

ATTACHMENT E. PLANNING COMMISSION STAFF REPORT



# County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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Time Set 12.

Planning Commission  
Meeting Date: 02/09/2023

## Information SUBJECT

**ZF #2022-0094:** Public hearing to consider a request for a two-year term extension to the Development Agreement for the E. Parker residential subdivision project in Esparto, and determine the project is exempt from the California Environmental Quality Act (CEQA) based on the common sense exemption under CEQA Guidelines Section 15061(b)(3). The E. Parker project is located within the unincorporated community of Esparto north of the intersection of State Route 16 and County Road 86A (APN: 049-160-021, 62 units approved on 17 acres). Owner/Applicant: Yocha Dehe Wintun Nation (Planner: JD Trebec)

## SUMMARY

<b>FILE # 2022-0094:</b> E Parker Development Agreement third extension	
<b>APPLICANT/OWNER:</b> Yocha Dehe Wintun Nation PO BOX 18 Brooks, CA 95606	
<b>LOCATION:</b> The parcel is located north of the intersection of State Route 16 and County Road 86A within the town of Esparto. (APN: 49-160-021)	<b>SOILS:</b> Farmland of Local Importance. Tehama loam (TaA), Marvin silty loam clay (Mf)
<b>GENERAL PLAN:</b> Residential Low (RL)	<b>WILLIAMSON ACT:</b> NO
<b>ZONING:</b> Residential Low/ Planned Development 60 (R-L/PD-60)	<b>FLOOD ZONE:</b> X
<b>SUPERVISORIAL DISTRICT:</b> 5 (Supervisor Barajas)	<b>FIRE SEVERITY ZONE:</b> Non-Wildland/Non-Urban
<b>PUBLIC HEARING NOTICE:</b> Mailed January 27, 2023 and Published January 29, 2023	
<b>ENVIRONMENTAL DETERMINATION:</b> The Board of Supervisors adopted a Mitigated Negative Declaration for the E. Parker residential subdivision on October 23, 2007 (SCH#2007012126). The common sense exemption applies to the 2-year extension [CEQA Guidelines Section 15061(b)(3)]	

RECOMMENDED ACTION  
That the Planning Commission:

1. Hold a public hearing and receive public comments on the proposed 2-year term extension to the E. Parker Development Agreement; and
2. Recommend that the Board of Supervisors:
  - A. Adopt the "common sense" exemption as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment A); and
  - B. Approve the Ordinance to amend the E. Parker Development Agreement for a third term extension until December 31, 2024 (Attachment B).

## REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

A Development Agreement (DA) and Tentative Subdivision Map were approved for the E. Parker residential subdivision in October 2007. The Tentative Subdivision Map has the same term as the DA, which had an original term of ten years. Since then, the DA has been extended twice by the Board of Supervisors: once in 2017 for two years and again in 2019 for three years. In 2019, the E. Parker property and development entitlements were transferred from Emerald Homes, the original project proponent, to the Yocha Dehe Wintun Nation (Tribe). Since that time, the Tribe has been fully engaged in developing a health clinic and community center in Esparto, which is nearly complete, and is seeking a two-year extension of the E. Parker DA to finalize community outreach and planning for the project.

## BACKGROUND

As indicated above, the County approved Tentative Subdivision Map No. 4755 and the Development Agreement for the E. Parker residential subdivision in 2007 with a term of ten years. The project never received a Final Map and when the DA's term was due to expire in 2017, the Board of Supervisors extended the term of the DA and tentative map by two years. The property and its associated entitlements were sold to the Yocha Dehe Wintun Nation in 2019 and a second extension of three years was granted.

The tentative map for the E. Parker project consists of 62 low density residential lots on 17 acres of land (APN: 049-160-021) located immediately east of the Tuli Mem Park and Aquatic Center between State Route 16 and Lamb Valley Slough (Attachment C). Without the DA, the tentative map would have since expired. Thus, extending the term of the Development Agreement (Attachment D) also extends the life of the tentative map.

Developer obligations contained within the E. Parker DA include: A.) \$125,000 for downtown Esparto street improvements; B.) the extension of Alpha Street across Lamb Valley Slough and improvements at the State Route 16/County Road 86A intersection; C.) Visitability design feature for homes; D.) Lamb Valley Slough channel improvements, trails, and a playground. The Tribe has requested an additional two-year extension in order to engage with the community of Esparto to decide whether to proceed with the project or make revisions that better align with current community and residential needs.

## ANALYSIS

A "Development Agreement" is a voluntary legal contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Development agreements are usually employed for large, complex development projects that are constructed in phases over a period of years. The agreements set the specific zoning, design, and other construction requirements for the project and give certainty to the developer that the rules will not be significantly changed over time. In return for this regulatory certainty, public agencies often negotiate additional benefits (or mitigation programs) that the developer will provide with the project to address potential impacts of the project. The framework and requirements for a DA is set forth in provisions of State law. The approval and any subsequent amendment of a DA requires a public hearing before the Planning Commission and the Board of Supervisors.

An extension to the Development Agreement for the E. Parker residential subdivision would allow the Tribe to engage with the community of Esparto to consider the best course of action for the property, which may change substantially based on community input and needs of the Tribe. The extension of the E. Parker Development Agreement to December 31, 2024, would allow the DA and Tentative Subdivision Map No. 4755 to remain active while alternative development plans are considered by the Tribe.

A Mitigated Negative Declaration for the E. Parker residential subdivision was adopted on October 23, 2007 (SCH#2007012126). A 'common sense' exemption has been prepared for the requested DA term extension. Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines consists of activities covered by the 'common sense' rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Extending the term of the E. Parker DA and tentative map will not have an effect on the environment. Additional environmental review may be required should more substantial changes to the DA or tentative map be proposed.

## **SUMMARY**

Staff recommends the Planning Commission recommend the 2-year DA extension for the E. Parker project to the Board of Supervisors to allow the Tribe time to further engage with the community of Esparto, determining that the extension of the DA meets the following findings:

- (1) The provisions of the E. Parker DA and the development of the E. Parker property, as approved, are consistent with and conform to the 2030 Countywide General Plan and updated Esparto Community Plan;
- (2) The DA is consistent with the Yolo County Code that governs the uses authorized in the Zoning Regulations for the Low Density Residential (R-L) Zone;
- (3) The execution of the DA is in the public interest as it provides assurance of compliance with all County requirements, including a Mitigation Monitoring and Reporting Program approved in connection with the adoption of the Mitigated Negative Declaration;
- (4) Development of the E. Parker project would be served by public water and wastewater, meet public safety requirements, and provide mitigation for the loss of agricultural and habitat resources. Additionally, the DA provides many public benefits that would not have been achieved in the absence of the DA, such as flood controls, universal design and visitability features in the homes, and higher standards for residential energy efficiency components;
- (5) The E. Parker project is suitable for the site, as is consistent with the Esparto Community Plan, and includes provisions for implementing measures to ensure the design of the subdivision will not cause environmental damage or serious public health problems;
- (6) The E. Parker DA provides many public benefits that would not have been achieved in the absence of the DA, including recreational areas, a reconstructed south levee of Lamb Valley Slough with a maintenance road and pedestrian and bicycle path, landscaped transportation improvements along State Route 16, and economic development;
- (7) The DA ensures the project will meet 100-year flood protection requirements.

## **COLLABORATIONS**

The Esparto Citizens Advisory Committee reviewed the request at their meeting on January 17, 2023, and unanimously recommended approval to extend the term of the E. Parker DA until December 31, 2024. The Office of the County Counsel has assisted staff and approved the Resolution as to form.

## **APPEALS**

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) days from the date of the action. A Planning Commission Appeal Form and appeal fee immediately payable to "County of Yolo" must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision. The Planning Commission Appeal Form can be accessed at the following link: <https://www.yolocounty.org/government/board-of-supervisors/clerk-of-the-board/planning-commission-appeal>

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## Attachments

Att. A. Notice of Exemption

Att. B. Ordinance to amend the Development Agreement

Att. C. Project Location

Att. D. E. Parker Development Agreement

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## Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	01/27/2023 11:50 AM
Eric May	Eric May	01/30/2023 10:56 AM
Leslie Lindbo	Leslie Lindbo	01/30/2023 03:59 PM
Form Started By: JD Trebec		Started On: 01/18/2023 01:58 PM
Final Approval Date: 01/30/2023		