



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

DECEMBER 10, 2009

<b>FILE 2009-038:</b> Request for approval of rezoning of approximately 60 acres from the Agricultural Preserve (A-P) zone to the Agricultural Industry (AGI) zone, Tentative Parcel Map #4976, and Williamson Act Successor Agreements, to reflect the new zone boundaries. The rezoning would allow the submittal of subsequent building plans to construct a new winery facility and associated wastewater treatment ponds.	
<b>APPLICANT:</b> Bogle Family Limited Partnership 37783 County Road 144 Clarksburg, CA 95612	
<b>LOCATION:</b> Intersection of Jefferson Boulevard (State Route 84) and Hamilton Road, four miles southwest of Clarksburg, two separate contiguous parcels of approximately 115 acres (APN: 043-310-012) and 145 acres (APN: 043-310-011)	<b>SUPERVISOR:</b> District 1 (Supervisor McGowan) <b>ZONING:</b> Agricultural Preserve (A-P) <b>GENERAL PLAN:</b> Agriculture <b>FLOOD ZONE:</b> B (outside the 100-year floodplain) <b>SOILS:</b> Sacramento clay (Sc), Class III <b>FIRE ZONE:</b> None
<b>ENVIRONMENTAL DETERMINATION:</b> Statutory Exemption	
<b>REPORT PREPARED BY:</b>  _____ Eric Parfrey, Principal Planner	<b>REVIEWED BY:</b>  _____ David Morrison, Assistant Director

### RECOMMENDED ACTION

That the Planning Commission recommends the Board of Supervisors take the following actions:

1. **HOLD** a public hearing and consider public comments regarding the proposed actions for the Bogle winery project;
2. **ADOPT** the Statutory Exemption as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Attachment J**);
3. **ADOPT** the Ordinance rezoning approximately 59.8 acres from the Agricultural Preserve (A-P) zone to the Agricultural Industry (AGI) zone (**Attachment F**);
4. **ADOPT** the Findings for the proposed project (**Attachment G**);
5. **APPROVE** Tentative Parcel Map #4976 and the Conditions of Approval (**Attachment H**); and

6. **APPROVE** the Williamson Act Successor Agreements (**Attachment I**).

### **REASONS FOR RECOMMENDED ACTION**

The project is an important component of an economic development strategy for the Clarksburg area, to bolster the local wine industry. The rezoning is consistent with, and encouraged by, policies in the newly adopted 2030 Yolo Countywide General Plan. The project will bring wine production jobs back into the county from out-of-county locations, allow the Bogle family to double production, and will provide additional production opportunities for local wine growers. The facility will employ up to 80 workers.

### **BACKGROUND**

#### **Project Description**

The project includes four separate components: a rezoning; a Tentative Parcel Map; Williamson Act Successor Agreements; and subsequent applications for ministerial permits to construct a winery production facility. Each of these components is described below.

#### **Proposed Rezoning, Parcel Map, and Successor Agreements**

The project involves two separate contiguous parcels of approximately 115 acres (APN: 043-310-012) and 145 acres (APN: 043-310-011) both located approximately four miles southwest of the unincorporated community of Clarksburg, Yolo County, at the intersection of Jefferson Boulevard (State Route 84) and Hamilton Road (**Attachment A, Vicinity Map** and **Attachment B, Aerial Map**). The existing boundary lines of the two parcels would be modified through a proposed Parcel Map to create three new parcels of 80.0 acres, 59.8 acres, and 115.4 acres.

The western 59.8 acre portion of the existing 115 acre parcel is proposed to be rezoned from the existing Agricultural Preserve (A-P) zoning to the Agricultural Industry (AGI) zoning (**Attachment C**). The remaining portion of the 115 acre parcel would retain the A-P zoning and would be combined with a part of the adjacent 147-acre parcel to create a new 80.2 acre parcel zoned A-P. The current 147-acre parcel would be reduced to approximately 115.4 acres. The proposed Tentative Parcel Map for the three lots is shown in **Attachment D**.

The rezoning would be followed by the submittal of building plans to construct a new winery facility and associated treatment ponds, which are allowed “by right” uses in the AGI zone. A site plan of the proposed facility is include as **Attachment E**.

#### **Winery Facility**

The Bogle family is proposing to build a new processing facility that would allow Bogle Winery to consolidate its operations close to its headquarters in Clarksburg, thereby retaining and expanding additional wine production, jobs, and revenue in Yolo County. The new production facility would be completed in several phases over a ten-year period. It would be a complete winemaking facility, handling all aspects of wine production from receiving and crushing grapes, through packaging and shipment off-site for warehousing and distribution. At full buildout, the winery would include a 30,000 ton grape crushing capacity, 4.5 million gallons of stainless steel tanks, 5.9 million gallons of barrel storage, and 200,000 cases of wine storage. The winery is also planning to install a high capacity, fully automated bottling line. There are no plans for a tasting room or other hospitality events to occur at the site. The facility would be serviced by 60 full-time and 20 seasonal employees.

Grading to prepare the site for construction of buildings will involve the importation of approximately 120,000 cubic yards of fill for the building and tank pad areas. The initial grading for the building pads was approved by the Building Division in November, 2009 and has already been completed.

Phase I of the project would be designed to crush 20,000 tons of grapes and bottle approximately 1.2 million cases annually. Phase I is scheduled to be completed over a two-year period and consist of the following improvements:

- 150,000 square feet (sf) of building for temperature and humidity controlled storage of barrels;
- 50,000 sf of building for temperature controlled storage of finished goods;
- 25,000 sf of building to house the high speed bottling line;
- 2,500 sf of building for offices, laboratory, break rooms and restrooms;
- Four loading docks;
- 1.8 million gallons of stainless steel storage tanks;
- Wine presses, grape receiving dump hoppers, and grape crusher/destemmers; and
- 70 parking spaces, including 3 accessible spaces.

The facility is being designed to be sustainable and energy efficient. Some of the sustainability measures that are being considered include:

- Installation of up to 350 kilowatts of capacity of a photovoltaic solar system on the roof of the barrel building complex;
- Use of recycled steel for the building structure;
- Use of fly ash admixtures in concrete to reduce cement content;
- Increased insulation levels in the conditioned building areas to reduce energy demand;
- Use of premium efficiency motors;
- Reclamation of heat energy from refrigeration equipment to preheat water for cleaning and sanitizing operations;
- Reclamation of process wastewater for irrigation use; and
- Maximization of the use of pervious and permeable surfaces to reduce runoff.

## **STAFF ANALYSIS**

### **Traffic and Circulation**

Traffic from the facility would consist of grape delivery trucks, empty glass deliveries, finished goods shipments off-site, employees, general business deliveries, and business visitors. The project site and the proposed winery facility would be accessed by a newly constructed driveway off Hamilton Road (County Road 155), which in turn is accessed off Jefferson Boulevard (State Route 84). Existing traffic volumes on roadways in the vicinity of the project site are extremely low. Jefferson Boulevard is a conventional two lane highway that is a designated truck route. The highway serves mainly local and agricultural traffic. Existing daily and peak hour traffic volumes on Jefferson Boulevard between Clarksburg and Courtland Roads, the segment that includes the Hamilton Road intersection, are 1,450 and 160 vehicles per day and per hour, respectively, equivalent to a level of service (LOS) of B, or stable operating conditions.

The 2030 Yolo Countywide General Plan Final Environmental Impact Report has projected the amount of future traffic on all key roadways in Yolo County due to build-out of growth allowed under the 2030 General Plan policies. Traffic levels on the portion of Jefferson Boulevard (SR 84) north of Clarksburg Road, approximately two miles north of the project site, are projected to increase from 160 peak hour vehicles in 2007 to 450 vehicle peak trips. This cumulative future increase in traffic

would change the conditions on State Route 84 (SR 84) from LOS B (stable operating conditions) to LOS C (stable operating conditions, but individual users are affected by others in the traffic stream). The Yolo Congestion Management Plan sets a maximum LOS standard on SR 84 of LOS D, which is equivalent to a maximum capacity threshold of 1,410 vehicles at peak hour in one direction. (The existing and projected peak hour volumes discussed above are measured in both directions combined.)

The applicant estimates that truck deliveries to the new wine facility would occur approximately six times each day, with about 35 truck trips per day during harvest crush season (August and September). Traffic generated by employees commuting to the winery facility is estimated at approximately 132 daily vehicle trips (230 trips during harvest) to and from the site. This is a worst-case analysis that assumes each employee drives him- or herself to work, i.e., no ride sharing or carpooling. This analysis also does not consider that construction of the Bogle winery project will allow some local growers to send their grapes to the new local facility, thus reducing some long distance winery truck traffic that would otherwise occur as a consequence of sending Yolo County grapes out of the county.

The addition of winery traffic to Jefferson Boulevard is not anticipated to significantly affect existing and future level of service standards. The projected future traffic levels on Jefferson Boulevard (LOS C) that is projected by the 2030 Yolo Countywide General Plan Final Environmental Impact Report includes the assumed development of 100 acres of winery facilities in the Clarksburg area, for which this facility would contribute 60 acres of development.

However, the new winery traffic, plus the amount of heavy truck traffic associated with the grading of the building pads, could affect Hamilton Road. Hamilton Road is an agricultural collector rural road with geometric characteristics similar to other low-volume county roads serving agricultural lands. Pavement widths and design features do not meet modern design standards (i.e. 12 foot vehicle lanes and 4 foot paved shoulders). The Hamilton Road pavement section was not designed to handle heavy truck traffic and is in poor condition. Hamilton Road, west of Jefferson Boulevard, last received a chipseal repair in 2001.

With the significant increase in truck traffic expected due to the construction activities and the agricultural industrial operations, it is anticipated that the Hamilton Road pavement will fail unless the road is reconstructed to current county standards for the segment between State Route 84 and the new driveway. The increase in agricultural industrial traffic will necessitate county standard lane widths and shoulders to reduce potential conflicts with existing agricultural traffic, and to improve public safety. In addition, the intersection of Hamilton Road at SR 84 and at the existing dirt driveway will need to be improved. Work will be required in Caltrans right-of-way on the west side of Jefferson Boulevard to accommodate the Hamilton Road reconstruction.

Conditions of Approval have been included that require the applicant to dedicate the necessary right-of-way for both Hamilton and Alameda Roads. In addition, Hamilton Road is required to be improved from State Route 84 to the new driveway in accordance with Yolo County Improvement Standards for a rural street. This includes the construction of two twelve-foot lanes, eight foot shoulders (four foot paved, four foot aggregate base), and roadside ditches. Dedication shall include the transition length necessary (west of the new driveway) to conform and connect to the existing Hamilton Road. The segment between the new driveway and the existing unpaved driveway extending from the Parcel 3 boundary would also have to be improved with road base and chipseal to restore the paved surface that existed before recent grading operations damaged the road surface. A paved driveway connection with culvert to Hamilton Road is required per Yolo County Improvement Standards. In addition, the applicant must submit an encroachment permit application to Caltrans and construct improvements to the existing intersection at Hamilton Road and Jefferson Boulevard (State Route 84) to accommodate the Hamilton Road widening as required

by Caltrans. Caltrans may require additional mitigation for the intersection due to heavy truck traffic from the project, which will be determined as part of the encroachment permit issuance process.

### **Air Quality Issues**

Traffic generated by the project would create air pollutant emissions equal to 1.54 (normal operations) or 2.69 daily pounds (during harvest) of reactive organic gases, 1.73 or 3.01 pounds of nitrogen oxides, and 0.29 or 0.51 pounds of particulate matter (PM<sub>10</sub>). These air emissions are lower than the significance thresholds set by the Yolo-Solano Air Quality Management District (YSAQMD). Conditions of Approval would require the project to comply with standard air quality reduction measures set by the YSAQMD to reduce pollutant emissions.

The YSAQMD also regulates Volatile Organic Compound (VOC) emissions through a permit process for combustion sources with a rated heat input greater than 1 MMBtu/hr. The applicant would be required to obtain permits for the winery operation and related equipment in accordance with existing Yolo-Solano Air Quality Management District regulations 3.1 (general permit) and 3.2 (exemptions).

### **Climate Change and Greenhouse Gas Issues**

Traffic generated by the completed winery production facility (132 daily vehicle trips and 230 trips during harvest) would create carbon dioxide (CO<sub>2</sub>) emissions equivalent to approximately 2,880 pounds (5,018 pounds during harvest). Carbon dioxide is a key greenhouse gas (GHG). As noted above, this is a worst-case analysis that assumes no ride sharing or carpooling, and does not consider that the project will allow some local growers to send their grapes to the new local facility, thus reducing some long distance winery truck traffic. Considering that California produces over 500 million tons of CO<sub>2</sub> annually, the estimated 2,880 pounds daily (or about 525 tons annually) that is generated by the winery project will only contribute a tiny fraction of the total annual statewide CO<sub>2</sub> emissions.

The applicant has proposed to incorporate numerous “green” or energy efficient design features into the winery facility plans. Many of these design features will serve to reduce the level of energy consumed in the construction and operation of the project, and thus help to reduce GHG impacts of the project. A Condition of Approval will require that the project to exceed Title 24 energy standards by at least 20 percent, and to establish an on-site program to strongly encourage, and offer incentives, for employee ridesharing and/or vanpooling, in order to reduce vehicle trips. The applicant has also proposed to construct the facility consistent with LEED (Leadership in Energy and Environmental Design) Silver requirements.

In addition, the project could be affected by anticipated climate changes factors such as sea level rise. See the “Hydrology and Flooding discussion,” below.

### **Solid and Liquid Wastewater Disposal**

Winery process wastewater would be generated from tank and barrel washing, and the cleaning of equipment and floors. This water would be collected and conveyed to a facultative aerated pond system for treatment to irrigation water quality levels. Treated process wastewater would be stored and reclaimed by irrigating approximately 145 acres of onsite crops and landscape areas. A total of about 68.5 acre-feet of water would be disposed of by irrigation of on site crops annually. This results in a monthly application of about 1 to 2 inches of water per month during the dry growing season. The process wastewater treatment and reclamation system will be permitted through the Central Valley Regional Water Quality Control Board. Sanitary sewage from the facility would be

collected and conveyed to a septic tank and leachfield system located on-site, which would be permitted through the Yolo County Environmental Health Department.

Solid waste from the project would consist of general refuse and grape pomace. General refuse would be collected by the local hauler. Grape pomace (residue left over from the grape pressing) would be stockpiled during harvest and disced into approximately 75 acres of crop areas on the site to provide supplemental soil nutrients.

Water for the facility would be obtained from an on-site well to be developed as part of the project. A large percentage of the water pumped from the ground for winery use would be reclaimed and reused for irrigation of onsite crops and landscaping, reducing net groundwater demand.

## **Biological Resources**

One special-status wildlife species, the Swainson's hawk, is expected to occur in the area because suitable habitat occupies the project site. The Swainson's hawk (*Buteo swainsoni*) is designated as a federal species of concern and state listed as threatened. Suitable nesting habitat for raptors, including Swainson's hawk, white-tailed kite, northern harrier, red-tail hawk, red-shouldered hawk, and great horned owl, occurs in the project vicinity, although there are no suitable nesting trees located on either of the two project parcels. The temporary disturbance of nesting habitat as well as noise and other construction-related disturbances may affect nesting raptors in the vicinity of the project area during the breeding season (March through August).

Rezoning of the approximately 60 acres of agricultural to allow construction of the winery project will result in the conversion of approximately 60 acres of actively farmed alfalfa row crop. Alfalfa is widely recognized as having the highest value as Swainson's hawk foraging habitat. As a Condition of Approval, the project will be required to comply with the mitigation requirements of the Yolo County Joint Powers Authority (JPA), also known as the Natural Heritage Program, or by working directly with the California Department of Fish and Game (CDFG). The loss of habitat can be mitigated using one of the following options:

- secure and deliver a permanently protected minimum 80 acre parcel to the satisfaction of the JPA (the JPA must approve location, easement terms, and easement holder);
- mitigate directly for the loss of 60 acres of foraging habitat by purchasing credits from an approved Mitigation Bank or mitigation receiving site within Yolo County; or
- work with CDFG on an alternative solution.

In addition, a Condition of Approval requires that pre-construction surveys shall be performed by a qualified biologist in advance of construction to ensure that no potential hawk or other raptor nests in the vicinity of the project will be affected.

## **Agricultural Resources**

The Soil Survey of Yolo County, California (U. S. Soil Conservation Service, 1972) indicates that the project site is composed of Sacramento clay (Sc), which is a Class III soil, with a Storie Index of 38. Sacramento clay soils are found in basins. Permeability of the soil is slow and runoff is very slow. According to the Soil Survey, this type of soil is used mainly for crops such as rice, alfalfa, tomatoes and asparagus, as well as for irrigated pasture and dryland safflower.

The project site has historically been farmed for alfalfa production. The 115 acre parcel (APN: 043-310-12) has been fallow for a year. Approximately 60 acres of historic alfalfa fields would be removed from production to accommodate the project. Approximately 75 acres of alfalfa would be

converted to winter wheat in the areas proposed for irrigation disposal of treated process wastewater. The 145 acre parcel (APN: 043-310-11) would be split between winter wheat or similar crop, for spreading the solid waste, and the remainder would remain in alfalfa for the waste water application.

Although the proposed project would result in the conversion of approximately 60 acres of existing cultivated farmland to a winery processing facility and treatment ponds, loss of this cultivated farmland would not be required to mitigate under the county's adopted Agricultural Conservation Easement Program (Section 8-2.2416 of the Yolo County Code). The ordinance requires mitigation at a ratio of one acre conserved through easement for every acre converted from an agricultural to a non-agricultural use. No mitigation is required because the Yolo County General Plan and zoning regulations consider a winery and associated uses to be an agricultural, not a "non-agricultural" use.

## **Hydrology and Flooding**

The project is currently located in flood zone "B," which is considered to be outside the 100-year floodplain, as designated by the Federal Emergency Management Agency (FEMA). Although the site is not currently in the floodplain, FEMA is in the process of updating the Flood Insurance Rate Maps for the Yolo County area. Yolo County has approximately 215 miles of project levees, managed by various agencies, including the county, 13 reclamation districts, one levee district, one drainage district, and the California Department of Water Resources (DWR). These levees provide flood protection to West Sacramento, Woodland, Knights Landing, Clarksburg, Davis and important agricultural lands. In addition, the Yolo Bypass helps protect Sacramento and other urban communities in the region from flooding by the Sacramento River.

The site is located approximately three miles west of levees along the Sacramento River and approximately two miles east of levees along the Sacramento River Deep Water Channel. The local levees have been assumed to provide adequate protection since their acceptance into the Sacramento River Flood Control Project in 1918. Recently, where insufficient geotechnical information exists to evaluate the integrity of the levees, DWR has taken the position, in conjunction with FEMA, that levees may not be recertified. DWR has completed geotechnical evaluations of the urban Sacramento River Flood Control Project levees within the county, and proposed to do additional (as yet unknown) evaluations of non-urban levees in the next two years. Preliminary indications are that local levees will not be considered adequate to protect against the 100-year flood (Yolo County, 2009).

The preliminary updated map that has been released for review by FEMA indicates that a wide area of Clarksburg, including the project site, will be included within the newly designated 100-year floodplain when the preliminary maps are made final, now scheduled for June, 2010 (FEMA, 2009). Thus, if any new construction on the project site were to begin after the new updated FEMA maps became finalized, the new buildings would have to be elevated at least one foot above the base flood elevation (BFE). It is estimated that approximate BFE levels in this area may be 15 to 20 feet. The applicant intends to complete grading and construct the foundation system for the first phase of the winery facility before June, 2010. Under the existing FEMA rules, completing the foundation system for the project will "grandfather" the project in under the current FEMA map, and buildings will not be required to be elevated.

A Condition of Approval has been added to clarify this and ensure compliance with the new FEMA map to elevate the winery production structures, if construction does not begin until after the updated maps are approved. In addition, a Condition of Approval requires the project to comply with specific General Plan policies and implementation programs, including a requirement to purchase flood insurance.

The project could also be affected by flooding-related climate change impacts, specifically sea level rise. The project is located in the Clarksburg area of southern Yolo County adjacent to the Sacramento River Deep Water Channel. Projections of the sea level rise caused by global warming and climate change have been prepared by the United State Geological Survey (USGS), and are included in the Final Environmental Impact Report (FEIR) of the 2030 Yolo Countywide General Plan. The USGS projections show that areas within the one meter average daily tidal range will be inundated by sea level rise by the year 2100. These inundated areas include large portions of the Clarksburg area on either side of the Sacramento River Deep Water Channel, including the project site.

## **Noise Issues**

Construction and operation of the proposed winery project would increase noise in the vicinity of the project area. Temporary noise increases would result from grading and on-site construction activities. Typical construction noise ranges between 80 to 88 dBA at 50 feet generated by tractors, front loaders, trucks, and dozers. Temporary construction noise associated with the grading and construction activities would be similar to existing noise associated with ongoing agricultural activities, such as tractors disking fields, in the adjacent areas. The noisiest typical construction equipment are pile drivers, which may measure 93 dBA at 50 feet. Depending on the soils encountered, the winery facility may require pile driving to anchor the pad, so noise levels in this upper range may be generated during construction. Upon completion of the winery facility, noise from the operations would be generated from air compressors, refrigerators, bottling, fork lifts, and truck deliveries. Ongoing operational noise can be mitigated through building design, location, and buffers.

The proposed project is located in a rural agricultural area and there are no sensitive receptors in the vicinity. There are three rural residences located in the vicinity of the project; however, individual rural homes are not considered sensitive receptors. The nearest rural residences in the project vicinity include two homes on Jefferson Boulevard (APN 043-310-010 and -007) that are located approximately 1,800 feet east of the proposed winery facility, and one home on Hamilton Road (APN 043-120-003), located approximately 1,200 feet to the south. The proposed grading, construction, and operation of the winery facility are not expected to generate noise levels at the boundaries of the property that will significantly impact the nearest neighbors, since the residences are located so far away from the noisiest construction activities. Noise generated by the normal operations of the winery facility would be expected to be at a level similar to normal agricultural activities, and should not adversely impact the nearest homes since they are far away (1,200 to 1,800 feet) from the facility.

## **Compliance with the California Environmental Quality Act**

The rezoning of land in the Clarksburg area from A-P to AGI is consistent with, and is encouraged by, policies included in the recently adopted 2030 Yolo Countywide General Plan. The policies anticipate development of approximately 100 acres of winery-related facilities in Clarksburg to expand the local wine industry. The policies are intended to implement a January, 2008 action by the county that established the "Clarksburg Agricultural District" in order to explore ways to encourage agricultural business development and expansion. The 2030 Yolo Countywide General Plan and its accompanying certified Final Environmental Impact Report (FEIR) identified four alternative sites in Clarksburg for the AGI zoning, each consisting of about 100 acres in size. The project location is one of the four sites that was identified and analyzed in the General Plan FEIR for a future winery-related agricultural industrial facility.



For purposes of compliance with the California Environmental Quality Act (CEQA), the project is exempt from further CEQA review pursuant to Public Resources Code (PRC) section 21083.3 and CEQA Guidelines section 15183. PRC section 21083(b) states:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.”

The rezoning was analyzed in the recently certified Final Environmental Impact Report for the 2030 Yolo Countywide General Plan (November, 2009, SCH#2008102034). The description of the site is provided on page 424 of the Response to Comments document. Page 437 of the Response to Comments document indicates that the subject property is similar to the Site A alternative previously analyzed in the Draft Environmental Impact Report (DEIR) (see Figure III-4, page 89) in terms of physical setting including the same soils, flood exposure, proximity to Jefferson Boulevard (SR 84) for access, central location within the Clarksburg Agricultural District, and proximity to vineyards and wineries. It concludes that impacts from this alternative would be substantially similar to those identified for Site A in all areas of impact, as identified in Table V-9 on page 795 of the DEIR. Altogether, as reflected in the initial study prepared for this project, none of the potential environmental effects of the project require further review or analysis pursuant to Public Resources Code Section 21083.3 or CEQA Guidelines Section 15183.”

An Initial Study (**Attachment J**) has been prepared and has determined the following:

- The previously certified General Plan FEIR adequately discussed all potentially significant impacts of this project, including offsite or cumulative impacts;
- There is no substantial new information that shows previously identified significant effects will be more significant than described in the General Plan FEIR;
- In approving the 2030 Yolo Countywide General Plan, the county adopted all feasible mitigation measures relevant to a potentially significant effects that this project could have on the environment;
- The mitigation measures and policies identified in the 2030 Yolo Countywide General Plan, plus other uniformly applied development policies or standards, will substantially mitigate the environmental effects of this winery project, and will be incorporated into the project or otherwise undertaken in connection therewith.

The Notice of Exemption is included as **Attachment I**.

### **OTHER AGENCY INVOLVEMENT**

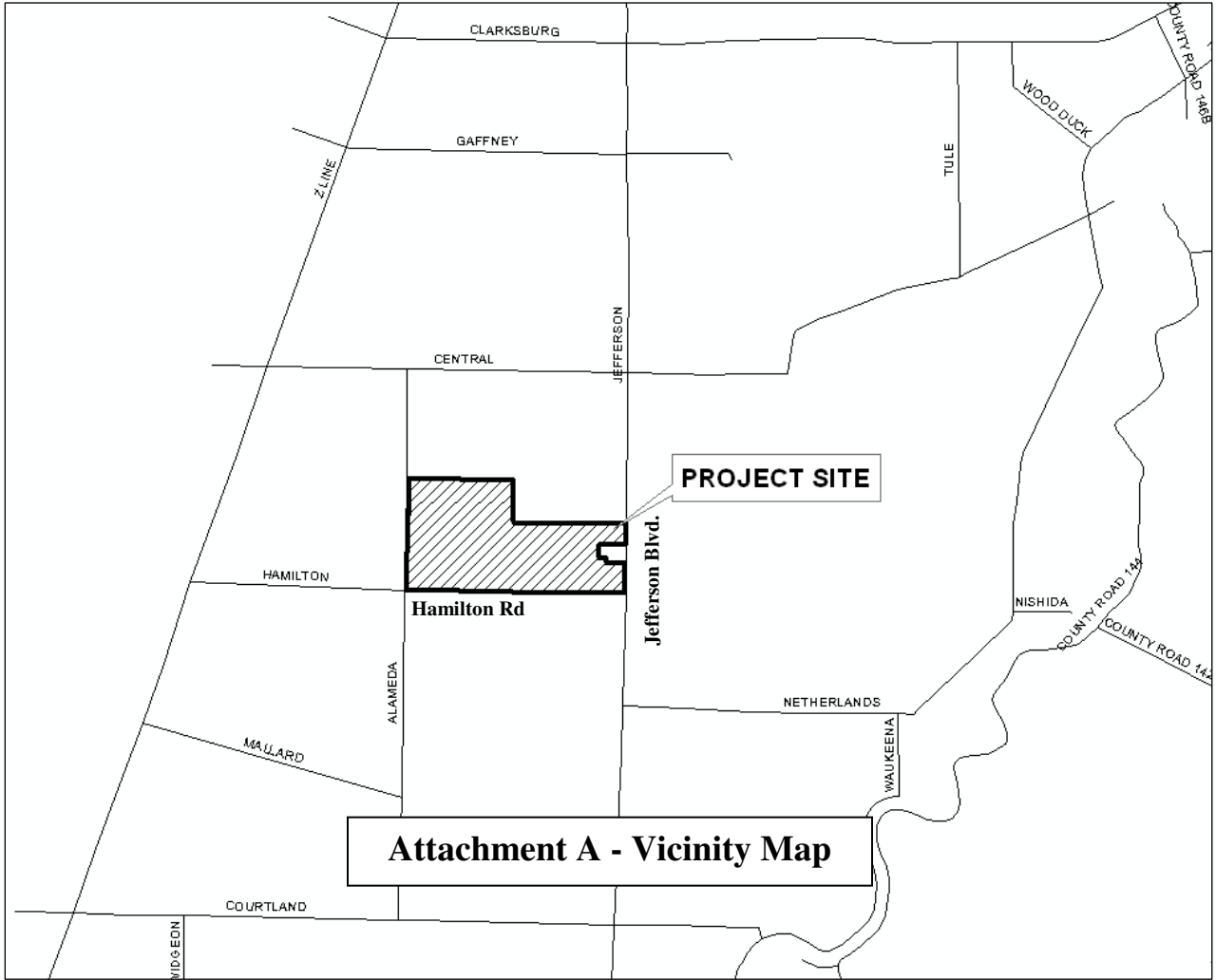
The initial application was reviewed for completeness by the Development Review Committee (DRC) on October 28, 2009. At the DRC meeting of November 18, 2009, the draft Conditions of Approval were reviewed and revised based on county agency and applicant comments. The Clarksburg General Plan Citizens Advisory Committee discussed the project at its meeting of November 12, 2009. The committee voted to recommend approval of the project to the Planning Commission by a vote of 4-0-3 (4 Ayes, 0 Nays, and 3 Abstentions/Recusals).

Staff sent out a memorandum requesting comments from state and federal agencies on November 16, 2009. No responses had been received at the time this staff report was completed.

### **ATTACHMENTS**

- A: Vicinity Map
- B: Aerial Map
- C: Proposed Rezoning
- D: Tentative Parcel Map
- E: Site Plan for Winery Project
- F: Ordinance Rezoning Approximately 59.8 Acres from the Agricultural Preserve (A-P) Zone to the Agricultural Industry (AGI) Zone
- G: Findings
- H: Conditions of Approval
- I: Williamson Act Successor Agreements
- J: Notice of Exemption
- K: Initial Study

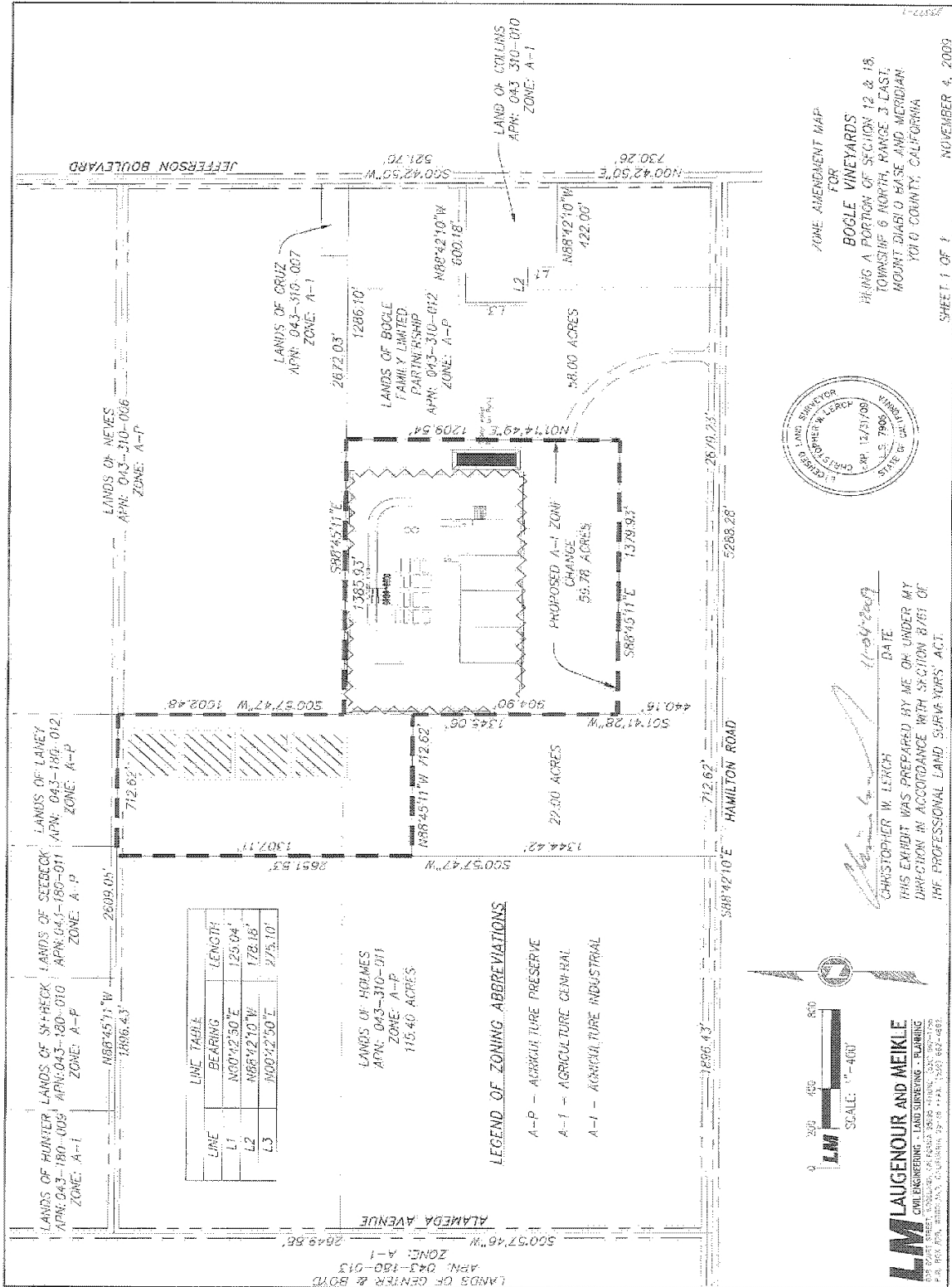
# ATTACHMENT A



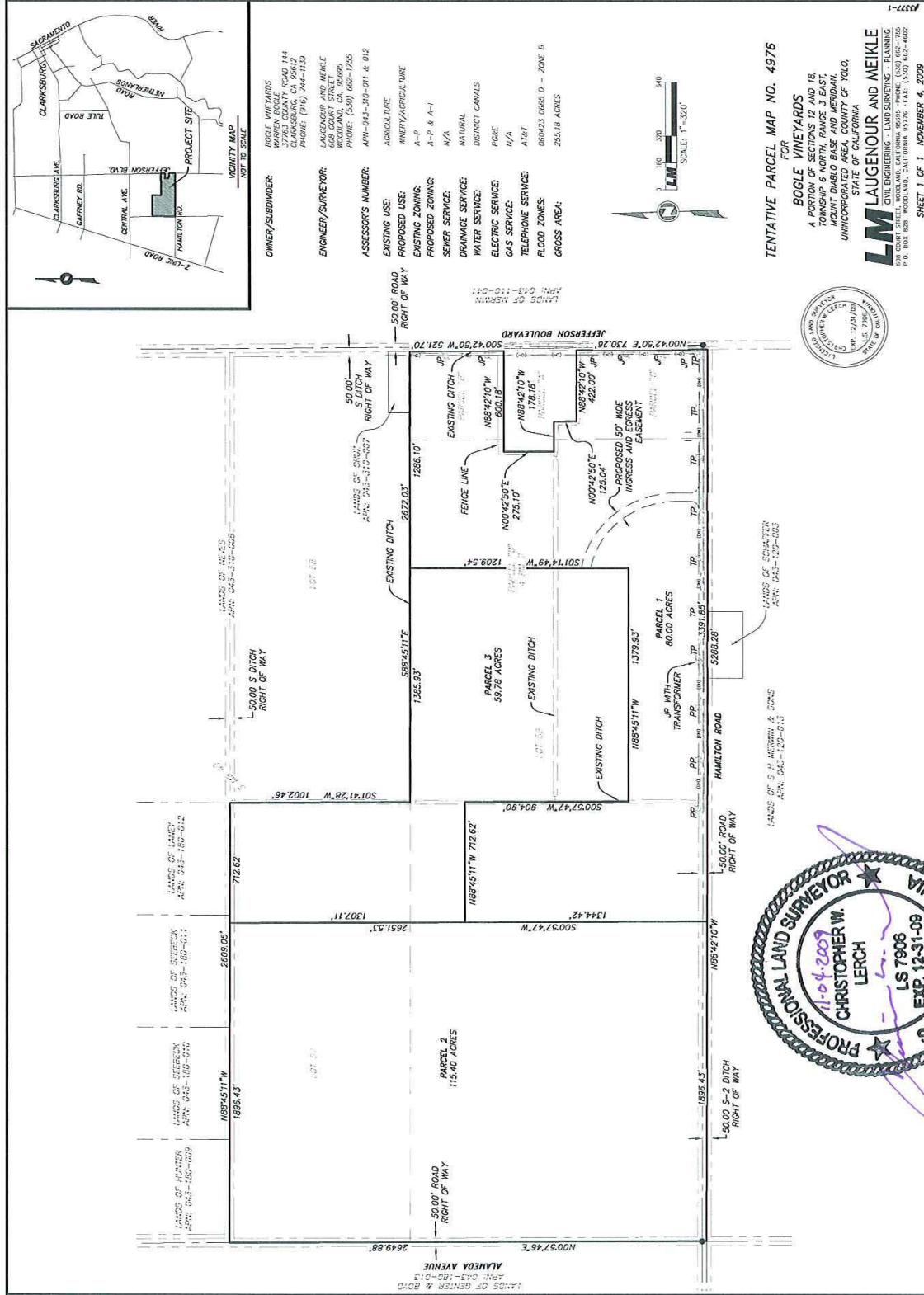


**ATTACHMENT B  
AERIAL MAP OF PROJECT SITE**

# ATTACHMENT C

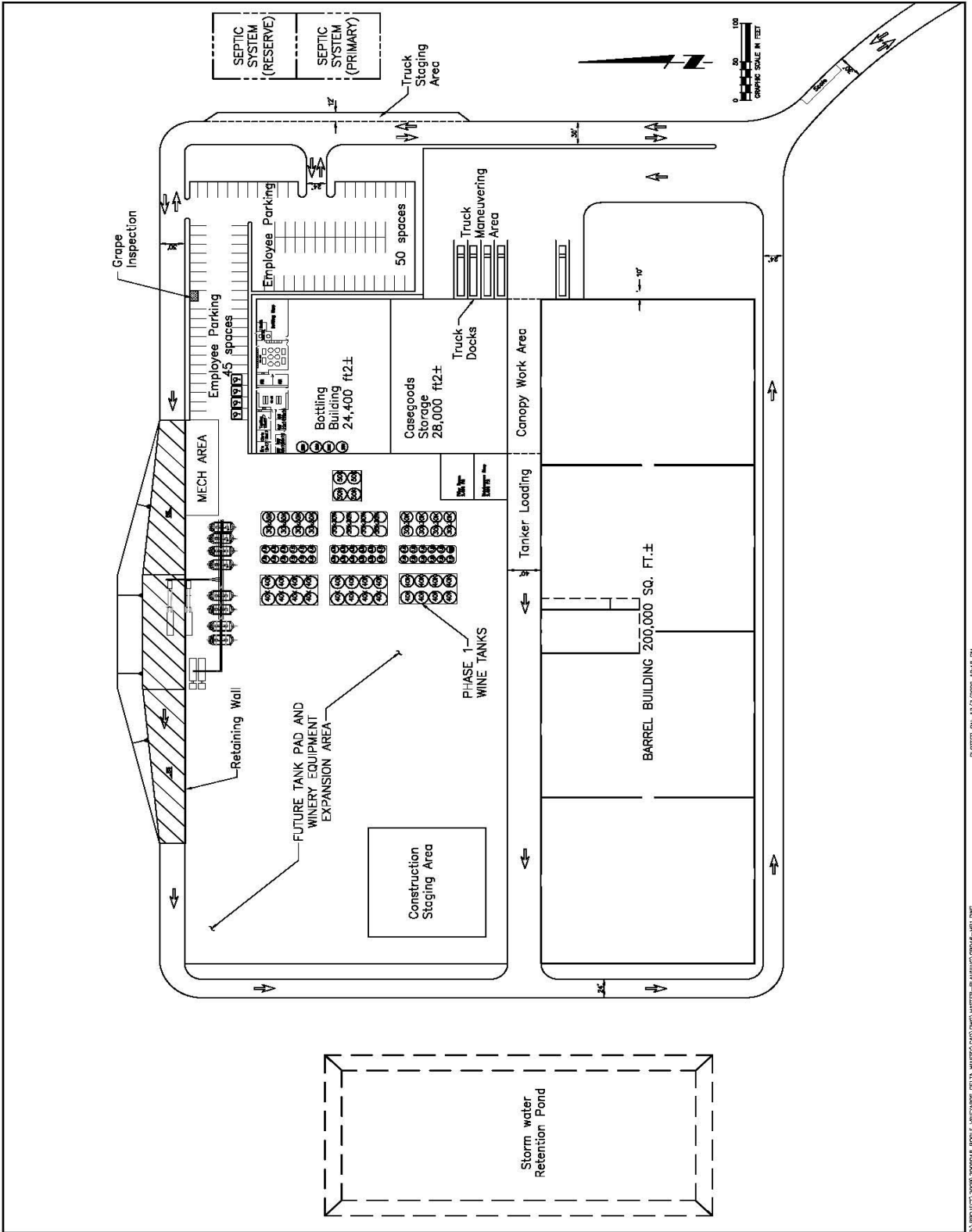


# ATTACHMENT C - PROPOSED REZONING



**ATTACHMENT D - TENTATIVE PARCEL MAP**

<b>BOGLE DELTA WINERY</b> 37890 JEFFERSON BLVD CLARKSBURG, CALIFORNIA 95612 APR 04-20-02	<b>SUMMIT ENGINEERING INC.</b> 445 MARATHON BLVD, SUITE 200 SANTA ROSA, CA 95403 PHONE 707.527.0775 FAX 707.527.0712	<b>REZONE APPLICATION</b>		DATE: 12-11-02
		<b>WINERY LAYOUT</b>		SHEET NO. 1



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# ATTACHMENT E - SITE PLAN

# **ATTACHMENT F**

## **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO REZONING APPROXIMATELY 59.8 ACRES FROM THE AGRICULTURAL PRESERVE (A-P) ZONE TO THE AGRICULTURAL INDUSTRY (AGI) ZONE**

The Board of Supervisors ("Board") of the County of Yolo, State of California, hereby ordains as follows:

### **SECTION 1. REZONING**

The real property described in the legal description as shown on Attachment A and as illustrated on the map shown on Attachment B, which are incorporated herein by this reference, is hereby rezoned from the Agricultural Preserve (A-P) zone to the Agricultural Industry (AGI) zone.

### **SECTION 2. PRINCIPAL, ACCESSORY, AND CONDITIONAL USES**

Provisions of the Yolo County Code governing Principal, Accessory, and Conditional uses on the parcels affected by this Ordinance are as provided for by Yolo County Code Title 8, Chapter 2.

### **SECTION 3. AMENDMENT OF COUNTY ZONING CODE MAP**

Inset Map No. \_\_\_\_ of the Zoning Map of the County of Yolo (which is incorporated by reference in section 8-2.302 of the Yolo County Code), and incorporated herein by this reference, is amended to reflect by the rezoning of certain lands as reflected on said Figure 1.

### **SECTION 4. SEVERABILITY**

If any section, sub-section, sentence, clause, or phrase of this ordinance or any Figure is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

### **SECTION 5. EFFECTIVE DATE**

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.



I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo and, after a noticed public hearing, said Board adopted this Ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By \_\_\_\_\_  
Helen Thomson, Chair  
Yolo County Board of Supervisors

ATTEST:  
Ana Morales, Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy (Seal)

APPROVED AS TO FORM;  
Robyn Truitt Drivon, County Counsel

By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

# ATTACHMENT G

## FINDINGS

### BOGLE WINERY REZONING AND TENTATIVE PARCEL MAP (ZF #2009-038)

*(A summary of the evidence to support each FINDING is shown in italics)*

Upon due consideration of the facts presented in the staff report and at the public hearing for Zone File #2009-038, the Planning Commission recommends that the Board of Supervisors approve the proposed rezoning and Tentative Parcel Map #4976. In support of this decision, the Planning Commission makes the following findings:

#### **California Environmental Quality Act**

That the proposed Statutory Exemption, based on the Initial Study prepared for the project, is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*The rezoning of land in the Clarksburg area from A-P to AGI is consistent with, and is encouraged by, policies included in the recently adopted 2030 Yolo Countywide General Plan. The policies encourage development of approximately 100 acres of winery-related facilities in Clarksburg to strengthen the local wine industry. The policies are intended to implement a January, 2008 action by the county that established the "Clarksburg Agricultural District" in order to explore ways to encourage agricultural business development and expansion. The 2030 Yolo Countywide General Plan and its accompanying certified Final Environmental Impact Report (FEIR) identified four alternative sites in Clarksburg for the AGI zoning, each consisting of about 100 acres in size. The project location is one of the four sites that has been identified and analyzed in the General Plan FEIR for a future winery-related agricultural industrial facility.*

*For purposes of compliance with the California Environmental Quality Act (CEQA), the project is exempt from further CEQA review, as required under Public Resources Code (PRC) section 21083.3 and CEQA Guidelines section 15183. PRC section 21083(b) states:*

*"If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report."*

*An Initial Study has been prepared and has determined the following:*

- The previously certified General Plan FEIR adequately discussed all potentially significant impacts of this project, including offsite or cumulative impacts;*
- There is no substantial new information that shows previously identified significant effects will be more significant than described in the General Plan FEIR;*

- *In approving the 2030 Yolo Countywide General Plan, the county adopted all feasible mitigation measures relevant to a potentially significant effects that this project could have on the environment;*
- *The mitigation measures and policies identified in the 2030 Yolo Countywide General Plan, plus other uniformly applied development policies or standards, will substantially mitigate the environmental effects of this winery project, and will be incorporated into the project or otherwise undertaken in connection therewith.*

### **Yolo County General Plan**

That the rezoning, and the design of the land division and the development proposed for construction on the parcels to be created by the land division, is consistent with the Yolo County General Plan.

*The subject property is designated as Agriculture in the Yolo County General Plan. The division of the two existing parcels into three parcels would allow construction of a wine production facility and is consistent with the General Plan. As conditioned, the Tentative Parcel Map is consistent with all policies, goals, and objectives of the Yolo County General Plan.*

### **Zoning Code**

That the proposed rezoning and Tentative Parcel Map are consistent with the applicable zoning standards.

*The proposed project will result in the creation of three parcels of approximately 80.0 acres, 59.8 acres, and 115.4 acres. The two larger parcels will continue to be zoned Agricultural Preserve (A-P). The two parcels meet the minimum 80-acre lot size for cultivated, irrigated land under A-P zoning. The third parcel of 59.8 acres will be rezoned to Agricultural Industry (AGI).*

That the project is consistent with Section 8-2.617 of the Yolo County Zoning Code, which states that the establishment of an Agricultural Industrial Zone (AGI) shall be based upon the following findings:

(a) Such classification shall be approved only upon findings that the proposed use is compatible with: the size, shape, topography, drainage, and available infrastructure; the location of the site; the orientation of existing structures on site or structures on adjacent properties; and, shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA);

*As determined in the Initial Study, the proposed winery production facility is compatible with: the size, shape, topography, drainage, and available infrastructure; the location of the site; the orientation of existing structures on site or structures on adjacent properties. As noted above, for purposes of compliance with the California Environmental Quality Act (CEQA), the project is exempt from further CEQA review, as required under Public Resources Code (PRC) section 21083.3 and CEQA Guidelines section 15183.*

(b) There shall be no minimum acreage requirement, except where natural barriers, health or safety issues, environmental, or existing rail or highway facilities require;

*The 59.8 acre parcel to be rezoned to AGI has no natural barriers, health or safety issues, environmental, or existing rail or highway facilities which would require a minimum parcel size.*

(c) A site plan, housing the proposed use(s), including grading and drainage, access, and permanent structures shall be submitted with each request for rezoning. The site plan review shall be to determine compliance with the provisions of this Code, the General Plan, and all applicable building, environmental and engineering standards;

*The proposed winery production facility has submitted a site plan and a Condition of Approval for the project will require that Site Plan Review will be required for each structure or phase of the project.*

- (d) The Application or Site Plan, at a minimum, shall also indicate:
- (1) The boundary lines of the proposed parcel to be rezoned;
  - (2) The adjoining or nearest roads;
  - (3) The locations and dimensions of proposed improvements;
  - (4) Any easements and their purposes; and,
  - (5) Any other data necessary or required to address issues of public health, safety, or welfare.

*The proposed winery production facility has submitted a rezoning map, Tentative Parcel Map, a site plan, and additional reports that include boundary lines of the proposed parcel to be rezoned; the adjoining or nearest roads; the locations and dimensions of proposed improvements; any easements; and, all other data necessary or required to address issues of public health, safety, or welfare.*

(e) The appropriate authority may impose conditions on the issuance of any such permit necessary to enable the findings to be made to grant such permit, or to conform the permit to the requirements of this section, or to mitigate the grounds for objections received during any public hearing on the permit.

*The Yolo County Planning Commission and Board of Supervisors will review the proposed winery production facility and associated applications at public hearings and will approve appropriate Conditions of Approval for the project.*

### **Subdivision Map Act**

Pursuant to Section 66474 of the Subdivision Map Act 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.

*The subject property is designated as Agriculture in the Yolo County General Plan. The division of the two existing parcels into three parcels would allow construction of a wine production facility, which is consistent with the General Plan designation.*

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

*The site is one of four sites in the Clarksburg area that has been studied and considered for rezoning to AGI by the recently adopted 2030 Yolo Countywide General Plan, which determined the parcel to be suitable for Agricultural Industry uses.*

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

*The proposed parcels comply with the minimum parcel size required by the underlying zoning.*

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

*The almost 60-acre site to be rezoned is suitable for the density of the proposed wine production facility.*

- e) 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 and staff has determined that a Statutory Exemption is the appropriate level of environmental review pursuant to the CEQA Guidelines. Prior to the recording of the Final Parcel Map, the applicant shall pay or mitigate for the loss of Swainson's hawk habitat according to the Department of Fish and Game Swainson's hawk Guidelines. The site is currently undeveloped. The proposed creation of three parcels will not cause environmental damage or substantially and avoidably injure fish and wildlife or their habitat.*

- f) 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. All issues regarding health, safety, and the general welfare of future residents and adjoining landowners will be addressed as described in the Conditions of Approval, by the appropriate regulatory agency prior to issuance of any building permits or recordation of the Final Parcel Map.*

- g) 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.

*Access to the wine facility will be via a driveway across the adjacent parcel. A Condition of Approval will require that the applicant record a Private Road Maintenance Agreement, which also serves as the Private Vehicular Access Easement, prior to recordation of the Final Map, to ensure that access to the facility be retained should the adjacent parcel be sold to another owner. No other easements would be affected.*

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

*The design of the proposed wine production facility will provide opportunities for future development to incorporate passive or natural heating and cooling features.*

## ATTACHMENT H

### CONDITIONS OF APPROVAL BOGLE WINERY TENTATIVE PARCEL MAP (ZF #2009-038)

#### ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

Planning Division—PPW (530) 666-8043

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein. The applicant shall comply with both the spirit and the intent of all applicable requirements of the Yolo County General Plan, the County Code, and these Conditions of Approval. The project shall be operated in compliance with all applicable federal and state laws and Yolo County Code regulations.
2. The applicant shall comply with all parking space requirements provided in Section 8-2.2504 of the Yolo County Code including but not limited to the following: The applicant shall provide one (1) parking space for each 2,000 square feet of gross floor area for the winery and storage operations, or one space for each anticipated employee. The applicant shall also provide one (1) parking space for each 200 square feet of gross floor area for any area used for retail sales of wine. Based on the proposed winery production operations and anticipated employment, a total of approximately 85 parking spaces will be required, including two van accessible paved parking spaces. The owner shall designate off-street loading spaces for the winery operation prior to commencement of said use.
3. The parking lot and access road shall be all-weather gravel. The applicant shall ensure that the parking lot and access road are maintained annually in a condition acceptable to Yolo County Planning and Public Works standards.
4. Any outdoor lighting used to illuminate the off-street parking or loading areas shall be low-intensity, shielded and/or directed away from adjacent properties, public right-of-way, and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures.
5. Any outside storage shall require screening from public view through the use of fencing or landscaping, if necessary, prior to commencement of use.
6. The applicant shall apply for and maintain a Yolo County Business License prior to commencement of the winery operations.
7. The applicant shall incorporate all feasible “green building” features into the design of all buildings in the proposed winery facility, to reduce greenhouse gas emissions. These features include those already incorporated into the project description, as well as additional features that would comply with the General Plan policy requirements cited below:

- Incorporate energy-conserving design, construction, and operation techniques and features into all aspects of the project including buildings, roofs, pavement, and landscaping.
  - Require the use of Energy Star certified appliances, such as water heaters, swimming pool heaters, cooking equipment, refrigerators, furnaces and boiler units, where feasible.
  - Take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
  - Use regenerative energy heating and cooling source alternatives.
  - Incorporate building materials that require less energy-intensive production methods and long-distance transport, in compliance with Leadership in Energy and Environmental Design (LEED) or equivalent standards.
  - Exceed Title 24 requirements by at least 20 percent.
8. The applicant shall establish an on-site program to strongly encourage, and offer incentives, for employee ridesharing and/or vanpooling.

Building Division—PPW (530) 666-8775

9. Prior to commencement of the proposed uses, the applicant shall provide paved accessible parking stalls with van access space as specified by the Chief Building Official. An accessible path of travel to and from the accessible parking spaces to the facility shall be required.
10. If the grading for the project, construction of pads, issuance of initial building permits for the main buildings, and the final inspection of completed foundations, have not all occurred by the time the FEMA maps become final and in effect by about June 18, 2010, the applicant will be required to redesign and resubmit the building plans to reflect the base flood elevation of the updated FEMA maps.
11. The project shall purchase flood insurance prior to the adoption date of the new FEMA maps, to comply with General Plan Action HS-A31, which “encourages all landowners within the 100-or 200-year floodplain, and/or within areas protected by levees, to purchase and maintain flood insurance.” Flood insurance shall be maintained for the life of the project, or as long as flood insurance is required, whichever is first.

Clarksburg Fire Department—(916)

12. The applicant will maintain proper defensible space around all buildings.
13. Access to an adequate water supply for fire fighting shall be maintained at all times.

Environmental Health—(530) 666-8646

14. The applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board. The Permit must be obtained prior to initiating any winemaking operations.
15. The water system will be classified as a public water system that will be regulated under permit by Yolo County Environmental Health. Monitoring wells, if required, should precede the installation of a domestic well and testing to assure that the water quality for the winery is

equivalent to that of a community water system. The construction of the domestic well will be required to be done under permit by Yolo County Environmental Health.

16. Disposal of domestic wastewater by way of a septic system is allowable under permit from Environmental Health. Liquid waste, other than domestic sewage must not be disposed of into the septic system.
17. If the wine tasting operations meet the definition as a retail food facility, as described under Health and Safety Code 113785(b)(2), the operation must meet Environmental Health permit requirements that include, but are not limited to, facility construction standards and water quality standards, prior to commencement of said uses.
18. The applicant shall meet all of the Hazardous Materials Business Plan requirements of Yolo County Environmental Health.

Central Valley Regional Water Quality Control Board—(916) 464-4732

19. The applicant must comply with the requirements of a Waiver or Permit for Waste Discharge, as regulated by the Central Valley Regional Water Quality Control Board. The Waste Discharge Requirements Program regulates all point source discharges of waste to land that do not require full containment (T-27 Land Discharge Program), or are not subject to the NPDES Program. The Permit must be obtained prior to initiating any winemaking operations.

Yolo-Solano Air Quality Management District—(530) 757-3650

20. The project shall incorporate the standard construction dust mitigation measures recommended by the Yolo-Solano Air Quality Management District (YSAQMD), including:
  - a. Water active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
  - b. Haul trucks shall maintain at least 2 feet of freeboard.
  - c. Cover all trucks hauling dirt, sand, or loose materials.
  - d. Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed area.
  - e. Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
  - f. Plant vegetative ground cover in disturbed areas as soon as possible.
  - g. Cover inactive storage piles.
  - h. Treat accesses to a distance of 100 feet from the paved road with a 6- to 12-inch layer of wood chips or mulch, or a 6-inch layer of gravel.
21. The project shall incorporate the standard NO<sub>x</sub> reduction requirements recommended by the YSAQMD, including:
  - a. Construction equipment exhaust emissions shall not exceed District Rule 2-11 Visible Emission limitations.



- b. Construction equipment shall minimize idling time to 10 minutes or less.
  - c. The primary contractor shall submit to the District a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy duty equipment on the inventory list.
  - d. An enforcement plan shall be established to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 - 2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours. Construction contracts shall stipulate that at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB-certified off-road engines, as follows:
    - 175 hp - 750 hp 1996 and newer engines
    - 100 hp - 174 hp 1997 and newer engines
    - 50 hp - 99 hp 1998 and newer engines

In lieu of or in addition to this requirement, other measures may be used to reduce particulate matter and nitrogen oxide emissions from project construction through the use of emulsified diesel fuel and or particulate matter traps. These alternative measures, if proposed, shall be developed in consultation with District staff.
22. Operation of any natural gas generators at the site will require an Authority to Construct and Permit to Operate issued by the District in accordance with Rule 3.1, General Permit Requirements.
  23. Visible emissions from any stationary diesel-powered equipment are not allowed to exceed 40 percent opacity for more than three minutes in any one-hour, as regulated under District Rule 2.3, Ringelmann Chart.
  24. Portable diesel fueled equipment greater than 50 horsepower, such as generators or pumps, must be registered with either the Air Resources Board's (ARB's) Portable Equipment Registration Program (PERP) (<http://www.arb.ca.gov/perp/perp.htm>) or with the District.
  25. Architectural coatings and solvents used at the project shall be compliant with District Rule 2.14, Architectural Coatings.
  26. All stationary equipment, other than internal combustion engines less than 50 horsepower, emitting air pollutants controlled under District rules and regulations require an Authority to Construct (ATC) and Permit to Operate (PTO) from the District.

County Counsel—(530) 666-8172

27. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their

successors or assignees 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.

28. 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.

Failure to comply with these Conditions of Approval as approved by the Planning Commission and Board of Supervisors may result in the following:

- a. Non-issuance of future building permits;
- b. Legal action.

## **PRIOR TO ISSUANCE OF BUILDING PERMITS:**

### Planning Division—PPW (530) 666-8043

29. Construction details shall be included in construction drawings, submitted concurrent with all building permit applications for all structures, and shall be subject to review and approval by the Director of the Planning and Public Works Department through a Site Plan Review process. Each structure or phase of the project shall be approved by an individual Site Plan Review.

### Resources/ Natural Heritage Program—(530) 406-4885

30. A qualified biologist shall conduct preconstruction surveys to locate all active raptor nest sites within one-quarter mile of construction activities. Direct disturbance, including removal of nest trees and activities in the immediate vicinity of active nests, will be avoided during the breeding season (March through August). No-disturbance buffers will be established around any identified active nest to avoid disturbing nesting birds. The size and configuration of buffers will be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors and will be established through coordination with California Department of Fish and Game representatives on a case-by-case basis.

### Engineering Division—PPW (530) 666-8811

31. Prior to building permit issuance for site improvements, the applicant shall provide an engineered hydrology/hydraulics report for the entire project per Yolo County Improvement Standards for review and approval by the County Engineer. The report must be signed and sealed by a civil engineer licensed in the State of California.
32. Prior to building permit issuance for site improvements, the applicant shall submit on-site engineered civil improvement plans for the project for review by the County Engineer. The

plans must be signed and sealed by a civil engineer licensed in the State of California. A County encroachment permit will be required, and a paved driveway connection with culvert is required to Hamilton Road per Yolo County Improvement Standards. The county shall determine minimum culvert diameter. The culvert will be required to be maintained by the applicant or applicant's successor.

33. The applicant shall submit a site geotechnical report for review by the County Engineer prior to issuance of a grading permit for any embankments. Embankment design (e.g., detention basin) shall be incorporated in the report (by addendum letter, if necessary). The report (and addenda, if necessary) must be signed and sealed by a civil engineer licensed in the State of California.
34. The applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) for controlling construction activities that may adversely affect water quality.
35. The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-storm water management controls. The Public Works Division shall review and accept the SWPPP prior to issuance of a grading permit. The applicant shall submit proposed amendments to the SWPPP to the Public Works Division for review and approval with any subsequent permit applications or proposed changes in work.

Building Division—PPW (530) 666-8775

36. All building permit plans shall be submitted to the Yolo County Planning and Public Works Department for review and approval in accordance with Yolo County Building Standards prior to the commencement of any construction.
37. The applicant shall pay the appropriate fees prior to the issuance of Building Permits, including, but not limited to, School and Fire District fees, County Facilities Fees and Environmental Health Fees.
38. The applicant shall obtain the necessary building permits prior to installation of all equipment. New installation shall meet State of California minimum code requirements for fire, life, and safety standards. All equipment shall be installed in accordance with the California Building, California Plumbing, California Mechanical and California Electrical Codes.

Environmental Health—(530) 666-8646

39. Prior to the issuance of a building permit, the applicant shall submit a hazardous materials business plan and inventory for review and approval by Yolo County Environmental Health.

**PRIOR TO ACCEPTANCE OF FINAL PARCEL MAP:**

Planning Division—PPW (530) 666-8043

40. The Final Map for the project shall be filed and recorded at the applicant's expense with the Yolo County Planning and Public Works Department. The Final Map shall be recorded within two years (three years if allowed under current law) from the date of approval by the Planning Commission or Board of Supervisors, or the Tentative Parcel Map shall become null and void without any further action in accordance with the State Subdivision Map Act.

Resources/ Natural Heritage Program—(530) 406-4885

41. The applicant will be required to mitigate for the loss of Swainson's hawk habitat by complying with the mitigation requirements of the Joint Powers Authority/Natural Heritage Program, which may require paying a per acre mitigation fee; securing a minimum 80 acre conservation easement; participating in a JPA-approved Mitigation Bank; or working directly with the California Department of Fish and Game.

Engineering Division—PPW (530) 666-8811

42. On the parcel map, the applicant shall dedicate the amount of right-of-way necessary on the north side of Hamilton Road, from Jefferson Boulevard to the western extent of the access driveway apron, to provide an overall road right-of-way width of fifty-four feet to include twelve foot lanes, eight foot shoulders (four foot paved, four foot aggregate base), and roadside ditches to match Yolo County Improvement Standards for a rural street. Dedication to include the transition length necessary (west of the access driveway to conform and connect to the existing Hamilton Road. 42.
43. On the parcel map, the applicant shall dedicate a five foot wide road easement on the east side of the existing right-of-way for Alameda Avenue (County Road 148) to create a total half-street easement of thirty feet along the Alameda Avenue frontage.
44. On the parcel map, the applicant shall dedicate an easement for Hamilton Road access for Parcel 3. The applicant shall also record a private road maintenance agreement between Parcels 1 and 3 concurrently with the parcel map.
45. To reduce mode conflicts and improve public safety, Hamilton Road shall be widened to the county standard rural street width for the length of the development. Prior to parcel map approval, the applicant shall submit engineered civil improvement plans for the reconstruction of Hamilton Road to Yolo County Improvement Standards (rural street) from Jefferson Boulevard to the western extent of the access driveway apron, for review and approval by the Yolo County Engineer. Design to include the transition length necessary (west of the access driveway) to conform and connect to the existing Hamilton Road, and provide STAA (Surface Transportation Assistance Act of 1982) vehicle turning radii for all turning movements. The applicant shall repair the Hamilton Road segment between the new driveway and the existing unpaved driveway extending from the Parcel 3 boundary (along the existing north/south irrigation ditch) to restore the paved surface that existed before the applicant's recent grading operations damaged the road surface. The plans must be signed and sealed by a civil engineer licensed in the State of California.

46. A paved driveway connection with culvert is required to Hamilton Road per Yolo County Improvement Standards. The county shall determine minimum culvert diameter. The culvert will be required to be maintained by the applicant or applicant's successor.
47. Prior to parcel map approval, the applicant shall prepare engineering drawings for necessary Jefferson Boulevard improvements in the state right-of-way and obtain an encroachment permit from Caltrans (e.g., work associated with the Hamilton Road widening, and providing STAA vehicle turning radii for all intersection turning movements). The applicant shall also submit the plans for review by the Yolo County Engineer. The plans must be signed and sealed by a civil engineer licensed in the State of California. The applicant shall provide a copy of the executed Caltrans encroachment permit to the county prior to parcel map approval.
48. Prior to parcel map approval, provide an improvement bond and enter into an Improvement Agreement with the county to ensure all improvements are completed within one (1) year of parcel map approval. Submit an engineer's cost estimate for all improvements required by conditions of approval using public agency unit prices, adding ten percent contingency, plus twenty percent county administrative cost allowance.
49. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
  - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
  - b. Permanent monuments have been set marking any boundary.

**ATTACHMENT I  
WILLIAMSON ACT SUCCESSOR AGREEMENTS**

AGREEMENT NO. \_\_\_\_\_

**WILLIAMSON ACT SUCCESSOR AGREEMENT**

THIS AGREEMENT (“Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, between the County of Yolo, a political subdivision of the State of California (hereinafter “County”), and Bogle Family Limited Partnership (hereinafter “Owner”).

**RECITALS**

WHEREAS, Owner is the legal owner of two legal parcels (APNs: 043-310-11; and 043-310-12) consisting of approximately 255 acres of real property which is more particularly shown in **Exhibit 1** and described in **Exhibit 2**, attached hereto and incorporated herein by this reference; and

WHEREAS, Owner entered into a Land Use Contract (Agreement 72-281), which incorporated portions of Yolo County Resolution No. \_\_\_\_\_, recorded in Volume \_\_\_ on Page \_\_\_ in the Yolo County Official Records on \_\_\_, 1972. This Agreement relates to property in an Agricultural Preserve No. \_\_\_; and

WHEREAS, this Agreement applies only to the real property as shown in **Exhibit 1** and described in **Exhibit 2** of this Agreement, attached hereto and incorporated herein by this reference, and separate Successor Agreements are to be executed for the remaining real property subject to the original Land Use Contract;

WHEREAS, the Owner has applied to the County for approval of Tentative Parcel Map #4976 to divide the two parcels into three parcels to accommodate development of winery production facility on one of the parcels; and

WHEREAS, both Owner and County desire to enter into this Successor Agreement to divide the existing Land Use Contract into two separate contracts, and to limit the use of the subject property to agriculture, recreation, and open space uses by entering into this Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. As to the subject property, Owner hereby acknowledges and agrees to be bound by all the terms and conditions and obligations of Agreement No. 72-281.

2. Agreement No. 72-281 is further amended by the addition of the following paragraphs:

Notwithstanding any provision to the contrary in Resolution No. 72-\_\_\_, IT IS FURTHER AGREED that the subject property shall be subject to the provisions of Article 1.5 (commencing with Section 421) of Chapter 3 of Part 2 of Division 1 of the

California Revenue and Taxation Code only to the extent that it is used for agriculture, recreational use or open space, all as defined below. To the extent the subject property is used for any other use, including those uses determined to be compatible with the agricultural use of the land within this preserve and subject to this contract, it shall be valued by using the stipulated minimum income method provided for in section 423(a)(3) of the California Revenue and Taxation Code and the amount which constitutes the minimum annual income per acre to be capitalized shall be determined annually by multiplying the factored base year value of the property involved by the Williamson Act capitalization rate for that year.

The following definitions shall apply to terms used in the above paragraph:

- A. Agriculture means the growing of crops or the raising of livestock. The growing of crops shall include growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, horticulture, hay grain, and similar crops. The raising of livestock shall include animal husbandry, including the breeding and raising of cattle, sheep, goats, pigs, rabbits, poultry, and similar animals, and egg production and dairies, and the business of breeding and raising horses, whether or not for use in growing crops or raising livestock, including boarding horses; however, the raising of livestock shall not include dog kennels.
- B. Agriculture shall not include the direct marketing or sale of agricultural products or facilities for the processing of agricultural products, including, but not limited to, canneries, wineries, dehydrators, or fruit, vegetable, or meat packing plants.
- C. Recreational use means the use of land by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation and which does not change the land from its natural or agricultural state. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.
- D. Open space use means the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit or enjoyment of the public, and to provide essential habitat for wildlife.

3. The County may declare this Agreement terminated if it (or another substantially similar contract) is declared invalid or ineffective in any court adjudication accepted by the County as final, but no cancellation fee or other penalties shall be assessed against Owner upon such termination.

4. Owner, upon request of the County, shall provide information relating to Owner's obligations under this Agreement to assist the County in determining value for assessment purposes or to determine continued eligibility under the Williamson Act.

5. Owner represents that he properly holds legal title to the subject real property and all necessary persons have executed this Agreement. Owner agrees to indemnify, defend, and save harmless the County from any and all claims, suits, or losses caused by prior claims of other owners or security holders.

6. All notices to be given to the Owner pursuant to this Agreement shall be given to Owner herein by delivery personally in writing or by depositing the same in the United States Mail, first class postage prepaid, addressed as set forth above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

COUNTY OF YOLO

OWNER

\_\_\_\_\_  
Helen Thomson, Chair  
Board of Supervisors

\_\_\_\_\_  
Bogle Family Limited Partnership  
Owner (managing partner)

Attest:  
Ana Morales, Clerk  
Board of Supervisors

By \_\_\_\_\_  
(Seal)  
Deputy

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy



State of California  
County of Yolo

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

## ATTACHMENT J

### COUNTY RECORDER

Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

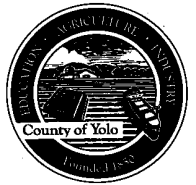
City, State, Zip

Attention: Eric Parfrey

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## Notice of Exemption

To: Yolo County Clerk  
625 Court Street  
Woodland, CA 95695



Project Title: Zone File 2009-038 (Bogle Winery Facility)

Applicant: Bogle Family Limited Partnership

Project Location: Intersection of Jefferson Boulevard (State Route 84) and Hamilton Road, four miles southwest of Clarksburg, two separate contiguous parcels of approximately 115 acres (APN: 043-310-012) and 145 acres (APN: 043-310-011)

Project Description: Request for approval of: rezoning from the Agricultural Preserve (A-P) zone to the Agricultural Industry (AGI) zone, Tentative Parcel Map #4976, and Williamson Act Successor Agreements, to reflect the new zone boundaries. The rezoning would allow the submittal of subsequent building plans to construct a new winery facility and associated wastewater treatment ponds.

Exempt Status: Exemption based on Public Resources Code (PRC) section 21083.3 and CEQA Guidelines section 15183.

Reasons why project is exempt: PRC section 21083.3(b) states:

“If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.”

The rezoning was analyzed in the recently certified Final Environmental Impact Report for the 2030 Yolo Countywide General Plan (November, 2009, SCH#2008102034). The description of the site is provided on page 424 of the Response to Comments document. Page 437 of the Response to Comments document indicates that the subject property is similar to the Site A alternative previously analyzed in the Draft Environmental Impact Report (DEIR) (see Figure III-4, page 89) in terms of physical setting including the same soils, flood exposure, proximity to Jefferson Boulevard (SR 84) for access, central location within the Clarksburg Agricultural District, and proximity to vineyards and wineries. It concludes that impacts from this alternative would be substantially similar to those identified for Site A in all areas of impact, as identified in

Table V-9 on page 795 of the DEIR. Altogether, as reflected in the initial study prepared for this project, none of the potential environmental effects of the project require further review or analysis pursuant to Public Resources Code Section 21083.3 or CEQA Guidelines Section 15183.

**Lead Agency Contact Person:** Eric Parfrey, Principal Planner    **Telephone Number:** (530) 666-8043

Signature (Public Agency): \_\_\_\_\_                      Date:

**ATTACHMENT K**  
**INITIAL STUDY**