



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

MINUTES

September 8, 2011

ADMINISTRATIVE AGENDA

1. Chair Reed called the meeting to order at 8:31 a.m.
2. Pledge of Allegiance was led by Commissioner Burton.

MEMBERS PRESENT: Bertolero, Burton, Kasbergen, Kimball, Reed, Vergis, Williams
MEMBERS ABSENT: None
STAFF PRESENT: David Morrison, Assistant Director of Planning
Stephanie Cormier, Senior Planner
Eric Parfrey, Principal Planner
Phil Pogledich, County Counsel
Norma Springsteen, Secretary to the Director

3. REVIEW OF AGENDA OF THE **SEPTEMBER 8, 2011** MEETING

Chair Reed noted that the second item 6.3 should be number 6.4 and that item 6.3 is amendment number 2011-03, not 2011-1.

4. ADOPTION OF MINUTES OF THE **JULY 14, 2011** MEETING

Commission Action

The Minutes of the **July 14, 2011** meeting were approved with the following corrections.

- 4.1 Page 11: The last sentence is incorrect and will be revised to read: "They planted black walnut tree nuts on the northern part of the property."
- 4.2 Page 13 and 14: All references to condition 33 will be changed to 34 as the staff report was numbered with two conditions numbered 33 and the second condition that should have been numbered 34 is the condition that was discussed by the commission.

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

Chair Reed asked whether there is confirmation from the County Assessor that solar equipment is tax-exempt status, that the sale of energy is subject to taxation, and that the property tax collected on a solar facility would be greater than that of an orchard. David Morrison responded that he would ask Joel Butler to attend the next meeting to discuss these issues.

5. 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

6. CORRESPONDENCE

Chair Reed acknowledged receipt of the California County Planning Commissioners Association newsletter, which includes Commissioner Bertolero's report on the northern district conference in Clarksburg, and a UC Davis Extension catalog of land use and natural resource courses.

TIME SET AGENDA

7.1 ZF #2011-0017: Request for a Rezoning and Lot Line Adjustment to transfer 0.70 acres from one property zoned A-1 and A-P to an adjacent parcel zoned A-1. The A-P parcel would be rezoned to A-1. The properties are located at 37331 and 37265-37277 State Highway 16, approximately one mile west of the City of Woodland (APNs: 025-470-027 and 025-470-025). A Negative Declaration has been prepared for this project. Applicant/Owners: Morrow Surveying/Koebel and Stewart (E. Parfrey)

Commissioner Burton recused himself due to a conflict of interest.

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

Commissioner Bertolero noted the parcel numbers in the staff report and the maps do not match and asked that the owner's name be corrected to TS and L Properties. Mr. Parfrey confirmed that the parcel numbers and owner's name in the staff report will be corrected.

Commissioner Kasbergen asked if there is a way to simplify the process as it seems to be a lot of work for a simple project. Phil Pogledich explained that California law requires the steps. Mr. Morrison explained that the department has exercised its authority to reduce the applicant's fees by fifty percent and has worked to speed up the process as much as possible.

Commissioner Kimball reported she feels the project is straightforward. Commissioners Williams and Vergis reported they have no problems with the project.

Commissioner Bertolero reported he was confused about the project until he visited it. He noted most lot line adjustments have not included a change in title, which makes the project more complicated. Since the parcel is to remain legal and there are no significant environmental issues requiring mitigation, he supports staffs recommendations.

Commission Action

The Planning Commission:

1. **HELD** a public hearing and considered public comments on the proposed rezoning, Lot Line Adjustment, and Variance (Attachment A);
2. **ADPOTED** the Initial Study/Negative Declaration, with the Errata, prepared for the project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment B);
3. **ADOPTED** the proposed ordinance rezoning the properties (Attachment C);
4. **APPROVED** the Lot Line Adjustment subject to the Conditions of Approval (Attachment D); and
5. **APPROVED** the Variance with the attached Findings (Attachment E).

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

CONDITIONS OF APPROVAL

1. Upon approval of the Lot Line Adjustment by the Board of Supervisors, the Planning and Public Works Department shall issue a "Certificate of Compliance" with Lot Line Adjustment Plat Map and legal descriptions. The Certificate of Compliance shall be recorded in the Office of the Yolo County Clerk/Recorder within twelve (12) months of issuance. A copy of the recorded Certificate of Compliance shall be returned to the Planning and Public Works Department prior to the issuance of any building permits on the subject properties.
2. In accordance with Yolo County Code § 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, officer, 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 with the applicable statute of limitations.

3. 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.

7.2 ZF# 2010-005: Review of draft zoning map to implement the draft updated regulations for the agricultural zones (Article 3 of Title 8 of the County Code). The draft zoning maps reflect the proposed new zoning districts and regulations to be established for the agricultural areas of Yolo County. Owner/Applicant: Yolo County (S. Cormier)

Stephanie Cormier, Senior Planner, reviewed the draft zoning map and answered questions from the Commission.

Mr. Morrison noted that staff are seeking confirmation from the Commission that they have categorized specific sites as agriculture commercial (AGC) or industrial (AGI) sites as the Commission desired.

Chair Reed asked how an undeveloped parcel fits with the existing developed agricultural commercial sites. Ms. Cormier noted the designation is a result of requests by the owner for an appropriate use of the site. Mr. Morrison noted Wes Ervin, Economic Development Manager, has been in discussions with assorted business interests in an effort to locate a “gateway” that could increase visibility on Interstate 80 and showcase Yolo County produced agricultural products.

Commissioner Burton requested clarification of the difference between agricultural industrial (AGI) and commercial zones (AGC). Ms. Cormier noted that the existing sites have been defined as non-conforming uses in order to broaden the possibilities for use. She noted the AGC zone is intended to promote agri-tourism and enhance the agricultural community. Mr. Morrison added this zone is an important part of encouraging value-added development by allowing growth without violating regulations. Commissioner Burton expressed his concern that the broad definition of AGC has potential to be abused and noted he likes the idea of the zone. Mr. Morrison noted that requests for rezoning can be declined and that the burden of justification of the zone is on the applicant. Staff will attempt to clarify the AGC definition.

Commissioner Kasbergen asked whether the definition of agriculture can be broadened and the zones kept as they are.

Commissioner Kasbergen said he thinks the definition of a feedlot is vague and suggested using square footage per animal or a specific number of animal units to define it.

Commissioner Kasbergen asked what affect the zone changes might have on property values. Mr. Morrison noted Mr. Butler can clarify the issue when he attends the October Commission meeting.

Commissioner Bertolero requested clarification of the definitions of commercial and industrial.

Commissioner Kimball expressed her understanding of the use of zones as land use issues and allowing owners to grow their businesses as they wish.

Commissioner Kasbergen asked whether a percentage of products sold can be used to define the AGC zone. Mr. Morrison said this would require government to inspect private records to prove the percentage.

Commissioner Vergis asked what the benefit of AGC and AGI zones is. Mr. Morrison stated they allow greater flexibility for property use without permits and expansion of operations as desired by owners.

Commissioner Williams commented on the controversial nature of commercial horse facilities and kennels, and noted the guidelines need to be very clear. Ms. Cormier noted kennels are regulated by licenses from Animal Control and that the zone would relieve them from needing a use permit.

Commissioner Reed opened the public hearing and as there were no members of the public present, closed the hearing.

Commissioner Burton asked if there had been problems with petting zoos in the past. Mr. Morrison noted health issues are possible depending on the type of animals, but there are no major planning issues and that the language was included to clarify the issue in case of future requests.

7.3 ZF# 2010-038: Amendment No. 2011-03 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)

Mr. Morrison reported that the Central Valley Flood Protection Board sent a letter listing items required by law that were not addressed by the General Plan. Staff reviewed the letter and determined that although portions of their request are not supported by statute, the letter raised some legitimate omissions that required correction. Staff has been working to address this issue, which was the result of changes to the California Government Code made just prior to the adoption of the 2030 General Plan. The proposed changes will not affect any policy issues, instead the amendment provides additional background information for making land use decisions. No responses to the updated plan have been received.

Commissioner Reed opened the public hearing and as there were no members of the public present, closed the hearing.

Commissioner Williams asked whether new housing built in Knights Landing, which is in the 100-year flood plain, is required to be elevated and if so, how high. Mr. Morrison reported they are required to be elevated, but the height is an open question because FEMA is mandated to determine the extent of the flood plain but not the depth of flooding. The decision by FEMA whether or not to spend funds to determine flood depths is calculated based on a cost benefit ratio on a case-by-case basis.

Commissioner Bertolero noted the report is not accurate because it does not reflect the varying amount of water in the dams at different times of year. Mr. Morrison noted the insurance companies are required to disclose worst-case scenarios, so there is no need to include water level variables.

Commission Action

The Commission voted to recommend that the Board of Supervisors adopt Amendment No. 2011-03 to the Yolo County 2030 Countywide General Plan and related actions.

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

7.4 Presentation by Chris Scheuring, an attorney with the Natural Resources and Environmental Department of the California Farm Bureau Federation, regarding issues and practices related to agricultural mitigation.

Mr. Scheuring, staff counsel for the California Farm Bureau Federation, expressed his opinion that Yolo County is doing well by protecting 92% of its land for agriculture and agriculturally compatible uses and urged the Commission to continue this work.

Commissioner Kimball asked how Yolo County's agriculture mitigation ordinance differs from those of other counties and why it should be protected. Mr. Scheuring responded that not all counties have agriculture mitigation ordinances. He added that CEQA requires mitigation for prime farmland as a protected resource but does not specify a ratio. He noted that California has a renewable energy mandate that can conflict with farmland preservation.

Chair Reed asked about mitigation ratios. Mr. Scheuring replied that his agency advocates for the highest possible and that one to one is the highest he has seen successfully defended. Mr. Morrison asked about mitigation ratios for solar projects. Mr. Scheuring reiterated that the highest possible ratio be maintained and was not supportive of partial credit easements.

Chair Reed asked about term easements. Mr. Scheuring advised the Commission to ensure that solar projects will actually be removed and any farmland be returned to productive capacity at the end of the defined term. Commissioner Kimball noted California law does not allow term easements.

Commissioner Kasbergen asked whether mitigation for solar projects should be a public or private cost. Mr. Pogledich noted that there is no taking of property if there is a proportional mitigation.

Commissioner Vergis asked about using urban zoning codes to preserve agricultural land when the economy improves. Mr. Scheuring noted "smart growth" is a sensible alternative to growing cities and preserving prime farmland.

Mr. Pogledich asked about the commonality of agriculture mitigation ordinances. Mr. Scheuring replied that very few jurisdictions have them and that his agency would like to see more adopt Yolo County's one-to-one common ratio.

Mr. Scheuring explained that farmland is a natural resource that does not come back in a meaningful human timeframe and compared it to other resources like the local salmon population that have been decimated by planning decisions. Issues associated with the failure to protect farmland include displacing agriculture by paving over soil, food security, and loss of environmental

benefits.

Commissioner Vergis asked whether the need for water is outpacing the need for land. Mr. Scheuring noted that California's water resources are constrained by regulations and conflicting needs.

REGULAR AGENDA

8 Discussion Items

8.1 Recommendation for the 2011 General Plan Annual Report, which describes the efforts undertaken to implement the General Plan over the past year (D. Morrison).

Mr. Morrison reviewed the report, which was revised due to legal requirements, and noted highlights from its analysis. The General Plan is expected to be complete by 2012 and 37 of 166 items are complete. Recent accomplishments include the Climate Action Plan, Capay Valley Area Plan, Rural Agriculture Cluster Housing Ordinance, and the Water Efficiency Landscaping Ordinance. FEMA has changed the county's Community Rating System (CRS) score from nine to eight, which could change to six when the Multi-Hazard Mitigation Plan is complete. He asked that the Commission recommend it be forwarded to the Board of Supervisors.

Commissioner Bertolero said he is impressed with the progress that has been made.

Commissioner Kimball commended staff on the work.

Commission Action

The Commission recommended that the Board of Supervisors approve the 2011 General Plan Annual Report, and related actions.

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

8.2 Workshop on the proposed changes to the Citizens Advisory Committee By-laws made by the Planning Commission Ad Hoc Subcommittee (R. Reed).

Chair Reed reviewed the background of this subcommittee. The Board of Supervisors modified the bylaws to allow planning staff to attend meetings only when there is a recommendation on an application or an ordinance and allowed future bylaw changes without the requirement of an ordinance. The Board also directed the subcommittee to evaluate how meetings could be made more efficient. The subcommittee, consisting of Chair Reed, Commissioner Bertolero, and Commissioner Williams, met with the CACs and the Board of Supervisors to discuss the idea of four regional groups. They encountered resistance to the idea of regionalization and members want to preserve local committee appointments by supervisor. But members were receptive to the idea of

planning staff's support only when needed and separating planning topics from those of general government. Supervisors Chamberlain, Provenza, and McGowan want to keep the structure as it currently stands and agree with Board staff handling matters of general government such as roads, animal control, and parks as part of constituent service. The main goal is to improve efficiency and output of the committees while reducing the burden on planning staff and keep planning staff focused on planning issues.

Commissioner Bertolero reported the subcommittee developed a map that divided the county into four regions and at the Supervisors Provenza's request, created a fifth region. Committee members were concerned that consolidating the local groups would not serve local purposes of general government and that they would lose the authority granted by their appointment by the Board. The subcommittee considered asking each committee to attend regional meetings, but the result would be a very large group that would not be able to achieve quorums. They then considered allowing each committee to appoint representatives to attend regional meetings but there was conflict about how to determine the number of representatives for each committee. Regional meetings would also present a scheduling challenge if they were held only when specific issues need to be addressed. An easier solution is to put the planning issues at the beginning of the agenda so that planning staff can leave after their items are complete and committee members can discuss other issues.

Chair Reed stated the current options are to dissolve the committees or keep the current structure but give the staff the explicit authority to restrict agenda items to planning issues and hold meetings only when necessary.

Commissioner Burton noted that appointment by the Board of Supervisors does not grant the authority some committee members think it does. He said the communities should be encouraged to develop their own ways of dealing with issues of general government and keep that work separate from the CACs.

Commissioner Kasbergen asked about planning staff attending only when necessary. Chair Reed replied that the planning staff have been attending only when there is value in doing so since the bylaws were modified to allow that.

Carla Phillips, Madison Citizens' Advisory Committee, expressed her opinion that the CACs are important to rural communities that need a voice. They do not need planning staff at meetings unless there is a planning issue on the agenda and have been meeting only as needed for the past few years. She suggested that the planning staff set the agenda based on information from the committee and put planning issues at the beginning of the agenda. She emphasized the need for a connection with the Board of Supervisors and Planning Commission.

Commissioner Bertolero noted that community members do attend meetings when there are items of interest on the agenda.

Chair Reed asked if the bylaws could be amended to reduce the minimum number of required meetings.

Commissioner Burton asked why the CAC meetings are subject to the Brown Act. Mr. Morrison and Mr. Pogledich explained the reason is that the members are appointed by the Board of Supervisors to a standing committee and they hold public meetings. Ad hoc committees are not subject to the Brown Act.

Mr. Morrison explained that over the past four years, the number of planners has decreased more than fifty percent, while the number of advisory committees they are responsible for has increased fifty percent. The allocation of his department's resources is not sustainable if this trajectory continues. He suggested changing the comment areas of the map to assure that all areas of the county are covered in the future without needing additional committees. He suggested amending the bylaws to clarify the role of the committees.

Commissioner Kimball suggested that planning issues be heard at the beginning of the agenda so that planning staff are able to leave and the members can continue with other business.

Commissioner Burton agreed with Commissioner Kimball's suggestion and noted the committees need to understand that any issues considered outside of planning issues are not part of the government process.

Mr. Morrison explained that while the Board of Supervisors appoints the advisory committee members, they are advisory to the Planning Commission, not the Board of Supervisors.

The subcommittee will review the bylaws and action will be taken at the October Planning Commission meeting.

9. 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.

Mr. Morrison reported the following items:

There have been two Board of Supervisors meetings since the July Commission meeting.

Most citizens' advisory committee meetings have been cancelled recently, due to the low number of pending projects, as well as summer vacations and the upcoming harvest.

The July 26 Board of Supervisors meeting included a workshop on how to consolidate and better manage all county advisory committees. The Board of Supervisors recommended that the Planning Commission's orientation packet be used for all County advisory committees.

The Martinez solar project appeal will be on the September 13 Board of Supervisors agenda.

Johnny Munoz, a hard worker who has been a temporary employee for some time, became a permanent employee last month.

10. COMMISSIONER 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.

- 10.1 Commissioner Bertolero reported the annual commissioner party held at his home on July 23 was attended by all but Commissioner Kimball. He attended the July 27 Dunnigan CAC meeting. He participated in a California County Planning Commissioners Association teleconference on August 16. These monthly teleconferences are more effective and cost efficient than in person meetings. He visited the Stewart project site and attended a planning staff meeting about the project on September 7. The California County Planning Commissioners Association's annual conference will be in Sacramento on October 21 and 22 and will include speakers on Friday, tours around the area on Saturday, and finish with an awards banquet that evening. He encouraged everyone to attend the conference. He noted the spring conference may be cancelled since counties are no longer paying commissioners for travel. He reported he was contacted by Granite and is waiting to read the staff report.
- 10.2 Commissioner Williams reported he attended the Dunnigan CAC meeting and that the members are pleased with the repair of County Road 82. He also attended the Yolo-Zamora CAC meeting and noted the members are very concerned about potential noise from any future wind turbine project. They are also concerned about the number of trucks traveling in and out of a compost facility on County Road 13 or 14. He noted a letter by Leslie Pfardresher of Zamora in the September 7 Daily Democrat expressing concerns about wind turbines. He reported he was contacted by Granite. The Yolo-Zamora CAC members also are concerned about the Bariani racetrack because of a history of complaints about roads being blocked by visitors' vehicles.
- 10.3 Commissioner Burton reported that he plans to attend the Sacramento Metro Chamber of Commerce's conference in New Orleans to review planning issues related to levee systems.
- 10.4 Commissioner Kasbergen reported he was contacted by Granite and met with them on Tuesday.
- 10.5 Commissioner Kimball apologized for her recent absence from meetings and reported that her activities with the American Leadership Forum will conflict with Planning Commission meetings for the next nine months. She was contacted by Granite. The Yolo Land Trust is hosting an event this Saturday at Park Winters. She noted that California state law prevents the Yolo Land Trust from holding term easements and that this issue will affect future green energy projects and agriculture mitigation.
- 10.6 Chair Reed reported he was contacted by Granite.

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 Presentation by the County Assessor regarding how solar facilities and rezoning affect tax revenues and property assessments
- 11.2 Ad Hoc Subcommittee recommendation regarding proposed changes to the Citizens Advisory Committee bylaws
- 11.3 Mining and Reclamation Plan, Rezoning, Development Agreement, EIR, and

associated actions to excavate and process sand/gravel from a 313-acre portion of a 390-acre site, located northwest of County Road 87 and Cache Creek, near Esparto. Applicant: Granite Construction.

- 11.4 Annual Compliance Report summaries for off-channel gravel mining within the Cache Creek Area Plan for the Granite Construction-Capay, Granite Construction-Woodland, Schwarzgruber and Sons, CEMEX, Syar Industries, Teichert Aggregate-Esparto, and Teichert Aggregate-Woodland sites.

12. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission adjourned at 11:50 a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is October 13, 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