In occupancies in Groups A-4 and A-5, exit signs are not required on the seating side of vomitories or openings into seating areas where exit signs are provided in the concourse that are readily apparent from the vomitories. Egress lighting is provided to identify each vomitory or opening within the seating area in an emergency.

**1011.2 Illumination.** Exit signs shall be internally or externally illuminated.

**Exception:** Tactile signs required by Section 1011.3 need not be provided with illumination.

**1011.3 Tactile exit signs.** For the purposes of Section 1011.3, the term "tactile exit signs" shall mean those required signs that comply with Section 1117B.5.1, Item 1. Tactile exit signs shall be required at the following locations:

1. Each grade-level exterior exit door shall be identified by a tactile exit sign with the word, "EXIT."
2. Each exit door that leads directly to a grade-level exterior exit by means of a stairway or ramp shall be identified by a tactile exit sign with the following words as appropriate:
  - a. "EXIT STAIR DOWN"
  - b. "EXIT RAMP DOWN"
  - c. "EXIT STAIR UP"
  - d. "EXIT RAMP UP"
3. Each exit door that leads directly to a grade-level exterior exit by means of an exit enclosure that does not utilize a stair or ramp, or by means of an exit passageway, shall be identified by a tactile exit sign with the words "EXIT ROUTE."
4. Each exit access door from an interior room or area that is required to have a visual exit sign, shall be identified by a tactile exit sign with the words, "EXIT ROUTE."
5. Each exit door through a horizontal exit shall be identified by a tactile exit sign with the words "TO EXIT."

**1011.4 Internally illuminated exit signs.** Internally illuminated exit signs shall be listed and labeled and shall be installed in accordance with the manufacturer's instructions and Section 2702. Exit signs shall be illuminated at all times.

**1011.5 Externally illuminated exit signs.** Externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

**1011.5.1 Graphics.** Every exit sign and directional exit sign shall have plainly legible letters not less than 6 inches (152 mm) high with the principal strokes of the letters not less than 0.75 inch (19.1 mm) wide. The word "EXIT" shall have letters having a width not less than 2 inches (51 mm) wide, except the letter "I," and the minimum spacing between letters shall not be less than 0.375 inch (9.5 mm). Signs larger than the minimum established in this section shall have letter widths, strokes and spacing in proportion to their height.

The word "EXIT" shall be in high contrast with the background and shall be clearly discernible when the means of exit sign illumination is or is not energized. If a chevron directional indicator is provided as part of the exit sign, the construction shall be such that the direction of the chevron directional indicator cannot be readily changed.

**1011.5.2 Exit sign illumination.** The face of an exit sign illuminated from an external source shall have an intensity of not less than 5 foot-candles (54 lux).

**1011.5.3 Power source.** Exit signs shall be illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 2702.

**Exception:** Approved exit sign illumination means that provide continuous illumination independent of external power sources for a duration of not less than 90 minutes, in case of primary power loss, are not required to be connected to an emergency electrical system.

**1011.6 Floor-level exit signs.** [SFM] Where exit signs are required by Chapter 10, additional approved floor-level exit signs which are internally or externally illuminated, photoluminescent or self-luminous shall be provided in all interior corridors of Group A, E, I, R-1, R-2 and R-4 occupancies.

**Exceptions:**

1. Where path marking complying with Section 1011.7 is provided.
2. Group I-3 occupancies.

The bottom of the sign shall not be less than 6 inches (152 mm) or more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit-access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign or marker within 4 inches (102 mm) of the door frame.

**1011.7 Path marking.** [SFM] When exit signs are required by Chapter 10, approved path marking shall be installed at floor level or no higher than 8 inches (203 mm) above the floor level in all interior corridors of Group A, E, I, R-1, R-2 and R-4 occupancies.

Such marking shall be continuous except as interrupted by doorways, corridors or other such architectural features in order to provide a visible delineation along the path of travel and shall comply with Section 1011.5.3.

**Exceptions:**

1. Where floor level exit signs complying with Section 1011.6 are provided.
2. Group I-3 occupancies.

## SECTION 1012 HANDRAILS

[DSA-AC] In addition to the requirements of this section, means of egress, which provide access to, or egress from, buildings or facilities where accessibility is required for applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance, shall also comply with Chapter 11A or Chapter 11B, Section 1133B.4.1, as applicable.

**1012.1 Where required.** Handrails for stairways and ramps shall be adequate in strength and attachment in accordance with Section 1607.7. Handrails required for stairways by Section 1009.10 shall comply with Sections 1012.2 through 1012.8. Handrails required for ramps by Section 1010.8 shall comply with Sections 1012.2 through 1012.7.

**1012.2 Height.** Handrail height, measured above stair tread nosings, or finish surface of ramp slope shall be uniform, not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

**1012.3 Handrail graspability.** Handrails with a circular cross-section shall have an outside diameter of at least 1.25 inches (32 mm) and not greater than 2 inches (51 mm) or shall provide equivalent graspability. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6.25 inches (160 mm) with a maximum cross-section dimension of 2.25 inches (57 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

**1012.4 Continuity.** Handrail-gripping surfaces shall be continuous, without interruption by newel posts or other obstructions.

**Exceptions:**

1. Handrails within dwelling units are permitted to be interrupted by a newel post at a stair or ramp landing.
2. Within a dwelling unit, the use of a volute, turnout or starting easing is allowed on the lowest tread.
3. Handrail brackets or balusters attached to the bottom surface of the handrail that do not project horizontally beyond the sides of the handrail within 1.5 inches (38 mm) of the bottom of the handrail shall not be considered obstructions. For each 0.5 inch (12.7 mm) of additional handrail perimeter dimension above 4 inches (102 mm), the vertical clearance dimension of 1.5 inches (38 mm) shall be permitted to be reduced by 0.125 inch (3 mm).

**1012.5 Handrail extensions.** Handrails shall return to a wall, guard or the walking surface or shall be continuous to the hand-

rail of an adjacent stair flight or ramp run. At stairways where handrails are not continuous between flights, the handrails shall extend horizontally at least 12 inches (305 mm) beyond the top riser and continue to slope for the depth of one tread beyond the bottom riser. At ramps where handrails are not continuous between runs, the handrails shall extend horizontally above the landing 12 inches (305 mm) minimum beyond the top and bottom of ramp runs.

**Exceptions:**

1. Handrails within a dwelling unit that is not required to be accessible need extend only from the top riser to the bottom riser.
2. Aisle handrails in Group A occupancies in accordance with Section 1025.13.

**1012.6 Clearance.** Clear space between a handrail and a wall or other surface shall be a minimum of 1.5 inches (38 mm). A handrail and a wall or other surface adjacent to the handrail shall be free of any sharp or abrasive elements.

**1012.7 Projections.** On ramps, the clear width between handrails shall be 36 inches (914 mm) minimum. Projections into the required width of stairways and ramps at each handrail shall not exceed 4.5 inches (114 mm) at or below the handrail height. Projections into the required width shall not be limited above the minimum headroom height required in Section 1009.2.

*In Group I-2 occupancy, on ramps and stairways used for the movement of bed and litter patients, the clear width between handrails shall be 44 inches (1118 mm) minimum.*

**1012.8 Intermediate handrails.** Stairways shall have intermediate handrails located in such a manner that all portions of the stairway width required for egress capacity are within 30 inches (762 mm) of a handrail. On monumental stairs, handrails shall be located along the most direct path of egress travel.

**SECTION 1013  
GUARDS**

**1013.1 Where required.** Guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with Section 1607.7. Where glass is used to provide a guard or as a portion of the guard system, the guard shall also comply with Section 2407. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in Section 1607.7.

**Exception:** Guards are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of stages and raised platforms, including steps leading up to the stage and raised platforms.

3. On raised stage and platform floor areas, such as runways, ramps and side stages used for entertainment or presentations.
4. At vertical openings in the performance area of stages and platforms.
5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating where guards in accordance with Section 1025.14 are permitted and provided.

**1013.2 Height.** Guards shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard.

**Exceptions:**

1. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, guards whose top rail also serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from the leading edge of the stair tread nosing.
2. The height in assembly seating areas shall be in accordance with Section 1025.14.

**1013.3 Opening limitations.** Open guards shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening.

**Exceptions:**

1. The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening.
2. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, guards shall have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening.
3. In areas that are not open to the public within occupancies in Group I-3, F, H or S, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening.
4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies and galleries shall have balusters or ornamental patterns such that a 4-inch-diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass.
5. Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, openings for required guards on the sides of stair treads shall not allow a sphere of 4.375 inches (111 mm) to pass through.



# ADA Requirements

bars or other hardware designed to provide passage. Locked exit doors shall operate as above in egress direction.

**1133B.2.5.3 Recessed doors.** Where the plane of the doorway is offset 8 or more inches (205 mm) from any obstruction within 18 inches (455 mm) measured laterally on the latch side, the door shall be provided with maneuvering clearance for front approach. See Figure 11B-33(a).

**1133B.2.6 Smooth surface.** The bottom 10 inches (254 mm) of all doors except automatic and sliding shall have a smooth, uninterrupted surface to allow the door to be opened by a wheelchair footrest without creating a trap or hazardous condition. Where narrow frame doors are used, a 10-inch (254 mm) high smooth panel shall be installed on the push side of the door, which will allow the door to be opened by a wheelchair footrest without creating a trap or hazardous condition.

## 1133B.3 Corridors, hallways and exterior exit balconies.

**1133B.3.1 Corridor and hallway widths.** Every corridor and hallway serving an occupant load of 10 or more shall not be less than 44 inches (1118 mm) in width. Corridors and hallways serving an occupant load of less than 10 shall not be less than 36 inches (914 mm) in width.

**1133B.3.2 Corridors and hallways over 200 feet (60 960 mm).** Corridors and hallways that are located on an accessible route and exceed 200 feet (60 960 mm) in length shall have a minimum clear width of 60 inches (1524 mm), then passing spaces at least 60 inches by 60 inches (1524 mm by 1524 mm) shall be located at reasonable intervals not to exceed 200 feet (60 960 mm). A "T" intersection of two corridors or walks is an acceptable passing place.

### Exceptions:

1. In existing buildings, when the enforcing agency determines that compliance with any building standard under this section would create an unreasonable hardship, an exception to such building standard shall be granted when equivalent facilitation is provided.
2. In existing buildings, the provisions of this section shall not apply when legal or physical constraints will not allow compliance with these building standards or equivalent facilitation without creating an unreasonable hardship. See Section 109.1.5.

## 1133B.4 Stairways.

### 1133B.4.1 Handrails.

**1133B.4.1.1 Required handrails.** Stairways shall have handrails on each side, and every stairway required to be more than 88 inches (2235 mm) in width shall be provided with not less than one intermediate handrail for each 88 inches (2235 mm) of required width. Intermediate handrails shall be spaced approximately equally across with the entire width of the stairway. Handrails shall be continuous along both sides of a stairway.

### 1133B.4.2 Handrail configuration.

**1133B.4.2.1** The top of handrail gripping surface shall be mounted between 34 to 38 inches (864 to 965 mm) above the nosing of the treads.

**1133B.4.2.2** Handrails shall extend a minimum of 12 inches (305 mm) beyond the top nosing and 12 inches (305 mm), plus the tread width, beyond the bottom nosing. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one tread from the bottom riser; the remainder of the extension shall be horizontal. See Figures 11B-35 and 11B-37.

### Exceptions:

1. In new construction, the inside handrail on switchback or dogleg stairs shall always be continuous.
2. In existing buildings and facilities, full extension of handrails at stairs shall not be required in alterations where such extensions would be hazardous or impossible due to plan configuration.

**1133B.4.2.3** Ends shall be returned smoothly to floor, wall or post.

**1133B.4.2.4** The orientation of at least one handrail shall be in the direction of the run of the stair and perpendicular to the direction of the stair nosing, and shall not reduce the minimum required width of the stairs.

**1133B.4.2.5** Handrails projecting from a wall shall have a space of 1½ inches (38 mm) between the wall and the handrail.

Handrails may be located in a recess if the recess is a maximum of 3 inches (76 mm) deep and extends at least 18 inches (457 mm) above the top of the rail. Handrails shall not rotate in their fittings.

**1133B.4.2.6 Handgrips.** The handgrip portion of handrails shall be not less than 1¼ inches (32 mm) or more than 1½ inches (38 mm) in cross-sectional nominal dimension or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners. Gripping surfaces (top or sides) shall be uninterrupted by newel posts, other construction elements or obstructions. Any wall or other surface adjacent to the handrail shall be free of sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch (3.2 mm).

### Exceptions:

1. In existing buildings when the enforcing agency determines that compliance with any requirement under Section 1133B.4.2 would create an unreasonable hardship, an exception to the requirement for persons with disabilities may be granted when equivalent facilitation is provided.
2. These regulations shall not apply in existing buildings where legal or physical constraints will not allow compliance with these regulations or equivalent facilitation without creating an unreasonable hardship. See Section 109.1.5.

**1133B.4.3 Tactile floor designation signs in stairways.** Tactile floor designation signs that comply with Section 1117B.5, Item 1, shall be located at each floor level landing in all enclosed stairways in buildings two or more stories in height to identify the floor level. At exit discharge level, the sign shall include a raised five-pointed star located to the left of the identifying floor level. The outside diameter of the star shall be the same as the height of the raised characters.

**1133B.4.4 Striping for the visually impaired.** The upper approach and the lower tread of each stair shall be marked by a strip of clearly contrasting color at least 2 inches (51 mm) wide placed parallel to and not more than 1 inch (25.4 mm) from the nose of the step or landing to alert the visually impaired. The strip shall be of material that is at least as slip resistant as the other treads of the stair.

Where stairways occur outside a building, the upper approach and all treads shall be marked by a strip of clearly contrasting color at least 2 inches (51 mm) wide and placed parallel to and not more than 1 inch (25.4 mm) from the nose of the step or landing to alert the visually impaired. The strip shall be of a material that is at least as slip resistant as the other treads of the stair. A painted strip shall be acceptable.

**1133B.4.5 Treads, nosing and risers.**

**1133B.4.5.1 Treads.** All tread surfaces shall be slip resistant. Weather-exposed stairs and their approaches shall be designed so that water will not accumulate on the walking surfaces. Treads shall have smooth, rounded or chamfered exposed edges, and no abrupt edges at the nosing (lower front edge). The radius of curvature at the leading edge of the tread shall be no greater than 1/2 inch (12.7 mm).

**1133B.4.5.2 Nosing.** Nosing shall not project more than 1 1/2 inches (38 mm) past the face of the riser below.

**1133B.4.5.3 Open risers are not permitted.** On any given flight of stairs, all steps shall have uniform riser height and uniform tread widths consistent with Section 1133B.4. Stair treads shall be no less than 11 inches (279 mm) deep, measured from riser to riser. See Figure 11B-35. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal.

**Exceptions:**

1. In existing buildings, when the enforcing agency determines that compliance with any requirement under this section would create an unreasonable hardship, an exception to persons with disabilities requirements may be granted when equivalent facilitation is provided.
2. These regulations shall not apply to existing buildings when legal or physical constraints will not allow compliance with these regulations or equivalent facilitation without creating an unreasonable hardship. See Section 109.1.5.

**1133B.5 Ramps.**

**1133B.5.1 General.** Ramps used as exits shall conform to the provisions of this section. Any accessible route of travel shall be considered a ramp if its slope is greater than 1 foot (305 mm) rise in 20 feet (6096 mm) of horizontal run (5-percent gradient).

**1133B.5.2 Width.** Pedestrian ramps shall have a minimum clear width of 48 inches (1219 mm), unless required to be wider by some other provision of this code. Pedestrian ramps serving entrances to buildings where the ramp is the only exit discharge path and serves an occupant load of 300 or more shall have a minimum clear width of 60 inches (1524 mm). Ramps serving Group R occupancies may be 36 inches (914 mm) clear width when the occupant load is 50 or less.

**1133B.5.3 Slope.** The least possible slope shall be used for any ramp. The maximum slope of a ramp that serves any exit way, provides access for persons with physical disabilities or is in the accessible route of travel shall be 1-foot (305 mm) rise in 12 feet (3658 mm) of horizontal run (8.3-percent gradient). The maximum rise for any run shall be 30 inches (762 mm). Examples of ramp dimensions are as follows:

SLOPE	MAXIMUM RISE		MAXIMUM HORIZONTAL PROJECTION	
	Inches	mm	feet	m
1:12 to < 1:16	30	760	30	9
1:16 to < 1:20	30	760	40	12

**1133B.5.3.1** The cross slope of ramp surfaces shall be no greater than one unit vertical in 50 units horizontal (2-percent slope).

**1133B.5.4 Landings.** Level ramp landings shall be installed as follows:

**1133B.5.4.1 Location of landings.** Level ramp landings shall be provided at the top and bottom of each ramp. Intermediate landings shall be provided at intervals not exceeding 30 inches (762 mm) of vertical rise and at each change of direction. Landings are not considered in determining the maximum horizontal distance of each ramp. Landings shall be level as specified in the definition of "Level area" in Section 1102B.

**1133B.5.4.2 Size of top and bottom landings.** Top landings shall be not less than 60 inches (1524 mm) wide and shall have a length of not less than 60 inches (1524 mm) in the direction of ramp run. Landings at the bottom of ramps shall have a dimension in the direction of ramp run of not less than 72 inches (1829 mm).

**1133B.5.4.3 Encroachment of doors.** Doors in any position shall not reduce the minimum dimension of the landing to less than 42 inches (1067 mm) and shall not reduce the required width by more than 3 inches (76 mm) when fully open. See Figure 11B-39(b).



**1133B.5.4.4 Strike edge extension.** The width of the landing shall extend 24 inches (610 mm) past the strike edge of any door or gate for exterior ramps and 18 inches (457 mm) past the strike edge for interior ramps.

**1133B.5.4.5 Landing width.** At bottom and intermediate landings, the width shall be at least the same as required for the ramps.

**1133B.5.4.6 Change of direction.** Intermediate and bottom landings at a change of direction in excess of 30 degrees shall have a dimension in the direction of ramp run of not less than 72 inches (1829 mm) to accommodate the handrail extension.

**1133B.5.4.7 Other intermediate landings.** Other intermediate landings shall have a dimension in the direction of ramp run of not less than 60 inches (1524 mm).

**1133B.5.4.8** For existing ramps or ramps not covered by Section 1133B.5.4.1, landings shall be provided as set forth in Section 1133B.5.4.1.

**1133B.5.4.9 Hazards.** Required ramps shall have a curb at least 2 inches (51 mm) high, or a wheel guide rail 2 to 4 inches (51 to 102 mm) high on each side of the ramp landing that has a vertical drop exceeding 4 inches (102 mm) and that is not bounded by a wall or fence.

### 1133B.5.5 Handrails for ramps.

**1133B.5.5.1** Handrails are required on ramps that provide access if the slope exceeds 1 foot (305 mm) rise in 20 feet (6096 mm) of horizontal run (5-percent gradient), except that at exterior door landings, handrails are not required on ramps less than 6 inches (152 mm) rise or 72 inches (1829 mm) in length. Handrails shall be placed on each side of each ramp, shall be continuous the full length of the ramp, shall be 34 to 38 inches (864 to 965 mm) above the ramp surface to the top of the handrails, shall extend a minimum of 1 foot (305 mm) beyond the top and bottom of the ramp and shall be parallel with the floor or ground surface. The inside handrail on switch-back or dogleg ramps shall always be continuous. The ends of handrails shall be either rounded or returned smoothly to floor, wall or post. Handrails projecting from a wall shall have a space of 1½ inches (38 mm) between the wall and the handrail. Handrails may be located in a recess if the recess is a maximum of 3 inches (76 mm) deep and extends at least 18 inches (457 mm) above the top of the rail. The grip portion shall not be less than 1¼ inches (32 mm) nor more than 1½ inches (38 mm) in cross-sectional nominal dimension or the shape shall provide an equivalent gripping surface, and all surfaces shall be smooth with no sharp corners. Handrails shall not rotate within their fittings. Any wall or other surface adjacent to the handrail shall be free of sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch (3 mm).

#### Exceptions:

1. Handrails at ramps immediately adjacent to fixed seating in assembly areas are not required.

2. Curb ramps do not require handrails.

**1133B.5.5.1.1 Ramp handrails.** In existing buildings or facilities, where the extension of the handrail in the direction of the ramp run would create a hazard, the extension on the handrail may be turned 90 degrees to the run of the ramp.

**1133B.5.6 Wheel guides.** Where the ramp surface is not bounded by a wall, the ramp shall comply with Section 1133B.5.6.1 or 1133B.5.6.2.

**1133B.5.6.1** A guide curb a minimum of 2 inches (51 mm) in height shall be provided at each side of the ramp; or

**1133B.5.6.2** A wheel guide rail shall be provided, centered 3 inches (76 mm) plus or minus 1 inch (25 mm) above the surface of the ramp.

**1133B.5.7 Guards.** Ramps more than 30 inches (762 mm) above the adjacent ground shall be provided with guards that comply with Section 1013. Such guards shall be continuous from the top of the ramp to the bottom of the ramp.

**1133B.5.8 Outdoor ramps.** Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

### 1133B.6 Aisles.

**1133B.6.1 General.** Every portion of every building in which are installed seats, tables, merchandise, equipment or similar materials shall be provided with aisles leading to an exit.

**1133B.6.2 Width.** Every aisle shall not be less than 36 inches (914 mm) wide if serving only one side, and not less than 44 inches (1118 mm) wide if serving both sides.

### 1133B.7 Walks and sidewalks.

**1133B.7.1 Continuous surface.** Walks and sidewalks subject to these regulations shall have a continuous common surface, not interrupted by steps or by abrupt changes in level exceeding ½ inch (12.7 mm) (see Section 1133B.7.4), and shall be a minimum of 48 inches (1219 mm) in width. If a walk or sidewalk has less than 60 inch (1525 mm) clear width, then passing spaces at least 60 inches by 60 inches (1525 mm by 1525 mm) shall be located at reasonable intervals not to exceed 200 feet (61 m). A T-intersection is an acceptable passing place. Surfaces shall be slip resistant as follows:

**Exception:** When, because of right-of-way restrictions, natural barriers or other existing conditions, the enforcing agency determines that compliance with the 48-inch (1219 mm) clear sidewalk width would create an unreasonable hardship, the clear width may be reduced to 36 inches (914 mm).

**1133B.7.1.1 Slopes less than 6 percent.** Surfaces with a slope of less than 6 percent gradient shall be at least as slip resistant as that described as a medium salted finish.

**1133B.7.1.2 Slopes 6 percent or greater.** Surfaces with a slope of 6 percent gradient shall be slip-resistant.

**1133B.7.1.3 Surface cross slopes.** Surface cross slopes shall not exceed ¼ inch (6 mm) per foot.

**1133B.7.2 Gratings.** Walks, sidewalks and pedestrian ways shall be free of gratings whenever possible. For gratings located in the surface of any of these areas, grid openings in gratings shall be limited to  $\frac{1}{2}$  inch (12.7 mm) in the direction of traffic flow.

**Exceptions:**

1. Where the enforcing agency determines that compliance with this section would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided.
2. This section shall not apply in those conditions where, due to legal or physical constraints, the site of the project will not allow compliance with these building standards or equivalent facilitation without creating an unreasonable hardship. See Section 109.1.5.

**1133B.7.3 Five-percent gradient.** When the slope in the direction of travel of any walk exceeds one unit vertical to 20 units horizontal (5-percent gradient), it shall comply with the provisions of Section 1133B.5.

**1133B.7.4 Changes in level.** Abrupt changes in level along any accessible route shall not exceed  $\frac{1}{2}$  inch (12.7 mm). When changes in level do occur, they shall be beveled with a slope no greater than one unit vertical to 2 units horizontal (50 percent), except that level changes not exceeding  $\frac{1}{4}$  inch (6 mm) may be vertical.

When changes in level greater than  $\frac{1}{2}$  inch (12.7 mm) are necessary, they shall comply with the requirements for curb ramps. See Section 1127B.5.

**1133B.7.5 Level areas.** Walks shall be provided with a level area not less than 60 inches by 60 inches (1524 mm by 1524 mm) at a door or gate that swings toward the walk, and not less than 48 inches wide by 44 inches (1219 mm by 1118 mm) deep at a door or gate that swings away from the walk. Such walks shall extend 24 inches (610 mm) to the side of the strike edge of a door or gate that swings toward the walk. (For example, see Figure 11B-26B.)

**1133B.7.6 Walks with continuous gradients.** All walks with continuous gradients shall have level areas at least 5 feet (1524 mm) in length at intervals of at least every 400 feet (121 920 mm).

**1133B.8 Hazards.**

**1133B.8.1 Warning curbs.** Abrupt changes in level, except between a walk or sidewalk and an adjacent street or driveway, exceeding 4 inches (102 mm) in a vertical dimension, such as at planters or fountains located in or adjacent to walks, sidewalks or other pedestrian ways, shall be identified by curbs projecting at least 6 inches (152 mm) in height above the walk or sidewalk surface to warn the blind of a potential drop off.

When a guard or handrail is provided, no curb is required when a guide rail is provided centered 3 inches (76 mm) plus or minus 1 inch (25 mm) above the surface of the walk or sidewalk, the walk is 5 percent or less gradient or no adjacent hazard exists.

**1133B.8.2 Overhanging obstructions.** Any obstruction that overhangs a pedestrian way shall be a minimum of 80 inches (2032 mm) above the walking surface as measured from the bottom of the obstruction. Where a guy support is used parallel to a path of travel, including, but not limited to sidewalks, a guy brace, sidewalk guy or similar device shall be used to prevent an overhanging obstruction as defined (see Figure 11B-28).

Hazards such as drop-offs adjacent to walkways or overhanging obstructions can be dangerous to persons with sight problems. This section addresses these situations.

**1133B.8.3 Detectable warnings at transit boarding platforms.** See Section 1121B.3.1, Item 8(a).

**1133B.8.4 Detectable directional texture at boarding platforms.** See Section 1121B.3.1, Item 8(b).

**1133B.8.5 Detectable warnings at hazardous vehicular areas.** If a walk crosses or adjoins a vehicular way, and the walking surfaces are not separated by curbs, railings or other elements between the pedestrian areas and vehicular areas, the boundary between the areas shall be defined by a continuous detectable warning which is 36 inches (914 mm) wide, complying with Section 1121B.3.1, Item 8(a).

Only approved DSA-AC detectable warning products and directional surfaces shall be installed as provided in the California Code of Regulations (CCR), Title 24, Part 1, Articles 2, 3 and 4. Refer to CCR Title 24, Part 12, Chapters 12-11A and B, for building and facility access specifications for product approval for detectable warning products and directional surfaces.

Detectable warning products and directional surfaces installed after January 1, 2001, shall be evaluated by an independent entity, selected by the Department of General Services, Division of the State Architect—Access Compliance, for all occupancies, including transportation and other outdoor environments, except that when products and surfaces are for use in residential housing, evaluation shall be in consultation with the Department of Housing and Community Development. See Government Code Section 4460.

**1133B.8.6 Protruding objects.**

**1133B.8.6.1 General.** Objects projecting from walls (for example, telephones), with their leading edges between 27 inches (686 mm) and 80 inches (2032 mm) above the finished floor, shall protrude no more than 4 inches (102 mm) into walks, halls, corridors, passageways or aisles. Objects mounted with their leading edges at or below 27 inches (686 mm) above the finished floor may protrude any amount. Free-standing objects mounted on posts or pylons may overhang 12 inches (305 mm) maximum from 27 inches (686 mm) to 80 inches (2032 mm) above the ground or finished floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space. See Figure 11B-7A.

**1133B.8.6.2 Head room.** Walks, halls, corridors, passageways, aisles or other circulation spaces shall have 80 inches (2032 mm) minimum clear head room. If vertical clearance of an area adjoining an accessible route is

COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Craig Baracco

Notice of Exemption



To: Yolo County Clerk  
625 Court Street  
Woodland, CA 95695

Project Title: ZF# 99-087

Shelly and Spencer Bole  
44086 N. El Macero Drive  
El Macero, CA 95618

Project Location: 42100 4th Street in the town of Knights Landing (APN: 056-282-12 & -13)

Project Description: Requested release of a compliance bond for the Boat Yard RV Park in the Multiple-Family Residential (R-3) zone.

Exempt Status: Denied Project.

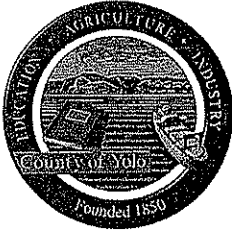
Reason why project is exempt:

The Categorical Exemption under Section 15270(a) of the California Environmental Quality Act Guidelines states that CEQA does not apply to projects that a public agency rejects or disapproves.

**Lead Agency Contact Person:** Craig Baracco, Associate Planner  
**Telephone Number:** (530) 666-8833

Signature (Public Agency): \_\_\_\_\_ Date:

**ATTACHMENT E**



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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

### PLANNING COMMISSION STAFF REPORT

October 9, 2008

**FILE #2008-031:** Variance to place a second ancillary dwelling unit beyond the maximum 250-foot clustering requirement within the A-P (Agricultural Preserve) Zoning District (**Attachment A**).

**APPLICANT:** Lance Buck  
Buck's Drafting & Design  
524 Main St., Suite 205  
Woodland, CA 95695


**OWNER:** Weylin Eng  
P.O. Box 129  
Orinda, CA 94563

**LOCATION:** 32560 Russell Blvd., approximately 2.5 miles east of the City of Winters (APNs: 038-100-08 and 038-100-09) (**Attachment B**)

**GENERAL PLAN:** Agriculture  
**ZONING:** Agricultural Preserve (A-P)  
**SOIL TYPES:** Capay Silty Clay (Class I), Brentwood silty clay loam, 0 to 2 percent slopes (Class I), Rincon silty clay loam (Class II), Yolo silt loam (Class I)  
**FLOOD ZONE:** A and C (areas within and outside 100-year and 500-year flood plains).

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**REPORT PREPARED BY:**

  
Stephanie Berg, Associate Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTION

That the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive comments;
2. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental review in accordance with the California Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment D**) for the project; and
4. **DENY** the variance as described in the Findings.

### REASONS FOR RECOMMENDED ACTION

The property, currently under Williamson Act contract, is in active orchard production with chestnut, walnut, and prune tree crops. The existing primary dwelling is located within the main focal point or "hub" of the property's agricultural operations, which has a primary focus on chestnut production. Further residential development on the site is subject to a 250-foot clustering

requirement and typical setback requirements for second homes on A-P zoned parcels. Ancillary dwellings are permitted as an accessory use as long as they meet the clustering and setback requirements. The variance, as proposed, would place a second home site nearly 1,700 feet away from the original home and within the vicinity of adjoining farmland where alfalfa is currently grown. Development of a second home site in the proposed area would restrict spraying operations on adjacent farmland and would set precedence for landowners seeking to develop second home sites in rural settings. Staff supports the Agriculture Department's recommendation to deny the variance and limit the footprint of the ancillary dwelling. Chestnut production, the landowner's primary tree crop, could be supported by both Class I and Class II soils occurring throughout the property.

## **BACKGROUND**

The project site is located at 32560 Russell Boulevard, just east of the City of Winters (**Attachment B – Vicinity Map**). The 49-acre parcel includes an existing home site, with a primary dwelling and farm office, on the southern portion of the property (west side of access road). The property also contains a 125-foot utility easement that runs the entire length of its western border. Existing agricultural activity consists of tree crops, with a primary focus on chestnut production on the southern portion of the property. The property also contains productive walnut tree and prune tree crops. Two seasonal sloughs bisect the central portion of the property in an east-west direction (**Attachment A – Site Plan**). The property is accessed off County Road 93A, where County Road 31 meets County Road 32 (Russell Boulevard).

The project is a variance request to allow placement of a second dwelling nearly 1,700± feet away from the primary dwelling site, instead of the required 250 feet for parcels zoned A-P (Agricultural Preserve). The project proposes to place a family dwelling at the northern portion of the property in an area of cleared trees where agricultural activity is currently unproductive, according to the applicant. This second dwelling would be able to access the property's existing driveway and paved access road that crosses both sloughs.

In order to preserve the property's active tree crop production, the property owners intend to keep the agricultural staging area within the vicinity of the primary home site and farm office, and use that dwelling as a caretaker or farm worker home. The nearby farm office provides a place for employee activity.

## **STAFF ANALYSIS**

Residential development in the agriculturally zoned districts is restricted to one primary and one ancillary single family residence per parcel. Residential development on agriculturally zoned parcels is further limited by requiring that home sites be constructed within 250 feet of each other [County Code Section 8-2.2703.5 (d)]. This siting requirement is intended to reduce impacts to agricultural operations in areas zoned for agricultural uses. Areas within the 250-foot radius of the home include the nearby farm office, staging and access areas for agricultural equipment, chestnut drying activities, a productive chestnut orchard, and a riparian area. The proposed site to be developed with a second home is in an area of cleared trees at the northern portion of the parcel, nearly 1,700 feet away from the primary dwelling site. This proposal places it within the vicinity of adjoining farmland where alfalfa is grown to the north and northeast. Active orchards occur to the west. Although placement of the proposed home site may not interfere with the parcel's primary agricultural activities (chestnut production), it would interfere with spraying operations on the adjoining northern and northeastern parcels.

Soil types on the property vary between Class I and Class II soils with Storie indexes ranging from 100 to 50. The southern portion of the property, including areas between sloughs, contains mostly Brentwood loam, Class I soils, with a Storie index of 81. This portion of the property contains the chestnut orchard. The northern one-half of the property contains Rincon clay and Capay clay,

Class II soils, with Storie indexes of 73 to 50, respectively. Although both soil types are capable of supporting tree crops, as evidenced by adjacent parcels, the southern portion of the property is where the current property owners have invested their interests – chestnut production. While the majority of the property contains productive tree crops, the orchard on the northernmost portion of the parcel appears to be less productive and contains an area of cleared trees. According to the applicant, attempted tree crops have historically failed in that area. The property owners wish to place a family dwelling in the area of cleared trees, approximately 200 feet from the rear property line.

A variance would be required to permit the location of a second dwelling approximately 1,700± feet away from the primary dwelling, instead of the maximum 250 feet. Section 8-2.2901 of the County Code states:

The purpose of a variance is to allow variation from the strict application of the provisions of this chapter [Chapter 2] where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this chapter and the provisions of the General Plan. The Yolo County Planning Commission may grant a variance only when, in accordance with the applicable provisions of the Government Code of the State, and Title 8 of the Yolo County Code, have been found to apply.

The findings required to be adopted to approve a variance set forth in Section 8-2.2904(a), (b), and (c) of the Zoning Ordinance are outlined under the Findings (**Attachment D**). The applicant's submittal includes the following justification for meeting the three criteria in the County Zoning Ordinance for granting a variance:

- The 250-foot clustering requirement for ancillary dwellings is not feasible due to unique topography, diverse soil types and special easements. The west side of the property is not buildable because of a 125-foot wide Department of Energy easement. Additionally, two wide, seasonally active, drainage ditches bisect the central portion of the property;
- The southern portion of the property is uniquely populated with productive chestnut trees, which is currently enjoying renewed economic and scientific interest. Preservation of this productive farm resource is of paramount importance to the landowner and the community. This agricultural practice is fully mature and located on rich soils found only on the southern portion of the property. The primary residence is situated in and around these valuable trees and has been fully restored. The northern portion of the property is the only area that would afford an ancillary dwelling building site, which is typically enjoyed by other properties in the A-P zone; and
- Granting a variance to the 250-foot clustering requirement will preserve the best land suited to agricultural use and will carry out the spirit and purpose of the General Plan.

Site constraints on the property include: (1) a 90-foot front setback requirement; (2) a 125-foot utility easement on the parcel's western border; (3) a recommended 500-foot buffer on the north and northeast portions of the parcel to protect spraying operations on adjacent alfalfa fields; and (4) flood plain areas on either side of the drainage sloughs.

The landowner's primary production occurs on the southern portion of the parcel, which could result in removal of some productive trees if a second home site were built; however, this does not constitute a set of special circumstances pertaining to the physical characteristics of the site that would not allow for the provision of an ancillary dwelling located adjacent to the primary dwelling. Tree crops are grown on both Class I and Class II soils as is evidenced by adjacent parcels in the surrounding vicinity. Chestnut production could be extended to the northern portion of the parcel, thereby enhancing operations and/or accommodating a second home site within the vicinity of the primary home. Much less agricultural land is removed from production through the clustering of

home sites than developing a new footprint for a home site elsewhere on the property. Placing the second home site within the vicinity of the primary home keeps residential development within the interior portion of the parcel and ensures that surrounding agricultural operations are not restricted by placement of a second dwelling within the vicinity of adjoining farmland.

**SUMMARY OF AGENCY COMMENTS**

A "Request for Comments" was prepared and circulated for the project from August 8, 2008 to August 29, 2008. Comments received are summarized below.

Date	Agency	Comments	Response
August 11, 2008	Building Division	The property has multiple code violations. Recommend not granting variance until code violations are cleared.	The property owner is currently resolving outstanding building violations, which were accrued from the previous land owner. Any existing code violations would have to be resolved as a condition of project approval before any permits are issued.
August 12, 2008	Environmental Health	No concerns with proposed variance to the clustered housing requirement.	N/A
August 28, 2008	Public Works	Noted the access easement.	N/A
September 23, 2008	Maria Wong, Habitat Mitigation Manager	Proposal will not disturb habitat.	N/A
September 29, 2008	Agricultural Commissioner	Requires a 500-foot buffer for spraying operations on adjoining parcels. Expressed concern with the precedent this variance will set regarding the 250-foot clustering requirement. The western parcel is growing walnut trees on the same Class II soil that is currently the proposed project site. The argument that an ancillary dwelling should be built on Class II soil versus Class I soil (next to the original house) is not compelling enough in the view of the Agriculture Department. Based on the map, a lot less land will be taken out of agricultural production if the ancillary dwelling is located adjacent to the original dwelling. The Agriculture Department would like the owner to be held to the county cluster requirement and locate the ancillary dwelling adjacent to the original house.	Comments noted. Staff concurs with the Agriculture Department's determination and recommends denial of the variance.

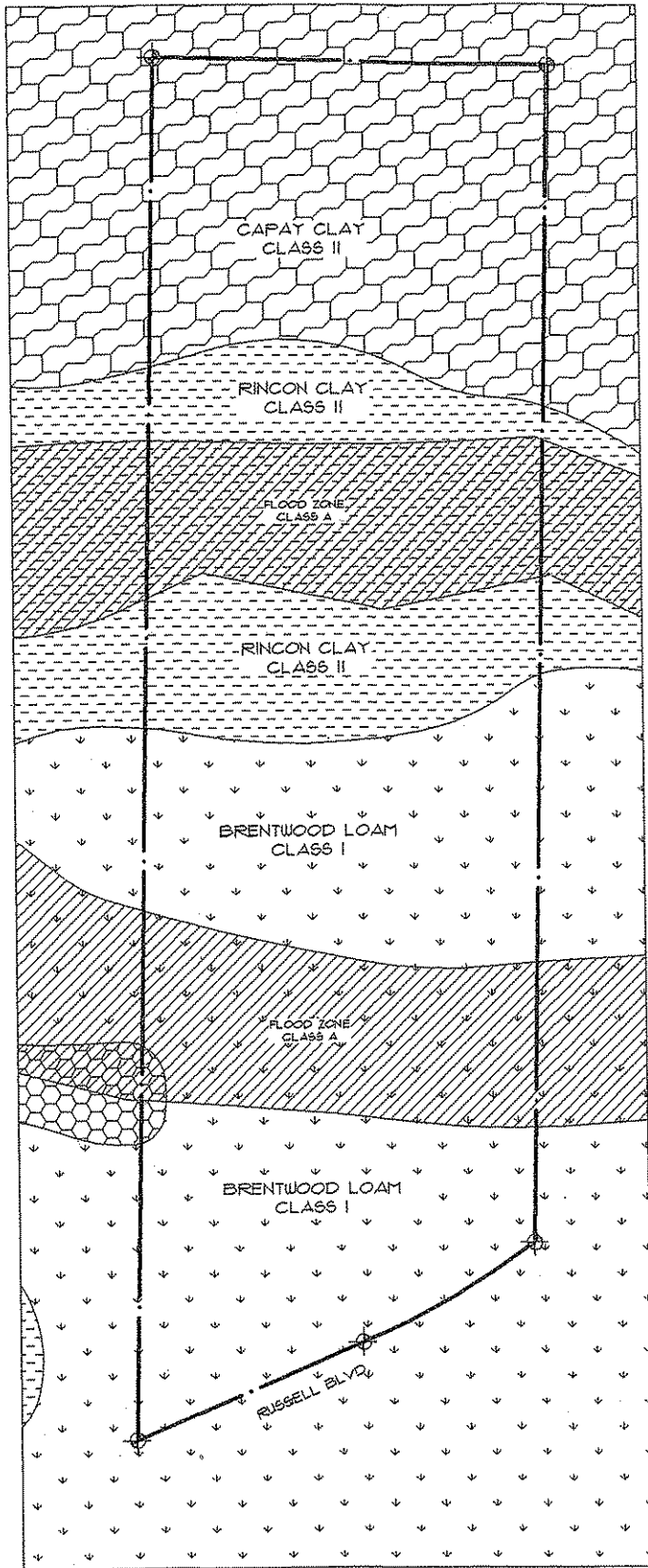
## **APPEALS**

Any person who is dissatisfied with the decision of the Planning Commission may appeal its decision to the Board of Supervisors by filing with the Clerk of the Board (625 Court Street, Room 204, Woodland, CA), within fifteen (15) days of the Commission's decision. A written notice of the appeal specifying their reason(s) and the payment of the fees to cover expenses of the application and the appeal process shall be made at the Clerk of the Board and the Planning and Public Works Department.

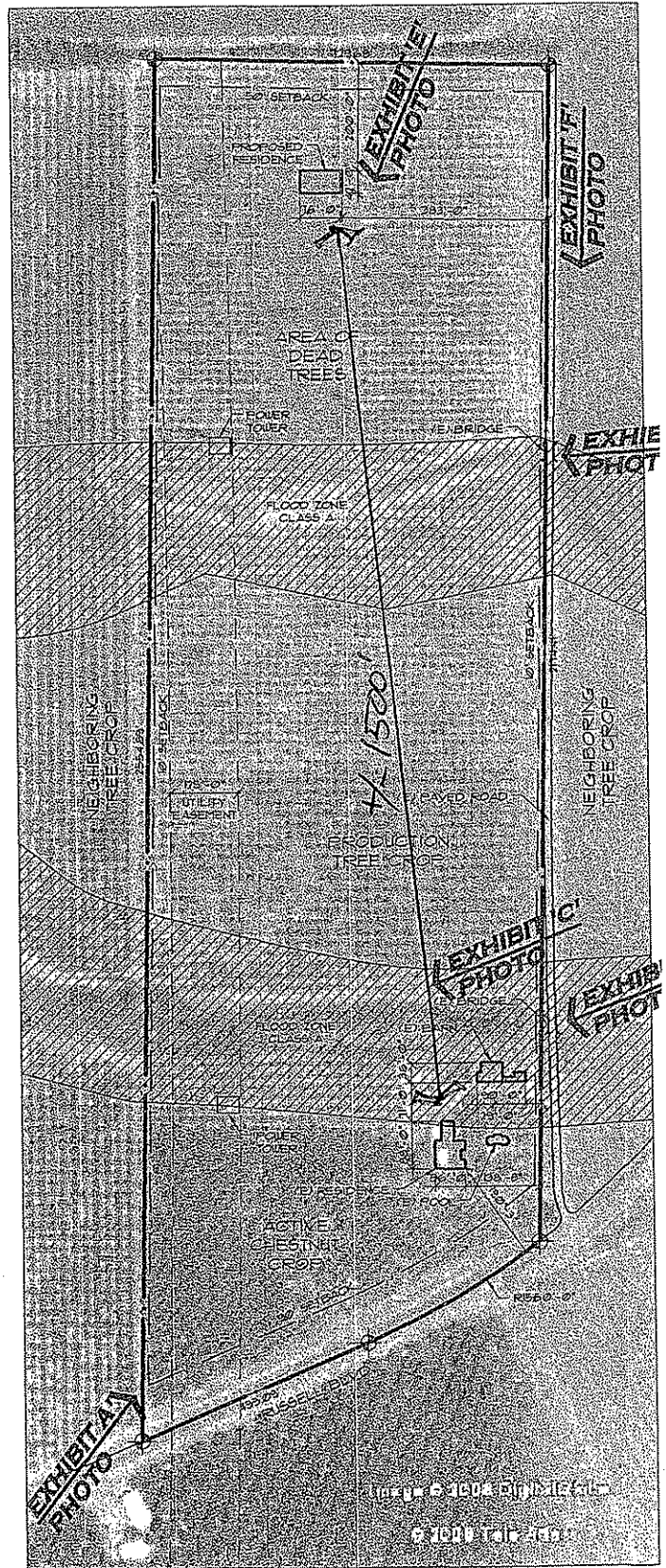
## **ATTACHMENTS**

- A:** Proposed Site Plan
- B:** Vicinity Map
- C:** Categorical Exemption
- D:** Findings
- E:** Applicant letter dated June 6, 2008





2 SOILS PLAN  
 A1 SCALE: 1"=150'-0"



1 SITE PLAN  
 A1 SCALE: 1"=150'-0"



ATTACHMENT A

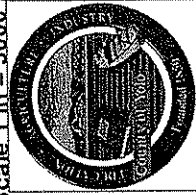
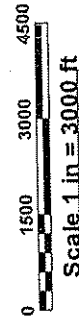
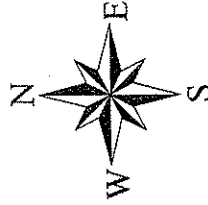
ZF #2008-031

Yolo County

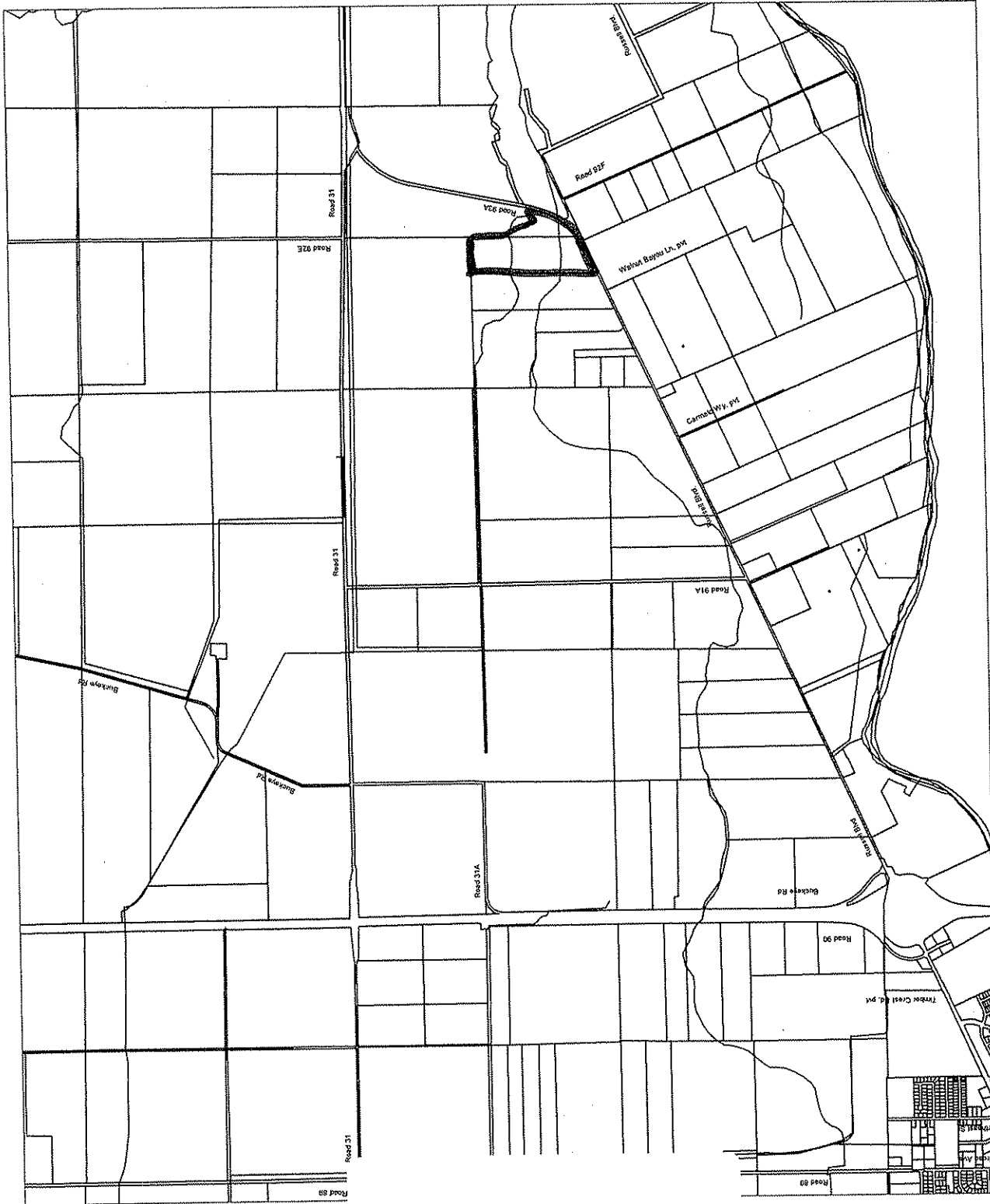
Planning and

Public Works

Eng Variance



Printed 10/1/2008



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# ATTACHMENT B

## NOTICE OF EXEMPTION

**Project Title:** ZF# 2008-031

Weylin Eng  
P.O. Box 129  
Orinda, CA 94563

**Project Location:** 32560 Russell Blvd., Winters, CA (APN: 038-100-08)

**Project Description:** A variance to allow a second ancillary dwelling unit to be located in excess of the required 250-foot clustering requirement of the primary dwelling site.

**Exempt Status:** Categorical Exemption

**Reason why project is exempt:**

Section 15305 of the CEQA Guidelines exempt projects which consist of minor alterations in land use limitations which do not result in any changes in land use or density, including set back variances not resulting in the creation of any new parcel.

**Lead Agency Contact Person:** Stephanie Berg, Associate Planner  
**Telephone Number:** (530) 666-8850

Signature (Public Agency): \_\_\_\_\_ Date:

## ATTACHMENT C

**FINDINGS FOR  
ENG VARIANCE  
ZONE FILE #2008-031**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-031, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, and Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission finds the following concerning the project: *(A summary of evidence to support each FINDING is shown in Italics)*

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

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

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

**Variance Findings:**

2. In accordance with Section 8-2.2904 of Chapter 2, Title 8 of the Yolo County Code, the Planning Commission finds:
  - a. That a variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall 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 review criteria for single-family and ancillary dwellings in agriculturally zoned districts require that any proposed ancillary dwelling site be located within 250 feet of, and clustered with, an existing home site, and that disturbance of actively farmed areas has been minimized. The applicant is requesting to place a second home site approximately 1,500 to 1,700 feet away from the primary dwelling site; thus, a significant 1,250- to 1,450-foot difference exists between the requirement and what the applicant requests. Although existing restrictions on the parcel pose limitations for placement of a second home site, other buildable locations exist on the property that meet the clustering requirement criteria.*

- b. That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

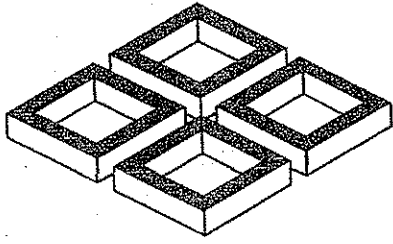
*Although the 49-acre parcel contains constraints that minimize the areas a second dwelling can be placed, areas within the 250-foot radius of the primary dwelling are available. Removing productive trees from an active orchard to accommodate a second*

**ATTACHMENT D**

*home adjacent to the primary home site does not constitute a set of special circumstances, particularly when the northern portion of the parcel is also suitable for productive tree crops.*

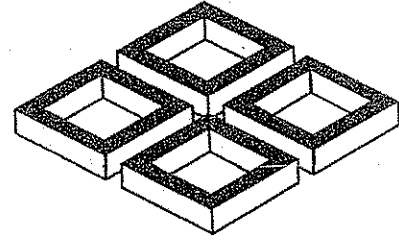
- c. That the granting of such variance will not be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

*The property is designated for agricultural uses in the Yolo County General Plan and subject to A-P (Agricultural Preserve) zoning regulations for any residential development of the site. The 250-foot clustering requirement is applied to agriculturally zoned parcels in an effort to minimize the residential development footprint and maximize agricultural production. Keeping the ancillary dwelling adjacent to the primary dwelling minimizes the residential footprint on the property and does not adversely affect surrounding farming operations.*



**BUCK'S**  
**DRAFTING & DESIGN**

524 MAIN STREET, SUITE 205  
WOODLAND, CA 95695  
(530) 662-5664



June 6, 2008

ENG VARIANCE

County of Yolo  
Planning and Public Works Department  
Attn. Planning Commission & County Staff  
292 West Beamer St.  
Woodland, CA 95695-2598

Planning Commission:

My request for variance in behalf of my client Mr. Weylin Eng is for the express purpose of making the best use of the land available. All aspects of the proposed new residence project shall conform to current zoning and planning ordinances and is consistent with the Yolo County General Plan, with the exception one footnote. The 250-foot Ancillary dwelling cluster (Section 8-2.2703.5-d) is not feasible due to unique topography, diverse soil types and special easements. (See Soils Plan 2/A1)

The entire west side of the property is not buildable because of a 125' wide Department of Energy easement for an 115KV power line. (Exhibit 'A' & 'C') Furthermore, two wide drainage ditches that are seasonally active bisect the central portion of the site, immediately behind the existing residence, (Exhibit 'B' & 'C') making it impossible to group the dwellings on the North.

The Southern portion of parcel in question is uniquely populated with productive Chestnut trees. (Exhibit 'A') This unusual crop is currently enjoying renewed interest economically as well as scientifically. Studies by U.C. Davis and U.C. Berkeley staff have begun to document the exceptional health benefits provided by this rare nut.

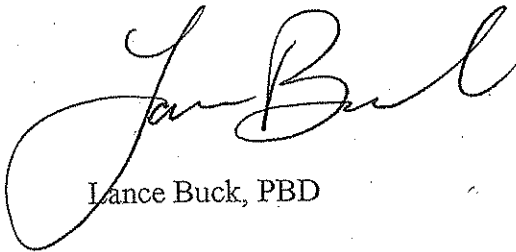
The preservation of this productive farm resource is of paramount importance to Mr. Eng and the community. This innovative agricultural practice is fully mature and located in rich agricultural soils (Brentwood Loam) found only on the Southern end of the property. The old existing residence, in the Southeast corner, is situated in and around these valuable trees and has been fully restored.

**ATTACHMENT E**

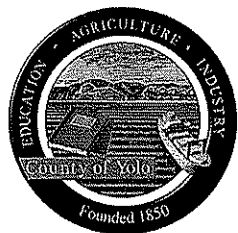
The Northern end of the property is the only other area that would afford an Ancillary dwelling building site. The second dwelling provision that is typically enjoyed by other properties in the Agricultural Preserve Zone (A-P) under section 8-2.2703.5 This part of the property consists of Capa silty clay, a class II soil that is not actively farmed. In fact, attempted tree crops have failed. The proposed building site does not sustain any living trees or produce. Furthermore, an all weather access drive across the drainage areas has long been in service on the East edge of the property (Exhibit 'D' & 'F') With this infrastructure in place, the proposed grading will be kept well below one acre, minimizing the impact of the home on the site

We believe, in all sincerity, that the site has three important physical features that involve practical difficulties: Power lines, Soil quality and large drainage areas. Granting the variance of the 250-foot cluster will preserve the best suited agriculture use and will carry out the spirit and purpose of the General Plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lance Buck".

Lance Buck, PBD



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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

### PLANNING COMMISSION STAFF REPORT

October 9, 2008

**FILE #2008-026** Variance to reduce minimum lot size requirement and allow a lot line adjustment for two parcels located in the General Agriculture (A-1) zone.

**APPLICANT** Victoria Mandy-Heath  
35 Quail Covey Ct  
Chico, CA 95973

**OWNER:** Bonnie Peterson  
1740 3<sup>rd</sup> street  
Susanville, CA 96130

**LOCATION:** 3750 State Highway 16, one half mile south of the town of Rumsey. (APN: 060-220-22, -23 & -58 (**Attachment A**))

**ZONING:** A-1 (General Agriculture)  
**FLOOD ZONE:** A (areas within the limits of the 100-year flood plain)  
C (area outside the limits of the 100- and 500-year flood plain)  
**SOIL TYPE:** Yolo silt Loam (Class I)

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**REPORT PREPARED BY:**

**REVIEWED BY:**

  
Craig Baracco, Associate Planner

  
David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Planning Commission take the following actions:

1. **HOLD** a public hearing
2. **ADOPT** the **FINDINGS (Attachment C)** for the project;
3. **APPROVE** the variance described in the Findings attached hereto, subject to the Conditions of Approval (**Attachment D**);
4. **DETERMINE** 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 E**); and
5. **APPROVE** the resolution of Lot Line Adjustment (**Attachment F**)



## **REASONS FOR RECOMMENDED ACTIONS**

Approval of the variance to the minimum parcel size requirement will allow the Lot Line adjustment to be approved. The lot line will be eliminated a small "orphan" portion of a parcel, and result in two parcels configured in a much more logical and orderly manner.

## **BACKGROUND**

Currently, Parcel A, APN Number: 060-220-22 is 3.12 acres in the A-1 zone, and is located entirely on the eastern side of State Highway 16. Parcel B consists of 14.1 acres on the western side of State Highway 16, APN number: 060-220-58 as well as a portion of the parcel on the eastern side of State Highway 16, 0.79 of one acre in size (APN: 060-220-23). These two portions are legally one parcel and located in the A-1 zone.

The application is a Lot Line Adjustment that will merge the portion of Parcel B that lies on the eastern side of State Highway 16 with parcel A, resulting in two parcels, one on each side of State Highway 16. The total number of parcels will remain unchanged at two.

The variance is necessary due to the minimum parcel size requirements. Both parcels are in the A-1 zone. The minimum parcel size in the A-1 zone is 20 acres. The combined acreage of the two portions of parcel B is just under 15 acres. The proposed Lot Line Adjustment and merger would further reduce parcel B by 0.79 acres. County Code does not allow a parcel that is already below the required minimum parcel size to be reduced any further. A variance to the minimum parcel size is required to approve the Lot Line Adjustment and create the parcel configuration desired by the applicant. The Lot Line Adjustment will eliminate the "orphan" property and increase the size of Parcel A to allow for the placement of a replacement leach field.

Both Parcel A and the western portion of Parcel B contain single-family homes. The western portion of Parcel B is actively farmed with a walnut orchard. The eastern portion of parcel B is undeveloped bare ground. Surrounding parcels are zoned for agriculture and contain single-family homes as well as orchards. Cache Creek borders the properties to the east. Parcel 060-220-59, which is surrounded by parcel B, contains a fire station for the Capay Valley Fire Protection district and is land that was used to part of Parcel B, but has been donated to the Fire District.

## **STAFF ANALYSIS**

The purpose of this application is to eliminate the orphan portion of parcel B. Staff's analysis of the application is to determine if this purpose represents the special circumstances that variances were intended to address.

The orphan portion is physically separated from the rest of the legal parcel by State Highway 16, a substantial physical barrier. Almost of third of this portion is covered with Catch Creek. Due to its small size (0.79 acres) and the presence of the Creek, it is not a viable property for agriculture uses. Due to its small size and relatively narrow (87 foot) width and the presence of Cach Creek, developing the property with a home while meeting septic system and well requirements would prove very difficult if not impossible. In short, the physical circumstances preclude using this portion of the property for the purposes allowed under its current zoning designation. These circumstances do not occur in any of the adjacent parcels and can be considered unique to this property.

Due to the size, location and physical constraints to this parcel, applying the minimum parcel size requirement is not appropriate. The unique circumstances found on this property make it appropriate to reduce parcel size requirements to allow the Lot Line Adjustment to proceed. The Lot Line Adjustment would remove the physical constraints on the property and allow the subject parcel to be developed in a manner consistent with surrounding parcels. This is the type of situation that variances were intended to address. It is therefore staff's conclusion that a variance is an appropriate remedy for the situation.

**ENVIRONMENTAL DETERMINATION**

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, minor variances and Lot Line Adjustments not resulting in the creation of any new parcels, are exempt from CEQA review.

**SUMMARY OF AGENCY COMMENTS**

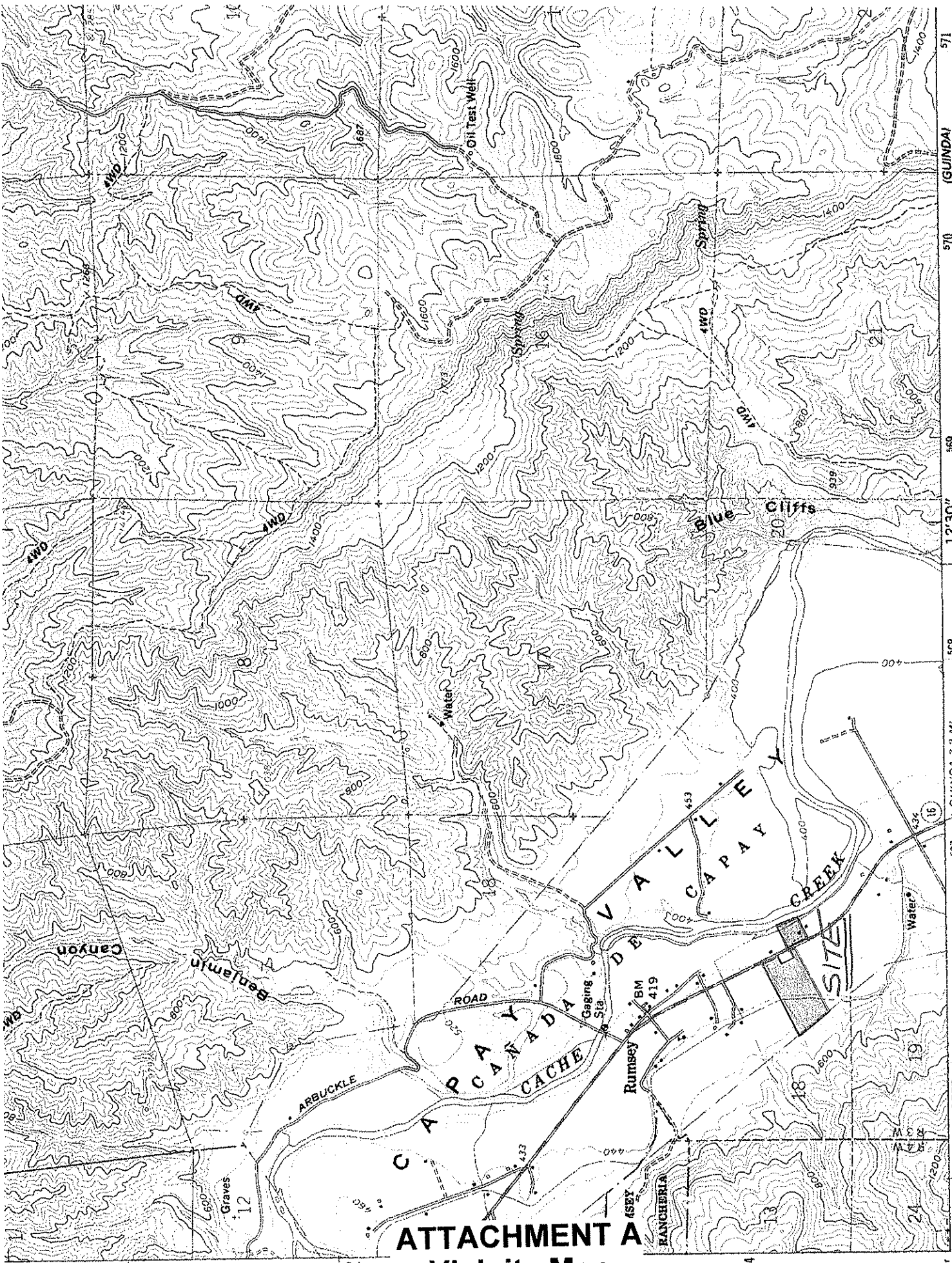
A "Request for Comments" was prepared and circulated for the project from June 25, 2008 to July 9, 2008. The project was also brought before the Development Review Committee on June 11, 2008. The Capay Valley Citizens Advisory Committee reviewed this application and voted unanimously to recommend approval. No other significant comments were received.

**APPEALS**

Any person who is dissatisfied with the decision of the Planning Commission may appeal its decision to the Board of Supervisors by filing with the Clerk of the Board of Supervisors (625 Court Street, Room 204, Woodland, CA 95695) within fifteen (15) days of the Commission's decision. A written notice of the appeal specifying their reason(s) and the payment of the fees to cover expenses of the application and the appeal process shall be made at the Clerk of the Board and the Planning and Public Works Department.

**ATTACHMENTS**

- ATTACHMENT A:** Vicinity Map
- ATTACHMENT B:** Lot Line Adjustment Map
- ATTACHMENT C:** Findings
- ATTACHMENT D:** Conditions of Approval
- ATTACHMENT E:** Categorical Exemption
- ATTACHMENT F:** Resolution of Lot Line Adjustment
- ATTACHMENT G:** Aerial photo



**ATTACHMENT A**  
**Vicinity Map**

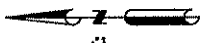
*VICINITY MAP & TOPOGRAPHY*

SCALE 1:24,000

GUINDA 3.8 MI.  
CAPAY 19 MI.

1:30" 122° 15' 1930 000 FEET 566  
 1" = 0.379 MI 610 Mt 2,000 Ft, 1 Mi = 2.640", 1 cm = 240 Mt  
 Rumsey, CA

SCALE: 1"=200'



60-220-24  
DOC. 98-16760

STATE HIGHWAY 16

PARCEL A  
3.12 AC.  
60-220-22

LOT LINE TO BE REMOVED  
60-220-23

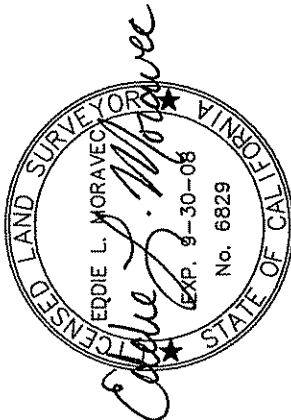
60-220-59  
158.71'  
N65°53'10"E  
208.71'  
N26°06'50"W  
208.71'  
N26°06'50"W  
268.71'  
60.00'  
S83°53'10"W

PARCEL B  
14.1± AC.  
60-220-58  
DOC. 2005-23103

1815' PER 2-M&S-57

1848.7' PER 2-M&S-57

546.5' PER 2-M&S-57



5/07/2008

OWNERS OF RECORD

60-220-58 & 23:  
BONNIE LEE PETERSEN AND  
KIMBERLY DEEANN PEARSEN  
10 S. PINE STREET  
SUSANVILLE, CA 96130

60-220-22:  
MARYLIN M. JANES  
c/o HOWARD W. JANES  
5708 NW 60th AVENUE  
JOHNSTON, IA 50131

MAP PREPARED BY

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DAVIS, CA 95616  
(530) 758-6490

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**LOT LINE ADJUSTMENT  
FOR VICKY MANDY**

PORTIONS OF LOT 1 OF BLOCK 22 OF SMITH  
& RUMSEY TRACTS, BK. 2 OF MAPS AND  
SURVEYS, PG. 57, AND PARCEL MAP NO. 2982,  
P.M. BK. 5, PG. 46, YOLO COUNTY RECORDS.

**ATTACHMENT B  
Lot Line Adjustment Map**

# FINDINGS FOR MANDY-HEATH VARIANCE/LOT LINE ADJUSTMENT ZF 2008-026

Upon due consideration of the facts presented in this staff report, testimony at the public hearing for Zone File #2008-026, and all other documents in the record, and in accordance with the California Environmental Quality Act (CEQA), the Yolo County General Plan, the Capay Valley General Plan, Yolo County Zoning Code Section 8-2.2904 (variance requirements), the Yolo County Planning Commission approves a variance to the minimum parcel size in the A-1 zone to allow the lot line adjustment, 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**

1. 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 variances and lot line adjustments 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:**

2. 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 minimum parcel size of 20 acres. The applicant shall be allowed to reduce a parcel to 14.1 acres in size. The variance does not constitute a grant of a special privilege with respect to this parcel. This waiver is specific to this particular circumstance and is not applicable to other parcels that are sub-standard in size. 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 for the purpose of the lot line adjustment. The variance will not apply generally, nor will any further reduction in parcel size be allowed.*

# ATTACHMENT C

- 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

*The orphan portion of Parcel is physically separated from the rest of the legal parcel by State Highway 16, a substantial physical barrier. Due to its small size (.79 acres) it is not a viable property for agriculture uses. Due to both its small size and relatively narrow (87 foot) width, developing the property with a home while meeting septic system and well requirements would prove very difficult. In short, the physical circumstances preclude using this portion of the property for the purposes allowed under its currently zoning designation. These circumstances do not occur in any of the adjacent parcels and can be considered unique to this property.*

*Due to the size, location and physical constraints to this parcel, applying the minimum parcel size requirement is not appropriate. The unique circumstances found on this property make it appropriate to wave parcel size requirements to allow the lot line adjustment to proceed. The lot line adjustment would remove the physical constraints on the property and allow the subject parcel to be developed in a manner consistent with surrounding parcels.*

- 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 in the Yolo County General Plan and Capay Valley General Plan. The proposed lot line adjustment is consistent with the provisions of this land use designation.*

**Conditions Of Approval**  
**Mandy-Heath Variance/ Lot Line Adjustment**  
**ZF# 2008-026**

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 minimum parcel size for the purpose of approving the Lot Line Adjustment. No further reduction in parcel size shall be allowed.
2. All other requirements of the Yolo County Zoning Code for the A-1 zone shall be followed on both parcels, including setbacks, parking, height of building, and the clustering of the second home.
3. Within thirty days of the approval of this application, applicant shall record the "Certificate of Compliance" with the County Recorder's Office.

**Building**

4. The applicant shall apply for building permits for the construction of any structures on the property, 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 one foot above Base Flood Elevation.

**Environmental Health**

6. Any modification to the existing well or septic system shall be done under permit with the Environmental Health division.

**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.

**ATTACHMENT D**

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.



COUNTY RECORDER

Filing Requested by:

**Yolo County Planning and Public Works**

Name

**292 West Beamer Street**

Address

**Woodland, CA 95695**

City, State, Zip

Attention: Craig Baracco

**Notice of Exemption**



**To:** Yolo County Clerk  
625 Court Street  
Woodland, CA 95695

**Project Title:** ZF# 2008-026  
  
Victoria Mandy-Heath  
35 Quail Covey Ct.  
Chico, CA 95973

**Project Location:** 3750 State Highway 16, half a mile south of the town of Rumsey. (APN: 060-220-22, -23 & -58.)

**Project Description:** Variance to reduce minimum lot size requirement and allow a Lot Line Adjustment for two parcels located in the General Agriculture (A-1) zone.

**Exempt Status:** Variance and Lot Line Adjustment not resulting in the creation of any new parcels.

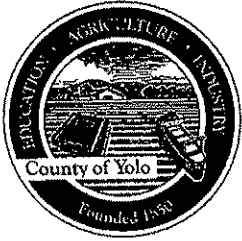
**Reason why project is exempt:**

Under Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, setback variances and lot line adjustments not resulting in the creation of any new parcels are exempt from CEQA review.

**Lead Agency Contact Person:** Craig Baracco, Associate Planner  
**Telephone Number:** (530) 666-8833

Signature (Public Agency): \_\_\_\_\_ Date:

**ATTACHMENT E**



# County of Yolo

## PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT

292 WEST BEAMER STREET WOODLAND CA 95695-2598 530-666-8775 FAX 530-666-8156  
www.yolocounty.org

JOHN BENCOMO  
DIRECTOR

### RESOLUTION of the YOLO COUNTY Planning Commission

#### Lot Line Adjustment for Victoria Mandy-Heath

WHEREAS, the Yolo County Planning Commission considered Zone File #2008-026 A Lot Line Adjustment request. Said properties being adjusted and shown as Parcels A and Parcel B in **Exhibit A** and described in **Exhibit B**, for the parcels currently known as Assessor's Parcel Numbers: 060-220-58, 060-220-23, and 060-220-22.

WHEREAS, the Planning Commission has reviewed and deliberated the proposed Lot Line Adjustment and Variance as depicted in **Exhibit A** and has found the following:

1. That the application is complete and that all record title holders who are required by the Subdivision Map Act of the State to consent have consented to the proposed merger or Lot Line Adjustment, and that the proposed merger or Lot Line Adjustment is in compliance with said Act;
2. That the deeds to be utilized in any transaction, if necessary, accurately describe the resulting parcels, and that the merger or Lot Line Adjustment will not result in the abandonment of any street or utility easement of record;
3. That if the Lot Line Adjustment will result in a transfer of property from one owner to another owner, that the deed to the subsequent owner expressly reserves any street or utility easement of record;
4. That the merger or Lot Line Adjustment will not result in the elimination or reduction in size of an access way to any resulting parcel, or that the application is accompanied by new easements to provide access that meet all the requirements of the Yolo County Code;
5. That the merger or Lot Line Adjustment is excluded from the Subdivision Map Act of the State, and has been reviewed pursuant to Section 66412 (d) of said Act;
6. That the merger or Lot Line Adjustment is consistent with the Yolo County General Plan.
7. That the merger or Lot Line Adjustment result in less than a 20% change in lot size between existing parcels and that the Planning Commission has granted a Variance to the parcel size minimum standards as set forth in Chapter 2 of Title 8 Section 8-23211. of the Yolo County Code.

**ATTACHMENT F**

8. That the Planning Commission is satisfied that the design of the resulting parcels will comply with the requirements of Title 8 of the Yolo County Code, Chapter 2 of the Yolo County Code and provides for water drainage, public road access, water supply and sewer system availability, environmental protection, and all other requirements of State laws and the Yolo County Code; and
9. That the merger or Lot Line Adjustment will not result in a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et. seq.) and is categorically exempt pursuant to CEQA Guidelines Section 15305, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the Yolo County Planning Commission does hereby adopt a Categorical Exemption, and approve the Lot Line Adjustment (Zone File #2008-026), subject to the CONDITIONS OF APPROVAL found as **Attachment D** of the Staff Report:

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

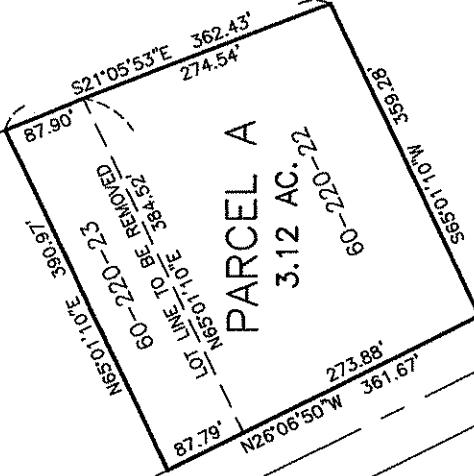
\_\_\_\_\_  
Chair, Yolo County Planning Commission

**Exhibits:**

- A- Plot Plan
- B- Legal Descriptions

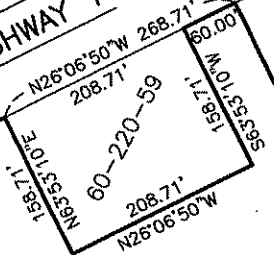
SCALE: 1"=200'

60-220-24  
DOC. 98-16760



PARCEL A  
3.12 AC.

STATE HIGHWAY 16



PARCEL B  
14.1± AC.  
60-220-58  
DOC. 2005-23103

1815' PER 2-M&S-57

1848' PER 2-M&S-57

546.5' PER 2-M&S-57

EDIE L. MORAVEC  
 LICENSED LAND SURVEYOR  
 STATE OF CALIFORNIA  
 No. 6829  
 EXP. 9-30-08  
*Eddie L. Moravec*  
 5/07/2008

### LOT LINE ADJUSTMENT FOR VICKY MANDY

PORTIONS OF LOT 1 OF BLOCK 22 OF SMITH & RUMSEY TRACTS, BK. 2 OF MAPS AND SURVEYS, PG. 57, AND PARCEL MAP NO. 2982, P.M. BK. 5, PG. 46, YOLO COUNTY RECORDS.

#### OWNERS OF RECORD

60-220-58 & 23:  
BONNIE LEE PETERSEN AND  
KIMBERLY DEEANN PEARSEN  
10 S. PINE STREET  
SUSANVILLE, CA 96130

60-220-22:  
MARYLIN M. JANES  
c/o HOWARD W. JANES  
5708 NW 60th AVENUE  
JOHNSTON, IA 50131

#### MAP PREPARED BY

NK ENGINEERING & SURVEYING, INC.  
724 G STREET  
DAVIS, CA 95616  
(530) 758-6490

**ENGINEERING AND SURVEYING CO., INC.**  
 724 G STREET DAVIS, CA 95616 nkengineering@sbcglobal.net  
 (530) 758-6490 FAX: (530) 758-6490

## Exhibit A Plot Plan



**ENGINEERING & SURVEYING CO., INC.**

724 "G" STREET  
DAVIS, CA. 95616  
PHONE: (530) 758-6490  
FAX: (530) 758-5560

**EXHIBIT "A"**

**Parcel A**

All of Parcel 1 of Parcel Map No. 2982, filed in Book 5 of Parcel Maps at Page 46, Yolo County Records; together with a portion of Lot 1 in Block 22 of the Smith and Rumsey Tracts as shown on the subdivision map filed in Book 2 of Maps and Surveys at Page 57, Yolo County Records, said portion being more particularly described as follows:

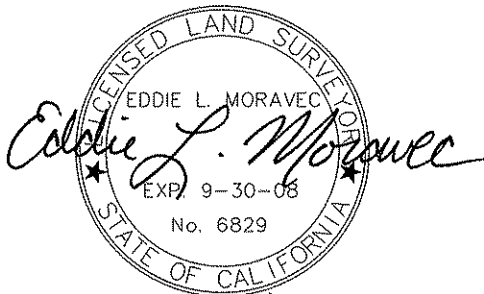
Beginning at the northwest corner of said Parcel 1 of Parcel Map No. 2982, also being the intersection of the southeasterly line of said Lot 1 in Block 22 with the northeasterly right-of-way line of State Highway 16, thence N26°06'50"W along said right-of-way line 87.79' to a point in the southeasterly boundary of a parcel described in Document No. 98-16760, Yolo County Records, thence N65°01'10"E along said boundary 390.97' to a point in the northeasterly boundary of said Lot 1 in Block 22; thence S21°05'53"E along said boundary 87.90' to the southeast corner of said Lot 1 in Block 22, also being the northeast corner of said Parcel 1 of Parcel Map No. 2982; thence S65°01'10"W along the northwesterly boundary of said parcel 384.52' to the Point of Beginning. Containing 3.12 acres, more or less.

**Parcel B**

A portion of Lot 1 in Block 22 of the Smith and Rumsey Tracts as shown on the subdivision map filed in Book 2 of Maps and Surveys at Page 57, Yolo County Records, said portion being more particularly described as follows:

All that portion of said lot lying southwesterly of the right-of-way of State Highway 16, excepting therefrom the following:

Beginning at a point on the southwesterly right-of way line of State Highway 16 which bears N26°06'50"W 60.00' from a 5/8" rebar monument tagged "RCE 16698" marking the intersection of said right-of-way line with the southeasterly line of said Lot 1 in Block 22 as shown on Parcel Map No. 2982, filed in Book 5 of Parcel Maps at Page 46, Yolo County Records; thence S63°53'10"W 158.71'; thence N26°06'50"W 208.71'; thence N63°53'10"E 158.71' to a point on said right-of-way line; thence S26°06'50"E 208.71' to the Point of Beginning. Containing 14.1 acres, more or less.



5/07/2008

**Exhibit B  
Legal Descriptions**

LOT A	OF BLOCK , TYPE:		LOT	
PNT#	BEARING	DISTANCE	NORTHING	EASTING
50			5693.0226	6736.8697
	N 26°06'50" W	361.6710		
51			6017.7746	6577.6777
	N 65°01'10" E	390.9736		
52			6182.8870	6932.0762
	S 21°05'53" E	362.4320		
53			5844.7504	7062.5395
	S 65°01'10" W	359.2800		
50			5693.0226	6736.8697

Closure Error Distance > 0.000000

Total Distance > 1474.3567

LOT AREA: 135645.96 SQ FT OR 3.11 ACRES



©1997-2007 AIRPHOTOUSA

**ATTACHMENT G**  
Aerial photo





# County of Yolo

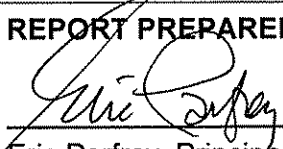
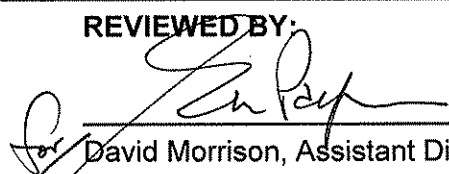
## PLANNING AND PUBLIC WORKS DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

OCTOBER 9, 2008

<b>FILE #2006-090: Esparto Downtown Mixed Use Zoning District</b>	
<b>APPLICANT:</b> Yolo County	
<b>LOCATION:</b> Esparto planning area (APN: 36 parcels, see <b>Attachment B</b> )	<b>GENERAL PLAN:</b> Downtown Mixed Use <b>ZONING:</b> C-2 PD <b>FLOOD ZONE:</b> C (areas outside the 100- or 500-year flood zone)
<b>ENVIRONMENTAL DETERMINATION:</b> Mitigated Negative Declaration	
<b>REPORT PREPARED BY:</b>  Eric Parfrey, Principal Planner	<b>REVIEWED BY:</b>  David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Planning Commission recommends the following actions to the Board of Supervisors:

1. **HOLD** a public hearing and receive comments on the Draft Esparto Downtown Mixed Use (DMX) Zoning District Ordinance (**Attachment A**), the proposed rezoning of 36 downtown properties from Community Commercial Planned Development (C-2 PD) to the new DMX district (**Attachment B**), and the proposed DMX Amendment to the 2007 Esparto General Plan;
2. **ADOPT** the Mitigated Negative Declaration, with the Errata, and the accompanying Mitigation Monitoring and Reporting Program, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **APPROVE** a Resolution certifying the Mitigated Negative Declaration, with the Errata, and making findings of fact for the DMX zone (**Attachment D**);
4. **APPROVE** an Ordinance amending the Yolo County Code by adopting the DMX (**Attachment E**);



5. **ADOPT** an Ordinance approving a series of rezonings in conjunction with the DMX zone (**Attachment F**); and
6. **APPROVE** a Resolution approving the proposed amendment to the 2007 Esparto General Plan (**Attachment G**).

### **REASONS FOR RECOMMENDED ACTIONS**

The updated 2007 Esparto General Plan calls for the adoption of a new Downtown Mixed Use (DMX) zoning district to be applied to properties in the downtown area of Esparto. Properties along Yolo Avenue and Woodland Avenue (State Route 16) that are currently zoned Community Commercial Planned Development (C-2 PD) would be rezoned to the new DMX district. An amendment to the Esparto General Plan is also required to ensure consistency between the new zoning regulations and existing policies and design guidelines.

### **BACKGROUND**

#### **Planning Commission Recommendations**

The Planning Commission held workshops on earlier drafts of the DMX ordinance on February 8, 2007 and April 10, 2008, and held public hearings on June 10, 2008 and August 14, 2008. Following the testimony at the last public hearing, Planning Commissioners discussed the five issues outlined in the staff report and took "straw votes" to give further guidance to staff:

- A majority of Commissioners agreed that single family detached homes should not be allowed in the DMX zone;
- A majority of Commissioners agreed that the ordinance should be revised to "encourage," not "require," mixed use for new construction on the 25 acres of vacant lands north of Woodland Avenue;
- Commissioners agreed that Section 1214(b) of the ordinance needed to be revised;
- Commissioners agreed with the proposed language of Section 1214(b) to allow single retail uses larger than 25,000 square feet, up to 35,000 square feet, if the use includes multiple lines of merchandise; and
- Commissioners agreed to retain the provision to allow lodging up to 16 guest rooms by right, with a larger number of rooms requiring a Conditional Use Permit.

The Commission also appointed a subcommittee to recommend further changes to the ordinance.

The subcommittee met on August 21, 2008. The subcommittee consisted of Commissioner Burton and Commissioner Liu. The subcommittee recommended specific changes to the ordinance language to encourage, rather than require, mixed use development.

The subcommittee then went on to identify conditional uses that could be approved by the Zoning Administrator (ZA) through a Minor Use Permit, instead of the Planning Commission (Major Use Permit). This effort turned into a review of all the allowed uses and permit requirements in Section 1213.

Following the subcommittee meeting, staff incorporated the proposed changes, and added some more edits to the ordinance as summarized below. All of the following edits are incorporated into the September 25, 2008 version of the ordinance (**Attachment A**).

Encourage, not require, mixed use: This was accomplished by deleting Section 8-2.1211(c), and amending Sections 8-2.1214(a) and (b). The change made a couple of sub-paragraphs redundant so they were deleted.

Added the following changes to the Allowed Uses section 8-2.1213:

Attached Single Family Units: Allow "two to four units" (duplex or four-plex) as a "by right" use (P) and require issuance of a Minor Use Permit (C\*) by the ZA for attached housing projects larger than four units.

Lodges, Religious Assembly, Kennel: Lodges, religious assembly, and kennel uses were changed from not allowed (N) to permitted with a Major Use Permit (C).

Restaurants: Restaurants up to 15 tables or 50 seats remain permitted by right (P), but over 15 tables or over 50 seats are required to apply for a Major Use Permit (C).

Entertainment and Sports: The dividing line for by right use versus Major Use Permit required was dropped from 150 seats to 100 seats.

Financial Services/Offices: There is a real concern among new urbanist planners that allowing offices in the front of the first floor of buildings along downtown areas does not contribute to the retail display window environment that encourages pedestrian activity. Thus, staff has recommended these two uses are allowed by right (P) on the second floor, and by Minor Use Permit (C\*), issued by the Zoning Administrator, for the first floor.

Retail stores: Staff has recommended a definition for "retail stores" that excludes heavier uses appropriate only in the C-3 zone, and recommends that retail stores are a by right use (P) up to 3,000 square feet, with a Minor Use Permit (C\*) required between 3,000 and 10,000 square feet. This latter requirement corresponds with the requirement in Section 1225(b) that any new nonresidential uses over 3,000 square feet must provide some parking. Very large retail stores over 10,000 square feet must receive a major Use Permit (C).

Artisan crafts: Staff has recommended a new definition that creates two categories, to ensure that true small-scale artist and craft work are an allowed by right use, while larger, more industrial, production is reviewed by staff through issuance by the Zoning Administrator of a Minor Use Permit (C\*).

### **ECAC Recommendations**

The Esparto Citizens Advisory Committee (ECAC) discussed the edits to the ordinance recommended by the Planning Commission subcommittee at their regular meeting of September 16, 2008 (no quorum present), and at a special meeting on September 30, 2008.

At the special meeting held by ECAC on September 30, 2008, the group voted to

recommend that the draft DMX ordinance, and the accompanying General Plan Amendment, be edited in a number of sections, as outlined below. None of these edits described below have been incorporated into the September 25, 2008 version of the attached ordinance (**Attachment A**).

Restrict Attached Housing: A majority of the ECAC members continue to be very concerned about the possibility of residential construction crowding out nonresidential uses on the vacant lands north of Woodland Avenue in the DMX zone. The committee voted to recommend that attached residential uses be limited in the DMX zone, to a maximum of thirty-five percent (35%) or less of the gross acreage of vacant land, instead of eighty-five percent (85%) or less. This change would involve editing of the definition of "predominantly" in the ordinance (Section 8-2.1212(f)), as it is applied to residential uses. Non-residential uses would continue to be limited to no more than 85% of the parcel. The committee also recommends that the definition of "predominantly" in Section 8-2.1212(f) be deleted and the term be defined in a revised Section 8-2.1214(b) and (c).

Lodges, Religious Assembly, Kennel: ECAC recommends that "lodges" and "religious assembly" be permitted by right on the "upper floors," not just the "second floor." ECAC recommends that "kennel" uses be changed back to not allowed (N), instead of permitted with a Major Use Permit (C).

Restaurants: After significant discussion, ECAC believes that all restaurants, regardless of size, should be encouraged in the DMX zone. Thus, ECAC recommends that restaurants over 15 tables, or over 50 seats, should be allowed (P), not required to apply for a Major Use Permit (C).

Entertainment and Sports: ECAC recommends that "indoor" spectator sports uses should be allowed by right (P), not required to apply for a Major Use Permit (C), and that "outdoor" entertainment/sports facilities should require a Major Use Permit (C).

Lodging: After much discussion about whether a medium-sized motel of about 40-60 rooms should be encouraged in Esparto, ECAC voted to retain the "by right" number of lodging rooms at "1- 16 rooms," with hotels or motels larger than 17 rooms requiring a Major Use Permit.

Financial Services/Offices: ECAC debated the pros and cons of allowing certain types of professional services and offices that rely on foot traffic to occupy ground floor space "by right," without requiring a Minor Use Permit, as the last version of the ordinance is now written. Services and offices that rely on foot traffic could include real estate offices; barber/hairstylist (which is recommended to be added as a separate use); and some medical/dental offices. ECAC recommends that "Financial and Professional Services (walk-in)" and "Offices (walk-in)" be permitted by right (P) on the first and upper floors and that "Financial and Professional Services (not walk-in)" and "Offices (not walk-in)" be permitted by right (P) on the upper floors but requiring a Major Use Permit for the first floor space. A definition would have to be added for "walk-in" uses if this change is incorporated.

Retail stores: ECAC recommends that certain "heavier" commercial uses allowed or permitted only in the C-3 zone under current zoning, such as furniture refinishing, be allowed to locate in the DMX.

Other uses: ECAC recommends the deletion of the phrase "Other uses not listed...P or C (as interpreted by staff)."

### **Downtown and Business Group Recommendations**

Two meetings were also held between staff and several downtown property owners and local business interests, including the Chamber of Commerce, on September 25, 2008 and October 6, 2008. The downtown property owners recommended some minor edits to the ordinance, which have been incorporated. A second meeting was held with the property owners and Commissioner Burton and Commissioner Liu on October 6, 2008. A verbal report will be provided to the Commission by staff of any changes recommended at this last meeting.

### **General Plan Amendment**

An amendment to the Esparto General Plan is also required to ensure consistency between the new zoning regulations and existing policies and design guidelines. The amendment would revise several policies to indicate the correct height limits and setbacks for the DMX district, as outlined in Figure 1 of **Attachment G**. The Errata to the Mitigated Negative Declaration discusses the General Plan Amendment and finds that there would be no environmental impacts associated with the action, other than those that have already been identified and discussed in the Mitigated Negative Declaration.

At their September 30, 2008 meeting, the ECAC recommended that one of the Esparto General Plan policies proposed for revision, not be revised as recommended by staff. Specifically, ECAC recommends that Policy E-D.19 not be modified to state: "The old train depot shall be re-used and restored, if financially feasible." The ECAC wants any development of the train station property (north of Woodland Avenue, east of CR 87) to be required to save and incorporate the structure into the new plans. They do not want to see the structure demolished if a developer argues that it is not financially feasible to save the building.

### **STAFF ANALYSIS**

Staff generally concurs with many of the recommendations of the Planning Commission subcommittee and the ECAC. Staff understands that Commissioners and some members of the community believe the DMX regulations should be made more permissive by not mandating a mix of uses for new construction projects proposed on the vacant lands north of Woodland Avenue. This change has already been incorporated into the ordinance.

Restrict Attached Housing: Staff agrees with ECAC, and recommends that the ordinance be revised to further limit the amount of attached housing that can be proposed on the vacant lands, to no more than sixty percent (60%) of the gross acreage of a vacant parcel of land, instead of the current eighty-five percent (85%) or less. Staff does not agree that residential uses should be restricted to no more than 35%, as ECAC has recommended at its last meeting. Staff does agree that the definition of "predominantly" in the ordinance (Section 8-2.1212(f)) could be eliminated, and instead defined in a revised Section 8-2.1214(b) and (c), as

indicated below:

- (b) Projects that are predominantly one single commercial use (e.g., a large retail or service establishments such as a hardware store, or a motel/hotel) **that are proposed for construction on eighty-five percent (85%) or more of the gross acreage of the vacant parcel** ~~must~~ **are also encouraged to** be accompanied by one or more significant community benefits, such as a public plaza, park, or other public use. ~~All predominantly commercial projects, regardless of type of commercial use, will be subject to conditional use permit review.~~
- (c) Projects that are predominantly **(sixty percent (60% or more of the gross acreage)** single **or multiple** family detached **attached** residential **use** are prohibited.

Lodges, Religious Assembly, Kennel: Staff concurs with ECAC recommendations that lodges and religious assembly be permitted by right on the "upper floors," and that kennels not be allowed (N).

Restaurants: Staff also agrees with ECAC that restaurants, regardless of size, should be encouraged in the DMX zone and allowed by right. Restaurants that seek an alcohol license will be reviewed through a Use Permit process, as required by the proposed ABC ordinance (also included on this Planning Commission agenda).

Entertainment and Sports: Staff concurs with ECAC recommendations.

Lodging: Staff recommends that the "by right" number of lodging rooms be increased from the current "1 - 16 rooms," to "1 - 39 rooms," with hotels or motels larger than 40 rooms requiring a Major Use Permit.

Financial Services/Offices: Staff agrees with ECAC that some professional services and offices that rely on foot traffic ("walk-in business") should not be subject to a Conditional Use Permit requirement. These compatible uses should contribute to, not detract from, a pedestrian-oriented retail/services shopping environment and relies on a certain amount of walk-in business to thrive. Staff has proposed the following definition to address this issue:

"Walk-in business" means a professional service or office use that relies on some pedestrian foot traffic to thrive, and which contributes to, and does not detract from, a pedestrian-oriented retail/services shopping environment.

Retail stores: Staff agrees with ECAC that certain "heavier" commercial uses may be allowed or permitted in the DMX.

General Plan Amendment: Staff recommends that the phrase "if financially feasible" be added to Policy E-D.19 since some indications are that the train station structure may be beyond saving. Requiring this building to be retained in a specific General Plan policy may preclude or prohibit development of this critical parcel in the future, or may require a future General Plan Amendment to make the modification to the policy at the time development is proposed.

## **PUBLIC AND AGENCY COMMENTS**

The draft zoning ordinance has been discussed extensively by the Esparto Citizens Advisory Committee. The ordinance has also been reviewed by County Counsel, and the County Economic Development Manager. Staff prepared and circulated an Initial Study/Mitigated Negative Declaration for 30 days from June 26 to July 28, 2008 (**Attachment C**). An Errata to the Mitigated Negative Declaration has been included that discusses the associated General Plan Amendment and finds that there would be no environmental impacts associated with the action, other than those that have already been identified and discussed in the Mitigated Negative Declaration.

As noted in the previous staff report, one comment on the Initial Study/Mitigated Negative Declaration was received from Caltrans, District 3, Office of Transportation Planning. The Caltrans letter notes that, as projects are developed within the Downtown Mixed Use zone, traffic impact studies may be requested to assess development's impacts to State Route 16 (SR 16). Caltrans also recommends that an area-wide drainage plan should be developed and implemented to ensure that the necessary drainage infrastructure is built; or, as projects are developed, drainage reports should be prepared to study the impacts of runoff as a result of development, and to ensure that SR 16 is not negatively impacted.

In response to Caltrans' comments, the county would normally require that traffic studies be prepared for any significant development application, especially for any project proposed for the undeveloped lands north of Woodland Avenue, which would be accessed directly off SR 16. Regarding drainage, the recently approved Orciuoli/Castle subdivision to the west is required to improve the existing agricultural ditch that runs along the north side of the undeveloped lands in the DMX zone, so that runoff from the new subdivision is transported eastward to the existing storm ditch near the Story subdivision. Any subsequent development within the DMX zone, adjacent to this northern improved ditch, would be required to discharge stormwaters into the ditch, so that runoff would be directed away from the SR 16 roadway and roadside ditches.

## **ATTACHMENTS**

- A:** Draft Downtown Esparto Mixed Use Zoning Ordinance
- B:** Land Use Map from the 2007 Esparto General Plan
- C:** Errata, Mitigation Monitoring and Reporting Program, and Initial Study/Mitigated Negative Declaration
- D:** Resolution Certifying the Mitigated Negative Declaration Negative Declaration and Making Findings of Fact for the DMX zone
- E:** Ordinance Amending the Yolo County Code by Adopting the DMX
- F:** Ordinance Approving a Series of Rezoning in Conjunction with the DMX zone
- G:** Resolution Approving a Proposed Amendment to the 2007 Esparto General Plan



# County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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## PLANNING COMMISSION STAFF REPORT

October 9, 2008

**FILE #2007-081:** Workshop to consider the Draft Alcoholic Beverage Control ("ABC") Ordinance, which would place new permitting requirements on the sale of alcohol within the unincorporated area. The Ordinance is in response to direction provided by the Board of Supervisors to establish formal criteria and permit procedures for this activity.

**APPLICANT:** Yolo County

**LOCATION:** Within the unincorporated area of the County.

**GENERAL PLAN:** Various  
**ZONING:** Various  
**SOILS:** Various  
**FLOOD ZONE:** Various

**ENVIRONMENTAL DETERMINATION:** A Negative Declaration will be prepared for this item when it comes back for a formal recommendation.

**REPORT PREPARED BY:**

  
Donald Rust, Principal Planner

**REVIEWED BY:**

  
David Morrison, Assistant Director

### RECOMMENDED ACTIONS

That the Planning Commission recommends the following actions to the Board of Supervisors:

1. **HOLD** a workshop on the draft Alcoholic Beverage Control ("ABC") Ordinance and proposed amendments (**Attachment A**) to the Yolo County Code, accept public testimony, and provide direction to staff regarding any proposed changes, additions, and/or deletions to the draft ordinance; and
2. **SCHEDULE** a public hearing on the Alcoholic Beverage Control ("ABC") Ordinance in December 2008.

### REASONS FOR RECOMMENDED ACTIONS:

Pursuant to prior direction of the Board of Supervisors, staff has worked with reviewing agencies and interested parties in developing the draft ordinance. The resulting proposal would provide a set of procedures for the review and approval/denial for the sale of alcohol or alcoholic beverage licensing and would amend the Yolo County Code regarding alcoholic beverage sales within the unincorporated areas of the county. The new ordinance and amendments would provide the county with better control and enforcement authority over alcohol sales to ensure their compatibility with adjoining land uses and the continued safety, and welfare of local community residents.

**BACKGROUND:**

The Board of Supervisors is occasionally asked to consider requests for a determination of “public convenience or necessity” in connection with alcoholic beverage license applications. At the November 6, 2007 meeting, the Board of Supervisors approved a request for such a determination associated with La Carniceria in Esparto. The request led to a broad policy discussion that included impacts of the proposal on economic development, school safety, alcohol use in public parks, drunk driving, and the community quality of life. The Board of Supervisors approved Minute Order No. 07-338, which directed staff to provide a report in January 2008 regarding the following: (1) what are the current regulations regarding drinking in public places; (2) how are those regulations enforced; (3) what is the current process by which the county reviews proposed alcohol sales license referrals; and (4) what policies should be considered for such applications in the future.

At their January 29, 2008 meeting, the Board of Supervisors received a staff report that indicated there is sufficient regulation and enforcement authority to address public intoxication. However, the state process for allowing local agency review and input on pending alcoholic beverage license applications is limited only to those circumstances where there is an overconcentration of licenses in a particular area. The staff report recommended that a new process and criteria be developed and brought back for future consideration to deal with alcoholic beverage licenses. The Board of Supervisors approved Minute Order No. 08-29, which directed the County Administrator to coordinate with the Yolo County Sheriff’s Department to appoint a Sheriff’s representative to participate in the review process; and directed planning staff to report back to the Board of Supervisors by June 30, 2008 with a proposed ordinance.

At their June 24, 2008 meeting, the Board of Supervisors received a staff report, the draft ordinance and proposed amendments to the Yolo County Code. The Board of Supervisors approved Minute Order No. 08-29, which directed the planning staff to work with the appropriate reviewing agencies and interested parties regarding the proposed ordinance and return to a future Board of Supervisors’ meeting for adoption of the ordinance.

**Existing Alcohol License Referral Process:**

Currently, the Yolo County Zoning Ordinance (Chapter 2 of Title 8 of the Yolo County Code) does not have a set of procedures, or an application, for the review and consideration of an application to sell alcoholic beverages in the county. As required by the State of California Department of Alcoholic Beverage Control (“ABC”), a person requesting a license for the sale of alcoholic beverages in an area where there is an overconcentration of licenses, must contact the County for a determination that the public convenience or necessity would be served by the granting of a license. The county may provide a written response indicating its recommendation on the request within 90 days of receiving notification by the ABC of the license application.

**Proposed Alcohol License Referral Process:**

Staff has reviewed ordinances adopted by the counties of Sacramento and San Bernardino and the cities of Woodland and Davis regarding the review of licenses for the sale of alcohol in conjunction with ABC requirements. These counties and cities have an established set of procedures, an application, and a fee required for any applicant to request a review of proposed alcohol sales.

On December 20, 2007, county staff met with personnel at the ABC offices in Sacramento to discuss the county’s duties and responsibilities regarding the issuance of licenses for the sale of alcoholic beverages in the county. ABC indicated that every August they review the population increases throughout the state and adjust the allotment of alcoholic beverage licenses in all counties and cities. They provided specific details regarding the overall policies regarding alcoholic beverage licenses, the application process, applicant’s requirements, protest procedures, and other issues associated with complaints regarding the sale of alcohol. If the proposed ordinance is adopted, ABC has requested that the county provide a copy of the adopted ordinance, so it can be handed out with the alcoholic beverage license application to applicants requesting licensing within Yolo County.



**Conditional Use Permit:**

ABC recommends that local agencies issue a conditional use permit for businesses applying to sell alcohol or alcoholic beverages, to allow the local agency better control and enforcement authority. The conditional use permit process would allow the county to review and control the operations of businesses that may have a detrimental impact on adjacent businesses and/or residents. Enforcement of the license to sell alcohol would remain with the Sheriff's Department or ABC. Enforcement of the conditions approved with the use permit would be responsibility of the Code Enforcement program, within the Planning and Public Works Department. Altogether, a conditional use permit will allow the Planning Division to control the number and location of licensed premises, and will also give the county authority to revoke the use permit (and thus terminate alcohol sales) if conditions are not complied with over time.

The proposed ordinance will establish a set of procedures for the review and approval/denial for the sale of alcohol or alcoholic beverages, including:

- a comment review period for public, advisory committees, and other agencies;
- specific criteria that must be met for an application to be approved;
- the option of recommending conditions to the ABC for issuance of the license; and
- a public hearing to give the applicant, community, and other interested parties an opportunity to provide input on the proposal.

The new ordinance will create a formal process for the review and approval/denial of applications, and establish an ABC Licensing Review application and fee for the sale of alcohol or alcoholic beverage licensing within Yolo County.

**OTHER AGENCY INVOLVEMENT**

The Planning Division staff has been working directly with the County Economic Development Manager; Alcohol, Drug and Mental Health Division; Yolo County Sheriff's Department; County Counsel; and State of California Department of ABC regarding the proposed ordinance. In general, the above-mentioned parties are in support of the proposed ordinance.

**ATTACHMENTS** (On file with the Clerk of the Board of Supervisors)

- Attachment A** Draft Alcoholic Beverage Control ("ABC") Ordinance
- Attachment B** Minutes from Board of Supervisors' Meetings of November 6, 2007, January 29, 2008, and June 24, 2008
- Attachment C** Correspondence

# ATTACHMENT A

ORDINANCE NO. 2008-\_\_\_\_\_

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO AMENDING CHAPTER 2 OF TITLE 8 OF THE YOLO COUNTY CODE RELATING TO THE ALCOHOLIC BEVERAGE CONTROL LICENSING REVIEW

The Board of Supervisors of the County of Yolo hereby ordains as follows:

### SECTION 1. PURPOSE AND FINDINGS

To ensure the health, safety and welfare of its citizens, this Ordinance is to modernize and update provisions of the Yolo County Code to allow for the development of new processes for dealing with the review of applications for the sale of alcohol or alcoholic beverages. The Board of Supervisors finds that these changes are necessary for the following reasons, together with those additional reasons set forth in written comments and testimony on this Ordinance.

Currently, the process for reviewing and responding to pending alcohol sales license applications is inadequate. In order to provide consistency to the County review of these issues and to increase the public's ability to meaningfully participate when these proposals are submitted to the Planning and Public Works Department, this Ordinance will amend the existing County Code to establish criteria and allow for discretionary review of applications for the sale of alcohol or alcoholic beverages.

This Ordinance is adopted pursuant to promote and protect the public health, safety, morals, comfort, convenience, and general welfare, to provide a plan for sound and orderly development, and to ensure social and stability within the various zones referenced in Yolo County Code Title 8, Section 8-2.104, including but not limited to Article 11, Section 7 of the California Constitution.

### SECTION 2. AMENDMENT TO ADD ARTICLE 35 TO TITLE 8 OF THE YOLO COUNTY CODE.

Title 8 of the Yolo County Code is hereby amended to add the following Article.

#### **Article 35. Alcoholic Beverage Control Licensing Review**

- 8.2-3501. Application for the Sale of Alcoholic Beverages.
- 8.2-3502. Review of Applications.
- 8.2-3503. Hearing Required.
- 8.2-3504. Enforcement.

#### **8.2-3501. Application for the Sale of Alcoholic Beverages.**

(a) Any person whose application for an on-sale or off-sale alcohol license is required by the State of California Department of Alcoholic Beverage Control ("ABC") to be subject to a determination of public convenience or necessity ("PCN") by the County of Yolo, may apply to the County for a determination that the public convenience and/or necessity would be served by the granting of such license. Such application shall be made on forms approved by the Planning and Public Works Director or designee ("Director"), shall contain such information as required by the Director, and shall be filed

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with the appropriate adopted fee to the Planning and Public Works Department ("Department") for review.

(b) In addition to (a), above, regardless of whether a PCN determination is necessary, any premise/commercial business that desires to sell alcohol or alcoholic beverages on a temporary and/or permanent basis within Yolo County shall have an approved Temporary Business License or Conditional Use Permit (CUP), as may be appropriate, together with all other required local, state, and federal approvals and permits required for the operation of such business, unless exempted under subsection (d) below.

(c) An application for a transfer of an existing on-sale or off-sale alcohol license is not subject to a PCN determination pursuant to this ordinance; however, if the proposed transfer of an existing license creates a change in the original land use activity of the receiving property, the applicant will be required to obtain a CUP.

(d) All existing uses, buildings or structures currently in operation selling alcohol or alcoholic beverages prior to the adoption of this ordinance, and winery activities within the Agricultural Industry Zone (AGI), are exempt from the requirements of this section, pursuant to Section 8-2.2603 and 8-2.612(q) of the Yolo County Code.

## **8.2.3502. Review of Application**

Upon receipt of an application for the sale of alcohol, regardless of whether the application is for a CUP, PCN determination, or both, the Director shall refer such application to the Economic Development Division, the Sheriff's Department, Environmental Health Division, Building Division, Fire District, School District, and community planning advisory committee for review and comment. If no response is received by the Planning and Public Works Department from any reviewing agency or interested party within ten (10) working days from the date the application is forwarded, it shall be presumed that the agency or party has no objection.

If any of the following determinations are made during the review of the application for a PCN determination, the Department shall recommend denial of the application to the deciding body unless the applicant can demonstrate that clearly overriding considerations and/or substantial community benefits resulting from the proposed application outweigh the negative determination(s):

(a) The subject premises for the ABC license does not have a CUP to allow for the sale of alcohol or alcoholic beverages, unless otherwise exempt under Section 8-2.3501(d) above.

(b) There is a pending code enforcement action, regarding the subject premises for the ABC license that has not been properly abated to the satisfaction of the appropriate agency.

(c) The subject premises for the ABC license does not have a valid business license or the business license is not currently in good standing.

(d) Substantial Protests have been lodged with the ABC in relation to the applicant's request for the license.

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(e) There is a history of law enforcement actions or known criminal activity at the subject premises or in the area surrounding the subject premises, as documented by the Sheriff's Department.

(f) The subject premises do not have the appropriate General Plan land use designation or zoning and/or have not received all required entitlements to permit the sale of alcoholic beverages described in the application.

(g) The proposed application would result in negative economic impacts, as determined by the Economic Development Division.

### **8.2.3503. Hearing Required**

(a) Proceedings regarding all CUP applications for the sale of alcohol or alcoholic beverages, including public hearings, shall be scheduled before the Zoning Administrator or the Planning Commission. The Zoning Administrator or the Planning Commission may approve, conditionally approve, or disapprove a CUP application for the sale of alcohol or alcoholic beverages. The Planning Commission shall act on Major Use Permit applications. The Zoning Administrator shall have the discretion to act on Minor Use Permit applications or, at his or her sole discretion, may refer the application to the Planning Commission. Notice of the public hearing shall be given as required by the Yolo County Code.

(b) A noticed public hearing shall also be held in connection with PCN determinations by the Zoning Administrator or the Planning Commission, whichever is authorized to hear CUP applications for the sale of alcohol in the zone where the applicant's premises are located. Any such hearing shall be noticed in accordance with the requirements of California Government Code section 6061, and mailed at least 10 days in advance of the hearing to all property owners within 300 feet of the applicant's premises. During a PCN determination hearing, the applicant shall be required to demonstrate, by substantial evidence, that evidence that the public convenience will be served by the issuance of a license. The applicant shall also be required to demonstrate, by substantial evidence, that the proposed sale of alcohol or alcoholic beverages shall be accomplished in a manner to eliminate or avoid any adverse findings/determinations received pursuant to Section 8.2.3502.

(c) The public hearing may be continued from time to time. At the conclusion of the hearing, the deciding body shall determine whether the public convenience or necessity will be served by the issuance of a license for the applicant premises. Written notification signed by the Director of Planning and Public Works, mailed to the ABC and the applicant, shall serve as the determination of public convenience or necessity by the local agency.

(d) The Zoning Administrator or the Planning Commission may determine that the public convenience or necessity will be met only if certain conditions are imposed upon the applicant through a conditional use permit as part of the application process in conjunction with the license to sell alcoholic beverages issued by ABC. Such conditions shall be included in the Zoning Administrator's or the Planning Commission's decision and communicated to the ABC within 90 days from the date of initial notification by the applicant to the County regarding the application for a license to sell alcohol within the county.

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The conditions may address any issue relating to the privileges to be exercised under the conditional use permit. Specific conditions of operation may include, but are not limited to, the following: restrictions on the applicant's qualifications; the age of patron(s) allowed on the premises; hours of operation; maximum occupancy; limitations on live music and dancing; evacuation planning; security measures; persons loitering on the premises; parking lot patrols; externally visible advertising signs; and employee training for responsible beverage sales.

If conditions are imposed, any finding of public convenience or necessity shall clearly state that it is contingent upon the imposition of such conditions through the conditional use permit in conjunction with the license issued by the ABC. In addition to the conditional use permit, the County may request that conditions be imposed on the ABC license through a Letter of Protest and must be filed as follows:

- A Letter of Protest must be filed within 30 days from the "Copies Mailed Date" that appears on the Application for Alcoholic Beverages License(s) that is filed with ABC; or within 30 days of the placement of the required posted notification on the subject premises that indicates that an ABC license is pending; or within 30 days from the date the applicant provide written notification to the surrounding properties within a 500-foot radius of the subject premises, whichever is later.
- The local agency may request a 20 day extension to the Letter of Protest notification period.

(e) The decisions of the Zoning Administrator are appealable to Planning Commission, and then to the Board of Supervisors and decisions of the Planning Commission are appealable to the Board of Supervisors, in compliance with Article 33 (Appeals) of Chapter 2 of this title.

## **8.2.3504. Enforcement**

The enforcement of complaints regarding infractions or violations of the Temporary Business License (TBL) or Conditional Use Permit (CUP) may result in fines, permit suspension, or revocation of the TBL or CUP, pursuant to Title 1 of the County Code and other provisions of state and local law.

## **SECTION 3. AMENDMENTS TO PORTIONS OF TITLE 8 OF THE YOLO COUNTY CODE.**

The following sections of Title 8 of the Yolo County Code shall be amended as shown (new language shown in underlined text; deleted language shown in ~~strikethrough text~~).

### **A. New Definitions in Article 2, Title 8.**

The following definitions shall be added to Article 2 of Title 8 of the Yolo County Code:

#### **Article 2. Definitions**

**8.2.215.3 Bar.** A business in which alcoholic beverages are sold for on-site consumption and that is not part of a larger restaurant. A bar includes taverns, pubs, cocktail lounges.

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microbreweries, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Bars may include entertainment on a stage, such as a live bands, comedians, etc.

**8.2.280.01 Off-Sale.** An off-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption off the premises where sold.

**8.2.280.02 On-Sale.** An on-sale license allows for the sale of beer, wine, and spirits (hard alcohol) for consumption on the premises where sold.

## B. New Conditional Use Permit Provisions in the Agricultural General (A-1) Zone.

The following sections of the Yolo County Code shall be added or amended as follows to reflect the requirement for a major conditional use permit in connection with the sale of alcohol at establishments located in the A-1 zone:

1. Section 8-2.604. (Conditional uses (A-1)--Minor Use Permit), subsections (u) and (x), shall be amended as follows:

(u) Officially designated County Historic Resources used for educational and tourist purposes, including, but not limited to, archaeological sites, museums, bed and breakfasts, restaurants, ~~restaurants with bars~~, wedding chapels, or reception establishments and schools as authorized by Section 8- 2.2402(h) of this Chapter;

(x) Lodges, with restaurant, ~~or restaurant with bar~~, incidental and dependent upon agriculture; and/or directly dependent upon a unique natural resource or feature as an attraction.

2. Section 8-2.604.5 (Conditional uses (A-1)--Major Use Permit) shall be amended to include a new subsection, as follows:

(i) Restaurants with bars either associated with officially designated County Historic Resources, or associated with lodges that are incidental and dependent upon agriculture and/or a unique natural resource or feature as an attraction.

## C. New Conditional Use Permit Requirements in the Agricultural Industrial (AGI) Zone.

The following sections of the Yolo County Code shall be added or amended as follows to reflect the requirement for a major conditional use permit in connection with the sale of alcohol at establishments located in the AGI zone:

1. Section 8-2.612 (Principal permitted uses (AGI)), subsection (g) only, shall be amended to read as follows:

(g) Public outdoor recreational uses. Such use may include buildings, structures, caretaker dwellings, and parking, customary and appurtenant to its use, including clubhouses, ~~bar and restaurant facilities~~ where no alcoholic beverages are sold, and living quarters of persons employed on the premises;

2. Section 8-2.614 (Conditional uses (AGI)--Minor Use Permit) shall be amended to include a new subsection (c), as follows:

# ATTACHMENT A

## (c) Restaurants with bars.

### D. New Conditional Use Permit Requirements in the Neighborhood Commercial (C-1) Zone.

1. Section 8-2.1202 (Principal permitted uses (C-1)), subsection (d) only, shall be amended to read as follows:

~~(d) Restaurants, cafes, and soda fountains; subject to obtaining a use permit for the sale of liquor, beer, or other alcoholic beverages by the glass or for consumption on the premises;~~

2. Section 8-2.1204 (Conditional uses (C-1)), subsections (d), (e) and (f) only, shall be amended to read as follows:

(d) Nursery schools and day care centers; and

(e) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section. A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 13.04, Ord. 488, as amended by § 6, Ord. 652, eff. May 5, 1971, § 2, Ord. 488.161, eff. October 24, 1973, § 10, Ord. 488.167, eff. September 4, 1974, and § 1, Ord. 681.92, eff. September 8, 1982); and

(f) Bars.

### E. New Conditional Use Permit Requirements in the Community Commercial (C-2) Zone.

1. Section 8-2.1302 (Principal permitted uses (C-2)), subsection (c) shall be deleted and replaced by a similar reference in Section 8-2.1304, as shown in Section E.2, below, and the following sections shall be redesignated accordingly.

2. Section 8-2.1304 (Conditional uses (C-2)), subsection (k) only, shall be amended to read as follows:

(k) ~~Nightclubs~~Bars;

### F. New Conditional Use Permit Requirements in the General Commercial (C-3) Zone.

1. Section 8-2.1404 (Conditional uses (C-3)), subsections (d) and (e) only, shall be amended to read as follows:

# ATTACHMENT A

(d) Other uses which the Commission finds to be consistent with the purposes and intent of this article and which are of the same general character as the conditional uses set forth in this section. A request for an interpretation of whether a use should be added to the list of conditional uses pursuant to this section may be heard by the Commission concurrently with the application for the use permit for the proposed use if the application is complete and notice is given as required for hearing the application, both as an interpretation and as an application for a use permit. (§ 15.04, Ord. 488, as amended by §§ 4 and 5, Ord. 655, eff. June 23, 1971, and § 3, Ord. 681.92, eff. September 8, 1982); and

(e) Bars and nightclubs.

F. Elimination of Cocktail Lounges and Similar Establishments in the Highway Service Commercial (C-H) Zone.

1. Section 8-2.1502 (Principal permitted uses (C-H)) shall be amended to delete subsection (c), which allows cocktail lounges in the C-H zone, and the remaining subsections shall be redesignated accordingly.

G. New Conditional Use Permit Requirements in the Waterfront (WF) Zone.

1. Section 8-2.2012 (Principal permitted uses (WF)), subsection (a)(1) only, shall be amended to read as follows:

- (a) Mixed commercial uses, including:  
(1) Food services, bars, and restaurants, and nightclubs;

## SECTION 4. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

## SECTION 5. EFFECTIVE DATE

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Daily Democrat together with the names of members of the Board of Supervisors voting for and against the same.

The foregoing Ordinance was introduced and a public hearing thereon was held before the Board of Supervisors of the County of Yolo, its first reading waived and, after a second reading, said Board adopted this Ordinance on the \_\_\_th day of \_\_\_\_\_ 2008, by the following vote:

AYES:  
NOES:  
ABSENT:



# ATTACHMENT A

ABSTAIN:

By \_\_\_\_\_  
Duane Chamberlain, Chairman  
Yolo County Board of Supervisors

ATTEST:  
Ana Morales, Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy (Seal)

APPROVED AS TO FORM:  
Robyn Truitt Drivon, County Counsel

By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

# ATTACHMENT B

November 6, 2007  
Board of Supervisor's Meeting

2.28 Approve letter of public necessity and convenience for a Type 20 (off-sale beer and wine) license for El Toro Food Esparto Inc. (No general fund impact) (Bencomo/Rust)

Minute Order No. 07-337: Approved recommended action.

MOVED BY: McGowan / SECONDED BY: Chamberlain  
AYES: Chamberlain, McGowan, Rexroad  
NOES: Thomson, Yamada  
ABSTAIN: None  
ABSENT: None

Supervisor Chamberlain stepped away from the dais.

Minute Order No. 07-338: Directed staff to provide a report in January of 2008 on the ordinance that addresses drinking in public places, enforcement activities and the current process by which the county reviews these matters. Staff will then seek additional guidance on how the Board would like to proceed at the policy level.

MOVED BY: McGowan / SECONDED BY: Thomson  
AYES: McGowan, Thomson, Rexroad, Yamada  
NOES: None  
ABSTAIN: None  
ABSENT: Chamberlain

Supervisor Chamberlain returned to the dais.

# ATTACHMENT B

January 29, 2008  
Board of Supervisor's Meeting

- 7.02 Receive report on current process regarding the review of licensing for the sale of alcohol in Yolo County, enforcement activities, and the ordinances and codes addressing drinking in public places. (No general fund impact) (Bencomo/Rust)

Minute Order No. 08-29: Approved recommended action, asked the County Administrator to coordinate with the Yolo County Sheriff's Department to appoint a Sheriff's representative to participate in the review process and gathering of statistical information as indicated by Board input; directed staff to report back to the Board of Supervisors by June 30, 2008 with a proposed ordinance.

MOVED BY: Thomson / SECONDED BY: Yamada  
AYES: Thomson, Yamada, Chamberlain  
NOES: Rexroad  
ABSTAIN: None  
ABSENT: McGowan

# ATTACHMENT B

## BOARD OF SUPERVISORS Yolo County, California

Meeting Date: June 24, 2008

To: CAO  
Co. Counsel  
Auditor  
Plan & Pub Works ✓  
Alcohol Drug/MH

8.03

Receive a report on the draft ordinance relating to alcohol and alcoholic beverage sales and proposed amended sections of Chapter 2 of Title 8 of the Yolo County code. (No general fund impact) (Bencomo/Rust)

Recommended Action 8.03

Supporting Document 8.03A

Supporting Document 8.03B

Minute Order No. 08-167 - Approved recommended action

MOVED BY: McGowan / SECONDED BY: Thomson

AYES: McGowan, Thomson, Yamada, Chamberlain

NOES: Rexroad

ABSTAIN: None

ABSENT: None

**Donald Rust**

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**From:** Ed Smith  
**Sent:** Friday, June 06, 2008 9:33 AM  
**To:** Donald Rust  
**Subject:** RE: ABC Licensing Ordinance

I have three general comments:

1. In my review I did not see the ability to disqualify an applicant based on prior criminal history or history of violations of alcohol beverage control laws. If the ordinance leaves that decision to ABC you might want to consider how to protect Yolo County if ABC does not have the ability or will to disqualify someone.
2. I did not see items relating to density of sales points in specific areas. In some ordinances I have seen there is a limit to how many sales points there are within a square mile or some other standard. San Jose ran into a bit of trouble some years ago and I can recall when Marysville had 53 sales points in a two block area. The important point here has to do with who is attracted to point of sale locations and of course the type of locations.
3. I suggest you consider something in your ordinance that prohibits the sale of "cold singles". Often persons will buy one or two cold beverages and then get in the auto and drive away drinking them. This is high risk for all drivers and the best way I have seen to prevent this is to say you must purchase "cold" beverages in the manufacturing package. i.e. 4 for wine coolers, 6 for beer. Wine is excluded as it is almost always sold as a single, warm or cold.

Hope this helps.

Ed

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**From:** Donald Rust  
**Sent:** Thursday, June 05, 2008 10:39 AM  
**To:** Ed Smith  
**Subject:** ABC Licensing Ordinance

Ed,

Could you please review the attached document, if you have any questions, please contact me.

DONALD RUST, Principal Planner  
County of Yolo, Planning & Public Works Department  
292 West Beamer Street  
Woodland, CA 95695  
(530) 666-8835 - Office  
(530) 666-8156 - FAX  
(530) 867-2995 - Cell Phone  
[donald.rust@yolocounty.org](mailto:donald.rust@yolocounty.org)

6/9/2008

**Donald Rust**

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**From:** Robin Faille  
**Sent:** Monday, June 09, 2008 1:18 PM  
**To:** Donald Rust  
**Subject:** RE: ABC Licensing ordinance

I have reviewed the ABC Licensing Ordinance and do not find any areas of opposition by the Yolo County Sheriff's Department. In speaking with you, I believe that this ordinance will benefit the county by restricting the conditional use permits from being issued without review.

*Robin Faille, Captain  
Yolo County Sheriff's Department  
2500 E. Gibson Road  
Woodland, CA 95776  
(530) 668-5261*

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**From:** Donald Rust  
**Sent:** Friday, April 18, 2008 1:03 PM  
**To:** Robin Faille; Tom Lopez  
**Cc:** David Morrison  
**Subject:** ABC Licensing ordinance

Robin,

I spoke with Tom Lopez yesterday regarding the ABC Licensing ordinance that I have been assigned to prepare and take back to the Board of Supervisors in June 2008. Tom indicated that he was going to assign this item to you. I am preparing the draft ordinance and will work directly with you or the person you assign.

The Board issued the following direction on January 29, 2008:

Minute Order No. 08-29: Approved recommended action; asked the County Administrator to coordinate with the Yolo County Sheriff's Department to appoint a Sheriff's representative to participate in the review process and gathering of statistical information as indicated by Board input; directed staff to report back to the Board of Supervisors by June 30, 2008 with a proposed ordinance.

MOVED BY: Thomson / SECONDED BY: Yamada  
AYES: Thomson, Yamada, Chamberlain  
NOES: Rexroad  
ABSTAIN: None  
ABSENT: McGowan

If you have any questions, please contact me!

Thanks,  
DONALD RUST, Principal Planner  
County of Yolo, Planning & Public Works Department  
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Woodland, CA 95695  
(530) 666-8835  
(530) 666-8156  
[donald.rust@yolocounty.org](mailto:donald.rust@yolocounty.org)

6/9/2008

**Donald Rust**

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**From:** Wes Ervin  
**Sent:** Wednesday, June 11, 2008 5:34 PM  
**To:** Donald Rust  
**Cc:** Dirk Brazil; Pat Leary  
**Subject:** RE: Proposed ABC Licensing Ordinance for Yolo County

In general, complicating any permit process for businesses is not a recommended action for a jurisdiction seeking to become more business friendly. However, I have reviewed the Board's January 29, 2008 discussions. It's vote of 3-0 directs staff to create a new permit process for alcohol sales.

Since there must be an ordinance, this one appears reasonable. It appears to tier soft and hard sales, and it exempts existing establishments.

David Morrison's memo states this ordinance also exempts wineries in AGI zones, where wineries are now permitted by right. It appears, however, that the ordinance states wineries need a minor use permit in AGI zone if they will be selling alcohol.

In order not to encourage agri-tourism and to avoid any perception of duplication of permits or duplication of fees, I suggest this ordinance clearly state that permits for alcohol sales will be reviewed concurrently with and as part of any other CUP applications being processed for the same project. In this way, it will be clear that this is not a separate or duplicative permit, and only one fee will be collected for the entire project. For instance, a winery in an A-1 or AP zone requires a major CUP (e.g. DeGuerre). The tasting room and sales portion of the project would thus be evaluated during the review process.

I'm available if you want to discuss further. X8066.

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**From:** Donald Rust  
**Sent:** Wednesday, May 28, 2008 1:21 PM  
**To:** Tom Lopez; Robin Faille; Wes Ervin; 'Riegler, Lee@ABC'  
**Cc:** David Morrison; Phillip Pogledich  
**Subject:** Proposed ABC Licensing Ordinance for Yolo County

Please review the attached proposed ordinance that is tentatively scheduled to go to the Board of Supervisors on June 10, 2008, provide any comments or questions June 2, 2008.

DONALD RUST, Principal Planner  
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