



County of Yolo

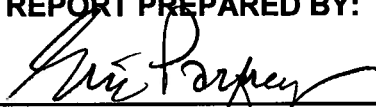

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

FEBRUARY 10, 2011

FILE #2010-005: Three portions of the comprehensive update of the Zoning Ordinance and related chapters of Title 8 of the County Code, including Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), and Chapter 10 (Local CEQA Guidelines)	
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:

1. Hold a public hearing and consider public comments on Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), and 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);
2. Take an informal "straw" vote to recommend tentative approval of Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions); and
3. Direct staff to return Chapter 10, Local CEQA Guidelines for a future hearing at the Planning Commission after the Guidelines have been reviewed by the citizens advisory committees.

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. Staff has prepared Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions), which incorporates and revises various sections of the existing zoning ordinance into two new articles. Chapter 10, Local CEQA (California Environmental Quality Act) Guidelines, is a completely new chapter proposed for Title 8.

The proposed revisions to Articles 1 and 2 would simplify portions of the existing Zoning Ordinance, making regulations easier to locate and understand. Article 3 would establish consistent criteria for determining when routine applications may be determined exempt from CEQA. This will reduce the cost and processing time for future applicants, while ensuring that limited staff resources are focused on evaluating those projects that have more complex and sensitive potential environmental impacts.

BACKGROUND

The Planning Commission considered previous drafts of Articles 1 and 2, and the Local CEQA Guidelines, at a workshop on December 9, 2010. The Local CEQA Guidelines were also reviewed at a workshop on March 11, 2010.

Chapter 2, Article 1 (General Provisions) and Article 2 (Administrative Provisions) brings together and revises various sections of the existing zoning ordinance into two new articles. Article 1 is a brief new section which defines the purpose of the zoning code, describes zoning maps and how zoning district boundaries are measured, and other legal restrictions.

Article 2 is a much more lengthy section which identifies all of the key players in the development review and zoning permit process, and describes in detail the process by which specific permit applications are reviewed and approved (or denied).

The Local CEQA Guidelines will be used to clarify environmental assessment procedures and to streamline permit processing, by allowing certain discretionary permits to be found exempt from environmental review.

STAFF ANALYSIS

No significant changes have been made to the previous versions of the three zoning sections that were reviewed by the Planning Commission earlier. A number of areas there were previously blank have since been filled in, and numerous other minor edits have been incorporated, based on recommendations from County Counsel. Most of the edits were made to the Local CEQA Guidelines.

Article 1 and 2 are non-controversial descriptions of administrative process, and ready for informal recommendation for approval by the Planning Commission, with any changes the Commission feels is appropriate. Articles 1 and 2 largely consist of existing portions of the ordinance, reorganized to make it easier to use for both the public and staff. They have been available for public review and no comments have been received. However, the Local CEQA Guidelines will establish new criteria that will affect how future projects will be reviewed. As such, they should be referred to the citizens committees for recommendation following this hearing. Staff will then bring the Guidelines back to the Commission for informal approval.

Regarding the Local CEQA Guidelines, as the Commission will recall, an incentive for local agencies to adopt their own detailed guidelines is to include a list of specific types of projects that are deemed to be "exempt" from further CEQA analysis, thus, streamlining the local development review and approval process.

It is important to remember, however, that even if a discretionary project such as a Minor Use Permit qualifies for an exemption, it is still treated like a discretionary project, with full review by public agencies and all interested parties, and conditions are applied based on recommendations from the reviewing agencies. In addition, if any complicating environmental issues are raised during the review process, County staff still has the ability to determine that the project does not qualify for an exemption and to require that an environmental study (a Negative Declaration) be prepared.

Since the last draft of the proposed Local CEQA Guidelines, staff has not added or deleted any types of permits that could be found to be exempt. The following is a partial list of the types of project that could qualify for an exemption, 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
- Zoning permits such as Zoning Clearances, 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
- Minor Use Permits that comply with all requirements of the zone district and all Conditions of Approval placed by other County departments and agencies
- Construction of up to four residences that are allowed "by right" on one or more agricultural parcels, including on parcels created through a Clustered Agricultural Housing subdivision, provided each of the new homes meet all siting and development standards
- Use Permits for primary and ancillary (second) homes on agricultural parcels less than 20 acres, or parcels within an antiquated subdivision
- All accessory structures that are allowed "by right" or that are allowed by Use Permit and meet all applicable standards
- Small wind and solar systems that meet development standards
- Small and medium-size wineries, olive oil operations, bed and breakfast facilities, and other ag tourism uses
- "Yolo Stores"
- Private stables with more than 15 horses that do not hold more than four events per year
- Tentative Parcel Maps for agricultural, not residential, purposes that create lots more than 40 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
- Road or easement abandonments that involve less than one mile

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the two articles and the Local CEQA Guidelines and has recommended edits. Once a final draft Ordinance is available in its entirety, staff will determine an appropriate environmental document to comply with the California Environmental Quality Act.

ATTACHMENTS

- A: Draft Chapter 2, Article 1 (General Provisions)
- B: Draft Chapter 2, Article 2 (Administrative Provisions)
- C: Draft Chapter 10 (Local CEQA Guidelines)

ATTACHMENT A
2010 UPDATED
YOLO COUNTY CODE
TITLE 8 LAND DEVELOPMENT

CHAPTER 2: ZONING REGULATIONS

Article 1. General Provisions

Draft 2-3-11

Sec. 8-2.101. Title and Reference.

This Chapter 2 shall be known as, and may be cited as, the "Zoning Regulations" or "Zoning Code" of Yolo County. Reference to section numbers herein are to the sections of this Title or Chapter. In any administrative action taken by any public official pursuant to the authority set forth in this chapter, the use of the term "Zoning Regulations" or "Zoning Code", unless further modified, shall also refer to and mean the provisions of this Chapter. The accompanying development regulations in the other Chapters of Title 8 shall be known as, and may be cited as, the "Land Development Regulations" or "Development Regulations" of Yolo County.

Sec. 8-2.102. Adoption.

There is hereby adopted a zoning plan for the County, as provided in Chapter 4 of Title 7 of the Government Code of the State. This Title constitutes a precise plan for the use of land in conformity with the adopted General Plan, any adopted Specific Plans and Area Community Plans, and all Plan standards.

Sec. 8-2.103. Scope.

The provisions of this Title shall apply to all lands and all owners of lands within all of the unincorporated areas of the County and shall be applicable not only to private persons, agencies, and organizations but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization.

Sec. 8-2.104. Purpose.

The provisions of this Title are adopted to promote and protect the public health, safety, morals, comfort, convenience, and general welfare; to provide a plan for sound and orderly development; to ensure social and economic stability within the various zones established by the provisions of this Title; to implement the Yolo County General Plan; and to achieve the following objectives:

- (a) To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;
- (b) To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands in the county;

- (c) To minimize adverse impacts on the public from inappropriate location, use or design of building sites, land uses, or other forms of land development by providing appropriate standards for development;
- (d) To protect and enhance the significant agricultural, biological, natural, historic, archaeological, and scenic resources within the county;
- (e) To protect the members of the public and property from health and safety concerns such as flooding, earthquakes, fire and other dangers; and
- (f) To assist the public in identifying and understanding regulations affecting the use of land in the county.

Sec. 8-2.105. Authority

This Title is adopted pursuant to the following authorities:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
- (b) Planning and Land Use, California Government Code Title 7.
- (c) California Environmental Quality Act (CEQA), California Public Resource Code, Division 13, and CEQA Guidelines, Title 14 of the California Code of Regulations.
- (d) California Subdivision Map Act, California Government Code, Division 2.
- (e) State Mining and Reclamation Act, California Public Resources Code, Division 2, Chapter 9.

Sec. 8-2.106. Consistency of Chapter with General Plan and Land Use Designations

All actions, approvals, and procedures taken with respect to, or in accordance with, this Title and Chapter shall be consistent with the Yolo County General Plan. In the event this Title or Chapter becomes inconsistent with the Yolo County General Plan by reason of the adoption of a new General Plan or by amendment of the existing General Plan or any of its elements, this Title shall be amended within a reasonable time so that it is consistent with the newly adopted General Plan or remains consistent with the existing General Plan as amended. Additionally, all amendments to this Title and Chapter beyond those previously described, shall be consistent with the Yolo County General Plan.

The following table illustrates the consistency of the various zoning districts in this Chapter with the land use designations of the General Plan. In the event of a conflict between a land use designation of the General Plan and the underlying zoning of a property, the General Plan designation will prevail.

[Insert GP/Zoning Consistency Table from GP, as modified]

Sec. 8-2.107. Zoning Maps

A series of zoning maps, to be known collectively as the "Zoning Maps of the County of Yolo," shall be maintained by the Planning and Public Works Department.

- (a) Contents. The zoning maps shall show the designations and boundaries of each zone and shall show any base data that the Director of the Planning and Public Works Department deems useful or that the Board of Supervisors directs;
- (b) Revisions. The Director shall revise the zoning maps to show amendments, including changes in designations, rezoning of property, and clarification of zone boundaries; and
- (c) Incorporation. The zoning maps and all notations, references, data, and other information contained therein are made a part of this Title and Chapter by reference herein.

Sec. 8-2.108. Zoning District Boundary Determinations.

Wherever any uncertainty exists as to the boundary of a zoning district as shown on the zoning map, the following rules shall apply:

- (a) Lot lines. Where a zoning boundary line follows or coincides approximately with a lot line or a property ownership line, the zoning boundary line shall be construed as following the lot line or property ownership line.
- (b) Where zone boundaries are indicated as approximately following street and alley lines or lot line, such lines shall be construed to be the boundary of the said zone, and the following shall apply:
 - (1) When two (2) zones are separated by a street or alley, the zone boundary shall be the centerline of the street or alley, unless otherwise specified, and
 - (2) When a residential zone is separated from any other zone by a street or alley, the residential zone boundary shall include the street or alley.
- (c) Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting properties shall apply to the centerline of such vacated or abandoned street or alley;
- (d) Where any private right-of-way or easement of any railroad, canal, transportation, or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to the centerline of such vacated or abandoned property;
- (e) For unsubdivided property, or in instances where a zone boundary divides a lot, the location of the zone boundary shall be determined by the Director unless the zone boundary is indicated by dimensions.
- (f) Scale on the zoning map. Where a zoning boundary line does not coincide approximately with a lot line or property ownership line, the zoning boundary line shall be determined by the use of the scale designated on the zoning map.
- (g) Riverfront. Where a zoning boundary line follows the riverbank of the Sacramento River, old river channel, or Putah Creek, the zoning boundary line shall be construed as following the ordinary low water line of such riverbank.

Sec. 8-2.109. Minimum requirements

The provisions of this Title are considered to be minimum requirements. The County may establish more stringent requirements where deemed necessary.

Sec. 8-2.110. Permits Run With the Land.

All development permits shall run with the land. Permits are not tied to individuals, including those persons who applied for the permit or who owned the property at the time the permit was issued.

Sec. 8-2.111. Statutory References, Amendments, and Additions.

Whenever reference is made to any portion of the ordinance codified in this Title, or of any other ordinance of this County or of any law of this State, the reference applies to all amendments and additions now or hereafter made.

Sec. 8-2.112. Interpretation, Constitutionality, and Severability.

- (a) Ambiguities. Unless otherwise provided, any ambiguity concerning the content or application of this Title shall be resolved by the Director.
- (b) Invalidity. If any section, subsection, sentence, clause, or phrase of this Title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Title. The Board declares that it would have passed this Title and every section,

subsection, clause, and phrase thereof, notwithstanding that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 8-2.113 Restrictions.

It is not intended by this Title to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties. Where this Title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations, or by easements, covenants, or agreements, the provisions of this Title shall prevail.

Sec. 8-2.114 No Relief from Other Provisions.

Except as otherwise specifically provided, no provision of this Title shall be construed as relieving any party to whom a use permit, variance, or other development approval has been issued from any other provision of state or federal law or from any provision, ordinance, rule, or regulation of the County requiring a license, franchise, or permit to accomplish, engage in, carry on, or maintain a particular business, enterprise, occupation, transaction, or use.

ATTACHMENT B
2010 UPDATED
YOLO COUNTY CODE
TITLE 8 LAND DEVELOPMENT

CHAPTER 2: ZONING REGULATIONS

Article 2. Administrative Provisions

Draft 2-3-11

Sec. 8-2.201 Intent

The intent of this Article is to specify the responsibilities of the various County agencies, groups, and offices in implementing this Title; to set forth administrative provisions related to the processing of applications and permits; and to identify Use Classifications

Sec. 8-2. 202 Planning Agency

A Planning Agency for Yolo County is hereby created and established. It shall consist of the following:

- (a) Board of Supervisors;
- (b) Planning Commission;
- (c) Planning and Public Works Department; and
- (d) Zoning Administrator.

Sec. 8-2.203 Board of Supervisors

The Board of Supervisors has the following functions as they apply to this Title:

- (a) Appointments. To exercise all appointing power provided under state law and this Title, including the appointment of the Director of the Community Development Department, the members of the Planning Commission, and the members of the citizens advisory committees;
- (b) Adoptions. To adopt the General Plan, Master Plans, Public Financing Plans, Specific Plans, Area or Community Plans, regulations, ordinances, and environmental guidelines;
- (c) Appeals. To be the final appellate body on all matters as specified in this Title;
- (d) Annual Reviews. To annually review the report on the status of the General Plan, and the Capital Improvement Program of the County for conformity with the General Plan, pursuant to Article 7 (commencing with Section 65400) of the Government Code;
- (e) Legislative Body. To serve as the legislative body as that term is used in the Subdivision Map Act;
- (f) Environmental Reviews. To determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Board of Supervisors is considering.

Sec. 8-2.204 Planning Commission

The Planning Commission's role as part of the Planning Agency shall be as provided in this Section and in the internal standing rules adopted by the Commission. The Planning Commission shall have the following functions in the administration of this Title and related regulations and policies:

- (a) Prepare, periodically review, and revise, as necessary, the General Plan and the accompanying Specific Plans and Area or Community Plans for the County;
- (b) Consider and recommend amendment, to the General Plan and the other plans;
- (c) Investigate and make recommendations regarding reasonable and practical means for implementing the General Plan and accompanying plans;
- (d) Consider and recommend amendments to this Title;
- (e) Interpret the text of the General Plan and the plans as they relate to this Title;
- (f) Interpret the maps of the General Plan as they relate to the text of the General Plan;
- (g) Develop and maintain any Specific Plans, or any Area or Community Plans, necessary or desirable for the implementation of the General Plan;
- (h) Consider and recommend upon applications for Specific Plans, and any Area or Community Plans;
- (i) Annually review the Capital Improvement Program of the County for its conformity with the General Plan, any Specific Plans, any Area or Community Plans, and all elements and parts of the General Plan, and provide a report concerning said Capital Improvement Plan to the Board of Supervisors;
- (j) Serve as the appellate body for discretionary staff decisions;
- (k) Review and act upon referrals or appeals from the Floodplain Administrator;
- (l) Act as the advisory agency, as that term is used in the Subdivision Map Act, on Tentative Subdivision and Parcel Maps;
- (m) Review and act upon applications requiring public hearings, except those public hearings held by the Zoning Administrator;
- (n) Act as the Business License Appeal Board according to the process set forth in Title 12, Chapter 1;
- (o) Act as the Historic Preservation Commission, and review and act upon applications as set forth in Title 8, Chapter 8;
- (p) Determine that there has been adequate environmental review under the provisions of the California Environmental Quality Act, of all matters the Planning Commission is considering;
- (q) Recommend changes to the *Local CEQA Guidelines* for the County; and
- (r) Perform such other functions as the Board of Supervisors may require, including conducting studies and preparing plans other than those authorized by Title 7 of the Government Code.

8-2.205 Planning and Public Works Department

The Planning and Public Works Department, and/or the Planning and Public Works Director, shall have the following functions in the administration of the Title and related regulations and policies:

- (a) **Secretary.** Serves as Secretary to the Planning Commission;
- (b) **Advise Board and Commission.** Provides administrative support and professional advice to the Planning Commission and Board of Supervisors;
- (c) **Special Studies and Surveys.** Performs special studies and surveys as directed by the Board of Supervisors;
- (d) **Administer General Plan.** Performs the duties required for the proper preparation and administration of the General Plan, as provided by law and ordinance;

- (e) Administer Specific Plans and Area or Community Plans. Performs the duties required for the proper preparation and administration of Specific Plans, Area or Community Plans, and regulations as provided by law and ordinance;
- (f) Publicize General Plan. Promotes public interest in, comment on, and understanding of the General Plan and regulations relating to it;
- (g) Consult on General Plan. Consults and advises with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens concerning the preparation and implementation of the General Plan;
- (h) Coordinate Plans and Programs. Promotes the coordination of local plans and program, with the plans and programs of other public agencies; and
- (i) Report to Board. Provides an annual report to the Board of Supervisors on the status of the General Plan and progress in its implementation;
- (j) Administer the County Code including the Zoning Regulations of this chapter;
- (k) Environmental Review. Prepares and maintains local guidelines for the implementation of the California Environmental Quality (*Local CEQA Guidelines* in Chapter 10 of this Title), and conducts environmental assessments pursuant to the California Environmental Quality Act and the Local Guidelines as are necessary for the consideration of projects, as defined therein, when the exercise of authority vested by this article in the Department or the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act; and
- (l) Site Plan Review. Review and act upon all applications requiring Site Plan Review as required under Section 8-2.224.

Sec. 8-2.206 Zoning Administrator

The Director of the Planning and Public Works Department or designee shall appoint the Zoning Administrator to perform such duties and exercise such authority as set forth in this Article. The Zoning Administrator is hereby authorized to delegate to such appropriate members of the staff of the Planning and Public Works Department the powers and duties of the Zoning Administrator as set forth in this Article. Pursuant to Section 65901 of the Government Code of the State, the powers and duties of the Zoning Administrator shall be as follows:

- (a) Approve Certain Permits. Approve certain permits, including Minor Use Permits, Minor Variances, Lot Line Adjustments, Certificates of Compliance, and other permits as set forth in this Title, and authorize such modifications as are set forth in this Article;
- (b) Advisory agency. Act as the advisory agency, as provided in the Subdivision Map Act (Government Code Section 66415), for Lot Line Adjustments and Mergers, and Notices of Violation;
- (c) Public notice. Provide such public notice as is required by the State Planning Law or this chapter prior to issuing any such permit or granting such modification; and provide such additional notice as is appropriate, in the discretion of the Zoning Administrator;
- (d) Conduct and convene public hearings. Conduct public hearings and convene and preside over meetings which are authorized or required by the State Planning Law, this chapter, or Federal, State, or County laws or regulations, or when public hearings are appropriate, in the discretion of the Zoning Administrator, due to public interest in a project.
- (e) Referral to Planning Commission. When, in the discretion of the Zoning Administrator, there is significant public interest in a project, or the decision on a project involves policy considerations which should be reviewed by the Planning Commission, the Zoning Administrator may elect to refer the case, with or without a recommendation, to the Commission for decision. The Commission shall apply the standards set forth in this article, as well as other applicable statutes, ordinances, rules, and regulations, in making any such decision on the referred matter;
- (f) Environmental evaluation. Make such environmental assessments pursuant to the California Environmental Quality Act as are necessary for the consideration of projects, as defined therein,

when the exercise of authority vested by this article in the Zoning Administrator results in the consideration of a project as defined by the California Environmental Quality Act;

Sec. 8-2.207 Development Review Committee

The Yolo County Planning Agency has established a Development Review Committee (DRC), a group of primarily County agencies, which meets to discuss and review all major discretionary development applications prior to then they are set for public hearing. The DRC generally includes representatives from the Planning Division; Public Works; the Building Division; Environmental Health; Economic Development; the Fire District; the Agricultural Commissioner; the Local Agency Formation Commission staff; and any other agencies that may have review/permitting authority.

The DRC generally meets once per month at a set time. The Planning Division coordinates the DRC meetings, sends out agendas and memorandum, and takes meeting notes. The DRC will normally meet three times during the review of a major discretionary project. The first DRC meeting will review the application for completeness. The second DRC meeting will review the draft Conditions of Approval and the environmental analysis that has been prepared by the project planner. A third DRC "pre-construction" meeting will review the approved Conditions of Approval with the applicant or contractor after project approval and prior to construction. The DRC meetings are internal County meetings that are closed to the public, however the project applicant and/or their representative are encouraged to attend second and third meetings, but not the first meeting.

Sec. 8-2.208 General Plan Citizens Advisory Committees

Although not a part of the Planning Agency, Yolo County employs encourages and support several General Plan or land use Citizens Advisory Committees. The purpose of the appointed General Plan Citizens Advisory Committees is to provide local input and recommendations to the Planning and Public Works Department on implementation of the County General Plan, any local plans, and related land use matters. Citizens Advisory Committees consider and make recommendations to the Planning Commission on all discretionary applications that are received by the County within the designated committee comment area. Members of the Citizens Advisory Committees are appointed by the Yolo County Board of Supervisors. The Citizens Advisory Committees abide by adopted Bylaws, approved by the Board of Supervisors. Each Citizens Advisory Committee adopts their own Standing Rules, which may set detailed rules and procedures for their own local committees, so long as they remain consistent with the Bylaws.

Sec. 8-2.209 General Application Provisions

The following general provisions shall apply to the development applications that are subject to public hearing before the Zoning Administrator, Planning Commission, or the Board of Supervisors.

(a) Minimum Requirements. The requirements specified herein are considered minimum and may be expanded or modified by specific application requirements as set forth on application forms prepared by the Department for specific types of permits.

(b) Pre-application. At the discretion of the Director, a Pre-application submittal and conference may be encouraged or required. The purpose of such a Pre-application submittal shall be to ensure that the applicant is aware of issues and requirements related to the project. Other departments and public agencies may be invited to attend a Pre-application conference. When a Pre-application conference is required by the Director, no formal application may be accepted until the conference is considered complete by the Director. The fee associated with the Pre-application conference shall be credited to the formal application.

(c) Application filing requirements. Applications shall be filed with the Planning and Public Works Department on forms provided by that Department and shall, at a minimum, contain the following:

(1) Name and Address. The name, address, and signature of the applicant and, for privately initiated, property- specific applications, the name, address, and signature of the property owner;

(2) A statement of the proposed new construction or use.

(3) A Site or Plot Plan showing the following:

(i) The lot lines;

(ii) The adjoining or nearest roads;

(iii) The locations and dimensions of pertinent existing improvements, including on-site and nearby off-site wells and leachfields;

(iv) The locations and dimensions of proposed improvements, including on-site wells and leachfields;

(v) Any other dimensions and data necessary to show that yard requirements, parking requirements, loading requirements, use requirements, and all other provisions of this chapter or any other Title of the County Code are fulfilled.

(4) A statement from the applicant that he or she has read the Design Guidelines that apply to the project and the project has been designed to be as consistent with the Guidelines as is feasible.

(5) Other Documents. Other documents, drawings, and plans as required by the Director; and

(6) Fee. A fee shall be submitted, as provided by a fee schedule approved by resolution of the Board of Supervisors.

Sec. 8-2.210 Processing of Development Applications

(a) Processing and determining completeness of project applications shall be in accordance with the Permit Streamlining Act, Section 65920 *et seq*, Chapter 4.5 of the State Planning and Zoning Laws of the California Government Code (Permit Streamlining Act), and this section, as follows. The Permit Streamlining Act applies to all discretionary development projects that are quasi-adjudicatory actions such as approvals of Use Permits, Tentative Subdivision Maps, and Variances. The Permit Streamlining Act does not apply to ministerial projects such as building permits, or to legislative or quasi-legislative projects such as rezoning requests, and General Plan Amendments (Government Code section 65928 and related court interpretations).

(b) Within thirty (30) calendar days after an application has been received, the Director shall determine in writing whether the application is complete, as set forth in Government Code Section 65943. If the application is determined not to be complete, the procedure in Section 65943 shall be followed. If the application together with the submitted materials are determined not to be complete, the applicant may appeal that decision to the Planning Commission in accordance with the appeal procedure specified in Section 8.2-224. A final written determination on the appeal shall be made not later than sixty (60) calendar days after receipt of the applicant's written appeal. If the final written determination on the appeal is not made within the sixty (60) day period, the application with the submitted materials shall be deemed complete.

(c) In addition to the standards and findings set forth in this Title, the Planning and Public Works Department may prepare supplemental guidelines for the submission of applications and minimum standards, and criteria for approval of applications.

Sec. 8-2.211 Public Notice

Notification to the public of public hearings on development applications shall be given in accordance with Section 65090 *et seq.*, of the California Government Code and the provisions of this Section. Notice of the time, place, and purpose of the public hearing shall be given at least ten (10) days before the hearing in the following manner:

- (a) By at least one publication in a newspaper of general circulation in the County;
- (b) Wherever practical, by mailing a notice, postage prepaid, to the owners of all property within 300 feet of the exterior boundaries of the property involved, using for such purpose the last known name and address of such owners as shown upon the last assessment roll of the County. If determined to be necessary by the Director to reach an affected group in an agricultural or rural residential area, the radius of notified property owners may be expanded; and
- (c) When deemed appropriate by the Director, notice may also be given by posting notices not more than 500 feet apart along each and every street upon which the property abuts for a distance of not less than 300 feet in each direction from the exterior limits of such property.

Sec. 8-2.212 Approval of Projects

- (a) Approval of project applications shall be determined in accordance with applicable State laws, including Section 65920 *et seq.* (Permit Streamlining Act), Section 65950 *et seq.* (Approval of Development Permits), and Section 66410 *et seq.* (Subdivision Map Act), of the California Government Code, and this section.
- (b) Conditions of Approval. The Planning Director, Zoning Administrator, Planning Commission, and the Board of Supervisors may impose reasonable conditions on the approval of any permit or entitlement granted pursuant to this article in order to find or insure compliance of the use with the applicable requirements of this chapter or Federal, State, or County laws or regulations, or to provide the mitigation of environmental impacts caused by the use. Such conditions shall be in writing.
- (c) Appeals. Decisions of the Planning Director, Zoning Administrator, and Planning Commission under this Article shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-224 of this Article.
- (d) Fee schedule authorized. The Board is hereby authorized to promulgate by resolution a schedule of fees to be charged for the issuance by the Planning Director, Zoning Administrator, or Planning Commission, or Board of any permit or entitlement authorized by this article, such fees to be reasonably related to the actual costs to the County of processing such applications and issuing and policing such permits or entitlements.
- (f) Violations. Any violation of the terms or conditions of any permit or entitlement issued by the Planning Director, Zoning Administrator, Planning Commission, or Board pursuant to this article shall constitute a violation of this chapter, shall be a misdemeanor, and shall be punished as set forth in Section 8.2-224 of this Article. The enforcement of this article shall be by the procedure set forth in Section 8.2-224 of this Article, and all remedies set forth therein for violations of this chapter shall be available against violations of this article.

Sec. 8-2.213 Zoning Clearance

The purpose of the Zoning Clearance approval process is to quickly determine compliance between a development project seeking a building or related permit and not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Zoning Clearance is an "over-the-counter" review and approval of an application that is usually accomplished at the same time that a building permit is issued. The application is checked to ensure it is consistent with height, setback, parking, and other zoning standards or requirements for the specific zone district in which it is located, as set forth in this Title. If an application is found to not be consistent with one or more zoning standards, the applicant must be required to modify the building plans or design to be consistent with the zoning, or the application must be resubmitted as a Variance or other discretionary action. No Conditions of Approval or development standards are attached to a Zoning Clearance.

Sec. 8-2.214 Site Plan Review

The purpose of the Site Plan Review approval process is to determine compliance between a more complicated development project seeking a building or related permit, not subject to discretionary review, with the provisions of this Code and the Yolo County General Plan. A Site Plan Review is triggered by a development application or use that is allowed "by right" yet is subject to specific zoning standards. These applications require a more thorough and lengthy review than a simple Zoning Clearance. Development standards or simple conditions may be attached to a Site Plan Review approval, consistent with the requirements for the Use Type of the application and the zone within which it is located.

(a) Site Plan Review Required. Approval of a Site Plan Review shall be required, at the discretion of the Director, in the following instances:

- (1) For the establishment or change of use of any land, building, or structure, including complex or extensive uses of agriculturally-zoned land, that is allowed "by right," requires a building permit, and is subject to specific zoning or development standards; and
- (2) For the construction, erection, enlargement, alteration, or moving of large and/or multiple buildings or structures, including farm residences; provided, however, no such approval shall be required for growing field, garden, or tree crops or for general farming operations.

(b) Departmental action. The Building Division shall refer the Site Plan Review application to the Planning Division, which shall approve, conditionally approve, or disapprove, such application or set the application on the agenda of the Planning Commission for interpretation and determination. Standard conditions that have been drafted to be specific to the proposed use may be placed on the approval of a Site Plan Review application by the Planning and other Divisions or Departments. The application shall be denied unless it is found to satisfy the requirements of this Code and the policies and standards of the General Plan.

(c) Expiration. Whenever the proposed Site Plan Review has been approved, and no such use has been initiated within one year after the date of such approval, the approval shall thereupon become null and void, unless a permit extension has been requested and granted.

(d) Extension of permit. A Site Plan Review permit may be extended for a period not to exceed one year by the Department.

(e) Appeals. The decision of the Planning Director, Planning Division, Building Division or any other County department or official shall take effect, and appeals thereof made and considered, in the manner provided in Section 8.2-224 of this Article.

Sec. 8-2.215 Permits Approved by the Zoning Administrator

The following section describes the types of discretionary and other permits that may be approved or denied by the Zoning Administrator.

(a) **Minor Use Permits.** The Zoning Administrator, after holding a public hearing, may approve Minor Use Permits, upon adoption of Findings as set forth in Section 8-215(e).

(b) **Minor Variances.** The Zoning Administrator may approve Minor Variances to the otherwise applicable design criteria set forth in this subsection, and to the extent set forth, after making the Findings set forth in Section 8-216(e). Variances that exceed the modifications in the applicable design criteria are Major Variances that must be considered by the Planning Commission. Minor Variances include:

- (1) In any zone, modifications of the front, side, or rear yard setback requirements; provided, however, the total modification shall not reduce the applicable setbacks to less than seventy-five (75%) percent of those otherwise required in the zone;
- (2) In any zone, other than a Special Height Combining (H) Zone, modifications of building heights; provided, however, such building heights shall not exceed 125 percent of the otherwise applicable maximum height in the zone;
- (3) In any zone, modifications of the minimum lot area, width, and depth; provided, however, such modifications shall not reduce the total lot area to less than eighty (80%) percent of that otherwise required in the zone; and
- (4) In any zone, modifications of the maximum area or height of signs otherwise applicable in the zone; provided, however, such modifications shall not result in a sign exceeding 110 percent of either the maximum height or maximum size otherwise applicable in the zone.

(c) **Mergers of Parcels and Lot Line Adjustments.** The Zoning Administrator shall process applications for mergers of parcels and/or lot line adjustments pursuant to Chapter I of this Title. Mergers and Lot Line Adjustments are not subject to a public hearing and do not require public notice to surrounding property owners.

(d) **Minor Modifications of Use Permits.** The Zoning Administrator may approve minor modifications to existing Use Permits, including those approved by the Commission pursuant to Section 8-215. Such minor modifications shall be approved only if Findings are adopted that such modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that the appearance and function of the total development and the surrounding development will not be significantly adversely affected as a result of such modification.

(e) **Minor Modifications of Planned Developments.** The Zoning Administrator may approve minor modifications of the detailed development plans or detailed development standards in Planned Development (PD) Zones approved by the Planning Commission pursuant to this Chapter. Such minor modifications may be approved only if Findings are adopted that such modifications are in substantial conformity with the plans or standards approved by the Commission, and that the appearance and function of the total development will not be significantly adversely affected as a result of such modification.

(f) **Extension of Time for Use Permits and Variances.** The Zoning Administrator may approve extensions of time for Use Permits and Variances, including those approved by the Planning Commission. Such extensions shall be approved only if Findings are adopted that circumstances under which the permit was granted have not changed. Such extensions shall be approved for no more than two (2) years.

(g) Modifications of Off-street parking. The Zoning Administrator may approve modifications of the off-street parking requirements set forth in Article 25 of this chapter; provided, however, the total variance shall not reduce the off-street parking to less than seventy-five (75%) percent of that otherwise required off-street parking. Such modifications shall be authorized only if it is found that the off-street parking, as modified, provides, either on the same site or on some reasonably and conveniently located site, adequate parking, loading, turning, and maneuvering space to accommodate substantially such needs as are generated by the use and will not result in a safety hazard to the users of the site or surrounding areas.

(i) Modifications of paving. Surfacing materials required to satisfy the paving requirements for off-street parking and loading may be modified by the Zoning Administrator when the Zoning Administrator finds that the location of the parking or storage area or the nature or weight of the vehicles or equipment is such as to make the normally required surfacing materials unnecessary.

Sec. Sec. 8-2.216 Use Permits

(a) Purpose. The purpose of a Use Permit shall be to allow the proper integration into the community of uses which may be suitable only in specific locations in a zone or only if such uses are designed or laid out on the site in a particular manner.

(b) Applications. Applications for Use Permits shall be filed by the owner or his authorized agent in the office of the Planning and Public Works Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.209. No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8.2-224 of this chapter.

(c) Processing of Use Permits. The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Use Permit, notice of which shall be given by mail as provided in Section 8-2.211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Use Permit. The Planning Commission shall act on applications for Major Use Permit, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Use Permit, as that term is defined in this Title, or send the Minor Use Permit application to the Planning Commission.

(d) Approval of Use Permits. If the Planning Commission or Zoning Administrator approves a Use Permit application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.

(e) Findings required. In granting a Use Permit, the Planning Commission or Zoning Administrator, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:

- (1) The requested use is listed as a conditional use in the zone regulations or elsewhere in this chapter;
- (2) The requested use is essential or desirable to the public comfort and convenience;

- (3) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;
- (4) The requested use will be in conformity with the General Plan;
- (5) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided; and
- (6) The requested use, if located in an agricultural zone or area, will serve and support production of agriculture, the agricultural industry, or is agriculturally related, and not appropriate for location within a city or town; and the requested use, if proposed on prime soils, cannot be reasonably located on lands containing non-prime soils.

(f) **Revocation.** In the event the conditions of a Use Permit have not been, or are not being, complied with, the Planning and Public Works Department shall give the permittee notice of intention to revoke such Use Permit at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such Use Permit.

(g) **Expiration.** In the event the project or use for which the Use Permit was granted has not commenced within the time limit set by the Planning Commission or the Zoning Administrator, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8.2-215(f), the Use Permit shall be deemed to be null and void without further action.

(h) **Appeals.** The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.224.

(i) **Validity.** No Use Permit which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-2.224, or the final action on an appeal to the Board of Supervisors.

Sec. 8-2.217 Variances

(a) The purpose of a variance is to allow variation from the strict application of the provisions of this chapter where special circumstances pertaining to the physical characteristics and location of the site are such that the literal enforcement of the requirements of this chapter would involve practical difficulties or would cause hardship and would not carry out the spirit and purposes of this chapter and the provisions of the General Plan.

(b) **Applications.** Applications for Variances shall be filed by the owner or his authorized agent in the office of the Planning and Public Works Department, on forms provided by the Department, accompanied by a fee, a Site or Plot Plan, and any other drawings or information as may be required to fully describe the request, as set forth in Section 8-2.208. No application may be filed which proposes any Variance which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.224 of this chapter.

(c) **Processing of Variances.** The Planning Commission or Zoning Administrator shall hold a public hearing on the requested Variance, notice of which shall be given by mail as provided in Section 8.2-211. The Planning Commission or Zoning Administrator may approve, conditionally approve, or disapprove an application for a Variance. The Planning Commission shall act on applications for Major Variance, as that term is defined in this Title, and the Zoning Administrator shall have the discretion to act on applications for a Minor Variance, as that term is defined in this Title, or send the Minor Variance application to the Planning Commission.

(d) Approval of Variance. If the Planning Commission or Zoning Administrator approves a Variance application, it may attach such Conditions of Approval, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, assurances, and requirements, as may be necessary to accomplish the objectives set forth in this Chapter and the requirements of the General Plan. The Planning Commission and Zoning Administrator may impose such Conditions of Approval as are necessary to allow the findings set forth in this subsection to be made and may require the applicant to execute and record documents which insure that such conditions run with the land.

(e) Findings required. The Planning Commission or Zoning Administrator shall grant a Variance only when, in accordance with the provision of Section 65906 of the California Government Code, all of the following circumstances are found to apply:

- (1) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated;
- (2) That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification;
- (3) That the Variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property, excluding uses allowed by conditional Use Permit; and
- (4) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

(f) Revocation. In the event the conditions of a Use Permit have not been, or are not being, complied with, the Planning and Public Works Department shall give the permittee notice of intention to revoke such Use Permit at least ten (10) days prior to a Planning Commission review thereon. After the conclusion of the review, the Planning Commission may revoke such Use Permit.

(g) Expiration. In the event the project or use for which the Use Permit was granted has not commenced within the time limit set by the Planning Commission or the Zoning Administrator, or within one year after the date of the hearing if no specific time has been set, and an extension of time has not been approved by the Planning Commission or the Zoning Administrator according to Section 8-2.215(f), the Use Permit shall be deemed to be null and void without further action.

(h) Appeals. The decision of the Planning Commission or the Zoning Administrator shall take effect, and appeals thereof made and considered, in the manner provided in Section 8-2.224.

(i) Validity. No Variance which has been approved by the Planning Commission or Zoning Administrator shall become valid prior to the expiration of the appeal period, as set forth in Section 8-224, or the final action on an appeal to the Board of Supervisors.

Sec. 8-2.218 Parcel and Subdivision Maps

(a) Applications and Approvals of (Tentative) Parcel Maps and Tentative Subdivision Maps, and (Final) Parcel Maps and Final Subdivision Maps, shall be processed according to the provisions of the State Subdivision Map Act (Section 66410 et seq, of the California Government Code) and the provisions of this Article and Chapter 1 of this Title.

(b) Applications for all Tentative Parcel Maps and Tentative Subdivision Maps shall be heard and decided by the Planning Commission, unless a concurrent application requires legislative action by the Board of Supervisors, such as a rezoning. The Planning Commission is authorized by this section to serve as an "advisory agency" as that phrase is defined (Section 66415) and used (Sections 66473.5, 66474, 66474.6, and 66474.7) in the State Subdivision Map Act.

(c) Any interested party may appeal a decision of the Planning Commission regarding any Tentative Map to the Board of Supervisors, in the manner provided in Section 8-2.224. An appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5 of the State Subdivision Map Act.

(d) Applications for (Final) Parcel Maps and Final Subdivision Maps shall be accepted by the Board of Supervisors.

(e) Extension of Time for Tentative Parcel and Subdivision Maps. The Planning Commission shall consider extensions of time for Tentative Maps, consistent with Sections 66452.6 and 66463.5 of the State Subdivision Map Act. The Planning Commission is authorized by this section to approve or conditionally approve the extension of a Tentative Map only if Findings are adopted that circumstances under which the Tentative Map was approved have not changed. Any such decision to approve, conditionally approve, or deny an extension of time may be appealed as set forth in subsection (c), above.

Sec. 8-2.219 Other Ministerial and Discretionary Permits

(a) The following is a list of other ministerial and discretionary permits that may not be identified by name in this Article but which may be issued by the County:

- (1) Business License, Home Occupation, or Itinerant Vendor Permit.
- (2) Historic Site Plan Review or Permit.
- (3) Master Subdivision Site Plan Review.
- (4) Public Works permits such as Encroachment, Transportation, Parade, etc.
- (5) Lot Line Adjustment.
- (6) Minor and Major Certificate of Compliance.
- (7) Gas or Oil Well Permit that complies with Section 8-2.214
- (8) Animal Density Permits.
- (9) Lot Merger.
- (10) Annual Development Agreement Review.
- (11) Establishment of a Williamson Act Contract,
- (12) Approval of a Williamson Act Successor Agreement,
- (13) Minor Agricultural Contract Division.
- (14) Certificate of Correction.
- (15) Minor or Major Code Interpretation.
- (16) Minor Use Permit Amendment or Extension.
- (17) Major Use Permit Amendment or Extension.
- (18) Tentative Parcel or Subdivision Map Extension.
- (19) Reversion to Acreage.
- (20) ABC License Use Permit, for beer, wine, and spirits.
- (21) Model Water Efficiency Landscape Plans.

Sec. 8-2.220 Zone Boundary Adjustments

(a) Minor Zone Changes or Zone Boundary Adjustments are defined as those rezoning applications that 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. Applications for Zone Boundary Adjustments are to be processed as a rezoning legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.

(b) Applications that exceed the thresholds in (a) are defined as rezonings and are to be processed according to Section 8-2.221.

Sec. 8-2.221 Rezonings

(a) Rezoning applications are defined as those actions that change the zoning of land from one zoning district to another zoning district, or that change the amount of land in a zoning district by more than 10 percent, or increase the maximum intensity of land use allowed by the General Plan and zoning by more than 10 percent. Changing the zoning of land to add or delete a Planned Development (PD) zoning district is a rezoning.

(b) Applications for rezonings are to be processed as a legislative action, with hearing and recommendation by the Planning Commission, and hearing and final action by the Board of Supervisors, as required by Sections 65854 through 65857 of the Government Code.

Sec. 8-2.222 General Plan Amendments

The following section describes the process by which an amendment to the 2030 Yolo Countywide General Plan may be authorized to proceed, and then processed.

(a) Pursuant to Section 65358(b) of the Government Code, the approval of amendments is limited to four times per calendar year. Amendments may be initiated by the Board of Supervisors, Planning and Public Works Department staff, the property owner, or any authorized agent of the property owner. However requests for amendments to the General Plan by private parties are generally discouraged.

(b) Corrections and/or non-substantive changes to the General Plan do not constitute an amendment of the Plan within the meaning of Section 65358(b). Corrections and/or nonsubstantive changes may be processed by the Planning and Public Works Director (Director), but must be approved by the Board of Supervisors in the form of a resolution of approval.

(c) Amendments to the General Plan shall be required when a proposal would:

- (1) Substantively change the boundaries or location of any land use designation within the plan;
- (2) Substantively change the text, figures, or tables of the plan;
- (3) Adopt or significantly revise a Specific Plan, Area or Community Plan, or other policy plan.

(d) All amendments to the General Plan proposed by private parties must first be authorized for further study by the Board of Supervisors before the amendment can be environmentally evaluated and processed by Planning and Public Works Department staff.

(e) Initial Authorization Application Requirements. An initial request by any private party to authorize a General Plan Amendment (GPA) study shall include the application forms, required documentation, and applicable fee as established by the County Planning and Public Works Department and shall provide the following:

- (1) A detailed statement identifying the reasons for the GPA authorization request and demonstrating how the proposed GPA furthers the vision and goals of the General Plan.
- (2) A detailed description of the General Plan text, figures and maps that would require modification as a result of the request.

(f) An initial request by a private party to authorize a General Plan Amendment study must be filed with and reviewed by the Planning Director at a Pre-Application conference. Upon receipt of an initial application to authorize a General Plan Amendment, the Director shall immediately notify and solicit comments from the appropriate Yolo County departments or adjacent jurisdictions that may be affected, as well as any citizens advisory committees. Following the Pre-Application conference and receipt of any comments from other department or agencies, the Director shall prepare a report and recommendation on the GPA authorization to be placed on the Board of Supervisors agenda as a public hearing.

(g) At the GPA authorization hearing, the Board of Supervisors may request a presentation by the applicant. Following the conclusion of the hearing, the Board of Supervisors Council may authorize the General Plan Amendment for further study and processing by staff, or the Board of Supervisors may deny the authorization request. If the GPA authorization request is denied, no formal GPA application can be submitted to the County, and no further study of the GPA will be conducted by the staff.

(h) If the Board of Supervisors Council authorizes the General Plan Amendment for further study, a revised formal General Plan Amendment application shall be completed and submitted to the Planning and Public Works Department by the applicant with appropriate fees and technical studies to support the GPA. The formal GPA application shall include an appropriate deposit, as determined by the Director, to initiate the environmental evaluation required to comply with the California Environmental Quality Act (CEQA).

(i) Any authorized application for a General Plan Amendment, accompanied by the appropriate CEQA document, shall be processed in accordance with State law. The GPA application and environmental document must first be heard by the Planning Commission, which shall make a recommendation to the Board of Supervisors.

(j) Any General Plan Amendment that is approved must be approved by resolution of the Board of Supervisors and shall be documented in the table of changes in the front of the General Plan.

Sec. 8-2.223 Amendments

(a) Authority. The provisions of this chapter may be amended by changing the boundaries of zones, by changing the zoning districts or zoning regulations, or by changing any provision of this chapter whenever the public necessity, convenience, and general welfare require such amendments.

(b) Initiation. An amendment may be initiated by:

- (1) One or more owners of property affected by the proposed amendment or by the authorized agent of any such owner;
- (2) The Board of Supervisors; or
- (3) The Planning Commission.

(c) Applications. Applications of one or more property owners, or the authorized agent thereof, for amendments shall be filed in the office of the Planning Department, on forms provided by the Planning Department, at least forty-five (45) days prior to the meeting date on which action may be desired. Such applications shall be accompanied by a fee in the amount established by the Board by resolution and by such other information as may be required to fully describe the request.

(d) No application may be filed which proposes any use which is not consistent with the General Plan of the County, as amended. The rejection of applications on the basis of inconsistency may be appealed as provided in Section 8-2.224 of this chapter.

(e) Environmental Review. Applications involving projects for which Negative Declarations or Environmental Impact Reports are required shall not be heard until the environmental assessment procedures set forth in Chapter 10 of this Title are satisfied. Applications continued to an unspecified time awaiting the submission of additional environmental information by the applicant pursuant to said provisions of Title 10 shall be deemed denied if the required information is not submitted within one year after the date of filing the application.

(f) Planning Commission action. Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State (General Plan Administration), if, from the facts presented at the public hearing provided for and by investigation, the Commission finds that the public health, safety, and general welfare warrant the change of zones or regulations, and such change is in conformity with the General Plan and any applicable Specific Plan, Area or Community Plan, or other policy plan, the Commission may recommend such change to the Board of Supervisors. If the facts do not justify such change, the Commission shall recommend that the application be denied. A Commission recommendation for approval shall be submitted to the Board of Supervisors for its consideration. A recommendation for denial shall terminate consideration of the matter unless the applicant or other interested party appeals to the Board in the manner provided in Section 8-2.224 of this title. The Commission's recommendation to the Board shall be accompanied by a written report of findings and a summary of the hearing.

(g) Board of Supervisors action. Pursuant to the provisions of Chapter 4 of Title 7 of the Government Code of the State, at its next regular meeting after the receipt of the Commission recommendation concerning an amendment, the Board of Supervisors shall set a date for a hearing thereon. The giving of notice shall be as set forth in this article for hearings by the Commission. The Board of Supervisors shall act on zoning amendments as follows:

(1) The Board may approve, modify or disapprove the recommendation of the Planning Commission; provided that any modification not previously considered by the Commission during its hearing shall first be referred to the Commission in the manner and subject to the time limitations specified in Section 65857 of the Government Code.

(2) Prior to approving any such amendment, the Board shall find that the proposed amendment is in conformance with the General Plan and that the public health, safety and general welfare warrant the change of zones or regulations.

Sec. 8-2.224 Appeals

(a) General. Except to the extent expressly provided otherwise in this Title, actions and decisions of the Planning Director, Zoning Administrator, and Planning Commission shall be effective and shall be appealed in the manner provided in this section. A decision of an appeal by a subordinate body may be appealed to the Board of Supervisors in the same manner. As used in this section, "Deciding Authority" shall refer to the Planning Director, Zoning Administrator, or Planning Commission as the circumstances require.

(b) Appeals. Actions or decisions of the Deciding Authority shall take effect on the sixteenth (16th) day following the action or decision, unless a notice of appeal is filed prior to the sixteenth (16th) day with the clerk of the Planning Commission in the case of Planning Director, Zoning Administrator or other County official's decisions, or with the Clerk of the Board of Supervisors in the case of Planning Commission decisions. A timely filing of a notice of appeal shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to. An appeal shall not be considered as timely filed until it is accompanied by the fee established by the Board of Supervisors for such appeal.

(c) Appeal Filed by Board. Within the time otherwise provided for filing appeals, and where there is a potential for an impact of Countywide importance, any member of the Board of Supervisors may file an appeal. When an appeal is filed by a member of the Board of Supervisors, the clerk with whom it is filed, shall cause the matter to be placed on the agenda of the next regular meeting of the Board of Supervisors for a determination by the Board of Supervisors. If the Board determines that there is a potential for an impact of Countywide importance resulting from an action or decision, it may order the appeal to go forward. In the absence of an affirmative determination at that meeting or at a subsequent meeting to which the matter is ordered continued, the appeal shall be deemed withdrawn. No fee shall be required of any appeal taken pursuant to a notice of appeal filed by a member of the Board. A timely filing shall nullify the decision of the Deciding Authority appealed from, whose decision shall serve as a recommendation to the body appealed to.

(d) Withdrawal of appeal. No appeal, once filed, may be withdrawn without the approval of the body appealed to. The body appealed to shall give such approval after conducting a noticed hearing at which other interested persons shall be given the opportunity to indicate their intention to file appeals in lieu of the appeal to be withdrawn. Upon the expiration of five (5) days after the approval of withdrawal of the appeal, if no other appeals are then pending and no further appeals have been filed, the decision appealed from shall take immediate effect without further order or action. If other appeals are pending or filed, the matter shall continue to be reviewed in the appeal process.

(e) Board of Supervisors failure to act on an appeal. In the event the Board of Supervisors fails to take action on or continue to a latter time a matter appealed to it under this title, the failure to take action shall be considered a denial without prejudice of the permit or action, which is the subject of the appeal. The matter may be reconsidered upon the giving of proper notice of a new hearing.

(f) Notice. The body deciding the appeal shall conduct a public hearing on the matter, notice of which shall be given in the manner required by State planning law. The hearing may be continued from time to time provided that a decision is rendered within the time limits, if any, established by State planning law.

(g) Appeal treated as of whole matter. Any appeal of a decision or action shall also serve as an appeal of all related matters decided together with the action appealed from, regardless of the grounds and issues described in the notice of appeal. The bodies deciding the appeal may reverse, modify or affirm the decision appealed from. In considering the body shall consider the evidence presented below and any additional evidence that may be presented at the hearing before it.

Sec. 8.2-225 Violations

(a) Duties. It shall be the duty of the Planning Director to enforce the provisions of this chapter pertaining to the use of any land or structure. It shall be the duty of the Chief Building Inspector to enforce the provisions of this chapter pertaining to bulk, height, and land coverage of structures, open spaces about structures, and the dimensions and area of sites upon which structures are

located. Requirements pertaining to health and sanitation, fire protection, and Building Code regulations shall be enforced by the respective agencies which have jurisdiction in such matters. Whenever there is a conflict between the provisions of this chapter and other County, State, and Federal regulations, the more restrictive regulations shall apply.

(b) **Validity of permits.** All departments, officials, and public employees of the County vested with the duty or authority to issue permits, certificates, or licenses shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this chapter, and any such permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void.

(c) **Penalties.** Any person, whether as principal, agent, employee, or otherwise, violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued, or permitted by such person and shall be punishable as set forth in said Chapter 2 of Title 1 of this Code.

(d) **Notices to appear.** If any person is arrested for any such violation and such person is not immediately taken before a magistrate, the arresting officer, pursuant to the provisions of Section 853.6 of the Penal Code of the State, shall prepare, in duplicate, a written notice to appear in court. Such written notice shall contain the name and address of such person and the offense charged and shall set forth the time when and the place where such person shall appear in court. The time set forth in the notice to appear shall be at least five (5) days after such arrest. The place set forth in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(e) **Promises to appear: Bail.** The arresting officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which, in his judgment, in accordance with the applicable provisions of the Penal Code of the State, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by the magistrate in the form set forth in the applicable section of said Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before a magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in his discretion, order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for disposition pursuant to the applicable provisions of said Penal Code. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial, or judgment, or to comply with the terms and provisions of the judgment as required by law.

(f) **Promises to appear: Violations: Warrants for arrest.** Any person willfully violating his written promise to appear in court shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. Whenever a person signs a written promise to appear at the time and place set forth therein and has not posted bail as provided in said Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within

twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his promise to appear before the officer authorized to receive bail, other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

(g) Violations public nuisances: Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, or any use of any property conducted, operated, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the District Attorney, upon an order of the Board, shall immediately commence an action or proceedings for the abatement, removal, and enjoinder thereof in a manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up, erecting, constructing, altering, enlarging, converting, moving, maintaining, or using any such building or structure, or using any property contrary to the provisions of this chapter.

Sec. 8-2.226 Use Classification System.

The intent of this Section is to classify uses according to a limited number of Use Types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public health, safety, and general welfare. These classifications shall apply throughout this Title.

(a) Classification Rules. All uses shall be classified according to the Use Types described in this Chapter beginning with Section 8-2.301. The classifications shall comply with the provisions of this Section.

(b) Types of Uses Regulated. The most prevalent Use Types identified for each zone district are "principal" uses allowed by right. Use Types also include "accessory" or "ancillary" uses identified by broad category. Use Types also include conditional uses permitted through the issuance of a Use Permit.

(c) Individual Typical Uses within Use Types. The description of the Use Types in this Chapter often contain individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type.

(d) Classifying New Uses. New specific uses shall be classified into use types based upon the description of the Use Types and upon characteristics similar to other uses already classified within the Use Type, subject to the applicable provisions of Subsection (f) of this Section.

(e) Classifying Several Uses on the Same Parcel. The principal uses conducted on a single parcel shall be classified separately.

(f) The Director of the Planning and Public Works Department shall have the following authority and responsibilities with respect to the Use Classification System:

(1) Classifying Uses. The Director shall have the authority to classify uses according to Use Types or to determine that a use does not fit under any use type and, therefore, is not permitted.

- (2) Interpretations of Uses. The Director may make an interpretation, binding upon the County, as to whether a particular use is either a principal allowed use, accessory or ancillary use, conditional use, or is not allowed in a particular zone.
- (3) Additions to Allowed Uses. The Director may determine that a particular use is consistent with the general purposes of the zone and is of the same general character as those uses expressly listed as either permitted, accessory, and conditional uses in the zone, and therefore determine that the use is allowed in the zone as either a permitted, accessory, or conditional use.
- (4) List of Uses. The Director shall develop and maintain an administrative list of common uses and the Use Types into which they are classified.
- (5) The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the Director's decision pursuant to Section 8-2.224.

ATTACHMENT C
CHAPTER 10
LOCAL CEQA GUIDELINES

**Article 1. Authority, Intent,
Applicability, and Compliance**

DRAFT 2-3-11

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 Division, or reviews of County-sponsored capital projects by the General 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 may be determined to be exempt from CEQA in unincorporated Yolo County, provided they are not subject to Section 8-10.306:

(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 100,000 cubic yards if the average slope is less than 10% or 50,000 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%, are exempt.

(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 (Federal Emergency Management Agency, Central Valley Flood Protection Board, California department of Fish and Game, etc.).
 - ii. The project is not located in an environmentally sensitive area; and
 - iii. The project does not involve grading in excess of 100,000 cubic yards if the average slope is less than 10% or 50,000 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) Other Ministerial Permits:

- (1) Zoning Clearance.
- (2) Site Plan Review.
- (3) Historic Site Plan Review.
- (4) Business License, Home Occupation, or Itinerant Vendor Permit.
- (5) Pre-application.
- (6) Master Subdivision Site Plan Review.
- (7) (Final) Parcel Map and Final Subdivision Map, including all related documents and actions such as Subdivision Improvement Agreements and Improvement Plans Reviews.
- (8) Public Works permits such as Encroachment, Transportation, Parade permits, etc.
- (9) Recorded map technical modification.
- (10) Lot Line Adjustment.
- (11) Minor and Major Certificate of Compliance.
- (12) Gas or Oil Well Permit that complies with Section 8-2. ____.
- (13) Animal Density Permit.
- (14) Lot Merger.
- (15) Annual Development Agreement Review.
- (16) Establishment of a Williamson Act Contract, Approval of a Williamson Act Successor Agreement, or a Minor Ag Contract Division.
- (17) Certificate of Correction.
- (18) Minor or Major Code Interpretation.
- (19) Use Permit Extension.
- (20) Use Permit Amendments of a minor nature.
- (21) Tentative Parcel or Subdivision Map Extension.
- (22) Reversion to Acreage.
- (23) Alcohol Beverage Control License Use Permit for beer, wine, and spirits.
- (24) Water Efficiency Landscape Plans.

Section 8-10.303. Discretionary Projects.

The following discretionary Planning and Zoning Permits may be determined to be exempt, subject to the restrictions of Section 8-10.306:

- (1) Minor Use Permits that comply with all requirements of the applicable zone district and all provisions of this Chapter, and comply with all Conditions of Approval placed on the project by all other county departments, state and federal agencies.
- (2) All other discretionary permits and applications described in Section 8-10.306, below, that meet the applicable criteria and standards.

Section 8-10.304. 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 8-10.305. 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 8-10.306. 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 Categorical Exemptions Class Numbers 1, 3, 4, and 5 activities that may be determined to be categorically exempt in the County, subject to the restrictions of Section 8-10.306:

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

- (1) Additions to existing structures provided that the addition will not result in an increase of more than:**
 - (i) 50 percent of the floor areas of the structure before the addition, or 5,000 square feet, whichever is less; or**
 - (ii) 10,000 square feet if the project is within a town with at least one public service (water or sewer), and where adequate services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.**
- (2) All new 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 original issued Use Permit.**
- (3) Modifications or additions 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) Revisions to approved Tentative Parcel and Subdivision Maps that do not involve the relocation of either building sites or access roads.**
- (5) County road improvements within the existing right-of-way that do not increase the number of lanes or the roadway capacity.**

(b) Class 2: Replacement or reconstruction of existing structures and facilities (*State CEQA Guidelines* Section 15302)

- (1) Replacement or reconstruction of existing utility systems involving negligible or no expansion of capacity;**
- (2) County road improvements that consist of replacement or reconstruction of existing facilities, including lane and/or shoulder widening for safety reasons provided there is no increase in the number of lanes or vehicle capacity.**

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

- (1) Construction of small non-residential structures not exceeding 5,000 square feet in floor area. In towns, the exemption also applies to one more structures not exceeding 10,000 square feet on sites zoned for such use, provided the project is within a town with at least one public service (water or sewer), and where adequate services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive.**

- (2) Construction of new uses, located within new and converted small structures, that are allowed "by right" (without issuance of a discretionary permit) in the respective underlying zone district.
- (3) Construction of up to four residences that are allowed "by right" on one or more agricultural parcels, including on parcels created through a Clustered Agricultural Housing subdivision, provided each of the new homes meet all of the siting and development standards of this Chapter.
- (4) Use Permits issued for the construction of primary or ancillary (second) units on agricultural zoned parcels of less than 20 acres, or parcels within an antiquated subdivision, provided each of the new homes meet all of the siting and development standards of this Chapter.
- (5) Accessory Structures, including second residential units, garage conversions, and other structures, that are allowed "by right" under Article 34, or that are allowed by Use Permit and meet all applicable standards of Article 34, or are consistent with the regulations of any applicable Specific Plan or Area Community Plan.
- (6) Construction of agricultural (farmworker) housing, affordable housing, or infill housing projects that meet the requirements of Article 12.5 (Sections 15191 *et seq.*) of the State CEQA Guidelines. The State exemptions apply to qualifying projects generally described as follows:
 - (i) agricultural housing projects that are 45 or less units or agricultural employees in a town, or 20 units or employees or less in agricultural areas; or
 - (ii) affordable housing projects in a town that are less than 5 acres and 100 units in size and are surrounded by urban development; or
 - (iii) infill housing projects that are less than 4 acres and 100 units, include at least 10 percent affordable units, and are within one-half mile of a major transit stop.
- (7) Sign permits that comply with the sign regulations in this Chapter or with the regulations of any applicable Specific Plan, or Area or Community Plan.
- (8) Site Plan Reviews and Minor Use Permits issued for the construction of small wind energy systems allowed under Section 8-2.2418 of this Chapter, provided the project meets all the development standards of Section 8-2.2418 and are not located in an environmentally sensitive area or are proposed on top or near a ridgeline.
- (9) Small solar energy systems, or medium-sized solar facilities that are approved with a Site Plan Review, that meet the criteria and standards of Section 8-2.2420 of this Chapter.
- (10) Other alternative energy systems such as methane gas conversion, agricultural crop conversion for biofuels, etc., that are incidental to the primary use of the land, are located on less than one acre of land, and that meet applicable standards.
- (11) Permits issued for the construction and operation of small to medium-sized wineries, or olive oil operations, 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 or olive oil 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.
- (12) Permits issued for the construction and operation of bed and breakfast facilities, including ancillary uses such as wine tasting, marriage ceremonies, etc., that meet the development standards of this Section and the following criteria:
 - (a) the facility is less than 7,500 square feet in size and less than 10 rooms;
 - (b) the facility includes a lobby and dining area, and is not designed to appear as a typical motel;

(c) the operation 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) the facility 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.

- (13) "Yolo stores" that meet all the development standards of this Chapter.
- (14) Special events in agricultural zones, with permanent facilities, that meet all the development standards of this Chapter.
- (15) Other ag-tourism and ag-industrial related uses that are allowed by right in designated Agricultural Districts.
- (16) Commercial stables that board more than 15 horses but do not hold more than four events per year.
- (17) Private stables.
- (18) Kennels and animal shelters, five or more animals.
- (19) Animal hospitals or veterinary medical facilities.

(e) 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 one (1) acre of land;
 - (b) not traverse slopes that are steeper than 15%; and
 - (c) not discharge concentrated runoff within a stream setback area.

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

- (1) Revisions to approved Tentative Parcel and Subdivision Maps that involve the minor relocation of either building sites or access roads.
- (2) Tentative Parcel Maps proposed for agricultural, not residential, purposes that result in the creation of lots more than 40 acres in size if irrigated (160 acres if non-irrigated) and which are consistent with all applicable policies of the General Plan and that meet all the development standards of this Chapter and Chapter 1.
- (3) Minor Zone Changes or Zone Boundary Adjustments (in ag zones only?) 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.
- (4) Implementation of parcel mergers pursuant to sections of the County Code implementing the Subdivision Map Act.
- (5) Road or easement abandonments that involve less than one mile of road and meet all the requirements of the Vehicle Code and the General Plan.
- (6) Encroachment permits issued by the Public Works Division.
- (7) Permits issued for temporary public road closures, including closures for special events pursuant to Article ___.

Section 8-10.307. 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 "Cortese list" 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 8-10.308. Exemption for Projects Consistent with a Specific Plan, Area or 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 or Negative Declaration 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.
- (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.
- (d) 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 8-10.309. 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.

Article 4. Environmental Review of Tribal Cultural Resources

Section 8-10.401. CEQA and Senate Bill 18

Several State laws, including CEQA, require evaluation and special protections for Native American cultural resources. California Public Resources Code 5097.9 states that no public agency, or a private party on a public property, shall "interfere with the free expression or exercise of Native American Religion...." The Code further states that: "No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres."

CEQA has requirements for the evaluation of potential land use impacts to Native American artifacts and sites, but primarily from the point of view of archaeological resources. Additional State law, Senate Bill (SB) 18, was enacted as Government Code Section 65352.3, and went into effect March 1, 2005. The recent law provides additional review and protection for traditional "tribal cultural places," and requires formal consultation by the County with local tribes for General Plan Amendments and Specific Plans. Senate Bill 18 introduces a separate process to include traditional tribal cultural places on both public and private lands for federally and non-federally recognized tribes. A cultural place is a landscape feature, site, or cultural resource that has some relationship to particular tribal religious heritage or is an historic or archaeological site of significance or potential significance. The cultural place may be outside a tribe's reservation boundary.

Section 8-10.402. Consultation under SB 18

The purpose of SB 18 is to provide time for tribal input early in the planning process. Besides County staff and tribal representatives, the process may also include applicants and consultants. The County should contact the tribe first to determine the appropriate level of private landowner involvement, because there may be occasions where the tribe prefers to maintain strict confidentiality without the inclusion of a private, third-party landowner. There is no requirement that the applicant be included.

SB 18 consultation applies to County development applications that include the adoption and amendment of either General Plans or Specific Plans. SB 18 consultation is a "government to government" interaction between tribal representatives and representatives of the County. As a general rule, once the County initiates a proposal to adopt or amend a General or Specific Plan, the local government must send a written request to the Native American Heritage Commission ("NAHC") asking for a list of tribes to consult. The NAHC is mandated to provide the agency with a written contact list of local tribes within 30 days. Under the law, the tribes have 90 days from the time they are contacted about the project to respond with comments, which must be considered in the planning process.

Section 8-10.403. Objectives of Consultation under SB 18

The objectives of the consultation required under SB 18, according to the legislative intent of the law, includes the following:

- (a) Recognize that California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places are essential elements in tribal cultural traditions, heritages, and identities.

- (b) Establish meaningful consultations between California Native American tribal governments and California local governments at the earliest possible point in the local government land use planning process so that these places can be identified and considered.
- (c) Establish government-to-government consultations regarding potential means to preserve those places, determine the level of necessary confidentiality of their specific location, and develop proper treatment and management plans.
- (d) Ensure that local and tribal governments have information available early in the land use planning process to avoid potential conflicts over the preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
- (e) Enable California Native American tribes to manage and act as caretakers of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
- (f) Encourage local governments to consider preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places in their land use planning processes by placing them in open space.
- (g) Encourage local governments to consider the cultural aspects of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places early in land use planning processes.

Section 8-10.404. Tribal Review of Projects Not Subject to SB 18

Many of the development applications typically processed by the County do not involve adoption and amendment of either General Plans or Specific Plans. However, the County normally sends out early notification and a "Request for Comments" to all interested parties, including the one local tribe (Yocha Dehe Wintun Nation) that has requested such notification. Early notification is routinely sent out for all discretionary applications such as Use Permits, Tentative Parcel and Subdivision Maps, and Rezonings. Additionally, environmental review documents for discretionary projects including Negative Declarations are routinely sent to interested parties, including local tribes.