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4. PUBLIC REQUESTS

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

No one from the public came forward.

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5. CORRESPONDENCE

- 5.1 Comment letter pertaining to County of Yolo Draft 2030 Countywide General Plan
- 5.2 Conservation Quarterly Newsletter
- 5.3 Letter from Dunnigan Advisory Committee regarding the Draft General Plan

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

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CONSENT AGENDA

- 6.1 None.

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TIME SET AGENDA

- 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)

Jeff Anderson, Assistant Planner, gave the staff report, and answered questions from the Commission.

Chair Bertolero opened the public hearing.

Ken Lazzaroni, with Crew Winery, explained his reason for requesting the parcel split and requested that the Planning Commission waive the Swanson's hawk mitigation fee, or include a condition that the fee be deferred until such time that a structure is built on the property.

Commissioner Kimball asked if there are currently any home-sites on this property.

Ken Lazzaroni informed the Commission that there is not a home-site, nor do they have any intention to build any.

Chair Bertolero asked clarifying questions regarding the water source and if it complies with the Williamson Act.

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Mr. Lazzaroni explained that a water line could be extended from one parcel to the other. If a need arises in the future, another well could be installed.

Vice-Chair Winters asked about the trigger for requiring the Swainson's Hawk habitat fee.

David Morrison, Assistant Director of Planning Services, provided an explanation to the Planning Commission on the Swainson's Hawk habitat fee requirements and the need to maintain consistency. He explained that there is currently one site that a home can be built on and that the split will provide the opportunity for an additional two home-site.

Chris Lerch with Laugenour and Meikle, surveyor for the project, requested a change in condition number 11, to show the easement on the final map and have the final map be the vehicle that creates the easement.

David Morrison informed the Planning Commission that staff has no objection to that request.

Richard Shell, a Director and Chief Officer of Vintage Wine Trust, said that he is attending the meeting to support the professionals that have been working on the project. He commended the Planning Department and stated that "this is a beautiful piece of property."

Chair Bertolero closed the public hearing.

Commissioner Peart said that this is an issue near to his heart. He said that he supports the applicant in his request that the Swainson's Hawk habitat fee be paid when a building permit is pulled, rather than at the time of land division.

Commissioner Kimball commended the great work done on this project, but has concerns regarding parcel splits in general that allow additional home sites. Yolo County has very strict policies on allowing parcel splits except for agricultural reasons. Doing the parcel split makes the property more valuable. Therefore, this is a new value to the applicant, which is one of the reasons that the Swainson's Hawk habitat fee should be paid up front.

Commissioner Burton said that his concern would be with not charging the Swainson's Hawk fee and thinks that it is appropriate to ask them to pay the fees because it does add value.

Vice-Chair Winters concurred with Commissioner Peart about not charging the Swainson's Hawk habitat fee until the building permit is pulled. He commended the presentation and felt that it was a wonderful project.

Commissioner Merwin said that he agrees with Commissioner Peart on this project, but in this case, they are allowing for a potential new home-site, and therefore also agrees with Commissioner Kimball. In this particular case, he does not see the applicant creating home-sites, and will vote for this project, but is leaning towards not waiving the fees because it is not permitted for every rural project.

Commissioner Liu supports the project but hesitates to waive the fees. She supports the staff's analysis regarding the Swainson's Hawk fees.

Chair Bertolero shared his concern about the water being brought to a parcel to comply with a Williamson Act contract and would need to be resolved when the parcel is split. In regards to the mitigation fees, he supports the staff's recommendation on the project.

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**Commission Action**

MOTION: Burton SECOND: Merwin

That the Planning Commission :

1. **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**);
2. **ADOPT** the proposed Findings (**Attachment D**) for the project; and
3. **APPROVE** the Tentative Parcel Map (TPM #4952) (**Attachment A**) in accordance with the Conditions of Approval (**Attachment E**) with the discussed change:
  - a. Condition 11 to require that the easement to be shown on the final map.
  - b.

SUBSTITUTE MOTION: Winters SECOND: Peart

1. That the Planning Commission recommend the above actions with the following change:

- a. Condition 10 to be amended to state that prior to final map approval, the applicant shall record notice in the chain of title, of the obligation to mitigate for the loss of Swainson's Hawk foraging habitat at time of building permit. Form shall be approved by County Counsel.

AYES: Bertolero, Burton, Liu, Merwin, Peart, and Winters

NOES: Kimball

ABSTAIN: None

ABSENT: None

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

**PLANNING DIVISION-PPW (530) 666-8808**

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Yolo County Planning Commission.
2. Within 30 days from the date of project approval by the Yolo County Planning Commission, the applicant shall sign and return the Williamson Act contracts prepared for "Parcel 1" and "Parcel 2".
3. 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 Yolo County Planning Commission, or the Tentative Parcel Map shall become null and void without any further action in accordance with the state Subdivision Map Act.
4. In order to obtain grading, building, and occupancy permits, or Final Map approval, the developer shall submit a Condition Compliance deposit through the Planning Division in accordance with

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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 project approval by the Yolo County Planning Commission, the applicant is required to schedule and participate in a pre-Final Map approval meeting at the Development Review Committee (DRC).
6. The applicant shall pay fees in the amount of \$1,926.75 (\$1,876.75 for state filing fee, plus \$50.00 county processing fee), under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of the Notice of Determination to cover the cost of review of the environmental document by the California Department of Fish and Game.

### COUNTY COUNSEL (530) 666-8172

7. 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.

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

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

### **PRIOR TO FINAL MAP APPROVAL:**

### PLANNING DIVISION-PPW (530) 666-8808

9. The Parcel Map submitted for recordation shall have the Parcel Map Number (PM #4952) indelibly printed on it. Said PM #4952 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.
10. Prior to Final Map approval, the applicant shall record a notice in the chain of title for the newly-created parcel stating the obligation to mitigate for the loss of Swainson's hawk foraging habitat at the time of building permit. Such notice shall be approved by the County Counsel prior to recordation.

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11. The applicant shall record an easement to allow the owner of Parcel 1 to have access to existing irrigation water on Parcel 2. The easement shall be approved by County Counsel and shown on the Final Map. The easement shall:
- Allow the owner of Parcel 1 to install a pipeline connecting to the agricultural well on Parcel 2 and extending across the property to Parcel 1.
  - Allow the owner of Parcel 1 to access Parcel 2 for the purpose of installing, operating, and maintaining the pump or pipeline.
12. Prior to Final Map approval, the applicant shall resolve all outstanding building issues as addressed in a letter dated November 26, 2008 (Status Update for Vintage Wine Trust, Crew Winery, ZF #2007-031). The applicant shall also comply with all approved Conditions of Approval for ZF#2007-031 before Final Map approval for the current project (ZF #2008-040).

PUBLIC WORKS DIVISION-PPW (530) 666-8811

13. Prior to Final Map approval, provide a uniform right-of-way for County Road 92B. Applicant shall perform a field survey of County Road 92B, and dedicate to the county a thirty foot wide easement for road and utility purposes on both sides of the existing centerline of County Road 92B (for a total road right-of-way width of sixty feet). Abandon, by reference on the Parcel Map (Government Code Section 66499.20 ½), all extraneous, existing county right-of-way currently shown for County Road 92B.
14. Prior to Final Map approval, provide a uniform right-of-way for County Road 15B. Applicant shall dedicate to the county a five-foot wide easement for road and utility purposes on the north side of the existing right-of-way for County Road 15B, where necessary to create a total half-street easement of thirty feet along all County Road 15B frontage.

**PRIOR TO ISSUANCE OF ANY BUILDING PERMITS:**

BUILDING DIVISION-PPW (530) 666-8775

15. 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.
16. 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

Prior to the issuance of any building permits, well and septic system designs shall be approved by the Environmental Health Department.

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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

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Yolo (APNs: 025-250-15, 025-250-16, and 056-250-15). A Categorical Exemption has been prepared for this project. Owner/Applicant: Gorman

Stephanie Berg, Associate Planner, gave the staff report, and answered questions from the commission.

Chair Bertolero opened and closed the public hearing.

No one from the public came forward.

Vice-Chair Winters said that the project looks pretty simple and does not see the need for any changes.

Commissioner Merwin agreed with Vice-Chair Winters and felt that the division is a smart idea.

Commissioner Liu agreed.

Commissioner Peart concurred with his fellow Commissioners.

Commissioner Kimball agreed.

Commissioner Burton said that it is pretty straightforward.

Chair Bertolero was ready to accept a motion on this project.

**Commission Action**

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**).

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

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ABSENT: None

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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

Ms. Berg, Associate Planner, gave the staff report, and answered questions from the commission. She also provided and reviewed a handout with new proposed language, providing clarification on the landscaping and the height of mounding.

Commissioner Kimball requested that clarifying language be added in regards to the landscaping and the use of native grasses, as it is currently too ambiguous. Commissioner Kimball also had concerns with the traffic on County Road 94B and State Highway 16.

Ms. Berg said that they addressed the line of site issues, but neither Yolo County Public Works nor Caltrans identified any capacity issues or level of service.

Chair Bertolero opened the public hearing.

Brad Beer with Stor-tec inc provided information and answered questions from the Planning Commission. He said that he has been working on the product for a year and a half and feels that they have gone to great endeavors to satisfy the concerns of staff regarding the screening issue.

Commissioner Liu asked Mr. Beer if he felt that it was reasonable to achieve a planting plan.

Mr. Beer responded and said that they can ensure that if a plant dies they will replace it.

Chair Bertolero closed the public hearing.

Commissioner Burton said that he supports the project.

Commissioner Kimball said that she supports the project as well, for the most part, but would like to see a little more definition with respect to what does planting success mean, prior to moving forward. She would like to see that included in the conditions of approval along with requiring them to use a few more native plants.

Commissioner Peart also supports the project and appreciates Commissioner Kimball's knowledge about certain plants.

Commissioner Liu concurred with her fellow Planning Commissioners and thanked Stephanie Berg for her detailed work. On Attachment F, Condition 11, she would like Stephanie Berg to add language about focusing on native plants wherever possible.

Commissioner Merwin concurred with his fellow commissioners and their comments.

Vice-Chair Winters concurred with comments made by fellow commissioners and commended Stephanie Berg for her thoroughness. He said he is confident that the applicant will keep a close eye on the screening.



Chair Bertolero concurred with his fellow commissioners and said that Commissioner Kimball had some good points. He feels that they should address the issue of using more of the native plants.

**Commission Action**

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 as modified which implements and monitors all mitigation measure in accordance with CEQA and the CEQA Guidelines (**Attachment D**);
4. **ADOPT** the recommended Findings (**Attachment E**); and
5. **APPROVE** the Conditions of Approval as modified (**Attachment F**) with the discussed changes to Condition 47.
  - a. Include language requiring the use of 25 percent native plants in the implementation of the landscaping.
  - b. Success will be measured prior to the issuing of building permits. Success will be measured as 80 percent survival in six months.
  - c. The applicant must achieve a screen of 8 feet with the berm not to exceed 5 feet.

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

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

PLANNING DIVISION - PPW (530) 666-8850

1. The project shall be developed in compliance with all adopted Conditions of Approval and the Mitigation Monitoring Program for Zone File #2008-032. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Monitoring Program as contained herein.
2. The project is as described in the Mitigated Negative Declaration and summarized in the Yolo County Planning Commission staff report, as modified by the adopted Conditions of Approval and Mitigation Monitoring and Reporting Plan. Up to 254 8-foot by 8-foot by 40-foot cargo containers may be installed in four construction phases, and up to 171 RV/boat parking stalls may be installed. Building Permits shall be required for installation of the cargo containers, prior to each construction phase. The approved Planting Plan and Irrigation Plan, as submitted by Dumars, Inc. on 8-28-08 and/or modified by the Director of Planning and Public Works or the Yolo County Planning Commission, shall be implemented as described and conditioned in this Use Permit. Perimeter screening for State Route 16 and County Road 94B shall include typical plant combinations of bamboo/grass-like plants, broadleaf evergreens, conifer

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evergreens (not to exceed 30 feet in height), large evergreen shrubs/small trees, grasses, ground cover, and shrubs.

Any subsequent substantive changes in the project description may require an amendment to this Use Permit, with approval by the Planning Commission, at the discretion of the Planning and Public Works Director.

3. This Use Permit (ZF #2008-032) shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time, not to exceed one year.
4. Failure to comply with the Conditions of Approval and Mitigation Monitoring Plan as approved by the Planning Commission may result in: (1) non-issuance of future building permits; (2) legal enforcement action; and/or (3) revocation of the Use Permit.
5. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as applicable to the proposed use and the project area. These include, but are not limited to: Department of Fish and Game (Swainson's Hawk mitigation fees and CEQA filing fees), Central Valley Regional Water Quality Control Board (CVRWQCB), Yolo-Solano Air Quality Management District (YSAQMD), Caltrans District 3, California Division of Aeronautics, Sacramento Area Council of Governments (SACOG - the designated Airport Land Use Commission), Yolo County Environmental Health, Yolo County Planning and Public Works, and the Willow Oak Fire Protection District.
6. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, will be required to pay for the cost of Department of Fish and Game review. The fees (\$1,876.75) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.
7. Construction and operation of the project shall remain compatible with the existing Watts-Woodland Airport Comprehensive Land Use Plan, which identifies the property as being in an overflight zone (safety zone). Land uses in the overflight zone are restricted from uses that could result in large assemblies of people. Therefore, operation of the project shall not draw large crowds of people to the site at any given time.
8. All construction equipment shall be muffled and maintained in accordance with manufacturer's specifications.
9. The hours of operations shall be 7:00 a.m. until 7:00 p.m. daily. At least one employee shall remain onsite at all times to provide 24-hour security.
10. The self-storage facility shall be operated and maintained by the applicant/operator in such a manner, and with such frequency, as to ensure the public health, safety, and general welfare. All signs shall be maintained in a clean and readable condition at all times, and any graffiti and/or vandalism shall be removed and repaired on a regular basis.
11. All landscaping shall be maintained regularly by the applicant/operator, for the continued provision of healthy thriving landscaping. The property shall be maintained so that it is visually attractive and not dangerous to the health and welfare of the surrounding properties. This includes seasonal monitoring of plant growth to ensure it does not encroach into navigable airspace. No plants shall be planted that are known to exceed a height of 30 feet at maturity. Any plants reaching a height of 29 feet shall be trimmed immediately, as necessary.

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12. The installation of earth mounds, structures, or landscape plantings along the project's southern boundary (State Route 16) shall in no way lessen existing sight distances for motorists turning from southbound County Road 94B onto SR 16, or for those motorists utilizing the Yolo County Flood Control and Conservation District's driveway connection to SR 16. Modifications to the planting plan to retain current sight distances shall be approved by the Director of Planning and Public Works, prior to project approval.
13. Existing trees along the Yolo County Flood Control District's north property line shall not be removed.
14. All costs of ownership, operation and maintenance, improvements, infrastructure, systems, etc. shall be the responsibility of the applicant, operator or the property owner.
15. If any county enforcement activities are required to enforce compliance with these Conditions of Approval, the applicant and/or property owner shall be charged for such enforcement activities in accordance with the Yolo County Code Schedule of Fees.
16. The applicant/operator shall routinely check for petroleum leaks on stored vehicles and boats to prevent contamination into the groundwater table and/or the storm water drainage system. Any such leaks shall be immediately contained by placing an absorbent product under the leak. A drip pan shall be installed under the leaky vehicle or boat, and the individual owner shall be contacted for repair of said vehicle or boat.
17. Water quality features, such as bio-swales and perforated risers surrounded by crushed rock, shall be implemented in the onsite storm drainage system to eliminate contaminants generated by any new project operations.
18. The site shall be limited to two freestanding advertising monument signs. Such signs shall have a face area no greater than 50 square feet and a height no taller than 20 feet. A Building Permit shall be obtained from the Building Division prior to installation of the signs. All signs may only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, or by direct stationary neon.
19. A 20-foot storage container setback from the Yolo County Flood Control District's west and north fence lines shall be maintained at all times.
20. The applicant/owner/operator shall prohibit the individual storage of hazardous materials in the cargo containers.

**ENVIRONMENTAL HEALTH DIVISION - HEALTH DEPARTMENT (530) 666-8646**

21. The project shall be required to submit a Hazardous Materials/Waste Business Plan and Inventory to Yolo County Environmental Health if reportable quantities are reached or exceeded. Reportable quantities are amounts of hazardous materials that equal or exceed 500 pounds, 55 gallons, 200 cubic feet of gas, or any quantity of hazardous waste.

**BUILDING DIVISION - PPW (530) 666-8775**

22. The applicant shall provide one accessible parking space with van access, as specified by the Chief Building Official. An accessible path of travel shall be required and maintained to and

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from the modular office building and client restroom. Compliance with the American's Disability Act (ADA) shall apply throughout the entire project.

WILLOW OAK FIRE PROTECTION DISTRICT (530) 662-0781

23. Access roads within the facility shall remain unobstructed at all times, with adequate signage for fire lanes and no parking areas.

COUNTY COUNSEL (530) 666-8172

24. 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. 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 reasonably determined to be sufficient to satisfy the above indemnification and defense obligation.

**PRIOR TO LAND DISTURBANCE OR ISSUANCE OF GRADING PERMITS:**

PLANNING DIVISION - PPW (530) 666-8850

25. 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.
26. Within 60 days from the date of project approval by the Yolo County Planning Commission, the applicant is required to schedule and participate in a pre-construction meeting at the Development Review Committee (DRC).
27. The applicant/operator shall obtain all necessary permits from the Yolo Solano Air Quality Management District (YSAQMD), including permits to construct and operate or provide evidence that said permits are not required. Copies of all approved YSAQMD permits shall be submitted to the Planning Division prior to construction and/or operation of the source in question.
28. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts, and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work

within 75 feet shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. In accordance with Section 7050.5 of the California Health and Safety Code, if

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human skeletal remains are encountered during construction, all work within 75 feet shall immediately stop and the County Coroner shall be notified at (530) 668-5820 within 24 hours. If the remains are of Native American Heritage origin, the appropriate Native American community, as identified by the Native American Heritage Commission, shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed. This requirement shall be noted on the approved Grading Plans.

29. Any relocation of Pacific Gas & Electric (PG&E) gas and/or electric facilities shall be at the applicant/operator's expense.
30. Security fencing adjoining the Yolo County Flood Control and Water Conservation District (District) offices property boundary may be realigned by the District to conform to the shared property line. Installation of slats in the existing fence and/or realigned chain link fabric shall be installed by the project applicant to screen the District's storage yard from view of the project site.

### **BUILDING DIVISION - PPW (530) 666-8775**

31. A grading permit shall be required prior to any soil disturbance activity on the site. Grading plans shall be submitted to the Building Division for review and approval. Initial site grading shall accommodate the existing drainage originating on the Yolo County Flood Control District property adjoining the project site. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1st of each year.
32. The applicant shall submit a soils report, prepared by a registered civil engineer, which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for structures and embankments required to accomplish the proposed grading; and where necessary, slope stability studies, and recommendations and conclusions regarding site geology. If necessary, and upon determination of the Director of Planning and Public Works, the project may require additional reports, such as a foundation and soils investigation and/or a geotechnical report.

### **ENVIRONMENTAL HEALTH DIVISION - HEALTH DEPARTMENT (530) 666-8646**

33. The septic system shall have capacity for the office, client restroom, and employee residence. An approvable septic system site plan shall be required prior to issuance of a grading permit.
34. Discovery of previously unknown contamination is possible during construction activities. If, during construction activities, the applicant discovers any potentially hazardous contamination, Environmental Health Division shall be contacted prior to the issuance of grading permit.

### **PUBLIC WORKS DIVISION - PPW (530) 666-8811**

35. The applicant shall apply for a county encroachment permit for work within the county right-of-way. A paved driveway connection with culvert is required for the project's access connection

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to County Road 94B per county standards. The county shall determine minimum culvert diameter. The culvert will be required to be maintained by the applicant or applicant's successor. The outlet piping, flared end section, and rip rap area for the northern detention basin discharge in the CR 94B roadside ditch will be required to be maintained by the applicant and/or current operator.

36. A National Pollutant Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) shall be obtained for controlling construction activities that may adversely affect water quality.
37. The applicant 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.
38. The applicant shall contact the CVRWQCB to determine if an Industrial SWPPP is required for controlling operation activities that may adversely affect water quality. Applicant shall provide a copy of the CVRWQCB response, along with CVRWQCB contact information, to the public Works division.
39. The applicant shall provide an engineered drainage study, per County Improvement Standards, for review and approval by the County Engineer and the Yolo County Flood Control and Water Conservation District (District), to demonstrate that post-development flow rates during a 1-hour, 10-year storm event do not exceed current flow rates; and that the project will provide detention to detain the incremental difference between pre- and post-development storm water flows during a 24-hour, 100-year storm event. Since the roadside ditch on CR 94B ultimately drains into the Moore Canal (owned and operated by the District for irrigation purposes), the volume of storm drainage discharged to the roadside ditch on CR 94B shall not increase during the 24-hour, 100-year event, unless otherwise agreed to in writing by the District.  
The study shall include all the proposed overland release paths, and shall examine the downstream storm water conveyance facilities to ensure the drainage conditions and capacity for the frontage of the airport property are adequate for the increased concentrated flow introduced in the CR 94B roadside ditch by operation of the self-storage facility project. The applicant shall use the Environmental Protection Agency Storm Water Management Model (SWMM), or similar dynamic modeling software for the analysis. The study must be signed and sealed by a civil engineer licensed in the State of California.
40. A geotechnical report for the site shall be submitted for review by the Public Works division. Detention basin embankment design shall be incorporated in the report. The report must be signed and sealed by a civil engineer licensed in the State of California.
41. The applicant shall submit engineered civil improvement plans for the entire site for review by the Public Works division. The plans must be signed and sealed by a civil engineer licensed in the State of California. Existing sight distances for motorists using the landscaped driveway connection to enter County Road 94B (35 miles per hour posted speed limit) shall be as per county standards. Minimum sight distances for motorists turning from southbound County

Road 94B onto State Route 16 and for motorists utilizing the Yolo County Flood Control and Water Conservation District's driveway connection to SR 16 shall be maintained or improved.

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42. An encroachment permit shall be required for any work conducted in the state's right-of-way (SR 16). The Office of Encroachment Permits Central Desk can be contacted at (530) 741-4403.

### DEPARTMENT OF TRANSPORTATION - DIVISION OF AERONAUTICS (916) 654-5376

43. A flight surface exhibit showing finished grades and slope percentages shall be approved by the Sacramento Area Council of Governments (SACOG), the designated Airport Land Use Commission (ALUC), and the State's Division of Aeronautics to ensure the design of the project does not allow obstruction of navigable airspace.
44. Terrain elevation shall be lowered in such a way as to restrict objects, including structures or natural growth, from reaching a height which exceeds obstruction standards that regulate objects affecting navigable airspace, as indicated in condition #43, above [Title 14 of the Code of Federal Regulations, Part 77, Subpart C (FAR Part 77)]. Objects shall further include cargo containers, recreational vehicles, boats, and landscape screening.
45. The applicant shall notify the Federal Aviation Administration via FAA Form 7460-1 in accordance with FAR Part 77, Section 77.13.
46. The applicant shall consult FAA Advisory Circular (AC) 150/5200-33B and coordinate with the property owner to monitor wildlife activity to ensure compatibility with existing airport operations. AC 150/5200-33B, entitled "Hazardous Wildlife Attractants on or Near Airports," addresses these issues and is available at the FAA website <http://wildlife-mitigation.tc.faa.gov/>.

### **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

#### PLANNING DIVISION - PPW (530) 666-8808

47. The approved Planting Plan, as amended at the December 18, 2008, Planning Commission public hearing, shall be implemented before installation of the first cargo container at the first construction phase (Phase 1) in order to establish perimeter screening for the project. The Planting Plan shall be modified to include no less than 25 percent native plantings. The combined height of the berm and plants shall be a minimum of eight feet, with a maximum berm or mound height of five feet. Demonstration of successful landscaping shall be required prior to the issuance of building permits for additional cargo containers at Phase 2, and at each successive phase thereafter. Success shall be defined as a minimum of 80 percent of the installed plants surviving a minimum of six months after planting. If 80 percent of the plants have not survived at the end of the six-month term, the applicant shall immediately replant the non-surviving species and continue this process until the 80 percent survival rate is achieved.
48. The applicant/developer shall prepare a detailed lighting plan which shall be submitted for review and approval by the Yolo County Planning and Public Works Department. The lighting plan shall include the proposed locations, design, and type of the light fixtures. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from residences and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures. All light fixtures shall 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.

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**BUILDING DIVISION - PPW (530) 666-8775**

49. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to Willow Oak Fire Protection District fees, Woodland Joint Unified School District fees, and County facility fees.
50. Prior to the issuance of any Building Permit, all necessary permits as required by Federal, State, and local agencies and districts shall be provided to the Planning and Public Works Department.
51. Installation of the cargo containers at each construction phase shall require issuance of Building Permits. Prior to each construction phase, any building, sign, or structure to be located on site will require professionally prepared plans approved by the Building Division. Building plans for the cargo containers shall require a foundation system that secures each individual container to the earth.

**ENVIRONMENTAL HEALTH DIVISION - HEALTH DEPARTMENT (530) 666-8646**

52. The well shall be constructed under permits from Yolo County Environmental Health. Construction shall be done according to the requirements of a well that will serve a commercial establishment. A 50-foot or greater 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.

**WILLOW OAK FIRE PROTECTION DISTRICT (530) 662-0781**

53. The self-storage project is protected by the Willow Oak Fire Protection District. Prior to any construction, the applicant shall contact the fire district for verification of current fire protection development requirements. All new construction shall comply with the existing Uniform Fire Code requirements and all applicable statutes, codes, ordinance, or standards of the Fire District.
54. The project shall require adequate onsite fire suppression water supply, as approved by the Willow Oak Fire Protection District (District). Concurrent with the first phase of construction, the applicant shall install one above-ground 10,000-gallon water storage tank with a 4.5-inch connection for tanker trucks and a fire pump capable of 80 pounds of pressure per square inch (psi). Prior to each successive phase of construction, the applicant shall obtain approval from the Willow Oak Fire Protection District for the installation of additional above-ground water storage tanks as required.
55. A secondary access and egress shall be provided, at a point distant to the street access, for emergency vehicle purposes. Said emergency access shall be approved by Willow Oak Fire Protection District.
56. Adequate access and turning radius for fire apparatus shall be accommodated. All necessary signage and curb markings shall indicate Fire Lane or No Parking, as necessary. Access roads shall be a minimum of 20 feet in width, and turning radii shall be a minimum 90 feet in diameter. Access roads shall be constructed with all-weather paving materials.

**PRIOR TO THE COMMENCEMENT OF OPERATIONS:**

**PLANNING DIVISION - PPW (530) 666-8775**



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57. The applicant shall obtain and maintain a Business License from the Planning and Public Works Department.

### WILLOW OAK FIRE PROTECTION DISTRICT (530) 662-0781

58. Prior to final inspection or occupancy of any new building, hand portable fire extinguishers are required to be provided. The location, number, type, and cabinet design shall be approved by the Willow Oak Fire Protection District.

## **MITIGATION MEASURES**

### PLANNING DIVISION - PPW (530) 666-8808

59. Mitigation Measure 1: The approved landscaping and irrigation plan for the self-storage and RV/boat parking facility shall be implemented prior to installation of the first cargo container or RV/boat parking stall. Perimeter landscaping shall be installed along State Route 16 and County Road 94B, where feasible, and in such a way so as not to interfere with construction activity. Grading activity for the site shall precede implementation of the landscaping and irrigation plan. Planting areas shall be prepared in accordance with the approved landscaping plan.
60. Mitigation Measure 2: The applicant shall submit a construction dust control plan to the Yolo-Solano Air Quality Management District, prior to the commencement of operations. This plan shall ensure that dust controls measures are implemented during all phases of project construction and daily operations. The plan shall include short-term measures for use during high wind (greater than 25-mph gust) conditions. Control measures shall include surface stabilization (such as active watering) to comply with YSAQMD requirements. The dust control best management practices (BMPs) shall incorporate the standard PM10 dust suppression requirements recommended by the YSAQMD, including:
- Watering all active construction sites at least twice daily, with frequency based on intensity of operation, soil, and wind conditions.
  - Haul trucks maintaining at least two feet of freeboard.
  - Covering all trucks hauling dirt, sand, or loose materials.
  - Applying non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydroseeding the area.
  - Applying chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
  - Planting tree windbreaks on the windward perimeter of construction projects, if adjacent to open land.
  - Covering inactive storage piles.
  - Sweeping streets if visible soil material is carried out from the construction site.
  - Treating accesses to a distance of 100 feet from the paved road with a 6 to 12 inch layer of wood chips or mulch.
  - Treating accesses to a distance of 100 feet from the paved road with a 6-inch layer of gravel.
61. Mitigation Measure 3: The project shall also incorporate the standard NOx reduction requirements recommended by the YSAQMD, including:
- To the extent that equipment and technology is available and cost effective, the applicant shall encourage contractors to use catalyst and filtration technologies;

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- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required; and
- District Rule 2.3 requires controlling visible emissions not exceeding 40% opacity for more than three minutes in any one-hour.

In lieu of or in addition to this requirement, the applicant may use other measures to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

62. Mitigation Measure 4: Prior to project approval, or within 60 days of approval, the project applicant shall be required to determine if Swainson's hawk and/or raptor foraging habitat occur on or near the project site. The applicant shall conduct a biological assessment to determine the potential for Swainson's hawk and raptor foraging habitat occurring on or near the project site. A qualified biologist knowledgeable in raptor conduct shall conduct the assessment and written documentation shall be submitted to Yolo County Planning & Public Works Department for review. The assessment area shall include all potential Swainson's hawk and raptor foraging habitat sites located within one mile of the project site. If no foraging habitat sites or active nests are found during the assessment, no further mitigation shall be required. If a foraging habitat site is found sufficiently close (as determined by the qualified biologist and the Executive Director for the Yolo Habitat Joint Powers Authority) to the project site, an in-lieu mitigation fee of \$8,660.00 per disturbed acre shall be required prior to issuance of the first building permit. If an assessment is not conducted within 60 days of project approval, it shall be assumed that foraging habitat exists on or near the project site and the in-lieu mitigation fee shall be required.
63. Mitigation Measure 5: If an active nest used by a Swainson's hawk, or other foraging raptor, is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game (DFG) and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with the DFG that the young have fledged and are feeding on their own or the nest is no longer in active use.
64. Mitigation Measure 6: An approved landscape and screening plan shall indicate height of plants at maturity. No plants shall be used that are known to exceed a height of 30 feet at maturity. All plant combinations shall be approved by the Director of Planning and Public Works. Maintenance of the landscaped areas shall include seasonal monitoring of plant height, as well as assurance of healthy plant life. Any plants reaching a height of 30 feet or higher shall be trimmed as appropriate.
65. Mitigation Measure 8: In order to satisfy requirements of the Watts-Woodland Airport Comprehensive Land Use Plan (CLUP), construction of the modular office building and residence shall be built with adequate acoustic insulation that minimizes the degree to which noise from aircraft may affect the project site. The residential unit shall be designed to limit intruding noise such that interior noise levels do not exceed 45 dB CNEL, with windows closed, in any habitable room. Interior noise levels for the office area shall be reduced to the 45-50 dB CNEL range.

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WILLOW OAK FIRE PROTECTION DISTRICT (530) 662-0781

66. Mitigation Measure 7: The project shall provide and maintain an unobstructed secondary emergency access and egress at a point distant to the street access, as required by the Willow Oak Fire Protection District. Adequate access and turning radius for fire apparatus shall be accommodated, which shall include all-weather access roads and maneuvering room between groups of cargo containers. All necessary signage and curb markings shall indicate Fire Lane or No Parking, as necessary.
67. Mitigation Measure 9: The project shall meet requirements of the Willow Oak Fire Protection District for the provision of sufficient fire flows. The project will be required to maintain adequate onsite storage of a fire suppression water supply, i.e., above-ground water storage tanks, as approved at each construction phase by the Willow Oak Fire Protection District, that will supply 10,000 gallons of water or more, and include a 4.5-inch connection for tanker trucks and a fire pump capable of 80 pounds of pressure per square inch.
68. Mitigation Measure 10: If more than 15 cargo containers are grouped together, the "grouping" will require that fire sprinklers be installed in each separate container.

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7.3 **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

Donald Rust, Principal Planner, gave the staff report, and answered questions from the commission. Mr. Rust requested that the item be continued to a future hearing date until code violations are resolved.

Chair Bertolero opened the public hearing.

Kent Calfee, representing the applicant, said that the primary issue is fire protection and said that they met Monday with the Chief Building Official, Lonell Butler, and that they are hoping to have the violations resolved by January 29, 2009, so that the project can be brought back to the Planning Commission for action.

Brenda Cedarblade, Yolo County resident, shared some history of violations in Yolo County among the horse community and requested that the Planning Commission deny the application.

Gerald Wilson, Yolo County resident, stated that they just want a fair playing field for all horse stables. He met with the fire marshal and is required to put in a 60,000 gallon water tank. He is concerned that if he is held to it, that everyone else be held to it.

Chair Bertolero closed the public hearing.

Chair Bertolero reopened the public hearing and will continue to leave the public hearing open while the item remains under consideration.

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**Commission Action**

- 1. **HOLD** a public hearing on the project and receive comments;
- 2. **CONTINUE** the project and keep the public hearing open until the January 29, 2009 meeting.

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

\*\*\*

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)

Donald Rust, Principal Planner, gave the staff report and answered questions from the commission. He requested that this project be continued, due to the appellant being unable to attend.

Chair Bertolero opened the public hearing.

Heidi Aoki, Yolo County Landowner about a mile away from the project location, referred to a statement made by Donald Rust at the October 2008 meeting in regards to irrigatable land.

David Morrison clarified that these parcels are not being created, but that they are existing parcels; the project is for a new Williamson Act Contract. He said the confusion is between creating a new parcel and a new contract.

Art Anderson, property owner, provided the Planning Commission with some background on the property and explained his reasons for requesting the split.

**Commission Action**

Recommended that the Board of Supervisors:

- 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. **CONTINUE** the appeal until January 2009, and keep the public hearing open.

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

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ABSTAIN: None  
ABSENT: Kimball

\*\*\*

Chair Bertolero called a short recess.

\*\*\*

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.

Eric Parfrey, Principal Planner gave the staff report, and provided corrections to the first sentence as well as some other errors. He answered questions from the commission.

Chair Bertolero opened and closed the public hearing.

No one from the public came forward.

Commissioner Kimball said that she doesn't see any concerns.

Commissioner Burton said he supports the project, and has heard that Esparto needs a gas station.

Commission Peart concurred.

Vice-Chair Winters said he supports the project.

Commissioner Merwin agreed with his fellow commissioners.

Commissioner Liu said she is in support of the project.

**Commissioner Bertolero said that he supports the project.**

**Commission Action**

Recommended that 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).

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

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ABSTAIN: None

ABSENT: None

**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:

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- **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 **along SR 16 (Yolo Avenue)** 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

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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.



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- 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.

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David Morrison made a recommendation to hear item 7.8 prior to 7.7 due to the large amount of people in attendance for that item.

**Commission Action**

- 1. **HEAR** item 7.8 prior to item 7.7.

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

WORKSHOP

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)

Eric Parfrey presented information to the Planning Commission about remand of the Downtown Mixed Use zoning from the Board of Supervisors and answered questions.

Commissioner Burton expressed his displeasure with staff regarding the presentation of the Commission's recommendation regarding the Downtown Mixed Use Zoning Ordinance to the Board of Supervisors.

Chair Bertolero opened the public hearing.

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Elizabeth Campbell, Esparto Regional Chamber, said that the DMX zoning has been a long process, and is happy that it is over. She read a letter explaining that they agree with Wes Ervin's current document.

John Hulsman Jr, Esparto Citizen's Advisory Committee member, shared his concerns on the Downtown Mixed Use Zoning. He also said that the advisory committee's concern is that something with a significant impact will come in without them having any say in it. The committee does agree with staff about the recommendation to allow up to 39 rooms of lodging without discretionary review.

Giacomo Morris, Secretary of the Esparto Citizen's Advisory Committee, says that the DMX has progressed but was completely sidetracked by the housing issue. He said he thought that the Planning Commission was in favor of eliminating the detached housing. There was confusion at the Board of Supervisors. The advisory committee did meet on Tuesday night, and they felt that it makes sense to not include any housing element, other than second story and above. For example, apartments above commercial space or to live or work behind the business would be ok, but they do not want single family detached housing. He commented on the absorption study and the advisory committee's wish to maintain that commercial area as commercial.

Wes Ervin, Yolo County Economic Development Manager, said that there are things in the staff report that he disagrees with, but is at the meeting to address some questions asked by the Board of Supervisors at the October 28, 2008 meeting, as follows:

- a) *Is all the land in the DMX zone needed for commercial?*  
No more than about 10 acres of commercial will be needed in Esparto both for local serving retail purposes and for tourism capture purposes. This would include a potential motel and small retail. It would not include big box or auto.
- b) *What mixes of housing, commercial are optimal from a fiscal standpoint?*  
Wes Ervin provided a handout that covered three different types of taxes. It concluded that it is in the best interest of the county to do balanced residential and commercial development on future land that is available. The land absorption analysis shows that there is plenty of land in the DMX zone to do both types. Property tax is minimal with housing; you get a slight benefit at first, but over time housing tends to be a net cost to the county. Retail and commercial tends to be a net benefit to the county. Lodging also tends to be a net benefit, but less so due to the bed tax.
- c) *Can ten single family detached homes fit on one acre?*  
After internet research on this question he found an ordinance that encourages single family dwelling units, tandem houses, and cottage housing developments all within the same zone. The minimum detached dwelling unit allowable size in this ordinance is 2500 square feet. That is a density considering the land of about 17 units per acre. This ordinance also requires a minimum of 400 feet of landscaped open space per unit. He recommends that the Planning Commission also consider ensuring that that is one of the requirements within this zone.
- d) *In regards to the hotel rooms- when to trigger a minor or major use permit. This has to do with agenda 7.9 having to do with the incentives. It is a balance that the Planning Commission will have to achieve.*  
Wes Ervin urged the Planning Commission to reaffirm what they had previously recommended.

Chair Bertolero closed the public hearing.

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Chair Bertolero recommended that the Commission discuss each question individually starting with the statement, "Determine that detached single family homes in the DMX zone be prohibited."

Commissioner Burton said that he doesn't see this whole area being commercial; he doesn't think it will be developed. He disagrees with the staff recommendation and feels that they should allow single family detached homes.

Commissioner Kimball agreed with Commissioner Burton and said she would like to see single family detached homes allowed.

Commissioner Peart disagreed with his fellow commissioners. He said that over years there has been poor planning in Esparto. He is not in favor of any more housing in Esparto until the job/housing ratio is discussed, as well as the traffic increase on Highway 16.

Commissioner Burton replied that those items were discussed in the sub-committee.

Chair Bertolero asked Commissioner Peart what his opinion would be on the elevated housing over businesses. Commissioner Peart replied that he had no problem with that, or any of the commercial business.

Vice-Chair Winters said that there are a number of compelling arguments given by the advisory committee, as well as Wes Ervin. He stated that there are certainly opportunities to design a community with higher density, but he is still torn about allowing single family detached housing.

Commissioner Merwin said that outright banning of single family detached housing is probably not a great idea, but given the current economic climate he doesn't know that there is much of a market for housing of any kind at the moment. He agreed with Commissioner Peart, and couldn't support additional housing if it was more of the suburban style. He said he doesn't think that the suburban style is what they are talking about. If they limit it to the higher density per acre, greater than ten per acre, he can see that being included in a commercial mix, along with open space, as being beneficial to the downtown area, because it does make a more walkable community.

Commissioner Liu expressed her appreciation to Mr. Ervin for his forecast into the year 2030 and the needs in the area. She understands that there is going to be a need to have flexibility for what the community may need or desire in the future.

Commissioner Peart requested that the Esparto Citizen's Advisory committee be advised that the Planning Commission appreciates the work that they have done on this ordinance.

Commissioner Burton asked for clarification regarding the 60-40 split. He asked if there has to be commercial development for any type of housing development.

Eric Parfrey answered that in this particular area north of Woodland Avenue, you can have no more than 60 percent residential on the parcel. It does not mandate what the other 40 percent is.

### Commission Action

1. **RECEIVE** this staff report summarizing actions taken by the Board of Supervisors at the October 28, 2008 hearing;

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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 allowed;
  - 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.

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

**Planning Commission recommendation on the following items.**

- a. Determine that detached single family homes in the DMX zone should be prohibited;  
**Planning Commission recommendation:** Allow 10 or more, single family detached homes per acre.

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

- 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;  
**Planning Commission recommendation:** Keep the 60/40 mix as staff recommends.

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

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c. Determine the appropriate number of hotel/motel units that would trigger the requirement for a Use Permit is 40 units;

**Planning Commission recommendation:** 40 or more units will trigger the requirement for a use permit.

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

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Chair Berolero called a 30 minute lunch break.

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The Planning commission heard item 7.10 prior to items 7.7 and 7.9.

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

David Morrison shared the letter to the Board of Supervisors recommending a new subcommittee that will prepare Citizens Advisory Committee procedures.

Commissioner Liu recommended that the first paragraph thank the advisory committees for all of their volunteer work and dedication. She said that the committees need to know the truth of the Planning Commission's intentions, which is to support them even more. She also requested that the first paragraph be modified to read, "...the need for uniform written procedures," and "expressed interest in a more streamlined and efficient process for development applications to be reviewed."

The subject of by-laws was discussed, and it was clarified that the new by-laws will replace the current by-laws.

Commissioner Kimball recommended researching similar committees in other counties to see what they are doing.

Commissioner Burton wanted to clarify that the intentions of creating the new subcommittee was to streamline issues, and make sure that people were following procedures in a manner that was appropriate.

Chair Bertolero said that it is a good idea to form the committee and volunteered to chair this committee and in the process, go to each advisory committee and explain to them what they are trying to do.

Commissioner's Burton and Merwin volunteered to be on the sub-committee.

Commissioner Peart commended Chair Bertolero for his dedication, and thanked him for attending so many of the advisory committee meetings.

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**Commission Action**

1. **HOLD** a public workshop and receive public comments on the update of the county sign ordinance (**Attachment B**)
2. **GIVE** direction to staff to incorporate changes discussed and provide to the Board of Supervisors the three Planning Commissioner's names that were proposed for the committee.

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

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WORKSHOP

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

Wes Ervin, Economic Development Manager gave a presentation of the economic development programs available in Esparto and answered questions from the Planning Commission.

A discussion ensued about the possibility and ability of holding community training.

Chair Bertolero opened the public hearing.

Elizabeth Campbell explained to the Planning Commission that the economic development programs are a hot topic on the Chamber's list. Fast tracking and streamlining of the permits is very appropriate when comparing Yolo County to other counties. She thanked all involved for their work. She provided her thoughts on the success of the program and stated that an ombudsman who is, or was, a business owner who started a business from scratch, would be the best person to assist individuals with their questions.

Chair Bertolero closed the public hearing.

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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.

Craig Baracco, Associate Planner, presented the updates to the current sign ordinance and answered questions from the Planning Commission.

Philip Pogledich, Senior Deputy County Counsel, said he would do some research on designated kiosks for signs and see if it can be incorporated into this ordinance.

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David Morrison pointed out that they kept an eye on streamlining when preparing this ordinance, and that the way the ordinance is currently being proposed is that all signs will be dealt with by right, or over the counter. The only thing that would require a use permit would be off-site signs.

Chair Bertolero put item 7.7. Update of the Yolo County sign ordinance discussion on hold to take Commissioner Merwin and Commissioner Liu's Commission report and excuse them from the meeting. The Planning Commission spoke briefly on the election of officers and made a decision to hold the election two weeks early on January 29, 2009. The Planning Commissioners declared their intentions regarding the Chair and Vice-Chair positions.

Chair Bertolero opened item 7.7, Update of the Yolo County sign ordinance back up for discussion.

Chair Bertolero opened the public hearing.

Elizabeth Campbell said that making it easier for businesses to get people to their businesses is appropriate, and liked the idea of having a central location at off ramps. She said that she feels that it is appropriate for businesses to put their hours of operation on the sign.

Chair Bertolero closed the public hearing.

Chair Bertolero verified that the sign ordinance would return to the Planning Commission in the future.

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REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 None

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9. DIRECTOR'S REPORT

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

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

- A. General Plan Update Schedule: The General Plan will be going back to the Board of Supervisors with revisions on January 20, 21, and 22, 2009. Phil Pogledich, Heidi Tschudin and David Morrison paid a visit to the Attorney Generals office last week, and spoke with them regarding their concerns with climate change.
- B. 2008-09 Budget:
  - Yolo County may have to lay off 150 to 200 people in the future. Development Services will have to wait and see if they are included in any future action, although they are making every effort to avoid layoffs.
  - Building revenue remains pretty constant, however residential development has dropped. Commercial revenue is ahead of last year.
  - The Planning and Public Works Department will be shut down between Christmas and New Years; taking a voluntary furlough.

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- The State of California may cease subvention payments to Yolo County, approximately 1.1 million dollars per year.

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### 10. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

- A. Commissioner Merwin stated that he attended Yolo County Farm Bureau meeting, he also toured the **Clarksburg** area with Supervisor Provenza. He received a call last night from Fritz Durst and an email from Commissioner Kimball.
- B. Commissioner Liu reported that she also participated in the field trip with Supervisor Provenza, visited the Merwin Ranch, and attended Commissioner Burton's holiday function. She announced that January 29, 2009 will be her last meeting.
- C. Vice-Chair Winters reported that he attended a field trip to the new Crew Winery location and R. H. Phillips.
- D. Commissioner Peart said he attended the Dunnigan advisory committee meeting and toured the Dunnigan area with Supervisor Provenza , Chair Bertolero and David Morrison. He met with Art Anderson from item 7.5 today.
- E. Commissioner Kimball reported that she attended the grand opening at Clark Pacific. She also attended the Sacramento Area Council of Governments rural urban connection strategy meeting.
- F. Commissioner Burton stated that he attended an economic development advisory commission meeting in West Sacramento, and a West Sacramento Planning Commission meeting. He attended a Yolo Angel investors meeting in Davis.
- G. Chair Bertolero stated that last month he toured, along with some of the other planning commissioners the Cache Creek reserve facility. He also attended an October 20, 2008 and October 27, 2008 Yolo-Zamora advisory committee meeting. He and his wife attended the California CCRP annual state conference in Bakersfield. On October 28, 2008 met with David Morrison and Heidi Tschudin at his home to help plan out the format for the general plan workshops. He picked up Jim Provenza, David Morrison, and Wes Ervin and toured some of Yolo County, and picked up Commissioner Merwin, Liu and Peart to tour their districts. He also met with Art Anderson and received a call from Mr. Durst about continuing his agenda item.

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### 11. FUTURE AGENDA ITEMS

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

- A. Election of Officers to be held on January 29, 2009.



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B. Affordable Housing Ordinance

C. Amendment to River's Edge Subdivision in Knights Landing

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12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:43 p.m. The next scheduled meeting of the Yolo County Planning Commission is January 29, 2009.

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

Respectfully submitted by,

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