



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8156
www.yolocounty.org

YOLO COUNTY PLANNING COMMISSION

CHAIR: Richard Reed
VICE-CHAIR: Leroy Bertolero
MEMBERS: Jeb Burton; Mary Kimball, Keith Williams

MINUTES

February 10, 2011

ADMINISTRATIVE AGENDA

1. Vice-Chair Reed called the meeting to order at 8:35 a.m.
2. Pledge of Allegiance was led by Commissioner Kimball.

MEMBERS PRESENT: Bertolero, Kimball, Reed, Williams
MEMBERS ABSENT: Burton
STAFF PRESENT: David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Philip Pogledich, Senior Deputy County Counsel
Aundrea Tyler, Office Support Specialist

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

Commission Action

The Minutes of the **January 13, 2011** meeting were approved with the following corrections.

- A. Page 9, correct Commissioner Bertolero's comment as follows:

Commissioner Bertolero had questions about the different sizes of solar projects. He suggested that they should include a new category that would provide additional review between 0.5 MW and ~~5-9~~ 1.5 MW.

- B. Page 10, Correct Commissioner Bertolero's comment as follows:

When it comes down to the staff recommendation, it says “incorporate much of the language” and he feels it should say, “incorporate all of the language” in these specific recommendations from the DOC report.

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

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 Packet from OPDE regarding Solar Power Plants

5.2 Memo detailing an update to agenda item 6.1

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

Vice-Chair Reed made a recommendation to change the agenda as follows:

- A. Bylaws and Brown Act training postponed
- B. Agenda Item 6.3 postponed
- C. Hear agenda items 7.2 Resolution for Commissioner Merwin and 7.3 Resolution for Commissioner Winters prior to the time set agenda.

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

TIME SET AGENDA

6.1 **ZF#2010-005:** Recommendation on the proposed Small, Medium, Large and Very Large Solar Facilities Ordinance, an amendment to the Zoning Ordinance, adding Section 8-

2.2420 to Chapter 2, of Title 8 of the County Code. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, explained that the intent for today's meeting was to discuss the proposed ordinance further, and bring it back to the next meeting for recommendation, as CEQA analysis and a Negative Declaration must be completed.

There was some discussion regarding acreage, set back requirements, the approval process based on acreage, who should be allowed to do the studies for mitigation, and compatible uses.

Commissioner Williams suggested that staff check to see if Spain, where the solar development company, OPDE, originated had examples of solar panels with livestock grazing.

Vice-Chair Reed recommended that staff speak to someone with PG&E regarding restrictions, or lack thereof, on placement of solar panels.

Commissioner Bertolero spoke of the memo distributed that morning with the change of size categories for public clarification.

Vice-Chair Reed opened the public hearing.

Kamar Singh with OPDE, based in Yolo County, thanked the County for taking a progressive position in terms of solar development. He said the ordinance has been put together very well, and they intend to be fully engaged in the process.

Kevin English, Yolo County resident, and private consultant for siting and location of solar facilities for private firms said that the County is not alone, as Solano County is actually going through the same process, and perhaps staff should contact their staff and work together, take their time with it, and try to get it right. He requested that in the Commission's deliberations and considerations for regulation that they keep in mind that there is a fundamental bottom line economics that makes this type of thing work. If they get into layering and mitigation measures for loss of agriculture, they should take a real close look at it, because it could be viewed that there is only a suspension, or temporary loss of the agricultural use of property. Additionally, given that these things typically have a very soft imprint on the property with a twenty to twenty-five year life cycle, and if it were uninstalled, he thinks they would find that the properties use for agriculture is still there.

Vice-Chair Reed closed the public hearing.

Commissioner Bertolero said that he was pleased to see the additional category with the small size broken down. However, he still doesn't see the feasibility of farming between the panels. He would rather see the panels densely clustered and have the remaining acreage farmed. He doesn't want to take away that option, because someone may have an idea of how to do it, even though he doesn't think it is practical. They would have to go mostly organic, but even organic crops require pesticides at times, and harvesting equipment would not fit between the panels. He felt that the language for the surety bond is important and should remain in the ordinance. Additionally he questioned the adoption period, along with adoption of the new Ag Zoning, which may require them to make some amendments. In regards to the approval requirements process on page 3 of the report, the approval of a Use Permit by the Board of Supervisors, he feels those requests should be routed through the Planning Commission first with a minimum of one workshop and then a hearing. That would do two things: 1) provide more public input at an earlier stage; and 2) the Planning

Commission recommendation would save a lot of time for the Board of Supervisors. Therefore, he recommends that condition be included. He said there is still a lot of work to be done yet in regards to prime ag land and the Williamson Act. He has some issues with the trade off for taking prime ag land out of production for solar farms, when they certainly are not farms.

Commissioner Kimball stated that she liked the two-tiered system concerning medium sized solar farms, and the fact that there is an incentive to meet the “in the box” criteria. She explained that in the past, flow charts that have been provided were very helpful, and requested that at the next review for the ordinance he provide one. In regards to mitigation, she has a concern about changing the in lieu fee option available for agriculture mitigation from the five acres currently required for the ag ordinance, up to 20 acres for this ordinance. She would like to see consistency, especially since they are going to allow solar farms on prime ag land. When they get to large solar facilities, her opinion is that they not allow an in lieu fee option at all, rather they should be required to purchase an agricultural easement. She thanked Mr. Parfrey for the changes made to the ordinance since the last workshop.

Commissioner Williams concurred with Commissioner Kimball regarding the changes made from the last meeting and with Commissioner Bertolero in regards to the installation of solar farms on prime ag land. He thinks with the larger solar farms, it might be worthwhile to install a TRUNK line because it becomes economically feasible, so he has concerns with the loss of that prime ag land.

Vice-Chair Reed said that reading the last draft to the current draft of the ordinance, he felt that the constraints, particularly from state law, were limiting their ability to protect prime farmland. However, now he is convinced that they have no constraints whatsoever on the ability to protect prime farmland. The small systems are fine for residential, but the medium to large, to very large, are basically commercial/industrial facilities and they don't belong on prime farmland. Rather than develop a complex weave of studies and mitigation to allow these facilities on prime farmland, he would just say, “not allow them on prime farmland.” That leaves non-prime farmland with appropriate measures to work with. If you were to build a solar farm on prime farmland with goats grazing beneath, rather than growing crops, the economic comparison isn't the same. He thinks they need to look at the crop report and the value of the crops they can't grow as a result of trying to install these solar facilities. As far as permanent or temporary, as long as those facilities are on the prime farmland, it is a loss, along with the fact that contracts of ten or fifteen years can be renewed indefinitely. He doesn't think they need to worry about wordsmithing permanent or temporary, because a loss is a loss. He likes solar, he is a big fan of it, and there are many places in the county to place solar facilities in a central location by a trunk line to make it more feasible, but not on prime farmland.

Vice-Chair Reed clarified that no action was needed at this time since the draft ordinance would return to the next meeting.

Commission Action

1. **HELD** a public workshop hearing and consider public comments on the Solar Facilities Ordinance (Attachment A).

- 6.2 **ZF# 2010-005:** Recommendation on 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)

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

Mr. Parfrey explained the fiscal need to streamline Use Permits.

Vice-Chair Reed said that if staff could demonstrate how the county is not giving up any oversight, but rather improving the oversight by making it more efficient, then the more the public could feel comfortable that the county isn't sacrificing oversight.

Mr. Parfrey advised the Planning Commission that the staff request would be for an informal straw vote of approval for Articles 1 and 2, with direction to return to the Planning Commission with future hearing at the Planning Commission after the citizen's advisory committees have reviewed the Guidelines.

There was discussion regarding bed and breakfasts, and agri-tourism in the General Plan.

Vice-Chair Reed opened and closed the public hearing.

No one from the public came forward.

The Planning Commission took an informal straw vote to recommend tentative approval of Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions) which was approved unanimously 4-0.

Commission Action

The Planning Commission:

1. **HELD** a public hearing and considered public comments on Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), and Chapter 10, Local CEQA (California Environmental Quality Act) Guidelines, part of the comprehensive update of the Land Development and Zoning regulations in the Yolo County Code (Attachment A);
2. **TOOK** an informal "straw" vote to recommend tentative approval of Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions); and
3. **DIRECTED** staff to return Chapter 10, Local CEQA Guidelines for a future hearing at the Planning Commission after the Guidelines have been reviewed by the citizen's advisory committees.

AYES: Bertolero, Kimball, Reed, Williams
NOES: None
ABSTAIN: None
ABSENT: Burton

- 6.3 **ZF# 2000-000:** Amendment No. 2011-1 to the Yolo County 2030 Countywide General Plan. The proposed amendment consists of maps and text providing background information on flood hazard zones, designated floodways, levee protection zones, and the relationship of development to flood hazard zones. The General Plan is applicable throughout the unincorporated area of Yolo County. An Addendum Environmental Impact Report (EIR) has been prepared for this project. Applicant: Yolo County (D. Morrison).

Postponed

- 6.4 Amendment No. 2011-2 to the Yolo County 2030 General Plan. The proposed amendment consists of text relating to the adoption of the Climate Action Plan (D. Morrison).

Eric Parfrey presented the proposed amendment to the Yolo County 2030 General Plan, and answered questions from the commission.

Mr. Parfrey pointed out a required correction to the date of the staff report from January 13, 2011 to February 10, 2011.

There was some discussion regarding the language of semiannual versus biannual and frequency for analyzing changes.

Vice-Chair Reed opened and closed the public hearing.

No one from the public came forward.

Commission Action

The Planning Commission:

1. **HELD** a public hearing to receive public testimony;
2. **RECOMMENDED** adoption of a resolution amending the 2030 Countywide General Plan to reflect the CAP, incorporating the proposed changes as described (see Attachment 2); and
3. **RECOMMENDED** reliance upon the General Plan EIR (SCH#2008102034) certified November 10, 2009, Resolution No. 09-189 for compliance with the CEQA for these actions

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

REGULAR AGENDA

7. DISCUSSION ITEMS

7.1 Election of Officers

Commissioner Bertolero made a motion to nominate Vice-Chair Reed as Chair, seconded by Commissioner Williams. Approved unanimously 4-0.

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

Commissioner Kimball made a motion to nominate Commissioner Bertolero as Vice-Chair, seconded by Commissioner Williams. Approved unanimously 4-0

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

7.2 Resolution for Commissioner Merwin

Commissioner Bertolero made a motion to pass and adopt the resolution for Jeff Merwin.

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

7.3 Resolution for Commissioner Winters

Commissioner Kimball made a motion to pass and adopt the resolution for Don Winters.

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

7.4 Review of Commission By-laws - Postponed

7.5 Brown Act Training - Postponed

8. DIRECTOR'S REPORT

A report by Eric Parfrey 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 Eric Parfrey briefly reported on the upcoming items for the next Planning Commission and related matters.

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 Williams attended a Board of Supervisors meeting for Conaway Ranch. Tom Ellis hosted a presentation about the history of Dunnigan where old farm families met at the Firehouse and shared where they lived and how Dunnigan developed.
- B. Commissioner Kimball reported that she worked with David Morrison on the Climate Action Plan to add additional language to the hedgerows section and other projects. She has received calls regarding Park Winters from the public and the new owners. She has been working with several of the neighbors who have concerns about the project.
- C. Commissioner Bertolero attended Citizens' Advisory Committee meetings in Dunnigan, Yolo-Zamora, and Madison. He is planning for the upcoming State Planning Commission Conference for May 21, 2011, and has met with the Manager of the Sugar Mill and the owners of Bogle Winery. He also attended the State Planning Commission Officers' meeting in Los Banos. Future meetings will be via teleconferencing. Additionally, he spoke to Mr. Parfrey regarding agenda item 6.1.
- D. Chair Reed spoke on the phone with Mr. Singh from OPDE where they discussed various options about contacting the Commission about their work in solar power. He also met with the Ag Commissioner, John Young, and Supervisor Provenza regarding the Solar Ordinance.

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 Taber Ranch
- 10.2 Park Winters Use Permit
- 10.3 Solar Ordinance
- 10.4 CEQA Guidelines

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 10:16 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is March 10, 2011, 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