



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

MINUTES

December 09, 2010

ADMINISTRATIVE AGENDA

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

MEMBERS PRESENT: Burton, Bertolero, Kimball, Merwin, Reed, Williams, and Winters
MEMBERS ABSENT: None
STAFF PRESENT: David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Stephanie Cormier, Associate Planner
Philip Pogledich, Senior Deputy County Counsel
Aundrea Tyler, Office Support Specialist

3. ADOPTION OF MINUTES OF THE **OCTOBER 14, 2010** MEETING.

Commission Action

The Minutes of the **October 14, 2010** meeting were approved with the following corrections.

- A. Vice-Chair Reed commented on the two changes he wanted to see integrated into the Capay Valley and apologized for not making it clearer that it was not a ~~recommendation~~ comment, but rather something he wanted to see integrated into the document
- B. Vice-Chair Reed explained that ~~they~~ the Planning Commission and Planning Staff all have the same-shared goal of preserving ag land and limiting ranchettes.

C. Commissioner Bertolero said that the biggest concern was contamination of the water, but as far as the danger of the fuel spilling there will not be fueling on site at the marina or live aboard vessels, and there is tidal water there. However, continuous river flow overrides the incoming tides, which prevents any potential contaminant from flowing upstream to the Reclamation District's pumps.

D. Spelling corrections.

MOTION: Winters SECOND: Williams
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.

None

5. CORRESPONDENCE

5.1 Memorandum regarding correction of the zone file number on agenda item 6.1

5.2 Pamphlets from the Yolo County Building Division regarding the 2011 Building Code Updates. Pamphlets were made available at the Yolo County Planning and Public Works Department and at yolocounty.org.

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

TIME SET AGENDA

6.1 **ZF #2010-037:** Recommendation on Amendment No. 2011-1 to the Yolo County 2030 Countywide General Plan. The proposed amendment is to the Cache Creek Implementation Program, a part of the Cache Creek Area Plan and the 2030 Yolo Countywide General Plan, and to Chapter 3, Title 10 of the Yolo County Code. The amendment relates to the role of the Cache Creek Technical Advisory Committee and other procedural issues. The Cache Creek Area Plan portion of the General Plan is applicable to the mining area along Cache Creek in unincorporated area of Yolo County. A Categorical Exemption has been prepared for this project. Applicant: Yolo County (E. Parfrey)

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Eric Parfrey, Principal Planner, presented the project, and answered questions from the commission.

Chair Burton opened and closed the public hearing.

No one from the public came forward.

Commissioner Bertolero shared his concerns about allowing a designee appointing Technical Advisory Committee members rather than having it remain solely with the County Administrator; otherwise he was in support of the amendment.

Commissioner Kimball said she is familiar with the problem as she has worked with the Technical Advisory Committee and it is very difficult for the current members to comply with the Brown Act requirements. Another issue in the staff report was handicap accessibility on the creek walk, which has come up before, so she doesn't have any issues with any of the proposed changes.

Vice-Chair Reed stated that the changes would improve the effectiveness of the Technical Advisory Committee, so he has no issues.

Commissioner Williams had no further questions or comment, as all his questions were answered.

Commissioner Merwin concurred with his fellow commissioners and had no further comment.

Commissioner Winters expressed his support of the changes.

Chair Burton said he isn't a big fan of taking things out of the public area, but with such a highly technical position, it doesn't make sense for it to be handled as it is currently, so he is in favor of the changes.

Commission Action

The Planning Commission recommends the Board of Supervisors:

1. **HOLD** a public workshop and consider public comments on General Plan Amendment 2011-1, which includes proposed amendments to the Cache Creek Implementation Program and three mining ordinances in the County Code (**Attachment A**);
2. **ADOPT** the Exemption as the appropriate level of environmental documentation for this project in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment B**); and
3. **APPROVE** the Resolution adopting General Plan Amendment 2011-1 to amend the Cache Creek Implementation Program and amendments to the Cache Creek Area Plan In-Channel Maintenance Mining Ordinance, the Off-Channel Surface Mining Ordinance, and the Surface Mining Reclamation Ordinance (Chapters 3, 4, and 5 of Title 10 of the Yolo County Code), related to the role of the Cache Creek Technical Advisory Committee (**Attachment C**).

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

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ABSTAIN: None

ABSENT: None

6.2 **ZF# 2010-029:** Request for a Use Permit to construct and operate a 120-foot tall cellular tower. The tower will be a monopole (no guy wires) located at the southeastern edge of the town of Knights Landing at 42445 County Road 116. The monopole will be located east of the former bean factory buildings. The cell tower would be utilized by Metro PCS and provide for collocation opportunities. The facility will allow Knights Landing and the surrounding area to enjoy state of the art cellular, broadband, and other wireless service. Owner/Applicant: Crawford/Skyway Towers, LLC (S. Cormier)

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

Chair Burton opened the public hearing.

Craig Beardsley, speaking for Skyway towers, addressed the commission regarding his project and clarified that they are in negotiation with several Wi-Fi carriers to locate on the tower.

Commissioner Bertolero asked the applicant how they would handle the possibility of raised water levels or flooding if they were to locate in Knights Landing, and if they were in agreement with the Conditions of Approval for the project.

Mr. Beardsley explained that they are working with FEMA for flooding issues, and they will do what is necessary for approval and completion of the project.

Chair Burton closed the public hearing.

Commissioner Winters stated that it seems like a very straightforward proposal and there hasn't been any negative response from the public. Therefore, he is in support of the project.

Commissioner Merwin said he thinks the visuals they were shown regarding the area of coverage speaks for itself, and since he enjoys the benefits of high-speed wireless internet in the country, it is a huge help. He hopes the project is successful, and the residents of Knights Landing will wonder what they ever did without it.

Commissioner Williams asked if there would be any issues with crop dusters in the area.

Mrs. Cormier clarified that it was not within the vicinity of an area that would utilize crop dusters, and the applicant would have to comply with FAA requirements.

Vice-Chair Reed expressed his support of the proposal.

Commissioner Kimball concurred with her fellow commissioners and recommended that the applicant raise their equipment higher than they think they need to as that area is known for flooding.

Commissioner Bertolero agreed with his fellow commissioners, and stated his support for approval of the project.

Chair Burton said he is a huge supporter of information technology's infrastructure and he thinks the proposal is outstanding and it will cover a big area. He also, encouraged the applicant to get the Wi-Fi, as he would like to see all of Yolo County covered.

Commission Action

The Planning Commission:

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Plan, and Errata to the Initial Study/Negative Declaration prepared for Zone File #2010-029 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (**Attachment C**);
3. **ADOPTED** the Findings (**Attachment D**); and
4. **APPROVED** the Use Permit subject to the Conditions of Approval (**Attachment E**).

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

WORKSHOP (no action)

- 6.3 **ZF #2010-005:** Workshop (no action) to consider three portions of the comprehensive update of the Zoning Ordinance and related chapters of Title 8 of the County Code, including Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), and Chapter 10 (Local CEQA Guidelines). Owner/Applicant: Yolo County (E. Parfrey)

Mr. Parfrey presented the update of the zoning ordinance draft, answered questions, and requested feedback from the commission.

Commissioner Bertolero asked if the Planning Commission were to add Conditions of Approval to a project under consideration, in addition to the conditions recommended by staff, would it require the approval of the Board of Supervisors before becoming final.

Mr. Parfrey explained that Board of Supervisor approval is dependent on the type of action required for the project. The addition of Conditions of Approval by the Planning Commission has no bearing on whether or not the proposal is required to go to the Board of Supervisors.

Commissioner Bertolero asked who determines what is normal in the local CEQA Guidelines.

Mr. Parfrey answered that it has not been defined as of yet.

Phil Pogledich, Senior Deputy County Counsel, led a discussion regarding when the local CEQA Guidelines would be used.

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Vice-Chair Reed asked about the Design Guidelines, and whether or not there are other forms as part of the permit process that are used, which require the applicant to verify that they have read the document.

Mr. Parfrey explained that many of the applications do require a signature stating that the applicant has read the document. He added that he would bring some of the forms to the next meeting so that the Commission could provide their review.

Vice-Chair Reed asked about the reference to exempting road abandonments of less than one-mile.

Mr. Parfrey responded that it was a way to allow applicants to apply for a road abandonment without going through the formality of a negative declaration, so long as there is no controversy or environmental issues.

Further discussion ensued regarding the one-mile requirement.

Chair Burton asked for clarification regarding CEQA exemptions for private stables with less than 15 horses and less than four events per year, and if that decision was because an applicant meeting those requirements are not required to go through the permitting process.

Mr. Parfrey confirmed the accuracy of Chair Burton's thoughts on the CEQA exemptions for private stables.

Chair Burton opened the public hearing.

Mark Wilson, resident, came forward to thank Mr. Parfrey for holding and sitting through the Ag Working Group meetings.

Chair Burton closed the public hearing.

Mr. Parfrey said that they intend to bring updates back at a later meeting after further rewrites, and requested that the commission continue to provide comments in the future if they have them.

Vice Chair Reed said that he hopes that applicants will see some of the proposed procedural changes as a streamlining process that saves them from having to go through an unnecessarily arduous process. On the other hand, staff needs to continue to be alert to projects that may seem simple but are controversial or problematic and put them on the right path.

Commissioner Bertolero commented positively on the language included in the proposed update requiring applicants to read the Design Guidelines.

Commissioner Merwin expressed his displeasure in requiring a Use Permit to put a house on a parcel that is less than twenty acres on ag land. He said he understands the Board of Supervisors has already adopted such a policy, but he still thinks it is ill-advised.

WORKSHOP (no action)

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- 6.4 **ZF 2010-005:** Workshop (no action) to consider the update of the zoning regulations for the agricultural zones (Article 3 of Title 8 of the County Code). Owner/Applicant: Yolo County (S. Cormier)

Ms. Cormier, provided a review of the draft agricultural zone ordinance, answered questions from the commission and accepted comments and recommendations from the commission.

There was discussion regarding the difference between rangeland and dry land farming.

Commissioner Merwin shared his thoughts on the use of commercial agricultural and provisions to allow rural lodging, and asked questions regarding rural farm stays.

Commissioner Bertolero pointed out the necessity for a language change to the section under Wetlands on page 10. The wording should specify that it will either be “and” or ”or” in regards to either salt water or fresh water.

Mrs. Cormier will consult with Commissioner Kimball to refine that section.

Mrs. Cormier asked for feedback on the format of the tables.

Commissioner Bertolero and Commissioner Kimball approved of the table format.

Commissioner Bertolero asked that clarification be made on page three to state that contracted lands are also referred to as Williamson Act land.

Commissioner Kimball had questions about the animal facilities and animal keeping uses in regards to the limits on the numbers of animals that could be kept.

Mrs. Cormier explained that the criteria in the draft were directly from the current code. The animal facilities portion of the Zoning Code was extensively rewritten a couple of years ago, but that the language could be further revised.

Commissioner Kimball indicated that hog farms and dairies need to be a Major Use Permit, based on the number of animals kept, and that further definition and criteria needs to be included for aquaculture.

Chair Burton opened the public hearing.

Frank Siefertman Sr, Yolo County resident, had a question on page two regarding the list of animals that are allowed to be kept in each zone, and the exclusion of reference to animal breeding facilities.

Mrs. Cormier pointed out the definition of private stable on page nine, as inclusive for animal breeding.

Mr. Siefertman requested that staff spell it out more clearly to make the document more user friendly.

Chair Burton closed the public hearing.

Commissioner Bertolero said the draft is a very good start, and he looks forward to it coming back

to the commission for action. He said it is a huge project and he likes the new zone changes and breaking it away from the Williamson Act.

Commissioner Kimball agreed with Commissioner Bertolero and said it is very user friendly and she likes the definitions and the formatting. She liked the ag tourism uses, and her big question was if someone comes in to apply for olive tasting or other uses, how it would be handled.

Vice-Chair Reed recommended that at some point staff have a separate editing session to help with consistency in definitions and establishing scopes as well as adding keys and footers to prevent the tables from being loaded down with narrative.

Commissioner Williams said he likes what he sees, and shared a story regarding the different zoning and zone changes and how at this point, he would not be able to have a horse on his property now as he did in the past. He did want to review the draft again to determine what type of allowances were being made for groups such as 4-H.

Mrs. Cormier explained that there has always been an effort to provide exemptions for them and she would ensure that it is more transparent within the document.

Commissioner Merwin said he is pleased to see how the update is going and his concerns remain in the details, but that is what they are there to assist with.

Commissioner Winters said he likes the clarity of the tables and it is a good first draft.

Chair Burton concurred with his fellow commissioners and asked if staff needed a sub-committee for assistance.

Mr. Parfrey responded that they would use examples from other counties to continue to improve the draft ordinance. Staff will continue to work on the definitions and will keep the commission updated.

REGULAR AGENDA

7. DISCUSSION ITEMS

7.1 Presentation regarding the 2011 International Building Code (L. Butler)

Lonell Butler, Chief Building Official, handed out pamphlets and presented information regarding the updated building code for 2011 Pamphlets, which were made available at the Yolo County Planning and Public Works Department and on the Yolo County website.

7.2 Recognition of Commissioner Bertolero (D. Morrison)

The Planning Commission and Mr. Morrison recognized Commissioner Bertolero's accomplishments and achievements as a Yolo County Planning Commissioner and for his election and selection as the California County Planning Commissioner's Association 2010 Commissioner of the Year, which was given for exemplary dedication and performance of the responsibilities of a County Planning Commissioner.

Commissioner Bertolero informed the commission that additionally, he was elected, and

appointed, as the director to the Northern District Representative on the State committee.

Mr. Wilson thanked Commissioner Bertolero for his attendance at so many of the Clarksburg General Plan Citizens' Advisory Committee, and the members appreciate his efforts.

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.

8.1 Staffing changes

- A. Donald Rust, Principal Planner, has taken a position in another jurisdiction. His position will not be filled at this time.

8.2 Community

- A. Nothing new to report

8.3 Board of Supervisors

- A. Adoption of the Capay Valley Area Plan
- B. Adoption of the Landscape Water Ordinance
- C. Direction given to County Counsel to move forward with the SB863 implementation, which is the alternative Williamson Act provisions that the State recently allowed.

8.4 Other

- A. Mr. Morrison provided an update on the status of the Climate Action Plan, and informed the commission that the 2010 Yolo County General Plan would be recognized by SACOG.

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 Bertolero reported his attendance at the California County Planning Commissioner Association's (CCPCA) state conference. He also attended citizens' advisory committee meetings in Dunnigan and Esparto and reiterated his appointment as the Director of the Northern District Representative on the State committee. As a

part of his new responsibility, he will be organizing a spring conference for the CCPCA here in Yolo County. He also attended a Christmas party at Chair Burton's home.

- B. Commissioner Kimball talked about the Rural-Urban Connections Strategy (RUCS) forum being held by SACOG and the awards that would be presented to Yolo County. She also talked about a Stanislaus County issue that arose in regards to ag mitigation.

- C. Vice-Chair Reed reported his attendance on a tour of the Yocha Dehe Wintun Nation's farm operations and of the casino, along with Commissioner Williams, Commissioner Winters, Mr. Morrison, and other county employees.

- D. Commissioner Williams attended the tour of the Yocha Dehe Wintun Nation's farm operations and has been spending some time with tree planting groups such as David Wilkerson, Woodland Tree, and Olga Garzon. They have been attempting to set up a program through the local Resource Conservation District (RCD) to have trees planted along the freeway from West Street to County Line Road. RCD is funding it and he is responsible for obtaining local input on it and volunteers. He also attended citizens' advisory committee meetings in Capay, Esparto, Knights Landing and Dunnigan, attended a landowners dinner, and a LAFCO meeting where the Dunnigan Incorporation process was a topic.

- E. Commissioner Merwin reported his attendance at the Annual California Farm Bureau Federation meeting in Monterey,

- F. Commissioner Winters reported his attendance at the Yocha Dehe Wintun Nation Farm operations tour and will attend a meeting put on by ConAgra regarding a housing development in Davis, which is next to county property. He has been speaking to Ken Lazzaroni, General Manger for the Bogle project, who expressed an interest in having the commissioners tour the site. The Bogle Winery also received an award as business of the year from SACOG. In closing, he shared his intent to have a small soirée for the commissioners as his term as a commissioner is ending.

- G. Chair Burton shared information about a Christmas party he held at his home.

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 Climate Action Plan

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:14 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is January 13, 2011, in the Board of Supervisors' Chambers.

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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