



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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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

AGENDA

THURSDAY DECEMBER 18, 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.

ADMINISTRATIVE AGENDA

8:30 a.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
- 3.1 Minutes of October 9, 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 Comment letter pertaining to County of Yolo Draft 2030 Countywide General Plan
- 5.2 Conservation Quarterly Newsletter

CONSENT AGENDA

8:40 a.m.

- 6.1 None

TIME SET AGENDA

8:45 a.m.

- 7.1 **2008-040:** A Tentative Parcel Map for the subdivision of a 318-acre parcel into two parcels of approximately 155 and 163 acres. The application also includes a request to establish separate Williamson Act contracts for each parcel. The parcel is zoned A-P (Agricultural Preserve) and is designated as Agriculture in the general plan. The project is adjacent to County Road 15B, along the east and west sides of County Road 92B, southwest of Zamora (APN: 054-230-05 & 054-230-06). Owner/Applicant: Vintage Wine Trust (J. Anderson)

9:00 a.m.

- 7.2 **2008-047:** Lot Line Adjustment, Zone Boundary Change, and Williamson Act successor agreements for parcels zoned Agricultural Preserve (A-P) and Agricultural General (A-1). The Lot Line Adjustment will reconfigure two parcels to remove a lot line running through a building. The parcels are located at 13480-13488 County Road 98, and 12790 Gorman Lane, north of Yolo (APNs: 025-250-15, 025-250-16, and 056-250-15). A Categorical Exemption has been prepared for this project. Owner/Applicant: Gorman (S. Berg)

9:15 a.m.

- 7.3 **2008-032:** A Major Use Permit for a self-storage facility (254 cargo containers and 171 RV/boat parking stalls) in the AV zone (Airport Zone). The project is located at 18228 County Road 94B, at the intersection of State Highway 16 and County Road 94B on Watts Woodland Airport property, west of the City of Woodland and adjacent to the Wild Wings residential subdivision (APN: 025-440-85). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Watts/Beer (S. Berg)

9:30 a.m.

- 7.4 **2008-030:** A Minor Use Permit for a commercial stable to operate a horse boarding facility for up to 75 horses, add a 15,840 square foot covered riding arena, and the installation of an advertising sign in the Agricultural Preserve (A-P) zone. The project is located at 23151 County Road 100A, south of County Road 27 and just east of State Highway 113 north of the City of Davis (APN: 041-110-15). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Creekside Stables/ Botter (D. Rust)

9:45 a.m.

- 7.5 **2008-022:** Appeal of Zoning Administrator approval of the division of an existing Williamson Act Contract into 11 new successor contracts (APN: 062-180-07, -10, -13, & -14, 062-130-12, -13, &-14, 061-101-07, -08, & -09). The project site is located between County Road 8 and County Road 11, on the east and west sides of County Road 85, in the Dunnigan Hills, southwest of the Town of Dunnigan. A Categorical Exemption has been prepared for this project. Owner/Applicant: Dixon Corporate Commons (D. Rust)

10:00 a.m.

- 7.6 **2008-053:** Vesting Tentative Parcel Map to divide approximately 1.9 acres into two parcels of 0.79 acre and 0.93 acre. The parcel is zoned C-2 PD (Community Commercial Planned Development) and is designated as General Commercial in the general plan. The project is located at the northwest corner of State Highway 16 (Yolo Avenue) and County Road 21 in Esparto (APN: 049-160-11). A Categorical Exemption has been prepared for this project. Owner/Applicant: Castle Companies (E. Parfrey).

10:15 a.m. WORKSHOP

- 7.7 **2006-083:** Update of the Yolo County Sign Ordinance (County Code Section 8-2.2406). The update of the sign ordinance will modernize and streamline the current regulations. The draft ordinance will also address a conflict with State law concerning real estate signs and will help to promote the agriculture economy by allowing off-site direction and information signs for agriculture-related uses. A Negative Declaration has been prepared for this project. Applicant: Yolo County (C. Baracco)

10:30 a.m.

- 7.8 **2006-090:** Remanded consideration of the 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 PD (Community Commercial Planned Development) to DMX. (APN: numerous). A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County (E. Parfrey)

10:45 a.m. WORKSHOP

- 7.9 Wes Ervin presentation of economic development programs available in Esparto.

11:00 a.m.

- 7.10 Letter to Board of Supervisors recommending that a subcommittee be established to prepare Citizens Advisory Committee procedures for processing development applications.

REGULAR AGENDA

8. DISCUSSION ITEMS

- 8.1 None

9. DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission and an update of the Planning and Public Works Department activities for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

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.

- a. Election of Officers
- b. Affordable Housing Ordinance
- c. Amendment to River's Edge Subdivision in Knights Landing

12. ADJOURNMENT

The next scheduled meeting of the Yolo County Planning Commission is January 29, 2009.

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, 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.



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PLANNING COMMISSION STAFF REPORT

DECEMBER 18, 2008

FILE #2008-040: A Tentative Parcel Map (TPM No. 4952) (**Attachment A**) to subdivide a 318-acre parcel into two parcels of approximately 155 and 163 acres. The application also includes a request to establish separate Williamson Act contracts for each parcel.

APPLICANT/OWNER: Vintage Wine Trust
1101 Fifth Avenue
San Rafael, CA 94901

LOCATION: The project is adjacent to County Road 15B, along the east and west sides of County Road 92B, southwest of Zamora (APN: 054-230-05 & 054-230-06) (**Attachment B**).

GENERAL PLAN: Agriculture (Yolo County General Plan)

ZONING: Agricultural Preserve (A-P)

FLOOD ZONE: C (areas outside the 100 year and 500 year flood plains)

SOILS:

Corning gravelly loam (Class IV)

Sehorn-Balcom complex, 2-15% slopes (Class III)

Sehorn-Balcom complex, 15-30% slopes (Class IV)

Sehorn-Balcom complex, 30-50% slopes (Class VI)

ENVIRONMENTAL DETERMINATION: Negative Declaration

REPORT PREPARED BY:

REVIEWED BY:

Jeff Anderson, Assistant Planner

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

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; and
4. **APPROVE** the Tentative Parcel Map (TPM #4952) (**Attachment A**) in accordance with the Conditions of Approval (**Attachment E**)

AGENDA ITEM 7.1

REASONS FOR RECOMMENDED ACTIONS

Crew Winery is currently constructing a winery on Parcel 1 and will plant a large portion of the property with a grape vineyard and an olive tree orchard. Parcel 2 is a planted grape vineyard and will continue to be used as such in the future. The owners are also seeking the establishment of separate Williamson Act contracts for each parcel to allow for a division of jointly held assets.

BACKGROUND

The proposed project is a Tentative Parcel Map for the division of a 318 acre parcel into two parcels of approximately 155 and 163 acres (**Attachment A**). The application also includes a request to establish separate Williamson Act contracts for the two parcels. The project site is located adjacent to County Road 15B, along the east and west sides of County Road 92B, approximately two and a half miles southwest of Zamora (**Attachment B**). The proposed 155 acre parcel (Parcel 1) contains the facilities associated with Crew Winery, which was issued a Use Permit by the Planning Commission in April (ZF #2007-031). The proposed 163 acre parcel (Parcel 2) is an active vineyard and does not contain any permanent structures. The applicant is not proposing development at this time. The project site is served by County Road 15B and County Road 92B, both county-maintained roads.

STAFF ANALYSIS

The agricultural viability of the parcels will not be affected by the approval of the Tentative Parcel Map. The applicant has expressed intentions of planting a grape vineyard and an olive tree orchard on Parcel 1. Parcel 2 is currently a thriving vineyard. Although Parcel 1 has a domestic well onsite, it does not have a well that is capable of providing irrigation for 155 acres. Thus, the parcel does not meet the minimum parcel size requirements set forth in Section 8-2.406(a) of the Yolo County Code. This section of the code states that new parcels shall be no less than 160 gross acres where the soils are capable of cultivation but not irrigated. However, Parcel 2 has an agricultural well that is capable of providing irrigation water to Parcel 1. As a condition of project approval, the applicant shall record an easement to allow the owner of Parcel 1 to have access to existing irrigation water on Parcel 2. As conditioned, the resulting two parcels of 155 and 163 acres will meet the minimum size requirements of 80 acres for parcels zoned A-P (Agricultural Preserve) that are capable of cultivation and where irrigation is available.

Both parcels exceed the minimum size requirements of 40 acres, where the soils are capable of cultivation and are irrigated, for establishing a new Williamson Act contract. Williamson Act contracts have been prepared for the parcels, and will be executed by the Chair of the Board of Supervisors pending approval of the Final Parcel Map.

Crew Winery is currently in the process of constructing the winery operations on Parcel 1 (ZF #2007-031). Planning staff has been working closely with the applicant and the project manager for Crew Winery to address building permit requirements, and to ensure compliance with the approved Conditions of Approval. There are several outstanding issues from that previously approved project which must be resolved before the Final Map may be approved for this project. However, staff believes the applicant and project manager have made a significant effort to date in addressing the issues.

The project, as proposed in the Conditions of Approval (**Attachment E**), 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.

SUMMARY OF AGENCY COMMENTS

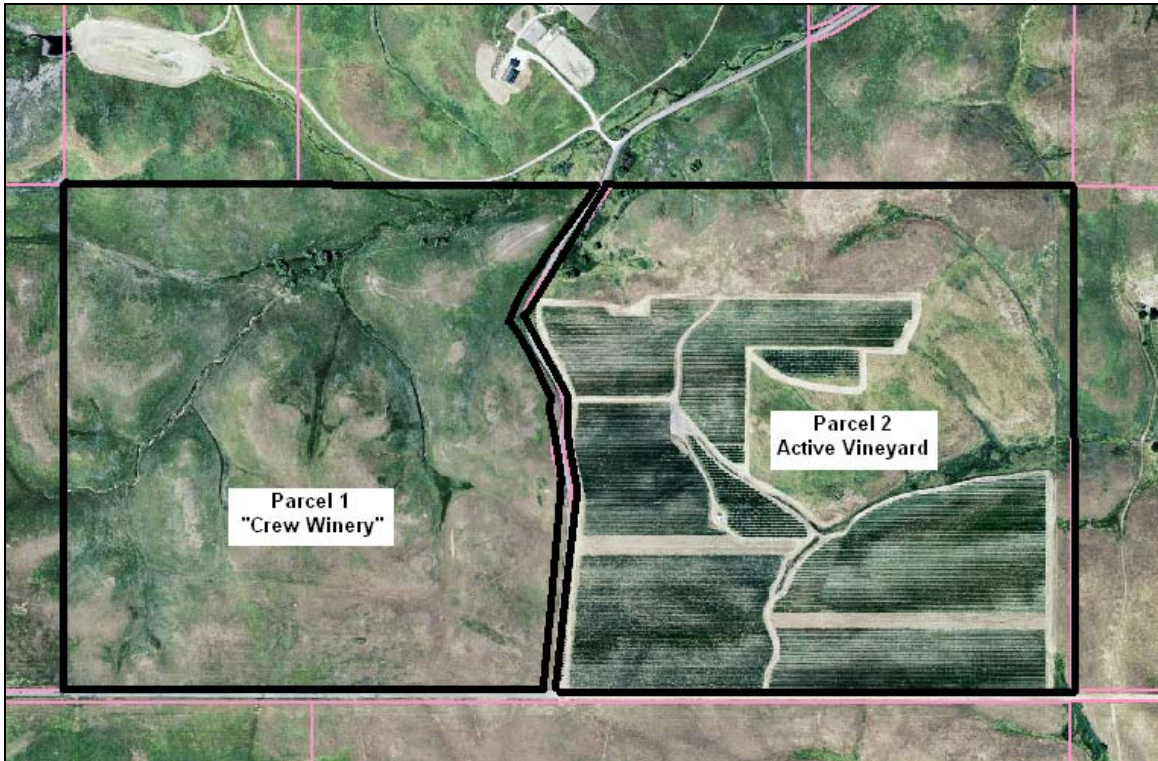
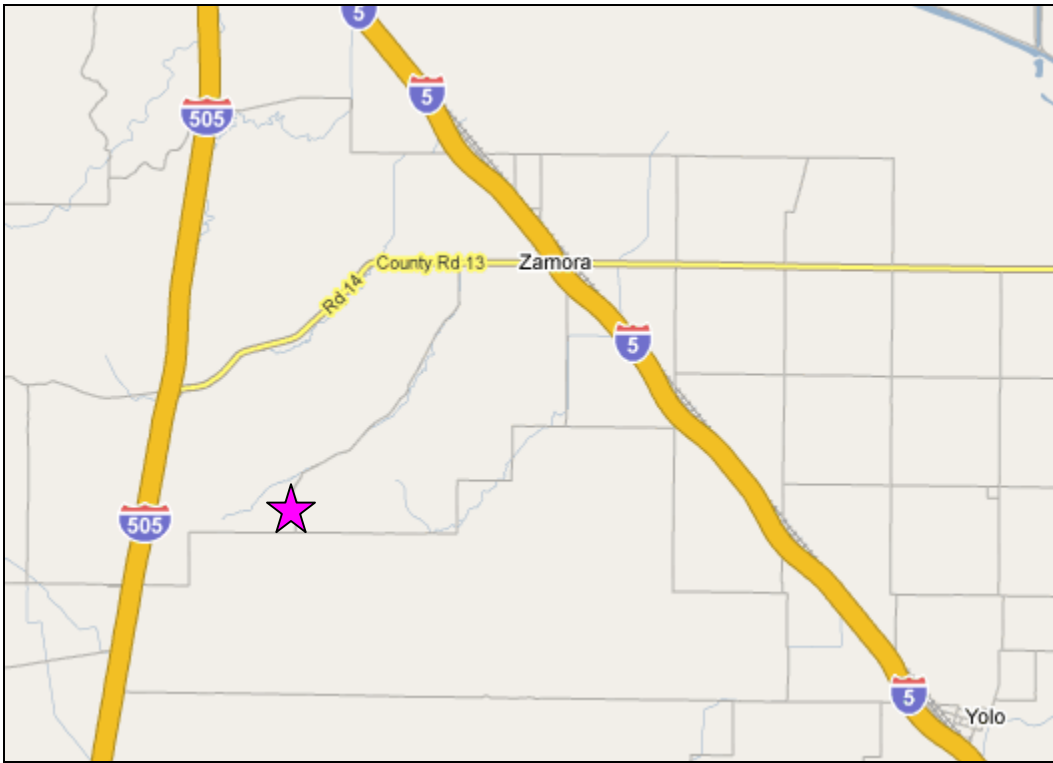
A Request for Comments was prepared and circulated for the proposed project from July 30, 2008 to August 13, 2008. An Initial Study/Negative Declaration was circulated between October 21, 2008 and November 10, 2008. The Yolo-Zamora Citizens Advisory Committee recommended approval of the project to the Planning Commission at their August 25, 2008 meeting. Additionally, a courtesy notice was sent to property owners within 300 feet of the project site. Neighbor concerns included increased traffic that would result from approval of the project. Comments received during the review period are displayed below and will be incorporated into the project as appropriate.

Date	Agency	Comment	Response
July 31, 2008	Yolo County Building Division	No comment.	N/A
August 19, 2008	Yolo County Public Works Division	Applicant shall provide a uniform right-of way for County Roads 92B and 15B.	Included in the Conditions of Approval.
September 24, 2008	Yolo County Environmental Health Department (YCEH)	Prior to the issuance of any building permits, well and septic system design shall be approved by the Environmental Health Department.	Included in the Conditions of Approval.
September 29, 2008	Rumsey Indian Rancheria	Please contact a representative if tribal cultural items or Native American human remains are found.	Comment noted.
November 24, 2008	Maria Wong, Habitat JPA Manager	The applicant shall be required to address the potential loss of Swainson's Hawk habitat through participation in the Yolo County Habitat Conservation Plan.	Included in Conditions of Approval.

ATTACHMENTS

- A:** Tentative Parcel Map #4952
- B:** Location Map
- C:** Memo of Errata and Initial Study/Negative Declaration
- D:** Findings
- E:** Conditions of Approval

PROJECT LOCATION



ATTACHMENT B



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PLANNING COMMISSION STAFF REPORT

December 18, 2008

FILE #2008-047: A Lot Line Adjustment, Zone Boundary Change, and Williamson Act Successor Agreements for parcels zoned A-1 (Agricultural General) and A-P (Agricultural Preserve). The project will reconfigure a lot line running through an existing building on the A-1 zoned parcel and provide for Williamson Act Successor Agreements on the A-P zoned parcels (**Attachment A**).

APPLICANT/OWNER: Carol Gorman
P.O. Box 3
Yolo, CA 95697

LOCATION: North of the community of Yolo, off County Road 98 and Gorman Lane (APNs: 025-250-15, 025-250-16, and 056-250-15) (**Attachment B**).

GENERAL PLAN: Agriculture

ZONING: Agricultural General (A-1) and Agricultural Preserve (A-P)

SOILS: Yolo silt loam (Class I) and Brentwood silty clay loam, 0 to 2 percent slopes (Class I)

FLOOD ZONE: C (area outside the 100-year and 500-year flood plains).

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:

REVIEWED BY:

Stephanie Berg, Associate Planner

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission recommend the Board of Supervisors take the following actions:

1. **HOLD** a public hearing and receive comments;
2. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment D**) for approval of the Lot Line Adjustment and Zone Boundary Change;
4. **APPROVE** the Conditions of Approval (**Attachment E**) for the Lot Line Adjustment and Williamson Act Successor Agreements;

5. **APPROVE** the Resolution for the Lot Line Adjustment and Williamson Act Successor Agreements (**Attachment F**);
6. **ADOPT** an Ordinance approving the Zone Boundary Change (**Attachment G**); and
7. **APPROVE** the Williamson Act Successor Agreements to divide the existing contract into two contracts (**Attachment H**).

REASONS FOR RECOMMENDED ACTIONS

The proposed actions will reconfigure lot lines between two parcels to remove a lot line running through an existing building, and will comply with setback requirements for both yard and leach line areas. No new parcels will be created nor will the acreage change on either parcel; farming practices will remain the same. A Zone Boundary Change will accommodate the newly adjusted property lines, and the Williamson Act Successor Agreements will divide an existing contract to allow transfer of sale on two legal parcels. No acreage will be lost on contracted land.

BACKGROUND

The project site is located north of the community of Yolo off County Road 98 (APNs: 025-250-15 and -16) and County Road 16 (APN: 056-250-16). The project consists of three separate parcels zoned for agricultural uses and farmed in field crops. Two of the parcels, which are contiguous, are the subject of the proposed Lot Line Adjustment, Zone Boundary Change, and a Williamson Act Successor Agreement. The third parcel, located less than one-half mile northeast of the proposed Lot Line Adjustment, is subject to a Williamson Act Successor Agreement.

The project proposes a Lot Line Adjustment to reconfigure lot lines between a 170.08-acre A-P (Agricultural Preserve) zoned parcel and a contiguous 2.22-acre A-1 (Agricultural General) zoned "home site and operations" parcel to eliminate a lot line running through an existing structure on the A-1 zoned parcel. Both parcels are currently under the same ownership. Acreages on both parcels are proposed to remain the same, with approximately 12 feet of land being adjusted, and farming practices will not change (**Attachment I** – letter from applicant). The newly adjusted A-P zoned parcel will require a Zone Boundary Change and Williamson Act Successor Agreement to reflect the boundary changes. A Williamson Act Successor Agreement is also proposed for a separate 78.00-acre parcel, which is currently covered under the same Williamson Act contract.

STAFF ANALYSIS

The proposed Lot Line Adjustment, which will remove a lot line running through an existing structure, will bring the A-1 zoned parcel into compliance with county code setback requirements for yard area and leach line area. No new parcels will be created nor will the acreage change on either parcel, as the adjustment involves approximately 12 feet of land on the A-1 parcel's western boundary. The project will also allow for Williamson Act Successor Agreements to divide the existing contract, which also encumbers a non-contiguous 78-acre parcel located northeast of the proposed Lot Line Adjustment. All three parcels are under the same family trust; however, the estate is currently being divided among family members. The Williamson Act Successor Agreements will allow separate sale of the 78.00-acre and 170.08-acre parcels without violating any land use agreements. Both A-P zoned parcels more than meet the minimum 40-acre parcel size requirement for Williamson Act Successor Agreements (County Code Section 8-2.408).

Staff supports the request for a Lot Line Adjustment, which will bring the A-1 parcel into compliance with setback requirements. No new buildable parcels will be created. The Williamson Act Successor Agreements will allow the legal sale of the two separate A-P zoned parcels.

AGENCY COMMENTS

A "Request for Comments" was prepared and circulated for the project from October 1, 2008 to October 17, 2008. Additionally, the project was reviewed at the October 22, 2008 Development Review Committee (DRC) meeting. Environmental Health requested an approvable site plan showing a leach line area in relation to the new lot lines. The site plan has since been pre-approved by Environmental Health. In addition, the project was reviewed by the Yolo-Zamora Advisory Committee, who recommended approval of the project. No other significant comments were received during the review period.

ATTACHMENTS

- Attachment A -** Site Plan
- Attachment B -** Location Map
- Attachment C -** Categorical Exemption
- Attachment D -** Findings for approval of the Lot Line Adjustment and Zone Boundary Change
- Attachment E -** Conditions of Approval for the Lot Line Adjustment and Williamson Act Successor Agreements
- Attachment F -** Resolution for the Lot Line Adjustment and Williamson Act Successor Agreements
- Attachment G -** Ordinance approving the Zone Boundary Change
- Attachment H -** Williamson Act Successor Agreements
- Attachment I -** Letter from applicant dated September 25, 2008



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PLANNING COMMISSION STAFF REPORT

December 18, 2008

FILE #2008-032: A Use Permit for a proposed self-storage and RV/boat storage facility on a 15.45-acre parcel, located on Watts-Woodland Airport property in the Airport Zone. The project includes the installation of 254 320-square-foot cargo containers and 171 RV/boat parking stalls (**Attachment A**).

APPLICANT: Bradley Beer
Stor-Tec, Inc.
8265 Sierra College Blvd.,
Suite #314
Roseville, CA 95695

OWNER: Milton B. Watts & Dorothy Gray Watts
Revocable Trust
33486 Canvas Back Street
Woodland, CA 95695

LOCATION: 18228 County Road 94B at the northwest corner of State Route 16 and CR 94B, approximately 3.6 miles west of the City of Woodland (APN: 025-440-85) (**Attachment B**).

GENERAL PLAN: Airport
ZONING: Airport Zone (AV)
SOILS: San Ysidro loam (Sh) (Class IV), Hillgate loam, moderately deep, 0 to 2 percent slopes (HdA) (Class III), and Corning gravelly loam, 2 to 15 percent slopes, eroded (CtD2) (Class IV).
FLOOD ZONE: C (area outside the 100-year floodplain)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

REPORT PREPARED BY:

Stephanie Berg, Associate Planner

REVIEWED BY:

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission take the following actions:

1. **HOLD** a public hearing on the project and receive comments;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment C**) as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
3. **ADOPT** the Mitigation Monitoring and Reporting Plan which implements and monitors all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment D**);

4. **ADOPT** the recommended Findings (**Attachment E**); and
5. **APPROVE** the Conditions of Approval (**Attachment F**).

REASONS FOR RECOMMENDED ACTIONS

The proposed project would provide a rural self-storage and RV/boat parking facility for remote users, located off County Road 94B at the intersection of State Route 16, just west of the City of Woodland, and adjacent to the Wild Wings residential subdivision. The project would allow nearby residents, visitors, and other community members, who may otherwise be restricted by limited space and/or setback requirements, the opportunity to store large or unused household items and recreational vehicles in a secure and accessible setting.

BACKGROUND

The project site is owned by the Watts family, and has historically been an accessory use to the Watts-Woodland Airport facility, which is accessed off County Road 94B. The property currently lies vacant and undeveloped. A recent Lot Line Adjustment, approved in April 2007, reconfigured the 15.45-acre subject parcel to place airport outbuildings on the adjoining airport facility property, which lies to the west. The site is zoned for airport and related uses, and is designated as an “overflight zone” in the Watts-Woodland Airport Comprehensive Land Use Plan (December 1988).

Airport, residential, open space, and agricultural land uses surround the site. The Yolo Fliers Club and Cache Creek lie to the north, and State Route 16 borders the property on its southern boundary. The Yolo County Flood Control and Water Conservation District offices and equipment storage yard adjoin the property at its southeastern boundary. County Road 94B and agricultural uses with rural residences lie to the east; agricultural uses and rural residences lie on the south side of SR 16; and residential suburban uses (the Wild Wings subdivision) lie to the west.

PROJECT DESCRIPTION

The project proposes the construction and operation of a self-storage and RV/boat storage facility, including: a 1,440 square foot modular office building and a 1,440 square foot modular employee residence; the installation of 254 8-foot by 8-foot by 40-foot cargo containers and 171 RV/boat parking stalls; onsite water storage for fire suppression; and perimeter landscape mounding for screening purposes. The entire 15.45-acre parcel would be graded, with approximately 4.4 acres developed for storage (1.9 acres of cargo containers and 2.5 acres of RV/boat storage parking stalls); the remaining approximately 11 acres would be developed with an office and an employee residence, internal access roads, and an onsite drainage system. Approximately 5,500 square feet of paving would be provided for driveway access and visitor parking adjacent to the office; the rest of the site would be gravel covered and will include 24-foot drive aisles. Two onsite detention basins, with a combined storm water storage capacity of 2.98-acre feet, are proposed to control drainage to pre-construction flow rates. One employee is anticipated to maintain the facility and provide 24-hour security with the installation of an employee residence. Hours of operation are proposed to be from 7:00 a.m. until 7:00 p.m.

The project proposal includes construction of the facility in four phases. Phase 1 would consist of the installation of 44 cargo containers (clustered in four groupings); the office building and employee residence; an above-ground 10,000-gallon water storage tank for fire suppression; and all grading and utility work, including the detention ponds. Phase 2 would include an additional 56 cargo containers (clustered in five groupings). Phase 3 would consist of 70 additional cargo containers (clustered in five groups of 14 containers each); and Phase 4 would add 84 cargo containers

(clustered in six groups of 14 containers each). The groupings of cargo containers are generally located on the east and west boundaries of the parcel. RV/boat parking would be provided as needed during each construction phase, with general locations on the western boundary and southern half of the property. Each successive phase will also require local Fire District approval for the addition of onsite water storage, as necessary, before the issuance of any additional building permits for the cargo containers.

STAFF ANALYSIS

The environmental document (Initial Study/Mitigated Negative Declaration) prepared for the project identified potential impacts that could occur with implementation of the project. The below discussion describes the issues that were either mitigated and/or conditioned to address potentially significant concerns, including aesthetics, hydrology, line-of-sight obstructions, and emergency response.

Aesthetics/Visual

The project site is not located within view of any designated scenic highway or vista, and there are no scenic resources on or within view of the project site. However, the surrounding vicinity is rural in nature and the proposed project has the potential to degrade the existing visual character of the site and its surroundings. Placing approximately five acres of cargo storage containers and RV/boat parking in view of the traveling public and nearby rural residents presents a potentially significant visual impact.

The project proposes grading the entire 15.45-acre site, which will remove existing grasses and approximately 34 one-inch to ten-inch remnant almond trees, for the installation of 254 cargo containers and 171 RV/boat parking stalls. As provided in the project proposal, and included in the Conditions of Approval, the project will be required to provide perimeter landscape mounding to screen the containers and parking stalls from surrounding property owners, residents, and those traveling along State Route 16.

The landscaping proposal, submitted by Dumars, Inc., includes plant combinations for project screening along SR 16 and CR 94B, including between the drainage swale and detention basin on 94B, and between the airport taxiway and storage facility (western perimeter). Proposed landscape screening along SR 16 includes a plant combination of: bamboo/grass-like plants (approximately eight one-gallon 5-foot tall New Zealand Flax); conifer evergreens (approximately 36 five-gallon Pfitzer Juniper clustered in six rows of five or six each); large shrub evergreens/small trees (approximately 15 five-gallon Silktassel) with a height of 20 feet at maturity; groundcover (Myoporum p. 'Davis') planted around the perimeter of the combination; and shrubs (approximately 26 five-gallon Red Clusterberry in seven rows of three or four each; approximately 28 one-gallon Red Oleander clustered with the New Zealand Flax near the proposed project signage; and approximately 35 one-gallon Xylosma clustered in 12 rows of three each). Height restrictions in the Airport Zone (AV) preclude anything taller than 30 feet in height.

Proposed landscaping along CR 94B includes a planting combination of: bamboo/grass-like plants (approximately 149 one-gallon 5-foot tall New Zealand Flax - 69 of which will be clustered with a fruitless Olive in 13 groups of six each, 50 in 10 rows of 5 each, and 30 clustered with a fruitless Olive in ten groups of three each); broadleaf evergreens (approximately 30 five-gallon Glossy Privet-columnar in six rows of five each on either side of the project's entrance; approximately ten five-gallon Fraser's Photinia grouped north of the entrance; and approximately 23 15-gallon fruitless, multi-stem Olive); grasses (one-gallon plantings of Nossella t. at the project's entrance; and approximately six one-gallon deer grass planted among the Fraser's Photinia); groundcover (approximately 16 one-gallon Sunset Rock Rose planted at the project's entrance; and Myoporum p. 'Davis' planted around the perimeter of the combination); and shrubs (Dwarf Oleander) planted throughout. Screening between the airport taxiway and storage facility consists of shrubs (Salmon Pink Oleander).

If the planting plan is implemented as advised and the plants thrive in a healthy manner, the proposed landscaping would screen the project from motorists traveling along SR 16 and from nearby residents. However, the plan does not address immediate visual impacts associated with first phase construction, before the plants have reached maturity. As a condition of project approval, and a mitigation measure in the CEQA document prepared for the project, the applicant will be required to implement the planting plan prior to any issuance of building permits, i.e., before installation of the first group of cargo containers and/or RV/boat parking stalls, in order to establish a landscaping screen. Although this measure will not completely screen the first few phases of development, it will allow the opportunity for the landscaping process to take hold and will ensure the applicant initiates the planting plan. Furthermore, no additional building permits will be issued for the cargo containers at Phase 2, if the landscaping plan has failed. Line-of-sight obstruction issues resulting from the landscaping are addressed as ongoing operational Conditions of Approval.

Agricultural Impacts

The project site is shown on the Department of Conservation's 2008 Farmland Mapping and Monitoring Program Map as "urban and built up land." The site is currently undeveloped and covered in grasses and approximately 34 one-inch to ten-inch almond trees, which are proposed for removal. The trees are not harvested, and the property is vacant and unattended. Immediate surrounding uses consist of residential, airport, and an equipment yard. The project would not convert farmland to a non-agricultural use.

Air Quality Impacts

Mitigation measures to reduce anticipated impacts to local and regional air quality have been included as Conditions of Approval for the project. These include standard PM10 fugitive dust suppression requirements recommended by the Yolo-Solano Air Quality Management District (YSAQMD). The applicant will be required to submit a construction dust control plan to the YSAQMD, consistent with YSAQMD guidelines, which will include activities to reduce on-site and off-site dust production.

Biological Impacts

Mitigation measures have been identified to protect special status species that may use the site, or surrounding vicinity, for foraging habitat, and are included in the Conditions of Approval. The county participates in the Yolo County Joint Powers Agency, which requires mitigation for every acre of Swainson's Hawk foraging land that is developed. The applicant will be required to conduct a pre-construction assessment to determine the presence of raptor foraging habitat, prior to project approval, or within 60 days of approval. If no foraging habitat sites or active nests are identified during the assessment, no further mitigation shall be required. If it is determined that foraging habitat exists on or near the site, an in-lieu mitigation fee of \$8,660 per disturbed acre will be required prior to issuance of the first building permit. If an assessment is not conducted within 60 days of project approval, it will be assumed that foraging habitat exists on or near the project site, and the in-lieu mitigation fee shall be required.

Hazards

The project site is located within the vicinity of the Watts-Woodland Airport Comprehensive Land Use Plan (CLUP) December 1988, and is designated as an "overflight" zone (safety area). The overflight zone restricts land uses which could result in large assemblies of people, such as hospitals, stadiums, arenas, or auditoriums. A self-storage facility in a rural setting is not expected to draw large crowds of people at any given time, and this type of use has been deemed compatible by SACOG (Sacramento Area Council of Governments), the designated Airport Land Use Commission (ALUC). However, issues of objects or structures affecting navigable airspace may arise and have been addressed in the Conditions of Approval, which include restrictions on plant height (cannot grow over 30 feet tall). Additionally, the project will require approval, by the local ALUC and Caltrans, Division of Aeronautics,

of a flight surface exhibit that shows finished grades and slope percentages. Caltrans has already approved the flight surface exhibit (**Attachment G**).

The project will also be required to provide for an unobstructed secondary emergency access, in addition to the proposed street access, as required by the Willow Oak Fire Protection District.

Hydrology and Water Quality

Project-related storm water runoff is proposed to be channeled into an onsite storm water drainage system consisting of grassy swales, pipes, and two detention basins with riser structures to limit outflow. As a water quality control measure, the swales will be hydroseeded and the outlet structures will have perforated risers surrounded by crushed rock to filter sediment. The basins will be connected by a 15-inch storm drain pipe, oversized to convey peak flows from the 100-year event. The proposed system would be sized to limit the peak runoff, leaving the site at pre-development conditions, which is based on a storm drainage report prepared by Laugenour and Meikle (September 18, 2008). All post-development runoff is proposed to be conveyed to the roadside ditch on CR 94B, which eventually discharges into the Moore Canal, owned and operated by the Yolo County Flood Control and Water Conservation District (District).

The report analyzed preconstruction and post development storm water runoff, routing, and detention at the project site. According to the report, the 100-year, 24-hour cumulative storm event would have a total rainfall amount of 4.71 inches. Peak preconstruction runoff conveyed to the roadside ditch on CR 94B during the 10-year, 24-hour cumulative storm event was determined to be 2.34 cubic feet per second (cfs), with some preconstruction runoff also conveyed to the ditch along State Route 16. The proposed onsite detention basins system would be engineered to limit 100-year discharge exclusively to the CR 94B roadside ditch to 1.59 cfs, which is lower than the existing 10-year discharge of 2.34 cfs and in compliance with the county standard of 0.1 cfs/acre for post development release rate. However, while the rate of flow will have been minimized to the roadside ditch on 94B (and ultimately to the Moore Canal), total volume will increase (duration of flow), with possible impacts to the Moore Canal.

The District has indicated that increasing storm water discharge volume into the Moore Canal may be impracticable due to the canal's design as a delivery system for irrigation water, as opposed to operating as a formal drainage course. They have requested that the applicant continue to route a portion of the site drainage to the existing SR 16 drainage course, unless otherwise agreed to by the District. As a Condition of Approval, the applicant will be required to ensure that project-related runoff does not exceed the volume of water currently flowing to the Moore Canal. This may require modifications to the storm drainage report and proposed storm drainage system, and has been addressed in the Conditions of Approval.

Land Use and Planning

Watts-Woodland Airport Comprehensive Land Use Plan: As indicated in Hazards, above, the project site lies within an overflight zone as designated by the Watts-Woodland Airport CLUP, and is zoned for airport-related uses. A self-storage facility with an onsite employee residence and office building has been deemed as a compatible use by SACOG, the designated ALUC. Noise attenuation measures, consistent with the CLUP, will be a Condition of Approval as recommended in the CEQA document. The applicant will be required to provide adequate acoustic insulation in the two modular structures in order to reduce interior noise levels in the residence to 45 dB and in the office to between 45 dB and 50 dB.

Article 34 Accessory Structures: The Yolo County Accessory Structure Ordinance (Section 8-2.3401 – 8-2.3404 of the Yolo County Code) allows the use of cargo containers as storage structures on agriculturally zoned and rural/suburban residential zoned parcels, with a building permit required if the

structure is over 120-square feet. The project proposes installation of 254 cargo containers, grouped in several clusters, for use as a public storage facility. While the Accessory Structure Ordinance applies to the use of cargo containers for private storage use, acquisition of a Use Permit for a commercial self-storage facility on Airport Zoned property is consistent with the intent of the ordinance, which classifies cargo containers used for storage as structures requiring building permits.

Specific Plan Monument Hills Special Study October 1984: According to the Specific Plan for Monument Hills (the plan for the Wild Wings residential subdivision and open space area), proposed land uses for the project area included a designation for an “accessory use area” located at the southeast corner of County Road 94B and County Road 22. The intent was for the private development of general purpose parking for the airport, which could also be used for the Yolo Fliers Club and for storage of recreational vehicles, boats, etc., that would be owned by the residents of the planned development (Wild Wings). While this land use was never realized, it is important to note that the concept of a parking storage area was included in the concept plan for Wild Wings. The proposal for a self-storage and RV/boat parking facility adjoining the airport facility supports this land use concept; however, the aesthetic implications regarding the use of cargo containers for household storage presents visual concerns, as addressed above.

Traffic

The project proposes to manage internal access with 24-foot wide roads and 90-foot turning radii. The roads will be required to provide all-weather access. The project will also be required to provide a secondary emergency access with adequate emergency access signage that will prohibit the obstruction of emergency vehicle access.

The Yolo County Flood Control and Conservation District expressed concern with the proposed perimeter landscaping due to a possible reduction of line-of-sight for motorists. The Conditions of Approval address line-of-sight for motorists accessing SR 16 from CR 94B; and, in addition, the project will be required to address possible reduction of vehicle sight distance at the District’s SR 16 driveway connection.

Paved visitor parking will be available in marked stalls adjacent to the proposed office building. Each cluster of cargo containers will have room for users of the facility to park and unload.

Public Services/Utilities and Services

The proposed project site will require a septic system design that meets permit requirements as determined by Yolo County Environmental Health. A pre-approved site plan, with a disposal system that has capacity for the office, client restroom, and employee residence will be required, prior to issuance of a grading permit. The project also proposes a new domestic well to serve the office and onsite employee residence. The well will be required to meet commercial standards.

The applicant will also be required to provide water storage for sufficient fire flows by installing an onsite fire suppression system, as approved by the Willow Oak Fire Protection District, at each constructional phase. Phase 1 will include a 10,000-gallon above-ground water storage tank, which has already been approved by the Fire District. Phase 2 will be as determined and approved by the Willow Oak Fire Protection District. No further building permits will be issued for additional cargo containers without prior approval from the Fire District.

AGENCY RESPONSES

A Request for Comments was prepared and circulated for the proposed project from June 23, 2008 to July 9, 2008, and again on September 29, 2008 to October 14, 2008, due to submittal of an amended site plan and project description. Additionally, the project was reviewed at three separate Yolo County

Development Review Committee (DRC) meetings on July 9, 2008 for an initial review of the project; October 22, 2008 for a re-review of the amended site plan and project description; and on November 26, 2008 for review of the draft Conditions of Approval. An Initial Study/Mitigated Negative Declaration was circulated between November 14, 2008 and December 15, 2008. Additionally, a courtesy notice was sent to property owners within 1,000 feet of the project site. Neighbor concerns include aircraft safety issues; the possibility of criminal activity with minimum security; glaring lights; and aesthetic impacts. Comments received during each review period have been incorporated into the project as appropriate, and are summarized in the table below. Agency comment letters are attached (**Attachment H**).

Development Review Committee (DRC)

Initial review of the project resulted in a re-submittal of an amended site plan, a Planting Plan, a Flight Exhibit, and a Storm Drainage Report to address outstanding issues outlined in a project application review letter sent to the applicant after the first agency review and DRC meeting. Significant issues were raised by the Willow Oak Fire Protection District regarding the provision of water for fire suppression, and the Yolo County Flood Control and Conservation District regarding aesthetic, drainage, safety, and traffic issues. Other agency comments included issues of obstructing navigable airspace, septic system design, and drainage system design. Over the course of two more DRC meetings, all outstanding issues have been resolved or have been included in the Conditions of Approval to address ongoing concerns.

Agency Response Comments:

Date	Agency	Comments	Response
June 24, 2008 and October 7, 2008	Building Division	Applicant will be required to obtain building permits and submit construction drawings for all structures, including the cargo containers. Cargo containers must have a foundation system to secure to the earth. Fire sprinklers are required for the residence. Disabled access compliance regulations shall apply. 2007 California Codes shall apply. Project must comply with local Fire District regulations.	Addressed in the project's Conditions of Approval.
July 1, 2008	Pacific Gas & Electric	Any relocation of PG&E gas and/or electric facilities will be at customer expense.	Addressed in the Conditions of Approval.
July 8, 2008 (response to applicant's initial submittal) November 19, 2008	Yolo County Flood Control & Water Conservation District Yolo County Flood Control District	Submitted a comment letter requesting that drainage, security, aesthetics, and traffic generation issues be thoroughly addressed. Please see attached comment letter dated July 8, 2008. Provided additional concerns and comments regarding the design plans presented in the storm drainage report the applicant submitted with the amended site plan and project description. See attached comment letter dated November 19, 2008.	Addressed in the Conditions of Approval, where appropriate. Further addressed in the Conditions of Approval, where appropriate.
July 9, 2008	SACOG (designated Airport Land Use Commission)	SACOG mapped the proposed site location. The site plans show the site in relation to the safety and noise contours found in the Comprehensive Land Use	No further comment is necessary; however, as addressed in the

		Plan for the Watts Woodland Airport. According to the CLUP, the proposed uses are allowed for this subject property; therefore this application is compatible with the CLUP.	Conditions of Approval, the applicant will be required to obtain approval of a flight exhibit from SACOG.
July 9, 2008 and October 7, 2008	Yolo County Environmental Health	The proposed well must be constructed under permits from YCEH. Construction must be done according to the requirements of a well that will serve a commercial establishment. A 50 foot or grater annular seal should be installed and constructed to exclude nitrates. A public water supply permit is required when the system serves at least 25 people, 60 days of the year. The proposed standard sewage disposal system shown on the site plan is adequate for a 2 bedroom home. The sewage disposal system must have capacity for office, client restroom, and home. Shown area on the map may need to be increased or relocated. An approvable sewage disposal site plan will be required prior to issuance of a building permit. No conditions were proposed for hazardous materials.	Addressed in the Conditions of Approval.
July 11, 2008	Public Works Division (response to applicant's initial submittal – see below for amended response)	Require that the applicant address the following: Confirm that the storm drainage report used a dynamic modeling program. The following dynamic programs area acceptable to the county: SWMM, Basins, TR-55, HEC-RAS, HEC-HMS. Include calculations in the storm drainage report. Confirm sizing of the southwest drainage swale to the south detention basin. A water depth greater than 3 feet in the detention basin requires perimeter fencing for safety. Provide a more detailed explanation for how both detention basins will operate. How will the connection pipe influence the operation? Pipe sizes on the drawings do not match the pipe sizes in the report. What are the proposed overland release paths for both ponds – proximity to airport is a concern. Will there be a weir design? Provide discussion of the flows that will go south to Caltrans right-of-way (existing and proposed). Possible storm water issue for parking lots requiring an oil/water separator. How will silting be prevented in the basin connection pipeline and the discharge pipeline?	Comments were issued to the applicant. A new storm water drainage report and plan was submitted with the amended site plan and project description.

November 10, 2008	Public Works Division	Please see attached "Draft Public Works Conditions of Approval."	Addressed in the project's Conditions of Approval
July 10, 2008	Department of Transportation	Please see attached comment and request letter dated July 10, 2008.	Addressed in the Conditions of Approval, as appropriate.
October 29, 2008	Willow Oak Fire Protection District	The applicant will be required to provide the following: A fire suppression water supply of 1,500 gallons per minute for a duration of not less than two hours at an adequate pressure to provide the required flow at the farthest point in the system. An adequate number of fire hydrants (to be determined). A secondary access and egress point distant to the street access. An adequate access and turning radius for fire apparatus. All needed signage and curb markings, i.e., Fire Lane No Parking.	Initially addressed as conditions of project approval. However, as indicated below, the applicant and Fire District came to an agreement regarding onsite water storage for fire suppression purposes, and are addressed in the Conditions of Approval.
November 13, 2008	Willow Oak Fire Protection District	Phase 1 construction will include one above ground 10,000 gallon storage tank with a 4.5-inch connection for the tanker trucks and a fire pump capable of 80 pounds of pressure per square inch. Each successive phase of construction will require Fire District approval for additional water tanks, prior to issuance of additional building permits for cargo containers.	Agreement between applicant and Fire District is included as a Condition of Approval.
November 20, 2008	Yolo County Joint Powers Agency (Habitat Mitigation Program)	Recommended a pre-construction assessment to determine the presence or absence of raptor foraging habitat.	Addressed as a mitigation measure and in the Conditions of Approval.

ATTACHMENTS:

- Attachment A - Site Plan and Project Description Packet
- Attachment B - Location Map
- Attachment C - Initial Study/Mitigated Negative Declaration
- Attachment D - Mitigation Monitoring and Reporting Plan
- Attachment E - Findings
- Attachment F - Conditions of Approval
- Attachment G – Flight Exhibit approval
- Attachment H – Agency comment letters



County of Yolo

John Bencomo
DIRECTOR

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PLANNING COMMISSION STAFF REPORT

December 18, 2008

FILE #2008-030: A Use Permit to expand an existing non-conforming commercial horse boarding facility (formerly the Cottonwood Stables) on a 79.54-acre parcel, by adding a 15,840 square-foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign on an existing structure, as shown on the site plan (Attachment A).	
APPLICANT: Creekside Stables (Marlene Botter) 23151 County Road 100A Woodland, CA 95776	
LOCATION: 23151 County Road 100A (the former Cottonwood Stables), south of County Road 27, east side of State Highway 113 and north of the City of Davis; Assessor's Parcel Number: 041-110-15 (Attachment B).	GENERAL PLAN: Agricultural ZONING: Agricultural Preserve Zone (A-P) SOILS: Rincon (Rg) silty clay loam(Class II), and Yolo (Ya) silt loam (Class I) FLOOD ZONE: X and AE (areas within the 100-year floodplain, base flood elevation determined)
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration	
REPORT PREPARED BY: _____	REVIEWED BY: _____
Donald Rust, Principal Planner	David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission take the following actions:

1. **HOLD** a public hearing on the project and receive comments;
2. **ADOPT** the Mitigated Negative Declaration (**Attachment C**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
3. **ADOPT** the Mitigation Monitoring and Reporting Plan which implements and monitors all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment D**);
4. **ADOPT** the recommended Findings (**Attachment E**); and
5. **APPROVE** the Use Permit and the Conditions of Approval (**Attachment F**).

REASONS FOR RECOMMENDED ACTIONS

The project will allow an existing commercial horse stable to expand the services it provides for existing customers, and will bring a non-conforming use into compliance with County zoning requirements. Addition of the riding arena and advertising sign are minor additions to the existing facility that will not create any significant impacts to the environment. The proposal complies with all other county and state requirements.

BACKGROUND

The project site has been used as a commercial stable since the 1940's and is a legal nonconforming use. Legal non-conforming uses are those activities that do not comply with current zoning requirements, but were legally established (or "grandfathered") prior to the adoption of the applicable County Code sections. The project site is zoned Agriculture Preserve (A-P), with agricultural land uses and associated residences surrounding the project site. The closest residence is a single-family dwelling located west of State Route 113 on County Road 99D, approximately 1,500 west of the project site. The California Northern Railroad runs along the east property boundary, State Route 113 runs along the west property boundary, and the south boundary is Willow Slough. In general, the surrounding properties are being used for agricultural purposes, with rural residences. The applicant also manages a second commercial horse stable on an adjoining property to the south of the project site, which obtained approval of a Use Permit in February 2002 (ZF 2000-062). The non-conforming stable includes the following existing structures: horse corrals, a hay barn, two horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house. The project site is accessed by County Road 100A.

PROJECT DESCRIPTION

The applicant has proposed the construction of an additional 15,840 square foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign on the existing hay barn. Clients will be utilizing the facility for boarding and training their horse(s) with no public horse shows or other types of equestrian events to take place on this site. Historically, the existing facilities have provided boarding for up to 75 horses and other livestock.

It is anticipated that there will be approximately 30 daily vehicle trips to the site. There is an existing compacted aggregate base for the driveway and parking areas. There will be no food and beverages provided at the facility. The odor management plan includes a manure collection and treatment program, to be implemented as a mitigation measures. Litter will be picked up daily and disposed in garbage containers.

The applicant has proposed a 2' X 10' advertising sign to be located on the existing hay barn, as shown on the site plan (**Attachment A**). The applicant will create the graphic design for the sign and obtain a building permit for the placement of the sign on the existing hay barn.

STAFF ANALYSIS

Aesthetics/Visual

The General Plan does not indicate the project area as falling within a scenic corridor. The amount and type of traffic generated by the project will not require any improvement to County Road 100A, the main access to the site. The project will be required to provide a lighting plan of the proposed use for approval by the Planning and Public Works Department. All light fixtures must be designed, installed, and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. The lighting plan shall demonstrate that illumination levels at adjacent residences will not exceed one-foot candle.

Air Quality Impacts

Mitigation measures to reduce anticipated impacts to local and regional air quality have been included as Conditions of Approval for the project. These include standard dust suppression requirements recommended by the Yolo-Solano Air Quality Management District (YSAQMD) and submittal of a Dust Control Plan (DCP), consistent with YSAQMD guidelines, to Planning and Public Works. Mitigation measures also include appropriate management of the manure through an Odor Management Plan.

Biological Impacts

Mitigation measures have been identified to protect special status species that may occupy or use the site and are included as Conditions of Approval for the project. The county participates in the Yolo County Joint Powers Agency, which requires mitigation for every acre of Swainson's hawk foraging land that is developed.

Water Quality Impacts

As a Condition of Approval, the applicant will be required to develop a Stormwater Pollution Prevention Plan, and obtain a National Pollutant Discharge Elimination System General Industrial Stormwater Permit from the Central Valley Regional Water Quality Control Board (CVRWQCB). Written clearance shall be obtained from the CVRWQCB, and a copy forwarded to the county Environmental Health Division. Mitigation measures include a Manure Collection Program. The project site drains to the south into Willow Slough, as shown on the Site Plan (**Attachment A**).

AGENCY RESPONSES

A Request for Comments was prepared and circulated for the proposed project from August 28, 2008 to September 19, 2008. An Initial Study/Mitigated Negative Declaration was circulated between November 7, 2008 and December 7, 2008. Comments received during the review period will be incorporated into the project as appropriate.

A number of agencies and organizations have been involved with and/or commented on this project, including the CVRWQCB, Yolo-Solano Air Quality Management District, Yolo County Farm Bureau, Yolo County Agricultural Commissioner, Woodland Fire Department, Yolo County Environmental Health Division, Public Works Division, and Building Division.

In a letter dated August 5, 2008, the Community Development Department for the City of Davis indicated that the City Council approved this project as a consent item (PA #90-07, Yolo County Referral #02-07) and was not subject to any conditions on July 29, 2008. In addition, the Redevelopment Agency (RDA) for the City of Davis reviewed the project. The RDA determined the project does not provide urban development and they have no concern or comment for the County in relation to the Pass-Through Agreement.

The City of Woodland Fire Department provides fire protection for the project site. Prior to any construction on the site, the applicant shall contact the fire department and obtain approval for the covered riding arena. All new, or future, construction shall comply with the existing Uniform Fire Code requirements and all applicable statutes, codes, ordinance, or standards of the Fire Department.

The Yolo County Farm Bureau and Agricultural Commissioner have not provided any concerns or comments regarding this project.

ATTACHMENTS:

- A** - Site Plan
- B** - Location Map
- C** - Initial Study/Mitigated Negative Declaration
- D** - Mitigation Monitoring and Reporting Plan
- E** - Findings
- F** - Conditions of Approval



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PLANNING COMMISSION STAFF REPORT

December 18, 2008

<p>FILE # 2008-022: Appeal of a Zoning Administrator approval to divide an existing Williamson Act Contract Amendment into eleven (11) separate contracts, ranging from 80 acres to 300 acres in size.</p>	
<p>APPLICANT: Dixon Corporate Commons 431 Glenwood Avenue Woodside, CA 94062</p>	<p>APPELLANT: Fredrick J. Durst 1769 Woodside Drive Woodland, CA 95695</p>
<p>LOCATION: The project site is located between County Road 8 and County Road 11, on the east and west sides of County Road 85, in the Dunnigan Hills, southwest of the Town of Dunnigan. APN(s): 061-010-07, 061-010-08, 061-010-09, 062-130-12, 062-130-13, 062-130-14, 062-180-07, 062-180-10, 062-180-11, 062-180-13 and 062-180-14 (Attachment A).</p>	<p>GENERAL PLAN: Agricultural ZONING: Agricultural Preserve (A-P) SOILS: Sehorn-Balcom complex 2 – 15% slopes (SmD) (Class III); Sehorn-Balcom complex 15 – 30% slopes (SmE2) (Class IV); Sehorn-Balcom complex 30 – 50% slopes (SmF2) (Class VI); Balcom silty clay loam 15 – 30% slopes (BaE2) (Class IV); Rincon silty clay loam (Rg) (Class II); Tehama loam 2 – 15% slopes (TaB) (Class II); and Yolo silt loam (Ya) (Class I). FLOOD ZONE: A (within the 100-year flood plains) and C (area outside the 100-year and 500-year flood plains).</p>
<p>ENVIRONMENTAL DETERMINATION: Categorical Exemption</p>	
<p>REPORT PREPARED BY:</p> <p>_____</p> <p>Donald Rust, Principal Planner</p>	<p>REVIEWED BY:</p> <p>_____</p> <p>David Morrison, Assistant Director</p>

RECOMMENDED ACTIONS

That the Planning Commission takes the following actions:

1. **HOLD** a public hearing to receive comments from the applicants or their representative in support of their appeal, as well as comments from members of the public;
2. **DENY** the appeal from the appellant;

3. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment D**);
4. **ADOPT** the Findings (**Attachment E**) and Conditions of Approval (**Attachment F**);
5. **APPROVE** the Williamson Act Contract Amendment to be sent to the Chairman of the Yolo County Board of Supervisors for signature. (**Attachment H**).

REASONS FOR RECOMMENDED ACTIONS

The proposed project does not create any new legal parcels, nor does it create any additional home site development than is currently allowed. The proposed contract division (**Attachment B**) will allow three contracted parcels, ranging from 80 to 160 acres, to be used as collateral for loans to allow for the planting of a total of 536 acres in permanent crops. The remaining contracts, ranging from 160 acres to 300 acres, would maintain 1,186 acres in cattle ranching. The proposed separation will allow the current property owner to provide estate distribution planning for the future, allow financial planning for investment capital to provide high efficient irrigation and high yield almonds and olive vines, and would preserve the properties as viable agricultural lands for the future.

BACKGROUND

On October 29, 2008, a Zoning Administrator hearing was held at the Department of Planning and Public Works offices. Several property owners that own and farm lands adjacent to the project site have indicated their opposition to the project. They expressed concerns regarding water supplies in the area, and the potential for additional people to move into the area should the eleven contracts be sold individually.

On November 13, 2008, Fredrick J. "Fritz" Durst (appellant) filed an appeal of the approval of the proposed project, by the Zoning Administrator on October 29, 2008. Mr. Durst has filed the appeal on the following basis:

- Parcels 3,6,7, and 10 do not meet the minimum parcel size for a new Williamson Act Contract
- Financing can be obtained without dividing the contract.
- The Agricultural Commissioner (Rick Landon) does not support the separation of the existing contract.
- The approval of the contract division will remove the parcels from productive farmland and create home sites.

PROPOSED PROJECT

The applicant proposes a Williamson Act Contract amendment for eleven A-P (Agricultural Preserve) zoned parcels located between County Road 8 and County Road 11, on the east and west sides of County Road 85, in the Dunnigan Hills, southwest of the Town of Dunnigan. As shown on location map (**Attachment B**), the eleven existing parcels currently comprise the 1,722-acre project site (APN: 061-010-07, 061-010-08, 061-010-09, 062-130-12, 062-130-13, 062-130-14, 062-180-07, 062-180-10, 062-180-11, 062-180-13, and 062-180-14).

The project site is currently encumbered by a single Williamson Act Contract. The applicant proposes a Williamson Act Contract amendment to divide the existing contract into eleven separate contracts. The 1,722-acre project area has been used for cattle and sheep grazing. It is currently being dry land farmed, and is proposed that farming and cattle grazing on the site will continue. The proposed contract separation and future farming activities are as follows:

- Parcel 1 would encumber the 160-acre parcel (APN: 061-010-08) on the north side of

County Road 11 and east of County Road 85.

- Existing pivot irrigation system
 - 2008: organic safflower
 - 2009: organic pasture
 - 2010: irrigated organic pasture
- Parcel 2 would encumber the 160-acre parcel (APN: 061-010-07) north of County Road 11 and east of County Road 85.
 - Existing pivot irrigation system
 - 2008: organic safflower
 - 2009: organic pasture
 - 2010: organic grain
- Parcel 3 would encumber the 84-acre parcel (APN: 061-010-09) north of County Road 11 and on the west side of County Road 85.
 - New PG&E well service and well.
 - All water mains in place for irrigation
 - 2009: trees
- Parcel 4 would encumber the 160-acre parcel (APN: 062-180-07) north of County Road 10 and west of County Road 85.
 - 2008: pasture
 - 2009: organic pasture
 - 2010: organic pasture – wheat/barley
- Parcel 5 would encumber the 239.35-acre parcel (APN: 062-180-10) north side of County Road 10 and on the west side of County Road 85.
 - 2008: pasture
 - 2009: organic wheat
 - 2010: organic pasture
- Parcel 6 would encumber the 80.25-acre parcel (APN: 062-180-11) north side of County Road 10 and on the west side of County Road 85.
 - Ranch headquarters.
 - House, barn, shop, corrals, well, 6" water main with control valves for irrigation
 - 2008: pasture
 - 2009: organic wheat with drip irrigation
 - 2010: permanent planting of trees
- Parcel 7 would encumber the 80-acre parcel (APN: 062-180-13) north side of County Road 10 and on the east side of County Road 85.
 - 4" main line for irrigation with control valves
 - 2008: pasture
 - 2009: organic wheat
 - 2010: permanent planting of trees with drip irrigation
- Parcel 8 would encumber the 160-acre parcel (APN: 062-180-14) north of County Road 10 and on the east side of County Road 85.

- Plans for agriculture well in 2010
 - 2008: pasture
 - 2009: organic grain
 - 2010: permanent planting of trees or vines with drip irrigation
- Parcel 9 would encumber the 160-acre parcel (APN: 062-130-12) south of County Road 8 and on the east side of County Road 85.
 - 2008: pasture
 - 2009: organic oat hay
 - 2010: organic Pasture
- Parcel 10 would encumber the 132.17-acre parcel (APN: 062-130-13) on the south side of County Road 8 and on the east side of County Road 85.
 - Hay barn, new well and PG&E service
 - 2008: pasture
 - 2009: organic wheat and organic pasture
 - 2010: permanent planting of trees, as well as some organic pasture
- Parcel 11 would encumber the 297.34-acre parcel (APN: 062-130-14) south of County Road 8 and on the west side of County Road 85.
 - 2008: pasture
 - 2009: organic pasture
 - 2010: organic pasture

ANALYSIS

As stated above, the applicant is requesting eleven separate contracts, which, as proposed, meet current County Code (Section 8-2.408) zoning requirements that regulate land use contracts (**Attachment C**). The applicant has installed approximately five miles of new fencing within the project site. The site has received organic certification for all parcels. The organic certification process was completed in July 2008, through the Agricultural Commissioner's office; the applicant worked directly with the John Young, Deputy Agricultural Commissioner. The project site has three water wells that have been serviced and are operational, and have received new PG&E service. The applicant has installed approximately one mile of new 8" PVC water line connecting parcels 1, 2, 3, 6 & 7. Currently, there is an existing irrigation system in place for 320 acres, with plans for additional irrigation systems in the future. The existing irrigation system can be expanded through the use of drip irrigation on all the permanent tree plantings.

The applicant has been working with Planning and Public Works for approximately four years, including obtaining Certificates of Compliance establishing the legality of the eleven parcels; as well as two separate lot line adjustment applications to better conform the existing parcels to topography and farm management.

The proposed contract division would not affect the number of homes that could be constructed. However, it would facilitate the sale of parcels to individual owners. Based on the improvements made by the applicant to date, and the organic certification by the Agricultural Commissioner's office, and County Code Section 8-2.408, each of the proposed contracts are of a sufficient size to be agriculturally viable on their own.

The Yolo County Code, Chapter 2 of Title 8, is specific with regards to the subdivision of land with the Agricultural Preserve (A-P) Zone. Any new parcels created through a subdivision would be required to meet the criteria specified in Section 8-2.406(a) and the Subdivision Map Act. For

the A-P Zone, the County Code requires a new parcel of no less than 80 gross acres where the soils are capable of cultivation and are irrigated; 160 gross acres where the soils are capable of cultivation but are not irrigated; and 320 gross acres where the soils are not capable of cultivation including range land and lands which are not income producing (**Attachment C**).

However, the division (or separation) of existing parcels encumbered by a Williamson Act Contract would be required to meet the criteria specified in Section 8-2.407.5. The Subdivision Map Act does not apply because there are no new parcels being created. The minimum parcel size requirements shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated; and 80 gross acres where the soils are capable of cultivation but are not irrigated, and where the soils are not capable of cultivation including range land and lands which are not income producing (**Attachment C**).

The applicant has verified that there are eleven existing legal parcels through the Certificate of Compliance process with the Department of Planning and Public Works (ZF 2006-040, ZF 2007-035, and ZF 2007-079). No additional division of land is being requested as a part of this application.

With regards to the appeal, the proposed contract division would not affect the demand for water in the area. As already noted, the applicant has serviced several existing wells and extended irrigation systems to develop new almond and olive orchards. While the application would facilitate these plans by allowing for financing, there is no restriction on the applicant that would prevent continued groundwater development should the proposed contract division be denied. Similarly, two homes are currently allowed to be built on each of the eleven parcels, regardless of whether the contracts are divided or not. Should the applicant choose to file a Notice of Non-Renewal, within ten years the parcels could be sold individually without any further discretionary action by the County. The historical policy of the County has been to support the highest and best agricultural use of farmland and to encourage properties to remain within the Williamson Act. As evidenced by the proposed contracts conformance with County Zoning and Williamson Act requirements, the agricultural improvements already made to the parcels, and the applicant's extensive coordination with the Agriculture Commissioner to certify the properties as organic, staff believes that the appeal should be denied and the Zoning Administrator's decision should be upheld.

COMMENTS FROM OTHERS

A "Request for Comments" was prepared and circulated for the project from, June 18, 2008 to July 9, 2008. No significant comments from local agencies of jurisdiction regarding the proposed project have been received. However, a few of the adjacent property owners have indicated concerns that the separation of the existing contract into eleven new contracts would affect the available water supply, and would have the potential to facilitate additional home sites by allowing the parcels to be owned individually.

The Agricultural Commissioner, Rick Landon, has been asked by both parties, the applicant (Dixon Corporate Commons - Art Anderson) and the appellant (Frederick J. "Fritz" Durst), to a letter or comment regarding the appeal of the Zoning Administrator approval to divide an existing Williamson Act Contract Amendment into eleven (11) separate contracts, ranging from 80 acres to 300 acres in size. Mr. Landon has indicated the following in an e-mail dated December 9, 2008 (**Attachment G**)

- Mr. Anderson has worked with the Yolo County Ag Department to certify his property as organic and received organic certification in July 2008.

- Mr. Anderson has drilled a well and tested it in both spring and fall and assures the Agricultural Commissioner office that there is sufficient water to irrigate the eighty (80) acre parcels in the valley.
- In Mr. Landon's opinion, with sufficient water, the irrigated eighty (80) acre parcels in the valley could be planted in orchards (olives, grapes, almonds, etc) and be viable.
- The remaining parcels in the hill ground are grazed, producing organic beef. Mr. Anderson has several other large parcels of grazing land and as such his beef operation is viable.
- In Mr. Landon's opinion, those same parcels in the hill ground would not be viable as individual beef operations.

APPEALS

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

ATTACHMENTS

- A** Application of the Appeal
- B** Location Map
- C** Yolo County Code Section 8-2.408 and 8.2-406(a)
- D** Categorical Exemption
- E** Findings
- F** Conditions of Approval
- G** Correspondence
- H** Eleven (11) Williamson Act Contract Amendments

ATTACHMENT A

Application of the Appeal

FOR OFFICE USE ONLY

Received by _____ APN # _____
 Receipt # _____ Zoning _____
 Sup. Dist. # _____ File # _____
 Gen./Spec. Plan _____ Date Filed _____
 Code Reference _____

APPLICATION FOR APPEAL

Please understand that after you have made your application for an appeal, staff will place your appeal on the agenda at the earliest possible legal date and will prepare a brief report to accompany your appeal. The more information you can provide, the more complete your appeal will be at the time it is heard.

According to the Yolo County Code, I request my appeal to be heard by:

- (Check one) Planning Commission (Title 8, Chapter 2)
- Board of Supervisors " "
- Building Code Appeals Board (Title 7, Chapters 1, 2, 3 and 4)

State what you requested to do: SEE ATTACHED

Give the location (street address, general location, etc.) SEE ATTACHED

Give the assessor's parcel number(s): _____
 State in detail why you think your request was denied: SEE ATTACHED

Name of Respondent _____ Phone _____
 Address _____

I certify that the above statements are correct and that all accompanying documents and maps are accurate.

Signature [Handwritten Signature]
 Dated 11/12/08

Appeal to Yolo County Planning Commission File # 2008-022
Decision Awarding 11 Separate Williamson Act Contracts on
Hearing of October 30, 2008

Filed by: Frederick J. Durst
1769 Woodside Dr.
Woodland, CA 95695
530-308-5271

fritzdurst@sbcglobal.net

November 12, 2008

Reason for Appeal:

Parcels #'s 3,6,7 & 10 do not meet minimum parcel sizes for
Williamson Act contracts.

Support for Appeal:

The four stated parcels do not meet the requirements to allow Williamson Act contracts for less than 160 acres. I believe that Mr. Don Rust, Principal Planner, was misled into the existing conditions of the property.

Let me begin by acknowledging the fact that Parcel 1 & 2 are irrigated as supported by existing sprinkler systems and one well on the South East corner of Parcel 2. Mr. Anderson, Applicant, stated the well was tested recently and can produce 1000 gallons per minute. It has been over 20 years since the last time these parcels were irrigated. A simple rule of thumb for planning water is 10 gallons per minute per acre, thus this well is capable of irrigating 100 acres.

Parcels 3,6, and 7 have never been irrigated. There is a recently installed pipeline transecting parcels 3 & 6 that originates from the well on parcel 2 (This pipeline was installed in the summer of 2007). I feel that awarding a contract split on the grounds of an installed pipeline, rather than on a history of irrigation is poor policy. Mr. Anderson has good intentions of irrigating the land, but has yet to irrigate. I feel he must wait to a later date for this split.

I find it interesting Mr. Anderson's appeal to Mr. Rust for the need for separate Williamson Act contracts was for financing purposes. He stated his lender would limit the financing he could attain on the 80 acre parcels if the parcels were not in their own Williamson Act Contracts. If I were the lender, I would be more concerned that the land to be irrigated is served by a well that is completely separate from the parcel with the source of water. Mr. Anderson can attain financing, he just has to encumber some of the other parcels on his ranch.....something farmers do frequently, but developers seldom do.

My other parcel of concern is Parcel 10 (132.17 acres). This parcel is served by a domestic well only and has never been irrigated. This Parcel does not meet the requirements to be allowed to be in a Williamson Act Contract less than 160 acres.

My final concern regards Mr. Rust's comments that Mr. Rick Landon, Yolo County Ag Commissioner, was in favor of the Contract split. I spoke with Rick in April of 2008, and again after the October 30, 2008 hearing regarding the split. It is my interpretation that he opposed such a split (Rick is currently on vacation and when he returns I am going to ask him for a letter stating his position).

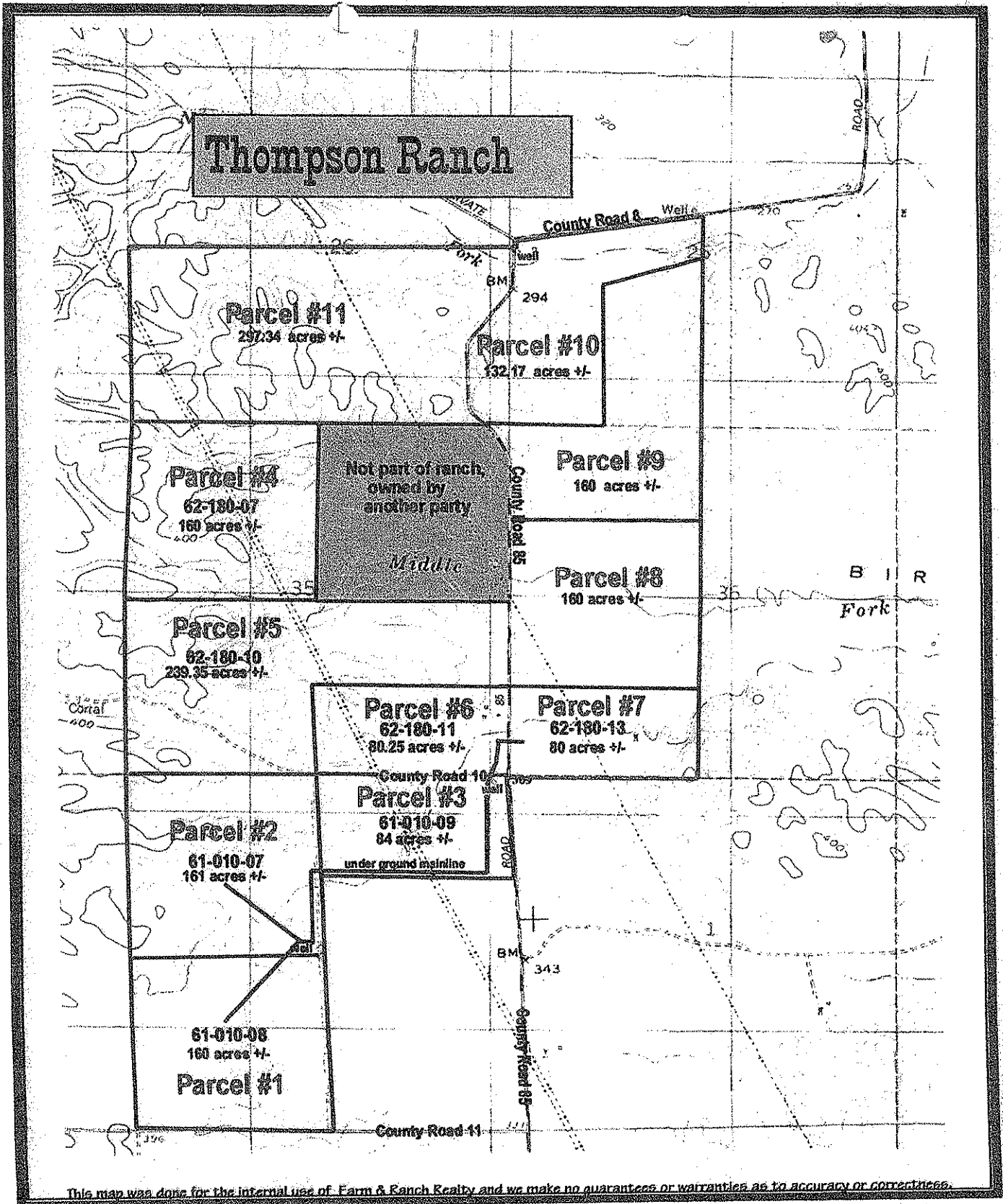
In conclusion, Mr. Anderson is a farmer that buys and sells farmland. Lot line adjustments on this ranch have allowed the parcels access to public roads and a division of the Williamson Act contracts increases the attractiveness and ease to sell the smaller parcels to separate owners. I have witnessed the division of productive farmland for "financing and estate planning reasons", only to see them sold off separately in future years to become home sites and weed patches. Please do not allow Parcels 3,6,7, and 10 to have separate Williamson Act Contracts.

Respectfully,

A handwritten signature in black ink, appearing to read 'Fritz Durst', written in a cursive style.

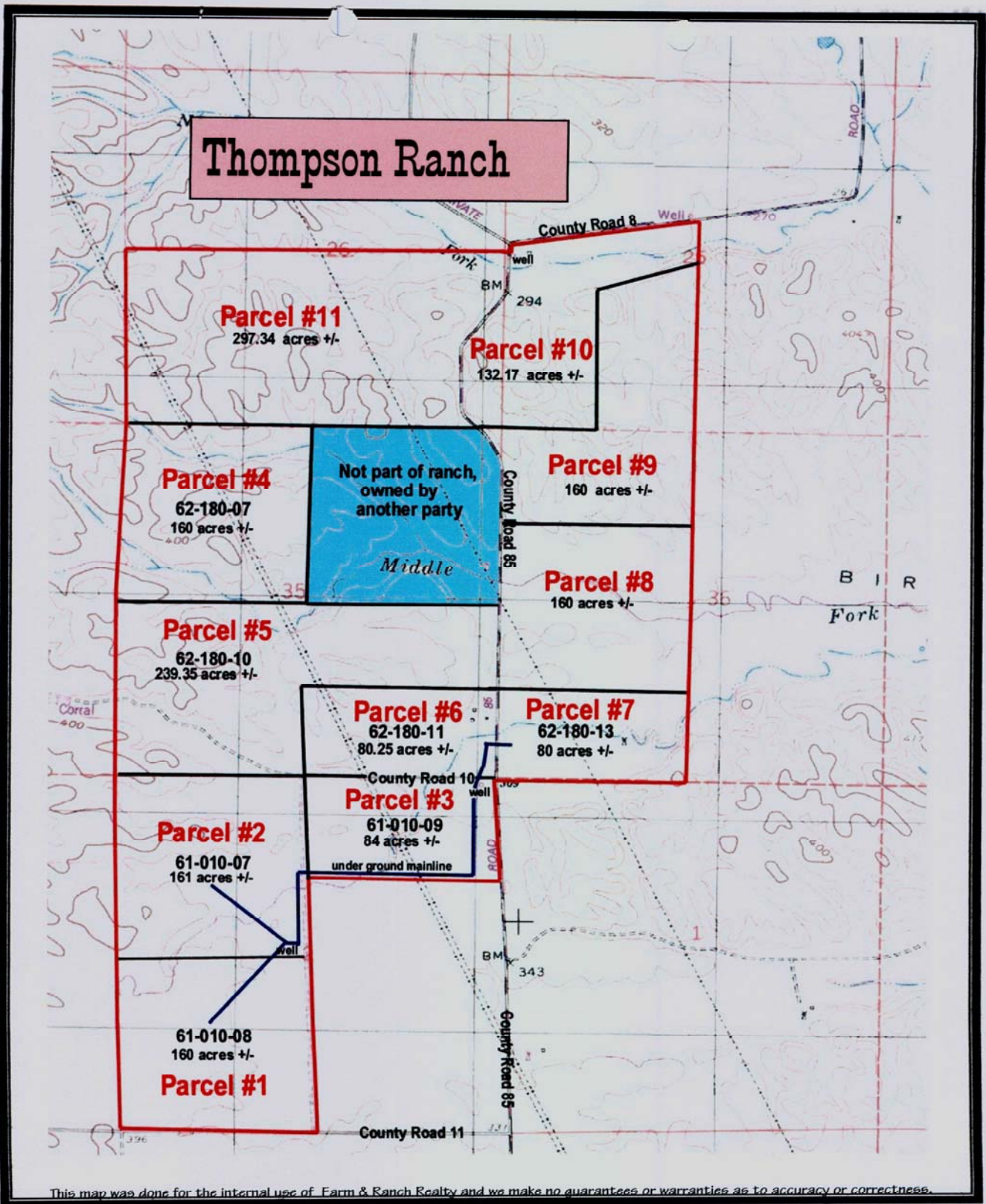
Frederick J. "Fritz" Durst

ATTACHMENT A



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ATTACHMENT B



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ATTACHMENT C

Yolo County Code
Sections 8.2-408 & 8-2.406(a)

Sec. 8-2.406. Parcel size and yard requirements (A-P).

- (a) New parcels shall be no less than 80 gross acres where the soils are capable of cultivation and are irrigated; 160 gross acres where the soils are capable of cultivation but are not irrigated; and 320 gross acres where the soils are not capable of cultivation including range land and lands which are not income producing. (as amended by §18, Ord. 1303, eff. July 24, 2003)
- (b) Front yard, ninety (90') feet as measured from the right-of-way center line of the abutting street;
- (c) Side yard, ten (10') feet from property line; and
- (d) Rear yard, fifty (50') feet from property line.

Sec. 8-2.407.5 Conditions for establishment of a Williamson Act Contract (A-P)

The minimum area of each parcel subject to a new Williamson Act Contract shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated; and 80 gross acres where the soils are capable of cultivation but are not irrigated, and where the soils are not capable of cultivation including range land and lands which are not income producing.

Sec. 8-2.408. Land use contracts (A-P)

(a) This section shall apply to all lands subject to Williamson Act Contracts entered into under the provisions of the Land Conservation Act of 1965 (Williamson Act Section 51200 et. seq., California Government Code), and Yolo County ordinances and programs implementing the Williamson Act.

(b) Notwithstanding any status as legal parcels under the Subdivision Map Act and County subdivision ordinances, if two (2) or more parcels are subject to a single Williamson Act Contract, a division of the Williamson Act Contract shall first be approved by the Zoning Administrator as authorized by 8-2.408(f) prior to any of the following:

- (1) Independent sale, transfer or conveyance of the parcel(s) from the other parcel(s) subject to the contract; or
- (2) Independent leasing or financing for non-agricultural purposes of the parcel(s) from the other parcel(s) subject to the contract; or
- (3) Independent leasing or financing with the effect of conveying ownership of the parcel(s) from the other parcel(s) subject to the contract.

(c) A division of a Williamson Act contract as authorized by 8-2.408(b) of this article shall also be subject to the following:

- (1) The property owner(s) shall execute separate Williamson Act Successor Agreements for each separately situated parcel, and the agreement(s) shall be duly executed and recorded in the office of the County Recorder;
- (2) The parcels must be legal parcels under the Subdivision Map Act (Government Code section 66400 et. seq.) and Chapter 1 of this Title;
- (3) Each parcel proposed to be subject to a Williamson Act Successor Agreement, and each Williamson Act Successor Agreement, shall meet the following minimum size standards:
 - (i) At least the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter; or
 - (ii) If less than the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter, at last a minimum of 40 acres for irrigated land, or at least a minimum of 80 acres for non-irrigated land, provided that the owner annually demonstrates that, except for a home site no larger than a single acre, the remainder of the acreage is being used for the commercial production of agricultural products or is planted with immature fruit or nut trees, or vines, or is used partly for storage of commodities obtained from the owner's owned or leased land, which demonstration shall be made by filing a declaration or a Williamson Act questionnaire with the county Assessor not later than April 1 of each year;

(4) The Williamson Act Successor Agreement must be consistent with the General Plan, and such Agreement shall preserve agricultural uses from the encroachment of nonagricultural uses, maintain the agricultural economy, assist in the preservation of prime lands, and preserve lands with public value as open space; and

(5) Failure to file the declaration or questionnaire as required by 8-2.408(b)(3)(ii), by April 1, shall cause the property to be valued pursuant to Section 423(a)(3) of the Revenue and Taxation Code using as the stipulated income to be capitalized the product of the property's factored base year value and the capitalization rate applicable for valuing restricted open-space land. If the property owner fails to file the

declaration or questionnaire for two consecutive years, the County shall consider giving notice of non-renewal of the Williamson Act contract. The above conditions shall be reflected in the applicable Williamson Act contract(s).

(d) A division of a Williamson Act contract and approval of a Williamson Act Successor Agreement may be granted and established by the Zoning Administrator without meeting the minimum parcel size standards set forth in subsection (c), above, if all the following requirements are satisfied:

- (1) At the time of execution of the original Williamson Act contract, two or more parcels which were not then owned by the same owners were made subject to a single contract;
- (2) Each landowner or successor in interest to the landowner at the time of execution of the original contract will hold, upon completion of the division, substantially the same parcel or parcels as he or his predecessor held at the time of execution of the original contract; and
- (3) Each landowner or successor in interest executes a single Williamson Act successor agreement as to the parcel or combination of parcels he formerly held subject to the original contract.

(e) Landowners may request to enter into Williamson Act contracts on a parcel or two or more parcels provided that the parcel or each of the parcels are or will be zoned Agricultural Preserve (A-P), and satisfy the minimum parcel size and agricultural preserve standards set forth in Section 8-2.406(a) and 8-2.407 of this Article;

(f) The Zoning Administrator or their designee may approve or deny a Williamson Act Successor Agreement, or a request to establish a Williamson Act contract, that satisfies the requirements and standards as set forth by this article; however, such approval or denial shall be subject to review on appeal to the Planning Commission and further appeal to the Board of Supervisors. Upon due consideration and review of any proposal, the Zoning Administrator may refer further consideration and action to the Planning Commission.

(g) Upon approval of a Williamson Act Successor Agreement, or a Williamson Act contract, the Zoning Administrator shall deliver the approved and executed agreement or contract to the Clerk of the Board of Supervisors for execution by the Chair of the Board, such agreement or contract being subject to appeal as provided for by Section 8-2.3301(b)(2) of this chapter. (§ 2, Ord. 488.147, eff. March 15, 1973, as amended by § 1, Ord. 488.183, eff. August 15, 1985, § 7, Ord. 1157, eff. January 21, 1993, §§ 2, 3, Ord. 1163, eff. November 4, 1993, § 3, Ord. 681.164, eff. September 5, 1996, § 3, Ord. 1244, eff. February 3, 2000, and as amended by §21, Ord. 1303, eff. July 24, 2003)

(h) Williamson Act contracts may be non-renewed, rescinded or cancelled only as provided in the Williamson Act (Government Code section 51200 et. seq.); Uses that are allowed, whether as permitted, accessory or conditional uses, in the A-P zone shall be restricted to those uses deemed compatible with contracted land under the Williamson Act. Compatible uses shall meet all applicable findings required in Section 51238 et. seq. of the Williamson Act. Any amendment to the lists of permitted accessory or conditional uses in the A-P zone shall be an amendment of the uses allowed under then existing and subsequently approved Williamson Act contracts without further notice. (as amended by §21, Ord. 1303, eff. July 24, 2003)

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ATTACHMENT D

CEQA - Notice of Exemption

COUNTY RECORDER
Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Donald Rust

Notice of Exemption



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

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: **ZF# 2008-022 (Williamson Act Contract Division)**

Dixon Corporate Commons
431 Glenwood Avenue
Woodside, CA 94062
(925) 997-2599

Project Location:

The project site is located between County Road 8 and County Road 11, on the east and west sides of County Road 85, in the Dunnigan Hills, southwest of the Town of Dunnigan; APN(s): 061-010-07, 061-010-08, 061-010-09, 062-130-12, 062-130-13, 062-130-14, 062-180-07, 062-180-10, 062-180-11, 062-180-13 and 062-180-14.

Project Description:

A Williamson Act Contract Division in the Agricultural Preserve (AP Zone).

Exempt Status:

Categorical Exemption: Open Space Contracts "15317"

Reasons why project is exempt:

§ 15317, Class 17 consists of the maintenance of open space contracts under the Williamson Act.

Lead Agency Contact Person: Donald Rust, Principal Planner **Telephone Number:** (530) 666-8835

Signature (Public Agency):

Date:

Date received for filing at OPR:

FILE #2008-022 FILE NAME: James Wirth
AUTHORIZED SIGNATURE _____

RECEIPT #57295
FEE STATUS _____

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ATTACHMENT E

FINDINGS FOR ZONE FILE # ZF2008-022 WILLIAMSON ACT CONTRACT DIVISION

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

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File # ZF2008-022, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Class 17 Categorical Exemptions are the appropriate levels of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Class 17 covers the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.

General Plan

That the project is consistent with the Yolo County General Plan and policies in the Agricultural Element in that it continues to conserve and preserve agricultural lands, especially areas currently farmed, and that it ensures compatibility of land uses adjacent to agricultural operations, so that agricultural productivity is not substantially affected.

The Williamson Act Contract Division will not decrease agricultural production on the project site. The proposed parcel configurations will provide better conformance of the property boundaries to current ownership and planned agricultural activities and facilitate a Williamson Act contract division for the transfer of real property.

Zoning Code

That the purpose of the Agricultural Preserve Zone (A-P), Section 8-2.401 of the Yolo County Code, shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land Conservation Act of 1965, as amended. Uses approved on contracted land shall be consistent and compatible with the provisions of the Act.

The proposed contract establishments are consistent with the requirements for Land Use Contracts, as set forth in the Yolo County Code Section 8-2.408(c) and 8-2.406(a)

- 1. The Williamson Act contract amendment will divide the existing contract into eleven new contracts, which will be comprised of eleven parcels that are 80-acres or greater for a total of 1,722-acres. The property owner(s) will execute separate Williamson Act Successor Agreements for each separately situated parcel and be recorded in the office of the County Recorder;*
- 2. The eleven parcels are legal parcels under the Subdivision Map Act (Government Code Section 66400et. Seq.);*
- 3. Each new parcel meets the minimum acreage requirements as specified in Subsection 8-2.406(a): 80 gross acres where the soils are capable of cultivation and are irrigated; 160 gross acres where the soils are capable of cultivation but are not irrigated; and.*

4. *The Williamson Act contract amendment is consistent with Yolo County General Plan and policies in the Agricultural Element and the Successor Agreements will preserve the agricultural use of the parcels.*

ATTACHMENT F

CONDITIONS OF APPROVAL

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein.
2. Upon approval by the Board of Supervisors, the property owner(s) or administrators of trust shall execute the Williamson Act Contract Division for the subject properties on a form approved by the Office of the County Counsel of Yolo County. Said contracts shall be recorded in the Office of the Yolo County Clerk/Recorder and a copy of the recorded contracts shall be returned to the Planning and Public Works Department prior to the issuance of any building entitlement on the subject properties.
3. The properties subject to a single Williamson Act Contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless approval of a division of the Williamson Act Contract is granted as provided in the Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).
4. 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.
5. 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 the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

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ATTACHMENT G

Correspondence

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ATTACHMENT H

Proposed Williamson Act Contracts



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

DECEMBER 18, 2008

FILE #2008-016: A Tentative Parcel Map (TPM No. 4927) (**Attachment B**) to subdivide approximately 1.9 acres into two parcels of 0.79 acres and 0.93 acres. The TPM would divide the property so that the gas station and office uses previously approved would be located on separate parcels. The project is located in the town of Esparto.

APPLICANT/OWNER: Dan Boatwright
Castle Principles/Esparto Enterprises
12885 Alcosta Blvd., Suite A
San Ramon, CA 94583

LOCATION: Northwest corner of State Route 16 (Yolo Avenue) and County Road 21 in Esparto (APN: 049-160-11) (**Attachment A**).

GENERAL PLAN: General Commercial
ZONING: C-2 PD (Community Commercial Planned Development)
FLOOD ZONE: C (areas outside the 500 year flood plain)
SOILS: Tehama loam (TaA, Class II)

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:

REVIEWED BY:

Eric Parfrey, Principal Planner

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 Tentative Parcel Map (TPM #4964) (**Attachment B**);
2. **ADOPT** the Categorical Exemption, 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 #4964) in accordance with the Conditions of Approval (**Attachment E**).

REASONS FOR RECOMMENDED ACTIONS

The division of this 1.9-acre parcel into two parcels will allow for the separate ownership of each parcel, and will accommodate construction of a gas station/mini-mart and two-story office building, as required by the Development Agreement for the Orciuoli subdivision, approved in 2007.

BACKGROUND

The application is a Tentative Parcel Map (TPM) to divide approximately 1.9 acres into two parcels of 0.79 acres and 0.93 acres (**Attachment B**). (The remaining acreage would be in the form of dedications to Caltrans and the county for road improvements.) The project site is located at the northwest corner of State Route 16 (Yolo Avenue) and County Road 21 in Esparto (**Attachment A**). The applicant previously received Site Plan Review approval by Yolo County on September 15, 2008, to construct a gas station/mini-mart and a two-story office building (**Attachment C**), uses that are allowed “by right” in the C-2 PD zone district. The TPM would divide the property so that the two uses would be located on separate parcels.

Commercial improvement of the 1.9-acre site is required by the Development Agreement for the Orciuoli subdivision, approved by the Board of Supervisors in 2007. A portion of the existing 1.9 acre parcel is subject to an historic easement held by Yolo County, to accommodate the widening of the CR 21/SR 16 intersection. As part of the Tentative Parcel Map, some of the county easement will be released to the applicant to allow construction of the sidewalk and gas station.

The gas station portion of the project would be accessed by driveways off CR 21A and by a driveway off SR 16. The SR 16 driveway would be shared with the adjacent office building.

STAFF ANALYSIS

The proposed TPM is consistent with the General Commercial land use designation of the 2007 Esparto General Plan, and with the C-2 zoning. The project site will receive water and wastewater services from the Esparto Community Services District (ECSD). The site has already been annexed into the ECSD. Development of the site will be compatible with surrounding land uses (commercial to the west, north, and east; agriculture to the south). 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.

The Conditions of Approval for the TPM incorporate, and somewhat revise, some of the conditions for the previously approved Site Plan Review. The approved Site Plan Review approval includes sidewalk improvements and design details for the façade of the two-story office building, as do the proposed Conditions of Approval for this TPM. The conditions for both the Site Plan Review approval and this TPM also require the dedication of right-of-way to the county and State (15 feet on the west side of Yolo Avenue) to match the total 90-foot right-of-way for Yolo Avenue north of Lamb Valley Slough). The Conditions of Approval for the TPM have been worded so that the previously approved requirements of the Site Plan Review would be triggered at the time of the filing of the Final Parcel Map, not at the filing of a building permit.

Most of the development issues related to the gas station and office building were resolved through the issuance of the previous Site Plan Review approval.

As part of the Site Plan Review approval, Caltrans has reviewed the proposed left turn pocket on northbound SR 16, to ensure there is adequate queuing distance, and has given preliminary approval to the design of the roadway improvements.

PUBLIC AND AGENCY COMMENTS

A Request for Comments was prepared and circulated for the proposed project from November 6, 2008 to November 19, 2008. The Esparto Citizens Advisory Committee unanimously (7-0) recommended approval of the project to the Planning Commission at their November 18, 2008 meeting. The TPM application was reviewed by the Yolo County Development Review Committee on November 26, 2008. The committee had some minor comments, relating to Swainson’s hawk mitigation, and the need for a shared driveway access easement. These comments have been incorporated into the Conditions of Approval.

Date	Agency	Comment	Response
November 26, 2008	Maria Wong, Habitat JPA Manager	The applicant is not required to mitigate for the loss of Swainson’s hawk habitat through participation in the Yolo County Habitat Conservation Plan (phone call for DRC).	Requirement is not included in Conditions of Approval.
November 26, 2008	Yolo County Development Review Committee	<ul style="list-style-type: none"> ▪ Conditions should include provisions to require a shared driveway access easement, so only a single shared driveway accesses Parcel 1 and 2 off SR 16. ▪ A completed Hazardous Materials/Waste Application package shall be submitted to the Environmental Health Division (YCEH) by the time hazardous materials in reportable quantities or hazardous waste in any quantity is present at the facility. ▪ An underground storage tank (UST) change of ownership or new installation and modification application package is required for all UST’s that will contain hazardous substances. 	Comments are included in Conditions of Approval.

ATTACHMENTS

- A:** Location Map
- B:** Tentative Parcel Map #4964
- C:** Site Plan Review approval for gas station and office building (ZF 2008-002)
- D:** Findings
- E:** Conditions of Approval
- F:** Categorical Exemption



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

Site Plan Review

File No.:	ZF 2008-002
Date:	September 15, 2008
Applicant:	Dan Boatwright Castle Principles 12885 Alcosta Boulevard, Ste A San Ramon, CA 94583
Owner:	Castle Principles
Situs Address:	SR 16 at Count Road 21A Esparto
APN:	049-160-11
Site Plan:	Attached (Figure 1)
Project Description:	Gas station, mini-mart store, office building

IF THE CONDITIONS OF APPROVAL FOR THIS PROJECT ARE NOT MET OR IF SIGNIFICANT PUBLIC HEALTH OR PUBLIC SAFETY HAZARDS ARE IDENTIFIED IN CONJUNCTION WITH THE PROPOSED PROJECT, A PUBLIC HEARING MAY BE CONDUCTED BY THE YOLO COUNTY PLANNING COMMISSION TO CONSIDER ADDITIONAL CONDITIONS OR TO CONSIDER REVOCATION OF THIS PERMIT TO OPERATE THIS FACILITY.

CONDITIONS OF APPROVAL CASTLE GAS STATION/OFFICE PROJECT

PLANNING DIVISION

1. The Site Plan (Figure 1) is approved for a gas station, car wash, mini-mart, and two-story office building. Development and operation of the gas station and office building shall be substantially in compliance with the proposed Site Plan, dated May 28, 2008, as modified by these conditions, and elevation drawings dated July 11, 2008. Any future proposal to significantly modify or expand the operation or facility shall be submitted for review and approval to the Director of Planning and Public Works Department.
2. The applicant shall be responsible for all costs associated with implementing these Conditions of Approval. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval.
3. The proposed use and Site Plan shall be initiated within one year of this approval, or

consistent with the approved Development Agreement for the Orciuoli subdivision (ZF 2003-095). If all conditions of approval have not been complied with within one year, the applicant may apply to the county for an extension of time. The county will not disapprove the extension request if there is clear indication that the applicant has made substantial process in complying with the list of conditions.

4. The hours of operation for the gas station and associated mini-mart and retail use are unlimited.
5. The Site Plan shall comply with the parking standards of County Code (Zoning Ordinance) Section 8-2.2504(I), which requires one parking space for each 200 square feet of retail store or office use, or a total of 106 spaces for the approximately 2,642 square foot mini mart and adjacent retail tenant, and 16,630 square foot office building. However, Sections 8-2.2507 and 8-2.2508 allows the Director of Planning and Public Works to reduce the number of required parking spaces if the periods of usage for a combination of uses on site will not be simultaneous. The Site Plan indicates 85 spaces, including two handicapped spaces, which is determined by the Planning Director to be adequate to serve the proposed combination of uses.
6. A signage plan shall be submitted for review and approval to the Director of Planning and Public Works Department, prior to issuance of any building permits. As allowed by the County Code (Zoning Ordinance) Section 8-2.2406, two monument-type signs are proposed for the project, including signboards indicating prices, extending no more than 9 feet from the surface of the ground and not exceeding a face area of 20 square feet.
7. The size of the mini-mart and adjacent retail tenant shall be limited to no more than approximately 4,642 square feet, as indicated on the Site Plan. Any future proposal to significantly modify or expand the operation or facility shall be submitted for review and approval to the Director of Planning and Public Works Department. Any future proposed drive-through use such as drive-through fast food restaurant window would require the issuance of another Site Plan Approval.
8. Sales of alcoholic beverages at the mini-mart shall be limited to beer and wine. The applicant shall acquire the appropriate license for the sale of alcoholic beverages from State and federal agencies prior to approval of occupancy permits.
9. A landscaping plan shall be submitted for review and approval to the Director of Planning and Public Works Department, prior to issuance of any building permits. Landscaping consisting of groundcover, shrubs and/or small trees, shall be provided along the frontage of SR 16 and CR 21A, and along the northern and western property lines that abut the adjacent properties, not including adjacent to the office/retail building.
10. The applicant shall construct a six-foot high fence along the northern and western property lines that abut the adjacent properties. Final design of the fence shall be approved by the Director prior to approval of building permits.
11. All pipelines and easements across intervening properties that are required to construct wastewater and water service connections to the proposed gas station must be constructed and easements recorded prior to a building permit being issued for any of the uses.
12. Building elevations within the project shall be distinct, shall conform with Esparto's existing downtown architecture, and shall, to the extent possible, not appear as "corporate franchise buildings". Architecture utilizing bright colors and materials to enhance visibility and a style that can be characterized as "generic" shall be discouraged recognizing, however, that certain colors, signs, and logos are required by business franchises.

Buildings that are stylized in an attempt to utilize the building for advertising are also discouraged.

13. Exterior materials within the project should include masonry, plaster, stucco, textured block and/or brick. Other materials may be considered on a case-by-case basis.
14. Large areas of bright, intense colors shall also be discouraged. While more subtle colors usually work the best for the overall color, brighter accent colors are more appropriate for trim, windows, doors, and key architectural elements.
15. Roof designs for the project shall be integral with the architectural design of the buildings and shall not detract from that design. Roof materials should be functional, durable, and consistent with the quality of materials employed on the buildings they serve. Roof elements such as parapet caps, projecting cornices, and corner details should be used to define a roof. Roof mounted equipment shall be fully screened as seen from the ground level through the use of architectural features (i.e. parapets, etc.)
16. Colors or logos identified with an individual company should be employed as accent features to a building and should not be incorporated as a main architectural feature.
17. The design of the two story office building should conform with the Design Review Guidelines included in the 2007 Esparto General Plan, and with the general requirements of the Esparto Revitalization Plan (the Burden plan). The two story office building should be designed to reinforce and extend the pedestrian oriented nature of the downtown Esparto business district along Yolo Avenue (SR 16). The Guidelines encourage the first floor of commercial buildings in the downtown to be reserved for retail, restaurants and offices with higher visitor use, with other types of commercial, including residences on the second floor. The office building should be built to align with the edge of the sidewalk and should include display windows at sidewalk level. The building should be of high quality construction materials and include common design features such as awnings, overhangs, accentuated entries, pedestrian-oriented signage, landscaping with shade tree, benches, and street lighting consistent with the rest of the downtown.
18. The sidewalk on Yolo Avenue along the full front of the office building shall be a minimum of (12) feet in width. The sidewalk may be narrowed to a minimum of five (5) feet in width along Yolo Avenue and CR 21A along the gas station frontage.
19. All loading areas shall be located at the rear of a building where they will be screened from view and where noise, odors, and other potential nuisance impacts to surrounding properties may be minimized. Access to loading and storage areas should be incorporated into the circulation plan for the site and should provide separation from pedestrian and auto circulation.
20. All parking lots shall be designed in a manner that accommodates safe pedestrian access between buildings on the site and between buildings on the street. This can be accomplished through the use of separate walkways with textured paving, striping, or trellises to accent and clearly define crosswalk areas and accent landscaping.
21. Trash receptacles must be fully enclosed with durable materials that are architecturally compatible with the design of the buildings. Enclosures must be landscaped and screened. Trash enclosures shall be conveniently located for collection and maintenance.
22. Service station islands or other open canopies should be integrated architecturally and be compatible with the character of the building(s) on the site. Architectural design elements should include thick columns, which match the main structure on the site.

23. The applicant shall pay all appropriate fees prior to building permit issuance, final inspection and issuance of a certificate of occupancy subject to agencies of jurisdiction. Impact fees shall include, but are not limited to: Esparto Unified School District fees, Esparto Fire District fees, and County Facilities and Services Authorization fees.
24. The applicant shall be responsible for the demolition and removal/abandonment of existing improvements on the site, including the abandonment of any wells and septic systems. All such demolition and removal shall be completed prior to the issuance of building permits for any use.
25. Where sidewalks transition into curbs at intersections, a standard sidewalk ramp shall be constructed in accordance with Yolo County standards and Americans with Disability Act (ADA) requirements. All improvements shall be to the satisfaction of the Planning and Public Works Director.
26. Subsurface utilities and pipelines shall be designed to accommodate minor differential displacements in areas underlain by unconsolidated alluvial materials.
27. The applicant shall provide an approved Reduced Pressure Double Check Valve Assembly on the water service system and a Grease and Oil Removal system on the sewage lines if any deep fried foods are prepared on site.
28. Prior to issuance of building permits, the applicant shall submit lighting construction plans, which comply with the following minimum requirements for light and glare:
 - a) Outdoor night lighting shall be focused downward and/or shielded.
 - b) A lighting design should attempt to conceal lights to avoid glare. When concealing lights, avoid placing lights too close to an object to avoid reflected glare.
 - c) Lighting fixtures should be selected that can be shielded, if a potential problem exists, after installation.
 - d) Non-glare glass shall be used in buildings to minimize and reduce impacts from daytime glare.
 - e) Bare metallic surfaces on new structures shall be painted where feasible to minimize reflectance.
 - f) Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent areas and the night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixtures, to the extent feasible for an all-hours gas station. All light fixtures shall be installed and shielded in such a manner that not light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Lighting plans shall be provided as part of facility improvement plans to the County with certification that adjacent areas will not be adversely affected and that off site illumination will not exceed 2-foot candles.

PUBLIC WORKS DIVISION:

29. Prior to grading or building permit issuance, the applicant shall pay County fees and apply for the vacation of a county easement as recorded in Book of Deeds 116 page 30, in the southeast portion of the project parcel. The applicant shall provide a legal description of the easement to be vacated prepared by a licensed land surveyor. The vacation shall be approved by the Board of Supervisors, prior to building permit issuance.
30. Prior to building permit issuance, the applicant shall dedicate right-of-way to the county and State (15 feet on the west side of Yolo Avenue to match the total 90-foot right-of-way for Yolo Avenue north of Lamb Valley Slough) and improve northbound State Route (SR)

16 for a left turn pocket (design within State right of way to be approved by Caltrans), to accommodate left turns into the gas station driveway and out of the gas station onto SR16, plus an adequate shoulder in the southbound lane of SR16, and curb, gutter, sidewalk and storm drainage improvements along the project frontage. In addition, applicant shall provide the improvements necessary to convey stormwater from the site and the required frontage improvements to Lamb Valley Slough. The applicant shall prepare engineering drawings for improvements in the State right of way and obtain an encroachment permit from Caltrans. The sidewalk north of the driveway (in front of the office building) shall be 12 feet in width (not including the six-inch curb), and generally follow the conceptual design set forth in the Town of Esparto Main Street Revitalization Plan with tree wells (minimum 6 foot square), per the direction of the Director.

31. Prior to building permit issuance, the applicant shall dedicate right-of-way (12 feet on the north side of County Road 21A (CR21A) to match the southern property line of the adjacent property to the west, and a 50 foot radius curve at the intersection of CR21A and Yolo Avenue) and improve CR21A according to Yolo County Improvement Standards, including provision of a driveway off CR21A and curb, gutter and sidewalk, and storm drains, as needed. The applicant shall prepare engineering drawings for frontage improvements and submit them to the Public Works Division for review and approval. Applicant shall apply for and obtain a county encroachment permit prior to constructing improvements in the county right-of-way.
32. The gas station shall be accessed by two driveways: one off County Road 21A, and one off State Route 16, as indicated on the Site Plan.
33. Prior to the issuance of a grading permit, the applicant shall provide an engineered drainage study for review and approval by the Public Works Division to demonstrate that post-development flow rates during 10-year, 1 hour event do not exceed current flow rates, and that the site shall be designed and graded in a manner that provides onsite storage for that volume of storm water which the parcel generates in the 10-year, 2 hour event to ensure storm water is captured and treated. The study shall be signed and sealed by a civil engineer licensed in the State of California.
34. Prior to issuance of a grading permit, the developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) for controlling construction activities that may adversely affect water quality.
35. The developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-storm water management controls. The Public Works Division shall review and accept the SWPPP prior to issuance of a grading permit.
36. Applicant shall contact the CVRWQCB to determine if an Industrial SWPPP is required for operation of the gas station.
37. An oil/water separator(s) is required for storm water discharge from service stations per Section 11 of the County of Yolo Improvement Standards. Drainage from the site shall not flow directly to the streets. To ensure all site drainage passes through the oil/water separator, the site shall be graded so that it drains to onsite drain inlets and the oil/water separator before flowing to the public right-of-way.

38. All applicable permanent post-construction storm water pollution controls for new development (Section 11 of the County of Yolo Improvement Standards) shall be included in the site design. Plans and supporting drainage calculations shall be signed and sealed by a civil engineer licensed in the State of California.
39. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occurs:
 - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
 - b. Permanent monuments have been set marking any boundary.

BUILDING DIVISION

40. All building permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with county building standards prior to the commencement of any construction.
41. The applicant shall submit a geotechnical report to the Planning and Public Works Department for review and approval and comply with all applicable recommendations of the report.

ESPARTO AND WOODLAND FIRE DEPARTMENTS

42. All building permit plans shall be submitted to the Esparto and Woodland Fire Departments for review and approval in accordance with fire protection standards prior to the commencement of any construction. The fire sprinkler plans shall be submitted to City of Woodland Fire Department for review of fire sprinklers, and all plans shall be submitted to Esparto Fire District for fire life safety review. Esparto Fire Protection District requires that the water line from County Road 21 A to Yolo Avenue be a looped water line and that fire hydrants be placed every 300 feet.

ENVIRONMENTAL HEALTH DIVISION:

43. The project shall obtain sewer service from the Esparto Community Service District (ECSD) prior to an occupancy permit being issued for any of the uses. An easement must be provided to the site where the sewage system will be located if access requires crossing a parcel not under the same ownership. The easement must be recorded prior to an occupancy permit being issued for any of the uses and dedicated to the ECSD.
44. The project shall obtain water from the Esparto Community Service District.
45. A permit for the initial construction, and annual permits for operation, of the underground storage tanks shall be required. A hazardous materials business plan (emergency response plan and inventory of hazardous materials) must be submitted annually and all State of California and Yolo County requirements for the storage, handling and disposal of hazardous wastes and hazardous materials shall be met.
46. Tenant improvement plans for the mini mart shall be approved by the Environmental Health Division, and an annual Health Permit to allow preparation and/or sale of food shall be required for all proposed food operations included in the project.

Att 1 (to ATT C) – Castle gas station Site Plan, plus 2 elevations for gas station and office building (3PDFs total)

ATTACHMENT D

FINDINGS ZONE FILE #2008-053 CASTLE/HUIE TENTATIVE PARCEL MAP

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2008-053, the Planning Commission approves the proposed Tentative Parcel Map #4964. In support of this decision, the Planning Commission 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 Categorical Exemption prepared for the project is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to the California Environmental Quality Act (CEQA) and Guidelines, Section 15332 exempts projects characterized as in-fill development meeting the conditions of the section relating to General Plan and zoning consistency; size (no more than five acres); no value as habitat; no significant effects related to traffic, noise, air quality, or water quality; and site is adequately served by required utilities and services. Also, Section 15061(b)(3) states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA (Attachment F).

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 General Commercial in the 2007 Esparto General Plan, a part of the Yolo County General Plan. As conditioned, the Tentative Parcel Map is consistent with the policies, goals and objectives of the Esparto and 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 two parcels of approximately 1- acre each. The subject property is zoned Community Commercial Planned Development (C-2 PD). In the C-2 zone, there is a minimum lot area of 5,000 square feet, with no required yard setbacks requirements. 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 General Commercial in the 2007 Esparto General Plan and the Yolo County General Plan. The creation of two commercial parcels of less than 1 acre 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 commercial use based on designations in the Esparto and County 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 2007 Esparto General Plan designates the project site as Commercial and zones the site as Community Commercial Planned Development (C-2 PD). The site is level and is currently vacant.

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

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.

Staff has determined that the project qualifies as a Categorical Exemption under the CEQA Guidelines. The proposed creation of the two 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 will come directly from County Road 21A and from State Route (SR) 16. Access to the northern parcel will come directly from SR 16. The access off SR 16 will be a shared driveway, with the current owner of the two parcels required to grant a shared driveway and access easement to future owner of the two parcels.

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 slightly less than one acre in size, providing opportunities for future development to incorporate passive or natural heating and cooling features.

**CONDITIONS OF APPROVAL
ZONE FILE #2008-053
CASTLE/HUIE TENTATIVE PARCEL MAP #4964**

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (530) 666-8043

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Planning Commission.
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 Planning Commission 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 #4964 shall adhere to the requirements and regulations set forth in the Site Plan Review approval dated September 15, 2008 (Zone File 2008-002) for construction of the proposed gas station and office building, approved prior to the Tentative Parcel Map.
4. In order to obtain grading, building and occupancy permits, the developer shall submit a Condition Compliance deposit through the Planning Division in accordance with the directions stated in the Conditional Approval letter. The deposit must be in the project account at the time the Condition Compliance is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review.
5. Within 60 days from the date of approval of the Tentative Parcel Map by the Yolo County Board of Supervisors, the applicant is required to schedule and participate in a pre-construction meeting at the Development Review Committee (DRC).

COUNTY COUNSEL (530-666-8172)

6. 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.

7. 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.**

PRIOR TO FINAL MAP APPROVAL:

PUBLIC WORKS DIVISION—PPW (530) 666-8811

8. The Parcel Map submitted for recordation shall have the Parcel Map Number (PM #4964) indelibly printed on it. Said PM #4964 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.
9. The Parcel Map submitted for recordation shall identify the current county easement as recorded in Book of Deeds 116 page 30, in the southeast portion of the project parcel, and include a written notation on the Parcel Map providing for the vacation of the easement, as provided for under Government Code Section 66445(j), for the Board of Supervisor's consideration.
10. As described and required in the Site Plan Review approval dated September 15, 2008 (Zone File 2008-002), the Parcel Map submitted for recordation shall show dedications of right-of-way to the county and State (15 feet on the west side of Yolo Avenue to match the total 90-foot right-of-way for Yolo Avenue north of Lamb Valley Slough) as required to accommodate and show improvements to northbound State Route (SR) 16 for a left turn pocket (design within State right of way to be approved by Caltrans), to accommodate left turns into the gas station driveway and out of the gas station onto SR16, plus an adequate shoulder in the southbound lane of SR16, and curb, gutter, sidewalk and storm drainage improvements along the project frontage.
11. Prior to Parcel Map approval, the applicant shall provide to the Planning and Public Works Department an improvement bond and enter into an Improvement Agreement to ensure all improvements identified in these Conditions of Approval, and the Conditions of Approval for Site Plan Review approval dated September 15, 2008 (Zone File 2008-002), are completed within one (1) year of map approval. Applicant shall submit an engineer's cost estimate for all public improvements required by both sets of Conditions of Approval using public agency unit prices, adding ten percent contingency, plus twenty percent county administrative cost allowance.
12. As described and required in the Site Plan Review approval dated September 15, 2008 (Zone File 2008-002), the Parcel Map submitted for recordation shall show dedication of right-of-way (12 feet on the north side of County Road 21A (CR21A) to match the southern property line of the adjacent property to the west, and a 50 foot radius curve at the intersection of CR 21A and Yolo Avenue) as required to accommodate improvements to CR 21A according to Yolo County Improvement Standards, including provision of a driveway off CR 21A and curb, gutter and sidewalk, and storm drains, as needed. The applicant shall prepare engineering drawings for all frontage improvements and submit them to the Public Works Division for review and approval prior to approval of the Parcel Map.
13. In addition, applicant shall provide the improvements necessary to convey storm water from the site and the required frontage improvements to Lamb Valley Slough. The applicant shall prepare engineering drawings for improvements in the State right of way and obtain an encroachment permit from Caltrans. The sidewalk north of the driveway (in front of the office

building) shall be 12 feet in width (not including the six-inch curb), and shall generally follow the conceptual design set forth in the Town of Esparto Main Street Revitalization Plan.

14. Parcel 1 (the proposed gas station) shall be accessed by two driveways: one off County Road 21A, and one off State Route 16, as indicated on the Site Plan. The driveway off SR 16 shall be a shared driveway used by both the gas station or other future use on Parcel 1 and the future commercial use (proposed office building) on Parcel 2. The current owner of Parcel 1 and 2 shall grant a driveway access and use easement to future owners of Parcel 1 and 2.
15. As described in the Site Plan Review approval dated September 15, 2008 (Zone File 2008-002), prior to approval of the Final Parcel Map for recordation, the applicant shall provide an engineered drainage study for review and approval by the Public Works Division to demonstrate that post-development flow rates during the 10-year, 1 hour event do not exceed current flow rates, and that the site shall be designed and graded in a manner that provides onsite storage for that volume of storm water which the parcel generates in the 10-year, 2 hour event to ensure storm water is captured and treated. The study shall be signed and sealed by a civil engineer licensed in the State of California.

PRIOR TO ISSUANCE OF ANY BUILDING OR GRADING PERMITS:

PUBLIC WORKS DIVISION—PPW (530) 666-8811

16. As described in the Site Plan Review approval dated September 15, 2008 (Zone File 2008-002), prior to issuance of a grading permit, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) for controlling construction activities that may adversely affect water quality. In addition, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and shall contact the CVRWQCB to determine if an Industrial SWPPP is required for operation of the gas station.

BUILDING DIVISION—PPW (530) 666-8775

17. 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.
18. All building permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.

ENVIRONMENTAL HEALTH DEPARTMENT (530) 666-8646

19. The project shall obtain sewer service from the Esparto Community Service District (ECSD) prior to an occupancy permit being issued for any of the uses. An easement must be provided to the site where the sewage system will be located if access requires crossing a parcel not under the same ownership. The easement must be recorded prior to an occupancy permit being issued for any of the uses.
20. The project shall obtain water from the Esparto Community Service District.
21. A completed Hazardous Materials/Waste Application package shall be submitted to YCEH by the time hazardous materials in reportable quantities or hazardous waste in any quantity is present at the facility.

22. An underground storage tank (UST) change of ownership or new installation and modification application package is required for all UST's that will contain hazardous substances.

ESPARTO COMMUNITY SERVICES DISTRICT (530-787-4502)

23. See above.

ESPARTO FIRE DISTRICT (530-787-3300)

24. All building permit plans shall be submitted to the Esparto and Woodland Fire Departments for review and approval in accordance with fire protection standards prior to the commencement of any construction. The fire sprinkler plans shall be submitted to City of Woodland Fire Department for review of fire sprinklers, and all plans shall be submitted to Esparto Fire District for fire life safety review. Esparto Fire Protection District requires that the water line from County Road 21 A to Yolo Avenue be a looped water line and that fire hydrants be placed every 300 feet.

COUNTY RECORDER

Filing Requested by:

**Yolo County Planning and
Public Works**

Name

292 West Beamer Street

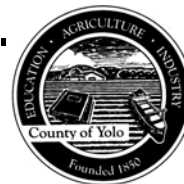
Address

Woodland, CA 95695

City, State, Zip

Attention: Eric Parfrey

Notice of Exemption



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

Project Title: Zone File 2008-053 (Castle Tentative Parcel Map)

Applicant: Dan Boatwright
Castle Principles/Esparto Enterprises
12885 Alcosta Blvd., Suite A
San Ramon, CA 94583

Project Location: Northwest corner of State Route 16 (Yolo Avenue) and County Road 21 in Esparto (APN: 049-160-11)

Project Description: A Tentative Parcel Map (TPM No. 4927) to subdivide approximately 1.9 acres into two parcels of 0.79 acre and 0.93 acre. The TPM would divide the property so that gas station and office uses previously approved as a "by right" use under the current zoning would be located on separate parcels. The project is located in the town of Esparto, Yolo County.

Exempt Status: Exemption based on Section 15332 of the California Environmental Quality Act Guidelines (CEQA) and Section 15061(b)(3), known as the "common sense" rule.

Reasons why project is exempt: Section 15332 consists of projects characterized as in-fill development meeting the conditions of the section relating to General Plan and zoning consistency; size (no more than five acres); no value as habitat; no significant effects related to traffic, noise, air quality, or water quality; and site is adequately served by required utilities and services. Section 15061(b)(3) consists of activities covered by the "common sense" rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Lead Agency Contact Person: Eric Parfrey, Principal Planner **Telephone Number:** (530) 666-8043

Signature (Public Agency): _____

Date:

**ATTACHMENT F
CATEGORICAL EXEMPTION**



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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WORKSHOP ONLY		
PLANNING COMMISSION STAFF REPORT		December 18, 2008
FILE #2006-083: Update of the County Sign Ordinance (County Code Section 8-2.2406)		
APPLICANT: Yolo County		
LOCATION: Yolo County (APN's: Various)	GENERAL PLAN: All designations ZONING: All districts FLOOD ZONE: A, B, and C	
ENVIRONMENTAL DETERMINATION: Negative Declaration		
REPORT PREPARED BY:	REVIEWED BY:	
_____	_____	
Craig Baracco, Assistant Planner	David Morrison, Assistant Director	

RECOMMENDED ACTIONS:

1. **HOLD** a public workshop and receive public comments on the update of the county sign ordinance (**Attachment B**)
2. **GIVE** direction to Planning staff concerning the Draft Ordinance Amendment to Chapter 2 of Title 8 of the Yolo County Code (**Attachment B**) as revised by the Planning staff.

REASONS FOR RECOMMENDED ACTIONS:

The update of the county sign ordinance will modernize and streamline the current sign ordinance. The draft ordinance addresses a conflict with State law concerning real estate signs and will help to promote the agriculture economy by allowing off-site direction and information signs on Agriculture-zoned property. It will also create a clear and streamlined structure of commercial sign standards, which are more reflective of modern aesthetic and safety concerns.

BACKGROUND:

Originally adopted in 1971 and last amended in 1987, the county sign ordinance regulates the size, placement, style, and design of signs in all zoning districts in unincorporated Yolo County. As the ordinance has remained essentially unchanged for twenty years, county

staff has undertaken a comprehensive revision of the ordinance to modernize and update the ordinance, as well as address specific issues discussed below.

The guiding philosophy of the sign ordinance has been to restrict the placement of outdoor advertising, including billboards, on agricultural lands in Yolo County. This measure is intended to preserve scenic views and the rural atmosphere of Yolo County. This tradition is continued in the draft ordinance, but is also balanced by the need to promote agricultural and eco-tourism economic development. The proposed ordinance will allow for the regulated placement of small locational signs to assist visitors tourists in finding rural businesses.

Real Estate Signs

The current sign ordinance is in conflict with a state law that mandates that local jurisdictions allow signs for the advertising of real estate (California Civil Code Section 713, see **Attachment C**). This state law overrides our local ordinance, effectively leading to unrestricted placement of real estate signs throughout the county.

The new draft sign ordinance addresses this issue, by allowing signs to advertise real estate but places restrictions on the size, height, and frequency of such signs. Real estate signs will be limited to twenty (24) square feet in area and eight (8) feet in height; limited to not more than one such sign per parcel of land; and no such sign can be located within one thousand (1,000) feet of a sign of the same type.

Off-Site Signs in the Agricultural Zones

Off-site advertising of agricultural uses is another issue addressed in the draft ordinance. Numerous permitted and conditional uses in the agriculture areas of the county, such as wineries, fruit stands, Yolo stores, and rural recreation, all benefit from off-site directional signs. The current code allows signs for produce sales up to one half mile from the site. Given the low density and rural nature of much of the county, directional signs may need to be placed more than one-half mile from a site in order to reach a major roadway or intersection.

Formerly, the draft sign ordinance allowed the placement of off-site directional signs on agricultural zoned properties for other agriculture uses, and continued to prohibit general advertising signs and billboards in the agricultural zones. However, a review of relevant case law and legal precedent has shown that this approach is problematic. Allowing commercial signs for agricultural uses, while not allowing such signs for other uses, may be vulnerable to legal changes based on the First Amendment right to free speech. The current draft now allows for limited signage for off-site business. Such directional signs can be six (6) square feet in area and ten (10) feet in height. With approval of a Minor Use Permit, such off-site directional signs are allowed to be up to thirty-two (32) square feet in area. This provision is intended to allow the off-site directional signage needed to encourage the local economy, while the requirement for discretionary approval of larger signs will regulate the placement of such signs, and prevent the visual character of the county from being compromised.

General Structure and Layout of New Ordinance

The new draft sign ordinance categorizes signs to a four-tiered structure. These categories are (1) prohibited signs; (2) signs allowed by right without Site Plan Review; (3) signs allowed with Site Plan Review; and (4) signs allowed after approval of a Minor Use Permit.

1. Prohibited signs are such signs that are potentially harmful or nuisances, such as flashing strobe lights; signs that emit sound or simulate traffic control signs; or signs that are not consistent with or harmful to the rural nature or natural beauty of Yolo County, such as neon signs, signs on natural features such as a tree, rock, or hill, and general purpose off-premise advertising or billboard signs.
2. Signs allowed without Site Plan Review are signs that are of low visibility or a temporary nature that the county can allow without formal review and application. These signs include address numbers, temporary holiday decoration, construction signs, and signs that address politics or other public issues.
3. Signs allowed with a Site Plan Review are signs that the county wishes to formally review through an application process. Site Plan Approval is a non-discretionary process that involves staff review but no public notices or public hearing. Currently, the Planning Division reviews projects such as oil and gas wells and permitted commercial and industrial uses with Site Plan Review. Site Plan Review will allow county staff to review the size, height, placement, and design of large, permanent and highly visible signs. Site Plan Review is conducted at the staff level without a public hearing. However, the Director of the Planning and Public Works Department can place an application before a Zoning Administrator hearing or the Planning Commission, if warranted. Applicants can appeal staff level decisions to the Planning Commission or Board of Supervisors. Signs allowed with a Site Plan Review include real estate signs, as well as zone-specific signs as allowed in the table below.
4. Signs allowed with the approval of a Minor Use Permit are signs that have the most potential to impact the community and will require a full public review. Such signs are limited to the larger (greater than 6 square feet) off-site directional signs in the agricultural zones and signs that exceed the size and height limits set out in the ordinance.

Political and Other Free Speech Signs

While the county currently has an ordinance governing the timing and placement of election signs, currently Yolo County has no provisions for signs addressing public concern or controversy outside the bounds of elections. The current draft includes provisions for such signs. Such signs shall not be larger than thirty-two (32) square feet and be limited to one (1) per parcel, regardless of topic.

TABLE 1
Types of Signs Allowed with Site Plan Review in
Each Zoning District

<u>Zoning Districts</u>	Maximum Size of General Signs Allowed	Maximum Size of Monument Signs Allowed	Maximum Size of Wall Signs Allowed
All "A" Agriculture zones	32 square feet in area 10 feet in height	None Allowed	None Allowed
RRA, R-S, R-1 R-2	24 square feet in area	None Allowed	None Allowed
R-3, R-4	24 square feet in area	32 square feet in area 8 feet in height	1 square foot in area per 2 feet of building frontage
C-1, C-2	None	48 square feet in area 10 feet in height	1 square foot in. area per 1 foot of building frontage
C-3, C-H	Pole Signs 200 square feet in area 40 feet in height	75 square feet in area 12 feet in height	1 square foot in. area per 1 foot of building frontage
M-1, M-2, M-L	None	48 square feet in area 10 feet in height	1 square foot in area per 2 feet of building frontage

Signs allowed in the agriculture (A-P, A-1, A-E, A-I) zones include both signs for on-site and off-site uses. In residential zones (RRA, R-S, R-1, R-2, R-3, R-4) signs for the limited institutional uses allowed in those zones include uses such as churches, schools or daycare centers. The R-3 and R-4 zones also would allow general signs for apartment or condominium complexes, as well as monument and wall signs for the professional office uses allowed in those zones.

In the commercial (C-1, C-2, C-3 and C-H) and industrial (M-1, M-2, and M-L) zones two types of signs are allowed: a single monument sign per parcel and wall signs with the maximum area based on building frontage. Monument sign means a sign that is completely self-supporting and has its base on the ground. Wall sign means a sign painted on or attached to a building or wall. General signs include both previous categories. The size limitations scale up with the intensity of the commercial use. The more intensive the commercial use allowed, the larger the signs are allowed to be. Also, highway oriented pole signs will be allowed in the C-3 and C-H zones.

Non-Conforming Signs

Signs that do not conform to the regulations set forth in the draft ordinance will be deemed non-conforming and will have a useful life and legal life of fifteen years, calculated from the effective date of the final adoption of the sign ordinance to either come into compliance or

be removed. This has been modified from earlier drafts to comply with the requirements of state law.

PUBLIC AND AGENCY COMMENTS

On January 11, 2007, the draft ordinance was brought before the Planning Commission for a public workshop, after being circulated to other public agencies. As a result of comments received from the workshop, the following adjustments were made: The time for non-conforming signs to comply was shortened from one year to 180 days, the language allowing appeals of signs was clarified, and numerous minor changes were made for clarity. A Negative Declaration was circulated from December 12, 2006 to January 2, 2007. No significant comments were received.

ATTACHMENTS

Attachment A – Negative Declaration

Attachment B – Draft County Sign Ordinance

Attachment C – California Civil Code Section 713 (Real Estate Signs)

Attachment D – Current County Sign Ordinance



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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DIRECTOR

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PLANNING COMMISSION STAFF REPORT

DECEMBER 18, 2008

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

RECOMMENDED ACTIONS

1. **RECEIVE** this staff report summarizing actions taken by the Board of Supervisors at the October 28, 2008 hearing;
2. **HOLD** a public hearing and receive additional 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, and the proposed DMX Amendment to the 2007 Esparto General Plan.
3. **DIRECT STAFF** on any additional revisions to the DMX Ordinance;
4. **RECOMMEND** the following actions to the Board of Supervisors:
 - a. Determine that detached single family homes in the DMX zone should be prohibited;
 - b. Determine that the appropriate percentage mix of housing on vacant parcels within the DMX zone is to limit housing to no more than 60 percent of the parcel;
 - c. Determine the appropriate number of hotel/motel units that would trigger the

- requirement for a Use Permit is 40 units;
- d. Adopt the Ordinance amending Title 8, Chapter 2 of the County Code to add the Esparto DMX zone, and to rezone a series of properties from Community Commercial Planned Development (C-2 PD) to the new DMX district;
 - e. Adopt a Resolution approving an amendment to the 2007 Esparto General Plan; and
 - f. Adopt a Resolution adopting the Mitigated Negative Declaration, the Errata, and the Mitigation Monitoring and Reporting Program, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

REASONS FOR RECOMMENDED ACTIONS

The Board of Supervisors held a public hearing on October 28, 2008 to consider the DMX ordinance, as previously recommended by the Planning Commission, along with staff's subsequent recommendations. At the conclusion of the meeting, the Board of Supervisors directed staff to return at a later meeting with visual documents and aids that would help the Board of Supervisors understand certain aspects of the proposed DMX ordinance, along with economic information. The Board of Supervisors also directed staff to return the DMX ordinance to the Planning Commission for further comments and recommendations.

BACKGROUND

Board of Supervisors' Actions

The Board of Supervisors held a public hearing on October 28, 2008 and discussed the DMX ordinance. The staff report prepared for the Board of Supervisors hearing is included as **Attachment B**. At the conclusion of the meeting, the Board of Supervisors directed staff to return at a later meeting with visual documents and aids that would help the Board of Supervisors understand certain proposals of the DMX ordinance, such as the differences between various mixes of housing and nonresidential uses on vacant parcels within the DMX zone. The Board of Supervisors asked that staff include maps and graphics that indicate where and how much land in Esparto has been, and will be, developed with housing and commercial uses. The Board of Supervisors also directed staff to prepare a generalized financial analysis that would contrast the economic benefits of different land use mixes in the DMX zone. Finally, the Board of Supervisors directed staff to return the DMX ordinance to the Planning Commission for any further comments and recommendations from this body.

Regarding the first Board of Supervisors direction, staff was requested to prepare visual diagrams showing conceptual designs for differing mixes of mix of housing and nonresidential uses for the largely vacant properties north of Woodland Avenue. The conceptual designs would illustrate how the proposed 33% and 60% restriction of individual parcels for housing, recommended by the Esparto Citizens Advisory Committee and county staff, respectively, could be accommodated. Staff has contacted the Sacramento Area Council of Governments (SACOG) for assistance in developing these conceptual site development plans. SACOG has developed a software system that illustrates with compute graphics the conceptual development of parcels with different land uses and massing. The SACOG staff expects to complete these

simulations in January or early February.

The Board of Supervisors will also receive an economic analysis, prepared by Wes Ervin, the county Economic Development Manager. Mr. Ervin will discuss existing and proposed business incentive and economic development programs for the Esparto community in a separate workshop later on this Planning Commission agenda.

The Board of Supervisors discussed at length the role of housing within the DMX zone, as well as the future of other uses such as motels and hotels. On the housing issue, individual members questioned how the proposed 33% and 60% limitations on housing for vacant parcels were derived and questioned whether the proposed DMX regulations would allow a proliferation of multiple family housing, such as apartments. Questions were also raised about how many hotel/motel rooms should be allowed by right versus by use permit. **The Board of Supervisors did not reach any consensus on these specific issues. Instead, as noted above, the Board of Supervisors requested** visual documents illustrating various mixes of housing and nonresidential uses on vacant parcels and requested a generalized financial analysis that would contrast the economic benefits of different land use mixes in the DMX zone.

Previous 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, August 14, 2008, and October 9, 2008. Following the testimony at the last public hearing, the Planning Commission recommended the deletion of references to single-family detached housing being prohibited in the DMX zone. With this deletion, a subdivision of zero-lot line detached homes on very small lots (3,000 to 3,500 square feet) could be constructed on a portion of a vacant lot within the DMX zone, since such a project would meet the minimum density requirement of 10 units per net acre.

As noted in the Board of Supervisors' staff report, staff agrees with the Esparto Citizens Advisory Committee (ECAC) that there is no pressing need to allow single-family subdivisions in the DMX. Attached single family projects, such as duplexes, townhouses, and condos, plus all multiple family housing types, should be allowed in the DMX, but detached homes should not be allowed. The Esparto General Plan designates approximately 85 acres of vacant land within the town for additional very low and low density subdivision development, which could yield another 435 units. This is in addition to the four subdivisions comprising 340 single family homes that the Board of Supervisors approved in Esparto last year. Additional vacant lands within the DMX zone are not needed to accommodate residential subdivisions. In contrast, there is a relatively limited amount of vacant land in Esparto, outside of the downtown, that is zoned for commercial or higher density residential uses.

Staff does not agree with the ECAC, however, that housing (whether single-family attached or multiple family units) should be restricted to no more than 33% of a vacant parcel, for the lands north of Woodland Avenue. Staff recommends that a higher portion, up to 60%, of a parcel could be developed with residential uses, with the remainder devoted to non-residential uses. Staff believes that a true mix of uses, as opposed to a single use occupying all of the area of a vacant parcel should be encouraged, and that residential uses should be limited so that high visibility frontage along Woodland Avenue (SR 16) is developed with pedestrian-oriented retail,

commercial, or public uses, not housing. The staff recommendation of 60% maximum lot coverage for residential uses is based upon mixed use standards and regulations adopted by other jurisdictions, as well as the particular characteristics of the vacant parcels north of Woodland Avenue in the DMX zone.

Other agencies that have adopted mixed use zones have required a mix of uses or limited the amount of one use that could occupy a parcel. The City of West Sacramento has adopted planning and design criteria for the Southport area that sets “recommended land use mixes” for certain sub-areas. For example, the lands east of Jefferson Boulevard adjacent to the channel are designated “Mixed Use and River Front Mixed Use” and are planned for “5 – 10% specialty retail/restaurants, 30 – 60% office, and 30 – 60% high density residential.”

The City of Petaluma has also addressed this issue by encouraging mixed use development in the downtown area that includes a “vertical mix” of uses (commercial or office use on the ground floor and residential above) as opposed to a “horizontal mix”, (commercial structures on the front portion of the lot with residential uses located behind). The proposed DMX ordinance also encourages this “vertical” mix since the limitation of 60% of the parcel for housing does not apply to residential uses located above the ground floor.

The specific characteristics of the approximately 20 acres of vacant parcels north of Woodland Avenue in the DMX zone also justify allowing a significant amount of housing development (one half or more of the parcel), since the largest parcels are very deep. Allowing up to 60% of the parcels to be devoted to attached housing would still leave a large frontage area along Woodland Avenue to be reserved for non-residential uses.

Regarding the issue of the size of a hotel/motel that would require Use Permit approval in the DMX zone, staff recommends that the ordinance retain the 40-room threshold. Testimony received from members of the Esparto community indicates that such a use is desired, although some residents are concerned that a very large structure could be out of character with the downtown district. Staff recommends that a hotel/motel of up to 40 rooms (for example, a two-story building) could be allowed by right (without a discretionary review), but subject to minimum design standards that are outlined in the DMX ordinance. Allowing a hotel/motel of 40 rooms by right would allow a small to moderate-sized establishment to be located (and encouraged) in the DMX area, while discretionary review of a larger use (such as a 60 room hotel of three floors) would ensure that adequate community input on the design of the building would be incorporated into the approval process.

DISCUSSION

The Planning Commission should further consider, at a minimum, recommendations regarding the following issues and determine whether any revisions should be made to the DMX Ordinance before it returns to the Board of Supervisors for re-consideration:

- Should single-family detached housing be allowed within the DMX? If so, at what density?
- What is the maximum lot coverage (percentage of a vacant parcel) that should be allowed for housing of any type and/or density?

- How large should a hotel or motel be (in terms of the numbers of rooms or total square feet) before it should require discretionary (Use permit) approval by the county?

PUBLIC AND AGENCY COMMENTS

The draft DMX zoning ordinance has been discussed extensively by the Esparto Citizens Advisory Committee over the last eighteen months. 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, 2008 to July 28, 2008.

ATTACHMENTS

- A:** Draft Downtown Esparto Mixed Use Zoning Ordinance
- B:** Staff report for the October 28, 2008 Board of Supervisors hearing (without attachments)

ATTACHMENT A

ESPARTO DOWNTOWN MIXED USE (DMX) ZONING DISTRICT

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 TO ADD THE ESPARTO DOWNTOWN MIXED USE ZONE AND TO REZONE A SERIES OF PROPERTIES

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 modernizes and updates provisions of the Yolo County Code by rezoning a series of properties to allow for the construction of new mixed use development projects within the downtown Esparto commercial district. 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.

The intent of the new Downtown Mixed Use zoning is to allow a wider range of uses within the downtown district than is now currently allowed under the existing Community Commercial Planned Development (C-2 PD) zoning. Existing buildings within the new DMX would not be required to include a mix of uses. This Ordinance will amend the existing County Code to establish new guidelines that will encourage a pedestrian-friendly, walkable, and interesting shopping district. The new zoning will also sets architectural standards for building facades, signs, and building design.

This Ordinance is adopted 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 DMX zone in accordance with Article 11, Section 7 of the California Constitution and the California Planning and Zoning Law.

SECTION 2. AMENDMENT TO ADD ARTICLE 12.1 TO CHAPTER 2 OF TITLE 8 OF THE YOLO COUNTY CODE.

Title 8, Chapter 2 of the Yolo County Code is hereby amended to add the following Article.

Article 12.1. Esparto Downtown Mixed Use (DMX) Zone

8.2-1211. Applicability and Purpose

- 8.2-1212. Definitions
- 8.2-1213. Allowed Uses
- 8.2-1214. Projects on Large Parcels
- 8.2-1215. Residential Uses and Density
- 8.2-1216. Height and Minimum Retail Floor Space
- 8.2-1217. Setbacks
- 8.2-1218. Other Building Regulations
- 8.2-1219. Sign Regulations
- 8.2-1220. Building Design Guidelines
- 8.2-1221. Outdoor Eating Space
- 8.2-1222. Live/Work Use
- 8.2-1223. Off-Street Parking
- 8-2.1224 Notice for Change of Residential Use

ARTICLE 12.1 ESPARTO DOWNTOWN MIXED USE (DMX) ZONE

8-2.1211 Applicability and Purpose

The Esparto Downtown Mixed Use (DMX) zone is to be applied to unincorporated areas that are planned for development or redevelopment of a mixture of primarily commercial, retail, office and residential uses.

The purposes of the DMX District are to:

- (a) Accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities;
- (b) Encourage mixed use development projects with neighborhood and community-serving retail, service, and other uses on the ground floor and residential and live/work units above the nonresidential space;
- (c) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and
- (e) Provide flexibility for the development of live/work units, particularly within existing buildings and ensure that the exterior design of live/work buildings is compatible with the exterior design of commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.

8-2.1212 Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (a) “Artisan crafts production, large scale or mechanized” means the creation of unique arts and crafts products using heavy mechanical or industrial tools, e.g., welding, glass blowing, or any production process involving hazardous materials, excluding art paint.
- (b) “Artisan crafts production, small scale” means the creation of unique arts and crafts products using hand operated or light mechanized tools only, e.g., jewelry or ceramics.

- (c) "Gross floor area" is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.
- (d) "Live/work unit" or "Live/work space" means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. "Live-work unit" is further defined as a structure or portion of a structure:
 - (1) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
 - (2) Where the resident owner, occupant, or employee of the business is responsible for the commercial or manufacturing activity performed; and
 - (3) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
- (e) "Mixed use development project" means a development project of one or more buildings that includes a mixture of uses, i.e., residential, retail, office, service, industrial, or public, either vertically integrated (a mixture of uses on separate floors of a single building) or horizontally integrated (a mixture of uses in more than one building spread over a large parcel, e.g., retail, office, and upstairs apartments in a building along a main frontage arterial, with residential uses behind).
- (f) "Stores, shops, retail sales" means stores and shops supplying a commodity such as bakeries, florist shops, hardware stores, antique and other specialty shops. "Stores, shops, retail sales" does not include sales or services related to large or heavy commodities such as building materials, furniture manufacturing, electrical and plumbing services, wholesale business and accessory storage, and other similar uses that are allowed in the General Commercial (C-3) Zone.
- (g) "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.
- (h) "Vacant land" means land that is currently undeveloped with urban structures, but may be occupied by a rural residence or structure, and is designated for future urban growth.

8-2.1213 Allowed Uses

Uses are allowed in the DMX zoning district in accordance with the following use table

Specific Use Type

P= Allowed by-right
 C = Conditional use (major use permit)
 C*= Conditional use (minor use permit)
 N = Not allowed

Household Living

Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Dwelling Units located above the ground floor	P
Detached Single Family Units	N
Attached Single Family Units (duplex, townhouse, condo)	
- Two to four units	P
- Over four units	C
Multiple Family Units (apartments)	C
Group Living	
Assisted Living	P or C over 6 beds
Group Home	P or C over 6 beds
Nursing Home	C
Transitional Residences or Shelters	P or C over 6 beds
Public/Quasi-Public	
Colleges and Universities	C
Cultural Exhibits	P
Day Care	P
Hospital	C
Urgent Care Clinic	C
Libraries	C
Lodge or Private Club	C or P if on upper floors
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	C or P if on upper floors
School, private	C
School, public	P
Utilities and Services, Minor	P
Utilities and Services, Major	C
Welcome/Visitor Center	P
Adult Use	
	N
Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	P
Veterinary (small animals only)	P
Artist Work or Sales Space	
	P
Eating and Drinking Establishments	
Restaurant	P
Sale of alcohol	C
Bar/Tavern	C
Drive-Through Facility	C
Outdoor eating and drinking	P
Entertainment and Spectator Sports	
Indoor	P

Outdoor	C
Lodging	
Small (1 - 59 guest rooms)	P
Large (60+ guest rooms)	C
Commercial Services	
Barber/Hairdresser	P
Financial or Professional Services (not walk in)	C* or P if on upper floors
Financial or Professional Services (walk in)	P
Food and Beverage Retail Sales (including alcohol)	C
Grocery/Food and Beverage Retail Sales (no alcohol)	P
Gas Stations	N
Medical/Dental Service	P
Office (not walk in)	C* or P if on upper floors
Office (walk in)	P
Parking, Commercial (Non-accessory)	C
Personal Service, including laundry and health clubs	P
Repair Service, Consumer, including bicycles	P
Residential Storage Warehouse	N
Vehicle Service and Repair	C
Vehicle Sales	N
Stores, Shops, Retail Sales	
Retail Sales, General, under <u>3,000</u> square feet	P
Retail Sales, General, 3,000 to 10,000 square feet	C*
Retail Sales, General, over 10,000 square feet (excluding grocery stores)	C
Manufacturing, Production and Industrial Services	
Artisan crafts production, small scale	P
Artisan crafts production, large scale or mechanized	C*
All other industrial and manufacturing production	N
Wireless Communication Facilities	
Co-located	C
Freestanding (Towers)	C
Temporary Uses	
Seasonal farmers market	P
Other temporary uses	(as allowed by County Code)

8-2.1214 Projects on Large Parcels

For projects proposed on vacant lands of more than one acre in size, the following regulations apply:

- (a) Projects are encouraged to include a mix of residential and non-residential uses (a mixed use development project), integrated either vertically or horizontally.

- (b) Projects that are predominantly one single commercial use (e.g., 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 are also encouraged to be accompanied by one or more significant community benefits, such as a public plaza, park, or other public use.
- (c) Projects that are predominantly (sixty percent (60%) or more of the gross acreage) single or multiple family residential use are prohibited, excluding residential uses located above the ground floor of a structure.
- (d) All projects should include some public amenities such as public open areas, public art, public meeting rooms, pedestrian walkways, etc.
- (e) All projects must be designed with a grid circulation pattern that connects with the existing community.
- (f) The architecture and design of buildings must be coordinated throughout the site and must be harmonious with the adjacent community.
- (g) All projects shall conform with all other regulations in this Article, and should be consistent with the Design Review Guidelines of the Esparto General Plan.

8-2.1215 Residential Uses and Density

- (a) The maximum residential density allowed in new buildings in the DMX zone is the maximum number of dwelling units per net acre allowed under the Residential High (RH) General Plan designation, not including density bonuses allowed under Yolo County and State laws.
- (b) The minimum residential density allowed in new buildings in the DMX zone is 10 dwelling units per net acre for new residential structures, and for large projects proposed on vacant lands of more than one acre in size.
- (c) The maximum and minimum residential density standards in (a) and (b), above, shall not be applied to new, converted, or expanded residential uses proposed within existing urban buildings located in the historic downtown along Yolo Avenue and Woodland Avenue.

8-2.1216 Height and Minimum Retail Floor Space

- (a) The maximum building height shall be 50 feet, or four stories, whichever is greater, for all buildings.
- (b) The minimum height for new or renovated mixed-use buildings located in the historic downtown along Yolo Avenue, and Woodland Avenue shall be 22 feet.
- (c) The gross floor area of individual commercial establishments in the DMX district shall not exceed 25,000 square feet, or 35,000 square feet if it is selling or serving multiple lines of merchandise.
- (d) The ground floor frontage space of new or renovated mixed-use buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall not include apartments and shall contain the following minimum retail (non-residential) space:
 - (1) At least 800 square feet or 25 percent of the ground floor area (whichever is greater) on lots with street frontage of less than 50 feet; or
 - (2) At least 20 percent of the ground floor area on lots with 50 feet of street frontage or more.

8-2.1217 Setbacks

The following setbacks are required:

- (a) The entire building façade of new or renovated buildings located along Yolo Avenue, Woodland Avenue, and County Road 87 shall generally abut front and street side property lines or be located within 10 feet of such property lines. An exception may be made for the “train station” property (APN: 049-240-17), if the existing structure is retained. However, a portion of new or renovated buildings may be set back from the maximum setback line in order to provide a specific feature or to reflect the prevailing setbacks of existing buildings along the block or the street. Specific features include an articulated façade, or to accommodate a building entrance feature or an outdoor eating area.
- (b) Special architectural features such as balconies, bay windows, arcades, and awnings may project into front setbacks and public street right-of-ways (but not extend past the curb line) provided they meet minimum required clearance above the sidewalk and leave a minimum five foot wide unobstructed sidewalk. Prior to new encroachment into the public right-of-way, a permit shall be obtained from the County Planning and Public Works Department, or Caltrans.
- (c) The minimum rear setback is 10 feet, except when DMX zoned property abuts R-zoned property, in which case the minimum rear setback required is 20 feet.
- (d) No interior side setbacks are required in the DMX district, except when DMX zoned property abuts R-zoned property, in which case the minimum side setback required is 20 feet.

8-2.1218 Other Building Regulations

- (a) All permitted uses in the DMX district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, kiosks, mailboxes, farmers markets, or outdoor eating or drinking areas.
- (b) Building frontage of new or renovated buildings shall be eighty percent (80%) to one hundred percent (100%) of the frontage measured from side property line to side property line at front property line.
- (c) A minimum of forty percent (40%), and a maximum of seventy-five percent (75%), of the street-facing building façade of new or renovated commercial buildings along Yolo Avenue and Woodland Avenue shall be comprised of clear windows that allow views of indoor space or product display areas between two feet and eight feet in height. The bottom of any window or product display window used to satisfy this transparency standard shall not be more than three (3) feet above the adjacent sidewalk, and product display windows used to satisfy this requirement must have a minimum height of four (4) feet and be internally lighted.
- (d) No more than thirty (30) feet of horizontal distance of a wall on any floor shall be provided without architectural relief, such as windows, for building walls and frontage walls facing the street.
- (e) Commercial buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby

entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

8-2.1219 Sign Regulations

- (a) Signs shall be provided for commercial uses and buildings along Yolo Avenue and Woodland Avenue that are appropriate in scale and location, and shall be architecturally integrated with the surroundings.
- (b) Signs shall be clearly integrated and consistent in design and materials with the architecture of the building. Signage in the business district should support the district's character and not detract from the area.
- (c) Monument signs are preferred. Pole signs are prohibited.
- (d) Ground signage shall be limited in height of five (5) feet.
- (e) Attached signs shall be flat against the facade, or mounted projection from the facade.
- (f) Window signage shall be limited to twenty (20) percent of the total window frontage per storefront.
- (g) The maximum area of any single sign mounted perpendicular to a given facade shall not exceed ten (10) square feet.
- (h) Signs shall maintain a minimum clear height above sidewalks of eight (8) feet.
- (i) Signs shall not extend beyond the curb line.
- (j) Signs located on the interior of a structure, but visible from the exterior of the building, are permitted and are not charged against the maximum allowable signage area if such signs are not physically attached or painted to the window and do not obscure more than 10% of ground floor street side building transparency. The 10% is not to exceed total glass area calculated for both unattached and temporary window signs.
- (k) Temporary signs can take the form of banners, window graphics, or as placards integrated with a window display. Temporary signs are permitted on the interior of the business establishment only and shall be no more than 5 square feet of text and shall not exceed 10 square feet in size and no more than 10% of ground floor street side building transparency. Temporary signs shall not be displayed more than thirty days in a calendar year.
- (l) One menu or sandwich board shall be allowed per street address. Menu boards shall not exceed eight (8) square feet in size (sign and copy area is calculated on one side only) and shall be positioned so as to be adjacent to that restaurant or business listed on the board and information on that board shall be placed in a manner which is clearly visible to pedestrian traffic. All signs shall be removed at the end of each business day. All signs shall be securely anchored to the ground.
- (m) Murals are allowed and shall be reviewed for design by the Esparto Citizens Advisory Committee.

8-2.1220 Building Design Guidelines

- (a) New and renovated buildings should be designed consistent with this section and with the Design Review Guidelines of the Esparto General Plan. Historical buildings may be exempted from some of these individual guidelines, at the discretion of the Director of Planning and Public Works or the Planning Commission, sitting as the Historic Preservation Commission.
- (b) Building surface variation should be incorporated in new buildings through the placement of windows and entries, planar changes (where the building surface recedes or projects), significant color changes, material changes, or other elements that add variation along the length of a building.
- (c) Structures should be designed with articulation at entries, bases, and tops. The organization used shall break up the mass into smaller elements. Buildings shall provide as much visual interest as possible without creating a chaotic image.
- (d) New and renovated buildings shall utilize at least three of the following design features to provide architectural relief along all elevations of the building:
 - (1) divisions or breaks in materials and color (materials should be drawn from a common palette)
 - (2) window bays
 - (3) separate entrances and entry treatments
 - (4) variation in roof lines
 - (5) projecting architectural elements (porches, awnings, balconies, etc.)
 - (6) recessed entries (at least three (3) feet from the primary façade)
 - (7) protruding entries (at least three (3) feet from the primary façade)
 - (8) cupolas
- (e) Buildings shall include a clear visual division (e.g., a cornice or awning) between the first and upper floors.
- (f) Variable roof forms shall be incorporated into the building design. Long, uninterrupted horizontal lines of parapet are discouraged. Generally it is preferred to break up the parapet, eaves, or ridge line by vertical or horizontal off-sets or changing the roof forms.
- (g) Commercial and mixed-use buildings shall express a “storefront character,” by including corner building entrances on corner lots, and including regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
- (h) All proposed motel/motel projects shall be required to meet minimum design criteria outlined in this section and in the Design Review Guidelines of the Esparto General Plan, including requirements for extensive landscaping to buffer structures and parking areas.

8-2.1221 Outdoor Eating Space

- (a) Outdoor dining is permitted and may occur within the public right-of-way.
- (b) A minimum of five (5) feet of clear sidewalk access for pedestrians shall be maintained.

8-2.1222 Live/Work Uses

- (a) Live/work units are permitted in the DMX zone.
- (b) Any commercial use allowed by right in the DMX zone is allowed in the live/work unit.
- (c) Live/work units at street level are subject to the development and transparency standards of ground-floor retail or commercial establishments, and the living area shall not exceed one-third of the total floor area of the unit.
- (d) At least one resident in each live/work unit shall maintain a valid business license and other required permits for a business on the premises.

8-2.1223 Off-Street Parking

- (a) For large mixed use development projects on vacant lands of more than one acre, off-street parking shall be provided for all residential and nonresidential uses, as required by Article 25.
- (b) For all other projects, the following parking requirements apply:
 - (1) No off-street parking is required for new or expanded nonresidential uses in the DMX zone unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking shall be provided for the floor area in excess of 3,000 square feet, in accordance with Article 25, or as modified by (3), below.
 - (2) Off-street parking for new residential uses of four or more units in the DMX zone shall be provided, in accordance with Article 25, or as modified by (3), below.
 - (3) Off-street parking requirements for nonresidential and residential uses may be modified by the Director of Planning and Public Works based on a parking supply study prepared by a civil engineer or other certified professional which indicates an ample supply of on-street or other nearby public parking, or adequate nearby private parking for shared nonresidential uses. Shared parking is permitted between different categories of uses or uses with different hours of operation. An agreement providing for the shared use of private parking, executed by the parties involved, shall be filed with the Planning Director or Zoning Administrator.
- (c) For live/work units of less than 2,500 square feet, one parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standard for the nonresidential use or the closest similar use as determined by the Planning Director or Zoning Administrator.
- (d) Off-street parking requirements for both nonresidential and residential uses may be satisfied by the leasing of nearby parking spaces on adjacent parcels within 400 feet of the use.
- (e) Off-street parking spaces provided on the site must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

8-2.1224 Notice for Change of Residential Use

- (a) Purchasers of residential lots or homes in the DMX zone shall be notified that they are purchasing property within a mixed use zone and that adjacent residential uses could be changed to nonresidential uses over time.
- (b) Residential neighbors within the DMX zone shall be notified of any proposed change of use from residential to a nonresidential use of adjacent lots or homes within 100 feet, regardless whether the new use is permitted by right or by Conditional Use Permit.

SECTION 3. REZONING OF A SERIES OF PROPERTIES

A purpose of this Ordinance is also to rezone certain real property, consisting of 36 parcels within the Town of Esparto to the new DMX zone. The parcels are currently designated by the Esparto General Plan, a part of the Yolo County General Plan, as Downtown Mixed Use (DMU). The parcels are currently zoned Community Commercial Planned Development (C-2 PD). The parcels are shown on the map attached as Figure 1 and described in the list of Assessor Parcel Numbers, addresses, and owners' description attached as Figure 2, all of which are incorporated herein by this reference.

Following the effective date of this Ordinance, the parcels on the map and the list shall be zoned to Downtown Mixed Use (DMX). The rezoning of each of the properties is as specified in Figure 1 and Figure 2.

SECTION 4. PRINCIPAL, ACCESSORY, AND CONDITIONAL USES

Provisions of the Yolo County Code governing Principal, Accessory, and Conditional uses on the parcels affected by this Ordinance are as provided for by Yolo County Code Title 8, Chapter 2.

SECTION 5. AMENDMENT OF COUNTY ZONING CODE MAP

Inset Map No. ____ of the Zoning Map of the County of Yolo (which is incorporated by reference in section 8-2.302 of the Yolo County Code), and incorporated herein by this reference, is amended by the re-zoning of certain lands as is reflected on said Figures 1 and Figure 2.

SECTION 6. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this ordinance or any Figure 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 7. 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 members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that 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:

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
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

TO: SUPERVISOR DUANE CHAMBERLAIN, Chairman,
and Members of the Board of Supervisors

FROM: JOHN BENCOMO, Director
Eric Parfrey, Principal Planner
Planning and Public Works Department

DATE: October 28, 2008

SUBJECT: Adoption of the Esparto Downtown Mixed Use Zoning District Ordinance,
including the rezoning of a series of properties, and the adoption of an
Amendment to the Esparto General Plan (no general fund impact)

RECOMMENDED ACTIONS

- A. **HOLD** a public hearing and receive comments on the Esparto Downtown Mixed Use (DMX) Zoning District Ordinance;
- B. **ADOPT** the Ordinance amending Title 8, Chapter 2 of the County Code to add the Esparto DMX zone, and to rezone a series of properties from Community Commercial Planned Development (C-2 PD) to the new DMX district (**Attachment A**);
- C. **ADOPT** a Resolution approving an amendment to the 2007 Esparto General Plan (**Attachment B**); and
- D. **ADOPT** a Resolution (**Attachment C**) adopting the Mitigated Negative Declaration, the Errata, and the Mitigation Monitoring and Reporting Program (**Attachment D**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

FISCAL IMPACT

Staff time involved in preparing the Ordinance has been paid from the Planning Division budget (approximately 250 hours of staff time or \$25,000 over the last two years). Future implementation of the ordinance will be paid for by individual applicants through fees collected for building permits, site plan reviews, use permits, and other County approvals.

REASON 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.

The proposed DMX zoning would accomplish many goals related to smart growth and would establish specific standards for ensuring that development in downtown Esparto supports and enhances its historic heritage. It would also allow for a variety of dense housing to occur within the downtown area, so that people could live near jobs and transportation. The health and well-being of residents would be promoted by encouraging physical activity and greater social interaction. The ordinance would also provide greater flexibility for new and existing businesses and would encourage a pedestrian-oriented, storefront-style shopping environment. The ordinance is consistent with, and has incorporated many of, the concepts of Dan Burden's Esparto Revitalization Plan, previously accepted by the Board of Supervisors.

BACKGROUND

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, August 14, 2008, and October 9, 2008 (**Attachment E**). Significant provisions of the ordinance include:

- Simplifies and updates zoning requirements to clarify which uses are allowed and which are conditional.
- Establishes a minimum building height of 22 feet (two stories) for buildings located in the historic downtown area to create a more uniform appearance and to create additional opportunities for upper-story residential uses.
- Limits the construction of "big-box" retailers that would significantly disrupt the historic pattern of development in the downtown area.
- Requires new construction to be located close to the street, with parking in the rear, to promote a pedestrian walking environment and window shopping. Similarly, ground floor uses must include a minimum amount of retail space.
- Creates new sign requirements to allow greater advertising for businesses within the downtown area, without creating visual clutter.
- Provides new architectural guidelines that require the use of building details, colors, materials, and designs that are consistent with the historic look of the downtown area.
- Assists businesses by allowing sidewalk dining for restaurants and reducing parking requirements.

- Creates new residential opportunities by permitting live/work spaces, lofts, duplexes, townhouses, and apartments within the downtown area. The ordinance establishes a new minimum density of 10 units per acre to encourage residents living near jobs and the transit bus stop. Detached single family housing as is typically seen in residential neighborhoods is prohibited.
- Adds requirements to notify buyers of residential lots or homes, that they are purchasing property within a mixed use zone, and that adjacent residential uses could be changed to nonresidential use. Also requires that residential neighbors within the DMX zone be notified when an adjoining property is changed from a residential to a nonresidential use.

In addition to recommending some specific changes to the ordinance at their last public hearing on October 9, 2008, the Planning Commission directed staff to return to the Planning Commission with a proposed policy amendment to the 2007 Esparto General Plan, which references economic development incentives that are available to encourage development in the DMX zone. The Planning Commission also directed staff to return to the Planning Commission in December 2008 with a recommendation, for a process to prepare a procedures manual which would give guidance to all the county's citizens advisory committees on how to review discretionary development applications.

The proposed ordinance in **Attachment A** includes all of the recommendations of the Planning Commission, with the exception of one item, noted below.

Staff Analysis

The DMX zoning ordinance has undergone significant revisions over the last two years as the Planning Commission and the Esparto Citizens Advisory Committee (ECAC) have reviewed the draft (**Attachments E and F**). Staff generally concurs with most of the recommendations by the Planning Commission, the ECAC, and other interested parties.

The role, if any, of subdivisions of detached single family housing within the DMX zone has been one of the most hotly debated issues. 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 Planning Commission directed staff to delete references to single family detached housing being prohibited in the DMX zone at the last hearing on October 9, 2008 (**Attachment E**). With this deletion, a subdivision of zero-lot line detached homes on very small lots (3,000 to 3,500 square feet) could be constructed on a portion of a vacant lot within the DMX zone, since such a project would meet the minimum density requirement of 10 units per net acre. However, staff agrees with ECAC that there is no pressing need to allow single family subdivisions in the DMX. Attached single family projects such as duplexes, townhouses, and condos, plus all multiple family housing types, should be allowed in the DMX, but detached homes should not be allowed. Accordingly, despite the Planning Commission recommendation, the attached ordinance continues to prohibit all detached housing.

There are additional reasons why, in the opinion of staff, detached housing should be prohibited in the DMX zone. The Esparto General Plan designates approximately 85 acres of vacant land within the town for additional very low and low density subdivision

development, which could yield another 435 units. This is in addition to the four subdivisions comprising 340 single family homes that the Board of Supervisors approved in Esparto last year. Additional vacant lands within the DMX zone are not needed to accommodate residential subdivisions. In contrast, there is a relatively limited amount of vacant land in Esparto outside of the downtown that is zoned for commercial use.

Staff agrees with all of the other recommendations by the Planning Commission.

OTHER AGENCY INVOLVEMENT

The DMX zoning ordinance has been discussed extensively by the Esparto Citizens Advisory Committee. The ordinance has also been reviewed by County Counsel, the County Economic Development Manager, Capay Valley Vision, Esparto Chamber of Commerce, downtown property owners, and other business interests.

Staff prepared and circulated an Initial Study/ Mitigated Negative Declaration for 30 days from June 26 to July 28, 2008 (**Attachment D**). The document was circulated to state agencies through the Office of Planning and Research. One comment from Caltrans was received and was responded to in the August 14, 2008 Planning Commission staff report (**Attachment F**). The administrative record for the Initial Study/Negative Declaration is on file at the Planning and Public Works Department, 292 West Beamer Street, Woodland, CA, and is maintained by Eric Parfrey. 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. A Mitigation Monitoring and Reporting Program has also been prepared.

ATTACHMENTS

- Attachment A:** Ordinance Amending Chapter 2 of Title 8 of the Yolo County Code to Add the Esparto Downtown Mixed Use Zone and to Rezone a Series of Properties
- Attachment B:** Resolution Approving an Amendment to the 2007 Esparto General Plan
- Attachment C:** Resolution Adopting the Mitigated Negative Declaration, the Errata, and the Mitigation Monitoring and Reporting Program

On file with the Clerk of the Board of Supervisors:

- Attachment D:** Mitigated Negative Declaration, Errata, and Mitigation Monitoring and Reporting Program
- Attachment E:** Staff report for the October 9, 2008 Planning Commission hearing (without attachments)
- Attachment F:** Staff report for the August 14, 2008 Planning Commission hearing (without attachments)