



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

October 8, 2009

ADMINISTRATIVE AGENDA

1. Chair Kimball called the meeting to order at 8:34 a.m.
2. Pledge of Allegiance was led by Commissioner Bertolero.

MEMBERS PRESENT: Bertolero, Burton, Kimball, Merwin, Reed, Williams, and Winters
MEMBERS ABSENT: None
STAFF PRESENT: David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Donald Rust, Principal Planner
Stephanie Berg, Associate Planner
Jeff Anderson, Assistant Planner
Philip Pogledich, Senior Deputy County Counsel
Kevin Schwartz, Resource Specialist
Aundrea Hardy, Office Support Specialist

3. ADOPTION OF MINUTES OF THE **SEPTEMBER 10, 2009** MEETING.

Commission Action

The Minutes of the **September 10, 2009** meeting were approved with no corrections.

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

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 Letter from Mary's Cemetery District Board of Trustees.

5.2 Letter from Davis Neighbors Inc.

5.3 Notice of free training workshops for Planning Commissioners and Elected Officials from the Sacramento Area Council of Governments (SACOG) and the Sacramento Valley Section of the American Planning Association, California Chapter.

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

TIME SET AGENDA

6.1 **2009-024:** Modification of an existing Use Permit for TriCal Inc. to extend the term of the Use Permit, allow the storage of an additional chemical, and remove a condition of approval which requires testing of the onsite well for fumigants on a biannual basis. TriCal provides fumigation services to agricultural operations in the area. TriCal initially received a Use Permit in 1998 to store Methyl Bromide and has renewed the permit a number of times since then. The property is located at 39985 County Road 14, approximately one-half mile east of the intersection of County Road 14 and State Highway 113, southwesterly of Knights Landing (APN: 056-200-09). A Categorical Exemption has been prepared for this project. Owner/Applicant: TriCal, Inc. (J. Anderson) (continued from September 10 meeting)

Jeff Anderson, Assistant Planner, presented the information that was requested at the September 8, 2009, Planning Commission meeting, and answered questions from the commission.

Chair Kimball opened the public hearing.

John Ivancovich, applicant, made himself available for questions from the commission.

Chair Kimball closed the public hearing.

Commissioner Winters said that he was satisfied with the information that was provided by staff regarding water-testing requirements and was ready to move forward.

Commissioner Merwin stated that he was prepared to move forward.

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Commissioner Williams expressed his satisfaction and acknowledged that he was ready to move forward as well.

Vice-Chair Burton agreed, and said he was ready to move forward with approval.

Commissioner Reed concurred with his fellow commissioners.

Commissioner Bertolero said that he did have some concerns, but it appears procedures are in place to handle spills. In addition, the applicant has been in compliance for seven years, so he feels comfortable moving forward with the approval.

Chair Kimball agreed with her fellow commissioners, and thanked the applicant for bringing their attention to the unnecessary condition of approval.

Commission Action

1. **HELD** a public hearing on the project and received comments;
2. **DETERMINED** 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. **ADOPTED** the proposed Findings (Attachment D); and
4. **APPROVED** the modification of the Use Permit subject to the Conditions of Approval (**Attachment E**).

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

FINDINGS

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2009-024, the Planning Commission approves the proposed Use Permit modification. In support of this decision, the Planning Commission makes the following findings (*A summary of the evidence to support each FINDING is shown in italics*):

California Environmental Quality Act

1. That the recommended Categorical Exemption was prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

The Planning Commission adopted an amended Negative Declaration for this project on October 17, 2002. Since that time there has been no change to, or expansion of the facility. CEQA §15301 exempts continued operation and maintenance of an existing facility involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Yolo County General Plan

In accordance with Land Use Policy 18, Agricultural Area Uses of the Yolo County General Plan the Planning Commission finds the following:

2. The use is directly related to agricultural land use.

TriCal is directly involved in agriculture as the company provides fumigation services that are utilized in farming fields and farming silos. Land Use Policy #18 specifically addresses the allowance of such a usage by means of a Use Permit.

3. The use will not diminish or prevent agricultural use on site or on adjoining agricultural lands.

The one and one-half acre developed portion of the five-acre subject property has been utilized as an agricultural propagation site and has not been farmed for the last 25 years. The remaining 3.5 acres are leased to a local seed company for research and development purposes. The lands surrounding the subject property will remain in agricultural production. There has been no concerns voiced from farming interest (Farm Bureau, Resource Conservation District) that the continuance of this fumigation business in an agricultural setting will effect neighboring farming operations.

4. The use has some hazard or nuisance aspect which precludes it from being placed in an urban area.

TriCal provides fumigation service to the farming industry. The fumigants utilized are part of their daily operation and are of hazardous nature. It would be to the benefit of urban communities to locate this facility in a non-urban setting.

5. The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

The five-acre subject property has not been farmed, but utilized in the past as a plant propagation site. The lands surrounding the subject property are in agricultural production. The proposal will not involve the removal of any acreage out of active farming in order to allow this agriculture service facility to continue operation.

Zoning Code

In accordance with Section 8-2.2804 of Chapter 2, Title 8, the Planning Commission finds the following:

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

“Agricultural chemicals, sales, and storage” is a conditional use within the A-1 zone, subject to the approval of the Planning Commission (Section 8-2.604.a. Chapter 2, Title 8).

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

The facility provides fumigation service to the farming industry. It is desirable for a facility of this type to be located in an area accessible to agricultural operation, and within its customer area. The location of the project site provides close access onto State Highway 113, which makes it a desirable location for vehicular and truck traffic, facility deliveries to customers, and the delivery of supplies to the facility.

As this type of industry is threatened by increased urbanization, it is important to consider that this operation supports, and is an important factor in the county’s agricultural industry. Locating this facility in a

rural setting will protect this type of business from further urban encroachment. As provided in the report, and supported by TriCal, all Conditions of Approval for the previous Use Permits (ZF #97-060 and ZF #2000-076) have been complied with and all precautionary steps have been taken to provide a safe operation that protect both the employees of TriCal and the surrounding neighbors and agricultural operations.

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

The five-acre subject property is surrounded by large agricultural parcels that are in row crop production. State Highway 113 is just west of the site. As conditioned, the facility is not likely to cause serious public health problems.

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

The Yolo County General Plan Land Use Policy #18 discusses the consideration of placement of certain agricultural related land uses in agricultural areas by means of Conditional Use Permits, which may be incompatible with urban sites by reasons of hazard or nuisance to concentrations of people. Continuance of this facility in a rural setting will protect this type of business from urban encroachment and will decrease exposure of hazardous chemicals to a greater population.

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

The implementation of the required Conditions of Approval from the previous permit approvals (ZF #97-060 and ZF #2000-076) adequately address these issues. No expansion of the existing use is proposed. Continued compliance with the Conditions of Approval for the project will ensure adequate utilities, access roads, drainage, sanitation, and other necessary facilities are provided for.

CONDITIONS OF APPROVAL

The Conditions of Approval approved by the Planning Commission for this project in 2005 and in prior Use Permits are ongoing and continuously enforced. These previously approved Conditions of Approval have been amended and reformatted, and new Conditions of Approval have been added.

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (530) 666-8808

1. This Use Permit will be for the operation of an agricultural fumigation facility handling Methyl Bromide, Chloropicrin, Telone II (1, 3-dichloropropene), Basamid, Metam Sodium, Methyl Iodide, Ecofume, Sulfuryl Fluoride, and Dimethyl Disulfide only.
2. Unless allowed by the Director of Planning and Public Works, no new fumigants/chemicals shall be allowed to be stored onsite.
3. All fumigants permitted with this Use Permit shall be stored onsite in accordance with the manufacturer's requirements/ recommendations, as required by state and federal laws. Prior to commencing the storage of any additional fumigants that might be approved by the Director of Planning and Public Works, the applicant shall demonstrate to the Director that the fumigant(s) being added will be stored according to the manufacturer's instructions.

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4. No new building/development is approved with this project. Any new building/development shall be subject to review by the Director of Planning and Public Works.
5. TriCal shall continue to provide a minimum of 3 onsite parking spaces for their facility. Said parking spaces shall have a minimum size of 8' width X 18' length with 7' of vertical clearance.
6. The applicant shall keep the project site free from flammable brush, grass and weeds. Any onsite structures shall be maintained.
7. The onsite retention pond shall be kept free of vegetation.
8. All existing landscaping shall be maintained.
9. TriCal shall continue to include the Yolo Fire District and Knights Landing Fire District personnel at its biennial training for handling emergency situations.
10. Trical shall continue to meet onsite water storage requirements for fire protection as required by the Yolo Fire District
11. All commercial vehicle traffic shall be from the project site, west on County Road 14 to State Highway 113. The applicant shall continue to comply with the Transportation Route Map on file with the Planning and Public Works Department.
12. The entire fumigant storage area shall be so maintained as to allow no seepage into the ground (concrete flooring, etc.).
13. No offsite discharge of wash down or wastewater shall be allowed.
14. Equipment used by the distribution facility shall continue to be properly maintained in accordance to air quality/pollution management standards.
15. Continue use of surfacing materials or additive substances (i.e. decomposed granite and oil, water spraying on a routine scheduling, etc.) for the parking area that limits the migration of dust.
16. The Dust Mitigation Program for the facility shall comply with Yolo Solano Air Quality Management District's rule 2.5—Nuisance: A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.
17. Any sources of light and glare from the property shall be designed, constructed (i.e. shielded, directed, etc.), and maintained as to not intrude onto neighboring properties, the county public right-of-way or into the airspace.

BUILDING DIVISION—PPW (530) 666-8775

18. If any fumigants need to be stored inside a building/structure, a complete updated list of hazardous materials by structure shall be completed in a format matching the 2007 CBC (California Building Code) Table 307.1 and 2007 CFC (California Fire Code) Table 2703.1.1.

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HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION—(530) 666-8646

19. The Hazardous Materials Inventory must be updated to reflect any changes in the hazardous materials being handled by TriCal.
20. The facility shall comply with the California Accidental Release Program Regulations pursuant to Title 19, Division 2, Chapter 4.5 of the California Code of Regulations, which includes preparation of a Risk Management Plan for federal or state listed chemicals. The Plan shall be submitted for approval to the Environmental Health Division and its approval evidenced to the Planning and Public Works Department.
21. Only human waste is to be discharged into the septic system. No wash down from the fumigation loading/unloading area is allowed to enter the septic system.

PUBLIC WORKS DIVISION—(530) 666-8811

22. The property owner shall continue to maintain the implemented drainage plan to assure other perimeter parcels are protected against surface runoff from the agricultural fumigant facility and equipment parking area.

AGRICULTURAL COMMISSIONER—(530) 666-8140

23. In accordance with state law, TriCal shall register their state-issued Pest Control Operator's license with the Yolo County Agricultural Commissioner before applying any fumigants in the county.

COUNTY COUNSEL—(530) 666-8172

24. 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.

25. 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.**

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6.2 **2009-006:** Modification of an existing Use Permit for Seminis Vegetable Seeds, Inc. The project consists of several new greenhouses and other agricultural support buildings, as well as an 85,000 square-foot office/laboratory (of which 56,750 square feet was approved by ZF #99-040). The project site is located at 37437 State Highway 16, approximately one-half mile west of the City of Woodland in the Agricultural General (A-1) Zone (APN: 025-470-38, -35). A Negative Declaration has been prepared for this project. Owner/Applicant: Seminis Vegetable Seeds, Inc. (J. Anderson)

Jeff Anderson, Assistant Planner, presented background information on the project and answered questions from the commission.

Chair Kimball opened the public hearing.

Rusty Meyers, the facility manager for Seminis, answered questions from the commission

Chair Kimball closed the public hearing

Commissioner Bertolero said that the applicant was dealing with traffic impacts, and he doesn't see any other environmental issues so he is in support of the project.

Commissioner Reed expressed his approval of utilizing the current footprint for the new building, and added that the work done at Seminis is vital to Yolo County; therefore, he is in support of staff recommendation for approval.

Vice-Chair Burton stated that he has no concerns with this project and that he is prepared to move forward.

Commissioner Williams explained that he had no problem with the request, and that the research is absolutely needed in Yolo County.

Commissioner Merwin concurred with his fellow commissioners, and was prepared to move forward with approval.

Commissioner Winters said that he also supports the project and is glad to see that it may bring more jobs to Yolo County.

Chair Kimball agreed, and said that she was glad to see that Seminis was doing well.

Commission Action

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the Initial Study/Negative Declaration prepared for the project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment C**);
3. **ADOPT** the proposed FINDINGS (Attachment D); and
4. **APPROVE** the modification of the Use Permit subject to the Conditions of Approval (**Attachment E**).

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

FINDINGS

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2009-006, the Planning Commission approves the proposed Use Permit modification. In support of this decision, the Planning Commission makes the following findings (*A summary of the evidence to support each FINDING is shown in italics*):

California Environmental Quality Act

1. That the proposed Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and Guidelines and is the appropriate level of environmental 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.

Yolo County General Plan

In accordance with Land Use Policy 18 of the Yolo County General Plan, Agricultural Area Uses, the Planning Commission finds the following:

2. The use is directly related to agricultural land use.

The expansion of the agricultural research facility is directly related to agriculture. The project includes greenhouses and screenhouses where agricultural products are grown for research purposes. In addition, approximately 100 acres of the 145 acre project site will remain entirely in agriculture production (for research purposes).

3. The use will not diminish or prevent agricultural use on site or on adjoining agricultural lands.

The proposed project will not diminish or prevent agricultural use on any adjoining agricultural lands. Properties to the west, south, and east are all in agricultural production and will continue as such. The project site will continue to be utilized for farming and agricultural research operations, which are beneficial to the county's agricultural community.

4. The use has some hazard or nuisance aspect which precludes it from being placed in an urban area.

Typically, agricultural research facilities need to be located on agricultural land and cannot be located within an urban area. The project facility requires significant amount of agricultural acreage in order to meet their business objectives, which is not available in urban areas.

5. The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products.

The expansion of the facility as proposed in the application is located either within or adjacent to the already developed portion of the project site. The new agricultural support and storage buildings will be strategically placed to minimize the impact to land in agricultural production. The 85,500 square foot office building will be located in an area that has already been approved for a smaller size building, and is in a location that has already been developed or disturbed.

Zoning Code

In accordance with Section 8-2.2804 of Chapter 2, Title 8, the Planning Commission finds the following:

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

Agricultural research facilities are listed as conditional uses in both the Agricultural Preserve (A-P) and Agricultural General (A-1) zones. Under the provisions of the A-P zone, "Agricultural research with the exception of product processing plants" is listed as a conditional use in Section 8-2.404(m). Similarly, under the provisions of the A-1 zone, "Agricultural research" is listed as a conditional use in Section 8-2.604(n). The project is in compliance with the conditional use provisions in both the A-P and A-1 zones.

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

The proposed project will help promote agriculture in the area. Seminis is a world-renowned research facility, and expansion of the facility will provide residual benefits for the county's agricultural industry.

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

The proposed modifications and future expansion of the facility will not be detrimental to the public interest, health, safety, or general welfare. All development will occur within the boundaries of established parcels that are currently used for agricultural research operations. New site improvements will include the striping of a westbound left turn lane on State Highway 16 to access the proposed new main entrance to the facility.

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

The proposed project, including the addition of several agricultural storage buildings, greenhouses, screenhouses, and an office/laboratory are consistent with the provisions of the Yolo County General Plan. The general plan supports agriculture, industry, and innovation; all of which are incorporated into the project and are exemplified by Seminis Vegetable Seeds, Inc. Goals AG-4, AG-5, and Implementation Measure AI-7 in the Agricultural Element of the general plan specifically support agricultural research operations in the county.

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

Adequate utilities will be provided via local providers. The property will be accessed by State Highway 16, with road improvements completed under the jurisdiction of Caltrans. Drainage will be collected onsite by existing retention ponds on the property. The project also proposes modifications to the drainage plan, which must be reviewed and approved by the Yolo County Planning and Public Works Division prior to construction.

CONDITIONS OF APPROVAL

The Conditions of Approval approved by the Planning Commission for this project in 1999 (ZF #99-040) are ongoing and continuously enforced. These previously approved Conditions of Approval have either been maintained, deleted (when condition has already been fulfilled), or revised. New Conditions of Approval have also been added.

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (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 2009-006). Construction shall be limited to those structures shown on the approved Site Plan (**Attachment A**). 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. *(New)*
2. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein. *(No change)*
3. 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. *(New)*
4. This Use Permit modification 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; however such an extension shall not exceed a maximum of one year. *(New)*
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, Yolo County Environmental Health, Yolo County Planning and Public Works, and the Willow Oak Fire Protection District. *(New)*
6. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent properties 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. *(New)*
7. Construction activities shall be limited from 6:00 am to 6:00 pm, Monday through Friday. *(No change)*
8. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control. *(No change)*
9. 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. *(New)*

PUBLIC WORKS DIVISION—PPW (530) 666-8811

10. Encroachment permits shall be obtained from the Planning and Public Works Department prior to any work within the county right-of-way. *(New)*

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CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)—DISTRICT 3 (916) 274-0635

11. An encroachment permit shall be obtained from Caltrans prior to any work conducted in the state's right-of-way. *(New)*

COUNTY COUNSEL—(530) 666-8172

12. 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. *(No change)*

13. 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.** *(No change)*

PRIOR TO ISSUANCE OF GRADING PERMIT:

PLANNING DIVISION—PPW (530) 666-8808

14. In order to obtain grading, building and occupancy permits, the applicant/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. *(New)*
15. Any drainage improvements constructed in a flood zone shall require a Flood Hazard Development Permit prior to the issuance of a grading permit. *(New)*

PUBLIC WORKS DIVISION—PPW (530) 666-8811

16. The applicant has proposed to modify the drainage on the project site in anticipation of the proposed future development and in response to existing overland flow from neighboring parcels. Prior to the issuance of the first grading permit under this Use Permit modification (2009-006), a drainage study for the project site must be submitted to the Planning and Public Works Department for review and approval. The study must be signed and sealed by a civil engineer licensed in the State of California. The drainage study must be per County Improvement Standards, and be approved by the Department prior to beginning any work within county right-of-way. *(New)*
17. The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction disturbance greater than one acre that describes the site, erosion and sediment controls, means of

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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. *(New)*

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

18. Plans for expansion of the septic system(s) used for domestic liquid waste must be reviewed and approved by the Environmental Health Division. *(New)*
19. Liquid wastes from laboratories, industrial operations, mechanic shops, and similar operations using hazardous chemicals creating designated waste must not dispose of wastes into the septic system. Waste lines from such operations shall be segregated from domestic sewage lines. Final disposal of this waste must be done under permit from the Central Valley Regional Water Quality Control Board (CVRWQCB). Written clearance shall be obtained from the CVRWQCB and a copy forwarded to the Environmental Health Division. *(New)*

PRIOR TO ISSUANCE OF BUILDING PERMITS:

PLANNING DIVISION—PPW (530) 666-8808

20. Prior to the issuance of a building permit within an area of the project site that is not currently developed or disturbed*, the applicant shall mitigate for the loss of Swainson's hawk habitat. The applicant shall mitigate for the loss of foraging habitat by either: 1) paying a Swainson's hawk mitigation fee for the loss of potential foraging habitat disturbed by the development to the Yolo County Habitat Joint Powers Authority, which it shall use to acquire, enhance, and manage suitable foraging habitat elsewhere, or 2) transfer fee simple title or a Swainson's hawk conservation easement in a form, and to an entity approved by, the Yolo County Habitat Joint Powers Authority, together with appropriate management funds (endowment). The fee is currently set at \$8,660 per acre and is subject to change. The exact acreage to be mitigated shall be calculated upon submission of a grading plan to the Planning and Public Works Department. *(Revised)*

Swainson's hawk mitigation shall be required for the disturbance of land by the buildings and associated parking or paved areas, as circled on the site plan (Exhibit 1**) approved by the Planning Commission. The total area is approximately 6.5 acres, but the exact acreage to be mitigated shall be calculated upon submission of a grading plan to the Planning and Public Works Department. Any future changes to the site plan, as approved by the Planning Commission or Director of Planning and Public Works, will require Swainson's hawk mitigation when disturbing an undeveloped area on the project site.*

21. Prior to issuance of building permits for the 85,500 square foot office/laboratory building, the applicant shall submit a detailed landscaping and irrigation plan for the area visible from State Highway 16 and for the proposed parking area for the office/laboratory building. Water conservation and use of native landscape plant materials shall be emphasized. The landscaping and irrigation plan shall be in conformance with state and local ordinance and shall be installed to the satisfaction of the Planning and Public Works Director prior to issuance of final building permits. *(Revised)*
22. The applicant shall provide parking spaces similar to what is proposed on the site plan approved by the Planning Commission. The applicant shall comply with the parking and loading requirements provided in Title 8, Chapter 2, Article 25 of the County Code; however, a reduction in parking space requirements may be granted by the Director of Planning and Public Works if the applicant demonstrates there is sufficient parking for the uses provided. *(New)*

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BUILDING DIVISION—PPW (530) 666-8775

23. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including by not limited to the Woodland Unified School District, Willow Oak Fire Protection District, and County facility fees. *(No change)*
24. As part of each building submittal, the applicant shall provide a site drainage plan showing the finish floor elevation, finish grade elevation, and general topography into the natural drainage way on-site. *(No change)*
25. If a pad is to be raised, a soils report for the pad performed by a geotechnical engineer will be required. Building foundations and slabs shall comply with any special requirements included in the soils report. *(No change)*
26. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction. *(No change)*

WILLOW OAK FIRE DISTRICT—(530) 662-0781

27. The above referenced project is protected by the Willow Oak Fire Protection District. Prior to any construction occurring on the project site, 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, ordinances, or standards of the fire district. In addition, a Knox key switch system shall be installed for the new electric gate. *(New)*

PRIOR TO ISSUANCE OF FINAL OCCUPANCY

PLANNING DIVISION—PPW (530) 666-8808

28. The waste discharge for the project site is regulated by the Central Valley Regional Water Quality Control Board (CVRWQCB). Prior to issuance of final occupancy permits for the 85,500 square foot office/laboratory building, Seminis shall obtain the necessary permits from the Central Valley Regional Water Quality Control Board for discharge requirements, and a copy of all applicable permits shall be submitted to the Planning and Public Works Department. *(New)*

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)—DISTRICT 3 (916) 274-0635

29. Prior to issuance of final occupancy for the 85,500 laboratory building, the applicant shall install a recessed gate at the eastern entrance (proposed main entrance) along State Highway 16, so that vehicles entering the facility do not stack onto the highway. *(New)*
30. The applicant shall stripe a left turn lane westbound, for the eastern entrance (proposed main entrance), with the same storage length as the left turn lane at the existing main entrance. The applicant shall provide a Pavement Delineation plan sheet to show the proposed striping on State Highway 16. Final approval of the respective improvements shall be obtained, to the satisfaction of the Planning and Public Works Department, prior to the issuance of a certificate of occupancy for the 85,500 square foot office/laboratory building, or at the time when the new easternmost driveway is used for the primary ingress and egress, whichever is first. *(New)*

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6.3 **2004-037:** Appeal of the Planning and Public Works Department decision regarding a proposal to construct partial foundations for the 49 homes remaining to be built as part of the Rivers Edge (White) residential subdivision (FSM#4708) in Knights Landing. The project site is zoned Residential One-Family / Planned Development (R-1/PD). The project site is bordered by the Colusa Basin Drain Canal and at the western end of 6th and 9th Streets in the Town of Knights Landing. Owner/Applicant: Castle Companies (D. Rust) (continued from September 10 meeting)

Donald Rust, Principal Planner, presented updated information, including copies of the plans requested by the commission at a previous meeting, and answered follow up questions.

There was discussion regarding the safety of pouring partial slabs, FEMA regulations, setting a precedent, the ability to grandfather the partial pouring of slabs for non-livable space, and the need to submit revised plans that resolve contradictory information in the current application.

Chair Kimball opened the public hearing.

Kent Calfee, representative for the applicant, said that it has been a difficult appeal from the applicant's point of view, and he thanked Mr. Morrison for summarizing the issues up for them. He said that they would like to request a continuation for the reason that Mr. Boatwright worked to get the complete set of drawings and explanations from his geotech and structural engineers, but was unable to get them completed by the date of the meeting. He explained that it is critical that the inconsistencies be resolved. It is true that some slabs will be monolithic and some will not be, which is a market-driven decision. Therefore, the basis of their request for continuance is because they would like to ensure that the Commission has all of the details. He addressed the topic of setting precedence, and the grandfathering of construction with regards to the County flood requirements, as described in their permit. He stated that the issue for them is that they have permits for a whole house, and they need to have the permit issued, start construction, and complete it within the timetable that they have agreed to with staff. Therefore, it will not set a precedent for someone just going out and pouring a concrete slab.

Mr. Morrison sought permission from Chair Kimball to ask a question of Mr. Calfee. He asked Mr. Calfee if one month would be sufficient for Mr. Boatwright to obtain the necessary plans and information needed for the commission to make an informed decision, or would they require more time.

Mr. Calfee responded that Mr. Boatwright's engineers had assured him that they would have the needed materials to staff, with sufficient time to review them, in time for the next meeting.

Chair Kimball advised Mr. Calfee that the materials needed to be at the county office very quickly if the commission were to consider another continuance, because staff and commission must have adequate time to review them.

There was further discussion about the length of time needed for staff to process and review the revised plans and additional materials.

Mr. Calfee assured the commission that his client would have the plans to the Yolo County Planning Department by the following week, to ensure that the staff had sufficient time to review them prior to the November meeting.

Mr. Boatwright, the applicant, advised the commission that he has a good working relationship with staff and he is certain that he will be able to provide the needed materials to staff next week.

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Wayne Green, Chair for Knights Landing Citizens Advisory Committee, expressed his support of the applicant and Castle Companies, and explained that Knights Landing is in need of new homes, as the community hopes that it will assist in the reopening of Grafton School.

Chair Kimball closed the public hearing.

Commissioner Winters said that he has no problem continuing the item for one more month to enable the applicant to get all of his information in, as he prefers to have more information to make a decision. He added that this project is beneficial to the community so he would like to provide the applicant with every opportunity possible.

Commissioner Merwin said that pouring the foundation for a garage, or pouring of the foundation for a house, is going to make no difference whatsoever in flood protection or safety in this instance. He added that it is unfortunate for Castle Companies, Knights Landing, and Yolo County in general, that the FEMA deadline falls in the midst of a very severe economic downturn, and if those two things were not coming together, he would be more reluctant to allow this type of thing to occur, but understanding the economics of the time, he is willing to continue the project.

Commissioner Williams said that he would support the continuance and wait for further engineering recommendations.

Vice-Chair Burton stated that he definitely wants to see a continuance because the commission needs to see the engineering plans. He added that he would like to support what the applicant is doing, but he can't do that unless they have all the details. He said of particular interest to him is the question, "What are they grandfathering in?" He addressed the concept of setting precedence and explained why he felt that the project is subject to different circumstances. In closing, he explained that he did have a concern about foundations sitting out in Knights Landing for the next ten years, and he could foresee issues with that.

Commissioner Reed expressed his concern with the safety and liability issue, but made clear that he was more concerned about completion of the project and he would like to see a commitment for completion. He said that he has been out there, and it is a construction zone, and he is worried about it staying a construction zone. If there is some type of timeline for completion of the project, than he is in favor of the continuance.

Commissioner Bertolero said that he thinks the big issue is money, and there is an increased cost in pouring the whole slab versus just the garage foundation, and if there wasn't a money flow issue, than the applicant wouldn't be here today to ask to pour a partial foundation. He said that there is a precedent that could be set in the county, but to him it is a livable space issue. If the FEMA guidelines say that it has to be livable space, the garage slab does not demonstrate to him that it is livable space. He said that the seat he is sitting in obligates him to protect the county, and he is not so sure that the engineering reports that they are waiting for will change anything, since it doesn't deal with the real issue, which is whether the garage should be considered as equivalent to livable space. If FEMA came in and said that no, the slabs would not allow them to grandfather the homes in, than the applicant would have to tear the slabs out and raise the houses, which in the long run would cost the applicant more money. Therefore, he doesn't see why he would need any more information from an engineer to make a decision.

Chair Kimball said that she didn't have much to add that hadn't already been said, and while she is concerned with setting a precedent, she feels that this project is different, but she is interested in discussing it further. She stated that the only way she would consider supporting the project, was if she had the information from the engineers. She expressed her support of the continuance until the applicant provided the correct information.

Commission Action

1. **HELD** the public hearing and accept public testimony regarding the appeal;
3. **CONTINUED** the hearing until the next scheduled Planning Commission meeting with the condition that the applicant provide a complete set of revised plans.

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

Chair Kimball called a five-minute recess.

- 6.4 **2009-027:** Appeal of a staff denial of a Certificate of Compliance for eight acres located at 33750 Russell Boulevard in Winters (APN: 038-130-09). The project site is a portion of a 20.20-acre A-1 (Agricultural General) zoned parcel. The project is Statutorily Exempt. Owner/Applicant: Clark/Calfee (S. Berg) (continued from September 10 meeting)

Chair Kimball recused herself from item 6.4, due to an association with Yolo Land Trust.

Stephanie Berg, Associate Planner, presented the project and answered questions from the commission.

There was discussion regarding the intent of the previous owner, and whether or not the actions, or lack thereof, taken by the previous owner were sufficient to consider the variance of the parcel as equivalent to a land division. Further discussion involved the difference in tax rates the current owner was assessed for the parcels, and if that had significant meaning.

Vice-Chair Burton opened the public hearing.

Kent Calfee, legal representative for the applicant, responded to a question from Vice-Chair Burton, regarding the deeding of a property to oneself. He provided information about joint tenancy with the intent of clarifying the actions of the previous owner and explained the difference between the project in question and others that are similar. He said that the intent of the applicant was to put the acreage into a conservation easement; therefore, resulting in decreased development. He added that his clients, and Yolo Land Trust have been working together closely, and the issuance of the certificate is critical to the easement. In his closing statement, he discussed the applicant's tax bills, motions taken by the Board of Supervisors, and the previous owner's actions and past intentions.

Bruce Clark, the applicant, thanked the Planning Commission for hearing their appeal and expressed that they have no desire to divide the land, and they intend to live the rest of their lives on that land.

Judy Boshoven, Executive Director of Yolo Land Trust, explained that they have been working with the Clarks for over three years on the easement project. This year, Yolo Land Trust presented over five projects to both the state and the federal funding agencies that fund conservation easements, and the Clark's property was the only land in which the agencies would provide a full application grant. In addition, they were the only project in Yolo County to be funded by the two agencies in the year 2009, so the project would help to fulfill

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the Yolo Land Trust's strategic goals of protecting prime farmland, habitat, and open space. Although they can't give an opinion regarding the Certificate of Compliance, they wanted the commission to be aware of the easement and the intent of the property owner.

Commissioner Reed asked Ms. Boshoven what difference it would make in regards to the easement project if the appeal is, or is not, granted.

Ms. Boshoven said the easement project is funded at the state and federal levels by the appraised value of all three parcels.

Vice-Chair Burton clarified that it would affect the funding for Yolo Land Trust, and affect the applicant because of tax benefits dealing with the Farm Act, and the value of the Conservation Easement.

Mr. Morrison asked Ms. Boshoven if a Conservation Easement were placed on the property would it strictly forbid residential development on the eight-acre parcel.

Ms. Boshoven responded in the affirmative, but that the Clarks and Yolo Land Trust still need to negotiate the terms of the easement. The intent is that the easement would establish a farmstead area in the location that is already developed.

Commissioner Reed asked if there was a way to create a requirement that the applicants do not develop the land.

Mr. Morrison responded in the negative, because the request is for a Certificate of Compliance, which does not have conditions.

Vice-Chair Burton closed the public hearing.

Commission Action

Commissioner Winters said it is a complicated matter as to whether the parcels were actually established in the past. He added that there is a compelling argument that the three parcels have been taxed at different rates, indicating that perhaps they were subdivided and recognized in some way. He said that he does feel better going with the approval of the separate parcels, knowing that they would be placed in a Conservation Easement and it would be an economic benefit to both the owners and Yolo Land Trust.

Commissioner Merwin said that to him, the crux of the issue is that it appears that the intent of the previous owner was to divide the property, whether or not it was improperly done. He said that they can't rewrite law, but he needs more clarification on the issue.

Philip Pogledich, Senior Deputy County Counsel, provided clarification to Commissioner Merwin on the deeding of property to oneself.

There was further clarifying discussion regarding the deeding of property to oneself.

Commissioner Merwin said that at one point the subdivision map act was changed so that it would not allow for conveying property the way it had previously. He wondered if they were to uphold the applicant's appeal, would it open the door for everyone to go out, deed property to himself or herself, and say they had a brand new parcel. After further discussion, Commissioner Merwin decided to wait for his fellow commissioner's comments in order to make a decision.

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Commissioner Williams said that he was anxious to hear the other three commissioners' opinions, but the most important fact to him is the fact that the Board of Supervisors approved the Variance twice. If his understanding is correct, the parcels were taxed separately and differently.

Mr. Morrison gave a brief description of his understanding on how parcels are assessed based on location and use. However, he added that staff has not had the opportunity to investigate why the taxes were assessed at the rate they were on the parcels in question.

Commissioner Reed said that it seems as if the greater tax rate is because of greater value, and perhaps it has a greater value because it is a smaller, sellable parcel. He added that intent is great, but it is just intent, even if approving the appeal is going to benefit a private party, and the transaction supports the Yolo County goal of preserving farmland. He said he is trying to think of today, rather than something in 1968, and the trade off between an unintended consequence by granting the appeal, versus the benefits of preservation of farmland. He was still trying to decide.

Commissioner Bertolero said that they need to look towards the legal issues rather than intent, and it doesn't seem as if the previous owner complied with what she needed to, for her to make the Variance final. As far as value, he can see where three small parcels are more valuable than large ones, although, he doesn't see much difference in the tax rate between the two smaller parcels. He questioned whether or not the parcels were in the Williamson Act, and said that maybe the explanation of the disparity between the two parcels being taxed different was because they were not protected, and are building sites for two possible houses. He added that until the details of the Conservation Easement have not yet been finalized, they can't base their decisions on what might happen in the future. Although he feels sorry for the Clarks and their position, he has to consider staffs recommendation and the legal side of it.

Vice-Chair Burton stated that he too has put a lot of thought into this decision, and things aren't always clear cut. He asked if there had ever been a period of time when the 12-acre, and 8-acre parcels were owned by two separate people.

Ms. Berg responded that there were not different owners, according to the certified full chain of title.

Vice-Chair Burton verified that there were three separate assessor parcel numbers, and compared it to a recent case he had read. He said that he sees the item as a muddled up issue, but the issue for him, is that they don't know what the intent was, and they don't know what was going on, but he has no question regarding the intent of the previous owner. He said that he is inclined to support the applicant's request, because the assessor has been taxing them for three separate parcels for the last forty years; therefore, the county has been treating them as three separate parcels. He added that he realizes there is a difference between assessor's parcel numbers and legal issues, but he also realizes there is a sense of justice, and he doesn't particularly care from a legal analysis, where the property winds up in the end. He said that what is important to him is the fact that there appears to be enough supporting facts and arguments for the applicant's appeal, that there is certainly a case to be made that the property was divided. He doesn't have a question as to whether there is enough evidence for him to support the appeal; while he questions whether the division was done one-hundred percent appropriately, because it is so remote in time he supports the applicant.

Vice-Chair Burton reopened the public comment period.

Mr. Calfee advised the commission that the applicant does have the current tax bills if it is a real issue. He also responded to Commissioner Bertolero's comment regarding the building of future homes on the parcels, and said that if the certificate is not issued, there can be no houses built on it, so there is no increased value on it. He further addressed comments about the Gardner case that Mr. Pogledich referenced in an earlier comment..

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There was discussion regarding whether not the original request for land division was termed as a Variance, and if it was the proper application for the request.

Vice-Chair Burton closed the public comment period.

Vice-Chair Burton asked for a motion.

Commissioner Bertolero made a motion to support recommendations.

There was no second, motion died.

Vice-Chair Burton made a motion to approve the applicant's request for an appeal, and continue the item until the November Planning Commission meeting, in order to provide staff with an opportunity to revised the Statutory Exemption and establish Findings in support of the appeal.

The Planning Commission:

1. **RECEIVED** a staff presentation, held a public hearing, accepted public testimony regarding the appeal; and;
2. **CERTIFIED** the Statutory Exemption; and
3. **APPROVED** the appeal; and
4. **DIRECTED** staff to return at the next regularly scheduled meeting to consider only the Findings.

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

Chair Kimball resumed the chair.

- 6.5 Interim Management Plan for Granite Construction (Woodland facility) to allow a non-operating mine to continue its idle status for up to five years, without reclaiming the site. The site is located west of County Road 95, between County Road 18A and Cache Creek, approximately two miles northwest of the City of Woodland, in the Agricultural General (A-1) Zone (APN: 025-350-35). A Categorical Exemption has been prepared for this project. Owner/Applicant: Granite Construction. (K. Schwartz).

Kevin Schwartz, Resource Specialist, presented the project and answered questions from the commission.

Chair Kimball opened and closed the public hearing.

No one from the public came forward.

Commissioner Bertolero stated that he supports approval of the project.

Commissioner Reed said that appears that everything checks out fine, and he is in support of approval.

Commissioner Williams concurred with his fellow commissioners.

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Commissioner Merwin expressed his support of the project.

Commissioner Winters had no problems with supporting the project.

Commission Action

- 1. **HOLD** a public hearing on the project and receive comments;
- 2. **ADOPT** the Findings (**Attachment C**) in support of determining that the mining operations are in compliance with all Conditions of Approval;
- 3. **ADOPT** the Categorical Exempt pursuant to the California Environmental Quality Act and Guidelines (**Attachment D**); and
- 4. **RENEW** the Interim Management Plan for Granite Construction for another five years.

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

REGULAR AGENDA

- 7. DISCUSSION ITEMS
- 7.1 None

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. Craig Baracco, Associate Planner, has left the county to pursue other interests, and the Planning and Public Works Department does not intend to fill the vacancy at this time. Therefore, the department will redistribute Mr. Baracco's caseload, as well as reassign his work as liaison to various citizen's advisory committees.
 - b. Planning and Building revenues are still below the anticipated levels. In the last four months, the Division has reduced its staff approximately 40% percent.

8.2 Community News:

- a. Highway 16 in Esparto has been reopened and the Wyatt Building has been demolished.
- b. The Yocha-De-He Wintun Nation announced that they will not move forward with the expansion of the Cache Creek Casino Resort, and will be focusing on their existing operations. They do still have an application submitted for improvements on a property next door.
- c. At the recent LAFCO hearing, a group of Dunnigan residents inquired about the possibility of incorporating as the City of Dunnigan. Mr. Morrison said that they do meet the first level criteria, which is 500 registered voters in the community; however, under recent state laws, any newly incorporated cities have to keep the county financially whole for the cost of all services provided.

8.3 Board of Supervisors:

- a. On September 15, 2009, the Board of Supervisors considered several items, including:
 - Allowing angled parking in downtown Esparto;
 - The Wetlands Conversion Ordinance was considered and then continued;
 - Adoption of the "final" county budget, which is still subject to changes if the state budget is changed; and
 - Discussion of the Williamson Act status, which will return in the future for further action.
- b. Other actions by the Board of Supervisors included approval of the Design Guidelines, Growers Air Service, and the Wind Energy Ordinance. They heard the Citizen's Advisory Committee Bylaws and continued it until the next meeting in order for the project planner to make some minor changes.
- c. In addition to the items that were continued, other projects that will be heard by the Board of Supervisors in the future consist of the Sign Ordinance and the Downtown Mixed Use zone in Esparto.

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. Commissioner Winters reported phone calls from Mr. Boatwright and his representative Kent Calfee.
- B. Commissioner Merwin also reported phone calls from Mr. Boatwright and Mr. Calfee, in addition to attending a Yolo County Farm Bureau meeting.
- C. Commissioner Williams reported that he received phone calls from Mr. Boatwright and Mr. Calfee, and attended the Madison and Dunnigan Citizen's Advisory Committee Meetings. He also gave a presentation to the Dunnigan Fire Department regarding the Dunnigan Specific Plan.
- D. Vice-Chair Burton said that he received a phone call from Mr. Boatwright and Mr. Calfee, and obtained information regarding the Seminis facility.

- E. Commissioner Reed reported that he spoke to Mr. Boatwright and received a voicemail from Mr. Calfee. Additionally, he attended the Full Belly Farm Harvest Festival.
- F. Commissioner Bertolero reported that he attended:
 - The September 29, 2009, Board of Supervisors meeting.
 - Citizen's advisory committee meetings in the communities of Esparto, Dunnigan, and Madison.
 - Received a call from Mr. Boatwright and Mr. Calfee.
- G. Chair Kimball said that she had also spoken to Mr. Boatwright and received a voicemail from Mr. Calfee. She also spoke to Mr. Clark regarding Planning Commission procedures.

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.

- 10.1 Workshop on the Draft Environmental Impact Report for the Granite Construction – Esparto Surface Mining and Reclamation Permit
- 10.2 Workshop on the application for the Dunnigan Specific Plan
- 10.3 Workshop on the Clarksburg Agricultural District

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:54 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is November 12, 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