



# 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

July 14, 2011

#### ADMINISTRATIVE AGENDA

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

MEMBERS PRESENT: Bertolero, Kasbergen, Reed, Vergis, Williams  
MEMBERS ABSENT: Burton, Kimball  
STAFF PRESENT: David Morrison, Assistant Director of Planning  
Stephanie Cormier, Senior Planner  
Phil Pogledich, County Counsel  
Tim O'Halloran, Yolo County Flood Control and Water Conservation  
District  
Norma Springsteen, Secretary to the Director

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#### 3. ADOPTION OF MINUTES OF THE **JUNE 9, 2011** MEETING

##### Commission Action

One member did not see the even numbered pages prior to the meeting.

The Minutes of the **June 9, 2011** meeting were approved with the following corrections.

- A. Page 5 should indicate the time Commissioner Kasbergen arrived at the meeting.
- B. Page 25, section 9D should indicate the State Planning Commission Association meeting on April 10, 2011 was a teleconference.

MOTION: Bertolero                      SECOND: Williams  
AYES: Bertolero, Kasbergen, Reed, Williams  
NOES: None

ABSTAIN: Vergis  
ABSENT: Burton, Kimball  
Chair Reed welcomed Norma Springsteen.

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#### **4. PUBLIC COMMENT**

The Chair opened the opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission not related to items on the agenda. 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. David Morrison distributed the Environmental Assessment for the Proposed Trust Acquisition of Fifteen Fee Parcels - Yocha Dehe Wintun Nation. He noted that because this is a federal action that is not subject to county regulations or law enforcement, there is no action for the Planning Commission to take. He suggested the commission send a letter to those who wrote regarding this issue to clarify the commission and county's jurisdiction in the matter. D. Morrison will draft the letter for the Chair's approval.

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#### **TIME SET AGENDA**

**6.1 ZF #2011-013:** Use Permit request to convert an existing 2,126-square foot 111-year old barn into a wine tasting and storage facility on an agriculturally-zoned property located at 54250 South River Road, near Clarksburg (APN: 044-080-010). Miner's Leap Winery proposes to relocate their boutique winery facility from Lockeford, CA, to Clarksburg. The 23-acre property includes a residence and the barn, which will require improvements to change the use from agricultural storage to a tasting room. The property is in a flood zone with an undetermined base flood elevation, as designated by FEMA. A Negative Declaration has been prepared for this project. Owner/Applicant: Sacramento Wine Works, LLC/Loyal Miner (S. Cormier)

Stephanie Cormier, Senior Planner, presented an overview of the project, and answered questions from the Commission.

Chair Reed opened the public hearing.

Applicants Stefani Ginotti and Loyal Miner provided details about the project, noting approximately 1,200 cases wine will be produced annually. They will hold twelve to fifteen events per year and expect to have sufficient parking, mostly on base rock, as they do not want asphalt. Signage will be small and metal with a low watt bulb. Because of their desire to blend in with the landscape and structures, the barn will be left as is on the exterior while the inside will be weather proofed. They will

plant “picnic friendly” landscaping and install green lighting outside. They are in communication with the neighbors to whom they will provide ample notice of events and will not have late night noise.

Chair Reed closed the public hearing.

Commissioner Kasbergen said he likes the plan to maintain the integrity of the building.

Commissioner Williams said he likes the idea and hopes for their success.

Commissioner Vergis said she likes the idea but is concerned about the historical designation of the building.

Commissioner Bertolero noted the Clarksburg CAC heard from some neighbors who are concerned about noise from events. They voted unanimously to support the project. He noted the project is consistent with the 2030 General Plan, Clarksburg General Plan, Delta Protection Land Use and Resource Management Plan, and property zone and that the farm bureau supports it. He said he is pleased to see that the regulations on landscaping will be followed.

Commissioner Reed noted the site is a good location for the business.

### **Commission Action**

The Planning Commission:

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

MOTION: Kasbergen           SECOND: Williams

AYES: Bertolero, Kasbergen, Reed, Williams

NOES: None

ABSTAIN: Vergis

ABSENT: Burton, Kimball

### **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 #2011-013. 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 #2011-013), as shown in the Site Plan (Attachment A of the staff report). Improvements to the property include: 1) conversion of the

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barn to a wine tasting and storage facility; and 2) construction of a future small crush and/or storage facility (producing less than 1,000 cases per year).

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 10:00 AM until 6:00 PM, daily. Additionally, up to 15 weekend events (Fridays, Saturdays, and/or Sundays), with a maximum of 150 people per event, may be held each year with hours of operation from 10:00 AM until 10:00 PM.
8. The applicant shall be required to maintain a current Alcoholic Beverage license with the Department of Alcoholic Beverage Control.
9. The applicant shall provide adequate onsite parking, including the required accessible parking stall(s) and path of travel, as required by County Code Section 8-2.2506.
10. In order to ensure that any impacts resulting from the project do not affect adjoining farming practices, the applicant shall notify the adjoining property owners and current lease farmers of all major scheduled events, other than wine tasting hours of operation, not less than one week in advance. If applicable, the applicant will be required to amend the event schedule, as feasible, in order to accommodate the lease farmers' aerial application spraying needs.

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

11. 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.
12. Expansion of a food operation beyond wine tasting will require an upgrade of the facility to meet California Code Retail Food Facility requirements. A health permit will be required at that time as well as plan review prior to issuance of a building permit.

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13. 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.
14. Increasing the capacity of the sewage disposal system will require a permit from Environmental Health. Due to the proximity of high ground water, an alternative or elevated system may be required.
15. Water provided to a permitted food facility must meet potable standards at all times.
16. Only domestic waste is allowed to be disposed of into a septic system. Non-domestic liquid waste must be hauled off site to an approved treatment facility or properly treated onsite. Handling of non-domestic liquid wastes should be under permit from the Regional Water Quality Control Board, Central Valley District.

**DEPARTMENT OF AGRICULTURE—(530) 666-8148**

17. All regulated article and commodities moved from the European Grapevine Moth quarantine area of San Joaquin County must comply with the quarantine requirements, and be free of all life stages of the pest.

**COUNTY COUNSEL—(530) 666-8172**

18. 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.

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

**PRIOR TO LAND DISTURBANCE OR ISSUANCE OF BUILDING PERMITS:**

**PLANNING DIVISION—PPW (530) 666-8808**

20. 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.

21. 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.
22. There are two prehistoric village sites near the project vicinity, whose boundaries have the potential to overlap with the property. Prior to any ground disturbance activities, the area shall first be surveyed by a qualified archaeologist. If archaeological discoveries are made, the Yocha Dehe Wintun Nation, or other appropriate authority, shall be notified to determine the proper disposition of any artifacts or culturally sensitive resources.

Additionally, 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 during construction activity. 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.

23. 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

24. 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.

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25. In order to provide two-way traffic ingress and egress to/from the project, the applicant shall widen the paved driveway throat width to a minimum of 20 feet from South River Road to the parking area, or per Clarksburg Fire Protection District requirements, whichever are greater. The applicant shall secure a county encroachment permit for any proposed work along or within South River Road prior to grading permit issuance. Any associated Public Works permit review, issuance, and inspection costs will be reimbursed through an established county work order. Permits may also be required from the Central Valley Flood Protection Board and/or Reclamation District No. 307 (Lisbon District) for any work within the Sacramento River levee right-of-way.
26. The applicant shall apply for transportation permits through all necessary jurisdictions for the movement of all vehicles/loads (construction or business operations related) exceeding statutory limitations on the size, weight, and loading of vehicles contained in Division 15 of the California Vehicle Code.
27. 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**

28. Prior to making improvements to the barn, the applicant must complete and submit a “Substantial Improvement Form” and a signed appraisal from a licensed appraiser. If the proposed improvements to the barn exceed 50 percent of the appraised value of the structure, the applicant will be required to submit a Floodplain Elevation Certificate and comply with the county’s floodplain management requirements.
29. 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 1<sup>st</sup> 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 1<sup>st</sup> of each year.
30. All current 2010 Building Codes, i.e., Building, Electrical, Plumbing, Mechanical, Energy, and ADA, shall apply to the project.
31. The applicant shall obtain building permits for the conversion of the barn to a tasting room and storage facility, and for the future small crush and/or storage facility, 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, as required in Condition #28.
32. The applicant shall submit a signed letter from the Clarksburg Fire Chief stating that fire sprinklers will not be required in the converted barn.

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33. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to the River Delta Unified School District, Clarksburg Fire District, and county facility fees.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

34. Prior to the issuance of any building permit, approval for use of a pre-existing onsite sewage disposal system must be obtained by Yolo County Environmental Health.
35. 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.

CENTRAL VALLEY FLOOD PROTECTION BOARD (916) 574-0332

36. Prior to starting work within the 100-year and/or 500-year floodplain, the applicant shall apply for an encroachment permit to the Central Valley Flood Protection Board. The applicant shall provide a copy of the approved encroachment permit, or written confirmation that the permit is waived, prior to the issuance of a grading permit by the County.

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

37. The applicant shall acquire any required permits from the Yolo-Solano Air Quality Management District, as appropriate.
38. 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; 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.
39. 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 #2011-013, 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.*

*The project is also consistent with policies in the Clarksburg General Plan (2001) that promote the continued preservation of agricultural land and sustaining a vital agricultural economy.*

## **Zoning**

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

*The property is zoned A-1 (Agricultural General). The proposed use is consistent with Section 8-2.604.5(g) of the Yolo County Code, which requires a Major Use Permit for conditional uses such as wineries.*

That, as required by Section 8-2.604.5(g), upon review and conditional approval by the Planning Commission, the project shall be authorized by Major Use Permit.

*The project proposes converting an old barn into a small, boutique wine tasting room and storage facility. The proposed new use also includes the future construction of a small crush facility and the planting of five to 15 acres of grapes. 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 8-2.604.5 (g), the proposed winery is allowed within the A-1 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 Clarksburg and the unincorporated area of 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.

*project will not create a significant effect on the character of the surrounding rural area. The project site is located on a 23-acre parcel, which is surrounded by other similar-sized properties 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 paved drive leads to a parking area. The driveway will be required to be widened to accommodate two-way traffic ingress and egress. Any new construction and/or paving will be required to meet best management practices for addressing drainage and erosion control. The applicant will be required to work with Yolo County Environmental Health for approval of any required sewage disposal system(s). Additionally, construction of a future small crush facility will be regulated under the Central Valley Regional Water Quality Control Board.*

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.*

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**6.2 ZF #2011-002:** Minor Use Permit request to construct the Putah Creek Solar Project that would interconnect to the PG&E utility grid at the adjacent Putah Creek substation in Winters. The project is located in the unincorporated area of the County adjacent to the City of Winters, situated on the northwest corner of State Route 128 and County Road 87D (APN: 030-200-36). The solar project would occupy approximately 17.7 acres of the currently fallow 31.9-acre parcel for a projected lifetime of 25 to 35 years. The adjoining 12.8 acre parcel (APN: 030-200-44) under the same ownership would be planted in walnuts. The project is expected to generate 3.5 megawatts. A Mitigated Negative Declaration has been prepared for this project. Owner/Applicant: Putah Creek Solar Farms LLC/Martinez (S Cormier)

Stephanie Cormier, Senior Planner, presented an overview of the project, and answered questions from the Commission.

Chair Reed opened the public hearing.

Applicants Dan Martinez and Stephen Smith explained the project, noting the property was fallow at the time of purchase. They planted walnut tree seeds on the northern part of the property and

irrigation is in place. The assessor reported that the equipment is tax exempt, but the sale of energy is not, and property tax revenue is likely to be ten times that of an orchard, with income estimated at \$70,000 per half acre. They plan to reduce the impact on the land by using posts to anchor the panels instead of concrete. This technique will also limit potential road damage since the large trucks used for concrete pouring won't be needed. At the end of the project, the site will be returned to agricultural use. The project will be set back between 750 and 1000 feet from State Route 128 so that it will not be seen from the highway. They are committed to maintaining the aesthetic value of the property. Noise generated from the equipment will be well below allowable decibel levels. Electromagnetic fields will also be below safe ranges. The economic benefits of the project will be an increase in property taxes and sales tax revenue, the addition of the equivalent of two jobs to perform maintenance on foot at the site, and approximately fifteen contractors to perform agricultural maintenance.

Commissioner Bertolero asked about the average weight of the panels. He is concerned about the value of converting agricultural land. He asked if the buffer area near homes will remain in walnuts and whether they are organic. He asked if the trees will remain under the power lines since there will not be any panels there.

The applicants noted the average weight is 36 pounds and that they are more concerned about lateral pressure from wind than pressure on the soil. The trees on the east buffer will remain and will be grown organically, but the walnut trees will not remain in the buffer along County Road 87D. Mr. Martinez noted PG&E is aggressive about keeping trees well below power lines for safety. He noted that this variety of walnut tree is short and he hopes that they can remain in place.

Commissioner Vergis asked about the value of the equipment and removal of it if the project were abandoned. Mr. Smith noted the capital cost of the equipment is high but he does not know how removal of the equipment would be handled by the county.

Chair Reed asked what weed prevention measures would be taken. The applicants noted the options include planting a low ground cover, adding a dust palliative, and allowing the native vegetation to grow.

Courtney Taylor, who lives near the site, said she is a proponent of solar energy, but has concerns about setting a precedent for allowing solar facilities on farmland. She noted the Winters General Plan seeks to maintain agricultural land near the city to maintain its agricultural heritage. She feels that if approved, the impact felt by residents may be more significant than the report indicates. She is also concerned about how long the landscaping would take to cover the fence. She noted confusion about the set back distance. Also of concern to her are home resale value, the amount of ambient light expected, and the amount of noise that will be generated.

Jean Wetzman noted that Ms. Taylor covered many of her concerns but that her main issue with the project is the loss of farmland. She is a proponent of solar energy but also seeks to protect prime farmland. She does not like the idea of the fence or the ambient light. She is concerned about dust and potential sound issues from wind blowing through the panels. She asked how potential unanticipated issues would be handled.

Mr. Smith responded to concerns about lighting by noting the plant must be lit for security but since the lights do not need to be on full time they can be motion activated and the lights would not shine toward the east side. They are willing to work with neighbors on light and fence issues.

Vince Cardinale, a proponent of solar energy, reported he is concerned about the buffer and the fence line on the west side of the site, where he owns 20 acres. He noted County Road 87D is an access road to the PG&E substation.

Chair Reed closed the public hearing.

Commissioner Bertolero reported he and Chair Reed visited the site, which helped him understand the project. He noted that dust could be prevented by planting sod, which could also make maintenance easier in the wet season. He is not concerned about noise. He would like to review conditions 18 and 33. He noted he likes the idea of keeping the buffers organic and that he would like to see the walnuts retained. He noted that low growing trees are also effective buffers and help with noise.

Commissioner Vergis noted she is in favor of eliminating condition 18. Regarding condition 33, she noted a UC soil expert indicated that soil is very resistant and can remain viable even after 30 years. She proposed eliminating condition 33 regarding agricultural mitigation. She is not concerned about setting a precedent and noted she is in favor of allowing farmers to diversify.

Commissioner Williams noted he is concerned about setting a precedent. The Board of Supervisors has not yet approved a solar ordinance and he would like a consistent policy direction from them before approving this project.

Commissioner Kasbergen agreed with the concerns of Commissioners Vergis and Williams. He supports the elimination of conditions 18 and 33. He noted the previous landowner tried to develop homes, and he prefers a solar facility. He noted his appreciation of the applicants' desire to blend in and minimize the effect on the neighbors. He noted the importance of decreasing our dependence on foreign oil and the potential for this project to be a start on that goal.

Chair Reed noted this project is a perfect example of the need to review projects on a case-by-case basis. He noted the applicant demonstrates a commitment to balance energy needs and the value of agricultural land. He likes the idea of keeping trees on County Road 87D. He supports the elimination of condition 18 and is in favor of keeping condition 33.

Mr. Morrison reported staffs' position on condition 18 is that it is not necessary because the project is a permanent change to the land and that there is no anticipation that the land will be reclaimed for agricultural use 20-25 years in the future. Regarding condition 33, he suggested the commission consider that future projects would request exemption from agricultural mitigation based on the conditions of this project and that consistent policy is important. He noted that staff would need to recirculate the CEQA documents and would request the item to be continued if the condition were to be eliminated.

Phil Pogledich noted he favors continuance of the recommendation although he is not certain the documents would need to be recirculated. He noted that the last sentence of condition 10 would need to be deleted if condition 18 were eliminated.

Commissioner Bertolero noted the geography of Winters creates city boundaries and that the city may eventually need to expand beyond those barriers due to housing needs. The proposed site could become an urban area if the project is not approved. He added that the potential of the loss of land for many years and not requiring mitigation sets a precedent. He suggested deleting condition 18 and the last sentence of condition 10. He noted that if the county has a mechanism to enforce clean up, he does not see a reason for the bonding requirements.

Chair Reed asked if the county could enforce clean up. Mr. Morrison stated the county would respond appropriately, depending on available staff and resources. He noted that because currently there is no code enforcement officer, response is prioritized based on the potential for immediate threats to safety or property. Regarding the value of the equipment, it is likely to be obsolete in 20-25 years and therefore much less valuable than today.

Chair Reed noted there is general agreement to remove condition 18. He called for a straw vote on term mitigation and all members were in favor.

Chair Reed noted he cannot support the project if condition 33 is removed.

Commissioner Vergis noted her protestation of this type of condition on these projects.

Commissioner Kasbergen noted that mitigation is for permanent loss of farmland, which this project is not. He protested keeping condition 33.

Commissioner Williams is not concerned about condition 33.

Commissioner Bertolero noted soil remains beyond life of project and he does not see it as lost and sees no need for mitigation.

Commissioner Vergis asked about the timeline requirement for circulation of the CEQA documents. Mr. Morrison noted the project would have to be brought back to the commission at the September meeting if the recirculation of the CEQA documents were required.

Mr. Martinez asked whether termed mitigation is possible. Mr. Morrison noted that staff generally does not support termed mitigation, but if the commission were to consider it they should also consider placing a time limit on the permit. Mr. Pogledich suggested a 35-year easement term as a viable approach.

Chair Reed called for a straw vote on term mitigation added to condition 33. All were in favor of term mitigation.

Commissioner Bertolero moved to adopt staffs' recommendations to remove condition 18 on exhibit E, delete the last sentence of condition 10, counsel will draft language to revise condition 33 to clarify the term of easement limited to the term of the permit, and to modify condition 6 to indicate that the use permit shall commence within one year and the use permit shall terminate in 35 years from the date of commencement. Commissioner Kasbergen seconded the motion and the motion carried with all members in favor.

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

**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 #2011-002. 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 #2011-002). Installation of the solar generation project shall be limited to the specific areas of the property as shown in the applicant's proposed "Draft Project Description," dated January 6, 2011 (see Attachment A of the staff report), and as otherwise amended by approval of the Planning Commission, including heights of associated facilities, a 250-foot setback from the residential subdivision to the east, and a 50-foot setback from any adjoining agricultural properties.
3. In order to reduce potential impacts to adjacent agricultural operations, the solar facility will be required to maintain a setback of at least 50 feet from property lines, where such lines adjoin an agricultural property, unless the affected property owner agrees to a decreased setback. The facility shall be designed to minimize any identified impacts to adjacent agricultural operations, such as orchards that require aerial application of chemicals, which may require greater setbacks.
4. The perimeter of the project site shall be screened with landscaping and/or other site-specific measures incorporated into the project design to address any visual impacts to the public right-of-way and adjoining residences. A landscaping plan shall be approved prior to issuance of any building permits.
5. 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 Use Permit Amendment, as determined by the Director of Planning and Public Works. The site shall be operated in a manner consistent with the project's approval.
6. 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. However, 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. This Use Permit shall terminate in 35 years from date of commencement.
7. 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

**Yolo County Planning and Public Works Department**

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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.

8. The project shall be operated in compliance with all applicable federal and state laws, including Yolo County Code regulations and applicable Public Utilities Commission standards.
9. The solar facility shall be designed to minimize any glare or lighting on adjacent neighbors. Any lighting installed for ongoing maintenance and security shall be low-level lighting placed in strategic locations around the facility. All lighting shall be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties.
10. Should the solar energy system cease to produce electricity on a continuous basis for 18 months, the facility shall be considered abandoned, unless a Use Permit Amendment has been initiated by the applicant to upgrade or otherwise continue the use of the system. Upon determination of abandonment, the county shall send a notice to the owner/operator, indicating that the responsible party shall remove the solar energy system and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the county.

In the event that the responsible party has failed to remove the solar energy system and/or restore the facility site within the specified time period, the county may remove the solar energy system and restore the site, and may thereafter initiate judicial proceedings or take any other steps authorized by law to recover costs associated with the removal of structures deemed a public hazard. ~~As required in Condition #18, the applicant shall post a demolition surety prior to issuance of any building permits.~~

PUBLIC WORKS DIVISION (530) 666-8811

11. 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.

CALTRANS (916) 274-0635

12. The access on County Road 87D shall be located as far away from the intersection of CR 87D and State Route 128 as is practical. The minimum distance between the proposed project's access and SR 128 should be no less than 500 feet.

ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

13. 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



14. 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.

15. 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

16. 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.
17. 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.
- ~~18. Prior to the issuance of building permits for the installation of the solar generation project, the applicant shall provide a demolition surety in a form and amount deemed by the County to be sufficient to remove and dispose of the solar energy system and restore the site to its approximate preconstruction condition. The County shall draw upon this surety in the event the responsible party fails to act within 90 days of termination of operations. The surety shall remain in effect until the solar project is removed.~~

CENTRAL VALLEY FLOOD PROTECTION BOARD (916) 574-0332

19. Prior to starting work within the 100-year and/or 500-year floodplain, the applicant shall apply for an encroachment permit to the Central Valley Flood Protection Board. The applicant shall provide a copy of the approved encroachment permit, or written confirmation that the permit is waived, prior to the issuance of a grading permit by the county.

CENTRAL REGIONAL WATER QUALITY CONTROL BOARD (916) 464-4745

20. Dischargers whose project disturbs one or more acres of soil are required to obtain coverage under the General Permit for Storm Water discharges Associated with Construction Activities (Construction General Permit), construction General Permit Order No. 2009-009-DWQ.

Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

PUBLIC WORKS DIVISION—PPW (530) 666-8811

21. Prior to the issuance of a grading permit, the applicant shall apply for a county encroachment permit for work within the county right-of-way. A paved driveway connection with culvert is required to County Road 87D per county standards. The county shall determine minimum culvert diameter. The driveway connection and culvert will be required to be maintained by the applicant or applicant's successor.
22. Construction of the proposed development shall comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control. If the development disturbs one acre or more of land, the developer must obtain 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. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #) and a copy of the SWPPP prior to issuance of a county building or grading permit.
23. The applicant shall be responsible for damages to County Road 87D due to construction activities associated with the project. The applicant shall arrange a preconstruction meeting to evaluate existing County Road 87D pavement conditions with Public Works at least one day before commencing construction. Contact Todd Riddiough, Senior Civil Engineer, at (530) 666-8039 to schedule the meeting at least one week in advance. Before final sign-off of any county grading or building permits by Public Works, the applicant shall arrange a post-construction meeting to evaluate the final condition of County Road 87D, to determine if repair work is required by the applicant.

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 solar facility shall comply with all building and electrical codes, and will require detailed grading, geotechnical, erosion and sediment control plans.

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

29. 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.
30. 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.
31. Architectural coatings and solvents used at the project site shall be compliant with District Rule 2.14, Architectural Coatings.
32. 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.
33. 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.

**MITIGATION MEASURES**

**PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT:**

34. **Mitigation Measure AG-1**

Prior to issuance of a final building permit, the applicant will be required to grant, ~~in perpetuity, for a 35-year term,~~ a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the county and/or other qualifying entity approved by the county, for 18 acres (at a one-to-one mitigation ratio for the approved project). The payment of fees by the applicant to the holder of the easement shall be sufficient to compensate for all administrative costs incurred by the county or easement holder inclusive of funds for the establishment of an endowment to provide for monitoring, enforcement, and all other services necessary to ensure that the conservation purposes of the easement or other restriction are maintained ~~in perpetuity~~ for the 35-year term. Satisfaction of this mitigation requirement may be extended, at the Director's discretion and approval, for up to one year.

35. **Mitigation Measure BIO-1**

Prior to the issuance of the final building permit, the applicant will be required to mitigate for the permanent loss of Swainson's hawk foraging habitat, which may be satisfied by payment of an in-lieu fee (for small projects), dedication of conservation easements either onsite or offsite, or other arrangements satisfactory to the county and the county's Natural Heritage Program. Satisfaction of this mitigation requirement may be extended up to one year, at the discretion and approval of the director.

36. **Mitigation Measure BIO-2**

If construction occurs during the breeding season (March-September 15), the project applicant shall conduct Swainson's hawk and raptor pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning and Public Works Department for review, prior to the issuance of a grading permit. The survey area shall include all potential Swainson's hawk and raptor nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed above.

If an active nest used by a Swainson's hawk or white-tailed kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own, or the nest is no longer in active use.

37. **Mitigation Measure BIO-3**

Prior to land disturbance activities, pre-construction surveys of all potential burrowing owl habitat shall be conducted by a qualified biologist within the project area. Presence or sign of burrowing owl and all potentially occupied burrows shall be recorded and monitored according to the California Department of Fish and Game and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, construction may proceed and no further mitigation is required. Surveys shall be submitted to Yolo County Planning and Public Works Department for review, prior to the issuance of a grading permit.

If potentially nesting burrowing owls are present during pre-construction surveys conducted between February 1 and August 31, grading shall not be allowed within 250 feet of any nest burrow during the nesting season (February 1—August 31), unless approved by the California Department of Fish and Game.

If burrowing owls are detected during pre-construction surveys outside the nesting season (September 1—January 31), passive relocation and monitoring shall be undertaken by a qualified biologist following the California Department of Fish and Game and California Burrowing Owl Consortium guidelines, which involve the placement of one-way exclusion doors on occupied and potentially occupied burrowing owl burrows. Owls shall be excluded from all suitable burrows within the project area and within a 250-foot buffer zone to acclimate to alternate burrows. These mitigation actions shall be carried out prior to the burrowing owl breeding season (February 1—August 31) and the site shall be monitored weekly by a qualified biologist until construction begins to ensure that burrowing owls do not re-inhabit the site.

38. **Mitigation Measure BIO-4**

Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999). A map showing the locations of any VELB habitat and USFWS approval of the work to be performed shall be submitted to Yolo County Planning and Public Works Department, prior to the issuance of a grading permit.

**FINDINGS**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2011-002, 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 Mitigated 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 with the required mitigation 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.*

*Public Facilities Policy PF-10.2: Streamline the permitting process for the production of energy alternatives (including but not limited to photovoltaic, solar, wind, biofuels, and biomass), to reduce dependency on fossil fuels.*

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

*Conservation Policy CO-8.5: Promote GHG emission reductions by supporting carbon efficient farming methods; installation of renewable energy technologies; protection of grasslands, open space, oak woodlands, riparian forest and farmlands from conversion to other uses; and development of energy-efficient structures.*

## **Zoning**

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

*The property is zoned A-1 (Agricultural General). The proposed use is consistent with Section 8-2.604 of the Yolo County Code, which requires a Minor Use Permit for "electrical distribution stations," transmission substations," communication equipment buildings," and "public utility service yards."*

That, upon review and approval, or conditional approval by the Zoning Administrator or Planning Commission, as required by Section 8-2.604(i) it is found that the proposed use may be authorized by Minor Use Permit

*The proposed project would provide renewable solar energy that would interconnect to the existing and adjacent PG&E Putah Creek substation, and be distributed for public consumption.*

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 8-2.604(i) the proposed solar facility is allowed within the A-1 Zone through the Minor Use Permit review and approval process.*

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

*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 accompanying 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/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The 18-acre project is located on approximately 32 acres, which is adjacent to a recently planted walnut orchard on 12 acres. The property and surrounding vicinity are currently in use as farmland and to the east, a residential subdivision located in the City of Winters. The project proposes very little ground disturbance, as the terrain is relatively flat, and the solar arrays are less than eight feet in height. The project proposes a "concrete-free" racking system, which further reduces the project's footprint. Approximately 33 percent of the 18 acres will be taken up by the arrays. Very little to no vegetation is required to be*



- 6.3 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)

This item was postponed to the August or September meeting. Comments should be sent to Stephanie Cormier.

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## REGULAR AGENDA

### 7 Discussion Items

None

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

This item was postponed to the August 11, 2011 meeting.

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

Tim O'Halloran presented information about water sources and supply, how the local geography affects water issues, management of local water, flood control, ground water monitoring, and progress on the development of a regional integrated water management plan.

Commissioner Reed asked about water storage in Wilson Valley. Mr. O'Halloran noted that storage near the dam is not possible due to engineering challenges and federal wildlife protection issues. Mr. Morrison added there are five earthquake faults in that area. Mr. O'Halloran noted he does not believe there are large-scale storage opportunities in the Cache Creek System.

Commissioner Bertolero asked if there is potential for a reservoir in Bear Creek above Highway 16. Mr. O'Halloran said it is a wildflower preserve and that there are water quality issues, so it is not feasible.

Commissioner Vergis asked whether the online database might assist in making decisions about projects that increase water use. Mr. O'Halloran noted it could be a good starting point. Commissioner Vergis asked for his recommendation on reviewing small projects. He noted the cumulative impact of ground water use is a difficult question and that part of the issue is the management of ground water and whether it is a public or private right. Yolo County is not in danger of losing ground water on a regional basis but site-specific water is a different issue.

Commissioner Reed asked about the capacity of ground water for recharge. Mr. O'Halloran noted local agencies have reviewed conjunctive use issues and found the major obstacle is how to use water more efficiently. They are working on the issue and are developing public education programs to ease concerns about water management.

Commissioner Reed asked about a draft ground water ordinance that created fear in the community that the county was laying the groundwork for regulating water use. Mr. Pogledich noted the effort met with great public resistance and for that reason has been abandoned by the county.



Commissioner Williams thanked Mr. O'Halloran for the information, and noted that having a central place for ground water data has not been available historically. Information management is critical to the success of the District's efforts.

Commissioner Reed thanked Mr. O'Halloran for the information and Commissioner Vergis for suggesting the presentation.

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## 8. DIRECTOR'S REPORT

A report by the Assistant Director of Planning on items from the recent Board of Supervisors meetings relevant to the Planning Commission and 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.

No report.

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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 reported he attended the July 13 Knights Landing Citizens' Advisory Committee meeting at which the group discussed the attempted closure of the preschool. He also attended the June 15 Dunnigan Citizens' Advisory Committee meeting and noted the committee wrote a complimentary letter to the county regarding fixing roads. He reported he went on a tour of Dunnigan to see tree planting and easements.
- B. Commissioner Vergis reported she met with the met tower applicants to discuss their project and did well on her final exams.
- C. Commissioner Bertolero reported he participated in a teleconference with the state association on June 14 and discussed reorganization of advisory committees with Supervisor Chamberlain, who would be most affected since the majority of the committees are currently in his district. Final recommendations will be sent to staff when they are ready. He noted the Clarksburg Citizens' Advisory Committee discussed the Miners Leap project and made suggestions to the updated agricultural zone regulations at their recent meeting. He visited the solar farm project site. He reported the commissioners summer party potluck will be held on July 23, 2011 from 12:00 to 3:00 p.m. at his home.
- D. Chair Reed reported he will meet with the Pioneer Green Energy staff regarding the wind energy project.

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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.

Mr. Morrison indicated that the August meeting may include the General Plan Annual Report, a General Plan Amendment, and the Granite Esparto Mining Project.

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11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission adjourned at 12:13 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is August 11, 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