



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

October 27, 2011

ADMINISTRATIVE AGENDA

1. Chair Reed called the meeting to order at 8:32 a.m.
2. The Pledge of Allegiance was led by Commissioner Williams.

MEMBERS PRESENT: Bertolero, Kasbergen, Kimball, Reed, Vergis, Williams
MEMBERS ABSENT: Burton until 9:42 a.m.
STAFF PRESENT: Jeff Anderson, Associate Planner
David Morrison, Assistant Director of Planning
Eric Parfrey, Principal Planner
Phil Pogledich, County Counsel
Norma Springsteen, Secretary to the Director

3. ADOPTION OF MINUTES OF THE **SEPTEMBER 8, 2011** MEETING

Commission Action

The Minutes of the **September 8, 2011** meeting were approved with the following corrections:

- 3.1 Page 7: Commissioner Williams should be added to the Citizens Advisory Committee Subcommittee list.
- 3.2 Page 8: Remove excess word "are" from the end of the third paragraph from the bottom of the page. Change the word "eliminate" to "reduce" in the second paragraph from the bottom of the page.

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

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.

- 4.1 Mary Jo Hoes expressed her opposition to large wind towers close to residential areas because they are noisy and mar the view. She noted they also kill birds and bats and cause health problems in humans. Additionally, very few jobs are created by the construction, which disturbs the land.
- 4.2 Charles Hoes commented that wind turbines are not as effective as believed and that the land use question is not about the right to build on the property but the impact on those surrounding the area of construction.

5. CORRESPONDENCE

Chair Reed acknowledged receipt of the following correspondence:

- 5.1 California County Planning Commissioners Association annual conference flyer
- 5.2. A letter of comment regarding agenda item 6.1 from Jean Jackman
- 5.3 A letter of comment regarding agenda item 6.2 from Lee Ferrendelli and Paul Ferrendelli
- 5.4 Letters of comment regarding agenda item 6.4 from L. Pfordresher, Robert and Jordan Grant, Sandra and Tony Montero, Ilsa and Ramona vonLeden and Terry VanHouten, and David and Rachael Long

Eric Parfrey presented additional comment letters regarding agenda item 6.4 received from Chad Roberts, John Hulsman, Judith Lamare, and Eric Fredericks.

Chair Reed commented that all correspondence needs to be received by the Commissioners before the meeting to allow time to read them.

TIME SET AGENDA

- 6.1 ZF#2011-0048:** Appeal of the Zoning Administrator's approval of a one-year extension for a previously approved 365-foot radio tower (2009-001), located at the Yolo County Landfill in the Agricultural General (A-1) zone (APN 042-140-006). A Statutory Exemption has been prepared for this project. Appellant: Eileen Samitz. Owner: Yolo County (J. Anderson)

Phil Pogledich, Yolo County Counsel, explained that the two questions for discussion are whether the project site has changed since the approval was granted and whether the project itself has changed. He reviewed the procedure followed at the previous hearing on this project.

Jeff Anderson, Associate Planner, presented an overview of the project and answered questions from the Commissioners.

Eileen Samitz, appellant, presented her reasons for opposing the project and appealing the decision, noting the lack of notification by the applicant to the county and FCC regarding location

changes, impacts of the project on the environment, wildlife, and humans and the change in circumstances.

David Temblador, representative for Results Radio, reported that the circumstances around the original use permit have not changed and that community concerns about the tower's biological and aesthetic affects have been taken seriously by his clients and the county. He noted they worked with Ms. Samitz and the county to conduct a third party biological study that found no impacts. The process was followed properly and Ms. Samitz did not challenge it at the time of the original approval.

Chair Reed opened the public hearing and reminded speakers to be concise with their comments and avoid repetition.

Mark Graham expressed his opposition to the project. He stated he believes County Counsel's definition of circumstance is too narrow and that Results Radio wants to reach the Sacramento market but cannot do so from the Sutter Buttes. He believes the permit is to operate a radio station.

Neil Ruud, General Manager of KDVS Radio, expressed the station's support of the project and their own desire to expand. He noted the difficulty of navigating FCC procedures and that the Results Radio project would allow them to expand their audience.

Commissioner Bertolero asked if the permit KDVS applied for differs from the one that has been approved. Mr. Ruud replied they have not filed for the minor modification because it is an expensive process. They are broadcasting with general coordinates for North Davis.

Matt Williams expressed his support of the project and noted the appeal should have been filed during the 90-day period following the original hearing ten months ago. He also noted the project has not changed.

Andy Jones, UCD faculty, noted the cultural importance of KDVS and expressed his support of the project.

Jean Jackman expressed her opposition to the project and her belief that the project has changed. She expressed her concerns about the impacts on wildlife.

Kate Hart, on behalf of the South Davis Coalition, spoke in opposition to the appellant regarding environmental issues. She noted a CEQA lawsuit would have been filed if there were such issues and that environmental laws indicate modification of the permit is not required since there is no new evidence or circumstances.

Pegi Hayes expressed her opposition to the project and her opinion that Davis and Yolo County appear to be for sale.

Teresa Brooks Tanin expressed her support of the project.

Todd Urick stated he has been in charge of the KDVS relocation project for 15 years and expressed his opposition to other possible locations for the tower, noting the landfill is the least impactful location he knows of. He noted KDVS does not cover all of Yolo County and this tower would allow them to reach more listeners.

Steve Hayes provided copies of an email expressing his opposition to the project that he sent to the commissioners late on October 26, 2011 and noted highlights of the letter. He expressed his belief that the circumstances of the project changed when the FCC denied the move of the project.

Paul Webb stated neither the project nor the location have changed.

Laura Snyder expressed her opposition to the project and stated she lives one road from the proposed tower's location and that she moved to her neighborhood close to the greenbelt because she believed the area would remain as it is.

Chair Reed closed the public hearing and requested comments from the commissioners.

Commissioner Bertolero thanked the participants and noted he received many letters in support of the project and that the appeal period ended a long time ago. The Planning Commission held a public hearing on this project on May 13, 2010 and recommended approval of the project to the Board of Supervisors, after which the Yolo County Board of Supervisors approved the project following a public hearing held in September 2010. The Zoning Administrator approved the one-year extension under the full authority of the Yolo County Code and the project was explained in a well-written staff report. He believes the Zoning Administrator is correct and supports the decision to extend the permit.

Commissioner Vergis asked about the general rule exemption. Mr. Pogledich replied that the Mitigated Negative Declaration was completed and that the exemption was for the application for a one-year extension. David Morrison confirmed that the applicant has not requested any changes to the project so the original conditions apply.

Commissioner Williams expressed his appreciation of the speakers and noted that the project's final approval was made by the Board of Supervisors based on the Planning Commission's advice.

Commissioner Kasbergen noted he concurs with Commissioner Bertolero, that the circumstances have not changed, and that nothing substantial was found in the CEQA review. He asked where the tower should be built if the landfill is not an appropriate location.

Commissioner Kimball expressed her appreciation of the speakers and her understanding of the opposition to the aesthetics of the tower but that she believes the CEQA review is correct in that there will be no biological impact. The Board of Supervisors approved the project and there has been no change to the site so she supports the project and denies the appeal.

Chair Reed thanked all of the speakers and noted that based on the discussion, he sees no basis to overrule the decision.

Commission Action

That the Yolo County Planning Commission:

1. **RECEIVE** a staff presentation, hold a public hearing, and accept testimony from the appellant, project applicant, as well as members of the public;
2. **ADOPT** the "General Rule" Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment C);

3. **ADOPT** the recommended Findings (Attachment D);
4. **APPROVE** the request to extend the Use Permit for an additional one year; and
5. **DENY** the appeal filed by Ms. Samitz.

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

6.2 ZF #2011-0027: Request to amend the existing Planned Development 9 (PD-9) overlay zoning ordinance and approve Tentative Parcel Map #4825, which would subdivide an existing 60.2-acre parcel into two lots. The property is located on County Road (CR) 95 near County Road 25 in the Monument Hills area, approximately 3.5 miles west of the City of Woodland (APN: 040-040-040). The underlying zoning is Agricultural General (A-1). The purpose of the amendment to the PD-9 zoning and the Tentative Parcel Map is to allow subdivision of the 60.2 acre parcel to allow two home sites, while retaining the existing agricultural operations (a vineyard and olive orchard). The existing (PD-9) zoning ordinance applies to twelve lots within the Hilltop Estates subdivision. A Negative Declaration has been prepared for this project. Applicant/Owner: Kent Calfee/Knights Landing LLC/Dan Dowling et al (E. Parfrey)

This item was continued to the December 8, 2011 meeting.

6.3 ZF#2010-056: Request for a Tentative Parcel Map to divide a 184-acre parcel, zoned Agricultural General (A-1), into four parcels of 19.1 acres, 82.0 acres, 40.0 acres, and 43.2 acres. The parcel is located near County Road (CR) 117 north of CR 22, five miles east of Woodland, near the I-5 bridge over the Sacramento River (APN: 057-170-04). The parcel map is being requested to facilitate the sale of the proposed 19.1 acre parcel from the owner, Paul Petrovich (Woodland Development Co.) to the City of Woodland. Once the 19.1 acre parcel is acquired by the City, it will be conveyed to the Woodland-Davis Clean Water Agency (WDCWA). The 19.1 acre parcel may be used by the WDCWA to construct a surface water intake and pump station at the Sacramento River, and a transmission line across the present 184-acre parcel. A Negative Declaration has been prepared for this project. Applicant/Owner: City of Woodland/Woodland Development Co. (E. Parfrey)

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

Commissioner Burton asked if the land will become city property once the city makes the purchase. Mr. Pogledich replied that the property will remain under the County's land use authority because annexation is required for land to become city property.

Commissioner Kasbergen asked why three parcels need to be created if the applicant needs only one parcel. Mr. Parfrey responded that because the parcel needed by the city bisects the existing single parcel, three parcels are automatically needed and the fourth parcel has been created to be

consistent with the Elkhorn specific plan, which is proposed for possible future commercial development.

Commissioner Kimball asked how many houses could potentially be built on the property. Mr. Parfrey replied there could be eight houses built but that the applicants have no intent to build houses there. Mr. Morrison added that the parcels are in a deep flood area so houses are not likely to be built there in the foreseeable future.

Commissioner Bertolero asked where the additional 0.10 acres will come from in Condition of Approval 7. Mr. Parfrey noted the map will be adjusted to reflect the additional amount.

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

Chair Reed asked for comments from the Commissioners.

Commissioner Bertolero stated he understands the reason for the project and that water quality in Davis and Woodland could be improved, but does not like the potential for houses to be built on the property.

Commissioners Vergis and Williams reported they have no issues with the project.

Commissioner Kasbergen noted he is pleased that the project will address local water quality issues.

Commissioners Burton and Kimball reported they support the project.

Commission Action

That the Planning Commission:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Initial Study/Negative Declaration prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment D);
3. **ADOPT** the proposed Findings (Attachment E); and
4. **APPROVE** the Tentative Parcel Map (TPM #4990) (Attachment B) in accordance with the Conditions of Approval (Attachment F).

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

6.4 ZF#2011-0039: Request for a Use Permit to construct a single 1-megawatt 335-foot tall wind turbine to be used to power the existing CEMEX aggregate mining operations along Cache

Creek at 30288 State Highway 16, approximately 13 miles west of the City of Woodland (APN: 049-070-005). The turbine will be constructed on the southwest quadrant of a 76.5-acre property owned by CEMEX, which is zoned Agricultural General/Sand and Gravel overlay (A-1/SG). A Mitigated Negative Declaration has been prepared for this project. Applicant/Owner: Foundation Windpower/United Metro Materials (E. Parfrey)

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

Commissioner Kimball asked how the Madison Citizens Advisory Committee responded to the request for comments. Mr. Parfrey noted there did not appear to be a clear consensus and that two members of the committee are present to comment.

Commissioner Bertolero asked for correction of the file number and the numbering of paragraph 13 on page three of the Conditions of Approval. Mr. Parfrey confirmed that this would be corrected in the final version of the document.

Commissioner Vergis asked whether the consultation with the Department of Fish and Game is a state or county requirement. Mr. Morrison noted that because Fish and Game has not been consistent the county requires the consultation to assure compliance.

Commissioner Kasbergen asked if the project could move forward without the approval of the Department of Fish and Game. Mr. Morrison noted that if they require approval, it cannot move forward without their approval, but if they do not require such approval, it can move forward without it. He noted that according to the California Environmental Quality Act (CEQA), the county is obligated to adopt all reasonable measures. Mr. Pogledich stated that state law requires consultation with Fish and Game because of the potential take of an endangered species.

Matt Wilson, Foundation Windpower, answered questions from the Commissioners.

Commissioner Kimball asked how much of the facility's power the turbine would generate and how often there is sufficient wind to produce the power. Mr. Wilson noted the plant will receive 85% of its power from the turbine and that the turbine will run approximately 58% of the year. Commissioner Kimball asked what wind speed is required. Mr. Wilson replied it requires about eight to nine miles per hour. He noted the modern wind turbines operate at lower speeds than previous models required and that birds do not roost on the towers because they are monopoles instead of lattice towers that attract rodents and raptors, resulting in bird mortality.

Commissioner Kasbergen asked why the proposed location is so far from the processing facility. Mr. Wilson noted there is a substation close to the proposed location.

Commissioner Bertolero asked at how many revolutions per minute the turbines operate. Mr. Wilson noted they run at approximately 19RPM.

Commissioner Vergis asked if they are comfortable with the existing conditions of approval. Mr. Wilson responded they are comfortable with them and are willing to move it further from Cache Creek if necessary, but they cannot move it into the active mining site.

Chair Reed opened the public hearing.

Rachael Long expressed her opposition to the project, noting her opinion that it is irresponsible to place the turbine in the riparian corridor of Cache Creek and that it could compromise the beneficial impacts of the natural environment. She requested an Environmental Impact Report and noted that children are sensitive to the noise produced by wind turbines.

Bob Schneider, Senior Policy Director for Tuleyome, stated his support for renewable energy but expressed his opposition to the location of the project. He is concerned about the potential hazard to wildlife and said he would like the project to be located further away from critical area. He noted the danger to bats and that a reduction in the RPMs can reduce bat mortality and requested a provision for monitoring mortality of bats and birds. He noted the importance of hiring locally and suggested including such a requirement in the mitigation measures.

Carla Phillips, representing the Madison Citizens Advisory Committee, reported the committee did not have enough time to write a letter of comment. They are concerned about infrasound, which is reported to cause numerous health problems and a generally reduced quality of life. She noted the committee would like these projects located further away from communities. She said the decision on the project should wait until Fish and Game provides input.

Sherrie Barnett, member of the Madison Citizens' Advisory Committee, agreed with the concerns expressed by others and asked about the cost effectiveness of the project.

Charles Hoes noted that infrasound is lower than the frequency normal human hearing can detect and that the DBC or DBG scale, instead of the DBA scale, should be used to measure it. He asked if there is a better choice for renewable energy that has less of an impact, noting that solar energy is more cost effective and has less environmental impact. He noted his opinion that renewable energy is important but does not need to be done with this kind of project.

Mary Jo Hoes noted the letter she sent on October 4 and that communities around the world are rejecting wind energy projects. She added that the setback does not comply with the wind energy ordinance and that the DBA should be lower than stated.

Chair Reed closed the public hearing and requested comments from the commissioners.

Commissioner Kimball noted she does not feel that she has enough information to make an informed decision. She is concerned that there has been no report from the Department of Fish and Game. She asked if it is the first such project in the county. Mr. Morrison responded that at least one small wind energy project has been constructed, near the County Airport, but that this is the first large wind energy project. She agrees that locations for renewable energy projects need to be considered carefully and that she is not supportive of the project.

Commissioner Burton reported he has mixed feelings about the project. He noted that because research was done for the wind turbine ordinance and that due diligence was done, he supports the project.

Commissioner Kasbergen noted the project is controversial.

Commissioner Williams reported he attended the Madison Citizens' Advisory Committee meeting on October 26 and noted the members had many questions. He noted he is less confident about the research done previously on the subject.

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Commissioner Vergis reported she is generally supportive of the project. She noted that because the turbine would provide power to an aggregate facility, the area is somewhat disturbed already and that the setback is a minor issue.

Commissioner Bertolero reported he toured the Montezuma Hills wind turbine site, which has approximately 600 turbines almost double the size of the proposed project, and did not find them noisy. He spoke with a local resident who has eight turbines on his property and noted the man said that in the eight years the turbines have been there he has never seen dead birds on the ground around the turbines, nor does he find them aesthetically unpleasant. The site is run by computer from Florida and there are local employees on site. The resident indicated the worst part was during construction when there were many gravel and cement trucks traveling to and from the site. He noted the county benefits from a higher tax base due to the turbines. Commissioner Bertolero stated he is excited about the long-term potential for Yolo County.

Chair Reed stated that based on the available information, he is confident that the project can move forward.

Mr. Pogledich noted it is acceptable to require hiring local employees.

The motion includes correction of the misnumbered paragraph thirteen on page three of the Conditions of Approval, inclusion of the condition requested by Caltrans, and moving the project to 500 feet from the creek channel.

Commission Action

That the Planning Commission:

2. **HOLD** a public hearing and receive comments;
3. **ADOPT** the Initial Study/Negative Declaration prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment E);
4. **ADOPT** Findings for the Use Permit (Attachment F); and
5. **APPROVE** the Use Permit in accordance with the Conditions of Approval (Attachment G).

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

6.5 ZF#2007-071: 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 (APN: 048-220-15 and -22). The mined area will be reclaimed to a variety of uses including agriculture, open space, and open lake with associated habitat. The site is zoned Agricultural Preserve/Sand and Gravel Reserve overlay (A-P/SGR) and Agricultural General/Sand and Gravel Reserve overlay (A-1/SGR). An Environmental Impact Report has been prepared for this project. Applicant/Owner: Granite Construction (H. Tschudin)

Heidi Tschudin, Contract Planner, presented an overview of the project and answered questions from the Commissioners.

Commissioner Bertolero asked whether the mitigation measures and conditions of approval would require changes if a recommendation other than the preferred alternative four were chosen. Ms. Tschudin confirmed this to be true. He asked whether the Esparto Citizens Advisory Committee requested \$0.10 of the surcharge be used for road maintenance. Ms. Tschudin noted they asked that the entire \$0.20 be used for road maintenance. Commissioner Bertolero asked whether Esparto is within the area plan and whether the language would preclude the money going anywhere other than the planned area. Ms. Tschudin replied that the city of Esparto is outside of the CCAP area but adjoins it. She noted that the fee ordinance identifies categories of spending for the cents per ton that are allocated for assorted uses, including a remediation fund that is protected for use in unforeseen problems. Commissioner Bertolero asked if there is anything that precludes some of the funds going to the community of Esparto. Ms. Tschudin reported the obligation to mitigate for road impacts related to haul routes is a separate part of the mining ordinance that requires quality and capacity improvements be addressed.

Mr. Morrison added that categories of funding are dedicated to compliance and monitoring programs, maintenance of the creek, and other benefits applied throughout the 15-mile region of lower Cache Creek, whereas the request by Esparto would benefit a single community.

Commissioner Kasbergen asked what the total aggregate removal over 30 years is expected to be and whether the entire surcharge applies to that amount. Ms. Tschudin noted the total aggregate is expected to be 30 million tons and that the surcharge applies to the tonnage after the first 500,000 tons through the millionth ton.

Commissioner Kimball asked Ms. Tschudin whether she has a recommendation on how the extra \$0.20 should be used. Ms. Tschudin replied that she is supportive of the language in the development agreement to require it be spent within the bounds of the fee program in any of the needed areas.

Commissioner Kasbergen asked what happens to the property when the mining stops. Ms. Tschudin noted it would be a policy decision to cease mining and that there is a maintenance and remediation fund.

Ben Adamo, Granite Construction, requested the Planning Commission's support and approval and answered questions from the commissioners.

Commissioner Bertolero asked Mr. Adamo if he agrees with the Conditions of Approval. Mr. Adamo replied that he agrees with the Conditions of Approval.

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

Chair Reed requested comments from the commissioners.

Commissioner Kasbergen reported he believes that the business requirements are onerous and that the extra costs imposed on businesses eventually are paid by the consumer and the affects on the business are not fully understood.

Commissioner Burton reported he supports the project.

Commissioner Kimball thanked Ms. Tschudin and Mr. Adamo and expressed her support of the project.

Commissioner Bertolero noted the surcharge is valuable to the county and expressed his support of the project.

Chair Reed thanked Ms. Tschudin for presenting a complicated project in a way that is understandable.

Commission Action

That the Planning Commission recommends the following actions to the Board of Supervisors:

1. **CERTIFY** the Final EIR for the Granite Esparto Mining and Reclamation Project (SCH #2009022036) based on Findings of Fact and a Statement of Overriding Considerations. See Final EIR, Attachment A.1 and Resolution Certifying the EIR, Attachment A.2.
2. **APPROVE** Rezoning (ZF# 2007-071) of 1) 286.4 acres of Agricultural Preserve with Sand and Gravel Reserve Combining Zone (A-P/SGR) to Agricultural Preserve with Sand and Gravel Combining Zone (A-P/SG); and 2) 103.6 acres of General Agriculture with Sand and Gravel Reserve Combining Zone (A-1/SGR) to Agricultural with Sand and Gravel Combining Zone (A-1/SG). See Rezoning Ordinance, Attachment B.
3. **APPROVE** a 30-year Off-Channel Mining Permit for aggregate extraction and processing from a 313±-acre mining area on portions of two adjacent parcels (APNs 048-220-015 and 048-220-022) subject to conditions of approval. The maximum annual “base” permitted mining associated with the Esparto site is 1.0 million tons mined (870,000 tons sold). The maximum total permitted mining activity is 30 million tons mined (26.1 million tons sold). See Proposed Mining Plans, Attachment C; and Conditions of Approval, Attachment H.
4. **APPROVE** a Reclamation Plan for the proposed mining and processing areas to a combination of reclaimed uses including agriculture, open space, and open lake with associated habitat, subject to conditions of approval. See Proposed Reclamation Plans, Attachment D.
5. **AUTHORIZE** exceedence of the maximum annual “base” permitted mining tonnage by up to 20 percent as provided in Section 10.4-405 of the OCSMO. This has the effect of increasing the potential annual extraction in any given year from the requested base level of 1 million tons mined (870,000 tons sold) to 1,200,000 tons mined (1,044,000 tons sold) with no change to the running ten-year average or overall permit total.
6. **REMOVE** the existing mining program allocation of 420,000 tons per year from the Granite “Woodland (Reiff) site” (APN 025-350-035) and apply it to the project site.
7. **APPROVE** consolidation of the total permitted tonnage on the Granite Capay site (APNs 048-140-040, 048-220-016, 048-220-018) and the Granite Esparto sites and authorize planning staff to approve all necessary amendments to the Granite Capay entitlements to delay mining of the Granite Esparto site until mining is completed at the Capay site (with the exception of the area under the existing plant facility) and reclamation has commenced. Accelerated mining is allowed at the Granite Capay site provided that total extraction cannot exceed the combined entitlements

of the two, and that processing of Granite Esparto materials shall occur at the Granite Capay plant.

The annual permitted tonnage associated with the Granite Capay site is 1,000,000 tons (sold) plus the approved 20 percent exceedence, for an annual maximum of 1,200,000 tons (sold) in any one year. Pursuant to this Permit, these annual permitted extraction amounts shall be combined with the annual permitted extraction associated with the subject Granite Esparto site of 870,000 tons (sold) plus the 20 percent exceedence, for an annual maximum of 1,044,000 tons (sold), so that the combined total maximum annual permitted extraction authorized from either site is 2,244,000 tons (sold).

8. **AUTHORIZE** execution of a Development Agreement between the County and Granite Construction that shall include authorization of minor amendments to the existing Capay Development Agreement. See Ordinance to Approve the Granite Esparto Development Agreement, Attachment E.1 and Ordinance to Amend the Granite Capay Development Agreement, Attachment E.2.
9. **AUTHORIZE** issuance of a Demolition Permit to remove an existing single-family home and various outbuildings, subject to submittal of an application and appropriate fees.
10. **APPROVE** a Streambed Stabilization Plan to allow mining within 700 feet of but no closer than 200 feet of the channel bank, within the streamway influence boundary, as provided in Section 10 4.428(d) of the OCSMO. See proposed Streambank Stabilization Plan, Attachment F.
11. **AUTHORIZE** issuance of a Flood Hazard Development Permit (FHDP) to implement proposed bank stabilization and the Test 3 boundary along approximately 2,300 linear feet of the north creek bank, extending from County Road 87 (Esparto Bridge) westward, subject to submittal of an application and appropriate fees.

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

6.6 ZF#2007-071: 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 Aggregates-Esparto, and Teichert Aggregates-Woodland sites. A Categorical Exemption has been prepared for this project. Applicant: Yolo County (J. Anderson).

Jeff Anderson, Associate Planner, presented an overview of the project and answered questions from the Commissioners.

Commissioner Bertolero noted the old prices in paragraph three on page three in the Syar report should be strikeouts. He asked if all companies are current on their agriculture restoration requirements. Mr. Anderson noted there is one outstanding issue with CEMEX, which failed to record an agricultural easement in the late 1990s and the county is working with the operator to correct this.

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

Chair Reed asked for comments from the Commissioners.

Commissioner Burton reported the maps were very easy to read.

Commissioner Bertolero noted that Attachment C was helpful.

Commissioner Vergis asked whether the recommended action should indicate the requirement of CEMEX to record the agriculture easement to comply with the area plan. Mr. Anderson noted they are in the process of assuring compliance so it does not need to be noted in the action.

Commissioner Kasbergen reported he was interested in the difference between the tons sold in 2003 and 2009/10.

Commissioner Kimball noted her appreciation of the staff time involved to develop the report and noted it is a critical part of the process.

Chair Reed concurred with Commissioner Kimball's comment.

Commission Action

That the Planning Commission:

1. **Hold** a public hearing and receive comments;
2. **Adopt** the Initial Study/Negative Declaration prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and Guidelines (Attachment E);
3. **Adopt** Findings for the Use Permit (Attachment F; and
4. **Approve** the Use Permit in accordance with the Conditions of Approval (Attachment G).

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

6.7 Recommendation by the Planning Commission Ad Hoc Subcommittee regarding proposed changes to the Citizens Advisory Committee bylaws. A Statutory Exemption has been prepared for this project. Applicant: Yolo County (R. Reed).

Chair Reed reviewed the subcommittee's work and revised recommended bylaws.

Chair Reed opened the public hearing.

Carla Phillips stated her dislike of the reduced amount of communication and asked if item seven on page three can be revised to read "recommended" or "preferred" instead of "shall." She asked that

Step 5 on page nine of Attachment E read “ensure” instead of “...strive to ensure...”

Sherrie Barnett agreed with Ms. Phillips’ comments and reported the Madison Citizens’ Advisory Committee has had only three meetings in 2011.

Mary Jo Hoes agreed with Ms. Phillips comments and noted that the timeliness of transmitting information to the committees is important. She noted that the insurers of the public buildings in which the advisory committee meetings are held have expressed a need for assurance that the county’s insurance policy covers the meetings.

Chair Reed closed the public hearing.

Mr. Morrison noted he will research the insurance issue.

There was discussion regarding the requested changes to language in the bylaws and attachments and the timeliness of transmitting information to the committees.

Chair Reed requested a typographical error in the first sentence of item five be corrected.

Commissioner Williams discussed his concern regarding the provision that agendas will not be distributed if there are no planning issues. He believes that this will encourage the formation of separate groups to discuss issues unrelated to planning. These groups will not be required to adhere to the Brown Act and will not be in direct contact with the Planning Department. Mr. Morrison noted there are already many such community groups and that this is not an issue for the county.

Commissioner Bertolero reported he supports the document as amended.

Commissioner Vergis thanked the subcommittee for their work and reported she supports the document.

Commissioner Kasbergen reported he supports the document.

Commissioner Burton reported he supports the document.

Commissioner Kimball reported she supports the document.

Commission Action

That the Planning Commission:

1. **ACCEPT** the revised Bylaws for the Yolo County General Plan Citizens’ Advisory Committees with the following revisions:
 - The first line of Item 5 should read “...a ~~the~~ Citizens Advisory Committees...”
 - The second sentence of Step 5 of page nine in Attachment E, Procedures for Reviewing Discretionary Land Use Applications by Citizens Advisory Committees, should read, “The staff will ~~strive to~~ ensure that all discretionary...”
2. **DISSOLVE** the subcommittee.
3. **RECOMMEND** to the Board of Supervisors that they adopt the bylaws.

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

REGULAR AGENDA

7. Discussion Items

7.1 Presentation by Joel Butler, County Assessor, regarding how solar facilities and rezoning affect tax revenues and property assessments.

Mr. Butler reported that equipment for the production of electricity is exempt from property taxation once they are installed and that the only items that are taxable include peripheral items such as fencing and security equipment. They remain exempt until there is a change of ownership of the property. Wind turbines, however, are taxable property once installed and there are currently more tax exemptions for solar than wind power. He noted that on agricultural preserve land, if solar panels are considered compatible with the Williamson Act contract, the increased income stream to the farmer from renewable energy increases the value of the land. Proposition 13 could mean insignificant additional taxes for landowners.

Commissioner Kasbergen asked how the tax base changes with increased zoning. Mr. Butler responded that the Proposition 13 valuation does not change and that down zoning might decrease values based on market values. Solar panels are an exemption only until a typical residential house sale, at which time they become a taxable part of the house.

Commissioner Bertolero asked about the potential difference in revenue from the Martinez solar project. Mr. Butler noted that because the walnut trees are taxable property, the county may lose revenue but that loss will be negligible, especially since the trees are exempt until they are producing fruit.

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.

Mr. Morrison reported the following items:

The Board of Supervisors recently approved a simplified version of the large solar facility ordinance.

The Board of Supervisors approved the General Plan amendment regarding flood information, as well as the General Plan annual report.

The first meeting of the South Davis Citizens Advisory Committee is tentatively scheduled for

November 14. The Board of Supervisors appointed five members to this committee.

Brian Frenger and Robert Flores, building inspectors, resigned from YCPPW this month, leaving the department with only one counter technician and the Chief Building Official. They are working on hiring a temporary consultant inspector until permanent employees can be hired. The department may lose two other employees in the near future.

Tuolumne County is the only county in California that has four separate planning commissions. They are fully supported by county staff and countywide issues must be discussed by each commission.

The director of the Hillsboro, New York planning department requested a copy of Yolo County's Climate Action Plan.

An ordinance will soon be put before the Board of Supervisors asking that the building permit appeals board be added to the Planning Commission's responsibilities. The state building code requires five members with no requirement that any member be an architect or engineer.

Mr. Pogledich added that after the Board of Supervisors approved the Martinez solar project, a lawsuit was filed challenging the county's approval of the project on the grounds that it does not comply with CEQA, that the environmental document was inadequate, and that the county zoning code does not authorize the county Board of Supervisors or Planning Commission to approve the project. He noted it typically takes nine months to a year to resolve these types of cases.

9. 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.

- 9.1 Commissioner Kimball reported she received numerous emails and phone calls regarding the radio tower project, including some very late night calls. She asked about including appropriate hours for phone calls on the webpage.
- 9.2 Commissioner Burton reported he also received a lot of communication regarding the radio tower and felt harassed.
- 9.3 Commissioner Kasbergen reported he received many emails regarding the radio tower but only one phone call.
- 9.4 Commissioner Williams reported he too received a great deal of communication regarding the radio tower. He noted the Knights Landing Citizens Advisory Committee was pleased with the new charter school.
- 9.5 Commissioner Vergis reported she had the same problems with numerous communications regarding the radio tower.
- 9.6 Commissioner Bertolero reported he received many emails regarding the radio tower. He noted the Esparto Citizens Advisory Committee supported the Granite Esparto project. He attended the California County Planning Commissioners Association annual conference, at which Chair Reed received the Commissioner of the Year award. He noted that as a way to rebuild attendance at the conference, which had fallen, they presented the first planning director of the year award to Mr. Morrison. Mr. Morrison noted the planning directors are interested in a spring conference with the commissioners. The Board of Supervisors will recognize Chair Reed and Mr. Morrison

for their awards at their November 8 meeting. He noted his visit to the Montezuma Hills wind turbine project was valuable and that he plans to talk to more of the landowners in the area as research for future wind energy projects.

- 9.7 Chair Reed reported he attended the September 11 Yolo Land Trust fundraising event, which was attended by Governor Brown. He thanked Commissioner Bertolero for the award.

10. FUTURE AGENDA ITEMS

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

- 10.1 Continuation of item 6.2 of today's agenda, ZF #2011-0027: Request to amend the existing Planned Development 9 (PD-9) overlay zoning ordinance and approve Tentative Parcel Map #4825 which would subdivide an existing 60.2-acre parcel into two lots.
- 10.2 ZF#2011-044: Request for a Use Permit to construct a wine making, seed processing, and cheese making facility within a 14,000 square foot building on a three-acre site.

11. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission adjourned at 12:54 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is December 8, 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