



County of Yolo

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PLANNING AND PUBLIC WORKS DEPARTMENT

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YOLO COUNTY PLANNING COMMISSION

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

MINUTES

April 14, 2011

ADMINISTRATIVE AGENDA

1. Chair Reed called the meeting to order at 8:30 a.m. He welcomed Carole Kjar back to the Commission to help with new technology of the minutes and the meeting, and he wished good luck to Aundrea Tyler who has moved on to another position with the county.
2. Pledge of Allegiance was led by Commissioner Vergis.

MEMBERS PRESENT: Bertolero, Kasbergen, Kimball, Reed, Vergis, Williams
MEMBERS ABSENT: Burton
STAFF PRESENT: Eric Parfrey, Principal Planner
Stephanie Cormier, Senior Planner
Philip Pogledich, Senior Deputy County Counsel
Carole Kjar, Secretary to the Director, Extra Help

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

Commission Action

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

Item 7.2

CHANGE the spelling of the name "Todd Martin" to read "John Martin" on Page 11.

CHANGE the spelling of the name "Jim Frederichs" to read "Jim Fredericks" on Page 12.

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CHANGE the spelling of the name “Dan Herdy” to read “Dan Hrdy” on Page 13.

CHANGE the wording “....20 years ago....” to read “....more than 20 years ago....” in Fourth Paragraph on Page 13.

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

4. SWEARING IN OF NEW COMMISSIONER

Kristine Mann, Yolo County Elections, swore in Jack Kasbergen.

5. 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

6. CORRESPONDENCE

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

TIME SET AGENDA

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

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

Vice-Chair Bertolero suggested that on page 2 of the staff report, under the percentage that defines “predominantly”, the reference should read 60% non-prime farmland. He also said that on page 2, the wording of “larger solar projects” should be clarified to read “large and very large solar projects”, and on page 6, in Paragraph ~~(3)~~(f)(1), it should read “lesser quality soils” instead of “lesser soils”.

Chair Reed opened the public hearing.

Chuck Dudley, Yolo County Farm Bureau, distributed a letter and explained that they are very opposed to the incursion of industrial solar facilities on prime farmland, specifically Class I and II farmland, and they feel like that land is already being used as a solar collector in producing foods. He expressed that he thinks the cost of getting solar power to the substations should be borne by the facility.

Mitch Sears, City of Davis, presented background information, and shared informal comments from City of Davis staff. They suggested that the County review the draft ordinance, and recognize that these projects are most likely to happen within certain corridors. An overlay zone that identifies corridors or areas for solar is probably more appropriate, rather than doing a full countywide ordinance, because it then begins to narrow the discussion, and recognizes the true impacts. He encouraged the County to be creative and look at larger scale projects that are meeting local needs to create a renewable energy future.

Paul Underhill, farmer in Winters, reiterated Farm Bureau's position, and added that agriculture is also part of our General Plan. He said that he opposes the use of farmland for industrial large-scale solar facilities.

Chair Reed closed the public hearing.

Commissioner Kimball explained why she is very much in favor of preserving prime farmland. She said she appreciates Mitch Sears' point about not doing permanent conservation easements, but she thinks there have been some very good and very poor results from agriculture coming back into production after its been reclaimed. She expressed that she is not in favor of the net acreage language in the future, and that she does not agree with language encouraging large and very large facilities. She stated that she has no decision yet.

Commissioner Williams said he is torn between the large solar arrays and where they should be placed. He expressed that he understands the County's need and desire to have renewable energy, but he has reservations about putting it on prime farmland.

Commissioner Kasbergen said he hates to see prime farmland converted into solar, and questioned whether it is viable in the future. He stated that the draft ordinance is very complicated and restrictive in some senses, and he feels that it does encourage large solar projects. He concluded that he is not in favor of the way the ordinance is written.

Commissioner Vergis pointed out that agriculture is still permitted by right in this ordinance; it does nothing to permit solar by right. She shared information about impacts on underlying soils, height limit of solar panels, the surety bond issue, overlay zones, grant programs, and where to focus Yolo County's solar efforts.

Vice-Chair Bertolero said there were very good points brought up today, such as requiring the site to go into an easement. He stated that he likes the four size categories in the order of increasing size, and the acreage definitions that were suggested.

Chair Reed suggested that the project be moved forward, either with or without suggested changes. He said he thinks the surety and reclamation requirements are essential.

Commissioner Kasbergen recommended adding language indicating that solar farms are not encouraged on prime farmland.

Eric Parfrey said that the purpose language in the introduction of the ordinance should not conflict with some of the regulatory language further back in the ordinance. He stressed that there is some urgency in getting the ordinance to the Board of Supervisors next month, including any recommended changes.

Commissioner Kimball stated that it is time to move this project forward.

Philip Pogledich, Senior Deputy County Counsel, added that, as far as adding some language in the purpose section to state that this ordinance discourages the location of solar energy systems on prime farmland, he doesn't know that any changes to other language in the ordinance would be necessary for a purpose statement of that nature to be accommodated. He said he personally did read the ordinance as being somewhat discouraging with locating large facilities on prime farmland.

There is a motion on the table to approve staff recommendations with two additions: add a purpose statement discouraging large and extra large facilities on prime farmland, and add a sunset provision of three years, after which the ordinance will expire unless re-adopted by the Board of Supervisors.

Commission Action

The Planning Commission recommended that the Board of Supervisors take the following actions:

1. **HOLD** a public workshop hearing, and consider public comments on the Solar Facilities Ordinance (Attachment A);
2. **CERTIFY** that the Initial Study/Negative Declaration is the appropriate level of environmental document for this project, and that it has been completed in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment C); and
3. **ADOPT** the Solar Facilities Ordinance, adding Section 8-2.2420 to the County Code (Title 8, Chapter 2), as amended by the Planning Commission.

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

- 7.2 **ZF# 2011-004:** Use Permit request to construct and operate an olive mill facility for the production of olive oil from fruit grown in the Capay Valley and greater area. The project, Seka Hills Olive Mill, is proposed to locate in Brooks, on agriculturally zoned property located at the northwest corner of State Route 16 and County Road 78 (APN: 048-010-007). An Initial Study/Negative Declaration has been prepared for this project. Owner/Applicant: Yocha Dehe Wintun Nation/Willis (S. Cormier)

Ms. Cormier presented an overview of the project, and answered questions from the Commission. She stated that the intention of this project is to be for industrial purposes primarily, and that is for the producing of olive oil from fruit grown locally in the Capay Valley and surrounding area. She said

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that staff is very much recommending that they also be allowed to have tastings, as that suits our General Plan in trying to encourage agri-tourism and promoting local industry and the local consumption of food produced in Yolo County.

Phil Pogledich spoke about the letter from Capay Valley Vineyards, regarding a proposal to add a condition that the property not be taken into federal trust in the future. He said his advice to the department, and now the Commission, is that this sort of condition is beyond the County's legal authority.

Jim Etters, Director of Land Management at Yocha Dehe Wintun Nation, thanked County Planning staff for being very helpful through this process. He said he and Stephanie Cormier have worked on several projects together, and she is always very responsive to any questions or concerns, and they really appreciate the hard work she has put into this application process. He explained that the tribe has two goals with this facility; the first is to produce a super premium oil with its own fruit; the second goal is to provide a custom milling service to other olive growers.

Commissioner Kimball asked if there is potential for solar at their facility. Jim Etters said they plan to use the natural lighting to light the interior of the facility; there are no plans at this time to add solar panels to the facility.

Chair Reed opened the public hearing.

Don Tompkins, Co-Chair of the Capay Valley Citizens Advisory Committee, thanked the Chair of the Commission, two commissioners, and Supervisor Chamberlain for attending the last Advisory Committee meeting.

Mr. Tompkins said the Advisory Committee recommends approval of the Seka Hills Olive Mill; it will help in the valley economically for the growth and agricultural production of the area.

Chuck Dudley, on behalf of the Yolo County Farm Bureau, offered their enthusiastic support for this project. He said it is good for Capay Valley and Yolo County, and it will support a viable agriculture.

Chair Reed closed the public hearing.

Vice-Chair Bertolero stated that the project supports the goals and policies of the 2030 County General Plan, and the goals and policies for the Capay Valley. He said it's consistent with the 2010 Capay Valley Plan supporting agri-tourism, promotion of distinctive ag., and recreational character of the region, and he sees no environmental issues that need to be mitigated. He said he toured the site, and attended the Capay Valley Advisory Committee Meeting last week, where everyone who voted supported the project. He added that he feels it will be a great asset to the olive production in the County, and that he does not see any conflict or problem with water, because they are already irrigating very large acreage with that well. He concluded that this project looks like a great potential asset for Yolo County.

Commissioner Vergis thanked Vice-Chair Bertolero for the presentation and the feedback, and said she is generally supportive of the project.

Commissioner Kasbergen stated that he attended the Capay Valley Advisory Committee Meeting, and looked at the site. He explained that it is a great fit, and that promoting this type of development, and adding value to our agricultural products, is good for Yolo County, and that he is 100% behind the project. He added that he has an issue with the conditions of approval about dedicating right-of-

way for County Road 78, and that, as a property owner, he would have a hard time paying for a public road.

Commissioner Williams said he encourages the project. He also expressed that he would like questions answered regarding the water supply and the aquifer use throughout the County.

Commissioner Kimball agreed that a presentation regarding the ground water ordinance issue would be interesting for a future Planning Commission meeting.

Commissioner Kimball saluted Jim Eters and the tribe for their thought and vision on this incredible project.

Chair Reed concurred with the previous comments, and said he thinks it is fortunate that a mill of this quality will be available in Yolo County and that once again Yolo County is playing a leadership role.

Vice-Chair Bertolero pointed out that he can see reason why the road from Highway 16 to the entrance to the site should be widened.

Commission Action

The Planning Commission:

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

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

CONDITIONS OF APPROVAL

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

Planning Division—PPW (530) 666-8850

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.

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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 #2011-004), as shown in Attachment A. Improvements to the property include construction of a single-story 13,287-square foot building, which would later be expanded to 22,386 square feet at project build-out, for the establishment of an olive oil processing facility.
3. Any minor modification or expansion of the proposed use shall be consistent with the purpose and intent of this Use Permit, and shall be approved through Site Plan Review or an amendment to this Use Permit, as determined by the Director of Planning and Public Works. The facility shall be operated in a manner consistent with the project's approval.
4. This Use Permit shall commence within one year from the date of the Planning Commission's approval or said permit shall be null and void. The Director of Planning and Public Works may grant an extension of time. However, such an extension shall not exceed a maximum of one year.
5. The applicant shall comply with all parking space requirements provided in Section 8-2.2504 of the Yolo County Code including but not limited to the following: The applicant shall provide one (1) parking space for each 2,000 square feet of gross floor area for the olive mill operations, or one space for each anticipated employee. The applicant shall also provide one (1) parking space for each 200 square feet of gross floor area for any area used for retail sales of olive oil. Based on the proposed olive mill production operations and anticipated employment, a total of seven (7) parking spaces will be required, including one van accessible paved parking space, for Phase 1 (first year). Build out of the project (Phase 3) will require an additional five (5) parking spaces. The owner shall designate off-street loading spaces for the olive mill operation prior to commencement of said use. Adequate event parking shall be made available to accommodate up to 30 total parking spaces, with overflow parking in the expansion areas and near the detention pond, as feasible.
6. 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.
7. Any outdoor lighting used to illuminate the off-street parking or loading areas 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.
8. The applicant shall apply for and maintain a Yolo County Business License prior to commencement of the olive mill operations.
9. Public visitation shall not exceed 100 people per day between the hours of 10:00 AM and 10:00 PM. At no time shall the number of visitors exceed maximum occupancy of the facility.
10. The applicant shall coordinate with the State Alcohol Beverage Control Department in order to obtain the necessary State license for the hosting of limited wine tasting at the olive mill facility.
11. In order to reduce greenhouse gas emissions, the applicant shall incorporate all feasible "green building" features into the design of the proposed olive mill facility. These features include those already incorporated into the project description, as well as additional features that would comply

with the General Plan policies cited below:

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

- Requiring projects to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Encouraging projects to use regenerative energy heating and cooling source alternatives to fossil fuels.
- Encouraging projects to select building materials that require less energy-intensive production methods and long-distance transport, in compliance with Leadership in Energy and Environmental Design (LEED) or equivalent standards.

Policy CC-4.6: Encourage all new residences to exceed Title 24 energy standards by at least 15 percent, and encourage all new commercial buildings to exceed Title 24 by at least 20 percent.

12. The applicant shall establish an onsite program to strongly encourage for employee ridesharing and/or vanpooling.

Building Division—PPW (530) 666-8775

13. Prior to commencement of the proposed uses, the applicant shall provide one (1) paved accessible parking stall with one van access space as specified by the Chief Building Official. An accessible path of travel to and from the accessible parking spaces to the facility shall be required.

Capay Valley Fire Department—(530) 796-3300

14. The applicant will maintain proper defensible space around all buildings.
15. Access to an adequate water supply for fire fighting shall be maintained at all times.

Environmental Health—(530) 666-8646

16. The applicant shall obtain approval from the appropriate agency, federal or state, for disposal of food processing waste into the Cache Creek Casino wastewater treatment system.
17. Prior to the generation of food processing wastes, the applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board.
18. An approved site plan for onsite sewage disposal must be obtained prior to final occupancy. The capacity of the plan must include domestic sewage generated by employees, visitors, and retail food facility operations.
19. Construction plans for retail food sales must be reviewed and approved by Environmental Health, prior to final occupancy. A Health Permit is required prior to commencement of sales.
20. Prior to solid waste operations (chipping and grinding, composting, and/or disposal) commencing at the site, the applicant shall file the appropriate notification or obtain the required permit from Yolo County Environmental Health, as applicable.

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Central Valley Regional Water Quality Control Board—(916) 464-4732

21. The applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board. The Waste Discharge Requirements Program regulates all point source discharges of waste to land that do not require full containment (T-27 Land Discharge Program), or are not subject to the NPDES Program. A Waiver will be required for Phase 1. A Waste Discharge Permit must be obtained prior to initiating Phase 2 of the olive mill operations and/or once the operations generate more than 100,000 gallons of process wastewater.

Caltrans—(916) 274-0635

22. Design of the future wastewater pond should comply with Caltrans' National Pollutant Discharge Elimination System (NPDES) permit, as applicable.

Yolo-Solano Air Quality Management District—(530) 757-3650

23. Operation of any natural gas generators at the site will require an Authority to Construct and Permit to Operate issued by the District in accordance with Rule 3.1, General Permit Requirements.
24. Visible emissions from any 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.
25. 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.
26. Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, Architectural Coatings.
27. 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.
28. The applicant shall contact the air district's engineering department to determine if the project's composting operations require a permit.

County Counsel—(530) 666-8172

29. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees 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 attack, 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.
30. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any

claim, action, or proceeding, or 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 the 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.

Failure to comply with these Conditions of Approval as approved by the Planning Commission and Board of Supervisors may result in the following:

- a. Non-issuance of future building permits;
- b. Legal action.

PRIOR TO ISSUANCE OF GRADING/BUILDING PERMITS AND/OR COMMENCEMENT OF OPERATIONS:

Planning Division—PPW (530) 666-8850

31. The applicant shall submit a landscape and irrigation plan consistent with the requirements of the County's Water Efficient Landscape Ordinance, which will provide for the design, installation, and maintenance of a water efficient landscape, and include at least 25 percent native plantings. Prior to Final Occupancy, the required Landscape Documentation Package shall be deemed complete, as determined by the Director of Planning and Public Works.
32. Construction details shall be included in construction drawings, submitted concurrent with all building permit applications for all structures, and shall be subject to review and approval by the Director of the Planning and Public Works Department, and includes each phase of the project.

Resources/ Natural Heritage Program—(530) 406-4885

33. A qualified biologist shall conduct preconstruction surveys to locate all active raptor nest sites within one-half mile of construction activities. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, will be avoided during the breeding season (March through August). No-disturbance buffers will be established around any identified active nest to avoid disturbing nesting birds. The size and configuration of buffers will 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.

Engineering Division—PPW (530) 666-8811

34. Prior to grading permit issuance for site improvements, the applicant shall provide an engineered drainage study for the project, as per Yolo County Improvement Standards, for review and approval by the County Engineer. The report must be signed and sealed by a civil engineer licensed in the State of California.
35. The applicant shall submit a site geotechnical report for review by the County Engineer prior to issuance of a grading permit for any embankments. Embankment design (e.g., detention basin) shall be incorporated in the report (by addendum letter, if necessary). The report (and addenda, if necessary) must be signed and sealed by a civil engineer licensed in the State of California.

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36. Prior to building permit issuance for site improvements, the applicant shall submit onsite engineered civil improvement plans for the project for review by the County Engineer. The plans must be signed and sealed by a civil engineer licensed in the State of California. A County encroachment permit will be required, and a paved driveway connection with culvert is required to County Road 78 per Yolo County Improvement Standards. The County shall determine minimum culvert diameter. The culvert will be required to be maintained by the applicant or applicant's successor.
37. The applicant shall 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 applicant shall 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.
38. The applicant shall contact the Central Valley Regional Water Quality Control Board (CVRWQCB) to determine if an Industrial SWPPP is required for controlling operation activities that may adversely affect water quality. The applicant shall provide a copy of the CVRWQCB response, along with CVRWQCB contact information, to the Public Works Division prior to issuance of a grading permit.
39. To reduce mode conflicts and improve public safety, County Road 78 shall be widened to the County standard for a rural street width, from the State Route 16 apron to the proposed access driveway. The applicant shall dedicate to the County the amount of additional right-of-way necessary along County Road 78, from State Route 16 to the western extent of the access driveway apron, to provide the following: 12-foot wide minimum paved travel lanes, 4-foot wide minimum paved shoulders, 2-foot wide minimum aggregate base shoulders, and roadside ditches. Dedication to include the transition length necessary (west of the access driveway) to conform and connect to the existing centerline of County Road 78.
40. The applicant shall submit engineered civil improvement plans for the reconstruction and widening of County Road 78 to Yolo County Improvement Standards (rural street), as modified above in Condition #39, from State Route 16 to the western extent of the transition length necessary (west of the access driveway) to conform and connect to the existing County Road 78, for review and approval by the Yolo County Engineer. Final design for the reconstruction and widening of County Road 78 shall be for a 20-year design life based on the existing R-value and a Traffic Index of 8, or greater. Design to include driveway approach, replacement of the existing County Road 78 north-south culvert crossing per current Yolo County Improvement Standards, striping plan, and STAA (Surface Transportation Assistance Act of 1982) vehicle turning radii for all turning movements. The plans must be signed and sealed by a civil engineer licensed in the State of California. These improvements shall be completed to the satisfaction of the County Engineer within one (1) year of Use Permit approval or prior to final occupancy.
41. The developer shall apply for a County encroachment permit for any work within the County right-of-way, including County Road 78, not covered in the civil improvement plans for the reconstruction and widening of County Road 78.
42. The applicant shall prepare engineering drawings for the necessary State Route 16 improvements in the State right-of-way and obtain an encroachment permit from Caltrans (e.g., work associated with the County Road 78 reconstruction/widening, striping plan, and providing

STAA vehicle turning radii for all intersection turning movements). The applicant shall also submit the plans for review by the Yolo County Engineer. The plans must be signed and sealed by a civil engineer licensed in the State of California. The applicant shall provide a copy of the executed Caltrans encroachment permit to the County prior to beginning any work within Caltrans right-of-way. These improvements shall be completed to the satisfaction of Caltrans within one (1) year of Use Permit approval or prior to final occupancy.

43. If, in the opinion of the County Engineer, County Road 78 has been damaged west of the transition by the developer's vehicles during construction activities, then the developer shall submit engineered civil improvement plans for the repair/reconstruction as needed for those damaged portions of County Road 78. Design to be approved by the County Engineer and based on the existing R-value and a Traffic Index of 5 or greater. The plans must be signed and sealed by a civil engineer licensed in the State of California and approved by the Yolo County Engineer.
44. Existing Yolo County traffic signs affected by County Road 78 reconstruction/widening shall be replaced in their entirety per current Yolo County Improvement Standards.
45. Prior to approval by the Yolo County Engineer of the civil improvement plans for the reconstruction and widening of County Road 78, the applicant shall provide an improvement bond (or other guarantee acceptable to the County) and enter into an Improvement Agreement with the County to ensure all improvements are completed within one (1) year of Use Permit approval or prior to final occupancy. The Improvement Agreement shall also include details of a maintenance agreement for the County Road 78 improvements, in a form acceptable to the County, to ensure that adequate yearly maintenance costs are shared 75-percent by the applicant and 25-percent by the County, and the County is reimbursed by the applicant in a timely manner. For the bond amount, the applicant shall submit an engineer's cost estimate for all improvements required by the Conditions of Approval using public agency unit prices, adding ten percent contingency, plus twenty percent County administrative cost allowance.
46. The Yolo County Planning and Public Works Department has the discretionary authority to issue Transportation Permits for the movement of vehicles/loads exceeding statutory limitations on the size, weight, and loading of vehicles contained in Division 15 of the California Vehicle Code. Developer shall apply for all necessary Transportation Permits for all Use Permit-related (construction and business operations) hauling on County roads.
47. 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.
 - c. Additional right-of-way was dedicated to the County.

Caltrans—(916) 274-0635

48. An Encroachment Permit will be required for any work conducted in the State's right-of-way, such as sign placement, traffic control, light installation, culvert maintenance, drainage pattern changes, or sidewalk installation. For more information on encroachment permits, the requirements and an application form, please visit their web page at

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www.dot.ca.gov/doingbusiness and click on “Encroachment Permits.” Or call Office of Permits at (530) 741-4403.

Building Division—PPW (530) 666-8775

49. All building permit plans shall be submitted to the Yolo County Planning and Public Works Department for review and approval in accordance with Yolo County Building Standards prior to the commencement of any construction.
50. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.
51. The applicant shall obtain the necessary building permits prior to installation of all equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All equipment shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.

Environmental Health—(530) 666-8646

52. Prior to the issuance of a building permit, the applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health.

Yolo-Solano Air Quality Management District—(530) 757-3650

53. The project shall incorporate the standard construction dust mitigation measures recommended by the Yolo-Solano Air Quality Management District (YSAQMD), including:
 - a. Water active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
 - b. Haul trucks shall maintain at least 2 feet of freeboard.
 - c. Cover all trucks hauling dirt, sand, or loose materials.
 - d. Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.
 - e. Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - f. Plant vegetative ground cover in disturbed areas as soon as possible.
 - g. Cover inactive storage piles.
 - h. Treat accesses to a distance of 100 feet from the paved road with a 6- to 12-inch layer of wood chips or mulch, or a 6-inch layer of gravel.
54. The project shall incorporate the standard NO_x reduction requirements recommended by the YSAQMD, including:
 - a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations.
 - b. Construction equipment shall minimize idling time to 10 minutes or less.

- c. The primary contractor shall submit to the District a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy duty equipment on the inventory list.
- d. An enforcement plan shall be established to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours. Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB-certified off-road engines, as follows:

175 hp - 750 hp 1996 and newer engines

100 hp - 174 hp 1997 and newer engines

50 hp - 99 hp 1998 and newer engines

In lieu of or in addition to this requirement, other measures may be used to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.

FINDINGS

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2011-004, 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-3.7 supports the development of local suppliers for agricultural goods and services, including small-scale and/or mobile processing facilities and distribution centers for locally produced foods.

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-5.5 supports sustainable economic development by promoting Yolo County businesses that encourage residents to obtain their goods and services locally.

Additional policies in the Capay Valley Area Plan, a component of the Yolo County 2030 Countywide General Plan, support agricultural uses that are directly related to agricultural production and the support of agriculture, and recognize the potential processing and other ancillary activities that are compatible with the rural quality of life and unique community character of the Capay Valley, such as:

Zoning

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

The property is zoned A-P (Agricultural Preserve). The proposed use is consistent with Section 8-2.404.5(c) of the Yolo County Code, which requires a Major Use Permit for agricultural uses not otherwise listed as a principal, accessory, or conditional use in the

A-P zone.

That, as required by Section 8-2.404.5(c), it is found that the proposed use:

(1) Is consistent with Government Code Sections 51200 et. seq; and,

The proposed use is considered to be ancillary to the primary use of the property and will not substantially alter the land's agricultural characteristics beyond those already related to the current use of the property. The 67-acre project site currently includes structures used for the Yocha Dehe Wintun Nation's farm and ranch operations, and is dryland farmed and pastured. The project proposes to construct and operate an olive mill facility for the local and regional processing of olive oil from fruit grown in the Capay Valley and surrounding area. Additionally, the project will add five acres of medium-density, active, olive orchard.

The project will not violate the property's current land use contract, which limits the use of the property for agricultural purposes, but will serve to enhance the surrounding region's agricultural production by offering a local agricultural processing facility. Agricultural processing facilities are conditionally allowed uses in the Agricultural Preserve (A-P) Zone, which is applied to those lands best suited for the Williamson Act.

(2) Will serve and support production of agriculture, or animal husbandry.

The proposed new use includes the expansion of agricultural uses on the property, i.e., in addition to dryland farming and pasturing activities, a five-acre, active, olive orchard will be planted and an agricultural processing facility will be constructed for the production of olive oil from fruit grown in the Capay Valley and surrounding area. The project will provide a local and regional processing facility and will promote in-county processing, as opposed to transporting raw fruit to out-of-county facilities.

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

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

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

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

The project promotes the commercial production of locally-grown agricultural products, and increases the opportunity for local growers to produce olive oil within the County, rather than transporting locally grown fruit out of the county for processing. Additionally, the project will enhance agriculturally based tourism, thereby increasing economic development in Yolo County and specifically the Capay Valley.

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

As evidenced in the Initial Study/Mitigated Negative Declaration, the proposed project will not create a significant effect on the character of the surrounding rural area. The project site is located on a 67-acre parcel, which adjoins other property owned by the

applicant, also in active agricultural production. Although the processing facility will remove approximately ten acres of dryland farming, the project proposes to include five acres of medium-density, active olive orchard, in addition to active orchards already owned and operated by the applicant, north of the project site. The property is surrounded by agriculturally productive lands to the north, south, east, and west, some of which are also planted in orchards and vineyards that include associated production areas. Conditions of Approval placed on the project 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. An existing driveway will be relocated and replaced with a paved apron and gravel drive that will serve the project and existing farm and ranch operations. The project's Phase 1 will include full site improvements, which will include construction of an onsite 1.25-acre foot stormwater detention pond that will connect to the maintained portion of a channel located on the project site. Any new construction and/or paving will be required to meet best management practices for addressing drainage and erosion control. The applicant is currently working with Yolo County Environmental Health for approval of required sewage disposal system(s).

The requested use will serve and support production of agriculture, the agricultural industry, animal husbandry or medicine; or is agriculturally related, and not appropriate for location within a city or town; and the requested use, if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils.

The proposed use will serve to further support the local agricultural industry by increasing opportunities for direct local processing and sales of locally grown and manufactured products. There are currently no other locally or regionally serving olive mills in Yolo County, with the exception of the Bariani Olive Mil located in Zamora, which produces olive oil from fruit grown in their own orchards. The Seka Hills Olive Mill proposes to allow for the local processing of olive oil from fruit grown in the Capay Valley and greater surrounding region.

Chair Reed called a five-minute recess.

7.3 **ZF# 2010-038:** Amendment No. 2011-1 to the Yolo County 2030 Countywide General Plan. The proposed amendment consists of maps and text providing background information on flood hazard zones, designated floodways, levee protection zones, and the relationship of development to flood hazard zones. The General Plan is applicable throughout the unincorporated area of Yolo County. An Addendum Environmental Impact Report (EIR) has been prepared for this project. Applicant: Yolo County (D. Morrison)

Eric Parfrey provided an overview of the project, and answered questions from the Commission.

Chair Reed opened and closed the public hearing. No one from the public came forward.

Vice-Chair Bertolero said he thinks the report has identified the needs to be done to be consistent with the 2030 General Plan, and now all the maps are in place. He concluded that it is a very good staff report.

There were no other comments from the Commission.

Commission Action

The Planning Commission:

1. **HELD** a public hearing to accept comments regarding the draft amendment and provided direction to staff regarding any appropriate revisions, as needed.

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

REGULAR AGENDA

8. DISCUSSION ITEMS

8.1 Brown Act Training.

Philip Pogledich, Senior Deputy County Counsel, distributed a handout about the Brown Act requirements which cover meetings of local legislative bodies, gave a powerpoint presentation, and answered questions from the Commission.

8.2 Planning Commissioner By-Laws and Orientation Materials.

Eric Parfrey gave a brief summary of the following four documents: (1) Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century; (2) California Planning Guide: An Introduction to Planning in California, written by the Governor's Office of Planning and Research; (3) The Rules of Conduct for Business Before the County of Yolo Planning Commission; and (4) The Planning Commissioner's Book, written by the Governor's Office of Planning and Research, which is a very helpful document for beginning Planning Commissioners. He addressed comments from the Commission.

8.3 Draft 2011-2012 Budget.

Eric Parfrey summarized the memo from David Morrison to the Planning Commission, dated April 14, 2011, regarding the Draft 2011-2012 Development Services Division Budget, and answered questions from the Commission. He said that, most importantly, there is still a very unresolved State budget, which dramatically will affect what happens at the County level.

8.4 Advisory Committee Comment Areas.

Eric Parfrey said that the Board of Supervisors, on March 10, 2011, created the South Davis Citizens Advisory Committee to serve the unincorporated area within District 4 located south of Interstate 80, including Royal Oaks, Willowbank, and El Macero, and at the same time gave direction to the Planning Commission to reconsider the comment areas of existing Citizens Advisory Committees.

Commission Action

The Planning Commission:

1. **RECOMMENDED** that an ad hoc subcommittee, including Vice-Chair Bertolero, Chair Reed, and Commissioner Williams, be appointed to work on the comment areas of existing Citizens Advisory Committees.

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

9. 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.

- 9.1 This report was covered in previous agenda items.

10. COMMISSION REPORTS

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

- A. Commissioner Kasbergen: No report.
- B. Commissioner Vergis: No report.
- C. Vice-Chair Bertolero proposed that the Planning Commissioner's potluck luncheon be held at his home on June 4 or June 18. He said children are invited. This will be further discussed at the next Planning Commission meeting.

Vice-Chair Bertolero said that Chair Reed, at the request of Supervisor Chamberlain, met Commissioner Kasbergen at his residence, to welcome him to the Planning Commission. He also reported that he attended the Esparto and Capay Valley Advisory Committee Meetings, and toured the Seka Hills Olive Mill site. He also invited the Commission to attend the California Planning Commissioners Association Spring Conference on May 21, 2011, in Yolo County.

- D. Commissioner Williams reported that he was out of the state dealing with elder care issues most of this month; however, he did attend the Annual RCD Dinner, and the Capay Valley celebration.

- E. Commissioner Kimball said she attended the California Climate Action Network (CalCAN) one-day conference at U.C. Davis, on March 31, regarding climate change in regards to agriculture.
- F. Chair Reed reported that he attended the RCD Dinner, and for the first time the Farm Bureau's Ag. Week Breakfast on May 18. He said he also attended the Capay Valley Advisory Committee Meeting, and the drive by of Seka Hills, and that he is helping Vice-Chair Bertolero with the Spring Conference. He commended Leroy for doing an excellent job.

11. FUTURE AGENDA ITEMS

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

- 11.1 Use Permit for two meteorological towers
- 11.2 Use Permit for cell tower in unincorporated area of Woodland
- 11.3 Teichert Interim Management Plan
- 11.4 Tentative Parcel Map submitted on behalf of the City of Woodland involving potential water intake located by the Sacramento Bridge over I-5
- 11.5 Ag. Zoning Regulations
- 11.6 EIR for Granite Construction Mine in Esparto
- 11.7 Negative Declaration for solar project in Winters

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 12:05 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is May 12, 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