

ATTACHMENT D



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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DIRECTOR

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Time Set 11.

Special Meeting - Planning Commission

Meeting Date: 01/19/2023

Information

SUBJECT

ZF #2022-0046: Consider a request for a Tentative Parcel Map to create 10 parcels from four parcels consisting of approximately 1,055 acres in the unincorporated area of Yolo County located northwest of the community of Clarksburg near Winchester Lake at 52242 Pumphouse Road. No development is proposed as part of the Tentative Parcel Map. A Negative Declaration has been prepared and circulated for the project. (Applicant: Matthew K. Souza/Owner: Dwyer Revocable Trust) (Planner: Tracy Gonzalez)

SUMMARY

FILE # 2022-0046: Tentative Parcel Map	
APPLICANT: Matthew K. Souza Laugenour and Meikle 608 Court Street Woodland, CA 95695	OWNER: Dwyer Revocable Trust PO Box 518 Clarksburg, CA 95612
LOCATION: 52242 Pumphouse Road (APNs: 044-040-017, 044-040-024, 044-040-025, 044-040-036, 044-090-002, 044-090-017, 044-090-018, 044-090-019, 044-120-007, 044-120-009, 044-120-021, and 044-120-022. GENERAL PLAN: Agriculture (AG) ZONING: Agricultural Intensive (A-N)/Clarksburg Agricultural District (CAD) overlay SUPERVISORIAL DISTRICT: 1 (Supervisor Villegas)	SOILS: Maria silt loam (Grade 3), Meritt silty clay loam (Grade 3), Meritt silty clay loam (deep) (Grade 4), Merritt complex (saline-alkali) (Grade 4), Omni silty clay (Grade 4), Sacramento clay (0 to 2 percent slopes), Sycamore silt loam (0 to 1 percent slopes), Tyndall very fine sandy loam (Grade 3). FMMP 2018: Prime Farmland, Farmland of Statewide/Local Importance, Other, and Water. WILLIAMSON ACT: Agreement No. 70-202 FLOOD ZONE: A FIRE SEVERITY ZONE: Non-Wildland/Non-Urban
ENVIRONMENTAL DETERMINATION: Negative Declaration	

RECOMMENDED ACTION

1. Receive staff presentation and hold a public hearing to accept public comment;
2. Adopt the Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. (Attachment C);
3. Adopt the proposed Findings (Attachment D); and
4. Approve the request for a Tentative Parcel Map #5226 in accordance with the Conditions of Approval (Attachment E).

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The proposed project is a request for a Tentative Parcel Map (#5226) to create 10 parcels, not less than 80 acres each, from four parcels consisting of 1,055 acres within the Agricultural Intensive (A-N)/Clarksburg Agricultural District (CAD) overlay zones. The Tentative Parcel Map will allow the current property owner to create lots that are more appropriately aligned with the boundaries of the existing farming operations, meet the conditions imposed by a previously-filed Conditional Certificate of Compliance (Att. H), resolve outstanding errors on the title report, and simplify crop insurance reporting.

No development is proposed as part of the Tentative Parcel Map and a majority of the property is under a single Williamson Act contract (No. 70-202). The project is consistent with policies in the 2030 Countywide General Plan that aim to maintain parcel sizes large enough to sustain agricultural production (parcel sizes range from 80 acres to 153 acres), prohibit the division of agricultural land for non-agricultural uses, and ensure compatibility within the Primary Zone of the Delta by implementing agricultural policies of Land Use and Resource Management Plan (LURMP) of the Delta Protection Commission.

BACKGROUND

Section 8-1.301 of the Yolo County Code requires a tentative map and a final subdivision map for all subdivisions creating five or more lots. However, subsection (d) provides an exemption if *each lot created by the subdivision has a gross area of not less than 40 acres or is not less than a quarter of a quarter section*, at which time a tentative map and a parcel map shall be required instead. (See also Gov't Code § 66426(d).)

The project site is designated as Agriculture (AG) by the Yolo County 2030 Countywide General Plan and has been historically used for the cultivation of seasonal row crops, irrigated via surface and well water supplies. A majority of the property is enrolled in the California Land Conservation Act (Williamson Act) under a single contract (since April of 1970) and consists of soils identified as a mixture of prime farmland, farmland of statewide/local importance, and unique farmland. A new Williamson Act contract will be prepared to enroll additional acreage (approximately 3 acres in total) following acceptance of a Parcel Map by the Board of Supervisors.

Existing development at the project site includes a dwelling unit and various accessory structures, which would be located on the proposed Parcel 4 (currently identified as APN: 044-090-017). Another dwelling unit, including amenities, is located to the north, also located on the proposed Parcel 4 (currently identified as APN: 044-040-036). Throughout the project site, three gas well pads have been identified, as well as several existing Pacific Gas and Electric (PG&E) easements, irrigation easements, access easements granted to various agencies for water and sanitary purposes, and pumping stations that are located to the south near Winchester Lake. Although no development is proposed as part of this project, a new 30-foot-wide access easement has been proposed to provide additional access throughout the site. None of the existing easements will be affected by the project.

The project site consists of multiple Assessor's Parcel Numbers (APNs) and at least four legal parcels established by Zone File No. 2008-017 (Attachment I), a Certificate of Compliance recorded in 2008, and Zone File No. 2008-060 (Attachment J), a Certificate of Compliance for a Lot Line Adjustment recorded in 2009. (Note: Assessor's Parcel Numbers do not always equate to legal parcels.) Additionally,

a Conditional Certificate of Compliance was prepared (Zone File No. 2007-012; Attachment H) and recorded in 2008 that documents two parcels which will be made lawful by the proposed tentative map (Parcel 1 and Parcel 2 of said document). The two parcels were found not to be lawfully created after the adoption of the County Subdivision Ordinance (January 23, 1966) and the adoption of the Subdivision Map Act prohibiting the subdivision of any land by conveyance alone. The Conditional Certificate of Compliance requires the boundaries of both Parcel 1 and Parcel 2 to be readjusted so that Parcel 1 is at least 80 acres in size, and Parcel 2 is at least 20 acres in size. Approval of this tentative parcel map will bring both Parcel 1 and Parcel 2 above 80 acres, satisfying the requirements of the Conditional Certificate of Compliance (Zone File No. 2007-012). Exhibit A depicts the parcel history timeline described above for the project area and Exhibit B contains the project's Assessor's Parcel Map pages.

ANALYSIS

The proposed project is a request for a tentative parcel map that would allow the property owner of approximately 1,055-acres to create 10 parcels, of not less than 80 acres each, to a more practicable configuration that will follow the existing boundaries of the farming operations. The project site is within the A-N/CAD overlay zones and will not directly or indirectly affect the surrounding lands which primarily consist of agricultural uses, such as seasonal row crops and permanent crops (vineyards). Although no development is proposed as part of the project, the CAD overlay zone would allow for the construction of one primary dwelling and up to two ancillary dwellings for the newly created parcels.

Since the County Code provides that a property on A-N zoned land can establish a 2.5-acre homesite [County Code Sections 8-2.304/Table 8- 2.304(e) and 8-2.402(b)] for the authorized residences, the potential exists for the disturbance of raptor and/or Swainson's hawk foraging habitat on each newly created parcel. The project's conditions of approval (Attachment E) will require payment of land cover fees established by the Yolo Habitat Conservancy for the development of residential uses on each newly created parcel as a result of approval of the tentative parcel map. Payment of applicable land cover fees are due prior to issuance of building permit(s) for each new homesite, assumed to be 2.5 acres.

The newly created parcels are identified as Parcels 6, 7, 8, and 9 on the Tentative Parcel Map, and Parcels 1-5 and Parcel 10 are considered existing parcels. If the Tentative Parcel Map is approved and a Parcel Map accepted, the requirements for Parcel 1 and Parcel 2 of the Conditional Certificate of Compliance (Zone File No. 2007-012) will have been satisfied and brought into compliance. These two parcels are identified as Parcel 2 and Parcel 10 on the Tentative Parcel Map (Attachment B).

In addition to satisfying the conditions imposed by the Conditional Certificate of Compliance (Zone File No. 2007-012) and to resolve outstanding errors on the title report, approval of the tentative map will also simplify crop insurance reporting. The resulting parcels, ranging in size from 80 acres to 153 acres, meet or exceed the minimum parcel size requirements for the A-N zone. The project is therefore consistent with policies within the 2030 Countywide General Plan that aim to maintain parcel sizes large enough to sustain agricultural production (Policy AG-1.2) and prohibit the division of agricultural land for non-agricultural uses (Policy AG-1.3).

Further, the project is consistent with Agricultural Policy P-5 of the Land Use Resource Management Plan of the Delta Protection Commission, which encourages local governments to implement the necessary plans and ordinances, as well as regulatory and incentive programs, to maximize agricultural parcel size, reduce subdivision of agricultural lands, protect agriculture and related activities, and protect agricultural land from conversion to non-agricultural uses. Staff recommends approval of the requested Tentative Parcel Map to create 10 parcels, of not less than 80 acres each, which will retain viable farming parcels. The required findings for approving the Tentative Parcel Map are provided in Attachment D.

An Initial Study/Negative Declaration (IS/ND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The IS/ND determined that no substantial evidence exists supporting a fair argument of significant environmental effects. The IS/ND was circulated for public review on November 2, 2022, and no comment letters were received.

Following the Planning Commission's approval of the proposed Tentative Parcel Map, the surveyor of

record will prepare a technically accurate Parcel Map that will go before the Board of Supervisors as a consent item. Once the Parcel Map is accepted by the Board of Supervisors it shall be filed for recordation with the County Clerk Recorder.

COLLABORATIONS

A Request for Comments was sent to local and regional agencies on July 11, 2022. Comments were received from the Delta Protection Commission, Yolo Habitat Conservancy, Yolo County Environmental Health Division, Yolo County Public Works Division, and the Yocha Dehe Wintun Nation (YDWN). The project was also presented to the Clarksburg General Plan Citizens Advisory Committee on September 8, 2022 which voted unanimously to recommend approval of the project.

The Yolo Habitat Conservancy, upon preliminary review of the project's HCP/NCCP Application, concluded that the project is not subject to the Avoidance and Minimization Measures and HCP/NCCP fees at this time. As described above, a condition of approval is included in Attachment C that will require compliance with the HCP/NCCP program, including payment of applicable fees for homesite development on any of the newly created parcels following the acceptance of a Parcel Map by the Board of Supervisors.

YDWN concluded that the project is within their aboriginal territories, and they identified a cultural interest and authority in the project area. YDWN responded to a formal AB 52 request on November 2, 2022 to initiate formal consultation with the County and a consultation meeting was held via Teams on December 13, 2022. YDWN recommended that the County encourage the Dwyer's to coordinate with YDWN should any future trenching or excavation activities occur, as a result of the parcel map, that may disturb tribal and/or cultural resources within the project's vicinity (see proposed Conditions of Approval in Attachment E.)

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>

Attachments

ATT. A. Vicinity Map
ATT. B. Tentative Parcel Map No. 5226
ATT. C. Negative Declaration
ATT. D. Findings
ATT. E. Conditions of Approval
ATT. F. Agency Responses
ATT. G. Interested Party Comments
ATT. H. Zone File 2007-012
ATT. I. Zone File 2008-017
ATT. J. Zone File 2008-060
Exhibit A Parcel History Timeline
Exhibit B Assessor's Parcel Maps

Form Review

Inbox

Eric May

Leslie Lindbo

Form Started By: Tracy Gonzalez

Final Approval Date: 01/12/2023

Reviewed By

Eric May

Leslie Lindbo

Date

01/12/2023 02:00 PM

01/12/2023 04:34 PM

Started On: 09/12/2022 03:14 PM