

**FINDINGS**  
**ZONE FILE #2022-0046**  
**DWYER TENTATIVE PARCEL MAP**

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2022-0046, the Planning Commission approves the proposed Tentative Parcel Map #5226. In support of this decision, the Planning Commission makes the following finding (*A summary of the evidence to support each FINDING is shown in italics*):

**California Environmental Quality Act**

1. That the Initial Study/Negative Declaration prepared for the project is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

*The Negative Declaration (**Attachment C**) shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment [14 CCR § 15070(a)]. Pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines, an environmental evaluation (Negative Declaration) has been circulated for 30 days for public review, and to Responsible Agencies having jurisdiction over the project, with no significant comments noted [14 CCR § 15073(a)]. The proposed Negative Declaration is the appropriate level of environmental review pursuant to Section 15070 of the CEQA Guidelines.*

**Yolo County General Plan**

2. That the proposal is consistent with the Yolo County General Plan as follows:

*The Yolo County 2030 Countywide General Plan designates the subject property as Agriculture (AG). As conditioned, the tentative parcel map is consistent with the policies, goals, and objectives of the General Plan. No development is proposed as part of the project.*

*Specifically, the project is consistent with the following General Plan policies:*

***Policy LU-2.3*** *Prohibit the division of land in an agricultural area if the division is for non-agricultural purposes and/or if the result of the division will be parcels that are infeasible for farming. Projects related to clustering and/or transfers of development rights are considered to be compatible with agriculture.*

***Policy AG-1.2*** *Maintain parcel sizes outside of the community growth boundaries large enough to sustain viable agriculture and discourage conversion to non-agricultural home sites.*

***Policy AG-1.3*** *Prohibit the division of agricultural land for non-agricultural uses.*

***Policy AG-1.5*** *strongly discourages the conversion of agricultural land for other uses.*

**Policy AG-1.14** *Preserve agricultural lands using a variety of programs, including the Williamson Act, Farmland Preservation Zones (implemented through the Williamson Act), conservation easements, an Agricultural Lands Conversion Ordinance and the Right-to-Farm Ordinance.*

**Policy AG-2.5** *Support high value and intensive farming practices on appropriate agricultural soils. Prime soils and other productive agricultural land outside of growth boundaries shall be preserved wherever feasible.*

**Policy AG-6.3** *Within the Delta Primary Zone, ensure compatibility of permitted land use activities with applicable agricultural policies of the Land Use and Resource Management Plan of the Delta Protection Commission.*

### **Development and Zoning Code**

3. That the proposal is consistent with applicable standards set forth in Title 8, Chapter 1, Article 3 of the Yolo County Code (Subdivision Map Requirements).

*The proposed project meets the criteria set forth in County Code Section 8-1.301(d), which states that a tentative map and a parcel map shall be required instead of a tentative parcel map and a final subdivision map for all subdivisions creating five or more lots 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. The resultant parcels will range from 80 acres to 153 acres in size. The project will not result in any new development, assures adequate access to each proposed parcel, assures consistency with the public interests, and generally serves to protect land values for the individual.*

4. That the proposed Tentative Parcel Map is consistent with the applicable zoning standards set forth in Title 8, Chapter 2, Article 3 of the Yolo County Code (Agricultural Zones).

*The proposed project is a request for a tentative parcel map to create 10 parcels, ranging from 80 acres to 153 acres each, from approximately 1,055 acres. As conditioned, the tentative parcel map meets or exceeds the minimum parcel sizes (80 acres), and will be consistent with applicable zoning standards set forth in Title 8, Chapter 2, Article 3 of the Yolo County Code.*

### **Subdivision Map Act**

5. Pursuant to Section 66474 of the Subdivision Map Act and Section 8-1.312 of the Yolo County Code, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code.

*The subject property for the tentative parcel map is designated as Agriculture in the 2030 Countywide General Plan. The property has been historically used for the cultivation of seasonal row crops and a majority of the property is enrolled in the Williamson Act under a single contract (since April of 1970). The*

*proposed project will allow the property owner to create lots that are more appropriately aligned with the boundaries of the existing farming operations, meet the conditions imposed by the Conditional Certificate of Compliance (Zone File No. 2007-012) to resolve any outstanding errors on the title report, and to simplify crop insurance reporting.*

- b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

*No residential development is proposed as part of the tentative map. However, the County Code provides that a property within the Agricultural Intensive (A-N) zone can establish a 2.5-acre homesite [County Code Sections 8-2.304/Table 8- 2.304(e) and 8-2.402(b)]. The parcel is also within the Clarksburg Agricultural District (CAD) overlay zone, which allows for the construction of one primary and up to two ancillary dwellings on each of the newly created parcels.*

- c) That the site is not physically suitable for the type of development.

*The resulting parcels of the tentative parcel map, ranging from 80 to 153 acres, meet or exceed the minimum parcel size requirements for the A-N zone, access, and general requirements of the Yolo County Code and the 2030 Countywide General Plan.*

- d) That the site is not physically suitable for the proposed density or development.

*The tentative parcel map does not propose residential development or any other urban development as part of this application. However, the size of the resultant parcels will be able to support future residential development and maintain agricultural viability.*

- e) The design of the subdivision provides for public improvements in accordance with Article 9 of this title, and the Yolo County Improvement Standards.

*No residential development, or any other urban development, is proposed as part of the tentative parcel map. The design of the subdivision will be in accordance with Article of this title, and the Yolo County Improvement Standards.*

- f) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

*An Initial Study has been prepared for the tentative parcel map and staff have determined that a Negative Declaration is the appropriate level of environmental review pursuant to the CEQA Guidelines. No residential development is proposed and the creation of 10 parcels will not cause environmental damage or substantially injure fish or wildlife or their habitat. The project's Conditions of Approval address compliance with the requirements of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan for any future development on the newly created parcels.*

- g) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

*The proposed design of the requested tentative parcel map will not cause serious health problems. No residential development, or any other urban development, is proposed as part of this application.*

- h) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

*The design of the tentative parcel map will not conflict with any of the existing easements acquired by the public at large, for access through or use of, property within the proposed parcel subdivision.*

- i) The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating or cooling opportunities.

*The tentative parcel map does not propose residential or any other urban development as part of this application. The land will remain in agricultural production. The proposed parcel sizes, ranging from 80 acres to 153 acres, will provide significant opportunities for future development to incorporate passive or natural heating and cooling features.*

- j) The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code.

*The tentative parcel map does not propose any development that would require the discharge of waste into an existing community system, and would therefore not violate any existing requirements prescribed by a California Regional Water Quality Control Board.*

- k) If the proposed subdivision fronts along a public waterway, public river or public stream, it provides for a dedication of a public easement along a portion of the bank of the waterway, river or stream bordering or lying within the subdivision, which easement is defined so as to provide reasonable public use and maintenance of the waterway, river or stream consistent with public safety.

*The project site fronts along Winchester Lake and the proposed tentative parcel map will have no effect on existing access to the lake.*

- l) If the project is within the 100-year and 200-year floodplain the project meets FEMA and local flood requirements and is consistent with the findings required by Government Code 66474.5.

*The tentative parcel map does not propose any development that would be required to meet FEMA and local flood requirements.*

### **Williamson Act**

6. Any use requiring a discretionary approval which is located on lands under a Williamson Act contract or in an agricultural preserve must be found to comply with the Williamson Act statutes, including the principles of compatibility found in Government Code Section 51238.1, which are as follows:

- a) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

*No development is proposed as part of the project. The tentative parcel map will allow the property owners to create lots that are more appropriately aligned with the boundaries of the existing farming operations, resolve any outstanding items on the title report, and simplify crop insurance reporting. Therefore, the project not significantly compromise the long-term productive agricultural capability of the subject contracted parcels.*

- b) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

*No development is proposed as part of the application. The tentative parcel map would not displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcels. The project would allow the property owners to create lots that are more appropriately aligned with the boundaries of the existing farming operations, resolve any outstanding items on the title report, and simplify crop insurance reporting.*

- c) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

*The tentative parcel map does not propose any development that would result in the significant removal of adjacent contracted land from agricultural or open-space use.*

7. For nonprime lands only, a use may be approved which, because of onsite or offsite impacts, would not be in compliance with paragraphs (a) and (b) above, only if:

- a) Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in paragraphs (a) and (b) to the greatest extent possible while maintaining the purpose of the use.

*No development is proposed as part of the application for the tentative parcel map. Only a portion of the project site is designated as nonprime lands and no foreseeable impacts would occur onsite or offsite that would require conditions to mitigate or avoid.*

- b) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.

*The tentative parcel map does not include any development as part of the application. The productive capability of the subject parcels will remain the same and the project will not displace or impair agricultural operations.*