

2016 Zoning Code Amendments

Note: All proposed text amendments are shown in bold legislative font (underline and ~~strikeout~~).

Article 3: Subdivision Map Requirements

Sec. 8-1.301 Subdivision maps creating five or more lots

A tentative subdivision map (a “tentative map”) and a final subdivision map (a “final map”) shall be required for all subdivisions which create five or more lots, create five or more condominiums as defined in Section 783 of the Civil Code, are a community apartment project (as defined in Section 11004 of the Business and Professions Code) containing five or more parcels, or are a conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where ~~excluded in Section 66426 and 66426.5 of the Subdivision Map Act.~~ :

- (a) The parent parcel contains less than five acres, each lot created by the division abuts upon a publicly maintained public road or highway, and no dedications or improvements are required by the legislative body; or
- (b) Each lot created by the subdivision has a gross area of 20 acres or more and has an approved access meeting the requirements of the Yolo County Improvement Standards to a publicly maintained public road or highway; or
- (c) The parent parcel has an approved access meeting the requirements of the Yolo County Improvement Standards to a public road or highway and is zoned for industrial or commercial development, and which has the approval of the legislative body as to road alignment and widths; or
- (d) Each lot created by the subdivision has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; or
- (e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A tentative map and a parcel map shall be required for those subdivisions described in subsections (a), (b), (c), (d) and (e). For the purposes of computing the number of lots created by a subdivision, any remainder parcel and any lots to be conveyed to a governmental agency, public entity, or public utility, or to a subsidiary of a public utility for reconveyance to a public utility for rights-of-way, shall not be counted. For purposes of this section, any conveyance of land to or from a governmental agency shall include a fee interest, an easement, or a license.

Sec. 8-1.302 Parcel maps creating four or fewer lots

Except as otherwise provided in this chapter, a tentative parcel map and a “final” parcel map shall be required for all subdivisions creating four or fewer lots, or four or fewer condominiums, or (in the case of community apartment projects) containing four or fewer apartments, or (in the case of conversions to a stock cooperative) involving four or fewer dwelling units.

Sec. 8-1.303 Final map or parcel map waivers

As set forth pursuant to Section 66428 of the Subdivision Map Act, a final map or parcel map shall, upon proper application therefore, be waived in the following cases:

- (a) Large Lot Subdivisions - Subdivisions (other than condominium conversions, community apartment projects and stock cooperative conversions) which create lots, each of which has a gross area of at least 40 acres or is not less than a quarter of a quarter section are eligible for map waiver provided that the Advisory Agency has issued written findings that (1) the subdivision meets all of the requirements of this Chapter and the Subdivision Map Act for a subdivision by parcel map except only those requirements set forth in Section 8-1.302 of this Chapter and in Section 66428 of the Subdivision Map Act and such other requirements as may be waived by the Advisory Agency pursuant to this Section, and (2) no injury would be done to the public health, safety or welfare by permitting the subdivision to occur without a field survey;**
- (b) Mobile Home Park Condominium Conversions - Subdivisions which convert mobile home parks (as defined in Section 50781 of the Health and Safety Code) into condominiums are eligible for map waiver provided that the Advisory Agency has issued written findings that none of the conditions listed in subsections (a) (1) through (a) (4) of Section 66428.1 of the Subdivision Map Act exist.**

Sec. 8-1.304 Application, processing, and recording of final map or parcel map waivers

- (a) An application for a map waiver shall be on a form satisfactory to the Planning Director and shall be accompanied by documents containing all of the information specified in Sections 8-1.306, 8-1.404, 8-2.502 and 8-2.503, as applicable, provided that the Planning Director may, in individual cases, permit the omission of items of information deemed by it not to be necessary for a proper review of the application. The application shall also be accompanied by a legal description and a sketch, prepared by a person authorized to practice land surveying, of each of the lots to be created by the subdivision or merger and, where applicable, each of the affected lots in existence at the time of application. The sketch shall include a north arrow and the bearings and distances for all the lot lines including, where applicable, distances between old and new lot lines. Where, in the opinion of the Planning Director, a field survey is necessary in order to support a required finding that one or more of the lots to be created will conform to applicable zoning requirements, the application shall be accompanied by a field survey. The application for a mobile home park condominium conversion described in subsection (b) of Section 8-2.303 shall also be accompanied by a petition in the form specified in Section 66428.1 of the Subdivision Map Act signed by at least two-thirds of the owners of mobile homes who are tenants in the mobile home park.**
- (b) An application for a map waiver shall be processed in the same manner as an application for a tentative parcel map. Prior to expiration of the map waiver approval, legal descriptions describing the parcels, as approved by the Advisory**

Agency, shall be provided by the applicant(s) in a form and content acceptable to the Planning Director. Also, the applicant shall obtain certification from the County Tax Collector which states that according to the records of his/her department there are no liens against the parcels for unpaid state, county, or municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable. The Planning Director shall prepare and sign a certificate of compliance or conditional certificate of compliance to indicate compliance with all of the conditions of the approval of the map waiver.

(c) A map waiver shall not become operative unless and until the certificate of compliance or conditional certificate of compliance is recorded in the Office of the County Recorder prior to expiration of the approval. Unless a certificate of compliance or a conditional certificate of compliance is recorded the approval shall expire two years from the date of the approval in the cases described in Sections 8-1.313(a) and 8-1.505(a). After approval of the map waiver, the Planning Director shall indicate on a separate document all conditions that, according to proof supplied by the applicant, have been satisfied. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have not been satisfied, the Planning Director shall not sign and record the certificate of compliance or conditional certificate of compliance. If all conditions that are required to be satisfied prior to the recording of the certificate of compliance or conditional certificate of compliance have been satisfied, the Planning Director shall prepare and sign the certificate of compliance or conditional certificate of compliance, including applicable legal descriptions and sketches provided by the applicant, and shall transmit it to the County Recorder. When recorded, the certificate of compliance or conditional certificate of compliance shall have the same force and effect as a recorded parcel map.

Sec. 8-1.3035 Filing of final maps and parcel maps

Prior to the filing of any final map or parcel map for the purpose of sale, lease, or financing, whether immediate or future, by the execution of any deed of conveyance, sale, or contract for sale, except where otherwise provided by this Chapter, the subdivider shall file a tentative map with the Planning Director, for distribution as set forth in Sec. 8-1.30911 of this Article. The filing shall be accompanied by all information and supporting materials determined to be necessary by the Planning Director.

[Re-number Sec. 8-1.304 through Sec. 8-1.311 to Sec. 8-1.306 through Sec. 8-1.313.]

Article 3: Agricultural Zones

Sec. 8-2.306 (k)

(k) Special event facilities

- (1) Special event facilities include farm and residential land and structures that are used for for-profit, paid events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms. Special event facilities are characterized as “small” or “large” depending on construction of new structures, the number of events that are held in a given year, the number attendees, and the amount of traffic that is generated. “Small special event facilities” are those that do not involve the construction of substantial new structures used by the public, hold no more than one event per month, or twelve events per year, attract fewer than 150 attendees at each event, and each event generates less than 100 vehicle trips. “Large special event facilities” are those that involve construction of substantial new structures used by the public, hold more than twelve events per year, or the events attract more than 150 attendees or generate more than 100 vehicle trips. Large special event facilities receive a greater level of review to ensure that any potential impacts are addressed.

- (2) A special event facility located on a parcel that is greater than 40 acres, holds no more than one (1) event per month, ~~or~~ **not to exceed** eight (8) events per year, and generates less than 100 vehicle trips or fewer than 150 attendees per event, whichever is less, is allowed by right. At the discretion of the Planning Director, a Site Plan Review or Minor Use Permit may be required if there are any agricultural, residential, vehicle access, traffic, or other compatibility issues, or if any of the development standards are not met.

Article 4: Special Agricultural Regulations

Sec. 8-2.404 Agricultural Conservation and Mitigation Program

(a) Definitions

Agricultural use

Those principal, accessory, and conditional uses and structures defined in Section [8-2.304](#) of this title, excluding “covered habitat mitigation projects” as defined in Section [8-2.307](#) of this title but including other projects involving restoration or conversion to habitat, so long as the restoration or conversion is incidental to or ancillary to the agricultural uses on the parcel, ~~and excluding. M~~medium-sized, large, and very large solar energy systems, which are subject to Section [8-2.1104](#) and [8-2.1105](#) of this Title, **are also excluded from this definition** unless the approving authority reasonably determines **the a medium-sized solar energy project generates energy solely to offset agricultural equipment demands (e.g., irrigation pumps) on the project site and on any contiguous lands of the applicant or, alternatively, that the medium-sized project** will be implemented in a manner that does not substantially diminish the agricultural productive capacity of the project site. ~~and including p~~ Permits issued for surface mining, which are subject to Section 10-5.525 of Title 10, **are also excluded from this definition.**

Sec. 8-2.405 In-Lieu Agricultural Mitigation Fee

(a) Purpose

This Section establishes certain fees that, pursuant to Section 8-2.404, are required to be paid by new development that converts less than ~~five (5)~~ **twenty (20)** acres of agricultural lands to nonagricultural uses. The fees established by this Section are estimated to be equal to the cost of conserving one acre of agricultural land for every acre developed. Specifically, this Section establishes and sets forth regulations relating to the imposition, collection, and use of fees for the conservation of agricultural lands through purchase of conservation easements.

(b) In-Lieu Agricultural Mitigation Fee

- (1) Section 8-2.404, the Agricultural Conservation and Mitigation Program, sets forth the details and requirements of the Program. The Program requires agricultural mitigation for the conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a permit or other land use entitlement or approval, including but not limited to zone change, by the County.
- (2) The Agricultural Conservation and Mitigation Program specifies that development projects that result in the conversion of less than ~~five (5)~~ **twenty (20)** acres of agricultural land ~~shall be required to~~ **may** pay an in-lieu fee, **instead of purchasing a conservation easement,** based on a per acre calculation of the conversion amount.