



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

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## YOLO COUNTY PLANNING COMMISSION

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

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### MINUTES

June 9, 2011

#### ADMINISTRATIVE AGENDA

1. Chair Reed called the meeting to order at 8:30 a.m.
2. Pledge of Allegiance was led by Vice-Chair Bertolero.

MEMBERS PRESENT: Bertolero, Burton, Kasbergen, Reed, Williams  
MEMBERS ABSENT: Kimball, Vergis  
STAFF PRESENT: David Morrison, Assistant Director of Planning  
Jeffrey Anderson, Associate Planner  
Stephanie Cormier, Senior Planner  
Philip Pogledich, Senior Deputy County Counsel  
Carole Kjar, Secretary to the Director, Extra Help

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#### 3. ADOPTION OF MINUTES OF THE **APRIL 14, 2011** MEETING

##### Commission Action

The Minutes of the **April 14, 2011** meeting were approved with no corrections.

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

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4. PUBLIC REQUESTS

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

None

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5. CORRESPONDENCE

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

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TIME SET AGENDA

- 6.1 **ZF# 2011-009:** Request to establish an Interim Management Plan at the Teichert Esparto mining facility, in accordance with the Surface Mining and Reclamation Act and the Yolo County Off-Channel Surface Mining Ordinance. The Interim Management Plan is an amendment to the approved reclamation plan to provide measures for maintaining the idle mine site until operations are resumed. The facility operates under an approved mining and reclamation plan (ZF#95-094) approved in 1996. The facility is located approximately 1.5 miles northeast of Esparto, and includes parcels (APNs: 048-210-006, -010, -011) that are zoned A-P (Agricultural Preserve) and A-1 (Agricultural General). The review and approval of an Interim Management Plan is not a project for purposes of the California Environmental Quality Act (CEQA). Owner/Applicant: Teichert Land Company & DeLavandra Mast/Teichert Aggregates (J. Anderson)

Jeffrey Anderson, Associate Planner, presented the project, and answered questions from the Commission.

Chair Reed opened the public hearing

Michael Smith, representing Teichert Aggregates, said they have reviewed the staff report and have no problems with the Conditions of Approval. He commented that they are the only operator that has two facilities along Cache Creek. Due to the economy, they have idled their plant in Esparto in order to consolidate operations at their Woodland Plant.

Chair Reed closed the public hearing.

Commissioner Williams expressed that he does not have a problem with the request.

Commissioner Burton said that the item seems straightforward, and that he is totally in approval of it as well.

Vice-Chair Bertolero stated that the Conditions of Approval (Attachment C) satisfy him to support the

request.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing and received comments;
2. **DETERMINED** that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to SMARA Section 2770 (Attachment B); and
3. **APPROVED** the Interim Management Plan for a term of five (5) years, subject to the Conditions of Approval (Attachment C).

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

### **CONDITIONS OF APPROVAL**

#### **PLANNING DIVISION—PPW (530) 666-8036**

1. The project shall be developed in compliance with the approved Interim Management Plan and with all adopted Conditions of Approval approved for Zone File #2011-009. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The approved Interim Management Plan shall expire five (5) years from the Date of Approval (June 9, 2016). Prior to the expiration of the Interim Management Plan, the applicant may submit an application to the Planning and Public Works Department to renew the plan for another period, not to exceed five (5) years. Any extension must be approved by the Yolo County Planning Commission.
3. The applicant shall maintain updated financial assurances for the Teichert Esparto facility.

#### **ENVIRONMENTAL HEALTH DIVISION (530) 666-8646**

4. At the point that any structure is proposed for demolition, the septic tank must be properly identified on all plans and abandoned at the same time in accordance with the health permit.
5. The well must be maintained in a safe and sanitary condition or it must be destroyed in accordance with the health permit.
6. The applicant shall notify the Environmental Health Department (530-666-8646) after the demolition permit is finalized by the Building Division for the aboveground diesel storage tank. After this is done, the facility will no longer be required to be in the Aboveground Petroleum Storage Act (APSA) program that is administered by the Yolo County Environmental Health Division.

**PUBLIC WORKS DIVISION—PPW (530) 666-8811**

7. The applicant shall continue to be responsible for joint pavement maintenance (along with Granite Capay) of County Road 19 from the plant entrance to Interstate-505 as outlined in Condition of Approval No. 45 in Development Agreement No. 96-290.

**COUNTY COUNSEL—(530) 666-8172**

8. 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.

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

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- 6.2 **ZF# 2011-006:** Use Permit to install and operate one temporary 197-foot meteorological tower (Met Tower) for wind measurements, located on property zoned A-P (Agricultural Preserve). The project is located on a 635-acre parcel, which is part of a greater 3,800± acre ranch property, located in the Dunnigan Hills, northwest of the town of Zamora (APN: 054-030-001). The property is currently in use as rangeland. An Initial Study/Negative Declaration has been prepared for this project. Owner/Applicant: Butler/Pioneer Green Energy (J. Anderson)

Jeffrey Anderson presented an overview of the project, and answered questions from the Commission. He and David Morrison also addressed monitoring concerns from Commissioner Burton.

Chair Reed opened the public hearing.

Greg Buis, with Pioneer Green Energy, explained the project, and answered questions from the Commission.

Vice-Chair Bertolero asked the applicant about noise impacts of turbine towers.

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Greg Buis responded that the manufacturers of turbines are working to reduce noise. He said he does not think the noise is onerous, and that many landowners that have operating wind farms could speak to that as well.

David Morrison reiterated for the clarity of the public that no wind turbines are proposed as a part of this project; if there were any wind turbines proposed that would be considered under a separate hearing with a separate environmental review.

Chair Reed referenced the Condition of Approval regarding collecting data for future applications for a turbine, and said it seems like the recommended monitoring and associated safe harbor provision would protect the developer from future potential enforcement regarding the unintentional take of listed specie. He expressed that he would like to understand the applicant's position.

Greg Buis, applicant, explained that responsible development is critically important, and that they are focused on safety and minimizing impacts from the beginning.

Vice-Chair Bertolero asked if the light on the top of the tower will be solar and battery operated, and if they would be willing to accept the liability and give up the safe harbor language if Condition of Approval 8 were removed.

Greg Buis said yes to both questions.

Vice-Chair Bertolero also asked for further clarification about guy wires on the wind turbines.

Greg Buis said that any information gathered on these sites with guy wires would not be applicable to a future project without guy wires.

Commissioner Williams asked if carcass counts are necessary when the permanent towers are in, with the turbines on them.

Greg Buis said that this depends on working through the process with the Fish and Wildlife Service. He explained that right now there are some changing protocols regarding monitoring; some wind farms in high impact areas have seen carcass monitoring and post-construction monitoring.

Chair Reed welcomed Commissioner Kasbergen to the meeting.

Chair Reed closed the public hearing.

David Morrison offered comments to the applicants, as follows. He respectfully disagreed that the carcass monitoring is not widespread, and explained that staff research showed several examples across the country, including the Arizona statewide guidelines for alternative energy which requires carcass monitoring for Met Tower. He said staff has also seen requirements in Oregon, Washington, Virginia, and Maine. Within California, carcass monitoring is being discussed in Merced and Fresno, Counties and has been required up in Humboldt and Marin Counties, as well as other places. He also said that, although wind energy has been around for some time, it has really taken off in the last couple of years, so that there are not a lot of examples.

David Morrison further cited one study (a two-year monitoring program), prepared by biologists for a project along the Mad River near Eureka. Their research indicated that a number of bird carcasses were found in the first three months. After that, they didn't find any for the next year and one-half. ; the biologists believed that local predators found that site, and that any carcasses were removed by

vultures, coyotes, or other predators in between the monthly visitations per the carcass monitoring protocol.

Vice-Chair Bertolero stated that it is good to get these towers put in place, so that electric generation can occur, and be profitable for everybody. He said that with regards to the birds, he understands why the applicant would be willing to give up the safe harbor, because if it is not inspected, there would be no way to know that there are any violations.

Commissioner Burton spoke in support of this program, and stated that he would waive the carcass-monitoring requirement. He also said the safe harbor rules are there to provide individuals the option of not having to deal with legal issues, and that they should not be forced to go towards the safe harbor.

Commissioner Williams agreed that the carcass monitoring is not necessary on this project.

Vice-Chair Bertolero added that the fact these original towers have guy wires, and future generators would not, is another reason why the information would not be of much value.

Commissioner Kasbergen said he is of the opinion that the carcass monitoring is not necessary, because the data would not sway anyone's opinion about wind energy.

Chair Reed stated that he thinks these towers are good and necessary to determine the viability of wind projects in Yolo County. He stated that, as far as the monitoring, he has mixed feelings about the value, and he can support removing that condition.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the Negative Declaration prepared for the project, with the Errata, as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment C);
3. **ADOPTED** the modified proposed Findings (Attachment D); and
4. **APPROVED** the Use Permit subject to modified Conditions of Approval (Attachment E).

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

### **CONDITIONS OF APPROVAL**

#### **ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

**PLANNING DIVISION—PPW (530) 666-8036**

**Yolo County Planning and Public Works Department**

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1. The project shall be developed in compliance with all adopted Conditions of Approval approved for Zone File #2011-006. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. Development of the site, including installation and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2011-006. Installation of one temporary meteorological tower shall be limited to the specific area of the property as shown in **Attachment A**. The Met Tower shall include the following components: a three-foot by three-foot base plate; one galvanized steel tower measuring 197-feet in height and between eight and ten inches in diameter; four sets of guy wires (six guy wires per set, for a total of 24 guy wires); six anemometers and two wind vanes; a small box affixed to the tower containing logging/transmitting electronics; and a small solar panel and battery pack affixed to the tower. No permanent concrete foundation shall be used for the base.
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 site 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 Use Permit shall expire after 36 months (three years) from the date of project approval. However, through a Use Permit Amendment, the Planning Commission may grant an extension of time if the request for a time extension is found to be consistent with the intent of the original approval.
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. The project is required to comply with recommendations from the National Agricultural Aviation Association (as modified to fit site specific conditions) for increasing visibility to aircraft pilots. The following measures shall be included in the design of the tower:
  - The tower must be painted in seven (7) equal, alternating bands of aviation orange and white, beginning with orange on the top of the tower, and ending with orange at the base.
  - The tower must have a flashing red light at the top of the tower with a minimum of 3.75km visibility when flashing.
  - Six (6) feet around the tower base plate and six (6) feet past the outer anchors shall be mowed once every three months ~~(after completion of each monitoring site survey, as described in Condition of Approval #8)~~ so that the vegetation is of a different height from the vegetation surrounding the tower.
  - The guy-wired tower must have a total of eight (8) marker balls attached as follows: four (4) marker balls attached to the guide wires at the top of the tower at a distance no further down than 15 feet from the top wire connection to the tower; and four (4) marker balls at the bottom of the guide wires at a height of five (5) to ten (10) feet above the tallest crop to be grown in the immediate vicinity of the tower.
  - The guy-wired tower must have a 7-foot safety sleeve at each anchor point, plus one (1) sleeve located six (6) feet outside the outside anchor, and one (1) sleeve at the lift anchor.

7. The area surrounding each anchor point shall be fenced.
- ~~8. The applicant shall submit a Biological Monitoring Program to the Planning and Public Works Department for approval prior to the issuance of any building or grading permits. The Program shall include quarterly (every three months) monitoring of the project site for three years (or the life of the project) by a qualified biologist hired by the applicant. The purpose of the monitoring is to document the presence of any avian carcasses near the base of the Met Tower(s), to determine if any bird strikes with the guy wires have occurred. A report shall be prepared by the consultant documenting the results of the monitoring and shall be submitted to the Planning and Public Works Department and the appropriate office of the U.S. Fish and Wildlife Service, following each quarterly monitoring session.~~
9. In order to minimize impacts to birds and bats, the applicant will be required to install daytime visual markers (bird flight diverters) on the outermost and innermost guy wires (of each set) to prevent collisions for diurnally moving species. The bird flight diverters should span the length of the guy wires at intervals of not greater than 15 feet.
10. The applicant shall keep the designated leasehold area (site) free from flammable brush, grass, and weeds.
11. Except for a single red-flashing aviation warning light installed on the top of the tower, no exterior lighting shall be provided as part of this project.
12. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and FAA standards regulating tower heights and aviation safety procedures.
13. The meteorological tower shall be removed and the project site restored back to its original condition within thirty (30) days of cessation of use.

**ENVIRONMENTAL HEALTH DIVISION - (530) 666-8646**

14. 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.

**COUNTY COUNSEL – (530) 666-8172**

15. 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.

16. 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) 666-8036**

17. Construction details shall be included in construction drawings, submitted concurrent with the building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
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
19. Submit verification from the lighting manufacturer that the red light operates with the longest allowable off-phase.
20. Applicant shall notify all agricultural aircraft sprayers that are registered with the Yolo County Agricultural Commissioner of the exact location of the approved Met Tower (list may be obtained from the Agricultural Commissioner). This correspondence shall include the longitude and latitude of the tower location, an aerial photograph of the tower location, and a general vicinity map. Applicant shall provide a signed statement that this condition has been satisfied, along with a copy of the mailing list, to the Planning Division.
21. The applicant shall be required to address the potential loss of Swainson's hawk habitat through participation in the Draft Yolo County Habitat Conservation Plan (Yolo County Natural Heritage Program). The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is estimated not to exceed 1.25 acres (footprint of the area encompassed by guy wires); 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game; or 3) submit written documentation from the California Department of Fish and Game that relieves the applicant from mitigation due to the temporary nature of the project. The fee is currently set at \$8,660 per acre and is subject to change. In the event that the final HCP/NCCP is adopted before development occurs, the applicant shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.
22. Prior to the issuance of building permits, the property owner shall submit a signed document granting Yolo County, or contractor hired by Yolo County, access to the project site to remove the tower in the event that the applicant fails to remove the tower in accordance with the limits set forth in Condition of Approval #4 and #13. In the event the applicant fails to remove the tower in accordance with these conditions, it shall be liable to County for all costs associated with the removal of the tower.

**Yolo County Planning and Public Works Department**

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**PUBLIC WORKS DIVISION - PPW (530) 666-8811**

23. Construction disturbance of one acre or more shall require a Storm Water Pollution Prevention Plan (SWPPP).

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

24. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
25. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards.
26. The applicant will be required to provide structural calculations for meeting wind and seismic design standards in accordance with all applicable Uniform Building Codes and Yolo County Code requirements.
27. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Woodland Joint Unified School District, Dunnigan Fire District, and County facility fees.

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

28. 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.
29. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
30. Architectural coatings and solvents used at the project site shall be compliant with District Rule 2.14, Architectural Coatings.
31. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District Rules and Regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.
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.

## **FINDINGS**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2011-006, 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:*

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

*Community Character Policy CC-4.1: Reduce dependence upon fossil fuels, extracted underground metals, minerals and other non-renewable resources.*

*Community Character Policy CC-4.5: Encourage individual and community-based wind and solar energy systems.*

*Conservation Policy CO-7.1: Encourage conservation of natural gas, oil and electricity, and management of peak loads in existing land uses.*

### **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 8-2.2418 of the Yolo County Code, which regulates the placement of wind energy structures.*

That, as required by Section 8-2.2418.4(3) it is found that the proposed use shall require a Use Permit.

*Although meteorological towers (Met Towers), themselves, are not wind generating*

*turbines, they are the precursors to a potential wind energy generation project, and thus, subject to the requirements of the County's Wind Ordinance. Met Towers do not generate energy, nor do they produce any noise or other nuisances, but they can impose on aesthetic resources if located near a scenic vista or in a populated rural setting. They are generally temporary in nature, and to minimize cost and ground disturbance, are anchored with guy wires. Guy-wired towers, such as radio towers, communication towers, etc., present a potential impact to navigable airspace and avian species.*

*In order to address the potential impacts of installing a nearly 200-foot tower anchored with guy wires, the project's Conditions of Approval require recommendations made by the National Agricultural Aviation Association for increasing visibility to aircraft pilots, and include conditions that require bird flight diverters ~~and a bird monitoring plan for minimizing collision risk.~~*

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 8-2.2418(3) the proposed Met Tower 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 is essentially an information gathering effort in which meteorological towers are installed temporarily to collect wind data to assess the potential for a future wind energy generation project. State and federal legislation require local jurisdictions to address the promotion of greenhouse gas emission (GHG) reduction, which is consistent with policies in the Yolo County 2030 Countywide General Plan and Climate Action Plan that call for measurable reductions in GHGs through enhanced reliance on renewable and sustainable energy sources.*

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/Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The project is located on a portion of a 635-acre parcel, which is part of a larger 3,800-acre ranch property located in the Dunnigan Hills. The property and greater surrounding vicinity are currently in use as rangeland, and the terrain consists of rolling hills. The project proposes very little ground disturbance and the tower will be placed temporarily, no longer than three years as conditioned. Very little to no vegetation is required to be removed for installation of the temporary tower, and thus there will be negligible loss of rangeland. The closest rural residence is located approximately 1.6 miles northwest of the project. Conditions of Approval placed on the project, such as the requirement for aviation marking and installation of bird flight diverters, will ensure that 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. Existing roadways and internal farm roads will serve the project. No other utilities are required for the temporary placement of the Met Tower.*

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.

*Met Towers are typically located in rural, remote areas, away from urban centers. The proposed location is on property used as rangeland in the higher elevations of the southwestern portion of the County. Due to the topography of the Dunnigan Hills there are no rural residences within the vicinity of the project, and very little to no grazing land will be taken out of production with the installation of the temporary tower.*

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**6.3 ZF# 2010-051:** Use Permit to install and operate two temporary 197.8-foot meteorological towers (Met Towers) for wind measurements, placed at approximately the 1,800-foot and 1,100-foot elevations on property zoned A-P (Agricultural Preserve). The project is located on 342-acre and 320-acre parcels, which are part of a greater 8,518-acre ranch property, located east of the Rocky Ridge and northwest of the City of Winters (APNs: 030-010-006 and 047-120-008). An Initial Study/Negative Declaration has been prepared for this project. Owner/Applicant: Bulkley/Yolo Wind (S. Cormier)

Stephanie Cormier, Senior Planner, provided an overview of the project, and answered questions from the Commission. She pointed out, for the record, that in the staff report, the Land Owner's property address should read: "815 Marvin Way, Dixon, CA 95620". She said the address in the Negative Declaration is correct.

Chair Reed opened the public hearing.

Fernando Ferreyra, Senior Developer representing Pattern Energy Group, explained Pattern Energy's experience in Northern California, presented information about the project, and answered questions from the Commission.

Chair Reed closed the public hearing.

Commissioner Kasbergen reiterated the fact that carcass monitoring should not be required for this project.

Commissioner Burton agreed with the removal of the carcass-monitoring requirement from the project, and expressed that the project should continue to move forward.

Vice-Chair Bertolero supported the project, and agreed that Condition of Approval 23, regarding carcass monitoring, should be removed. He also said hello to Robert and Barbara Bulkley, the applicants, whom he has known for forty-eight years.

Chair Reed concurred with the comments of the other Commissioners.

Vice-Chair Bertolero moved to approve the staff recommendations, and to delete Condition of Approval 23, and any references to bird-strike monitoring in the Findings.

### **Commission Action**

The Planning Commission:

1. **HELD** a public hearing and received comments;
2. **ADOPTED** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment C);
3. **ADOPTED** the modified Findings (Attachment D); and
4. **APPROVED** the Use Permit subject to the modified Conditions of Approval (Attachment E).

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

**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 #2010-051. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. Development of the sites, including installation and/or placement of structures, shall be as described in this staff report for this Use Permit (ZF #2010-051). Installation of two temporary meteorological towers shall be limited to the specific areas of the property as shown in **Attachment A**: two 197.8-foot high tubular steel towers, up to 10 inches in diameter, with four sets of guy wires, at approximately the 1,800-foot elevation (located on APN: 030-010-006) and 1,100-foot elevation (on APN: 047-120-008). Each set of guy wires will consist of seven guys attached along the entire vertical shaft of each pole, and placed on a 4-foot by 4-foot base. The guy lines will be anchored to the soil using screw-in, arrowhead, rock, or concrete anchors, depending on soil conditions. If the towers are constructed without guy wires, a Site Plan Review shall be required prior to issuance of any grading or building permits.
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 sites 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 Use Permit shall expire after 36 months (three years) from the date of project approval. However, through a Use Permit Amendment, the Planning Commission may grant an extension of time if the request for extension is found to be consistent with the intent of the original approval.

**Yolo County Planning and Public Works Department**

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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. The project is required to comply with recommendations from the National Agricultural Aviation Association for increasing visibility to aircraft pilots. The following measures shall be included in the design of the towers:
  - The towers must be painted in seven (7) equal, alternating bands of aviation orange and white, beginning with orange on the top of the tower, and ending with orange at the base.
  - The towers must have a flashing red light at the top of the tower with a minimum of 3.75km visibility when flashing.
  - The surface area under the entire footprint of the towers and six (6) feet past the outer anchors must be fenced.
  - Guy-wired towers must have a total of eight (8) marker balls attached as follows: four (4) marker balls attached to the guide wires at the top of the tower at a distance no further down than 15 feet from the top wire connection to the tower; four (4) marker balls at the bottom of the guide wires at a height of five (5) to ten (10) feet above the tallest crop to be grown in the immediate vicinity of the tower.
  - Guy-wired towers must have a 7-foot safety sleeve at each anchor point, plus one (1) sleeve located six (6) feet outside the outside anchor, and one (1) sleeve at the lift anchor.
7. The applicant shall notify all agricultural aircraft sprayers that are registered with the Yolo County Agricultural Commissioner of the exact location of the approved Met Tower (list may be obtained from the Agricultural Commissioner). This correspondence shall include the longitude and latitude of the tower location(s), an aerial photograph of the tower locations(s), and a general vicinity map. The applicant shall provide a signed statement that this condition has been satisfied, along with a copy of the mailing list, to the Yolo County Planning division.
8. In order to minimize impacts to birds and bats, the applicant will be required to install daytime visual markers (i.e., bird flight diverters) on all guy wires to prevent collisions for diurnally moving species. The bird flight diverters should span the length of the guide wires at intervals of not greater than five (5) meters (16.4 feet).
9. The applicant shall keep the designated leasehold areas (site) free from flammable brush, grass, and weeds. However, if removal of some plants causes concern for erosion, then an exception will be made to not require removal.
10. Except for aviation warning lights installed in accordance with Federal Aviation Administration (FAA) regulations, no exterior lighting shall be provided as part of this project.
11. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and FAA standards regulating tower heights and aviation safety procedures.
12. Within 30 days upon termination of the use, the meteorological towers shall be removed and the project site restored back to its original condition.

**PUBLIC WORKS DIVISION (530) 666-8811**

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13. 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.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

14. 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.**

CAL FIRE—(530) 796-3506

15. Access to each tower site shall we be well marked and shall remain accessible during the temporary use. All flammable materials, i.e., grass, shall be removed around each tower.

FEDERAL AVIATION ADMINISTRATION—(650) 876-2778, ext. 625

16. The applicant shall be required to file FAA Form 7460-1 for airspace/obstruction analysis. FAA Form 7460-1 can be obtained at: <http://forms.faa.gov/forms/faa7460-1.pdf>. Please contact T.J. Chen, P.E., Program Manager at the San Francisco Airports District Office for more information.

COUNTY COUNSEL—(530) 666-8172

17. 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.

18. 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

19. The applicant shall verify access to the tower sites through provision of a recorded access easement or an encroachment permit. A signed access agreement shall be provided to the Director of Planning and Public Works prior to installation of the project.
20. Construction details shall be included in construction drawings, submitted concurrent with the building permit application, and are subject to review and approval by the Director of the Planning and Public Works Department.
21. 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.
22. The applicant shall submit verification from the Federal Aviation Administration that all requirements regarding regulations for tower lighting have been satisfied, and that any required lighting is at the lowest intensity level allowed.
- ~~23. If the Met Towers are installed with anchoring guy wires, as proposed, the applicant shall submit a Biological Monitoring Program (Program) to the Planning and Public Works Department for approval prior to the issuance of any building or grading permits. The Program shall include quarterly (every three months) monitoring of the project site for the life of the tower(s) by a qualified biologist hired by the applicant. The purpose of the mentoring is to document the presence of any avian carcasses near the base of the Met Tower(s), to determine if any bird strikes with the tower and/or guy wires have occurred. A report shall be prepared by the biologist documenting the results of the monitoring and shall be submitted to the Planning and Public Works Department and the appropriate office of the U.S. Fish and Wildlife Service, following each quarterly monitoring session. Installation of the Met Towers without anchoring guy wires shall deem this condition null and void, after approval of a Site Plan Review.~~
24. Prior to the issuance of building permits, the property owner shall submit a signed document granting Yolo County, or contractor hired by Yolo County, access to the project site to remove the tower(s) in the event that the applicant fails to remove the tower(s) in accordance with the limits set forth in Condition of Approval #4 and #12. In the event the applicant fails to remove the tower(s) in accordance with these conditions, it shall be liable to County for all costs associated with the removal of the tower(s).

PUBLIC WORKS DIVISION—PPW (530) 666-8811

25. Construction disturbance of one acre or more shall require a Storm Water Pollution Prevention Plan (SWPPP).

BUILDING DIVISION—PPW (530) 666-8775

26. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of any construction.
27. If applicable, the applicant shall obtain the necessary building permits prior to installation of equipment. New installation shall meet State of California minimum code requirements for

fire, life, and safety standards.

28. The applicant will be required to provide structural calculations for meeting wind and seismic design standards in accordance with all applicable Uniform Building Codes and Yolo County Code requirements.
29. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the Winters Joint Unified School District, Winters Fire District, and County facility fees.

**YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT—(530) 662-0265**

30. The applicant will be required to obtain an encroachment permit for access over the CSY Winters, Inc. property, which crosses over the Winters Canal and Chapman reservoir facilities.

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

31. 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.
32. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
33. Architectural coatings and solvents used at the project site shall be compliant with District Rule 2.14, Architectural Coatings.
34. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District Rules and Regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.
35. 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.

**FINDINGS**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone

File #2010-051, 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:*

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

*Community Character Policy CC-4.1: Reduce dependence upon fossil fuels, extracted underground metals, minerals and other non-renewable resources.*

*Community Character Policy CC-4.5: Encourage individual and community-based wind and solar energy systems.*

*Conservation Policy CO-7.1: Encourage conservation of natural gas, oil and electricity, and management of peak loads in existing land uses.*

**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 8-2.2418 of the Yolo County Code, which regulates the placement of wind energy structures.*

That, as required by Section 8-2.2418.4(3) it is found that the proposed use shall require a Use Permit.

*Although meteorological towers (Met Towers), themselves, are not wind generating turbines, they are the precursors to a potential wind energy generation project, and thus, subject to the requirements of the County's Wind Ordinance. Met Towers do not generate energy, nor do they produce any noise or other nuisances, but they can impose on aesthetic resources if located near a scenic vista or in a populated rural setting. They are generally temporary in nature, and to minimize cost and ground disturbance, are*

*anchored with guy wires. Guy-wired towers, such as radio towers, communication towers, etc., present a potential impact to navigable airspace and avian species.*

*In order to address the potential impacts of installing a nearly 200-foot tower anchored with guy wires, the project's Conditions of Approval require recommendations made by the National Agricultural Aviation Association for increasing visibility to aircraft pilots, and include conditions that require bird flight diverters ~~and a bird monitoring plan~~ for minimizing collision risk, as per the U.S. Fish and Wildlife Service's recommendations.*

*If, after approval of a separate Site Plan Review, the towers are installed without the anchoring guy wires, the requirement for installing bird flight diverters ~~and preparing a bird monitoring plan~~ will be null and void, since impacts to avian species will be less than significant. The requirements for aviation safety marking will remain in effect, however.*

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 8-2.2418(3) the proposed Met Towers are 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 is essentially an information gathering effort in which meteorological towers are installed temporarily to collect wind data to assess the potential for a future wind energy generation project. State and federal legislation require local jurisdictions to address the promotion of greenhouse gas emission (GHG) reduction, which is consistent with policies in the Yolo County 2030 Countywide General Plan and Climate Action Plan that call for measurable reductions in GHGs through enhanced reliance on renewable and sustainable energy sources.*

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/Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The project is located on approximately 662 acres, which are part of a larger 8,518-acre ranch property located in the remote and sparsely populated area east of Rocky Ridge. The property and greater surrounding vicinity are currently in use as rangeland, and the terrain is steep and rocky. The project proposes very little ground disturbance and the towers will be placed temporarily, no longer than three years as conditioned. Very little to no vegetation is required to be removed for installation of the temporary towers, and thus there will be negligible loss of rangeland. The closest rural residence is located approximately 1.7 miles northeast of the project in a much lower elevation. Conditions of Approval placed on the project, such as the requirement for aviation marking and installation of bird flight diverters, will ensure that 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. Existing roadways will serve the project; an access agreement and/or an encroachment permit will be required prior to installation of the towers. No other utilities are required for the temporary placement of the Met Towers.*

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.

*Met Towers are typically located in rural, remote areas, away from urban centers. The proposed location is on property used as rangeland up in the higher elevations of the southwestern portion of the County. Due to the steep terrain there are no rural residences within the vicinity of the project, and very little to no grazing land will be taken out of production with the installation of the temporary towers.*

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Chair Reed called a five-minute recess.

### **Commission Action**

The Planning Commission:

1. **MODIFIED** the agenda to place Discussion Agenda Item 7.3 to be heard at this time, to accommodate two persons from the public who are present to comment about the item.

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

- 7.3 Update by Ad Hoc Subcommittee regarding Citizens Advisory Committee comment boundaries.

Chair Reed stated that the Planning Commission formed this Ad Hoc Subcommittee, including Vice-Chair Bertolero, Chair Reed, and Commissioner Williams, to work on the comment areas of existing Citizens Advisory Committees. He said that, during the past month, the subcommittee visited all the active committees: Knights Landing on May 11; Clarksburg on May 12; Esparto on May 17; Dunnigan on May 18; Yolo-Zamora on May 23; and Madison on May 26. He added that they also spoke with some prospective members of the new South Davis Committee. He explained that Supervisor McGowan was at the Clarksburg meeting; Supervisor Chamberlain was at Esparto, Dunnigan, and Yolo-Zamora; and former Supervisor Marchand was at Madison. He said they also met with Supervisor Provenza and his staff; will soon be meeting with Supervisor Chamberlain; and have not met with anyone from West Plainfield.

Chair Reed asked for clarification about the formation of the West Plainfield Advisory Committee.

David Morrison explained that there are two advisory committees in West Plainfield: the West Plainfield Community Advisory Committee, drawn upon from the properties immediately surrounding the airport; and the Aviation Advisory Committee, consisting of lessees of the airport who are

primarily concerned with airport operations. However, due to the difficulty in filling positions on the two committees, their practice for many years has been to meet jointly.

Chair Reed stated that the purpose of the Ad Hoc Subcommittee is to make the Citizens Advisory Committees more efficient for the committees themselves, and for the County staff. He said they are still gathering information, and are considering various ideas.

Chair Reed introduced two persons from the public.

Vicki Murphy, resident of Brooks, expressed that Capay Valley receives no services from the county, and that just because there is so few of them, it does not mean that their voice should be minimized, diluted, and urbanized. She said the people in the urban areas do not understand what the small communities deal with regarding the businesses they have on their property. She asked for an explanation of what their private property rights are, and what private property rights they have left.

Commissioner Burton asked that she contact him later regarding the increase of their property taxes.

Carla Phillips, resident of Madison, thanked the Ad Hoc Subcommittee for coming to the Madison Advisory Committee meeting, and listening to their concerns about trying to keep their local voice for their small communities. She mentioned that it probably could be a good idea to establish a regional committee to help the communities have a bigger voice for the regional issues.

Vice-Chair Bertolero said that the Ad Hoc Subcommittee is in the process of formulating their prioritized recommendations.

Commissioner Kasbergen recommended that a representative from each of the citizens advisory committees attend a joint meeting between staff and the Planning Commission on a bi-monthly or monthly basis, where each individual voice can be heard.

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**6.4 ZF# 2010-005: Update on 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)**

Stephanie Cormier, Senior Planner, presented a workshop, and answered questions from the Commission.

Commissioner Burton strongly suggested that an intent document be created that summarizes the major changes that are being done in the document.

David Morrison said he thinks Commissioner Burton's suggestion is well taken.

Commissioner Kasbergen pointed out discrepancies, and offered suggestions to simplify the document. He proposed having only one agricultural zone.

David Morrison said the first table should be clarified to state: "keeping unconfined farm animals, or grazing animals", as opposed to "keeping confined farm animals".

David Morrison said, on Page 22, No. 3, "carefully mixed" should be stricken from the definition

included under a "feedlot".

Commissioner Burton asked if it is the intent that a feedlot covers chickens.

Stephanie Cormier said yes, a feedlot also includes chickens.

David Morrison said staff would be glad to sit down with Commissioner Kasbergen to get his feedback on where language could be clarified or improved, and to provide a better background. Commissioner Kasbergen expressed that he would come into the office.

Vice-Chair Bertolero stated that it is very important that the definitions are consistent with the policy in the charts.

Chair Reed opened the public hearing.

Vicki Murphy, resident of Brooks, thanked Stephanie Cormier for coming up to Capay Valley, and being such a great help to all of them in listening to their concerns. She also asked how changes in the land use would affect their taxes.

Commissioner Burton responded that the Planning Commission could not answer tax-related questions. He said he would be happy to have a conversation as a private citizen after the Planning Commission Meeting is over.

Chair Reed closed the public hearing.

David Morrison added that they are hoping to bring this item back for a tentative recommendation by the Commission next month, and offered to meet with individual Commissioners who have additional changes. He said he believes that the ordinance is largely in good shape from staff's standpoint.

### **Commission Action**

The Planning Commission:

1. **HELD** a public workshop hearing, 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. **RETURNED** the item to the next Planning Commission Meeting for a recommendation on the revised zoning regulations for the agricultural zones.

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### **REGULAR AGENDA**

#### **7. DISCUSSION ITEMS**

- 7.1 Draft 2011 General Plan Annual Report (D. Morrison).

David Morrison, Assistant Director, announced that the Draft 2011 General Plan Annual Report is not yet completed, and will be presented at the July 14, 2011 Planning Commission Meeting.

- 7.2 Presentation on surface and ground water in Yolo County by Tim O'Halloran, Yolo County Flood Control and Water Conservation District and Joe Scalmanini.

The presentation was postponed to the July 14, 2011 Planning Commission Meeting.

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## 8. DIRECTOR'S REPORT

A report by 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.

### 8.1 Board of Supervisors

- A. The Board has considered the Solar Ordinance twice, and has directed staff to make revisions to the ordinance and bring it back for a third consideration in July 2011.
- B. The Board, on Tuesday, June 7, 2011, gave the Clerk of the Board direction to approve an event permit, subject to completion of some tasks, for a concert series at the Old Sugar Mill.

### 8.2 Personnel Changes

- A. Aundrea Tyler left to become a Child Protective Services Worker, and Carole Kjar has been gracious enough to fill in temporarily during the transition. Norma Springsteen, the new Secretary to the Director, will be sitting here at the next Planning Commission Meeting in July 2011.

### 8.3 General Information

- A. Planning has been fairly slow for the last year. Currently, there are three planners, instead of six; the three planners have focused on trying to implement the General Plan. Recently, there is a definite increase in advanced planning work, and next year is going to start picking up in terms of Planning Commission activity. All of a sudden, it has gone from very little planning activity, to managing three EIRs simultaneously. In addition, there are a couple of large wind turbine projects that are expected to be received next month.
- B. Don Peart, former Commissioner, called to say hi, and also indicated that he and his wife just returned from Texas, where they enjoyed the San Antonio River Walk, and that they had gone to Japan earlier this year.
- C. Last year, the Sacramento Valley American Planning Association awarded the 2030 General Plan with the award for the best General Plan for a small jurisdiction. This year, the Sacramento Valley APA announced that the Yolo County Climate Action Plan was given the award for best Green Plan in the northern state, so that qualifies the Climate Action Plan for consideration at the state level, and it is our understanding that we have a very good chance of possibly winning the California Award for Green Planning. The 2030 General Plan was given the Blueprint Award for last year by SACOG, and we also



recently were recognized by the Institute of Local Government for the Beacon Award for our climate change efforts.

Commissioner Kasbergen asked if the Commission has any control over fee increases. David Morrison said this is solely within the Board of Supervisors' purview.

Chair Reed opened the public hearing.

Matt Williams, from El Macero, spoke about prime farmlands in the solar ordinance. He suggested taking a map of the prime farmlands of the County, and overlay that with a map of where the corridors of the high-tension electrical lines are located, to point out the places in the County where both ends could be served, to have the solar, and not compromise farmlands. He also volunteered his time to help create the overlay map. He said he thinks this would be a useful addition to the process, and would help to make a good decision.

David Morrison said he would be happy to take a look at any information Mr. Williams would like to present.

Chair Reed thanked Matt Williams for his interest and his help, and closed the public hearing.

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## 9. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions.

- A. Commissioner Williams said he received a phone call from a person in Hawaii who was interested in sending in a project to put solar panels over sewer ponds in the Dunnigan area.
- B. Commissioner Kasbergen: No report.
- C. Commissioner Burton announced that his daughter was born eight weeks ago. He also said he will not attend the July 14, 2011 Planning Commission Meeting.
- D. Vice-Chair Bertolero reiterated information obtained by the Ad Hoc Subcommittee regarding Citizens Advisory Committee comment boundaries, as noted under Item 7.3. He said he is on the State Planning Commission Association Committee, and on April 10, 2011, they had a monthly meeting to conduct their association business. He also invited the Commission to an annual potluck luncheon at his home on June 18, June 25, or July 23, 2011, from 12:00 p.m. to 3:00 p.m.

Vice-Chair Bertolero reported that, on May 21, 2011, he put on the California Planning Commissioners Association Spring Conference in Clarksburg. He said he was a little disappointed in the Commissioners attendance overall; however, he thinks the conference turned out pretty well. He made a presentation to Chair Reed, and thanked him so much for his help, and for being instrumental in developing the program. He also thanked Commissioner Burton for making the largest monetary contribution to the conference.

- E. Chair Reed recapped information about the Ad Hoc Subcommittee regarding Citizens Advisory Committee comment boundaries (Item 7.3), and thanked Vice-Chair Bertolero for dividing up the driving to the circuit of all the advisory committees. He said he found it very useful to connect with all the unincorporated communities, and to see the view of the County from their perspective. He also thanked Vice-Chair Bertolero for his many hours of hard work on the California Planning Commissioners Association Spring Conference in Clarksburg. Chair Reed thanked Carole Kjar for coming out of retirement to reconnect with the Planning Commission, and for covering for the staff at the last couple of Planning Commission Meetings.

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**10. FUTURE AGENDA ITEMS**

The opportunity for commission members to request that an item be placed on a future agenda for discussion. No discussion by other Commission members will occur except for clarifying questions.

- 10.1 Use Permit for the Miner's Leap Winery, a small winery located north of Clarksburg
- 10.2 Medium-sized Solar Facility, being proposed on Dan Martinez' property near Winters
- 10.3 Straw Vote on Agricultural Zoning
- 10.4 Presentation on Surface and Gound Water in Yolo County by Tim O'Halloran
- 10.5 Presentation of General Plan Annual Report
- 10.6 Recommendation on a New Mine for Granite Construction at the Esparto Site

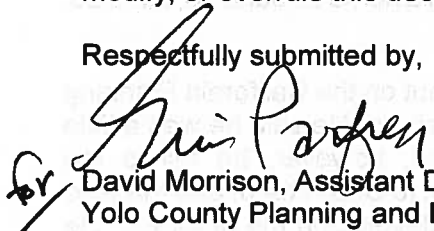
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**11. ADJOURNMENT**

The Regular Meeting of the Yolo County Planning Commission was adjourned at 11:00 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is July 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