



County of Yolo

John Bencomo
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PLANNING AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

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

MINUTES

May 13, 2010

ADMINISTRATIVE AGENDA

1. Chair Burton called the meeting to order at 8:36a.m.
2. Pledge of Allegiance was led by Commissioner Bertolero.

MEMBERS PRESENT: Bertolero, Burton, Merwin, Reed, Williams, and Winters
MEMBERS ABSENT: Kimball
STAFF PRESENT: David Morrison, Assistant Director of Planning
Donald Rust, Principal Planner
Stephanie Cormier, Associate Planner
Jeff Anderson, Assistant Planner
Philip Pogledich, Senior Deputy County Counsel
Wes Ervin, Economic Development Manager
Aundrea Hardy, Office Support Specialist

3. **ADOPTION OF MINUTES OF THE MARCH 11, 2010 MEETING.**

Commission Action

The Minutes of the **March 11, 2010** meeting were approved with no corrections.

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

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.

Catherine Portman, resident, spoke of the importance of agriculture in the Fifth Supervisorial District of Yolo County. She suggested that all landowners within 5,000 feet of a proposed development project be regularly notified. She also requested notification in the future, when land use proposals in the area of the southern Dunnigan Hills are brought forward.

Robert Millsap, resident on County Road 19, addressed the application submitted for Kingdom Historical Trust. He stated that he does not believe that the proposal from the applicant is an appropriate use for that area.

In response to Commission questions, David Morrison, Assistant Director of Planning Services, indicated that he did not see a need to uniformly expand the public notification radius for proposed development projects. He stated that planners are already directed to expand public notification for projects that may be controversial and/or located in sensitive areas. He added that anyone who wishes to receive additional notification is free to provide the County with self-addressed, stamped envelopes or to get on our e-mail distribution list. He said that making public notification widespread in every case would unnecessarily increase costs to applicants and demand more of scarce staff resources.

Mr. Morrison also clarified that the application submitted by Kingdom Historical Trust, was a pre-application, not a formal application; therefore, it would not require notification. In addition, it is his understanding from the Trust that a formal application will not be forthcoming.

5. CORRESPONDENCE

- 5.1 Invitation to Springtime on the Farm Event
- 5.2 CCPCA Central District Spring Conference, and registration packet
- 5.3 CCPCA April 2010 Edition Newsletter
- 5.4 Letters from Yolo County residents regarding the Results Radio, LLC project
- 5.5 Letter regarding the Kingdom Historical Trust pre-application
- 5.6 Petition to revoke the Business License and Home Occupation Permit for the Blossom Hair and Nails Salon located at 26317 Woodland Ave in Esparto
- 5.7 Golf Classic Flyer at Yocha Dehe Golf Club
- 5.8 California Country Magazine

Chair Burton acknowledged receipt of all correspondence sent with the packet and distributed at the

beginning of the meeting.

TIME SET AGENDA

- 6.1 **2009-001:** Continued public hearing on a request for a Use Permit for a 365-foot tall radio tower to be located at the Yolo County Central Landfill (APN: 042-140-06). The site is designated as PQP (Public/Quasi-Public) and is zoned A-1 (Agricultural General). The radio tower would be utilized by KDVS, Davis and KMJE, Woodland. A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Yolo County/Results Radio, LLC (J. Anderson)

Jeff Anderson, Assistant Planner, provided information and updates regarding the project, and answered questions from the commission.

There was some discussion regarding measures taken to prevent bird strikes, height of the tower and the lease between the Yolo County Landfill and the applicant.

Chair Burton opened the public hearing.

Ron Castro, Chief Technical Officer of Results Radio, LLC, provided a brief history on the process and community outreach taken by Results Radio, LLC, answered questions from the commission, and shared benefits that would result from approval of their project.

Matt Williams, El Macero resident, said that the process was a collaborative process and confrontation was kept to a minimum. The result had minimum negative impact for residents of El Macero and Willowbank, and both communities are in support of the project.

Regina Cherovsky, representing Conaway Preservation Group, expressed concerns over the location of the proposed radio tower, and its proximity and impact to wildlife. If approved, the radio tower will be adjacent to the Willow Slough Bypass, Yolo Bypass, and the Davis Wetlands. She urged the Planning Commission to use the time available to them while the applicant is waiting for approval from the Federal Communications Commission (FCC), to look at the long-term impact on the birds and habitat on operations, not just during construction.

Chair Burton closed the public hearing.

Commissioner Bertolero stated that the application complies with the 2030 General Plan; the applicant has investigated collocation sites within the appropriate area; has received approval from the City of Davis; that local residents seem to be mostly in support of the location; and that mitigation measures have been included to prevent bird strikes. He supports approval of the project.

Vice-Chair Reed said that the location and coloring of the tower will lesson the aesthetic impact, and that it will meet the lighting requirement for safety. He is satisfied with the proposed mitigations, studies, and analysis regarding potential impacts to wildlife. He expressed his support of the project

Commissioner Winters concurred with his fellow commissioners comments and thanked Mr. Anderson for his work and perseverance on the project. He stated that the location is an appropriate site, and he is looking forward to tuning back into KDVS.

Commissioner Merwin also concurred with his fellow commissioners and took a moment to applaud

the citizens of El Macero and Willowbank for their proactive approach in searching for a location for the proposed radio tower. He said that he appreciates the positive correspondence he has received, and explained that it is unusual for people to write letters of support after writing letters against a project. In addition, he addressed the subject of bird strikes and the need to have a balance between development and the environment. Based on the mitigation measures taken, he feels comfortable that the location is appropriate and is ready to support the project.

Commissioner Williams expressed his pleasure that they were able to come to a reasonable solution that is popular with most of the people. He did have concerns about bird strikes, but when he went through the report, it sounded like everything known about bird strikes, and how to prevent them, were incorporated into the project. He expressed hopes that if the radio tower were approved, a record would be kept regarding the bird strikes, which would assist new tower projects going for the future.

Chair Burton said he is also in support of the project, and is aware of the concerns regarding environmental impact and bird strikes, but there are many towers located in a variety of areas, and studies have already been done on bird strikes and their environmental impacts. It appears to him, that the proposed project has incorporated everything possible to prevent impacts on wildlife. There will always be an impact on somebody whenever there is development. The commission has to weigh the impacts and benefits and make hard decisions in an attempt to balance out competing interests. In this case, he is impressed with the applicant's efforts at collaboration with the community and the efforts taken to have minimal impact on the environment.

Commission Action

The Planning Commission:

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. **ADOPTED** the Mitigation Monitoring and Reporting Program which implements and monitors all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment D**);
4. **ADOPTED** the proposed Findings (**Attachment E**); and
5. **APPROVED** the Use Permit subject to the Conditions of Approval (**Attachment F**).

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

Findings

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2009-001, the Yolo County Planning Commission finds the following (*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 as a result of the proposed project.

Yolo County General Plan

That the proposal is consistent with the Yolo County 2030 Countywide General Plan as follows:

2. The Yolo County General Plan designates the subject property as Public & Quasi-Public (PQ).
3. The project is consistent with the following General Plan Policies:

Community Character Policy CC-1.18: Electric towers, solar power facilities, wind power facilities, communication transmission facilities and/or above ground lines shall be avoided along scenic roadways and routes, to the maximum feasible extent.

Public Facilities and Services Policy PF-11.2: Encourage expanded coverage and enhanced quality for communication technology, such as mobile connectivity, high-speed wireless internet access, and emergency communication systems.

Zoning Code

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

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

Pursuant to Section 8-2.804(b), the proposed wireless communication facility is allowed within the A-1 zone through the Use Permit review and approval process. The definition of "radio tower" is not provided in the Yolo County Code; however, staff and County Counsel have concluded that the definition of "communication towers" includes the type of tower that is the subject of this application. Yolo County Code Section 8-2.2417 authorizes "wireless communication facilities" as a conditional use in any zone, including agricultural zones.

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

Communication facilities, such as radio towers, provide a benefit to the general public through educational and entertainment programming, as well as emergency alert broadcasts. In addition, the proposed tower will reserve space for future communication services to expand cellular or broadband coverage to county residents.

6. 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 project is located on the Yolo County Central Landfill property. The nearest cluster of residential homes is located approximately 2.5 miles southwest of the project site in the City of Davis. As evidenced in the Initial Study/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character or any neighborhood or be detrimental to the public health, safety, or general welfare. The project is conditioned to require compliance with all Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) requirements to ensure the public's safety.

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

All necessary infrastructure and utilities are already provided on site, or will be provided by the applicant.

That the proposal is consistent with the Wireless Communication Facilities Ordinance (Section 8-2.2417 of the Yolo County Code) as follows:

8. The Site is adequate for the development of the proposed wireless communication facility.
The subject property is part of the Yolo County Central Landfill operations. The proposed location is not in an area that is proposed to be filled with waste within the next 50 years and does not conflict with any landfill operations. The proposed project location is approximately 2.5 miles from the nearest residential neighborhood, thus the aesthetic impact will be less than if the tower were located adjacent to or within an urban area.

9. Opportunities to collocate the subject facility on an existing facility have either been exhausted or are not available in the area.

The applicant examined the possibility of collocating their equipment on the two nearby radio towers. The 538-foot tower located off County Roads 102 and 29 was studied as a potential collocation opportunity; however, the applicant learned from an engineer employed by the tower owner that the tower was already loaded to the maximum safe limit with existing antennas and that the KMJE and KDVS antennas could not be accommodated. The 500-foot tower east of Woodland (APN: 042-010-68) was also studied by the applicant as a collocation facility, but was ultimately rejected because the KMJE antenna could not be located at the elevation required to meet their functional needs. Since collocation opportunities were not feasible alternatives for the applicant, the landfill location was finally chosen because it would not require diminution of the signal, nor would it compromise the applicant's population coverage. In addition, the landfill site was also favored by the applicant because the property has sufficient access and the placement of the tower would not require the removal of agricultural land.

10. The facility as proposed is necessary for the provision of an efficient wireless communication system.

The facility will transmit educational, entertainment, and emergency communication programming to the general public. As a condition of approval, the applicant will also be required to provide space for the Integrated Waste Management Division so that they may be able to increase the wireless network at the landfill. As discussed in #14 below, the applicant is also required, as a condition of approval, to provide collocation opportunities to other wireless carriers.

11. The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation, or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource.

Since the subject property is relatively flat and has been previously disturbed, the proposed project would not require significant grading and thus would not impact the existing topography. The project site consists mainly of dirt, gravel, and non-native annual grasses and herbaceous weed species. The project is not located near a scenic corridor or a public viewing area. The Davis Wetlands, which offer public guided tours, is located over two miles away. The tower may be visible from select locations on the Davis Wetlands site; however the visual impact of the tower will not substantially diminish any views on the site. There are not expected to be any environmentally sensitive areas or resources on the project site; however, there are several mitigation measures in place that will ensure any special or protected avian habitat is not disturbed.

12. The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.

The proposed tower will not create a hazard for aircraft in flight and will not hinder aerial spraying operations. The applicant must receive approval from the FAA for numerous issues before they are permitted to construct the tower. The tower will include 24-hour medium intensity white strobe lighting to increase the conspicuity of the tower to passing aircraft. The FAA, Caltrans Aeronautical, and Sacramento County Airport system all provided comment that the applicant must file a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. Agricultural spraying operations do not occur on the 725± acre landfill site. Any passing aircraft, including aerial applicators, will be able to visually recognize the 365-foot tower at a significant distance.

13. The applicant agrees to accept proposals from future applicants to collocate at the approved site.

As a condition of approval, the applicant is required to cooperate with the County and other providers in collocating on the subject radio tower. Space will be reserved for the Integrated Waste Management Division as well as for other wireless providers.

CONDITIONS OF APPROVAL

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (530) 666-8808

1. The project shall be developed in compliance with all adopted Conditions of Approval and the Mitigation Monitoring Program for Zone File #2009-001. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Monitoring Program as contained herein.
2. Development of the site, including construction and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2009-001). 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

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Planning and Public Works Department. The facility shall be operated in a manner consistent with the project's approval.

3. Any proposed modification determined to be significant shall require an amendment to this Use Permit with approval from the Planning Commission.
4. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (\$2,010.25 plus \$50 Recorder fee) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.
5. This Use Permit shall commence within one (1) 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.
6. The applicant shall cooperate with the County in addressing shared usage of the facilities and/or site for future collocation on the radio broadcast tower and shall not be unreasonably opposed to sharing the site and facilities with other service providers.
7. The applicant shall reserve space at a functional height on the tower for wireless network equipment and web-based cameras for the Integrated Waste Management Division.
8. With advance notice of at least 24-hours, service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.
9. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass, and weeds. Any structures on the leasehold area shall be adequately maintained and free from graffiti.
10. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.
11. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
12. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.
13. During construction or maintenance activity, any open trenches shall be covered overnight to prevent animals from becoming trapped. Any open trenches shall be inspected prior to commencement or continuation of construction activity and any trapped animals shall be allowed to exit on their own ability.
14. Upon termination of the radio broadcast tower use, the tower shall be removed and the project site restored back to its original condition within 12 months of cessation of use.

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT—(530) 757-3650

15. Operation of the natural gas generator at the site will require an Authority to Construct and Permit to Operate issued by the District in accordance with Rule 3.1, General Permit Requirements.
16. Visible emissions from stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart.
17. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
18. Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, Architectural Coatings.
19. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

20. The applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health by the time hazardous materials and/or hazardous wastes are present in reportable quantities on-site.

COUNTY COUNSEL—(530) 666-8172

21. 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.

22. Failure to comply with the Conditions of Approval as approved by the Yolo County Planning Commission may result in the following actions:
 - non-issuance of future building permits;
 - legal action.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

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PLANNING DIVISION—PPW (530) 666-8808

23. The applicant shall provide the Director of Planning and Public Works with documentation from the Federal Communications Commission (FCC) approving the tower at the proposed location described in this staff report for this Use Permit (ZF #2009-001).
24. The applicant shall provide the Director of Planning and Public Works with documentation demonstrating compliance with FCC requirements regarding electromagnetic radiation levels. The radio tower shall be maintained and operated in accordance with all applicable FCC rules and regulations with respect to environmental effects of electromagnetic emissions.
25. The applicant shall provide the Director of Planning and Public Works with documentation that Federal Aviation Administration (FAA) Form 7460-1 has been properly filed with the FAA as required by FAR Part 77, Subpart B, 77.13.
26. The bird flight diverters to be installed on the guy wires by the applicant shall be spaced at an industry accepted distance (15-35 feet apart) to prevent collisions by diurnally active bird species.
27. Construction details shall be included in construction drawings, submitted concurrent with the building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
28. The applicant shall provide the Director of Planning and Public Works with a copy of the signed "Option and Telecommunications Site License Agreement" between the County of Yolo and Results Radio, LLC, to be approved by the Yolo County Board of Supervisors.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

29. Construction disturbance greater than one acre shall require a Storm Water Pollution Prevention Plan (SWPPP).

BUILDING DIVISION—PPW (530) 666-8775

30. 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.
31. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All proposed panel antennas and appurtenances shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.
32. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Woodland Joint Unified School District, East Davis Fire District, and County facility fees.

MITIGATION MEASURES

PRIOR TO ISSUANCE OF GRADING PERMIT:

PLANNING DIVISION—PPW (530) 666-8808

33. **BIO-1. Swainson's hawk Biological Survey.** Prior to any land disturbance activities and/or issuance of a building or grading permit, a biological survey of the project site shall be conducted by a qualified biologist. The qualified biologist shall determine if foraging habitat exists within the project site. If foraging habitat is not determined to exist within the project area, no further mitigation is required.

If Swainson's hawk foraging habitat is determined to exist in the project site, the applicant shall, prior to issuance of a grading or building permit, mitigate for the loss of Swainson's hawk habitat through participation in the Draft Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The qualified biologist, in consultation with the California Department of Fish and Game and/or Yolo HCP/NCCP Joint Powers Agency, shall determine the area of the foraging habitat disturbed by development. The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is estimated not to exceed 1.7 acres, or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at \$8,660 per acre and is subject to change. In the event that the final HCP/NCCP is adopted before development occurs, the applicant shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.

34. **BIO-2. Swainson's hawk Pre-Construction Nest Survey.** If any construction work (including clearing and grubbing) is scheduled to occur any time during the raptor nesting season (March 1 through September 15), a survey for raptor nests shall be conducted by a qualified biologist within 14 days prior to the start of construction. A copy of the survey and any agreement with the California Department of Fish and Game or Yolo HCP/NCCP Joint Powers Agency, if applicable, must be submitted to the Planning and Public Works Department no later than 48 hours prior to the start of construction. If no active nests are found during the focused survey, no further mitigation will be required.

If active nests used by a Swainson's hawk are found within 0.25 mile from the construction activities, a qualified biologist shall notify the Department of Fish and Game and a 0.5 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 1 and September 15, unless it is determined by a qualified biologist in coordination with the California Department of Fish and Game that the young have fledged and are feeding on their own, or the nest is no longer in active use.

35. **BIO-3. Burrowing Owl.** Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required.

If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the breeding season (February 1—August 31), unless approved by the California Department of Fish and Game.

If burrowing owls are detected during pre-construction surveys outside the breeding season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

36. BIO-4. Other Birds of Prey and Migratory Birds

- o A preconstruction survey for active nests of migratory birds and birds of prey shall be conducted no more than two weeks prior to construction. If no active nests are found, then no additional avoidance and mitigation measures are necessary.
- o If an active nest is located within 250 ft of a construction area, a qualified biologist shall record the location(s) on a site map.
- o The biologist shall establish a minimum 250 ft buffer around the nest tree or nest location.
- o The biologist shall delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, stakes, etc. The buffer zone shall be maintained until the end of the breeding season. No construction activities shall occur within 250 ft of a nest tree or nest location while young are in the nest.
- o The biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities.

- 6.2 Presentation of the 2010 Annual Report, regarding the status of the General Plan, affordable housing status, building and planning permit trends, and other relevant information (D. Morrison).

Agenda item 6.2 was continued to the next regularly scheduled Planning Commission meeting.

- 6.3 Update of the status of economic development efforts undertaken by the county

Wes Ervin, Economic Development Manager, presented the project, distributed and reviewed a memorandum, and answered questions from the commission.

Chair Burton opened the public hearing.

Erich Linse, Dunnigan resident, said that he was very interested in the work that Mr. Ervin does, and was also interested in hearing that there is a team in the CAO's office looking at development. The Dunnigan Citizens' Advisory Committee is similarly focused on development projects, and they would like to be included in whatever processes are already under way. The committee was not aware that the landowner's group was involved in the process.

Mr. Linse thinks that there are real problems with the communications between the county, the developers, and the community. He shared a letter sent by the Planning and Public Works Director, John Bencomo, to Board of Supervisors Chairwoman, Helen Thompson, that talks about the progress of the Dunnigan Specific Plan and how the Planning Commission and the community support it in general. However, the community has a lot of questions about how the planning has occurred. He explained that when people are in their comfort zone, they sometimes don't notice how things are changing. The community has tried to make the things they are disappointed with, or disagree with known, but aren't being heard. There is now a petition that is being circulated for the incorporation of Dunnigan into a city, which is a response to the poor communication. He explained that he appreciates the Board of Supervisor's assistant deputy, who attends their meetings and carries their thoughts back to the Board of Supervisors. Particularly, as the committee does not have much opportunity to interact with others, such as the Planning Commission. He spoke of the advisory committee's frustration over the changes in the development locations for the Dunnigan Specific Plan and stated that they would really like to be listened to when they have comments and questions.

Chair Burton closed the public hearing.

REGULAR AGENDA

7. DISCUSSION ITEMS

7.1 Proposed Development Services Division budget for Fiscal Year 2010-2011 (D. Morrison)

Mr. Morrison reviewed the proposed Development Services Division budget and answered questions for the commission.

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 Board of Supervisors:

Since the last Planning Commission meeting, the Board of Supervisors has approved the following,

- a. A road abandonment request from the Esparto Unified School District for a portion of Bonyng Street;
- b. The Countywide Specific Plan Framework Resolution;

- c. An amendment to the Funding Agreement with the Dunnigan Landowners Group;
- d. Reauthorization of the Esparto Bridge Development Fee; and
- e. Purchase of new permit tracking software, which is paid for out of the technology cost recovery fund.

Upcoming projects going before the Board of Supervisors for consideration include,

- f. Amendment to the Affordable Housing Agreements with the River's Edge Subdivision in Knights Landing.

8.2 Mr. Morrison advised the commission that the permit counter hours have changed as a result of decreased staffing levels. Current hours are from 9:00 a.m. to 12:00 p.m., Monday through Friday, in addition to no building inspections every other Monday. The department is still open from 8:00 a.m. to 4:30 p.m., but only for appointments and meetings.

8.3 In the Community

Knights Landing is spending time looking at their Charter School and focusing on the new FEMA maps. The Ag Cluster Ordinance is a topic of discussion at the citizens' advisory committees. There is possible development of a new park and swimming pool in Esparto, possibly funded by grants and maintained by the Madison Esparto Regional County Service Area (MERCESA). This effort may also include having MERCESA assume responsibility for Esparto's community parks.

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 that he toured the Yocha Dehe Golf Club, attended the Farm City breakfast, and had an opportunity to drive by the proposed radio tower site.
- B. Commissioner Merwin said he had an opportunity to drive by the proposed radio tower site, attended the Yolo County Farm Bureau meeting, and attended two of the Ag Working Group meetings to work on the Ag Clustering Ordinance and Transfer of Development Rights Ordinance.
- C. Commissioner Williams reported attending the Resource Conservation District (RCD) dinner, several citizens' advisory committee meetings, including Yolo-Zamora, Capay, and Knights Landing among others. Some topics of discussion at the meetings included the Ag Clustering Ordinance, and the Charter School in Knights Landing.
- D. Commissioner Bertolero said he attended the Esparto, Dunnigan, Yolo-Zamora, and Knights Landing advisory committee meetings. In addition, he attended the 2010 CCPCA Spring Conference in Bakersfield, California, received a phone call from Catherine Portman about the Kingdom Historical Trust pre-application, and received several e-mails and letters regarding the proposed radio tower site.
- E. Vice-Chair Reed provided a report on his attendance at an open house for the Center

for Land Based Learning, and acknowledged receipt of correspondence from Catherine Portman, citizens supporting the radio tower proposal, and other information regarding the county's handling of road abandonment requests.

- F. Chair Burton reported that he attended several citizens' advisory committee meetings, the Farm City breakfast, the Yolo County Historical Society event, and received correspondence from Catherine Portman, in addition to the other correspondence acknowledged earlier, he has been active in the West Sacramento Chamber of Commerce, and invited all to a local restaurant food and wine/beverage outdoor event thrown by the West Sacramento Chamber of Commerce on July 17, 2010. In addition, he had an opportunity to attend a meeting for the Elderly Nutrition program regarding Meals on Wheels. The group is being very active now as they are having difficulties finding drivers. He also said to keep in mind that the 21st Annual Epicurean Esprit to benefit The Elderly Nutrition Program of Yolo County would be held on May 20, 2010.

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 Continued from the May 13, 2010 meeting- Presentation of the 2010 Annual Report, regarding the status of the General Plan, affordable housing status, building, and planning permit trends, and other relevant information
- 10.2 Business License Revocation
- 10.3 Jack Wallace Tentative Parcel Map
- 10.4 E. Parker Subdivision Development Agreement Amendment

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:36 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is June 10, 2010, 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

The Board of Supervisors is pleased to announce that the Yolo County Planning and Public Works Department has been awarded a contract to provide planning services to the County of Yolo. The contract is for a period of one year, starting on May 1, 2010, and ending on May 31, 2011. The contract value is \$1,000,000. The Board of Supervisors is pleased to announce that the Yolo County Planning and Public Works Department has been awarded a contract to provide planning services to the County of Yolo. The contract is for a period of one year, starting on May 1, 2010, and ending on May 31, 2011. The contract value is \$1,000,000.

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David Johnson, Executive Director
Yolo County Planning and Public Works Department