



County of Yuba

Community Development & Services Agency

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**MINUTES OF THE YUBA COUNTY
PLANNING COMMISSION
Wednesday, November 17, 2010
6:00 p.m. Supervisor's Chambers
915 8th Street
Marysville, California**

Planning Commissioners Present: Commissioners Barker, Messick, Rippey, Rodda and Zimmerman

Planning Commissioners Absent: None

Staff Present: Planning Director, Wendy Hartman; County Counsel, Pat Garamone; Planning Commission Secretary, Tony Gon.

PUBLIC COMMUNICATIONS:

- Nick Spaulding – Commented on the packet he submitted to the Commission before the meeting. He wanted to thank staff for meeting with his group in the foothills and at the County office. Wanted to extend the timeline between the release of the EIR and when action will be taken on that EIR. He wanted there to be a back and forth discussion regarding the language in the Draft General Plan.
- Alyssa Lindman – Voiced concerns regarding the General Plan Update and the packet she submitted to the Commission before the meeting. The plan needs feedback to make a more balanced General Plan and not so environmentally weighted. The document is lacking and premature approval would not be good for the County. Real dialogue is needed for this plan and so the Community feels their input is being considered.
- Charles Sharp – The time frame extension to get comments in of 60 days has allowed for some good comment letters to come in. If there was something for the General Plan on the agenda more people would have showed up to the meeting.

APPROVAL OF MINUTES:

Commissioner Zimmerman made the motion, which was seconded by Commissioner Rippey to approved the minutes from the September 22, 2010 Planning Commission meeting.

Motion passed by a unanimous vote.

ACTION ITEMS:

- 1) **OA2010-0001 (YUBA COUNTY):** would amend Title XII of the Yuba County Ordinance Code by providing for emergency shelters and transitional and supportive housing consistent with Senate Bill 2 (Cedillo) and Government Code Section 65583. Environmental Determination: The proposed ordinance amendment serves to implement the Yuba County General Plan Housing Element for which a Mitigated Negative Declaration was adopted. (1) Staff Report (2) Public Hearing (3) Adopt Resolution

Staff Report: Wendy Hartman, Planning Director, presented the staff report.

Planning Commission Discussion:

- Would the emergency housing ordinance take into account half way houses or locations for sexual offenders?
 - *These facilities would provide shelter to the homeless or to people that have been displaced by fire or catastrophe.*

Public Hearing: No public comments.

Motion:

Commissioner Riphey made a motion, which was seconded by Commissioner Messick to adopt the resolution recommending to the Board of Supervisors adoption of Ordinance Amendment OA2010-0001 relating to zoning ordinance updates pertaining to emergency shelters and transitional and supportive housing in compliance with SB2.

The motion was passed with the following vote:

Ayes: Commissioners Barker, Messick, Riphey, Rodda and Zimmerman

Noes:

Abstain:

- 2) **OA2010-0002 (YUBA COUNTY):** would amend Title XII of the Yuba County Ordinance Code by establishing a tiered system for processing solar and wind energy system applications; including provisions for the administrative approval of small wind or solar electric generating facilities that are designed for onsite consumption if they meet certain development standards. Environmental Determination: The proposed ordinance amendments serve to implement the Yuba County General Plan for which an EIR was certified and adopted. (1) Staff Report (2) Public Hearing (3) Adopt Resolution

Staff Report: Wendy Hartman, Planning Director, presented the staff report.

Planning Commission Discussion:

- Beale Representative had a concern regarding wind farms and the disturbance of radar or the disturbance of any flight. He also wanted to make sure the issue of glare from the solar panels has been addressed.
 - *Section 12.140.020.G. addresses Electrical Interference and section 12.140.030.B. has a footnote to address solar systems being consistent with the Airport Land Use Compatibility Plan. It is recommended the Commission add the same footnote to the wind tower section 12.140.020.B.*
- Could a parcel size of four (4) acres have the ability to apply for a permit for a wind system?
 - *The way the ordinance is written they could apply for a solar system but not for a wind system. The ordinance currently allows for wind systems on parcels that are five (5) acres or more.*
- Does the five (5) acre size minimum eliminate a lot of properties in the County? An example of this would be a three (3) acre parcel surrounded by one-hundred (100) acres of farmland, basically a property that was homesteaded from a farm.
 - *The Commission could recommend to the Board of Supervisors that there be a mechanism to allow for parcels that don't meet the minimum parcel size but are surrounded by large parcels. The main concern is the setbacks on such a small piece of land and the possible impacts on the surrounding neighbors.*
- Concerns regarding neighborhoods that are surrounded by agricultural land and the rezoning of that land to allow for high residential development. The development could be five units to the acre and placement of wind systems on that type of property could be a problem. Setbacks from surrounding neighbors could be an issue.
- Could the Commission add something that if the parcel is in a five (5) acre zone it would be allowed even if the parcel is less than five (5) acres in size?
 - *The Commission could add to section 12.140.020.F. Variances to allow for properties that are less than five (5) acres but are in a zone district of five (5) acre minimums and also add some parameters to address proximity to other small parcels or future growth areas.*
- The way the ordinance is written now in the variance section could a property owner come in and apply for a variance for a reduction of minimum parcel size?
 - *The way the variance section is written a property owner can only ask for a variance for three reasons: location in front or side yard, allow for more than one tower and to increase the permitted height of a tower or wind turbine.*
- If the County were to take no action, what is the State's minimum parcel size that would allow wind systems?
 - *Parcels of one (1) acre or larger, regardless of whether or not they are located in what is considered an urban census tract boundary or basically significant portions of our future growth areas. We have significant concerns since we have many one (1) acres parcels in urban areas.*
- Concerns regarding the surrounding properties and a change of zone where an eighty (80) acre agricultural property is next to a subdivision. Is there something in the ordinance to protect surrounding neighbors, possibly saying where houses can and cannot be built?

- What is the height requirement for lights on these towers?
 - *Section 12.140.020.I. addresses lighting and how the towers should not have lighting unless required by the FAA.*
- Did the Agricultural Department comment on the ordinance with regards to crop dusters and lighting?
 - *No comments were received but prior to the ordinance going forward to the Board of Supervisors staff can ask the Agricultural Department to look at it.*
- What happens when someone comes in to apply for a wind tower on a property less than five (5) acres in size?
 - *We would tell them that it is not currently permitted and at that time we could come to the Commission and ask that we have received a request, would the Commission like to consider an amendment to the language.*
- Could a Conditional Use Permit allow systems on parcels smaller than five (5) acres?
 - *A Variance is for a deviation of standards where a Conditional Use Permit is to allow a use. Usually you could not get a Conditional Use Permit for a use that is not allowed in the zone. You can get a Variance to standards though, in this case the variance would request reduction in parcel size to allow for the wind system. Parameters could be set which would require the height setback to be met and minimum parcel sizes of the surrounding parcels. In this case residents of the surrounding parcels would be able to speak against such a project at the public hearing.*
- If a variance allows for a reduction in size required for placement of a tower, then there should be a minimum distance from the adjoining property but also establish a minimum distance from the residence or primary structure from that adjacent property. The tower should be placed as far from the adjoining property as possible.
 - *In the event Planning receives many applications for placement of towers on parcels less than five (5) acres in size. Staff could bring the ordinance back to the Commission for consideration of an amendment to the language.*
- When the ordinance goes forward to the Board of Supervisors can they make changes to the ordinance with regards to the smaller parcels sizes without the ordinance coming back to the Commission?
 - *The Board of Supervisors could make those changes and staff would feel comfortable with those changes since it was something the Commission discussed.*
- If the Commission or the Board of Supervisors don't get the ordinance through by the first of the year and the State takes over, can we then make changes?
 - *No, the County would have to abide by State requirements and changes would not be allowed.*

Public Hearing: Public comments were received from:

- Nick Spaulding: This is the kind of input and discussion that is required for every attempt to open a door to new technology.

Motion:

Commissioner Messick made a motion, which was seconded by Commissioner Ripsey to adopt the resolution recommending the Board of Supervisors adopt Ordinance Amendment OA2010-0002 relating to zoning ordinance updates pertaining to solar and wind energy systems, adding to section 12.140.020.B. that systems be compliant with airport land use plans.

The motion was passed with the following vote:

Ayes: Commissioners Barker, Messick, Ripsey, Rodda and Zimmerman

Noes:

Abstain:

OTHER BUSINESS: General Plan Update - In September the Commission added an additional sixty (60) days to give the public an opportunity to review the General Plan document. Sixty (60) days would have been next week and staff did not feel it was beneficial to have a meeting the day before Thanksgiving. In addition comments from the public and from Commissioners indicated you would like the EIR released to the public before you took action. Staff also wanted to touch base with the Board of Supervisors with regards to the scheduling of the General Plan Update and a number of additional meetings they would want, if any, as well as proceeding with the EIR being released to the public. On November 9, 2010 staff held a workshop with the Board of Supervisors discussing the EIR alternatives and the staff report which provides a summary of those alternatives and a schedule is on the front of the staff report you received. The Board of Supervisors indicated they are in support of that schedule, they felt there were plenty of opportunities for the public to participate in the process that was laid out in the schedule. We are anticipating the EIR will be released by early December which would be before the Commissions meeting in December. We are also anticipating a presentation on the EIR to the Board of Supervisors in January, that would not be an action item, it would be to go over the key elements in the EIR with the Board of Supervisors. With hearings on the EIR and the Draft General Plan in February the Board of Supervisors can direct staff to then prepare the Final EIR and the Final General Plan for adoption with certification of the EIR and Final General Plan this spring. Then staff would proceed with making comprehensive amendments to our zoning ordinance and other development codes.

CORRESPONDENCE: Two letters submitted tonight which will be included in the General Plan packet for the Commission's December 17, 2010 meeting.

PLANNING DIRECTOR COMMENTS: None.

PLANNING COMMISSIONER COMMENTS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned to the next meeting.


Wendy W. Hartman
Planning Director