



# County of Yolo

## 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

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### MINUTES

June 10, 2010

#### ADMINISTRATIVE AGENDA

1. Vice-Chair Reed called the meeting to order at 8:34 a.m.
2. Pledge of Allegiance was led by Commissioner Winters.

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

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3. ADOPTION OF MINUTES OF THE **MAY 13, 2010** MEETING.

#### Commission Action

The Minutes of the **May 13, 2010** meeting were approved with no corrections.

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

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4. PUBLIC REQUESTS

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

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5. CORRESPONDENCE

5.1 California Water Quality & Its Impact on Supply (Conference Pamphlet)

5.2 Copy of an article published in the Davis Enterprise regarding an award that was presented for the recently completed 2030 Yolo County General Plan

Vice-Chair Reed acknowledged receipt of all correspondence received prior to the meeting and distributed at the beginning of the meeting.

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TIME SET AGENDA

6.1 **2010-023** Request for a Use Permit to operate a private helipad to be used for an aerial application business, located at 27038 County Road 92F, approximately three miles east of Winters (APN: 038-090-26). The helipad would be located immediately adjacent to an existing 4,600 square foot hangar on a 1,500 square foot concrete pad. The helipad would be used only for flights relating to the aerial application business. A Negative Declaration has been prepared for this project. Owner/Applicant: John and Linda Frazier (J. Anderson)

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

Vice-Chair Reed opened the public hearing.

John Frazier, applicant, provided further information regarding his request and the operations of the business, and offered to answer questions the commission may have.

Commissioner Bertolero asked Mr. Frazier what his plans were for his vacant property.

Mr. Frazier explained that he intends to put an orchard on the property.

Commissioner Bertolero confirmed that Mr. Frazier was in agreement with the Conditions of Approval.

There was further discussion regarding the Conditions of Approval and the processes and procedures used in the business, including flight patterns, and time flights would take place.

Vice-Chair Reed closed the public hearing.

Commissioner Winters said he does not see any problem with the request and feels that it is a great opportunity that benefits agriculture and Yolo County farming, as well as provides an opportunity for a

a local family to do the work.

Commissioner Merwin stated that this project is the reason that the county has a Use Permit process, and he has no problem supporting the request.

Commissioner Williams said he had no idea that current helicopter spraying was done out of Lodi. He expressed his support of the project.

Commissioner Bertolero felt that it would be a great asset to Yolo County, as helicopter spraying provides less opportunity for spills and is more practical for spraying orchards. He stated that there is a need for this type of business in Yolo County, and the applicant is in agreement with the Conditions of Approval, and so he sees no reason not to support it.

Commissioner Merwin asked about a modification to the Conditions of Approval to allow for occasional night landing.

Phil Pogledich, Senior Deputy County Counsel, was concerned about changes that may affect the environmental analysis, but after discussion with Mr. Anderson, it was determined that night landings would not affect the environmental analysis.

David Morrison, Assistant Director of Planning Services, explained that it would be difficult to define occasional night landings; therefore, it would create some uncertainty for the commission and the applicant. He offered some suggestions for modification of the nighttime landing condition.

Mr. Frazier explained that he was contracted to handle frost control, which would require them to operate at night.

Mr. Pogledich recommended striking the condition regarding night flights.

There was further discussion regarding nighttime operations and impacts on noise and lighting standards. It was determined that there would not be a direct environmental need for item 9 of the Conditions of Approval; therefore, if the commission chose to strike that condition it would not have negative impacts.

Commissioner Winters made a motion to support the recommended actions of staff, but strike item 9 on the Conditions of Approval.

Commissioner Merwin seconded the motion.

### **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 proposed Findings (**Attachment D**); and
4. **APPROVED** the Use Permit subject to the Conditions of Approval, with the exclusion of Condition 9 (**Attachment E**).

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

**FINDINGS**

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2010-023, the Planning Commission approves the proposed Use Permit. 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**

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

2. Policy AG-1.19: Encourage the retention of existing and development of new airport facilities for agricultural aerial applications.

*The proposed project is a private helipad that will serve a small-scale agricultural aerial application business. There are no other private helipads in the county that serve spraying operations.*

3. Policy AG-3.16: Promote agricultural innovation, including research and development, biotechnology, sustainable farm practices, agri-tourism and non-traditional agricultural operations in order to expand and improve business and marketing opportunities for those engaged in agriculture.

*The proposed project will allow for the establishment of a new aerial application business in Yolo County. Agricultural producers will benefit from the services provided by the spraying business. There are no known helicopter sprayers operating out of Yolo County. Therefore, the establishment of the helipad location and the associated business would provide growers with additional options to meet their spraying needs. The applicant proposes to specialize in orchard care since tree canopies are often too thick for ground rigs. Helicopters are able to fly very close to tree tops and make sharp turns, providing efficient use of both the aircraft and chemical. Aerial application is often necessary to produce healthy yields, which will improve business and marketing opportunities for those engaged in agriculture.*

4. Policy ED-2.7: Encourage the retention and expansion of existing businesses and attract new businesses into the county.

*Approval of the project will allow for the establishment of a new aerial application business (Precision Helicopters) in Yolo County. Precision Helicopters will serve the agricultural industry in Yolo County and the surrounding region.*

### **Zoning Code**

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

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

*Private airports and landing strips are listed as a conditional use in the Agricultural Preserve (A-P) zone. A private agricultural helipad is considered to be substantially similar to a landing strip. Upon review and approval by the Planning Commission, private helipads may be authorized by a Major Use Permit. The project, as proposed and conditioned, is in compliance with the conditional use provisions in the A-P zone.*

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

*The proposed project is desirable to the agricultural community in general, as it will provide a service to local farmers. The spraying services offered by the applicant will help support the agricultural industry and will indirectly benefit those who consume agriculture produce grown in Yolo County.*

7. 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 will not impair the integrity or character of a neighborhood or be detrimental to public health, safety, or general welfare. The helipad will be used only by the applicant, who is a trained helicopter pilot, and will be used only for flights relating to the spraying business. Agricultural land uses surround the site, with several home sites in the nearby vicinity. The project site is bordered by active orchards to the west, north, and east. The applicant owns the two parcels to the south (each 10 acres), which include one single family dwelling and several agricultural buildings. The nearest home (not including the home on the project site) is approximately 950 feet south of the proposed helipad location on a parcel owned by the applicant. No complaints from neighbors have been received regarding the proposed use.*

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

*The subject property is designated as Agriculture (AG) in the Yolo County 2030 Countywide General Plan. The Agricultural designation allows for uses that support the agricultural industry (see Findings 2-4 above). Thus, the proposed project is consistent with the provisions of the General Plan.*

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

*The site has adequate road access to County Road 92F and all utilities, sanitation, and other necessary facilities are already provided. The establishment of an agricultural helipad does not*

*require significant grading or development. The helipad will be located on an existing concrete pad. A small concrete foundation will be installed in conjunction with the placement of a 6,000 gallon above ground fuel tank near the existing shop/hangar.*

10. The requested use will serve and support production of agriculture, the agricultural industry, animal husbandry or medicine; or is agriculturally related, and not appropriate for location within a city or town; and the requested use, if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils.

*The requested use will support the agricultural industry in Yolo County and the surrounding region by providing efficient and highly controlled application of chemicals to meet each grower's specific needs. The helipad use is not appropriate for location within a city or town because it requires significant storage space (hangar) and it generates noise in excess of what may be normally acceptable in residential areas. The noise generated by the takeoff and landing of the helicopter is normally acceptable in agricultural areas, where other equipment and spraying rigs generate similar noise output. The subject property contains prime soils; however, the proposed location of the helipad is on a concrete pad adjacent to an existing building, and will not remove farmland.*

## **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 for Zone File #2010-023. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval 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 #2010-023). 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.
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. Prior to commencement of business operations for Precision Helicopters, LLC, the applicant shall obtain a business license from the Yolo County Planning and Public Works Department. The applicant shall maintain and renew the business license for as long as the business is in operation.

**Yolo County Planning and Public Works Department**

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7. Flights to and from the helipad shall be restricted to use only by the aerial applicator aircraft owned by the applicant (Precision Helicopters, LLC).
8. The air traffic pattern for takeoff and landing shall be to the south and east of the helipad location, across the applicant's own property.
9. The helipad itself shall be unlighted. However, if any additional outdoor light fixtures are installed on the shop/hangar for security or safety purposes, they 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.
10. The centerline of the helipad shall be no closer than 50 feet from the north property line and 75 feet from the west property line.
11. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control.
12. The applicant shall be responsible for obtaining all applicable permits for the above ground fuel tank.
13. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.
14. Prior to commencement of business operations, the applicant shall provide the Director of Planning and Public Works with documentation that Federal Aviation Administration (FAA) Form 7480-1 *Notice of Landing Area Proposal* has been properly filed with the FAA.
15. All chemicals (herbicides, pesticides, fumigants, etc.) shall be stored onsite in accordance with the manufacturer's requirements/recommendations. These products shall be stored in the locked nurse truck, which is to be parked inside the hangar or on the concrete pad adjacent to the hangar.
16. The applicant shall keep the project site free from flammable brush, grass and weeds.

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

17. 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.
18. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Winters Joint Unified School District, Winters Fire District, and County facility fees.

**AGRICULTURAL COMMISSIONER**

19. Applicant shall comply with Division 6, Chapters 4 & 5 of the California Food and Agricultural Code.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

20. Yolo County Environmental Health Division requires a Hazardous Materials/Waste Application Package (Business Plan) for all facilities that handle hazardous materials in quantities equal to or greater than 500 pounds, 55 gallons, or 200 cubic feet of gas, and any quantity of hazardous waste. This is a State mandated requirement that subjects the facility to fines of \$5,000 per day for non-compliance. The Hazardous Materials/Waste Application Package is due by the time hazardous materials and/or waste is present in reportable quantities.
21. A spill Prevention Countermeasure Contingency (SPCC) Plan is required for all above ground storage tanks (AST) and/or containers with a cumulative storage capacity greater than 1,320 gallons of petroleum products.

COUNTY COUNSEL—(530) 666-8172

22. 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.

23. 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 **2004-037:** Request for modification of the Rivers Edge subdivision affordable housing agreements. The proposed agreement amendments would remove the resale equity restriction on the required affordable units in the subdivision. The restriction currently ensures that resale prices of the affordable units will be set at levels that are no greater than the increase in the county median income. Under the agreement amendment, homes would have an initial sales price at levels affordable to low and moderate income families in the county, but would not be restricted in terms of housing appreciation over a 20-year period. The Rivers Edge project is an approved 63-unit subdivision bordered by the Colusa Basin Drain Canal and at the western end of 6<sup>th</sup> and 9<sup>th</sup> Streets in the Town of Knights Landing. Owner/Applicant: Castle Companies. (E. Parfrey)

Eric Parfrey, Principal Planner, reviewed the applicant's request and answered questions from the commission.

Vice-Chair Reed opened the public hearing.

Dan Boatwright, applicant, provided the commission with the purpose behind his request, explained the timelines the company was dealing with in regards to the new FEMA maps, the state of the economy and its affect on home sales, and answered questions from the commission.

Vice-Chair Reed closed the public hearing.

Commissioner Bertolero spoke of restrictions placed on low-income housing, and how based on the FEMA timelines, and current economic situation, it makes sense to approve the applicant's request.

Commissioner Williams said he was in agreement with the staff report, as everyone is trying to deal with the current economic reality.

Commissioner Merwin concurred with his fellow commissioners and expressed his support for approval of the request.

Commissioner Winters agreed with all comments from fellow commissioners and said he feels that getting full build out of these homes prior to the FEMA deadline is crucial for the schools in Knights Landing, as well as allowing future homeowners to purchase the homes without restrictions imposed upon them; therefore, he is in support of the request.

Vice-Chair Reed said staff resolved his concerns so he is in support of the request.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing and received testimony on the proposed amendment to the Inclusionary Housing Agreement and the deletion of the Resale and Rental Restriction Agreement for Affordable Units for the River's Edge Subdivision project in Knights Landing (**Attachments A and B**);
2. **ADOPTED** the Categorical Exemption (**Attachment C**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and
3. **APPROVED** the amendment of the Inclusionary Housing Agreement and the deletion of the Resale and Rental Restriction Agreement for the River's Edge subdivision.

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

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- 6.3 Consideration of the 2009 Annual Compliance Report summaries for Off-Channel Gravel Mining within the Cache Creek Area Plan for the Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregate-Esparto, and Teichert Aggregate-Woodland sites.(K. Schwartz)

This item was continued until further notice.

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- 6.4 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).

Assistant Director of Planning Services presented the 2010 Annual Report and answered questions from the commission.

Vice-Chair Reed opened and closed the public hearing.

No one from the public came forward.

No action required.

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#### REGULAR AGENDA

#### 7. DISCUSSION ITEMS

- 7.1 None

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#### 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 taken the following actions:

- a. The CAO presented his recommended budget and the Board of Supervisors will go into budget hearings next week.
- b. The County Road 75A abandonment was continued and will be heard in closed session.
- c. The Board of Supervisors took action to have the Madison-Esparto Regional County Service Area take a more active role in managing the Esparto Community Park and in developing a new park and community swimming pool, if funding from the state is forthcoming.

- d. The Board of Supervisors approved a Williamson Act contract for the Brewers, who submitted that request prior to the moratorium on new Williamson Act contracts.

**8.2 Budget and Personnel**

- a. Brian Frenger, Building Inspector, will be out on paternity leave due to the birth of his daughter.
- b. The office support position for the building department will be converted to an accountant position to provide support for the fiscal services division.
- c. Craig Griesbach, the other inspector for the building division was being aggressively recruited by a neighboring county; however, Yolo County managed to keep him.
- d. The Yolo County Community Development Department and the City of Woodland were involved in a discussion regarding co-location; however, there are many hurdles with merging local government, and it may prove to be too complicated.
- e. Mr. Morrison gave a presentation to construction managers on the General Plan update, as well as giving an annual talk to an introductory planning class at UC Davis
- f. Lunch will no longer be offered for the Planning Commission meetings due to a decreasing budgets, Meetings may only be held every other month due to a lack of development projects

**8.3 In the Community**

- a. The applicant has placed the Dunnigan Specific Plan on hold until September 2010.
- b. The Madison-Esparto Regional County Service Area (MERCESA) and the County Service Area are working jointly to implement the expansion of the Parks and Recreation Zone of Benefit District.
- c. The citizen's advisory committees (CAC) reviewed the AG Cluster Ordinance. The Capay CAC does not support the ordinance.

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**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 had nothing to report.
- B. Commissioner Williams stated that there has been discussion regarding the issues of the incorporation of Dunnigan, and summarized an article written in the Davis Enterprise. He shared his involvement with a group of citizens that are trying to plant trees around the overpass and intersections in Dunnigan. In addition, he attended citizen's advisory committee meetings in Esparto, and Capay.

- C. Commissioner Merwin reported his attendance at the Yolo County Farm Bureau meeting and of a site visit to Knights Landing to view the River's Edge Site.
- D. Commissioner Bertolero reported his attendance at the citizen's advisory committees in Clarksburg, Dunnigan, and Yolo-Zamora. He explained that many of the meetings are being held every other month due to a decrease in projects to discuss. He also reported a site visit to the Frazier site and a conversation he held with Commissioner Williams regarding the River's Edge Subdivision amendment.
- E. Vice-Chair Reed stated that he has spoken to several people in Willowbank that are interested in creating a citizen's advisory committee, and asked to speak to Mr. Morrison regarding the subject later.

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## 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 Possible Business License Revocation

10.2 A Revised Parcel Map

10.3 General Plan Amendment

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## 11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:29 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is August 12, 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