



Planning Commission
Meeting Date: 04/13/2023

Information

SUBJECT

ZF #2022-0060: Consider a request for a Tentative Parcel Map to divide an existing 289-acre agricultural parcel into two parcels, and adoption of a Negative Declaration as the appropriate level of environmental review under the California Environmental Quality Act (CEQA). The project site is located in an agricultural area of Clarksburg at 50870 Babel Slough Rd (APN: 044-040-033). No new development is proposed for the project. (Applicant: Wilson Farms) (Planner: JD Trebec)

SUMMARY

FILE ZF #2022-0060: Wilson Vineyard Tentative Parcel Map	
APPLICANT: Christopher Lerch 608 Court St Woodland, CA 95695	OWNER: Wilson Vineyard Properties PO Box 307 Clarksburg, CA 95612
LOCATION 50870 Babel Slough Road, approximately 3 miles northwest of Clarksburg (APN: 044-040-033) GENERAL PLAN: Agricultural (AG)/ Agriculture District Overlay (ADO) ZONING: Agriculture Intensive (A-N), Clarksburg Agricultural District Overlay (CADO) SUPERVISORIAL DISTRICT: 1 (Supervisor Villegas) PUBLIC HEARING NOTICE: neighbor notice mailed 3/31/23 (published in Davis Enterprise 4/2/23)	SOILS: Tb soils FMMP: Prime WILLIAMSON ACT: No FLOOD ZONE: A FIRE SEVERITY ZONE: Non-Wildland, Non-Urban
ENVIRONMENTAL DETERMINATION: Negative Declaration	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold a public hearing to receive staff presentation and 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 project is a request for a tentative parcel map to divide an existing 289-acre agricultural parcel into two parcels of approximately 192 acres (proposed "Parcel 1") and 102 acres (proposed "Parcel 2") in unincorporated Yolo County within

the Clarksburg Agricultural District Overlay. The project is located approximately 3.5 miles north of the town of Clarksburg at 50870 Babel Slough Road. The property is zoned Agricultural Intensive (A-N) which is consistent with its Agriculture (AG) land use designation in the 2030 Countywide General Plan. The project parcel is surrounded by similarly designated and zoned parcels. It is also located in the Clarksburg Agricultural District Overlay (CADO) zone and within the Delta Protection Overlay (DPO). The property is not enrolled in the Williamson Act though adjacent parcels to the north and east are under contract.

The project would allow the property owner to separate the 102 acres of land that support the family-owned Silt Winery from the larger parcel primarily planted in vineyards. In turn, this would allow the winery business to operate independently of the broader family vineyard interests. Proposed Parcel 2 would include vineyards, a caretaker's residence, and a historic barn that was permitted by Yolo County in 2018 as a tasting room (ZF2018-0021). Proposed Parcel 1 would continue to be used for wine grape production. Although creating a new parcel would allow the development of a new 2.5-acre home site for residential use on Parcel 1, the property is located in Flood Zone A (flood plain without a determined base flood elevation), as mapped by the Federal Emergency Management Agency (FEMA) and any new residential construction would have difficulty meeting FEMA and local flood protection requirements. Development of a residents would therefore likely be infeasible. No new structures are proposed for either parcel and the current vineyard and winery uses would be continued.

STAFF ANALYSIS

The Yolo County 2030 Countywide General Plan ("GP") emphasizes the preservation of agriculture through policies that require maintaining agriculture-designated parcels large enough to sustain viable agriculture and that discourage conversion to non-agricultural purposes or uses (GP policy AG 1.2), and by prohibiting new residential or suburban subdivisions in areas designated for agricultural use (GP policy AG 1.12). Therefore, consideration of a proposal to divide agricultural land depends on the agricultural purpose which, among other things, does not result in the creation of smaller lots that become unviable for farming. Section 8-2.302 of the Yolo County Zoning Code states that the minimum lot size for newly created parcels in the A-N zone is 40 acres for irrigated parcels primarily planted in permanent crops, such as orchards and vineyards; 80 acres for irrigated parcels that are cultivated; and 160 acres for parcels that are generally uncultivated and/or not irrigated.

The request to divide the 289-acre parcel into a 192-acre parcel and a 102-acre parcel would create two parcels that would still meet the minimum parcel size required for agricultural land in the A-N Zone which is primarily planted in vineyards. The proposed land division would allow the Silt Winery to operate independently of general vineyard operations on the larger proposed Parcel 1. Wineries and tasting rooms are viewed by the County as agricultural commercial uses that support local agriculture. Staff has determined that the proposed land division serves an agricultural purpose by facilitating winery operations and ensuring vineyard production remains viable.

Parcels zoned A-N, such as the subject parcel, are permitted to have a home site of up to 2.5 acres for residential use; thus, the creation of a second parcel by the land division would allow an additional home site on the proposed Parcel 1. Additional residential development is not proposed, but should a new home site be developed on Parcel 1 it would be conditioned to comply with the Yolo Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP) to mitigate for the loss of habitat.

An Initial Study/Negative Declaration (IS/ND) was prepared for the project and determined that no substantial evidence exists supporting a fair argument of significant environmental impacts. The

IS/ND was circulated for public review from February 8, 2022, until March 9, 2022, and received no comments. The Clarksburg General Plan Citizens Advisory Committee reviewed the project at their meeting on November 10, 2022, and voted to recommend the project for approval.

Should the Planning Commission approve the proposed tentative parcel map, the surveyor 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 it shall be filed for recordation with the County Clerk Recorder.

Staff recommends approval of the Tentative Parcel Map, subject to the project's conditions of approval (Attachment E).

COLLABORATIONS

A Request for Comments was sent to local and regional agencies on September 1, 2022. Comments were received from the Delta Protection Commission (DPC) and the Yolo Habitat Conservancy (YHC). The DPC did not have concerns and found the project consistent with the Land Use and Resource Management Plan for the Delta Primary Zone. The YHC requested a condition which has been included in the Conditions of Approval in Attachment E that requires compliance with the HCP/NCCP should the project result in the development of a new home site on Parcel 1. Additionally, staff met with the Yocha Dehe Wintun Nation (YDWN) on January 11, 2023, as part of a requested consultation. The YDWN was not aware of any cultural resources near the project site, but requested that the property owner contact the YDWN should any new information or cultural resource items be found and encouraged the property owner to consider participating in a cultural sensitivity training provided by the YDWN. This request has also been noted in the project's Conditions of Approval.

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. Aerial Image and Vicinity
- Att. B. Tentative Parcel Map #5231
- Att. C. Negative Declaration
- Att. D. Findings
- Att. E: Conditions of Approval

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	04/05/2023 09:28 AM
Leslie Lindbo	Leslie Lindbo	04/06/2023 10:01 AM
Form Started By: JD Trebec		Started On: 03/22/2023 08:42 AM
Final Approval Date: 04/06/2023		

FINDINGS
ZONE FILE #2022-0060
WILSON VINEYARDS TENTATIVE PARCEL MAP

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2022-0060, the Planning Commission approves the proposed Tentative Parcel Map #5231. 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), Agricultural District Overlay (AD-O), and Delta Protection Overlay (DP-O). 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-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 would create two parcels and meets the criteria set forth in County Code Section 8-1.302(a), which states that a tentative parcel map and a parcel map shall be required for all subdivisions creating four or fewer lots.

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 divide a 289-acre parcel into a 192-acre and 102-acre parcel. As conditioned, the tentative parcel map meets or exceeds the minimum parcel sizes (40 acres for permanent crops) 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 is planted in vineyards and has a barn that has received recognition as a County-designated historical resource. In addition, the Silt Winery received a permit (ZF2018-0021) for a tasting room at the site.

- 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 parcel 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 Overlay (CADO) zone, which allows for the construction of one primary and up to two ancillary dwellings on each of the newly created parcels. Development of additional residences is likely infeasible due to Flood Hazard restrictions.

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

The resulting parcels of the tentative parcel map, each over 100 acres, exceed the minimum parcel size requirements for the A-N zone, which is 40 acres for farmland in permanent crops such as orchards or vineyards. Access easements are included as a part of the project that would meet 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 9 of the County subdivision regulations, 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 the two 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 and uses. The proposed parcel sizes, both over 100 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 is adjacent to Babel Slough , but the proposed tentative parcel map will have no effect on existing access to the slough.

- 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.

**CONDITIONS OF APPROVAL
ZONE FILE #2022-0060
WILSON VINEYARD TENTATIVE PARCEL MAP**

PLANNING DIVISION – COMMUNITY SERVICES (530) 666-8803

1. The project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2022-0060. The Applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Yolo County Planning Commission.
2. The Parcel Map for the project shall be filed and recorded, at the Applicant's expense, with the Department of Community Services. The Parcel Map shall be recorded within two years from the date of approval by the Yolo County Planning Commission, or the Tentative Parcel Map shall become null and void, without any further action in accordance with the State Subdivision Map Act.
3. The Applicant shall pay fees, under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, at the time of the filing of Notice of Determination, to cover the cost of review of the environmental document by the California Department of Fish and Wildlife. The total amount for 2023 is \$2,814 (\$2,764.00 for state filing fee, plus \$50 Clerk-Recorder processing fee).
4. The Applicant shall comply with the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) Section 4.2.1.2, Private Projects under the Discretionary Authority of Permittees, for a new home site proposed for development on the newly created Parcel 1 following the acceptance of a Parcel Map by the Board of Supervisors. The new home site shall be considered a 2.5-acre disturbance for the purposes of determining appropriate land cover fees. The requirements will include the submittal of the Yolo HCP/NCCP application for coverage, the associated application fee, and any land cover and mitigation fees, which will be determined at the time of payment.
5. The Applicant is encouraged to coordinate with the Yocha Dehe Wintun Nation should the Parcel Map result in any future trenching and excavation activities. Please contact Yocha Dehe Wintun Nation's Cultural Resources Department to receive cultural sensitivity training for any pre-project personnel.

Eric Hernandez, Site Protection Manager
Yocha Dehe Wintun Nation
Phone: (530) 723-3313
Email: ehernandez@yochadehe-nsn.gov

6. The Applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

7. The County shall promptly notify the Applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the Applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the Applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.
8. Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:
 - Non-issuance of future building permits;
 - Legal action.

PRIOR TO FINAL PARCEL MAP APPROVAL:

PLANNING DIVISION – COMMUNITY SERVICES (530) 666-8803

9. The Parcel Map submitted for recordation shall have the Parcel Map Number (PM #5231) indelibly printed on it. Said PM #5231 shall be prepared to conform to the Subdivision Map Act and as provided for final maps in Section 8-1.502 of the Yolo County Code including all certificates specified in Section 8-1.502(e).

PUBLIC WORKS DIVISION – COMMUNITY SERVICES (530) 666-8436

10. To provide a uniform right-of-way for Babel Slough Road, applicant shall perform a field survey of Babel Slough Road, and dedicate a fifteen-foot-wide easement for road and utility purposes on both sides of the existing centerline of Babel Slough Road (for a total road right-of-way width of thirty feet) to the County.

[The easterly lines of the resultant lots could be moved to be coincident with the centerline of Babel Slough Road]

PRIOR TO ISSUANCE OF ANY BUILDING PERMIT:

PLANNING DIVISION – COMMUNITY SERVICES (530) 666-8803

11. Any future development on the newly created parcels shall comply with the County's Zoning Regulations for the Agricultural Zones contained in Articles 3 and 4 of Chapter 2, Title 8, Yolo County Code of Ordinances.
12. Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the County coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to this or her

authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

BUILDING DIVISION - COMMUNITY SERVICES (530) 666-8037

13. All building plans for development on any of the parcels subject to this project shall be submitted to the Community Services Department for review and approval in accordance with County building standards prior to the commencement of any construction.
14. Any new construction shall comply with the provisions of Chapter 4, Flood Protection, of Title 8 of the Yolo County Code, for building within a designated flood plain, as applicable.
15. The Applicant shall pay all appropriate fees prior to the issuance of building permits, including, but not limited to Parcel Map checking fees, School and Fire District fees, County Facility and Service Authorization (FSA) fees, and Environmental Health fees.

ENVIRONMENTAL HEALTH - COMMUNITY SERVICES (530) 666-8646

16. Land Use Projects:
 - Any future building projects shall meet all YCEH requirements.
17. Wastewater:
 - Any new septic system shall meet current standards, and if seasonal groundwater is less than 2 feet in depth, then a new system will not be approved.
 - Site Evaluation: Prior to any new building permit issuance, a Site Evaluation/Soil Profile shall be completed to approve the project for an onsite wastewater treatment system (OWTS; i.e., septic system), and to identify the OWTS area, size, and type. The complete site evaluation may determine that the site is not acceptable for an OWTS.
18. Water Wells:
 - Prior to any new building permit issuance, all proposed water wells shall meet current well standards and be approved by YCEH.
19. Hazardous Materials:
 - Within 30 days of a substantial change to the handlers operation (including change of ownership), or to the types, quantities or storage location of hazardous materials or hazardous wastes being handled at the facility, the facility's Hazardous Materials Business Plan must be updated to reflect the changes. Starting January 1, 2013, this must be done by going to the California Environmental Reporting System (CERS) web site (<http://cers.calepa.ca.gov/>), logging on by using your CERS ID number, reviewing the existing information, updating information as needed, and resubmitting the information for approval by Yolo County Environmental Health (YCEH). For assistance with CERS, please visit our web site at <https://www.yolocounty.org/government/general-government-departments/community-services/environmental-health-division/hazardous-materials-programs/california-environmental-reporting-system-cers> or call YCEH at (530) 666-8646 and ask to speak to a Hazmat Specialist.