



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

YOLO COUNTY PLANNING COMMISSION

CHAIR: Mary Kimball
VICE-CHAIR: Jeb Burton
MEMBERS: Leroy Bertolero; Jeff Merwin; Richard Reed; Keith Williams; Don Winters

MINUTES

May 14, 2009

ADMINISTRATIVE AGENDA

1. Chair Kimball called the meeting to order at 8:33 a.m.
2. Pledge of Allegiance was led by Vice-Chair Burton.

MEMBERS PRESENT: Burton, Kimball, Merwin, Reed, and Winters
MEMBERS ABSENT: Bertolero, and Williams
STAFF PRESENT: David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Donald Rust, Principal Planner
Craig Baracco, Associate Planner
Jeff Anderson, Assistant Planner
Philip Pogledich, Senior Deputy County Counsel
Aundrea Hardy, Office Support Specialist

3. ADOPTION OF MINUTES OF THE **April 9, 2009** MEETING.

Commission Action

The Minutes of the **April 9, 2009** meeting were approved with no corrections.

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

4. PUBLIC REQUESTS

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

No one from the public came forward.

5. CORRESPONDENCE

5.1 Informational document organizing planning permits by levels of authority.

5.2 Flyer regarding the 2009 Central District Spring Conference.

5.3 Mercy Housing Newsletter.

5.4 Registration information for the 20/20 Foresight conference from the Great Valley Center.

5.5 American Planning Association flyer offering training opportunities for Planning Commissioners and officials.

5.6 California Country Magazine.

5.7 Conservation Quarterly Newsletter

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

TIME SET AGENDA

6.1 **2009-003:** Use Permit for the construction and operation of a "Yolo Store" in the Capay Valley, one mile west of Capay, on a property zoned A-P (Agricultural Preserve) (APN: 048-130-28). The proposal features products that are grown or manufactured in the Capay Valley. A Negative Declaration has been prepared for this project. Owner/Applicant: Barsotti

Craig Baracco, Associate Planner, presented the project and answered questions from the commission. In addition, he distributed a memo concerning an amendment to the parking requirement in the event the applicant chooses to build a smaller store.

Chair Kimball opened the public hearing.

Freeman Barsotti, applicant, provided further details on the project, and answered questions from the commission.

Chair Kimball closed the public hearing.

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Commissioner Merwin acknowledged that the project was a reasonable use of the Yolo Store concept, as the applicant is in the business of providing fresh, locally grown produce and goods. He said that as a source of advertising and education, it is a good idea, and he considers this a vertical integration of an agricultural use; therefore, he is in support of the project.

Commissioner Winters agreed with Commissioner Merwin's comments, and stated that it was an appropriate use of the land. Bringing out the customers to the spot where the produce is grown is a great idea, as well as show cases Yolo County; hence, he is in support of the proposal.

Vice-Chair Burton pointed out that agri-tourism is something Yolo County needs to support, and stated that he likes that the applicant is reaching out to the Bay area, and is drawing tourists into the region. He commended the applicant for his project.

Commissioner Reed commented that he likes the idea of the store in general, and is in favor of using existing developed footprints if possible, but now that he better understands the applicant's objective, it makes sense. As a result, he is in favor of the project.

Chair Kimball stated that she is pleased to see that someone is finally opening this kind of store along Highway 16. She added that in general she is very happy to see that they have a conference room in the plans, because as everyone knows, the valley lacks resources where they can have community meetings. She agreed with her fellow commissioner's comments and expressed her approval of the project.

Commissioner Reed commented on the Design Guidelines that would be heard later in the agenda, and suggested that the applicant might avail himself of those guidelines, wherever possible.

Vice-Chair Burton made a motion to approve the application as submitted by staff, including the modified condition, and additional condition, in the memo provided by staff. Seconded by Commissioner Reed.

Commission Action

That the Planning Commission:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment E**);
3. **ADOPT** the Findings (**Attachment C**);and
4. **APPROVE** the Use Permit subject to the Conditions of Approval (**Attachment D**).

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

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2009-003, the Yolo County Planning Commission finds the following:

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

California Environmental Quality Act and Guidelines (CEQA)

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

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

General Plan

That the proposal is consistent with the following Yolo County General Plan polices:

AG-4: Support and promote a healthy and competitive agricultural community and economy.

AO-13: Establishment of a unique identity for Yolo County agricultural products.

AO-19: Accommodation of agricultural tourism and education without adverse impacts to agriculture.

That the proposal is consistent with the following Capay Valley General Plan polices:

Land Use and Development Policies #4: Agricultural productivity should be enhanced by promoting more intensive agricultural farming practices, increasing agricultural water supply, promoting agricultural related service industries, and adopting programs to encourage and protect farmer.

Zoning

That the proposal is consistent with definition of a "Yolo Store" (Section 8-2.299.32 of the Yolo County Code) as follows:

"Yolo Store" shall be a structure, wherein the majority of the items offered for sale are primarily grown or manufactured in Yolo County.

The proposed use will be subject to a Conditions of Approval to ensure that the majority of the items offered for sale are primarily grown or manufactured in Yolo County.

That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

The requested land use is listed as a conditional use in the zoning regulations.

Pursuant to Section 8-2.604 (m), the proposed "Yolo Store" is allowed within the Agriculture Preserve Zone through the Conditional Use Permit review and approval process.

The request is essential or desirable to the public comfort and convenience.

Direct commercial sales of fresh product and other agricultural products promotes the health of the public, as well as promotes the local agricultural economy and provides economic development to rural Yolo County.

The requested land use will not impair the integrity or character of a neighborhood nor be detrimental to public health, safety or general welfare.

The proposed project will not create any significant effect on the character of the surrounding agricultural area. The proposed building is consistent with or improves upon other designs found in the rural area. The project will meet, as part of the Conditions of Approval, all relevant health and safety regulations. Therefore, the proposed project does not pose a detrimental effect to public health, safety or general welfare.

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

All necessary infrastructure and utilities will be required of the proposed project through the Conditions of Approval.

CONDITIONS OF APPROVAL

Planning Division (530) 666-8808

1. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF 2009-003). Construction shall be limited to one 3,000 square foot commercial building, as shown on the approved Site Plans (**Attachment B**). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this Use Permit, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.
2. The use allowed under this Use Permit (ZF 2009-003) shall commence within one (1) year from the date of approval by the Yolo County Planning Commission, or said permit shall be deemed null and void without further action.
3. At least 50% of the items offered for sale in the store must be primarily grown or manufactured in Yolo County.
4. The applicant shall keep the site area free from flammable brush, grass and weeds. Any structures on the site shall be adequately maintained and free from graffiti.
5. The all on-site lighting shall be directed away from neighboring properties and the night sky.
6. Prior to issuance of any building permits, the applicant will submit to the Director of the Yolo County Planning and Public Works a detailed landscaping plan. Use of native and drought resistant plants are encouraged.
7. All buildings and landscaping shall be designed, constructed and completed utilizing materials consistent with the surrounding environmental setting, to the satisfaction of the Director of the Yolo County Planning and Public Works Department.
8. A fifteen-space parking lot shall be provided on the site. One space shall be paved and van accessible. An all-weather surface shall be maintained, and parking spaces clearly marked.
9. The applicant shall apply for and maintain a Yolo County Business Licenses.
10. The applicant shall be required to address the potential loss of Swainson's hawk habitat through participation in the Yolo County Habitat Conservation Plan (Yolo County Natural Heritage Program). The applicant shall pay a Swainson's hawk in lieu mitigation fee for all disturbed Swainson's hawk habitat. The fee is currently set at \$8,660 per acre, and shall be collected prior to the issuance of any grading permits.

County Counsel (530) 666-8172

11. In accordance with Section 8-2.2415 of the Yolo County Code, 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.
12. 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.

Building Division (530) 666-8775

13. The applicant shall obtain building permits for all structures prior to commencement of construction. New construction shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed structures shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
14. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.
15. The subject parcels are located in a moderate fire severity zone. The commercial building shall be constructed with an ignition resistant construction system. All ancillary structures shall also comply with the ignition resistant construction system requirement, unless a written request for a waiver is submitted to the Chief Building Official for review and approval.

Esparto Fire Protection District (530) 787-3300

16. The applicant shall submit all building plans to the Esparto Fire Protection District for approval.

Environmental Health Department (530) 666-8646

17. Prior beginning sales, the applicant shall obtain a food handling permit and meet all required inspections and regulations for the preparation and handling of food, as approval by Yolo County Environmental Health.
18. The water system will be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. The construction of a new domestic well will be required to be done under permit by Yolo County Environmental Health.
19. Prior to the issuance of any building permits, an approvable sewage disposal plan shall be submitted to and approved by Environmental Health. Liquid waste, other than domestic sewage, must not be disposed of into the septic system.

Yolo County Flood Control District (530) 662-0265

20. Prior to issuance of any grading permit, the applicant shall submit an encroachment permit Yolo County Flood Control District to permit the addition run-off flow into the District's drainage system.

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

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

- 6.2 **2008-065:** Use Permit for the construction and operation of a private hunting lodge and five cabins on property zoned A-P (Agricultural Preserve), four miles west of Knights Landing (APN: 055-070-03). The proposal includes a main hunting lodge and five two-bedroom cabins; a 3,000 square foot caretaker residence; and several accessory structures. A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Sather

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

David Morrison, Assistant Director of Planning Service, and Philip Pogledich, Senior Deputy County Counsel provided further clarification on the Williamson Act, and wetland questions.

Chair Kimball opened the public hearing.

Clark Sather, applicant, offered clarification on the square footage of the main residence and individual cabins, and answered questions from the commission.

Dustin Smith, America's Habitat, a conservation company, asked staff if any biological assessments were done to know Yolo County's offset on impacts to Swainson's Hawk and Giant Garter Snakes.

Mr. Baracco responded to the question posed by Mr. Smith and informed him that a biological assessment had been completed, and all details could be found within the staff report.

Chair Kimball closed the public hearing.

Commissioner Winters commended staff on the work they had completed on the staff report. He stated that this is quite a project for our area, and he concurs with staff recommendation on the project.

Commissioner Merwin stated that at face value, the project appears to be well laid out, but he has a deeper concern in regards to conversion of agricultural land to habitat. He expressed his concern about someone coming in and purchasing one-hundred acres, and converting it to habitat so that they can have their own personal duck hunting area. He added that this project is quite large, and because of that, the habitat, as it stands, is probably more viable. Though it is larger, it probably has an incrementally lower impact on the surrounding communities than would a checkerboard, or patch work of smaller habitats; therefore, he is a little more comfortable with that. He hesitated to make a decision prior to hearing what his fellow commissioners had to say.

Vice-Chair Burton said that he understands where his fellow commissioners are coming from when it comes to agricultural land. However, he explained that they need to recognize that Yolo County is in a

Pacific Flyway zone, and there are many other uses for land, not just agriculture, and that while they need to support agriculture, this is a big county. He expressed his support of the project and agreed with staff's recommendation.

Commissioner Reed conveyed his support of the project, adding that the report was thorough and appropriate.

Chair Kimball agreed that the proposal was well thought out, and reminded the commission that in addition to coming to a decision regarding granting of a use permit, they need to take action regarding the variance for the ancillary dwelling. She expressed her concern with the staff report's discussion on the restrictions present upon the site, and the fact that the landowner's prior decisions and actions, now require the granting of a variance by the Planning Commission.

There was further discussion by the commission, regarding the variance request.

Commission Action

That the Planning Commission:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Mitigated Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the Findings (**Attachment D**); and
4. **APPROVE** the Use Permit and Variance subject to the Conditions of Approval (**Attachment E**)

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

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-065, the Yolo County Planning Commission finds the following:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act and Guidelines (CEQA)

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

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

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General Plan

That the proposal is consistent with the Yolo County General Plan as follows:

OO-6: No net loss of wetland and/or riparian habitat.

RG-3: Utilize recreational opportunities to attract a greater number of tourists and visitors to Yolo County.

RO-3: Provision of adequate and diversified recreational opportunities and facilities to meet the demands of an expanding population.

RP-8: The County shall encourage and support the development of private recreational facilities that preserve scenic and environmentally sensitive resources and that do not result in the creation of land use conflicts.

Zoning

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

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

The property is zoned Agricultural Preserve (A-P). The proposed new uses are consistent with the A-P designation under Section 8-2.604.5. Rural recreation with permanent buildings is listed as a conditional use. "Rural Recreation" is defined as outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands.

That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

The requested land use is listed as a conditional use in the zoning regulations.

Pursuant to Section 8-404.5 (a), the proposed hunting lodge is allowed within the Agriculture Preserve Zone through the Conditional Use Permit review and approval process.

Use Permit

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

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

The proposed new use provides a valuable recreational service to residents. It is desirable for uses of this type to be located in a rural area to take advantage of existing open space.

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

The proposed project will not create any significant effect on the character of the surrounding agricultural area. The proposed building is consistent with or improves upon other designs found in the rural area. The project will meet, as part of the Conditions of Approval, all relevant health and safety regulations. Therefore, the proposed project does not pose a detrimental effect to public health, safety or general welfare.

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

Compatibility with General Plan Policies is discussed at #2 above. This project is in conformity with General Plan policies RG-3, RO-3 and RP-8.

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

As conditioned and with mitigation measures incorporated, adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided in this project as approved.

Variance

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

Any variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized, shall constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;

All A Zoned properties require that primary and secondary residences are located within 250-feet of each other. The applicant is requesting two residences be allowed up to 484-feet from each other. The granting of a variance will be a result of practical restrictions on the construction site and not constitute a grant of special privilege.

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

A number of restrictions are present on the site. The overall buildable area is restricted due to the conservation easement placed on the property, and the presence of wetlands and open water on much of the site. The need to fit the main lodge, five sleeper cabins, the necessary area for leach fields and replacement area, as well as intergrate existing accessor structures into the site plan, severely limits the potential placement of the caretaker's residence. The special circumstances necessary to grant a variance exist.

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

Granting the variance would be compatible with the Yolo County Zoning Code, specifically policies to encourage and support the development of private recreational facilities.

CONDITIONS OF APPROVAL

Planning Division (530) 666-8833

1. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF 2008-065). Construction shall be limited to those structures shown on the approved Site Plan (**Attachment B**). Any minor modification or expansion of the proposed use shall be in keeping with the purpose and intent of this use permit, and shall be administered through Site Plan Review approved by the Director of the Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.
2. The use allowed under this Use Permit (ZF 2008-065) shall commence within one (1) year from the date of approval by the Yolo County Planning Commission, or said permit shall be deemed null and void without further action.
3. The caretaker's residence shall be permitted to be built 484-feet from the main residence, as depicted on the Site Plan (**Attachment B**). This provision applies only to this residence and no other.

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4. The applicant shall keep the site area free from flammable brush, grass, and weeds. All structures on the site shall be adequately maintained and free from graffiti.
5. The applicant shall pay fees in the amount of \$2,043 (\$1,993 for state filing fee, plus \$50 county processing fee), under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of the Notice of Determination, to cover the cost of review of the environmental document by the California Department of Fish and Game.
6. All on-site lighting shall be directed away from neighboring properties and the night sky.
7. All buildings and landscaping shall be designed, constructed, and completed utilizing materials consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Planning and Public Works Department.
8. A seven-space parking lot shall be provided on the site. An all-weather surface such as gravel shall be maintained and parking spaces clearly marked.
9. No firearms shall be discharged within 300-feet of any property line of the Roosevelt Ranch property.

County Counsel (530) 666-8172

10. In accordance with Section 8-2.2415 of the Yolo County Code, 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.
11. 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.

Building Division (530) 666-8775

12. The applicant shall obtain building permits for all structures prior to commencement of their construction. New construction shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed structures shall be constructed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
13. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.
14. The subject parcels are located in the A Flood Zone. The applicant shall be required to either raise all proposed buildings out of the 100-year flood hazard area by elevating the pads of the buildings so that the finished flood elevations would be one-foot above the base flood elevation or to construct the buildings to dry-proofing standards as required by the California Building Code and Federal Emergency Management Agency standards.

Public Works

15. The applicant shall submit a grading and drainage plan for the site, for review and approval of County Public Works, and submit and meet all the requirements of a Stormwater Pollution Prevention Plan.

Zamora Fire District (530) 713-5417

16. Prior to issuance of any building permits, the applicant shall sign a Hold Harmless agreement and submit a letter stating that the Zamora Fire Department and Zamora Fire Protection District are not responsible in any way for not being able to respond to any fire or medical aid events on this property during flooding.

Environmental Health Department (530) 666-8646

17. Prior to beginning sales, the applicant shall obtain a food handling permit and meet all required inspections and regulations for the preparation, and handling of food, as approval by Yolo County Environmental Health.
18. The water system may be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. The construction of a new domestic well, or use of an existing well, will be required to be done under permit by Yolo County Environmental Health.
19. Prior to the issuance of any building permits, an approvable sewage disposal plan shall be submitted to, and approved by Environmental Health.

Mitigation Measures (530) 666-8833

The following Mitigation Measures identified in the first circulation of the Initial Study/Mitigated Negative Declaration for the project are added as project approval conditions (these items have the original numbering in the Initial Study document).

Mitigation Measure 1:

All construction activities on the project must be conducted during the Giant Garter Snake active season (May 1 through October 1), when the snakes are most active and presumably capable of avoiding danger by themselves.

All individuals working on the site shall be made aware of the potential for Giant Garter Snake to occur within, or on the periphery of the construction site and shall check under and around their equipment for Giant Garter Snakes prior to beginning work for the day.

Any materials accumulated during construction shall be stockpiled more than 200-feet from suitable Giant Garter Snake aquatic habitat, and shall be lifted, not pushed, during removal.

If Giant Garter Snakes are observed within the construction area, the United States Fish and Wildlife Service shall be notified.

Mitigation Measure 2

The applicant shall mitigate for the loss of Swainson's Hawk foraging habitat. Either payment of an in-lieu mitigation fee of \$8,660 per disturbed acre, or the securing of a conservation easement of equivalent size, shall be required prior to issuance of the first building or grading permit. 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.

Mitigation Measure 3

Prior to the start of any grading or construction activities, silt fencing shall be placed a minimum of ten-feet from all wetlands identified on the project site that could be potentially affected by siltation from the construction zone. All construction activities within the project site shall incorporate and follow construction Best Management Practices including, but not limited to, the use of ESA fencing, silt fencing, or straw wattles where appropriate.

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

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

ADJOURN AS THE YOLO COUNTY PLANNING COMMISSION AND CONVENE AS THE YOLO COUNTY BUSINESS LICENSE APPEALS BOARD

6.3 Revocation of a business license for a furniture refinishing home occupation located at 17130 Mattie Street in the town of Esparto due to failure to pay required application fees.
Owner/Applicant: Rodriguez

Craig Baracco introduced, and provided background information about the unpaid business license to the appeals board.

Chair Kimball opened and closed the public hearing.

No one from the public came forward.

Commissioner Reed said that this is very straightforward and he agrees with the revocation of the business license.

Vice-Chair Burton expressed his frustration that the county has to undergo such a procedure to revoke a business license when the applicant willfully chose to stop payment. He said that there was no question they should repeal the business license.

Commissioner Merwin said that he was curious to know why the applicant put a stop payment on his check, but that it doesn't really make much difference at the moment.

Commissioner Winters stated that they have no other alternative but to revoke the business license.

Chair Kimball agreed with her fellow board members.

Business License Appeals Board Action:

That the Yolo County Business License Appeals Board:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Findings (**Attachment A**); and
3. **REVOKE** Business License #10186.

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

Mr. Morrison stated that Commissioner Burton's, and Commissioner Merwin's comments were very helpful, and after conferring with Mr. Pogledich, they intend to look at amending the business license ordinance, so that the license is not issued until payment is received and verified.

ADJOURN AS THE YOLO COUNTY BUSINESS LICENSE APPEALS BOARD AND RECONVENE AS THE YOLO COUNTY PLANNING COMMISSION

- 6.4 **2009-010:** Appeal of administrative actions related to Use Permit #2004-030 for a commercial horse stable located at 41070 County Road 18C, approximately 1.5 miles northwest of the City of Woodland (APN: 027-220-21). A Categorical Exemption has been prepared for this project. Owner/Appellant: Cedarblade/Levy

Stephanie Berg, Associate Planner, introduced the appeal, provided background information, and answered questions from the commission.

Chair Kimball opened the public hearing.

David Levy, appellant, addressed the Planning Commission. He spoke of code violations perpetrated by Brenda Cedarblade, and expressed his concerns that Ms. Cedarblade's activities did not comply with the associated Use Permit #2004-030. He requested that the commission revoke the Use Permit, and alluded to the fact that if they would not, he intended to take his appeal to the Board of Supervisors. A summary of Mr. Levy's testimony and items of concern was distributed to the Planning Commission.

Commissioner Merwin asked Mr. Levy the name of his client.

Mr. Levy informed the commission that his client had requested to remain anonymous, due to the fear of retribution.

Brenda Cedarblade, the landowner, spoke to the commission, and responded to statements made by the appellant. She provided the commissioner's with packets about the activities and events held at her establishment.

Don Mooney, representative for the landowner, said that nothing in the appeal letter indicted that there is any representation of clients, and that it appears that the appeal is on behalf of Mr. Levy. He added that in order to pursue this type of action, the appellant has to show some type of benefit in the land use decision. Mr. Mooney also stated that according to county code, the time in which to appeal the permit has passed.

Joan Klein from Sacramento, provided a copy of a prepared statement that expressed her view on the hazards of the Historic Nelson Ranch house, and Ms. Cedarblade's violation of the terms of her use permit.

David Johnson, member of the public, read a prepared comment saying that Ms. Cedarblade had ignored the county and the authority of the Planning Commission. He further stated that the commission must revoke the Conditional Use Permit, and have them start over, or direct the property owner to file an amendment of the Use Permit. He expressed concern about the dilapidated condition of the ranch house and the safety of the public.

Tiffany Sodano, customer of the Historic Nelson Ranch stable, requested that the commission deny the appeal to revoke the Use Permit for Ms. Cedarblade; because they had recently relocated from southern California and had found that the Historic Nelson Ranch was both affordable and convenient for the boarding of their horse.

Abram Villafan told the Planning Commission that this whole process has given Yolo County a black eye, and that the Cedarblades have thrown repeated violations in their face. He informed the commission that they needed to look at each structure that had been built on the property, both individually and in totality. In order to do that, a top to bottom review of the Use Permit needs to be conducted, and while the review is in progress, the owner needs to stop having public events. He expressed his concern about the hazards of the Old Nelson Ranch house.

Oscar Christensen, Woodland resident, expressed his concerns to the commission about the lack of an appropriate environmental review and the proper permits for the Historic Nelson Ranch. He said that according to the information shown, the owners of the Historic Nelson Ranch have moved forward without the proper permits, setting a bad precedence in the community. They put up two or three buildings without a permit and then ask for forgiveness later. He said in that case, why even have the planning process and staff. He completed his statement with a reference to the hazard and lack of safety of the Historic Nelson Ranch house.

Xavier Tafoya, resident of 65 years, told the commission that 15 years ago, he obtained a permit to build a loft in his barn because he knew that was the right thing to do. Regardless of the fact that it was a small loft, and no one would see him build it, he obtained the permit because he wanted to make sure that it was safe and secure for his nieces and nephews, etc. Then he attends a Planning Commission meeting to hear what is happening, and finds that there have been code violations on this particular Use Permit, but that they have been straightened out; and that is great. However, Mr. Levy comes forward and tells of all these code violations, and how they obtained permits after the fact. He expressed his concern about safety issues in the future, and if there are safety issues, who is liable for that. He feels that all activities should be suspended until all violations and safety concerns have been resolved.

Ted Wilson, co-owner of the Historic Nelson Ranch, addressed some of the concerns that were expressed by Mr. Levy, and advised the commission of the process and steps that had been taken to rectify the situations and meet standards.

Wayne King, Historic Nelson Ranch employee, informed the commission that the Historic Nelson Ranch house had been analyzed and was currently boarded up to prevent access. He praised the Historic Nelson Ranch for their community programs.

Debbie Yager read a prepared statement about boarding her horse at the Historic Nelson Ranch, the lack of quality and safety of other barns in the county, and the harassment that the owners of the Historic Nelson Ranch have endured over the past year. She requested that the commission inform her why they

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are singling out the Historic Nelson Ranch, if they revoke the Use Permit, and where she is supposed to board her horse.

Elizabeth Oxios, speaking on behalf of herself and her husband, told the commission that she lives in Natomas, but boards her horse here in Woodland, due to the quality of the ranch. She said that she has seen them working diligently out there to comply with everything that has been mandated to them. She implored that the Planning Commission not shut them down.

Jack Stearns, Woodland resident, customers of Historic Nelson Ranch, said that the house is secure, and that no one can get into it. He explained that the events put on at the Historic Nelson Ranch, brings tax dollars to Yolo County, and that all events are held in an outside arena. He expressed his support of the ranch and the owners.

Debbie Leverenz expressed her support to the commission of Ms. Cedarblade and the Historic Nelson Ranch.

Yvonne Le Maitre said the Historic Nelson Ranch house is one of top historical locations in Yolo County, and anyone who feels it should be torn down should be ashamed. She added that the facility is one of the best that she has ever been to, and she has been to several shows all over the United States.

Mr. Levy came forward to reiterate the lack of compliance of the county code by Ms. Cedarblade, and read from a courtesy notice that was sent by the county. He said that the appeal isn't about the Historic Nelson Ranch, it is about not following the rules that everyone else must follow. He disagreed with Mr. Moony regarding the timeline for an appeal, stated that the location of his residence was irrelevant.

Ms. Cedarblade responded to Mr. Levy's comments, and shared some of the details and difficulties that they had encountered with typo's in their conditions of approval, the moving/building of some of their structures, and harassment that they and their customers had experienced.

Mr. Mooney reiterated that the time in which the building permit appeal timeline had expired, and that now it is a legal matter.

David Morrison, Assistant Director of Planning Services, responded to some of the issues that had been raised throughout the hearing. He disagreed with the comparison that was made between the Historic Nelson Ranch and a 20,000 square foot farmers market being converted into a 40,000 square foot Trader Joes. He said that the analogy that he would use, would be more like a Use Permit being granted for two 1,000 dairy stall buildings, and instead the applicant built one 2,000 dairy stall building. He stated that he does not consider that change, to be a substantial change that would require Planning Commission review. He also addressed the discussion regarding the Historic Nelson Ranch house saying that it is a historic building; and if there are any exterior alterations to that building, it will fall under the Planning Commission review as the Historic Resource Commission. However, there were no exterior alterations. The question of whether it is a nuisance and/or a dilapidated structure that is a public safety issue falls under the Environmental Health Division of the Health Department, not under the Planning Commission's purview. Mr. Morrison added that activities that require Use Permits in the county are many; including dairies, wineries, agricultural processing facilities, and agricultural research facilities. The standard that Mr. Levy is advocating would set a precedence that would severely hamper the flexibility that the Planning Department has to function. Mr. Levy said that any time a structure is proposed that does not exactly and specifically follow the approved site plan it requires re-approval by the Planning Commission. By following Mr. Levy's standard, rather than having minor changes facilitated by the Director of Planning, minor changes would require a month or two to process, so that they could be brought to the Planning Commission. Mr. Morrison said that this is not a successful model for the county, is not

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the way it has practiced in the past, and in his opinion, it isn't a standard that would necessarily be helpful for the future.

Chair Kimball asked Mr. Morrison about the courtesy notice that was sent to Ms. Cedarblade and Mr. Wilson that was sent out in February.

Mr. Morrison responded that a review was done on the conditions of approval from top to bottom, and found that other than a lack of building permits, the planning department did not find any violations, which is why staff has not recommended revocation of Use Permit. He added that if the building permit issues are cleared, than the Use Permit is in compliance.

Chair Kimball closed the public hearing.

A five-minute recess was called.

Vice-Chair Burton said that he spent a lot of time on this appeal, much more than any similar application. He said that he has been out to the ranch and has heard from individuals on both sides of the issue, all of which hold strong and generally conflicting feelings on the situation. He stated that the situation is beyond unfortunate, as it seems that both parties have attempted to utilize the Planning Commission, the planning department, and Yolo County government in general, as a weapon in various feuds. That is not the purpose of the planning department, and he resents that both sides for resorting to this tactic. He encouraged future applicants to reconsider opening their address to the Planning Commission with a threat of future litigation, as it does not set a receptive tone with him. He understands the argument of fairness, and sympathizes with the belief that someone who has attempted to hold all of her neighbors to extremely high scrutiny, should be held to such scrutiny herself. He said he further respects the sentiment that fairness seems to demand, that such an individual should have the book thrown at them for violations that they have used to attack others. However, he has been to the Historic Nelson Ranch, read the staff reports, and heard all of the arguments. It appears to him that Mrs. Cedarblade has done what they have asked of her, attempted to work with staff, the planning department and other agencies. She has spent a significant amount of money attempting to fix the infractions that she did commit. This is not a court of equity, in fact the planning commission is not a court at all. He believes that infractions have occurred, but infractions occur consistently throughout the county. They need to support applicants that attempt to fix those infractions and violations and work with the staff; otherwise, they leave no incentive for applicants to work with them in the future. Vice-Chair Burton added that he takes issue with the fact that the bathrooms were built in violation of Yolo County Code and he would support an argument by staff if they were to have demanded this removed. However, staff feels that this is a minor issue, and he is prepared to support them on this. As such, he is going to support staff recommendations and deny the appeal. He would however, request that staff continue denying use of the facilities until the permits have been finalized, for both health and safety reasons as well as public policy issues.

Commissioner Reed stated that he has full confidence in how the staff has handled this, and he supports denial of the appeal based on the staff report, evidence in the testimony presented, and his thorough inspection of the property. He met with the property owner at the Historic Nelson Ranch on April 18, 2009, and what he saw and heard is consistent with everything in the staff report.

Commissioner Winters concurred with many of the comments from his fellow commissioners, even though he did not have an opportunity to visit the ranch. He thoroughly read the staff report and listened very carefully to public comment. He said that he thinks that this issue runs very deep, and is under the impression that there is more to it than just permits and having them dealt with in a timely fashion. He added that the Historic Nelson Ranch is a benefit for the community, and he knows that a number of people feel very strongly that they are receiving excellent service there. He added that the owners seem

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to be making excellent progress towards satisfying the all of the conditions, and he doesn't see any pressing need to grant the appeal or close down the ranch, even temporarily.

Commissioner Merwin said that he was on the Planning Commission when they approved this particular Conditional Use Permit in 2005, and in reviewing the notes, he seconded the motion. He stated that he specifically remembers the total number of events per month discussion, and his recollection is exactly as Ms. Cedarblade alluded to in her public comment; that there was a typo in the staff report, and rather than it being twelve events per year, it was supposed to read, "twelve events per month". He commended his fellow commissioners on their comments, especially Vice-Chair Burton, who conveyed his sentiments very eloquently, and that he is in support of staff recommendation.

Chair Kimball agreed with all of her commissioner's comments and commended staff on the thoroughness of the staff report and for working closely with Ms. Cedarblade. She said there were three sentences within the staff report that made the decision clear for her. "A covered riding arena easily falls within the scope of uses allowed under a Use Permit for a commercial stable. It does not create any new or additional uses beyond those allowed under the Use Permit. The Use Permit authorizes uses not structures." In addition to those sentences she feels that Ms. Cedarblade, and Mr. Wilson are obviously working very hard to make sure that conditions are being met. It would be different if other things were happening, such as the lack of cooperation with staff, which the Commission has witnessed from other applicants.

Commissioner Merwin added an additional comment to his statement regarding differences of this Use Permit, versus a previously denied application for a Use Permit. He indicated that there were distinct differences between the conduct of the previous applicant, compared with the current applicant's willingness to work with staff and to comply with the conditions of their approval.

Commission Action

That the Planning Commission:

1. **RECEIVE** a staff presentation, hold a public hearing, and accept public testimony regarding the appeal;
2. **DETERMINE** that the Categorical Exemption prepared for the appeal is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);
3. **DENY** the appeal; and
4. **ADOPT** the recommended Findings (**Attachment D**) for denial of the appeal.

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

FINDINGS

Having considered all written materials and testimony submitted in connection with this matter, including but not limited to documents and testimony provided during a public hearing on May 14, 2009, the Yolo County Planning Commission finds as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Planning Commission finds that a categorical exemption in the form attached as Attachment C to the Staff Report is the proper level of environmental review under the California Environmental Quality Act ("CEQA"). To the extent that these appeals may constitute a "project" under CEQA, the Planning Commission finds that the denial of these appeals is exempt from CEQA pursuant to Public Resources Code § 21080(b)(5) and CEQA Guidelines § 15061(b)(4).

THE MARCH 13, 2009 APPEALS

In connection with the appeals initiated by Mr. Levy's letters dated March 13, 2009, the Planning Commission **denies** each appeal. All issues raised in those letters lack merit for the reasons set forth in the Staff Report prepared for this item. In particular, the Planning Commission finds as follows:

First, the indoor riding arena and the small office therein are consistent with the Use Permit. Staff therefore correctly determined that Planning Commission review of these structures was unnecessary prior to the issuance of the building and electrical permits at issue. In support of this finding, the Planning Commission adopts and incorporates herein by reference the discussion at pages 4-5 of the Staff Report.

Second, the Planning Commission concurs with staff's conclusion that Mr. Levy had not timely appealed the issuance of permits for additional facilities, including the commercial coach. Even if an appeal of such permits had been timely filed, the Planning Commission finds that permits for additional facilities were properly issued. Each of these structures is clearly consistent with the Use Permit and the operation of the property as a "commercial stable" within the meaning of the Yolo County Code.

Third, in the absence of some evidence of the existence of a grandstand, there is no appealable issue regarding a grandstand. The Planning Commission has no duty to render a purely advisory opinion with regard to the propriety of a grandstand.

Fourth, the Planning Commission concurs with staff's observation that a site plan was approved prior to the issuance of building or electrical permits for the indoor riding arena. Accordingly, this requirement of the Use Permit has been faithfully observed by staff.

Fifth, and finally, the Planning Commission respectfully declines to consider Mr. Levy's claims regarding the condition of Ms. Cedarblade's private residence. In doing so, the Planning Commission observes that Mr. Levy has filed a separate complaint with the County agency (Environmental Health) with jurisdiction over substandard housing, and that there is no evidence of a violation of mitigation measures or conditions associated with the Use Permit in connection with the private residence.

THE APRIL 14, 2009 SUPPLEMENTAL APPEALS

In connection with the appeals initiated by Mr. Levy's letters dated March 13, 2009, the Planning Commission **denies** each appeal. All issues raised in those letters lack merit for the reasons set forth in the Staff Report prepared for this item. In particular, the Planning Commission finds as follows:

First, the Planning Commission finds that the construction of a small restroom is not inconsistent with a Use Permit that authorizes the operation of the property as a commercial stable. The Planning Commission concurs with the position of staff on this issue, as expressed on page 6 of the Staff Report.

Second, also with respect to the restroom, the Planning Commission finds that the restroom appears on a site plan submitted prior to issuance of the challenged permits. Mr. Levy's contrary position is thus without merit.

Third, the Planning Commission agrees that County staff may properly correct the size of a structure (in this case, the indoor riding arena) on a building permit. The Planning Commission also observes that even if it concluded otherwise, the recourse would simply be to require issuance of a new building permit with the correct square footage. Such an outcome would generate additional paperwork without any apparent benefit to the county, the public, or the applicant.

Fourth, the Planning Commission agrees with staff that Mr. Levy's effort to appeal the permits issued for the commercial coach is untimely for the reasons set forth in the staff report. Even if such an appeal were timely, there is no evidence that the commercial coach is inconsistent with the Use Permit or otherwise unlawful. In fact, such structures are common on agricultural properties throughout the county.

* * *

Accordingly, as set forth above, Mr. Levy's appeals are **denied** in full. This decision may be appealed to the Yolo County Board of Supervisors by filing a notice and payment of related fees with the Clerk of the Board within fifteen days from the date of the adoption of these findings.

6.5 **2009-004:** Draft Design Guidelines for residential, commercial and industrial uses. The guidelines would apply to all new development within the unincorporated area. Owner/Applicant: Yolo County

Ms. Berg presented the Draft Design Guidelines, and answered questions from the commission.

A discussion followed regarding the reasons that rural areas of the county were not included within the Design Guidelines.

Chair Kimball opened the public hearing.

Dan Boatwright, developer, addressed the commission and commended the committee that produced the Design Guidelines. He said that he is glad that they are taking into account the feasibility of the guidelines, and that they are recommended, rather than regulatory. He discussed a couple of areas in the guidelines that he wanted to emphasize, and expressed his disagreement with including permeable pavement. In his experience, he found that engineers refuse to put their stamp on permeable pavement because of its tendency to fail. Additional items he spoke of included Universal Design, sustainability, infiltration swales, and wheelchair access in bathrooms.

Betty Woo offered to provide Mr. Boatwright with a few names of engineers that were willing to use permeable pavement, and gave her insight on infiltration swales. She commented additionally on the "Build-It" green concept, and stated that it would be more appropriate for residential than commercial or industrial. If the county considers creating a green building ordinance, they may want consider adding that the "Build-It" program to the Design Guidelines.

Mr. Morrison informed the commission that Yolo County is currently working to develop a green building ordinance in anticipation of the state adopting green building requirements as part of the uniform building code around 2011.

Chair Kimball closed the public hearing.

Commissioner Reed praised the Design Guidelines, and commended the committee that worked together to produce the document. He touched on twelve specific points that he felt strongly about, including: 1)Encouraging drought resistant native plants; 2)Preservation of biological and cultural resources; 3)Accessible and universal design; 4)Natural lighting and ventilation; 5)Discouraging invasive plants on a "do not plant" list; 6)Discouraging spatial separation by allowing gated communities; 7)Making pocket parks and greenbelts open to all; 8)Preservation and restoration of existing site amenities; 9)Keeping riparian zones in their natural state; 10)Sound walls only if they include lots of buffering landscape, along with architectural variety; 11)Permeable pavements, and minimizing vast areas of lawn; and 12)Encouraging tasteful color schemes, a variety of roof styles and home styles, and finally architecturally compatible light fixtures. He also felt that in addition to the compatible light fixtures, the Guidelines should include outdoor fixtures that direct light to the ground rather than towards the sky or blinding to the eye.

Commissioner Winters commended the work done on the Design Guidelines, and said that he found a number of items that jump out, including universal design principles, the accessibility guideline, and the greenbelt practice. He expressed his support of the document.

Commissioner Merwin thanked his fellow commissioners, citizens, and volunteers for helping to produce the Design Guidelines. He said that the process turned out to be a tremendous education for him and was quite a bit of fun. They took several fieldtrips to gain insight on what they wanted, and what they did not want. He acknowledged Mr. Boatwright's comments and explained that this document is a guideline, not mandated. The Commission does not want cookie cutter development and the hope is that the guidelines will promote creative solutions, so that residents of Yolo County are happy to be living here in the future.

Chair Kimball thanked her fellow Design Guideline committee members, and shared some of the concerns and issues that the committee anticipated since the beginning creation of the document. She also acknowledged Mr. Boatwright's comments, and advised him that his comments would be taken into consideration.

Vice-Chair Burton thanked everyone, specifically Commissioner Bertolero, Commissioner Burton, and Chair Kimball, for all their hard work and efforts.

Commission Action

That the Planning Commission recommend that the Board of Supervisors:

1. **RECEIVE** a staff presentation, hold a public hearing, and accept public testimony on the proposed Yolo County Design Guidelines; and
2. **APPROVE** and **ADOPT** the Design Guidelines as a comprehensive set of design recommendations and review criteria for development proposed in the unincorporated area of the county.

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

WORKSHOP

6.6 Presentation on potential County regulation of wetland habitat creation and restoration projects.

Philip Pogledich, Senior Deputy County Counsel, presented the project and answered questions from the commission.

Chair Kimball opened the public hearing

Dustin Smith directed a question to Mr. Pogledich about compensatory mitigation banks, because what reason would a landowner have for creating some type of streambed alteration or habitat, without some type of compensation.

Mr. Pogledich answered that most projects, similar to the one he had described, would be projects carried out as compensatory mitigation. That means that upon commencement of the project, there would be a mitigation credit agreement, and other banking documents prepared and approved by other agencies. As the project proponent, at various steps along the way of project implementation, they would sell credits for profit to those that need to purchase credits for the destruction of habitats elsewhere.

Mr. Smith continued his comment with clarification between a mitigation bank and a conservation bank, and shared some of his knowledge on the subject. He recommended that the county should consider working with, or becoming more involved with federal, and higher up state agencies, versus attempting to throw another signatory agency into the whole mix

Chair Kimball encouraged Mr. Smith to work with Mr. Pogledich following the meeting to address further concerns.

Mr. Pogledich said that he agrees, and is more than happy to discuss the subject further with Mr. Smith, or anyone else, that has comments to share.

Mr. Boatwright spoke to the commission about his experience on the creation of wetlands. He expressed his opposition of more county regulation, and said that there is a lot of good work that has been done in the county by people creating wetlands, because they like habitat not for mitigation banks.

Chair Kimball closed the public hearing.

Commissioner Reed commented that he is generally in favor of large-scale wetlands habitat, but not necessarily at the expense of losing vital active prime farmland. He said that county regulation of large-scale wetlands or habitat is critical, especially in the bypass and Delta. He is concerned that the county will be inundated with requests, and losing a lot of prime agricultural land to wetlands for the sake of the market place that this ordinance creates for mitigation. He said to him, this regulation is about protecting the sovereignty and lifeblood of Yolo County, which is agriculture.

Vice-Chair Burton shared his mixed feelings on the wetland mitigation subject, but said that he understands the need to get on top of this issue. While he has a goal to protect Yolo County's agricultural goal, he also wants to ensure that there is a balance, and to ensure this isn't an attempt to throw out the wetlands and other programs.

Commissioner Winters expressed his concern with Yolo County losing some control over portions of the county that might be flooded for wetlands, along with the potential loss of agricultural land and jobs He agreed that we need to have a good handle on that, so he appreciates the work that Mr. Pogledich has done on this, and is in support of it.

Commissioner Merwin said that the challenge is that so much of what is being proposed, is being proposed by government entities that are outside of Yolo County jurisdiction. The county has little control over what those government entities are going to do. He said that if they utilize private entities, and it is on county land, then there may be something that the county can do about it. He thinks that it is appropriate for Yolo County to have something in place that at the minimum makes the applicant do something reasonable. He said that with the inclusion of his fellow commissioner's comments, he thinks this is a good thing to look at further.

Chair Kimball reaffirmed her membership in the Yolo Ag Futures Alliance, and they have been working with Mr. Pogledich, Maria Wong, and Mr. Morrison on this potential regulation. She acknowledged Mr. Boatwright's comments and agreed that they do not want to punish the good actors, as that was a concern of theirs as well. She said there are many great projects out there right now, and they want to make sure that those types of projects don't have to undergo a whole other regulatory process that they shouldn't have to. However, it is difficult to discern what the limitations and/or requirements should be. She proceeded to provide examples of possible consequences, if they do not regulate correctly and said that she feels that there does need to be some level where there is a permit system; however, where those thresholds are, she isn't sure.

Mr. Pogledich said that the future plan is to return to the Planning Commission in the future, hopefully June 2009 with an update for commission consideration.

Mr. Pogledich also said that he would provide information on mitigation banking at a future meeting as well.

Commission Action

That the Planning Commission:

1. **RECEIVE** a staff presentation, accept public comments, and provide input regarding potential County regulation of wetland restoration, creation, and enhancement projects.

* Due to time constraints, Chair Kimball opened the public hearing for agenda **Item 6.8, 2007-080**, proposed Wind Energy Systems workshop.

Guest speaker Scott Johnson from UC Davis, presented information about wind energy systems and answered questions from the commission.

A thirty-minute recess was called.

The Planning Commission reconvened and continued with agenda item 6.8, Wind Energy Systems workshop.

2007-080: Workshop to review most recent draft of the proposed Wind Energy Systems ordinance to be added to Article 24 of Title 8, Chapter 2 of the Yolo County Code. The ordinance would set criteria for the issuance of building and use permits for the placement and construction of small and large wind energy systems in the unincorporated area. A Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County

Eric Parfrey, Principal Planner, introduced the draft of the proposed ordinance and answered questions from the commission.

The conversation continued with Mr. Morrison responding to questions from the commission about wind energy systems, and flight patterns.

The Public comment was reopened.

John Hulsman Jr., Esparto Citizen's Advisory Committee, expressed concerns from the committee, including noise, abandonment issues, and the financial surety. He said if it looks like the system is going to be in an area where it could be hazardous, he could see the reason you would need to remove it, but not out in the country, or up on a hill.

Justin Kudo, a member of the public, shared some of his experience and knowledge with the commission in regards to current studies on bird strikes, noise issues, air traffic, large turbines, and industrial scale wind towers.

Dustin Smith informed the commission that his company intends to propose a 160-acre wind farm in south Yolo County; therefore, he requested the opinion of staff and the commission on the direction that they intend to go as far as alternative energy. He asked if the county would be interested in open dialogue during the creation of the ordinance.

Mr. Morrison encouraged Mr. Smith to contact Mr. Parfrey, and share his input on the creation of the ordinance

Chair Kimball closed the public hearing.

Commission Action

That the Planning Commission:

1. **HOLD** a public workshop hearing, consider public comments, and give further direction to staff regarding the proposed Small and Large Wind Energy Systems Ordinance (**Attachment A**);
2. **RETURN** the item to the Planning Commission at a future hearing for recommendations on the revised ordinance.

WORKSHOP

- 6.7 **2009-056:** Proposed update of Article 25 of Title 8, Chapter 2 of the Yolo County Code ("Off-Street Parking and Loading Ordinance"). The intent of the ordinance update is to modify and establish criteria to protect and enhance land uses in the various zones of the unincorporated county, and to maintain the availability of public roads and sidewalks for the safe movement of vehicles and pedestrians. Owner/Applicant: Yolo County

Jeff Anderson presented the proposed ordinance update, and answered questions from the commission.

Commissioner Reed asked about the cost difference between permeable pavement and standard pavement.

Commissioner Merwin asked if there was a requirement regarding shade trees in a parking lot. He also commented that agricultural parking should only be required to provide all-weather surfaces.

Chair Kimball requested more information on the reason behind the requirement of enclosed parking spaces for residential homes. She also asked why a caretaker would require two parking spaces.

Commissioner Reed asked if car parking for agricultural should be paved, and requested that the ordinance encourage bike racks.

Chair Kimball agreed that agricultural parking should not be required to pave their parking area, but that all weather surfacing is appropriate.

Commission Winters asked about recreational vehicles parking restrictions.

Chair Kimball opened the public hearing.

Erich Linse, Dunnigan resident, told the commission that Dunnigan experiences truck-parking congestion and asked what they can do to resolve that.

Mr. Morrison responded to Mr. Linse's concerns, and informed him that unfortunately Yolo County does not have any jurisdiction over the off and on ramps, but that parking trucks in residential neighborhoods would be addressed in the ordinance update.

Chair Kimball closed the public hearing.

Mr. Anderson will continue his research and will return to the commission in the future with an updated version.

WORKSHOP

6.8 Review of the Draft Program Environmental Impact Report (DEIR) for the Yolo County 2030 General Plan and accept oral comments on the DEIR.

Heidi Tschudin, General Plan Project Manager for Yolo County, provided a brief overview of the Draft Environmental Impact Report, and responded to questions from the commission and the public.

Ms. Tschudin gave a description of the workshops on the revised Draft 2030 Countywide General Plan and Draft EIR. She explained that the purpose of the hearings would be to provide an opportunity for the staff to report on recommended changes to the Draft General Plan, for the public and interested agencies to provide comments directly to the Planning Commission, and to receive recommendations from the Planning Commission for consideration by the Board of Supervisors

Ms. Tschudin encouraged those reviewing the document to start with the summary section, as it will give a good overview of the document, and then follow with Chapter 3, where they can find details of the General Plan. The final section she recommended was the land use section. She stated that she is not advising that the entire document not be read, but that the three sections she mentioned are the most useful.

Chair Kimball opened the public hearing.

Eileen Samitz, former Planning Commissioner in Davis, gave a history of her experience with the General Plan process. She explained that she was at the public hearing because of the Covell Village

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Property designation, and her belief that it should be zoned agriculture, rather than industrial, due to flood plains. She distributed a map to the commission as a visual aide.

Mr. Linse expressed his amazement at the document's head-on look at the jobs and housing balance. He said that this is really something that they need to look at, and suggested artisan villages, an agricultural village (where people live densely and share a garden or orchard), and senior living. He said that he is glad that it has been brought up, although he doesn't feel that five years is adequate to monitor it. He also said that he likes the part of the General Plan that talks about trails for hiking and biking, transportation modes and flooding.

Eileen Samitz came forward again to say that she had called Pam Nyberg, President of the Sierra Club - Yolano Group, on the phone and that they have five pages of concerns including the concern about residential and commercial growth reaching into the open space and agricultural areas. She stated that for the record, there is not general support for the Draft General Plan, and that the five pages of concerns were sent to Mr. Morrison.

Mr. Morrison's response was that he had received those five pages, and had been included in the Draft General Plan workshops. He will follow up with those concerns.

Justin Kudo said that he lives in Davis, and is the Vice-Chair of the Human Relations Commission for the city and he personally feels that Covell Village is a good site. He said he is glad that Yolo County is still looking at it, and he understands the nature of the pass-through agreement. He explained that he works across the street from it, in the business park, and it is kind of a hole in the city. He said that it seems that if you were going to put any kind development on the periphery of the City of Davis, which is where you would put it. He expressed his understanding of the flood plains, and shared some of the challenges that they could encounter; however, they could be resolved.

Ms. Samitz came forward to make a dispute Mr. Kudo's comment that Covell Village is on the periphery of Davis.

Chair Kimball closed the public hearing.

Chair Kimball thanked Ms. Tschudin for her presentation and said that she looks forward to presenting comments at the June workshops.

Commission Action:

That the Planning Commission:

3. **RECEIVE** a staff report regarding the Draft Environmental Impact Report (DEIR) for the Draft 2030 Countywide General Plan; and ;
4. **PROVIDE** an opportunity for the public to comment on the DEIR (distributed to the Commission and public on April 28, 2009 under separate cover).

REGULAR AGENDA

7. DISCUSSION ITEMS

- 7.1 Mr. Morrison requested input from the commission on future Planning Commission meeting dates and times.

The June 2009 regularly scheduled Planning Commission items will be heard on June 11, 2009 at the 1:00 p.m. meeting.

The July 2009 meeting will be scheduled at its regular time.

There will not be an August 2009 meeting.

8. DIRECTOR'S REPORT

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

David Morrison brought the commission up to date on the following:

8.1 Budget and Personnel:

- a. The Planning and Public Works Department will see the retirement of, Debra Johnson, Business Services Officer; Ken Misner, County Surveyor, and Carole Kjar, Secretary to the Director.
- b. The department is anticipating three layoffs with the current numbers; however, anything budget related is subject to change. The Board of Supervisors will discuss in greater depth, the number of cuts to be taken by the Sheriff's department, and other law enforcement agencies next week. If the projected cuts are reduced, then other county departments will have to make up that deficit; therefore, there may be additional cuts at the Planning and Public Works Department. In addition, the Board of Supervisors will make a decision on the budget cuts to Indigent Health Care on May 19, 2009. This Tuesday, May 19, 2009, is the special election. With the state budget projected deficit between 15 to 21 billion dollars, it may further impact cities and counties. There are many factors involved in regards to budget, and how it may affect the county in general, and the Planning and Public Works Department specifically. Once the situation becomes clear, and the department has more definitive numbers, he will provide a draft copy of the Planning Division budget to the Planning Commission.

8.2 Board of Supervisors:

- a. The Board of Supervisors has had a great deal of discussion regarding the Transmission Agency of Northern California's (TANC) proposal to run power lines through Yolo County to connect future alternative energy projects to Butte County with the grid. The Planning Department has been involved with drafting two letters for signature by Board of Supervisors Chair, Mike McGowan, to the TANC agency. That discussion is ongoing.
- b. On May 19, 2009, the Board of Supervisors will also discuss whether to move forward with the Dunnigan specific plan now, rather than later.
- c. The request for the Madison specific plan is tentatively scheduled for June 2, 2009.

- d. The ABC Ordinance, as well as the Botter appeal, will be heard by the Board of Supervisors in the upcoming months.

8.3 Current Projects

- a. The Planning Division is reviewing an Environmental Impact Report from the City of Davis about developing the existing stable into a housing project at Wildhorse subdivision.
- b. The Planning Division is currently reviewing a Notice of Preparation (NOP) from PG & E about the installation of a new gas line running from Zamora, over to North Sacramento.

Mr. Morrison reported that he attended a climate change compact group meeting, along with the four cities, the university, Yolo Housing, and other groups, on May 8, 2009 at UC Davis. He explained that it was more or less a forum where local agencies get together, and share notes on what they are doing about climate change, both from policy and from a regulatory standpoint, along with strategizing about how to meet new state requirements.

9. COMMISSION REPORTS

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

- A. Vice-Chair Burton said that he attended the Dunnigan Citizen's Advisory Committee meeting, the Ad Hoc Subcommittee meeting, and spoke with Brenda Cedarblade.
- B. Commissioner Reed said that he visited the Historic Nelson Ranch. He is also participating in a conference at UC Davis, about the reform of state government budgeting, and fiscal management, along with Supervisor Provenza, Supervisor Thomson, Yolo County First 5, Yolo County Sheriff, and others from the county, and other entities.
- C. Commissioner Winters reported that he also spoke with Brenda Cedarblade, and attended a retirement function.
- D. Commissioner Merwin stated that he attended the Yolo County Farm Bureau, the Planning Commission subcommittee meeting, and was also contacted by Brenda Cedarblade.
- E. Chair Kimball reported that she attended Great Valley Center's 20/20 conference. In addition, she has been working with Philip Pogledich, and Yolo AFA, on the Yolo County Ag Futures Alliance.

10. FUTURE AGENDA ITEMS

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

- A. Presentation from Len Monaco, of the Farm Credit, regarding agricultural financing.

- B. Return of the potential County regulation of wetland restoration, creation, and enhancement projects.

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 03:05 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is June 10, 2009, in the Board of Supervisors' Chambers.

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

Respectfully submitted by,



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