



County of Yolo

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PLANNING AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

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

MINUTES

March 10, 2011

ADMINISTRATIVE AGENDA

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

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

3. ADOPTION OF MINUTES OF THE **FEBRUARY 10, 2010** MEETING.

Commission Action

The Minutes of the **February 10, 2011** meeting were approved with the following corrections.

- A. Page 4, correct Chair Reed's comment as follows:

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

- B. Page 5, correct Chair Reed's comment as follows:

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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 ~~applicant~~ public could feel comfortable that the county isn't sacrificing oversight.

MOTION: Williams SECOND: Bertolero
AYES: Bertolero, Reed, and Williams
NOES: None
ABSTAIN: Burton, Vergis
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.

None

5. SWEARING IN OF NEW COMMISSIONER

Tom Stanionis, Yolo County Elections, swore in Sydney Vergis.

6. CORRESPONDENCE

6.1. Keys Housing Newsletter

6.2. Yolo County Resource Conservation District Annual Dinner Invitation

6.3. 31st Annual Farm City Festival Breakfast Reservation Invitation

6.4. Memorandum from staff regarding agenda item 6.3, Revised Solar Ordinance

6.5. Memorandum from staff regarding updates on Conditions of Approval for agenda item 6.1, Taber Ranch, and 6.2, Park Winters.

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

TIME SET AGENDA

7.1 **ZF#2010-2010-048:** Request for a Use Permit to expand operations at the Taber Ranch Event Center located at 20943 Tabers Corner, west of Capay, and accessed off County Road 81 (APN: 048-100-015). In addition to existing operations, the project proposes to include tastings, sales, and activities associated with winery operations and olive oil production, as well as the display and sales of agricultural products grown on the Taber

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Ranch property. A Negative Declaration has been prepared for this project. Applicant/Owner: Martin Armstrong (S. Cormier).

Stephanie Cormier presented the project and answered questions from the Commission.

Chair Reed opened the public hearing.

Martin Armstrong, applicant, provided more detail regarding the request, and answered questions from the Commission, including agreement with the Conditions of Approval.

Denise Sagara, Yolo County Farm Bureau, said that the Farm Bureau Directors did discuss the project and voted to support the project, as it is a good example of agri-tourism and does not affect neighboring farming.

Phil Sunseri, local business owner, spoke in support of both the project and agri-tourism. He explained that family farms are hard to keep operating. The ability for small agricultural business to sell directly to the consumer is not only great for the agricultural areas of our county, but great for the overall economy.

Chair Reed closed the public hearing.

Commissioner Kimball said that it was an easy decision for her. Taber Ranch has been the gem of the community for some time, and she thinks that this type of project is important for communities. She commended staff and the applicant on their efforts.

Commissioner Williams stated that he visited the location and it was beautiful; he does not have any problems supporting the project.

Commissioner Burton said that the project is before the Planning Commission for the third time, and he has been in support of it the entire way.

Commissioner Vergis thanked staff for a great presentation and said the project is very straightforward. She is in support of the project and for bringing existing operations into compliance.

Vice-Chair Bertolero stated that the project supports the objectives of the Yolo County 2030 General Plan, is consistent with the policies of the Capay Valley Area Plan, and is supported by the Capay Valley Citizens' Advisory Committee. Additionally, since the property has plenty of built-in buffers from surrounding farming operations, he sees no environmental issues that need mitigation other than habitat mitigation. Therefore, he sees no reason not to approve it.

Chair Reed expressed his pleasure with the proposal and that the permit brings the facility into compliance with code. It reuses existing buildings and is retained within the existing footprint, while also promoting consumption of locally grown food.

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 Conditions of Approval (Attachment E).

MOTION: Burton SECOND: Kimball

AYES: Burton, Bertolero, Kimball, Reed, Vergis, and Williams

NOES: None

ABSTAIN: None

ABSENT: None

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2010-048, the Yolo County Planning Commission finds the following:

(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Negative Declaration/Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of 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.

General Plan

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

The Yolo County General Plan designates the subject property as Agriculture (AG).

The project is consistent with the following General Plan Policies:

Land Use Policy LU-1.1 defines Agriculture as including the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and equestrian facilities. It also includes agricultural industrial (e.g. processing and storage) and agricultural commercial uses (e.g. roadside stands, "Yolo Stores," wineries, farm-based tourism, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas.

Agriculture Policy AG-1.1 seeks to protect and enhance the County's key agricultural sectors, which includes retaining existing growers and processors of crops; encouraging the growth of emerging crops and value-added processing; and supporting small producers and their ability to serve visitors.

Agriculture Policy AG-3.2 allows uses that support agriculture, such as agricultural

commercial uses, agricultural industrial uses, direct product sales, processing, and farm-based tourism on agricultural land subject to appropriate design review and development standards.

Agriculture Policy AG-3.16 promotes agricultural innovation, including agri-tourism and non-traditional agricultural operations in order to expand and improve business and marketing opportunities for those engaged in agriculture.

Agriculture Policy AG-3.18 allows the location of agricultural commercial, industrial, and tourism activities on land designated as Agricultural, consistent with the Land Use and Community Character Element.

Agriculture Policy AG-5.1 promotes markets for locally and regionally grown and/or prepared food and other products and services.

Economic Development Policy ED-1.3 encourages businesses that promote, provide services, and support farming, with an emphasis on value-added agriculture, agri-tourism, food processing, and agricultural suppliers.

Economic Development Policy ED-4.3 seeks opportunities to expand tourism around local attractions and amenities.

Economic Development Policy ED-4.7 supports the development of visitor-serving private businesses that retain and complement the County's rural character.

Economic Development Policy ED-4.16 supports local events that showcase Yolo County products such as wine, produce, and art and crafts.

Economic Development Policy ED-4.17 encourages the collaboration with local non-profit, business, and merchant associations to promote and advertise local programs and events.

Zoning

That the proposal is consistent with the property's zoning.

The property is zoned A-P (Agricultural Preserve). The proposed use is consistent with Section 8-2.404.5(a) of the Yolo County Code, which requires a Major Use Permit for conditional uses such as rural recreation facilities, public and private, with permanent structures.

That, as required by Section 8-2.404.5(a), upon review and conditional approval, the proposal is found to meet the following:

- (1) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous agricultural uses.

The proposed improvements are considered to be ancillary to the primary use of the property and will not substantially modify the land's natural characteristics beyond those already related to the current use of the property. The 90-acre project site currently includes approximately 2.5 acres of vineyards, a 2.5-acre olive orchard, lavender, Christmas trees, and several outbuildings and outdoor landscaped areas used for both public and private events. The project proposes to expand the vineyards and orchards to six acres and 12 acres, respectively, and expand the

Christmas tree farm for onsite seasonal sales. Additionally, the project proposes to include the addition of tastings, sales, and activities associated with winery operations and olive oil production by constructing a permanent farm office with tasting room, a farm shop for the display and sales of agricultural products grown on the property, and a small wine and olive press.

- (2) The use will not require permanent cessation of agriculture on the subject lands or preclude conversion back to agriculture if desirable in the future.

The proposed new uses include the expansion of agricultural uses on the property, i.e., increasing acreages on vineyards, olive orchard, and Christmas trees; any future construction of accessory structures will not remove productive farmland.

- (3) The use will not be detrimental to surrounding agricultural uses in the area.

The proposed project will enhance surrounding agricultural uses by increasing agricultural tourism and the retail sales of locally grown products.

That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.2804 of the Yolo County Code) as follows:

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

Pursuant to Section 8-2.404.5 (a), the proposed rural recreational facility is allowed within the A-P Zone through the Major Use Permit review and approval process.

The request is essential or desirable to the public comfort and convenience.

The project promotes the commercial sale of local agricultural products, and increases the opportunity for local agriculturally based tourism, thereby increasing economic development in Yolo County.

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

As evidenced in the Initial Study/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The project site is located on a 90-acre parcel, which is a portion of a greater 500-acre ranch property in active agricultural production. Although agricultural tourism will be enhanced, no farmland will be taken out of production, and the public's health, safety, or general welfare will not be impaired.

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

All necessary infrastructure and utilities will be required of the proposed project. An existing dirt/gravel drive circulates the event center and provides shuttle service to guests. Any new construction and/or paving will be required to meet best management practices for addressing drainage and erosion control. The applicant is currently working with Yolo County Environmental Health for approval of any required sewage disposal system(s).

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 proposed use will serve to further support the local agricultural industry by increasing opportunities for direct local sales and agricultural tourism related activities.

CONDITIONS OF APPROVAL

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (530) 666-8850

1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2010-048. 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 #2010-048), as shown in **Attachment A**. Future improvements to the property include: 1) a farm shop for the display and sale of the property's agricultural products; 2) a permanent farm office and tasting room; 3) a small olive oil and wine processing facility; and 4) a large reservoir.
3. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit, and shall be approved through Site Plan Review or an amendment to this Use Permit, as determined by the Director of Planning and Public Works. The facility shall be operated in a manner consistent with the project's approval.
4. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time. However, such an extension shall not exceed a maximum of one year.
5. 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 (\$2,044 plus a \$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.
6. 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.
7. Hours of operation shall be from 6:00 AM until 12:00 AM, daily.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

8. The applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health Division by the time hazardous materials and/or hazardous wastes are present in reportable quantities on-site, at the facility. Reportable quantities are amounts of hazardous materials that equal or exceed 500 pounds, 55 gallons, 200 cubic feet of gas, or any quantity of hazardous waste.
9. Health permits shall be required for providing food to the public.

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10. Health permits shall be required for providing drinking water to the public, prior to service to the public. Contact Yolo County Environmental Health to determine what qualifies as a public water supply.
11. The project will be required to obtain final approval for any new sewage disposal system(s) from Yolo County Environmental Health.
12. Pre-existing wells used for potable water must meet requirements construction and for water quality and quantity standards of a domestic well. Copies of the well construction permit, and well completion report, pump test, and water quality test results shall ~~must~~ be submitted to Yolo County Environmental Health for review and approval. A pre-existing well not meeting construction or water quality ~~standards requirements cannot~~ will not be approved for domestic uses. An approvable water source is required prior to project implementation.

COUNTY COUNSEL—(530) 666-8172

13. 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.

14. 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 LAND DISTURBANCE OR ISSUANCE OF BUILDING PERMITS:

PLANNING DIVISION—PPW (530) 666-8808

15. Construction details shall be included in construction drawings, submitted concurrent with any building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
16. Prior to commencement of any construction or grading activity, the applicant will be required to hire a qualified biologist to conduct preconstruction surveys to locate all active raptor nest sites within ½ mile of construction activities. All surveys shall be submitted to the appropriate state and/or federal wildlife agencies, as well as the Yolo County Planning and Public Works Department for review. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, shall be avoided during the breeding season (March through

September). No-disturbance buffers will be established around any identified active nest to avoid disturbing nesting birds. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and will be established through coordination with California Department of Fish and Game representatives on a case-by-case basis.

17. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts, and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within 75 feet shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Planning and Public Works Department. In accordance with Section 7050.5 of the California Health and Safety Code, if human skeletal remains are encountered during construction, all work within 75 feet shall immediately stop and the County Coroner shall be notified within 24 hours. If the remains are of Native American Heritage origin, the appropriate Native American community, as identified by the Native American Heritage Commission, shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.
18. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control, and comply with YSAQMD requirements listed below.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

19. Construction of the proposed project shall be required to comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control. Construction disturbance one acre or greater shall require coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. The developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP), and provide Yolo County with its State-issued Waste Discharge Identification Number (WDID#) and a copy of the SWPPP prior to issuance of a County building or grading permit. If construction disturbance is less than one acre, a storm water soil loss prevention plan designed specific to the site will be required.
20. The applicant shall apply for a County encroachment permit for any work within the County right-of-way, including County Road 81.
21. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
 - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
 - b. Permanent monuments have been set marking any boundary.

BUILDING DIVISION—PPW (530) 666-8775

22. A grading permit shall be required prior to any soil disturbance activity. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1st of each year.
23. All building, electrical, plumbing, and mechanical 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 construction or issuance of permits. Permits are required for all new construction, and for changing the use of any existing buildings.
24. The applicant shall obtain building permits for a new farm shop, farm office and tasting room, and small olive oil and wine press prior to commencement of construction. All buildings shall be built in accordance with the Uniform Building Code in effect at the time, including the new Cal Green codes and fire suppression and ADA compliance, as required.
25. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Esparto Unified School District, Capay Valley Fire District, and County facility fees.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

26. Prior to the issuance of any building permit, a sewage disposal site plan must be approved for the project. Following the approval of the sewage disposal site plan, and prior to final approval of the building permit, a new septic system or modified septic system constructed under permit from Yolo County Environmental Health must be finalized.
27. Prior to the issuance of any building permit, approval for use of a pre-existing onsite sewage disposal system must be obtained by Yolo Environmental Health.
28. Prior to the issuance of any building permit to construct, modify, or remodel a food facility, plans must be reviewed and approved by Yolo County Environmental Health.
29. Operations producing non-domestic liquid waste, such as laboratory or food processing waste, or operations producing over 5,000 gallons per day of domestic waste, must obtain approval from the Regional Water Quality Control Board (RWQCB), prior to building permit issuance.

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

30. The applicant shall acquire any required permits from the Yolo-Solano Air Quality Management District, as appropriate.
31. Any project-related air pollutant emissions, either from construction or operation of the project, shall be minimized through the implementation of the following Yolo-Solano Air Quality Management District (YSAQMD) Rules and Regulations :
 - 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;

- Dust emissions must be prevented from creating a nuisance to surrounding properties as regulated under District rule 2.5, Nuisance;
- Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's Portable Equipment Registration Program or with the YSAQMD;
- Architectural coatings and solvents used at the project shall be compliant with YSAQMD's Rule 2.14, Architectural Coatings;
- Cutback and emulsified asphalt application shall be conducted in accordance with District Rule 2.28, Cutback and Emulsified Asphalt Paving materials;
- In the event that demolition, renovation, or removal of asbestos-containing materials is involved, District Rule 9.9 requires District consultation and permit prior to commencing demolition or renovation work; and
- All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under YSAQMD rules and regulations require an Authority to Construct and Permit to Operate from the YSAQMD.

32. In order to reduce construction-related air pollutants, the following best management practices will be required at the project site to control dust:

- All construction areas shall be watered as needed.
- All trucks hauling soil, sand, or other loose materials shall be covered or required to maintain at least two feet of freeboard.
- Unpaved access roads, parking areas, and staging areas shall be paved, watered, or treated with a non-toxic soil stabilizer, as needed.
- Exposed stockpiles shall be covered, watered, or treated with a non-toxic soil stabilizer, as needed.
- Traffic speeds on unpaved access roads shall be limited to 15 miles per hour.
- Any visible soil material that is carried onto adjacent public streets shall be swept with water sweepers, as needed.

7.2 **ZF# 2010-046:** Request for a Use Permit to develop and operate "Park Winters," a rural, eight-bedroom lodge/inn, and educational and events center that will provide agri-tourism opportunities. The project site is located at 27850 County Road 26, north of the City of Winters (APN: 050-070-021). A Negative Declaration has been prepared for this project. Applicant/Owner: Martin and Galiano/Ferro (S. Cormier).

Ms. Cormier presented the project request and answered questions from the Commission.

There was some discussion regarding the separation of the septic system leech lines from the proposed location of the pool, the affects of pesticide spraying from neighboring properties on the pool, and information about the historical nature of the structure.

Chair Reed opened the public hearing.

John Martin, applicant, spoke of his passion about the project to the Commission, his belief in full disclosure as part of customer service, and his support of the right to farm. He agreed with all Conditions of Approval.

Rafael Galiano, co-applicant, expressed his excitement regarding the project and his passion for gardening and agriculture. He hopes to have guests from all over the world and give them the

experience of gardening, growing, cultivating their own food and then going back to the Park Winters kitchen and learning how to prepare it. He and his partner want it to be a place to inspire others to live healthier and take these practices back to different parts of the world. He said they have years of experience with this type of project, as they also own another property in San Francisco that is very similar. He added that with today's modern choices, someone wouldn't buy the project property to live in with their family, especially for the price it is being sold for. It makes sense, to preserve the historic architecture and let the community enjoy the property. He provided further information regarding the project.

James Fredericks, local ground spraying operator, explained to the Commission that he has never had a problem in the area, and has been doing the Rominger brothers work for several years, which has always been done by ground spraying. Additionally, Category 1 materials are never used around residences, and there is no difference between the project residence, as far as the County Ag Commissioner rules and regulations, than there would be for a house in a field. Everyone must maintain their buffer zones and there is coordination between the Rominger brothers and the applicant. He does business in the area of The Yolo Flyers Club, which has a cemetery on one hill and The Baptist Church on the other, and he coordinates with both managers and there haven't been any issues.

Kevin Stephens, the applicant's designer, shared some of the design plans with the Commission including planting a buffer on the northeast corner of the property inside the farm fence.

Curtis Stocking, Realtor, representing the owner and resident of Yolo County, said he thinks the project is one of the best things that Yolo County can ever grace themselves with. Not only for his own personal use, or for the use of guests, but the immediate impact on property taxes and other revenue brought into the county because tourism is a benefit to all. He added that there is no added burden on local farmers than if a family moved into the property.

Ms. Sagara, Yolo County Farm Bureau, said the project does sound good, but the Farm Bureau's overall concern is that there are not any buffers. When new people come into the area and they aren't familiar with farming practices, regardless if they are given full disclosure, spraying and other nuisances still ends up being issue. If the project is approved with no buffers, it is going to set a precedent.

Wes Ervin, Yolo County Economic Development Manager, reminded the Commission that his comments were included in the staff report, and reiterated that the Park Winters project is a model of the type of tourism that Yolo County is trying to attract and what is envisioned in the General Plan. He encouraged the Commission to support the project.

Chair Reed closed the public hearing.

Vice-Chair Bertolero said he spent a lot of time on this project and it is one of the hardest decisions he has ever had to make since he has been on the Commission. He talked to Rafael Galiano, the applicant, on the phone, toured the site, and spoke to the neighbors, the Romingers, Jim Fredericks, and Brian Stucker. He hasn't made a decision. He sees both sides of the issue, as a farmer and as an applicant himself. He said that the positives are that it promotes tourism and ag education, is a good rural setting for large group functions, most neighbors are in support, and the applicant has worked with nearby farmers to come to an understanding that allows both to co-exist. The negatives are that it will generate hectic traffic and event noise, and that it will affect the spraying of crops grown within 100 feet of the project site. The real issue is that this property doesn't have sufficient buffers. The property will be exposed to chemicals, or the farmer will have to decide not to treat the

immediately adjoining area. He provided an example of reduced quality in tonnage for areas that are not treated by the crop duster and how the farmer absorbs the cost of reduced crop production. In addition, they are potentially exposing many guests and employees to spraying, which could be unpleasant. The letters from the Ag Commissioner should not be downplayed. There will also be ground preparation at night, and trucks will be going in and out. Overall, the problem he has is that the General Plan promotes ag tourism and he supports the General Plan. The General Plan also supports agriculture. The problem is the precedent this project sets and whether the county really wants to allow this use to go forward without adequate buffers.

Commissioner Kimball said that she had been talking to one of the applicants for a couple of months through her work with the Center for Land Based Learning. It was not until later that he learned that she was a Planning Commissioner. They also met with many of the nearby landowners. Initially, Dan Hrdy was concerned about potential conflicts with guests, but now he is fine with the project. With regards to the issue of precedence and buffers, in a perfect world both the applicants and landowners would like more buffers; but what they have is an odd-shaped piece of property. Additionally, there are applicants and landowners that are willing to work together without the buffers. The applicants are people that know the business and are experienced in these types of projects. People are getting concerned over too many hypothetical situations. If the County is going to continue to encourage agriculture and these kinds of projects, we have to make appropriate accommodations. There is no precedence, as every project that comes before the Commission is considered on its individual merits. If anything, this project sets a high standard for future proposals. She is in complete support of the project.

Commissioner Burton stated that he also put a lot of thought into the project. He hears a lot of talk about precedence. It comes out of the concept that if an appeals court makes a decision it controls what happens in the lower courts. He has heard talk of precedence a lot from the Commission and he wanted to clarify with the Commission, that they are not bound by their previous decisions. He doesn't see this project as precedent setting. In fact, since he has been sitting on the Commission they have talked repeatedly about agri-tourism and bringing these types of businesses into the county. In this case, they have applicants that are educated about farming and experienced with this type of venture. They have taken step after step to conform with county requirements. To come back now and deny the project would be almost hypocritical. There is going to be overlap between agri-tourism projects and agriculture. He is 100 percent in support of the project. If this project doesn't work, and we have problems then we will know, and learn from it.

Commissioner Williams said he isn't a farmer, he is a school teacher, He added that he moved to Dunnigan more than 20 years ago and has a crop field behind his house. He didn't even hear of buffers until 10 or 15 years ago, didn't even know they existed or that it was part of the county plan. He raised three kids there, and they did fine. He appreciates the line of communication that is going on with this project, and the developers have worked with the farmers. He thinks everyone is going into this with their eyes open. He thinks it will work and if it doesn't work then it will shape and inform what kind of decisions they make on similar projects in the future.

Commissioner Vergis explained that she appreciates the quandary that the Commission is in, but she thinks that no project is perfect. In regards to the ag buffers, she is comfortable with the proposal and the notifications to visitors, and agrees with the comments stated earlier that it is part of the whole agri-tourism experience. She is more concerned with the historical aspects, which were mentioned in the packet and in some of the comments earlier. She explained how she isn't qualified to know if the type of architecture of the structure is representative of the period or unique in any way, but she is comforted to learn that there has been a countywide survey of historic resources. Overall, she is supportive of the project.

Chair Reed said the major market for food in the Capay Valley and many areas of Yolo County is the Bay Area. He thinks this facility is going to be attractive to people from the Bay Area that purchase their food at the Ferry Building and the various farmers markets and will help them to understand when they drive through Yolo County that this is where their food is coming from. He feels the Conditions of Approval are amazing in the type of protection that is built in for disclosure and communication, as is the proactive work by the applicants. The quality of work that they have done elsewhere is reassuring. The County has wanted a project such as this since the General Plan came out. He feels that the project fits well, and he appreciates the concerns that the Yolo County Farm Bureau and Vice-Chair Bertolero have expressed, but the Conditions of Approval and the quality of the applicants are satisfying to him and he is comfortable supporting the project.

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 Conditions of Approval (Attachment E).

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

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2010-046, the Yolo County Planning Commission finds the following:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Negative Declaration/Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of 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.

General Plan

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

The Yolo County General Plan designates the subject property as Agriculture (AG).

The project is consistent with the following General Plan Policies:

Land Use Policy LU-1.1 defines Agriculture as including the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and equestrian facilities. It also includes agricultural industrial (e.g. processing and storage) and agricultural commercial uses (e.g. roadside stands, "Yolo Stores," wineries, farm-based tourism, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas.

Agriculture Policy AG-3.2 allows uses that support agriculture, such as agricultural commercial uses, agricultural industrial uses, direct product sales, processing, and farm-based tourism on agricultural land subject to appropriate design review and development standards.

Agriculture Policy AG-3.16 promotes agricultural innovation, including agri-tourism and non-traditional agricultural operations in order to expand and improve business and marketing opportunities for those engaged in agriculture.

Agriculture Policy AG-3.18 allows the location of agricultural commercial, industrial, and tourism activities on land designated as Agricultural, consistent with the Land Use and Community Character Element.

Agriculture Policy AG-4.1 promotes educational programs aimed at informing the general public about agriculture and the value of "working landscapes;"

Agriculture Policy AG-5.1 promotes markets for locally and regionally grown and/or prepared food and other products and services.

Economic Development Policy ED-1.3 encourages businesses that promote, provide services, and support farming, with an emphasis on value-added agriculture, agri-tourism, food processing, and agricultural suppliers.

Economic Development Policy ED-4.3 seeks opportunities to expand tourism around local attractions and amenities.

Economic Development Policy ED-4.7 supports the development of visitor-serving private businesses that retain and complement the County's rural character.

Economic Development Policy ED-4.8 supports the development of critical facilities for travelers in areas that lack services, such as lodging, food, and retail services.

Economic Development Policy ED-4.12 supports efforts to market Yolo County and the region as a tourist destination.

Economic Development Policy ED-4.15 promotes Yolo County as a destination for vacations and day trips.

Economic Development Policy ED-4.16 supports local events that showcase Yolo County products such as wine, produce, and art and crafts.

Economic Development Policy ED-4.17 encourages the collaboration with local non-profit, business, and merchant associations to promote and advertise local programs and

events.

Zoning

That the proposal is consistent with the property's zoning.

The property is zoned A-P (Agricultural Preserve). The proposed use is consistent with Section 8-2.404.5 (a) of the Yolo County Code, which requires a Major Use Permit for conditional uses such as rural recreation facilities, public and private, with permanent structures.

That, as required by Section 8-2.404.5 (a), upon review and conditional approval, the proposal shall be found to meet the following:

- (1) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous agricultural uses.

The 9.95-acre project site is currently in use as a vacation home, which includes a 3,970-square foot restored Victorian-style house; a 900-square foot tank house that has been converted to living quarters; and several outbuildings and outdoor landscaped/patio areas on approximately four acres. The project proposes converting the main house and tank house into an eight-bedroom inn/lodge to accommodate overnight guests; and construction of a 4,800-square foot barn, with attached commercial kitchen, to be used for educational and celebration events, such as gardening and cooking classes, seasonal tastings, farm dinners, weddings, and receptions. Construction of the new barn would replace an existing barn and shed in disrepair. These improvements are considered to be ancillary to the primary use of the property and will not substantially modify the land's natural characteristics beyond those already related to the current use of the property.

The property is not in agricultural production, but is surrounded by active farmland. The project's Conditions of Approval require a notification and disclaimer statement, consistent with the County's Right-to-Farm Ordinance, to ensure that guests of "Park Winters" have been notified of the potential for activities to occur associated with intense agricultural production. Similarly, approval of the project will also require the operators of Park Winters to notify the current grower of surrounding farmland of all scheduled events. This notification process will facilitate communication to minimize conflicts between the project site and surrounding farmland.

- (2) The use will not require permanent cessation of agriculture on the subject lands or preclude conversion back to agriculture if desirable in the future.

The home site parcel is currently in use as a vacation home and is proposed for rural lodging and seasonal events. The property is not actively farmed and the proposed new uses will not remove productive farmland from the surrounding properties. The possibility for agricultural uses, such as a small family garden, currently exists, and will continue to exist, on approximately five acres to the west of the home site development. The applicants have stated their intent to cultivate a rotation garden in order to support their onsite educational endeavors, such as cooking and gardening classes, seasonal tastings, etc.

- (3) The use will not be detrimental to surrounding agricultural uses in the area.

The proposed project is meant to enhance surrounding agricultural uses by increasing agricultural tourism and the promotion of locally grown products through showcasing and hosting local events. The applicants have pursued a relationship with the adjoining property

owners/farmers, have familiarized themselves with the local agricultural community, and have attended UC extension courses on agricultural tourism. In addition to offering educational opportunities, their project proposal includes a guest notification and disclaimer statement, and the applicants have agreed to post signage on the property indicating the presence of intensive agricultural activity. While the potential exists for conflicts between the project site and surrounding farmland, the project's Conditions of Approval requires implementation of a notification process between the operators of Park Winters, their guests and event coordinators, and the current farmers. This will ensure continued communication between the operators and adjoining farmers in an effort to minimize impacts to agricultural operations.

The proposed use is also consistent with Section 8-2.404.5 (d) of the Yolo County Code that requires a Major Use Permit for lodges, incidental and dependent upon agriculture, or directly dependent upon a unique natural resource or feature as an attraction. Section 8-2.258.5 defines a lodge as a residential structure with rooms for rent, a common lobby, facilities which may include a restaurant, restaurant with bar, indoor hall, open courtyard areas, reception and assembly area; and may include accessory commercial uses incidental to the principal use of the premise.

That the proposal is consistent with findings required for approval of a Use Permit (Section 8 2.2804 of the Yolo County Code) as follows:

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

Pursuant to Section 8-2.404.5 (a) and (d), the proposed rural recreational and lodging facility is allowed within the A-P Zone through the Major Use Permit review and approval process.

The request is essential or desirable to the public comfort and convenience.

The project promotes the consumption of local agricultural products, increases the opportunity for local agriculturally based tourism, and provides rural lodging accommodations in the unincorporated area of the County, thereby increasing economic development in Yolo County.

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

As evidenced in the Initial Study/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. Although agricultural tourism will be enhanced, no farmland will be taken out of production, and the subject property has not been historically farmed. The potential exists for "urban conflicts" with respect to the adjoining farmland. However, the applicants have established an ongoing discussion with the surrounding property owner/farmer in an effort to ensure their proposal does not impair current or future farming practices. Consistent with the County's Right-to-Farm Ordinance, the project requires a notification process by which all guests and potential guests and/or event representatives are informed of, evidenced by a signed waiver, the potential for activities to occur that are associated with intensive agricultural production. Additionally, the project operators are required to notify the current farmer prior to all scheduled events in order to ensure continued communication. Signage posted in the outer perimeters of the project area will also serve to notify guests of Park Winters of active farmland activities. Implementation of these Conditions of Approval will ensure the public's health, safety, or general welfare will not be impaired.

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

provided.

All necessary infrastructure and utilities will be required of the proposed project. An existing dirt/gravel drive circulates the event center and provides access for guests, deliveries, and emergency personnel. Any new construction and/or paving will be required to meet best management practices for addressing drainage and erosion control. The applicant is currently working with Yolo County Environmental Health for approval of any required sewage disposal system(s).

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 proposed use will serve to further support the local agricultural industry by increasing opportunities for rural lodging, direct local sales, and agricultural tourism related activities, including educational forums.

CONDITIONS OF APPROVAL

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION—PPW (530) 666-8850

1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2010-046. 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 #2010-046), as shown in Attachment A. Improvements to the property include: 1) conversion of the main house and tank house into an eight-bedroom inn/lodge to accommodate overnight guests; 2) established parking areas, including accessible parking; 3) tenant improvements to the main house, which include accessibility features on the ground floor, new private bathrooms on the second floor, and a new bedroom on the top floor; 4) construction of a 35-foot diameter pool, spa, and pool house for use by guests of Park Winters; and 5) construction of a 4,800-square foot gambrel-style barn, with a commercial kitchen addition, to be used for celebrations, seasonal tastings, farm dinners, cooking and gardening classes.
3. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit, and shall be approved through Site Plan Review or an amendment to this Use Permit, as determined by the Director of Planning and Public Works. The facility shall be operated in a manner consistent with the project's approval.
4. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time. However, such an extension shall not exceed a maximum of one year.
5. The applicant shall record a "Right-to-Farm" Disclosure Notice, in accordance with Title 10, Chapter 6, of the Yolo County Code, on the title of the subject project site (APN: 050-070-021). The Right-to-Farm statement shall serve to disclose that normal farming activities will take

place in the area and that normal agricultural activities are not considered nuisances. Said statement shall be approved to form by the Office of the County Counsel and shall be recorded in a manner to the satisfaction of the Planning and Public Works Director.

6. In accordance with the County's Right-to-Farm Ordinance, the applicants shall be required to provide written notification to each guest and each prospective guest of Park Winters disclosing that intensive farmland production, which may produce activities perceived as nuisances, is currently in operation on adjoining agricultural property. Such notification shall require a signed waiver from each guest and/or event representative. Said notification shall also include the use of signage placed in appropriate areas around the property's perimeter, so that guests of Park Winters are aware that agricultural activities are taking place in the area.
7. In order to ensure continued communication between the operators of Park Winters and the adjoining property owners and current lease farmers, the applicant shall notify adjoining property owners and current lease farmers of all scheduled major events, and their duration, not less than three weeks in advance. If necessary, the applicants will be required to amend their event schedule, as feasible, in order to accommodate the lease farmers' aerial application spraying or harvesting requirements.
8. The sale of alcoholic beverages for the on-premises consumption of beer, wine, and spirits to guests of Park Winters shall comply with Article 35, Chapter 2, of Title 8 of the Yolo County Code, and is subject to the following set of conditions:
 - a. The applicant shall apply for and maintain a current ABC license for the onsite sale and consumption of beer, wine, and distilled spirits by guests of Park Winters, in compliance with the State Department of Alcoholic Beverage Control.
 - b. The applicant shall be responsible for taking the necessary steps to ensure the orderly conduct of employees and guests on the premises, and shall ensure a timely response to concerns of neighbors and local officials about problems related to onsite consumption of alcohol at Park Winters.
 - c. The applicant shall provide adequate staffing, management, and supervisory techniques to prevent loitering, unruliness, and boisterous activities that may impact adjoining properties. Loitering shall be prohibited on or around the area designated for event parking, and shall be monitored by security staff during major events. Alcoholic beverages shall not be permitted to be consumed in the parking areas.
9. Amplified music shall be confined to the "events barn," with noise levels not to exceed 70 dBA at the property boundary. Noise levels at the south property line shall not exceed 65 dBA.
10. Any signage posted for the advertisement of Park Winters, both onsite and off-site, is required to comply with the County's Sign Ordinance regulating the placement, size, and height of such signs (Yolo County Code Section 8-2.2406).
11. 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 (\$2,044 plus a \$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.

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12. 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.
13. Hours of operation for the inn/lodge shall be 24-hours per day, seven days per week, with a property representative on call at all times.
14. Hours of operation for the event space shall be from 7:00 AM until 12:00 Midnight, seven days per week. Delivery hours shall be from 9:00 AM until 5:00 PM, daily.
15. A Business License in good standing shall be maintained by the property owner or operator of Park Winters.
16. Persons providing spa-related services to guests of Park Winters shall be required to maintain a Yolo County Business License in good standing, and may be required to provide proof of certification for massage therapy and related services.

ENVIRONMENTAL HEALTH DIVISION (530) 666-864

17. The applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health Division by the time hazardous materials and/or hazardous wastes are present in reportable quantities on-site, at the facility. Reportable quantities are amounts of hazardous materials that equal or exceed 500 pounds, 55 gallons, 200 cubic feet of gas, or any quantity of hazardous waste.
18. The applicant will be required to obtain all necessary health permits relative to the sale and/or onsite consumption of food and beverages, including alcoholic beverages.
19. Pre-existing wells used for potable water must meet current requirements for water quality and quantity. Copies of the well construction permit, well completion report, pump test, and water quality test results must be submitted to Yolo County Environmental Health for review and approval. A pre-existing well not meeting ~~the~~ the construction or water quality requirements will not be approved until a new well is constructed for domestic uses. An approvable water source is required prior to project implementation.
20. The water system may be required to obtain a public water supply permit. Permit requirements include, but are not limited to: meeting potability standards, conducting regular water quality testing, and providing annual water system surveillance fees to Yolo County Environmental Health.
21. Portable restroom and washroom facilities shall be brought to the site for scheduled events whenever the guest list exceeds 150 persons, and will be removed from the site for appropriate disposal after each event. At least five percent shall be accessible.

SACRAMENTO-YOLO MOSQUITO & VECTOR CONTROL DISTRICT—(530) 668-3403

22. In order to minimize potential health hazards related to mosquito breeding, the project proponent shall coordinate any future design and ongoing management of the onsite pond with the Sacramento-Yolo Mosquito & Vector Control District.

COUNTY COUNSEL—(530) 666-8172

23. 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.

24. 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 LAND DISTURBANCE OR ISSUANCE OF BUILDING PERMITS:

PLANNING DIVISION—PPW (530) 666-8808

25. Prior to issuance of any building permit, the applicants shall file a non-renewal notice on the Williamson Act contract that currently includes the subject property (APN: 050-070-21).
26. Construction details shall be included in construction drawings, submitted concurrent with any building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
27. Prior to commencement of any construction or grading activity, the applicant will be required to hire a qualified biologist to conduct preconstruction surveys to locate all active raptor nest sites within ½ mile of construction activities. All surveys shall be submitted to the appropriate state and/or federal wildlife agencies, as well as the Yolo County Planning and Public Works Department for review. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, shall be avoided during the breeding season (March through September). No-disturbance buffers will be established around any identified active nest to avoid disturbing nesting birds. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and will be established through coordination with California Department of Fish and Game representatives on a case-by-case basis.
28. Prior to disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts, and to notify the Yolo County Planning Director if anything is found. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during grading, all work within 75 feet shall immediately stop and the Planning and Public Works Director shall be immediately notified. Any cultural resources found on the site shall be recorded by a qualified

archaeologist and the information shall be submitted to the Planning and Public Works Department. In accordance with Section 7050.5 of the California Health and Safety Code, if human skeletal remains are encountered during construction, all work within 75 feet shall immediately stop and the County Coroner shall be notified within 24 hours. If the remains are of Native American Heritage origin, the appropriate Native American community, as identified by the Native American Heritage Commission, shall be contacted and an agreement for relocating the remains and associated grave goods shall be developed.

29. During construction, all disturbed soils and unpaved roads shall be adequately watered to keep soil moist to provide dust control, and comply with YSAQMD requirements listed below.

PUBLIC WORKS DIVISION—PPW (530) 666-8811

30. Construction of the proposed project shall be required to comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control. Construction disturbance one acre or greater shall require coverage under California's "National Pollutant Discharge Elimination System (NPEDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. The developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP), and provide Yolo County with its State-issued Waste Discharge Identification Number (WDID #) and a copy of the SWPPP prior to issuance of a County building or grading permit. If construction disturbance is less than one acre, a storm water soil loss prevention plan designed specific to the site will be required.
31. The developer shall apply for a County encroachment permit for any work within the County right-of-way, including County Road 26.
32. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
 - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
 - b. Permanent monuments have been set marking any boundary.

BUILDING DIVISION—PPW (530) 666-8775

33. A grading permit shall be required prior to any soil disturbance activity. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1st of each year.
34. All building, electrical, plumbing, and mechanical 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 construction or issuance of permits. Permits are required for all new construction, and for changing the use of any existing buildings.
35. The applicant shall obtain a demolition permit for the removal of any existing structure; a building permit for construction of the new barn; and a permit for tenant improvements for

changes made to the main house, prior to commencement of construction. All buildings shall be built in accordance with the Uniform Building Code in effect at the time, including Green Building Codes, and fire suppression and ADA compliance, as required.

36. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Esparto Unified School District, Madison Fire District, and County facility fees.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

37. Facilities that will place additional demand on an existing septic system, require expansion of the septic system, or require construction of a new septic system must provide an approvable Sewage Disposal Site Plan to Yolo County Environmental Health. An approvable Sewage Disposal Site Plan must contain details sufficient to issue a sewage disposal permit.
38. Approval for use of a preexisting onsite sewage disposal system must be obtained by Yolo County Environmental Health.
39. Plans for construction of a retail food facility, such as a commercial kitchen, shall be reviewed and approved by Yolo County Environmental Health.
40. Plans for construction of a public pool, spa, and/or interactive water features shall be reviewed and approved by Yolo County Environmental Health.

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

41. The applicant shall acquire any required permits from the Yolo-Solano Air Quality Management District, as appropriate.
42. Any project-related air pollutant emissions, either from construction or operation of the project, shall be minimized through the implementation of the following Yolo-Solano Air Quality Management District (YSAQMD) Rules and Regulations :
 - 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;
 - Dust emissions must be prevented from creating a nuisance to surrounding properties as regulated under District rule 2.5, Nuisance;
 - Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's Portable Equipment Registration Program or with the YSAQMD;
 - Architectural coatings and solvents used at the project shall be compliant with YSAQMD's Rule 2.14, Architectural Coatings;
 - Cutback and emulsified asphalt application shall be conducted in accordance with District Rule 2.28, Cutback and Emulsified Asphalt Paving materials;
 - In the event that demolition, renovation, or removal of asbestos-containing materials is involved, District Rule 9.9 requires District consultation and permit prior to commencing demolition or renovation work; and
 - All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under YSAQMD rules and regulations require an Authority to Construct and Permit to Operate from the YSAQMD.

43. In order to reduce construction-related air pollutants, the following best management practices will be required at the project site to control dust:
- All construction areas shall be watered as needed.
 - All trucks hauling soil, sand, or other loose materials shall be covered or required to maintain at least two feet of freeboard.
 - Unpaved access roads, parking areas, and staging areas shall be paved, watered, or treated with a non-toxic soil stabilizer, as needed.
 - Exposed stockpiles shall be covered, watered, or treated with a non-toxic soil stabilizer, as needed.
 - Traffic speeds on unpaved access roads shall be limited to 15 miles per hour.
 - Any visible soil material that is carried onto adjacent public streets shall be swept with water sweepers, as needed.

Chair Reed called a 5-minute recess.

- 7.3 **ZF# 2010-005:** Recommendation on the proposed Solar Facilities Ordinance, an amendment to the Zoning Ordinance, adding Section 8-2.2420 to Chapter 2, of Title 8 of the County Code. The ordinance specifies development standards for small, medium, large, and very large solar energy systems. Owner/Applicant: Yolo County (E. Parfrey)

Eric Parfrey, Principal Planner, provided an overview of the Solar Facilities Ordinance and answered questions from the Commission.

There was discussion regarding the need to require a surety bond, height requirements, in-lieu fees, the ability to enforce requirements, use of mitigation banks versus term easements, and the idea of creating active mitigation banks.

Vice-Chair Bertolero explained that he met with Mr. Parfrey the previous week and proposed some changes. He recommended that the size requirements be reviewed for consistency throughout the document. Additionally he would like the document to include details regarding where the involvement of the Planning Commission and Board of Supervisors would be in the process and would like to see the categories presented in order based on size rather than alphabetically in the ordinance.

Vice-Chair Bertolero pointed out that number three on page 6 should define Class II soils as prime.

Mr. Parfrey recommended incorporation of some last minute changes from the Department of Conservation. The final clause of number two on page 6, which states: "overall agricultural operation," which would be removed, and "subject contracted parcel or parcels" would be inserted. This change uses language similar to existing Williamson Act State law. Additionally, on number three, Class II and III would be changed to Class III and IV. Under subsection four, staff recommends adding a new sub subsection, to add in the suggested reclamation plan language.

Commissioner Burton explained that they would need to amend the numbering system and language to prevent legal issues.

Chair Reed opened the public hearing.

John Young, Ag Commissioner, stated that the Solar Ordinance is close to being acceptable, but the

ordinance insufficiently protects ag land. Therefore, he thinks it needs to include a mechanism that discourages solar farms on Class I and II soils. He would also like to see the name changed from solar farms to industrial solar facilities. Additionally, they should subject those that want to develop projects on Class I and II soils to the highest requirements and level of decision-making. He urged the Commission to recommend an ordinance that upholds Yolo County principles. The profit of the developer should be secondary to those principles.

Ms. Sagara, Yolo County Farm Bureau, said the Farm Bureau has discussed the ordinance and they would like to reiterate the Ag Commissioner's comments. She referenced the note from Mr. Singh where it said that agriculture and solar could exist on the same parcels, and stated that the Farm Bureau has yet to think of a single instance where that would work. She added that she is in the process of drafting a letter reinforcing her comments.

Chair Reed closed the public hearing.

Vice-Chair Bertolero explained his opposition to having larger solar projects on Class I and II soils. He referenced the next agenda item regarding zoning and said it seems that the definitions for Ag Intensive and Ag Extensive seem to help everything fall into place. He had some questions about Williamson Act cancellations and expressed concerns about the height of panels. Additionally, on page 5, where it references the need for orchards to be sprayed, it should read "crops" instead of orchard. Another item he had concerns over involves the mitigation requirements. He wondered how you could take a parcel, develop part of it with solar panels, and use the remainder as mitigated land. With regards to the Bypass, he does not see how they can justify having any solar panels there. He said that he likes the flowchart and overall the ordinance is coming along well. Although there are a few changes to be made, a lot of progress has been made.

Commissioner Vergis said that she feels strongly about the fiscal surety issue. Solar projects need to be encouraged. She is not in favor of requiring reclamation bonds and feels strongly that the requirement should be removed. The Department of Conservation has stated repeatedly that solar facilities can be a compatible use on farmland. On page 6, the Bypass is referenced and simply stating that so long as the FEMA requirements and the provisions of federal, State and existing local laws are met is sufficient, so she doesn't feel it is necessary to mandate from the outset that they be prohibited. FEMA requirements will resolve height issues on their own. As far as prime and non-prime farmland is concerned, the Department of Conservation states that if a proposed solar project displaces a small percentage of overall agricultural operations, than it could be considered a compatible use, even on prime ag land. Therefore, she would support a 51-49% breakdown for the "predominantly" definition.

Commissioner Burton shared two issues, one dealing with prime farmland, and the other with the bypass. In regards to prime farmland, he understands the reason why applicants want to encourage the use of solar panels and why they would want the flexibility of locating them in certain areas. With that being said, Yolo County is unique in the sense that it has long advocated the protection of farmland. Although we want to be pro-renewable energy and support solar projects, protecting prime farmland is central to everything the County has done. He is not in support of solar on prime farmland as it is against all of their previous policy decisions, and undermines the historical priorities of the County. Allowing solar facilities on prime farmland establishes a direction he doesn't want to see the County pursue. With regards to the Bypass, if an applicant is able to figure out how to make it work then great, but language should be added that an applicant would need to deal with not impeding the flow, sediment, flood issues, etc. He doesn't want to eliminate the ability of projects to be located in the Bypass, so long as all appropriate provisions are met.

Commissioner Williams complimented the County process, as he put in a small number of solar panels on top of his garage, and didn't experience any issues. He explained that the biggest thing is trying to figure out the PG&E billing. He does appreciate Vice-Chair Bertolero's comments on the Bypass, as he can now see all of the issues there. As he said last month, he sees solar facilities as being portable, and prime farmland is not portable, so he finds it hard to see himself voting for large solar facilities on prime farmland, as it just doesn't make sense. PG&E is very secretive for security reasons about the locations of their substations. To his knowledge, he thinks PG&E would have space around their substation to put in some solar arrays if they chose to, and he doesn't believe they have done so; therefore, he isn't sure what PG&E's position on solar panels are.

Commissioner Kimball complimented the flow chart. The only question she had was under development standards, regarding the whole issue of streamlining approval for the non-prime soils. She wanted to see something that showed how the process would be easier if solar facilities were placed on non-prime soils, to better illustrate the incentives. She agreed with the comment earlier that the Commission is included more, in that they are able to look at each project on a case-by-case basis. Additionally, she agrees with the Ag Commissioner that they cannot prohibit placing solar on prime farmland, but she would like to discourage it. The General Plan encourages alternative energy, but Yolo County is blessed with so much prime farmland that it creates difficult trade-offs. She would like to actively discourage building on prime farmland, while actively encouraging non-prime sites, and streamline the process. If solar is going to be built on prime farmland, then it should be done as dense as possible. As for the Bypass, if someone is able to find an innovative way to do it, then they should leave that door open.

Commissioner Burton added that the draft flowchart should be made clearer in explaining the process concerning the Williamson Act and/or the size of the solar facility. The only other issue is that all projects end in approval. The flow chart should be revised to indicate that that final step in the process is consideration, not approval.

Chair Reed shared his concerns regarding industrial development on prime farmland. It is not a solar farm, it is an industrial use, and in most cases, the electricity is sold to a utility company for profit. Weighing the benefit to the public, it seems to him that prime farmland takes precedence over alternative energy. Additionally, he has never heard anyone from PG&E say that you can't string a cable out to the Dunnigan Hills. He knows it is expensive, but he doesn't feel it is up to the County to make an economic case for a solar project. The County shouldn't create one benefit by destroying another. Finally, he doesn't see how any crops can be grown under or around a solar array, so he doesn't see that as an option at all.

Commissioner Kimball departed.

The Commission walked through the following individual issues for recommendation clarification.

Prime farmland: Agreed to add language in Section 8-2.24020.6, which would require an alternative site analysis and developer agreement for projects proposed on prime lands.

Percentage to define "predominantly": The consensus was to define the word "predominantly" in the ordinance as more than 60%, as currently written.

Yolo Bypass: The consensus was to keep the language regarding solar projects in the Yolo Bypass as is. It may be something worth looking into, in the event that someone figures out how to actually make it work.

Ag mitigation, in lieu fees: The consensus was to keep the language allowing payment of in lieu fees to mitigate for parcels under 20 acres as is, since finding conservation easements fewer than 20 acres is difficult and does not promote consistency with other mitigation requirements.

Surety bond: The Commission took a straw vote with the consensus to maintain the ordinance language requiring a surety bond for larger solar projects.

Commission Action

The Planning Commission:

1. **HELD** a public workshop hearing and considered public comments on the Solar Facilities Ordinance (Attachment A);
2. **CERTIFIED** that Initial Study/Negative Declaration is the appropriate level of environmental documentation for this project and that it has been completed for the project in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment B); and
3. **POSTPONED** final recommendation of the Solar Facilities Ordinance until the next Planning Commission meeting.

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

WORKSHOP

- 7.4 **ZF# 2010-005**: Recommendation on the update of the zoning regulations for the agricultural zones (Article 3 of Title 8 of the County Code). The ordinance establishes new zoning districts and regulations for the agricultural areas of Yolo County. Owner/Applicant: Yolo County (S. Cormier)

Ms. Cormier presented the proposed update to the Yolo County Code (Article 3 of Title 8 of the County Code), and answered questions from the Commission.

Vice-Chair Bertolero made a recommendation to change the acronym SP (site plan review) to SPR in the table.

There was discussion regarding the location of the appendix and definitions.

Vice-Chair Bertolero pointed out that on the middle of page 18, the language “farm dwelling”, says it has to be an employee, where perhaps it should say a “dwelling located within the legal description of the parcel.”

Ms. Cormier will revise that language to be clearer.

Vice-Chair Bertolero referenced “grazing” on page 19, and recommended that fields or rangeland be included.

Chair Reed opened and closed the public hearing.

No one from the public came forward.

Commission Action

The Planning Commission:

1. **HELD** a public workshop hearing and considered public comments and gave further direction to staff regarding the proposed update of the zoning regulations for the agricultural zones in the Yolo County Code (Attachment A); and
2. **DEFERRED** the recommendation until a future Planning Commission meeting.

WORKSHOP

- 7.5 **ZF# 2010-038:** 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 to the next regularly scheduled Planning Commission meeting.

REGULAR AGENDA

8. DISCUSSION ITEMS

- 8.1 None

9. DIRECTOR'S REPORT

A report the Assistant Director of Planning 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.

- 9.1 Staffing changes

A. None

- 9.2 Community

- A. County Administrator's Office and Planning and Public Works are working on an 80-unit apartment project in Esparto for Mercy Housing.

9.3 Board of Supervisors

- A. The Climate Action Plan has been postponed twice. It is now scheduled to be heard on March 15, 2011.
- B. The Use Permit for Spence Trucking was revoked per the applicant's request.

9.4 Other Information

- A. Mr. Morrison reported attending the court hearing on Bob Kirtlan regarding his failure to obtain required permits from the County.

10. 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 reported his attendance at the Dunnigan Advisory Committee meeting, in addition to a LAFCO meeting regarding the incorporation of Dunnigan. He also visited the Taber Ranch and Park Winters sites.
- B. Commissioner Kimball departed prior to Commissioner reports.
- C. Commissioner Burton spoke to the applicant regarding the Park Winters site, and notified the Commission that he would not be available for the next regularly scheduled meeting.
- D. Commissioner Vergis reported site visits to the Taber Ranch and Park Winters sites, and a conversation she had with Chair Reed about the Planning Commission.
- E. Vice-Chair Bertolero reported his attendance at five citizens' advisory committees including Dunnigan, which for the first time, did not have a quorum. He participated in a teleconference call with the California County Planning Commission Association (CCPCA) Officers, Directors, and Representatives. He also put in about 20 hours for the CCPCA conference he is putting on in late May. He spoke to the applicants and toured the sites for both Taber Ranch and Park Winters. Finally, he welcomed Commissioner Vergis.
- F. Chair Reed reported his attendance at the Dunnigan and Yolo Zamora Citizens' Advisory Committees in February. He also spoke to Rafael Galiano, the applicant for Park Winters, by phone. In addition, he reminded the Commission that they needed to turn in the Form 700 by the end of the month.

11. 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.

- 11.1 General Plan Amendment
- 11.2 Temporary wind towers
- 11.3 Solar Ordinance
- 11.4 Use Permit for cell tower in east Woodland
- 11.5 Use Permit for Seca Hills olive processing
- 11.6 Brown Act Training
- 11.7 Review of Planning Commission Bylaws

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 1:05 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is April 14, 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