



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT


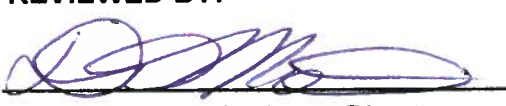
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WORKSHOP ONLY

PLANNING COMMISSION STAFF REPORT

MARCH 11, 2010

FILE #2010-005: Local CEQA Guidelines (proposed Chapter 10, part of the comprehensive update of the Land Development and Zoning regulations in the Yolo County Code (Title 8, Chapters 1 through 10), in order to ensure consistency with the recently approved Yolo Countywide 2030 General Plan	
APPLICANT: Yolo County	
LOCATION: All parcels in the unincorporated Yolo County area	SUPERVISOR: all districts ZONING: All zoning districts GENERAL PLAN: All General Plan land use designations FLOOD ZONE: various SOILS: various FIRE ZONE: various
ENVIRONMENTAL DETERMINATION: To be determined	
REPORT PREPARED BY:  Eric Parfrey, Principal Planner	REVIEWED BY:  David Morrison, Assistant Director

RECOMMENDED ACTION

That the Planning Commission:

- HOLD** a public workshop hearing, consider public comments, and give further direction to staff regarding the proposed Chapter 10, Local CEQA (California Environmental Quality Act) Guidelines, part of the comprehensive update of the Land Development and Zoning regulations in the Yolo County Code (**Attachment A**); and
- RETURN** the item to the Planning Commission at a future hearing for further workshop session(s) and recommendations on the revised ordinance.

REASONS FOR RECOMMENDED ACTION

The updated Yolo Countywide 2030 General Plan was approved in November, 2009. Under state law, all development regulations (Title 8 of the Yolo County Code), including the zoning ordinance, must be amended to be in conformance with General Plan policies. Yolo County has never adopted local CEQA (California Environmental Quality Act) Guidelines and is now preparing guidelines as

part of the County Code update.

BACKGROUND

Section 15022(a) of the state CEQA Guidelines requires that each public agency adopt local procedures that outline how the agency will implement CEQA, including “the orderly evaluation of projects and preparation of environmental documents.” Generally, most local agencies simply rely on, and incorporate by reference, the existing CEQA Guidelines. However, some local agencies adopt local guidelines that list specific types of projects that are deemed to be “exempt” from further CEQA analysis, thus, streamlining the local development review and approval process.

STAFF ANALYSIS

Section 15022(a) of the State CEQA Guidelines requires that “each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.” The implementing procedures should contain at least provisions for identifying the local activities or permits that are exempt from CEQA, and what procedures the local agency will follow in preparing and processing environmental CEQA documents (Initial Studies, Negative Declarations, Environmental Impact Reports).

Section 15022(d) of the state CEQA Guidelines allows a public agency to adopt the state CEQA Guidelines through incorporation by reference, so that the agency may then adopt only those specific procedures or provisions which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency. Yolo County, like many other jurisdictions, has taken this option. Thus, the Local CEQA Guidelines incorporate all of the procedural details of the state Guidelines regarding how to prepare and process CEQA documents such as Negative Declarations and Environmental Impact Reports, without having to repeat them or discuss in greater detail how the local procedures implement the State law.

Yolo County has never adopted local CEQA Guidelines, and thus, has always followed the state law, allowing no local exemptions to CEQA analysis that are not already specifically allowed by statute, such as building permits and small structures. Adopting local guidelines will allow the county to list specific types of local projects that are deemed to be exempt from CEQA analysis, which will result in a more efficient use of staff resources, with a streamlining of the local development review and approval process for exempt projects that do not require a full environmental analysis.

The draft Local CEQA Guidelines for Yolo County are modeled on a similar document adopted by Napa County (*Napa County's Local Procedures for Implementing the California Environmental Quality Act, Conservation, Development & Planning Department, August, 2006*).

In order to allow for local exemptions, Section 15022(a) of the state CEQA Guidelines requires that an agency's local guidelines should contain:

- (a) Provisions for evaluating a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.
- (b) A list of projects or permits over which the public agency has only ministerial authority.
- (c) A list of specific activities which the public agency has found to be within the categorical exemptions established by these guidelines.

There are five main methods for classifying certain projects or permits as “exempt” from the need for a CEQA analysis, e.g., the preparation of a Mitigated Negative Declaration. The state CEQA Guidelines allow the following types of projects to be found exempt:

“Ministerial” Projects Exemption. These are permits which do not require any discretion on the part of the agency to be approved or denied, such as most building and grading permits.

Categorical Exemptions. These are local projects or permits that are deemed to fit under one of the “Categorical Exemptions” listed in the CEQA Guidelines. “Categorical Exemptions” are described as broad types or “Classes” of activities or projects that typically do not have a significant impact on the environment. There are four Classes of Categorical Exemptions that are often used to exempt local projects: Class 1 (Existing Facilities); Class 3 (New Construction or Conversion of Small Structures); Class 4 (Minor Alterations to Land); and Class 5 (Minor Alterations in Land Use Limitations). Use of these Categorical Exemption is subject to certain limitations, such as when a project is located in a sensitive environmental area.

Statutory Exemptions. These are local projects or permits that have been specifically exempted by the state Legislature in the Statutory Exemptions article of the CEQA Guidelines. Such projects include pipelines, air and water quality permits, emergency projects, and feasibility studies. Statutory exemptions also include ministerial projects and projects that are not approved. No local projects beyond those that are specifically exempted by the CEQA Guidelines can, or have been, added to the state list of Statutory Exemptions.

Exemptions for Projects Consistent with a Community Plan, General Plan, or Zoning. These are projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. These projects do not require additional environmental review, unless there is substantial new information, or there are project-specific significant effects which are peculiar to the project or its site that have not already been studied in the previous EIR. Most recently, the county exercised this exemption for the Bogle winery facility project in Clarksburg. A large winery production facility like the Bogle project, and the rezoning from Agricultural Preserve (A-P) to Agricultural Industry (AGI) in the area, had been previously analyzed in the 2030 Yolo Countywide General Plan Final EIR, certified last October, 2009. This exemption can also be used for projects that are consistent with future approved Specific Plans or Community Plans for Dunnigan and elsewhere in the county.

“General Rule” Exemptions. The state CEQA Guidelines Section 15061(b)(3) allows a project to be exempt from further CEQA analysis by what is referred to as the “General Rule.” The general or common sense rule can be invoked if “it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.” This exemption is sometimes used if the description of a particular project does not easily fit within one of the Categorical Exemption Classes, such as adoption of a narrowly written ordinance, and it is obvious that there would be no potential environmental impacts.

In the proposed draft Local CEQA Guidelines, the following general types of actions or permits would be found to be exempt from further CEQA analysis, unless certain limitations apply:

Ministerial Permit Exemptions

- Building and related permits (e.g. demolition, plumbing, electrical, solar panels)
- Grading and flood hazard permits that are not located in an environmentally sensitive area or meet certain other criteria
- Planning permits such as Site Plan Reviews, Lot Line Adjustments, Certificates of Compliance, Time Extensions of Parcel/ Subdivision Maps or Use Permits, Gas or Oil Well Permits, Williamson Act Contracts or Successor Agreements

Categorical Exemptions

Some of the types of activities or permits proposed to be found exempt include:

- All uses within existing, new, and converted small structures allowed “by right” (without issuance of a discretionary permit) in the respective underlying zone district
- Modifications of existing wineries and other agricultural industrial facilities
- All accessory structures that are allowed “by right” or that are allowed by Use Permit and meet all setback and other standards
- Minor Use Permits that comply with all requirements of the zone district and all Conditions of Approval placed by other county departments and agencies
- Use Permits for second homes on agricultural parcels less than 20 acres within an antiquated subdivision
- Small wind and solar systems that meet certain criteria
- Small and medium-size wineries, bed and breakfast facilities, and other ag tourism uses
- Tentative Parcel Maps for agricultural, not residential, purposes that create lots more than 80 acres in size (160 acres if non-irrigated) and which are consistent with all applicable policies of the General Plan
- Minor Zone Changes or Zone Boundary Adjustments which do not change the amount of land in each zone by more than 10 percent and do not increase the maximum intensity of land use

Exemptions for Projects Consistent with a Community Plan, General Plan, or Zoning.

Projects proposed to be eligible for this exemption must be consistent with any of the following documents and meets all of the other requirements of this section and state CEQA Guidelines Section 15183:

- The 2030 Yolo Countywide General Plan, for which a Final Environmental Impact Report was certified in November, 2009, (SCH#2008102034);
- Specific Plans for the Dunnigan, Knights Landing, Madison, or Elkhorn areas, or the Covell/Pole Line Road property, which are consistent with the policies of the 2030 Yolo Countywide General Plan;
- Specific Plans or updated Area Community Plans for the Capay Valley, Clarksburg, Esparto, Monument Hills, or Yolo-Zamora areas, which are consistent with the policies of the 2030 Yolo Countywide General Plan.

OTHER AGENCY INVOLVEMENT

The Local CEQA Guidelines have not yet been reviewed by any of the citizens advisory committees. The committees will be asked for their comments following this Planning Commission workshop, after staff has incorporated any recommendations from the Planning Commission, before any final consideration is made.

County Counsel has reviewed the draft Local CEQA Guidelines. Later in the code update process, staff will determine an appropriate environmental document to comply with the California Environmental Quality Act.

ATTACHMENTS

- A: Proposed Local CEQA Guidelines
- B: Section 15022 of the CEQA Guidelines

ATTACHMENT A

LOCAL CEQA GUIDELINES Draft 3-11-10

Article 1. Authority, Intent, Applicability, and Compliance

Section 8-10.101 Authority

The following local procedures for implementing the *California Environmental Quality Act* ("CEQA") are adopted pursuant to the State Act (Public Resources Code Section 21000, et seq.) and Section 15022(a) of the State Guidelines to CEQA (the "*State CEQA Guidelines*"). These local regulations (the "*Local CEQA Guidelines*") supplement the *State CEQA Guidelines* (Title 14 California Code of Regulations Section 15000, et seq.), as may be amended from time to time hereafter. In Yolo County, the *State CEQA Guidelines* must be used in conjunction with the *Local CEQA Guidelines* in order to determine the local policies and procedures to be followed in implementing CEQA. Cross-references to relevant sections in the *State CEQA Guidelines* are provided in this document. In case of conflict, the provisions of the *State CEQA Guidelines* shall control.

State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the *State CEQA Guidelines* in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the *State CEQA Guidelines*; however, *State CEQA Guidelines* shall take precedence even if the local procedures are not updated.

Section 8-10.102. Intent.

These *Local CEQA Guidelines* are established, adopted and intended to meet the requirements of Section 15022(a) of the *State CEQA Guidelines* and to provide the public with information on the detailed criteria, policies, and procedures used by the County in the environmental review process.

Section 8-10.103. Applicability.

Per *State CEQA Guidelines* Section 15022(b), the rules and procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the County and to referrals received from those districts whose boundaries are coterminous with, or are entirely encompassed by, the County.

Section 8-10.104. Compliance Required Prior to Project Approval.

Per *State CEQA Guidelines* Section 15004, no application for a permit shall be approved nor shall any permit be issued or approval given by any County official or body until all procedures required by the *State and Local CEQA Guidelines* and *CEQA Guidelines* have

been completed including, if required by the County, the preparation and certification of a Final Environmental Impact Report (Final EIR), Mitigated Negative Declaration, Negative Declaration, or other CEQA document, by the County. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Article 2. Responsibilities

Section 8-10.201. Board of Supervisors.

When the Board of Supervisors is the decision-making body on a project, they are responsible for certifying the Final EIR, adopting a Mitigated Negative Declaration, Negative Declaration, or other CEQA document, or determining that the project is exempt from environmental review. The Board of Supervisors is responsible for considering the environmental document that has been prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

The Board of Supervisors shall also act as the appeal board for the Planning Commission, Zoning Administrator and staff actions on environmental determinations, Negative or Mitigated Negative Declaration adoptions, determinations that an EIR is required, and Final EIR certifications. In addition, the Board of Supervisors shall set the procedures for implementing CEQA in the County by adopting the *Local CEQA Guidelines*, be responsible for adopting any thresholds of significance promulgated, and may adopt any Master Environmental Assessments that have been prepared.

Section 8-10.202. Planning Commission.

When the Planning Commission is the decision-making body on a project, the Planning Commission is responsible for certifying the Final EIR, adopting a Negative or Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guideline* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

When the Planning Commission is required to make a recommendation on a project to the Board of Supervisors, the Planning Commission shall hold any hearings required on the proposed environmental documents produced, review all comments made and the responses prepared, and make a recommendation regarding certification of the Final EIR or adoption of the Negative or Mitigated Negative Declaration involved. If the Planning Commission believes that the project is exempt from environmental review, it shall recommend that the Board of Supervisors make such a finding.

Section 8-10.203. Zoning Administrator, Planning Director, or County Official.

When the Zoning Administrator, Planning Director, or other Yolo County Official is the decision-making body on a project, he/she is responsible for certifying the Final EIR,

adopting a Negative or Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Section 8-10.204. Planning and Public Works Department.

The Planning Division of the Planning and Public Works Department is responsible for:

- (a) Carrying out all environmental reviews undertaken by the County, including those requested on behalf of other agencies, unless another individual County department has taken on the responsibility as lead agency for CEQA compliance, such as review of mining and other applications taken on by the Parks and Recreation Department, or reviews of capital projects by the Central Services Department;
- (b) Obtaining comments from other agencies on the expected environmental effects of a project;
- (c) Identifying appropriate measures to reduce the potentially significant effects of a project to non-significant levels;
- (d) Preparing and processing all environmental documents prepared by the County, except as provided in (a), above;
- (e) Preparing Mitigation Monitoring and Reporting Programs where required;
- (f) Reviewing and commenting on all environmental documents submitted to the County by other public agencies;
- (g) Preparing, distributing and filing applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those Notices of Exemption and Notices of Determination for projects approved by the Board of Supervisors, Planning Commission, Zoning Administrator, or Planning Director, except as provided in (a), above;
- (h) Collecting Fish and Game fees or preparing fee exemptions;
- (i) Developing, coordinating and implementing the County's environmental review procedures consistent with policy direction provided by the Board of Supervisors; and
- (j) Establishing informal working thresholds of significance and proposing formal thresholds.

Section 8-10.205. County Clerk/Recorder.

The County Clerk/Recorder is responsible for filing and posting all Notices of Intent, Completion, Exemption, and Determination for projects approved by: (a) the County; (b) cities and districts within the County; and (c) other state and local agencies carrying out projects effecting lands within the County. In addition, the Clerk/Recorder receives all Fish and Game fees collected, distributes them to the state, and processes fee exemptions.

Article 3. EXEMPT PROJECTS

Section 8-10.301. General.

Activities or development projects/applications are exempt from further CEQA analysis and do not require the preparation of an Initial Study, an EIR, or a Negative/Mitigated Negative Declaration if they comprise projects that are: ministerial in nature; meet "General Rule" findings; are statutorily exempt; are categorically exempt; are consistent with a Community Plan, General Plan, or Zoning; or are denied. However, when a project involves elements, some of which are exempt in nature and some of which are not, the project will be deemed non-exempt and an Initial Study must be prepared.

Section 8-10.302. Ministerial Projects.

Per *State CEQA Guidelines* Sections 15022 and 15268, the issuance/approval of the following permits in the County shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus, preparation of an environmental document is not required. "Ministerial" projects do not require any discretion on the part of the agency to be approved or denied.

State CEQA Guidelines Section 15268 defines and lists some local "ministerial" projects:

"In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial:

- (1) Issuance of building permits.
- (2) Issuance of business licenses.
- (3) Approval of final subdivision maps.
- (4) Approval of individual utility service connections and disconnections."

However, where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed discretionary and will be subject to the requirements of CEQA.

The following ministerial activities, actions, projects or permit applications are found to be exempt from CEQA in unincorporated Yolo County:

(a) Building and Related Permits:

- (1) All building permits and related permits (e.g. demolition, plumbing, electrical, solar panels) issued by the Building Division of the Planning and Public Works Department, with the exception of some grading permits, Flood Hazard Development Permits, and Flood Variances, as noted in (c), below,
- (2) Any permits for historic structures, as defined by the Secretary of Interior, are exempt only if the Secretary of Interior's Standards for Rehabilitation and Guidelines for

Rehabilitating Historic Buildings are met; otherwise, a discretionary Historic Building Alteration permit may be required.

(b) Grading and Related Earth Disturbing Permits:

- (1) All grading permits that meet the following criteria are exempt:
 - i. The project is not located in an environmentally sensitive area;
 - ii. The project is not located in a floodway in a flood hazard area; and
 - iii. The project does not involve grading in excess of 2,000 cubic yards if the average slope is less than 10% or 1,000 cubic yards if the average slope is 10% or greater.
- (2) Erosion control measures and Best Management Plans (BMPs) processed in accordance with the requirements of the National Pollution Discharge Elimination System (NPDES) program, as implemented by Yolo County, where slopes involved are less than 30%.

(c) Flood Hazard and Related Permits:

- (1) All Flood Hazard Development Permits that meet the following criteria are exempt:
 - i. The project is consistent with all flood requirements of Chapter 3, Title 8, of the Yolo County Code, and with all other applicable state and federal laws (FEMA, Central Valley Flood Protection Board, etc.).
 - ii. The project is not located in an environmentally sensitive area; and
 - iii. The project does not involve grading in excess of 2,000 cubic yards if the average slope is less than 10% or 1,000 cubic yards if the average slope is 10% or greater.
 - iv. (2) All Minor Flood Variances that meet the criteria of Section 8-3.604 Chapter 3, Title 8 of the Yolo County Code, and with all other applicable state and federal laws (FEMA, Central Valley Flood Protection Board, etc.) are exempt.

(d) Planning and Zoning Permits:

- (1) Minor or Major Site Plan Review.
- (2) Historic Site Plan Review.
- (3) Business License, Home Occupation, or Itinerant Vendor Permit.
- (4) Pre-application.
- (5) Master Subdivision Site Plan Review.
- (6) (Final) Parcel Map and Final Subdivision Map, including all related documents and actions such as Subdivision Improvement Agreements and Improvement Plans Reviews.
- (7) Public Works permits such as Encroachment, Transportation, Parade, etc.
- (8) Recorded map technical modification.
- (9) Lot Line Adjustment.
- (10) Minor and Major Certificate of Compliance.
- (11) Gas or Oil Well Permit that complies with Section 8-2.xxxx (permit criteria that will be added to the Site Plan Review section).
- (12) Animal Density Permits.

- (13) Lot Merger.
- (14) Annual Development Agreement Review.
- (15) Establishment of a Williamson Act Contract, Approval of a WA Successor Agreement, Minor Ag Contract Division.
- (16) Certificate of Correction.
- (17) Minor or Major Code Interpretation.
- (18) Minor Use Permit Extension or Amendment.
- (19) Major Use Permit Extension.
- (20) Tentative Parcel or Subdivision Map Extension.
- (21) Reversion to Acreage.
- (22) ABC License Use Permit, beer, wine, and spirits.
- (23) Model Water Efficiency Landscape Plans.
- (24) Other?...

Section 8-10.303. General Rule.

Per *State CEQA Guidelines* Section 15061(b)(3), a project is exempt from the requirements of these regulations by the "General Rule" if it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 8-10.304. Statutory Exemptions.

Per *State CEQA Guidelines* Section 150260, those exemptions granted by the state Legislature are listed in *State CEQA Guideline* sections 15260 through 15285, and as may be amended.

Section 8-10.305. Categorical Exemptions.

Per *State CEQA Guidelines* Sections 15301-15332, in addition to those specific projects listed above, the Board of Supervisors has found several other kinds of projects that typically do not have a significant impact on the environment. Therefore pursuant to Section 15300.4 of the *State CEQA Guidelines*, Yolo County hereby adds the activities and permits listed below to the list of Class Numbers 1, 3, 4, and 5 activities that are categorically exempt in the County:

(a) Class 1: Existing Facilities (*State CEQA Guidelines* Section 15301)

- (1) All uses within existing structures allowed "by right" (without issuance of a discretionary permit) in the respective underlying zone district, as set forth in Chapter 2, Title 8 of the County Code.
- (2) Modifications, Additions or Co-locations of Equipment to Wireless, Radio, and Telecommunication facilities that are consistent with the Use Permit.
- (3) Modifications of existing wineries and other agricultural industrial facilities that are found to be similar to uses allowed "by right" in the corresponding zone district in Chapter 2, Title 8 of the County Code.
- (4) Tentative Parcel and Subdivision Map revisions: Revisions to approved maps that do not involve the relocation of either building sites or access roads.

(b) Class 3: New Construction or Conversion of Small Structures (*State CEQA Guidelines* Section 15303)

- (1) All uses within new and converted small structures allowed “by right” (without issuance of a discretionary permit) in the respective underlying zone district, as set forth in Chapter 2, Title 8 of the County Code, subject to the restrictions of Section 8-10.306.
- (2) Sign Permits that comply with the sign regulations in Chapter 2, Title 8 of the County Code or with the regulations of any applicable Specific Plan or Area Community Plan.
- (3) Roadside Stands that comply with ...
- (4) Accessory Structures, including second residential units, garage conversions, and other structures, that are allowed “by right” under Article 34 of Chapter 2, Title 8 of the County Code, or that are allowed by Use Permit and meet all setback and other standards of Article 34, or are consistent with the regulations of any applicable Specific Plan or Area Community Plan.
- (5) Minor Use Permits that comply with all requirements of the applicable zone district, and all Conditions of Approval placed on the project by all other county departments and state and federal agencies.
- (6) Use Permits issued for the construction of second units on agricultural zoned parcels of less than 20 acres within an antiquated subdivision, provided that the project is consistent with all applicable policies or criteria of the General Plan, is consistent with all regulations of Title 8, Chapter 2 of the County Code, and is not located in an environmentally sensitive area or is on top or near a ridgeline.
- (7) Wetland conversion Use Permits that comply with...
- (8) Construction and operation of farmworker housing up to ___ beds when not permitted by right under the County Code or otherwise permitted by the State of California.
- (9) Site Plan Reviews and Minor Use Permits issued for Small Wind Energy Systems under Section 8-2.2418 of Title 8, Chapter 2 of the County Code, provided the projects are not located in an environmentally sensitive area or are proposed on top or near a ridgeline.
- (10) Small Solar Energy Systems that are incidental to the primary use of the land, or meet the criteria of Section 8-2.2418, Title 8, Chapter 2 of the County Code, and applicable state law.
- (11) Other alternative energy systems such as methane gas conversion, agricultural crop conversion for biofuels, etc., that are located on less than one acre of land and that...
- (12) Construction and operation of small to medium wineries, subject to the restrictions of Section 8-10.306, that meet the following criteria:
 - (a) are less than 15,000 square feet in size excluding caves;
 - (b) will produce less than 50,000 gallons (approximately 21,000 cases) of wine per year;
 - (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; and
 - (d) will hold no more than 10 temporary or marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance.

- (13) Bed and breakfast facilities: Construction and operation of small to medium bed and breakfast facilities, including ancillary uses such as wine tasting, marriage ceremonies, etc., subject to the restrictions of Section 8-10.306, that meet the following criteria:
 - (a) are less than 7,500 square feet in size and less than 10 rooms;
 - (b) have a lobby and dining area, no motel configuration....;
 - (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; and
 - (d) will hold no more than 10 temporary or marketing events per year, each with no more than 30 attendees, except for one wine auction or special event with up to 100 persons in attendance.
- (14) Other ag-tourism related uses [to be defined]
- (15) Private stables that board more than 15 horses but do not hold more than two events per year.

(c) Class 4: Minor Alterations to Land (*State CEQA Guidelines* Section 15304)

- (1) All agricultural grading in agricultural zones that is related to the primary agricultural use of the land.
- (2) Construction of new access roads and driveways, agricultural stock ponds and small reservoirs, in agricultural zones that would:
 - (a) not disturb more than two (2) acres of land;
 - (b) not traverse slopes that are steeper than 20%; and
 - (c) not discharge concentrated runoff within a stream setback area.

(d) Class 5: Minor Alterations in Land Use Limitations (*State CEQA Guidelines* Section 15305)

- (1) Tentative Parcel and Subdivision Map revisions: Revisions to approved maps that involve the relocation of either building sites or access roads, subject to the restrictions of Section 8-10.306.
- (2) Tentative Parcel Maps for agricultural, not residential, purposes that result in the creation of lots more than 80 acres in size (160 acres if non-irrigated) and which are consistent with all applicable policies of the General Plan.
- (3) Minor Zone Changes or Zone Boundary Adjustments which do not change the amount of land in each zone by more than 10 percent, or a maximum of five (5) acres, and do not increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent, subject to the restrictions of Section 8-10.306.
- (4) Parcel mergers: Implementation of parcel mergers pursuant to sections of the County Code implementing the Subdivision Map Act.
- (5) Road/Easement Abandonments, subject to the restrictions of Section 8-10.306, that involve less than one mile of road and meet all the requirements of the Vehicle Code...
- (6) Temporary public road closures: Closures for special events pursuant to ...

Section 8-10.306. Categorical Exemption Use Limitations.

Per State CEQA Guidelines Section 15300.2(a) through (f), a categorical exemption shall not be used if any of the following conditions apply:

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily less than significant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. The project may have a significant effect when the cumulative impact of successive projects of the same type in the same place are considered.
- (c) Significant Impact. The project has a reasonable possibility due to unusual circumstance of having a significant impact on the environment.
- (d) Scenic Highways. The project may result in damage to scenic resources that are visible to the naked eye from a designated roadway. This does not apply to improvements that are required as mitigation in an adopted Negative/Mitigated Negative Declaration or a certified EIR.
- (e) Hazardous Waste Sites. The project is located on or in the immediate vicinity of a hazardous waste site as delineated in the County Environmental Resource Mapping System and has the potential to effect or be affected by the hazard involved.
- (f) Historical Resources. The project may cause a substantial adverse change as defined by the state Office of Historic Preservation or a qualified professional in the significance of a historical resource.
- (g) Groundwater Extraction in Excess of Normal, Existing, or Planned Levels. The project proposes to extract groundwater in excess of normal or existing agricultural or non-agricultural uses, or in excess of the planned expansion of existing water systems.

Section 8-10.307. Exemption for Projects Consistent with a Community Plan, General Plan, or Zoning

- (a) Per *State CEQA Guidelines* Section 15183(a), projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.
- (b) Per *State CEQA Guidelines* Section 15183(d), this section shall apply only to projects which meet the following conditions:
 - (1) The project is consistent with:
 - (i) A community plan adopted as part of a general plan;
 - (ii) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development; or
 - (iii) A general plan of a local agency; and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(c) In Yolo County, projects may be eligible for this exemption if the project is consistent with any of the following documents and meets all of the other requirements of this section and *State CEQA Guidelines* Section 15183:

(1) The 2030 Yolo Countywide General Plan, for which a Final Environmental Impact Report was certified in November, 2009 (SCH#2008102034);

(2) Specific Plans for the Dunnigan, Knights Landing, Madison, or Elkhorn areas, or the Covell/Pole Line Road property, which are consistent with the policies of the 2030 Yolo Countywide General Plan;

(3) Specific Plans or updated Area Community Plans for the Capay Valley, Clarksburg, Esparto, Monument Hills, or Yolo-Zamora areas, which are consistent with the policies of the 2030 Yolo Countywide General Plan.

(d) In approving a project meeting the requirements of this section, the County shall limit its examination of environmental effects to those which the County determines, in an Initial Study or other analysis:

(1) Are peculiar to the project or the parcel on which the project would be located,

(2) Were not analyzed as significant effects in the 2030 Yolo Countywide General Plan or other relevant prior EIR on the zoning action, general plan or community plan with which the project is consistent,

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(e) In approving a project under an exemption allowed in this section, the County shall ensure that an Initial Study has been prepared and has determined the following:

(1) The previously certified 2030 Yolo Countywide General Plan FEIR, or any other relevant prior EIR on the zoning action, Specific Plan or Area Community Plan with which the project is consistent, adequately discussed all potentially significant impacts of this project, including offsite or cumulative impacts;

(2) There is no substantial new information that shows previously identified significant effects will be more significant than described in the General Plan or other relevant FEIR;

(3) In approving the 2030 Yolo Countywide General Plan, or other relevant FEIR, the county adopted all feasible mitigation measures relevant to a potentially significant effect that this project could have on the environment;

(4) The mitigation measures and policies identified in the 2030 Yolo Countywide General Plan, or other relevant FEIR, plus other uniformly applied development policies or standards, will substantially mitigate the environmental effects of the

project, and will be incorporated into the project or otherwise undertaken in connection therewith.

Section 8-10.308. Denial of Projects.

Per *State CEQA Guidelines* Section 15061(b)(4), projects that the County rejects or disapproves are not subject to CEQA. This provision, however, does not relieve an applicant from paying the costs for an EIR, Negative or Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.

ATTACHMENT B

SECTION 15022 OF THE CEQA GUIDELINES

§ 15022. Public Agency Implementing Procedures.

(a) Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. The implementing procedures should contain at least provisions for:

(1) Identifying the activities that are exempt from CEQA. These procedures should contain:

(A) Provisions for evaluating a proposed activity to determine if there is no possibility that the activity may have a significant effect on the environment.

(B) A list of projects or permits over which the public agency has only ministerial authority.

(C) A list of specific activities which the public agency has found to be within the categorical exemptions established by these guidelines.

(2) Conducting initial studies.

(3) Preparing negative declarations.

(4) Preparing draft and final EIRs.

(5) Consulting with and obtaining comments from other public agencies and members of the public with regard to the environmental effects of projects.

(6) Assuring adequate opportunity and time for public review and comment on the Draft EIR or Negative Declaration.

(7) Evaluating and responding to comments received on environmental documents.

(8) Assigning responsibility for determining the adequacy of an EIR or negative declaration.

(9) Reviewing and considering environmental documents by the person or decision making body who will approve or disapprove a project.

(10) Filing documents required or authorized by CEQA and these Guidelines.

(11) Providing adequate comments on environmental documents which are submitted to the public agency for review.

(12) Assigning responsibility for specific functions to particular units of the public agency.

(13) Providing time periods for performing functions under CEQA.

(b) Any district, including a school district, need not adopt objectives, criteria, and procedures of its own if it uses the objectives, criteria, and procedures of another public agency whose boundaries are coterminous with or entirely encompass the district.

(c) Public agencies should revise their implementing procedures to conform to amendments to these guidelines within 120 days after the effective date of the amendments. During the period while the public agency is revising its procedures, the agency must conform to any statutory changes in the California Environmental Quality Act that have become effective regardless of whether the public agency has revised its formally adopted procedures to conform to the statutory changes.

(d) In adopting procedures to implement CEQA, a public agency may adopt the State CEQA Guidelines through incorporation by reference. The agency may then adopt only those specific procedures or provisions described in subsection (a) which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency. A public agency may also choose to adopt a complete set of procedures identifying in one document all the necessary requirements.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21082, 21100.2 and 21151.5, Public Resources Code.