



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

December 8, 2011

ADMINISTRATIVE AGENDA

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

MEMBERS PRESENT: Bertolero, Kasbergen, Kimball, Reed, Vergis, Williams
MEMBERS ABSENT: Burton
STAFF PRESENT: Jeff Anderson, Associate Planner
Stephanie Cormier, Senior 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 **OCTOBER 27, 2011** MEETING

Commission Action

The Minutes of the **OCTOBER 27, 2011** meeting were approved with the following corrections:

- 3.1 Page 1: Commissioner Burton should be listed under "Absent" as such: "Burton, until 9:42 a.m." The notation of his arrival on Page 5 will be removed.
- 3.2 Page 9: The end of paragraph 6 should read "...and moving the project to 500 feet from the creek channel."

MOTION: Kimball SECOND: Kasbergen
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 There was no public comment.

5. CORRESPONDENCE

Chair Reed acknowledged receipt of the following correspondence:

5.1 UC Davis Extension Land Use and Natural Resources Winter 2012 Course Catalog

TIME SET AGENDA

6.1 ZF#2011-0049: Request to establish an Interim Management Plan at the Syar Industries Madison facility, in accordance with the Surface Mining and Reclamation Act and the Yolo County Off-Channel Surface Mining Ordinance. The facility operates under an approved mining and reclamation plan (ZF #98-010) approved in 1999. The facility is located approximately 1 mile north of Madison, and includes parcels (APNs: 049-120-005, -006, -016; and 049-130-039) that are zoned A-P (Agricultural Preserve) and A-1 (Agricultural General). The review and approval of an Interim Management Plan is not considered a project for purposes of the California Environmental Quality Act (CEQA). Owner/Applicant: Syar Industries (J. Anderson)

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

Commissioner Bertolero pointed out that the Agency Comment Summary Table in the staff report stated that well and septic systems shall not remain idle for over two years, but Condition of Approval No. 5 says they shall not remain idle for more than one year. Mr. Anderson clarified that the one-year requirement in the Condition of Approval No. 5 is correct.

Commissioner Bertolero asked that County Road 89 be specified in Condition of Approval 6.

Chair Reed asked who is responsible for road maintenance. Mr. Anderson reported the County and Syar jointly maintain the road as per Condition of Approval No. 64 of ZF 98-010.

Chair Reed asked for comments from the Commissioners.

Commissioner Kimball reported the project is a standard Interim Management Plan and the Conditions of Approval are being met.

Commissioner Kasbergen noted the positive effect on the County's economy.

The motion included the identification of County Road 89 in Condition of Approval 6.

Commission Action

That the Yolo County Planning Commission:

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

MOTION: Bertolero SECOND: Kasbergen
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 zoned Agricultural General (A-1) and 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). A Negative Declaration has been prepared for this project. Applicant/Owner: Knights Landing LLC/Dan Dowling et al (E. Parfrey)

This item was continued to the February 9, 2012 meeting.

6.3 ZF#2011-0050: Approval of Tentative Parcel Map #5005 to divide an existing parcel of 6.4-acres into four parcels of 0.2 acres, 3.0 acres, 2.5 acres, and 0.7 acres. The site has been previously approved for a mixed use 80-unit affordable housing project. The parcel is located at Woodland Avenue and County Road 87 in Esparto (APN: 049-250-008). The property is zoned Downtown Mixed Use (DMX) and Multiple-Family Residential (R-3). A Negative Declaration has been prepared for this project. Applicant: Mercy Housing (E. Parfrey)

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

Commissioner Kasbergen asked if the size of the detention basin is based on the actual housing or total footprint of the project. Mr. Parfrey reported that County standards require water to be maintained onsite and not increase the offsite discharge. David Morrison noted the basin is based on the total impermeable area. Commissioner Kasbergen asked if the water must be retained for a specific time. Mr. Parfrey noted the detention basin is required to be sized to deal with a hundred year storm. Mr. Morrison added that the water must be released over time, not retained.

Commissioner Reed asked whether the detention basin would be part of any future developments. Mr. Parfrey confirmed that is the case.

Commissioner Kimball asked about the existing drainage channel. Mr. Parfrey reported it is an earthen ditch that must be moved underground.

Commissioner Kimball asked about the status of the Story subdivision. Mr. Parfrey reported the final map may be accepted within the next six months. Mr. Morrison added that the economy and real estate market have led the Legislature to extend all Tentative Subdivision Maps to 2014.

Commissioner Williams asked if the project is likely to become part of MERCSA. Mr. Parfrey noted the applicant has been working with Regina Espinoza, County Service Area Manager, on an application to LAFCO for the annexation.

Commissioner Williams asked about the jobs/housing balance and whether they are starting with 80 units. Mr. Parfrey noted they would start with 40 and after those are complete, build another 40. He noted the jobs/housing ratio is unbalanced due to the number of jobs provided by the casino. Mr. Morrison reported the Board of Supervisors designated the Capay Valley and Esparto as one area for the purposes of calculating jobs/housing balance, with Esparto providing the housing and the Cache Creek Casino providing the jobs. As such, the project is consistent with the General Plan.

Commissioner Williams asked if solar power would be integrated into the designs. Mr. Parfrey noted there are no solar facilities associated with the project and that it is not practical to install solar power for multi-family unit water heaters.

Commissioner Vergis asked how it is known that the Valley Elderberry Beetle may be on site. Mr. Parfrey noted that because the land has already been disturbed they do not expect to find any elderberry beetles and that a biologist will do a review of the land before work begins. Mr. Morrison added that trains used to run through the property until the 1960s and that the site has been extensively disturbed for many years, with the buildings having been removed in the 1980s. This is the reason mitigation for Swainson's Hawk is not required. Commissioner Vergis asked why the presence of sensitive species is confirmed after the initial study rather than during that process. Mr. Parfrey replied that the general standard is to conduct the biological study prior to groundbreaking to assure work is not done during the nesting season.

Commissioner Bertolero asked for clarification that the current discussion is solely regarding the lot split, and not the construction project. Mr. Parfrey confirmed that is correct. He noted that the site plan review was done in March and there are two sets of Conditions of Approval, one for the site parcel map and one for the site plan review regarding the architectural elements of the buildings.

Commissioner Kasbergen asked why the requirements to conduct biological studies are so extensive if there are no known Swainson's Hawks or elderberry beetles on the site. He commented that the requirement seems an onerous burden and a judgment call by staff. Mr. Parfrey noted they are consistent with the conditions required of other subdivisions. Mr. Morrison added that while there may be no demonstrable evidence of a habitat, habitats can establish themselves after demolition of buildings, and the review must be done to assure sensitive species are not negatively impacted.

Commissioner Kimball commented that the biological study requirements are not a judgment call by staff because they are required by state and federal agencies.

Chair Reed opened the public hearing.

Jeff Riley, Mercy Housing, commented that they are in the estimating stage of working on the price details and noted that if funding and space are available they will include solar in the design. He reported they have engaged Sycamore Environmental to conduct the biological study.

Chair Reed closed the public hearing.

Commissioner Bertolero noted four other housing projects have been approved in Esparto but construction has not started and that the community needs affordable housing.

Commissioner Kimball commented that the site is a perfect location for redevelopment and the community needs the project. She congratulated the applicant for their persistence.

Commission Action

That the Planning Commission:

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

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

6.4 ZF#2011-0047: Use Permit request to erect four self-supporting towers between 40 feet and 60 feet tall, in order to enhance the fixed wireless broadband services provided to businesses and residences in the rural areas of the County. The tower sites are proposed on parcels located as follows: (1) west of Winters, zoned Agricultural General (APN: 030-280-021); (2) west of Winters, zoned Agricultural Preserve (APN: 038-060-005); (3) west of Davis, zoned Agricultural Preserve (APN: 040-200-028); and in Monument Hills, zoned Residential Suburban (APN: 040-032-011). A Negative Declaration has been prepared for this project. Applicant/Owner: Winters Broadband/Kugler, Hansen, Eoff, and Tarava (S. Cormier).

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

Commissioner Vergis asked if there are opportunities for co-locating these towers with cell towers. Ms. Cormier noted that such opportunities may not be possible as cell and wireless broadband towers operate on different frequencies.

Brian Horn, a Winters Broadband representative, reported that the cell towers are generally placed along major highways where service and customers are located. Those companies are not generally interested in the farming community and his company can locate services on personal property, closer to the homes where it is needed.

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Chair Reed asked whether antennas are enclosed within the monopoles. Mr. Horn noted the towers are triangular structures used for television reception and the antennas are flat panels.

Commissioner Bertolero asked if the applicant agrees to the Conditions of Approval. Mr. Horn confirmed that they agree to all of the conditions.

Commissioner Kasbergen asked about Condition of Approval 22. Ms. Cormier noted it is a standard condition from the Building Division.

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

Commissioner Williams thanked the applicant and staff for answering questions.

Commissioner Bertolero congratulated the applicant and staff on a job well done.

Commissioner Kasbergen commented the staff did a good job.

Commissioner Kimball noted service in the area of the project has been difficult and she is glad to see expansion of the service area. She asked if more towers are planned and whether they would all need to go through the Planning Commission. Mr. Morrison noted the County ordinance requires discretionary approval for all towers over 40 feet.

Commission Action

That the Planning Commission:

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

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

6.5 ZF#2011-044: Request for a Use Permit to construct a wine making, seed drying, and cheese processing facility within a 14,000 square foot building area on a 160-acre parcel zoned Agricultural Preserve (A-P). The property, in active row crop production, is located approximately two miles northeast of the City of Winters and borders the south side of County Road 31A and the east side of Buckeye Road, east of Interstate 505 (APN: 038-040-034). The project, which would be constructed in phases, would locate in the northeast corner of the parcel on approximately three acres. Initial phases include construction of facilities for the production, storage, and bottling of wine, and seed processing. Future phases will include a tasting room and cheese processing. A Negative Declaration has been prepared for this project. Applicant/Owner: Turkovich Family Wines/Turkovich (S. Cormier)

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

Commissioner Bertolero asked what the hours of operation for the tasting room would be. Ms. Cormier replied they are planned for 11 a.m. to 5 p.m. and the processing facility would operate from 6 a.m. to 6 p.m., with operations running 24 hours a day during harvest and crush times.

Commissioner Bertolero asked how processing wastewater would be handled. Ms. Cormier noted the current proposal is to divert it to a permitted off-site location and truck it to a disposal site.

Commissioner Bertolero asked how much overflow parking is planned for events. Ms. Cormier noted the site plan would include provisions for parking when latter phases of the project are developed. She added that they are proposing about 19 spaces for the first phase with temporary overflow parking.

Commissioner Bertolero asked why sprinklers are not required by the Winters Fire Department. Ms. Cormier replied that the 14,000 square foot total building area is comprised of multiple buildings, each of which is less than the minimum 5,000 square foot threshold where sprinklers are required. Mr. Morrison added that sprinklers may still be required by the Building Division for agricultural processing buildings, depending on the type of occupancy.

Commissioner Kasbergen asked for clarification about item 3 on page 6 of the staff report regarding the number of people allowed over time. Ms. Cormier noted they would obtain clarification from Environmental Health regarding this requirement.

Commissioner Kasbergen asked whether water would be held in the storm water basin as retention, or would it be released. Ms. Cormier noted the storm water would be detained, to reduce the potential for breeding mosquitoes.

Commissioner Kimball asked what path of travel trucks will use and whether it will be the same as the route used by the Mariani's facility, located north of the project site. Chris Turkovich noted they will use smaller trucks that will come from the south Winters area. The trucks will travel north on Buckeye and enter through the existing driveway along the access road. The access will change in later phases of the project. Currently, farm traffic from both the Mariani facility and the Turkovich property use the roads with no problems.

Commissioner Kimball asked what kind of seeds will be processed and whether other farmers will be allowed to use their facility. Mr. Turkovich replied they currently process cucumber, squashes, and melons and they will eventually have the capacity for more varieties. He noted the winery will eventually allow more wine processing than the current business plan includes.

Chair Reed asked whether they have resolved Caltrans' issues. Mr. Turkovich noted the water flows away from Interstate 505, to the north and south, and that there is a tail water pond at the bottom of the field. Ms. Cormier added that this is a common concern for Caltrans. The applicant will provide a drainage study for Caltrans' review and approval.

Commissioner Kasbergen asked whether Condition of Approval 51 is new. Ms. Cormier replied it is from the 2007 YSAQMD handbook and is a standard requirement for development projects. Commissioner Kasbergen asked whether this condition is included in all construction projects. Mr.

Morrison confirmed that it is and Mr. Parfrey noted it is included in Mercy Housing's second set of conditions.

Commissioner Bertolero commented that Yolo County lacks processing facilities and that the project, which is supported by the Farm Bureau, is an asset to the County.

Commissioner Williams commented that he looks forward to visiting the facility and appreciates the green building practices.

Commissioner Kasbergen commented that he believes it to be a great project that addresses the need for processing facilities. He noted he has no problems with the project but does not like the mitigation. He asked if they plan to close the tasting room in Winters. Mr. Turkovich said the tasting room will remain open.

Commissioner Kimball commented that she is excited about the seed processing facility and noted this region leads the nation in seed processing. She thanked the applicant for providing this service to the County.

Chair Reed thanked the applicant and staff for a great project and more agricultural processing.

Commission Action

That the Planning Commission:

1. **ADOPT** the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines, together with the Memo of Errata (Attachment C);
2. **ADOPT** the Findings (Attachment D); and
3. **APPROVE** a Use Permit subject to the Conditions of Approval (Attachment E).

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

REGULAR AGENDA

7. Discussion Items
- 7.1 2012 Calendar

Mr. Morrison noted the January 2012 meeting is cancelled due to the County furlough during the last two weeks of December, as it leaves insufficient time for staff to prepare. The next meeting will be February 9, 2012, at which time officers will be elected. The meeting schedule for the year will be sent to Commissioners soon. Mr. Morrison noted that some Commissioners' terms will expire and that the orientation of any new commissioners will occur at the February meeting.

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:

- 8.1 Most of the December Citizens Advisory Committee meetings have been cancelled and only five meetings were held in November. The Dunnigan CAC discussed Love's Travel Stop. The Yolo-Zamora CAC sent a letter to him and Chair Reed expressing their concern that they were not being kept informed of projects in their area. Mr. Morrison reported he reminded them of the designated areas of comments for projects. The South Davis CAC held their first meeting in November, at which they reviewed the bylaws and elected officers. The next meeting will be in February. The Esparto CAC discussed the Mercy Housing project but were not able to vote because a quorum was not present.
- 8.2 The Building Division is interviewing to fill two vacant building inspector positions and has retained the services of a contracted inspector for the interim. Norma Springsteen is leaving the department at the end of December and they are reviewing the County rehire list to fill her position.
- 8.3 Since the October Planning Commission meeting, the Board of Supervisors approved the Granite Esparto project and the existing moratorium on new Williamson Act contracts was continued. The Board will reconsider the issue in February. Future Board agendas will include appeals for the wind turbine and Results Radio projects, and contracts for various EIR work. Mr. Morrison noted the Davis City Council met this week and voted to deny the radio tower location.
- 8.4 Budget amendments for additional revenues for the Building Division will also be on a future Board agenda. The Planning and Building Division's budget is expected to exceed \$5 million and will be about 95% self-funded.

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 spoke with Mitch Sears regarding the radio tower who noted the city would be discussing the issue again. She also spoke with an assortment of people including CEMEX staff regarding the delicacy of riparian systems and her concerns about the project. She reported she attended the Yolo Solano Economic Summit, which was well attended and focused on the local agricultural

economy.

- 9.2 Chair Reed reported that he and Commissioner Bertolero attended the first South Davis CAC meeting. He noted that the members recognize the limitations of the topics on which they can vote.
- 9.3 Commissioner Williams reported he attended the Esparto, Knights Landing, and Dunnigan CAC meetings. Knights Landing members discussed emergency response in their community. Dunnigan members expressed concerns about the Love's Travel Stop project. He noted his surprise that there were not more people expressing concern about the project. He also attended the landowners' dinner and the Dunnigan Fire District dinner.
- 9.4 Commissioner Vergis reported she spoke with one of the heads of the aerospace engineering program at UCD, who is also the head of the research group, California Wind Energy Collaborative, regarding wind towers. She learned that wind towers are generally developed for urban areas where noise is less of an issue. Infrasound has not proved to be a scientific fact in the peer reviews on the issue. She also noted that the towers have a negative affect on raptors even with modern technology. They told her that bats are more of an issue on the east coast than here.
- 9.5 Commissioner Bertolero reported that he attended the Board of Supervisors meeting on November 9 at which Chair Reed was honored with the 2010 Commissioner of the Year award and Mr. Morrison was honored as planner of the year. He attended the November Dunnigan CAC meeting and noted they changed their standing rules to indicate meetings will be held in alternating months starting in January 2012. He noted the South Davis CAC needs one more member. He plans to schedule a tour of the Montezuma Hills wind turbine farm to learn more about wind power. Commissioner Kimball expressed her interest in attending and consulting experts on the assorted issues surrounding the turbines.

Phil Pogledich asked that his office be consulted to assure compliance with the Brown Act. Mr. Morrison commented that his office will coordinate the logistics and schedule the trip as a special meeting in May 2012. Commissioners Bertolero and Kimball will coordinate speakers.

Mr. Parfrey commented that the applicant of the CEMEX project has agreed to move the turbine another 1500 feet south of the original site to the south end of the mining field, which would put the turbine almost a half mile south of Cache Creek.

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 ZF2011-0027, PD-9, Dan Dowling et al
- 10.2 Love's Travel Stop, Dunnigan
- 10.3 Scoping hearings regarding draft EIRs

11. ADJOURNMENT

Chair Reed thanked Norma Springsteen for her service to the Planning Commission.

The Regular Meeting of the Yolo County Planning Commission adjourned at 10:14a.m. The next regularly scheduled meeting of the Yolo County Planning Commission is February 9, 2012, 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