



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

WORKSHOP

PLANNING COMMISSION STAFF REPORT

SEPTEMBER 9, 2010

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| FILE #2010-005: Adoption of the Clustered Agricultural Housing Ordinance, an amendment to Chapter 2, Title 8 of the Yolo County Code | |
| APPLICANT: Yolo County | |
| LOCATION: Agricultural parcels in the unincorporated Yolo County area GENERAL PLAN: Agriculture (AG) ZONING: Agricultural zoning districts (A-P, A-1) | SUPERVISOR: all districts FLOOD ZONE: various SOILS: various FIRE ZONE: various |
| ENVIRONMENTAL DETERMINATION: Negative Declaration | |
| REPORT PREPARED BY: | REVIEWED BY: |
| _____ Eric Parfrey, Principal Planner | _____ David Morrison, Assistant Director |

RECOMMENDED ACTION

That the Planning Commission:

1. **HOLD** a public workshop, consider public comments, and give further direction to staff regarding the proposed Clustered Agricultural Housing Ordinance (**Attachment A**); and
2. **RETURN** the item to the Planning Commission at the next regularly scheduled meeting for a public hearing to consider a recommendation on the proposed ordinance, as revised by Planning Commission direction.

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), must be amended to be in conformance with General Plan policies.

BACKGROUND

The 2030 Countywide General Plan continues the strong agricultural conservation policies of the previous 1983 General Plan and 2002 Agricultural Element Policy, and adds more specific policies and conservation strategies. In particular, the updated plan emphasizes the concept of "clustering" housing in the agricultural areas, in order to reduce impacts to agricultural activities. In the 2030

General Plan, there are three Land Use policies, one Agricultural policy, and various implementation actions that address clustered ag housing. The key references are highlighted in underline below.

Policy LU-2.3: Manage agricultural parcels of less than 20 acres, including antiquated subdivisions where appropriate, to create compatibility with surrounding agricultural uses to the greatest extent possible, including: 1) discourage residential development; 2) encourage lot mergers to achieve larger parcel sizes; 3) encourage clustering of units to preserve farmland and natural resources; 4) encourage transfers of development rights to areas where additional farm dwellings are desired (e.g. organic farms that are labor intensive); 5) encourage deed restrictions, site design and development themes that support the agricultural use of the land; and 6) aggressively limit the impact of residential development where it does occur.

Policy LU-2.3: Prohibit the division of land in an agricultural area if the division is for non-agricultural purposes and/or if the result of the division will be parcels that are infeasible for farming. Projects related to clustering and/or transfers of development rights are considered to be compatible with agriculture.

Policy LU-3.8: The intent of allowing residences in the agricultural areas is to provide dwellings for those directly involved in on-site farming activity, including farm employees, the landowners and their immediate families. All such dwellings shall be encouraged to locate on lands unsuited for agricultural use and/or in "clustered" configurations to minimize the conversion of agricultural lands to any other uses.

Policy AG-1.7: Locate farm dwellings in a manner that protects both on-site and offsite agricultural practices. All dwellings in agriculturally zoned areas shall be encouraged to be located on portions of the parcel unsuitable for agricultural use and in "clustered" configurations.

Action AG-A6: Work with agricultural interests to develop farm dwelling site criteria. Proposed homes that comply with the criteria would be issued building permits, while those that are not consistent with the criteria would require prior approval of a use permit. Criteria would apply to both the primary and the ancillary home, and may include the following:

- Size and mass of the home(s)
- Location of the home(s) to avoid areas of excessive slope, higher quality agricultural soils, native vegetation, flooding, lack of water availability, or other physical constraints.
- Location of the home(s) within the property to avoid restricting the extent of pesticide/herbicide spray on adjoining farm operations.
- Approval of a stewardship plan demonstrating how the property would be farmed
- Cluster homes in a location within the parcel with the least impact to agricultural operations. New farm dwellings may be clustered in proximity to existing homes on adjoining properties.
- Consideration of an agricultural conservation easement, deed restriction, or similar instrument on all or a portion of the remainder of the property, outside of any home site(s).
- Recordation of a "rural oath" acknowledging the potential for nuisances to occur, such as dust, agricultural chemical applications, etc.
- Recordation of a deed notice acknowledging the County's right-to-farm ordinance.

Action PF-A2: Revise County permitting requirements to include requirements for permitting small package wastewater systems to facilitate clustering of homes and preservation of

agricultural land. Examine appropriate funding mechanisms to address adequate maintenance and to monitor effluent quality.

Action CO-A89: Adopt an ordinance to allow for shared water systems to facilitate the clustering of homes and preservation of agricultural land, where an entity is established to provide maintenance or financing for maintenance of the water system.

Action HS-A41: Cluster residential units located in areas of high fire risk with adequate access to maintained emergency evacuation routes to ensure adequate access for firefighting equipment and escape routes for residents in rural areas.

PROPOSED CLUSTER ORDINANCE

Criteria

The goal of the proposed Cluster Ag Housing Ordinance (**Attachment A**) is to provide an alternative to the development of existing legal substandard lots in an agricultural area or in an antiquated subdivision. Currently, development tends to result in numerous large ranchette lots dispersed across the landscape, impacting surrounding agricultural operations by interrupting furrow patterns, creating pesticide application restrictions, and increasing property values and taxes. The proposed ordinance would allow landowners of multiple adjacent lots to cluster a limited number of small-lot agricultural housing in one corner of a parcel in return for placing an agricultural conservation easement on the remainder of the property.

The Clustered Agricultural Housing Ordinance is a voluntary program. As defined, it would only be available to approximately 3% to 5% of all landowners in the agricultural area. The program would apply to those landowners who meet the following criteria: (1) they own multiple adjoining legal parcels; (2) at least one of the existing legal parcels is 20 acres or less; and (3) a majority of the on-site soils are considered prime. Only approximately 200+ parcels in the unincorporated would meet these criteria (Table 1). The estimate below does not consider soil type and does not include antiquated subdivisions, which are difficult for the County to identify based on existing records.

Table 1

Small (less than 20-acre) Parcels Adjacent to other Parcels under Common Ownership

| Size of Adjacent Agricultural Parcel | Parcel Count | Acres |
|---|---------------------|--------------|
| Less than 20 acres | 109 | 916 |
| More than 20 acres | 95 | 14,520 |
| Total | 204 | 15,436 |
| % of all ag parcels | 3.0% | 3.0% |

Note: This is a sampling of the County and does not include all the parcels that fit the criteria. This represents those parcels with owner names that appear the same in the ownership data. The estimates do not include antiquated subdivisions.

The 200+ parcels that meet the criteria of one small parcel and at least one larger adjacent parcel under common ownership are scattered throughout the prime farmlands of Yolo County (**Attachment B**).

Approval of projects under the proposed clustered agricultural housing ordinance could result in a limited number of new small “ranchette” lots created in the unincorporated agricultural areas. The number of new housing units expected to be created in any given year would be small, in the range of 5 to 15 units, based on the small number of owners (200+) who would qualify to apply for subdivisions under the ordinance. The addition of 5 to 15 units would be within the projected growth rate for the unincorporated agricultural areas, as documented in the recently approved 2030 Yolo Countywide General Plan. The 2030 Yolo Countywide General Plan assumes that an average of 70 new farm dwellings would be built in the rural area of Yolo County outside the existing towns.

Ordinance Details

The Clustered Agricultural Housing Ordinance would be amended into the Yolo County zoning regulations (Title 8, Chapter 2 of the County Code). The ordinance would allow qualifying landowners to apply for permits, including subdivisions, to allow the clustering of small agricultural home sites, in return for agreeing to preserve the large “remainder” parcel for agriculture. Instead of allowing the dispersal of ranchette-type homes over a larger agricultural area, the development standards contained in the ordinance would require that home sites be clustered in one corner of the larger farm or ranch and be sited so as to minimize impacts to adjacent agricultural operations.

The applicants under the ordinance would be required to enter into a permanent agricultural conservation easement on the “remainder agricultural production” parcel that is left after one or more small home site lots have been created through a Tentative Parcel or Subdivision Map. The “remainder agricultural production” parcel would be required to retain at least 85% of the total acreage of the farm or ranch before the subdivision occurred.

The maximum number of home site lots that could be created under the ordinance would be no more than the number of existing legal parcels within the area of the subdivision, plus two parcels. Ancillary or second units may be allowed on the newly created small home site parcels if the units meet environmental health and other standards.

A hypothetical example of how the ordinance could be applied is illustrated in **Attachment D** and **Attachment E**.

In **Attachment D**, the landowner has two adjacent parcels of 20 acres and 60 acres and there are no existing homes. The owner could apply for a clustered ag housing project that would create up to three home site lots of up to 2.5 acres each clustered on the bottom half of the 20 acre parcel, close to the county road. The result would be to subdivide a total of 80 acres into three (3) 2.5-acre lots, and merge the remainder substandard ag parcel of 60 acres with 12.5 acres (left over from the 20-acre parcel) into one parcel of 72.5 acres, which would then be placed in an easement. Thus, the end result would be a subdivision that divided two parcels totaling 80 acres into four parcels, including a remainder parcel of 72.5 acres that would remain in agricultural production in perpetuity.

In **Attachment E**, the landowner has three adjacent parcels of 20 acres, 40 acres, and 60 acres and there is one existing home. The owner could apply for a clustered ag housing project that would create up to four home site lots plus the remainder parcel, for a total of five parcels. In this case, the owner would apply for a subdivision to create four (4) 2.5-acre lots clustered on the bottom half of the 20 acre parcel. The existing home could or could not be included within one of the created small lots. In this example, the existing home would be included within one of the newly created home site

parcels, instead of be included within the larger remainder parcel. The subdivision map would create a remainder parcel that would merge the remaining portions of the three lots into one production parcel, consisting of 112.5 acres (the 60 acre and 40 acre lots are merged into the remaining 12.5 acres left from the 20 parcel after it was subdivided). A conservation easement would be placed on the 112.5 acres

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

In addition to encouraging clustering of housing in the agricultural areas, Policy LU-2.3, above, and others in the 2030 Countywide General Plan call for the County to consider adoption of a “transfer of development rights” ordinance. Staff had originally prepared both a clustered agricultural housing and a related and complimentary transfer of development rights (TDR) ordinance when the items were first heard at the Planning Commission at a workshop in March 2010. However, after further review and discussion at the Ag Working Group, staff has withdrawn the draft TDR ordinance and does not propose to pursue the ordinance at this time, for the reasons outlined below.

TDR programs are usually structured to allow the transfer of housing credits from rural areas (“sending areas”) to locations within cities (“receiving areas”) where the credits can then be used by developers to increase the densities of proposed residential projects. In such a typical TDR program, a private developer buys the development rights from a rural agricultural landowner, who gives up his/her right to build a number of homes on the property. The developer then uses those development rights or credits to increase the density of a project within a nearby city.

This arrangement obviously works only if there is a formal agreement between the county and the cities to allow the sale of credits in the unincorporated area to be used in a city housing project. No such inter-agency agreements to support a TDR program currently exist between the County and any of the four cities. In other jurisdictions, cities have been reluctant to participate in TDR program to allow for increased residential density. The reason is that California planning and zoning law already gives cities the legal ability to apply significant “density bonuses” (up to 30 percent) to residential projects that meet certain criteria, such as including affordable housing or other amenities. Also, increasing densities for residential projects beyond the maximum densities set forth in city zoning ordinances is often controversial and frequently not embraced by many cities. The incentives for developers to embrace a traditional TDR program may also be absent during this period of economic and housing recession.

As an alternative, it has also been suggested that a TDR program be developed that would only allow development in the unincorporated communities by transferring existing rights from agricultural properties. Staff does not believe that such a requirement would be feasible. Many of the same disincentives described above regarding cities would also apply to the unincorporated towns. More importantly, build-out of the Dunnigan, Knights Landing, and Madison Specific Plans would require the acquisition of more than 10,000 development rights. There are only 7,000 or so Assessor Parcels designated as Agriculture in the entire County, and there would likely not be enough development rights to meet the needs of even these three growth areas, much less the Elkhorn and Covell Specific Plans.

For these reasons, staff is not proposing to pursue a TDR ordinance as at this time.

OTHER AGENCY INVOLVEMENT

The Clustered Agricultural Housing Ordinance has been reviewed by the Ag Working Group and several of the citizens’ advisory committees since the item was discussed by the Planning Commission last March.

Ag Working Group

The Ag Working Group was originally formed at the request of the Planning and Public Works Department in September of 2006. Its purpose was to provide technical review and to make recommendations regarding the draft Agricultural Mitigation Ordinance. It is an informal consensus-based group, with members attending as they saw fit, with no minutes or Brown Act concerns. The first members included representatives from County Parks, Ag Commissioner, the four cities, the Habitat JPA, Yolo Land Trust, Farm Bureau, Ag Futures Alliance, Alliance of Family Farmers, and the Resource Conservation District. As the process continued, other members were added, including LAFCO, Yolo Basin Foundation, Berryessa-Snow Mountain Natural Conservation Area, Putah Creek Council, Sierra Club, South County Farmers for Progress, Cache Creek Conservancy, US Dept. of Agriculture, Building Industry Association, Yolo Landowners Association, Clarksburg Wine Growers, and the Center for Land Based Learning.

The Group was re-constituted in March, 2010, to assist with the development of the Rural Housing Cluster Ordinance, Rural Housing Location Criteria, and Transfers of Development Rights. The current membership includes many of the same groups as before, along with the addition of several organic growers.

The Ag Working Group has been discussing the rural housing cluster issue at their monthly meetings since April 2010. The Group considered the most recent draft of the ordinance at their meeting on August 26, 2010 and held three "straw votes." A majority of the Group recommended that:

- The proposed single ordinance be divided into three separate ordinances that addressed (1) antiquated subdivisions; (2) farmworker housing; and (3) small parcels in the ag areas;
- The first two issues above are more important to address than the third issue;
- Staff should investigate the possibility of a transfer of development rights program that would allow a landowner with multiple parcels, not necessarily adjacent to each other, to send development credits for homes from one parcel to another to accomplish the clustering objective.

The proposed ordinance as drafted currently addresses antiquated subdivisions, but also addresses small parcels created through grant deeds. If a parcel is infeasible for agriculture and likely to be developed as a rural home site, often the most important factor is the size of the parcel, not the method by which it was created. While there are several examples of antiquated subdivisions throughout the county, there are also instances where groups of parcels have been created through the grant deed process. In both cases, the potential for rural residential development to erode farm production is the same, which is why the proposed ordinance provides an alternative path for development in either case.

This ordinance will allow landowners to create small home sites which can be financed individually for the construction of farm worker housing. However, this is not the only implementation item to encourage farm worker housing included in the General Plan, which lays out a variety of strategies, including: pre-approved plans, streamlining regulations, reducing fees and taxes, and securing state and federal funds. Staff does not believe that the proposed ordinance should be delayed while these additional programs are being developed.

Finally, staff is open to considering the transfer of rights between non-adjointing parcels under the same ownership as a part of the proposed ordinance, although that would expand the number of potential participants in the program and make its provisions more widely available. Should the Commission choose to include this in their direction to staff, minor revisions to the Negative Declaration would have to be made.

Citizens' Advisory Committees

Several of the citizens' advisory committees have reviewed the proposed ordinance although only two written comment letters have been received to date.

The Capay Valley Citizens Advisory Committee sent a letter in opposition to the ordinance. The committee stated in their letter (**Attachment F**) that they felt considering the cluster ordinance before the new ag zoning update has been completed is "putting the cart before the horse." The committee also questions whether the new homes created by the ordinance would be occupied by people directly involved in farming. The committee believes the ordinance will increase residential development in the Capay Valley, rather than discouraging homes in the ag areas. The committee is also concerned that the ordinance is similar to a cluster law in San Luis Obispo County which spawned a very controversial ranchette project (Santa Margarita Ranch).

The Dunnigan Advisory Committee voted 7-1-2 on July 21 to support the ordinance. The committee stated in their letter (**Attachment G**) that they would like to see additional incentives (i.e, density bonuses of 20%) added to the ordinance, and they would to see assurances that property tax reassessments would be adjusted down to reflect the property value on ag land without development rights.

Although they did not send a letter, the Clarksburg Advisory Committee indicated their general support of the proposed ordinance at their August 12 meeting.

An individual member of the Yolo-Zamora Advisory Committee (Charla Parker) has submitted a letter that is critical of the ordinance (**Attachment H**). The letter states "the problem with this proposed ordinance is that the language is vague and confusing and would likely have more negative impacts to our farmlands than positive ones." The letter recommends "If additional agricultural housing is needed for farm workers and family-unit farming, the county should make provisions in their current zoning policies to allow for specific needs; e.g. creating separate parcels in support of loan applications for adjacent home sites for aging parents and adult children. There doesn't need to be a whole new level of bureaucracy with associated administration costs that involves parceling off new, small acreage lots and the transfer of development rights to accommodate this need."

County Counsel has reviewed the draft ordinance and recommended numerous edits which have been incorporated.

An Initial Study/Negative Declaration has been prepared to comply with the California Environmental Quality Act. It will be circulated for a 30-day review period from approximately August 30 through September 30, 2010.

ATTACHMENTS

- A: Draft Clustered Agricultural Housing Ordinance (clean copy)
- B: Draft Clustered Agricultural Housing Ordinance (with edits from previous draft)
- C: Map of Agricultural Parcel Clusters with Common Owners
- D: Example of Clustered Agricultural Housing Project (Two Parcels)

- E: Example of Clustered Agricultural Housing Project (Three Parcels)
- F: Letter from the Capay Valley Citizens Advisory Committee
- G: Letter from the Dunnigan Advisory Committee
- H: Letter from the Charla Parker, Yolo-Zamora Advisory Committee

ATTACHMENT A

Clustered Agricultural Housing Ordinance Draft 8-20-10

Add the following new section to Article 24 General Provisions, of Chapter 2, Title 8 of the Yolo County Code:

Section 8-2.2418 Clustered Agricultural Housing

(a) Purpose.

The General Plan includes policies to preserve agriculturally zoned lands in Yolo County and to maintain and enhance the farm economy. This Section implements those policies by allowing the concentration of existing agricultural home sites into compact areas, while merging the remainder farmland into large tracts that can be permanently protected for future agricultural use. This reduces the potential for dispersed ranchette-type homes that tend to interrupt more efficient and economically feasible patterns of farming.

This Section establishes a set of regulations that allows for and encourages clustering of home sites for agricultural family members and for farm workers on smaller parcels than allowed by the current zoning, while ensuring the long-term preservation of adjoining agricultural resources. This clustering regulation serves as an alternative to a conventional rural subdivision, which splits farms or ranches into individual home sites that conform with typical minimum parcel sizes of 40, 80, or 160 acres. This Section allows an agricultural land owner that meets the criteria to apply for a subdivision of land that would result in two additional lots, one of which would be a “remainder agricultural parcel.”

(b) Definitions.

“Clustered agricultural housing project” shall mean two or more agricultural parcels that are adjacent and under common ownership, at least one of which is 20 acres or less in size, and which are all included in an application to create a clustered agricultural housing project. The “clustered agricultural housing project” includes all of the lands that are subdivided to create clustered housing parcels not to exceed 2.5 acres each, as well as the larger “remainder agricultural production parcel.”

“Remainder agricultural parcel.” Concurrent with the subdivision of qualifying agricultural lands to create one or more clustered housing parcels not to exceed 2.5 acres each, the remaining large agricultural parcel(s) are the “remainder agricultural parcel.” The “remainder agricultural production parcel” shall be no less than 85 percent in size of the total acreage included in the application, prior to subdivision and shall meet the minimum lot size requirements for a new parcel in the applicable agricultural zone.

(c) Lands eligible for clustering.

1. This Section applies to lands located in the current Agricultural Preserve (A-P) or Agricultural General (A-1) zones, and all future agricultural zones that may supersede the A-P and A-1 zones, which meet the criteria listed in (2) and (3), below.

2. Subject to subsection (3), below, parcels are eligible for clustering if one of the following criteria is met:
 - i. One or more of the parcels that are adjacent and under common ownership, which are included in the application, are 20 acres or less in size and consist of a majority of prime agricultural soils; or
 - ii. A majority of the parcels that are adjacent and under common ownership, which are included in the application, are located in an antiquated subdivision and some or all of the lots have been found to be legal lots of record through the issuance of a Certificate of Compliance.

3. Parcels are not eligible for clustering if any of the following criteria apply:
 - i. The parcel(s) are located within an adopted city Sphere of Influence, Urban Limit Line, or Growth Boundary.
 - ii. The parcel(s) are subject to an existing agricultural, habitat, or other type of conservation easement that restricts use of the land.

(d) Permits required.

1. All clustered agricultural housing applications shall be accompanied by a rezoning application for the proposed housing parcels; and a Tentative Parcel or Subdivision Map. The rezoning application shall include a request to rezone the newly created small lots from A-1 or A-P (or successor zoning districts) to a new Agricultural-Clustered Residential (A-CR) zone or other appropriate zone that is determined compatible with the new use by the County. The Tentative Parcel or Subdivision Map shall include the remainder agricultural production parcel as a designated parcel of the Map, not as a “remainder parcel” as the term is used in section 66424.6 of the State Subdivision Map Act.

2. If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, the following applications must be filed concurrently with the applications for clustering: a Notice of Non-renewal for all the land under a single contract; a Williamson Act Contract Cancellation for the portion of the land to be subdivided into smaller lots; and a Successor Agreement to place the remainder agricultural production parcel under a new Williamson Act contract (unless the Williamson Act program has been discontinued by the County).

(e) Application content.

The application for a clustered agricultural housing project shall include, but not be limited to, the following:

1. A written explanation by the applicant, accompanied by technical studies, as needed, to prove compliance with all the development standards specified in Section 2.2418(f);
2. A graphic and written demonstration of conventional subdivision qualification pursuant to Title 8, Chapter 1 Land Development;
3. A detailed schedule for the filing of a final Parcel or Subdivision Map and an accompanying conservation easement.
4. Verifiable demonstration of ongoing agricultural use of the property including the remainder production agricultural parcel over the ten years preceding the application;
5. Detailed description of, or a draft, conservation easement for the remainder agricultural production parcel.
6. Submittal of a hydrogeologic report that demonstrates there are adequate water resources to support the home sites and continued agricultural production, unless the

- Planning or Environmental Health Director has determined that evidence has shown that no water resource limitations exist in the vicinity of the project site; and
7. A draft copy or description of any Covenants, Conditions, and Restrictions that are proposed to establish a Homeowner's Association for the cluster project.

(f) Development standards for clustered agricultural housing.

The design and development of a clustered agricultural housing project shall be consistent with the following standards:

1. Type of housing. The following types of housing are allowed in a clustered agricultural housing project: single family homes subject to any size limitations set by other Sections of this Chapter; duplexes; and farm worker housing projects consistent with State laws and other Sections of this Chapter.
2. Minimum size of the remainder agricultural production parcel. Following subdivision and creation of the clustered agricultural housing project, the resulting remainder agricultural production parcel(s) shall be no less than 85 percent in size of the total lands prior to subdivision.
3. Merger of remaining substandard parcels. The subdivision approved to create the home site(s) or parcel(s) shall include the mandatory merger of any existing and remaining adjacent parcels under common ownership that are substandard in size, as defined by the underlying zoning district.
 - a. Number of home site units or parcels created. The maximum number of home site parcels allowed in a clustered agricultural housing project application shall be no more than the existing number of legally established parcels within the area of the proposed subdivision plus two parcels, one of which will be the designated remainder agricultural parcel.
5. Home site or parcel size. A clustered agricultural housing site or parcel shall be a maximum of 2.5 acres, assuming a single family home, duplex, or small to medium-sized farm worker housing project. Larger parcels sizes may be required to accommodate agricultural buffers or farm worker housing project, with a maximum residential cluster parcel size of 5.0 acres.
6. Site design and avoidance of best prime land. Clustered agricultural housing shall be located and clustered to provide the maximum protection of the best prime productive agricultural land located both on- and off-site. Clustered agricultural housing should be located on land with the lowest agricultural viability, as documented by a Storie or LESA rating, to the maximum feasible extent.
7. Parcel layout. The clustered agricultural housing parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other and located within a single cluster development area. A maximum of two clustered development areas may be approved if such a design reduces environmental impacts.
8. Housing development confined. Clustered agricultural housing development shall be confined to the newly created parcel(s) boundaries. Housing development components include, but are not limited to, housing units, accessory structures, roadways and access drives, water and wastewater systems, agricultural buffers,

drainage basins, and any other areas of the project site that may be removed from agricultural production to accommodate the proposed clustered housing project. Shared use of existing access roads or driveways, water systems, wastewater treatment, storm water drainage, and other common infrastructure shall be provided to the greatest feasible extent.

9. Second or Ancillary Units Allowed. Second or ancillary housing units may be allowed through issuance of a Use Permit on any small lots created through subdivision by this ordinance, if the second units meet environmental health and other standards set forth in the Yolo County Code and other applicable laws and regulations.
10. Access. Clustered developments in compliance with this Section shall be allowed only on properties with access to an existing paved, county or state maintained road. Home site parcels shall be located as close as possible to existing access roads, and significant new road or driveway development that takes farmland out of production shall be avoided to the extent feasible.
11. Interior Road and Utilities. Unless otherwise required by the County, all interior roads and utilities shall be privately-owned and maintained and the applicant shall demonstrate through draft Conditions, Covenants and Restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project at their own expense, without any financial support of the County.
12. Agricultural buffers. Residential building sites and access drives shall maintain a sufficient buffer separation from adjacent and on-site agricultural operations and exterior property lines, to reduce any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass by persons or domestic animals, vandalism, and complaints about agricultural practices. The width of buffers shall be consistent with the agricultural buffer policies adopted in the General Plan. All agricultural buffers shall be located within the clustered agricultural housing project. Fencing shall be provided, as required by the County.
13. Visual resources. Roads and building sites shall be located to minimize site disturbance and visibility from public roads and viewing areas.
14. Habitat protection. Clustered agricultural housing development shall be located and designed to ensure maximum protection of sensitive habitats such as Swainson's hawk habitat and wetlands.

(g) Conservation of remainder agricultural production parcel.

No clustered agricultural housing development shall be approved without an easement that assures the permanent conservation for agricultural use of the remainder agricultural production parcel that is created as part of the project. The required conservation easement shall be maintained in perpetuity, and the terms and minimum requirements for the conservation easement recorded to satisfy the requirements of this provision shall be at least as stringent as those set forth in Section 8-2.2416 of this Chapter. The conservation easement shall be recorded concurrent with the Parcel or Final Map that creates the subdivision.

(h) Homeowners association.

A homeowners association, or other suitable organization as approved by the County Counsel, shall be formed and membership shall be mandatory for each buyer and successive buyer of each of the clustered agricultural housing units. The homeowners association shall be responsible for, at a minimum, the permanent maintenance of areas held in common, if any, by the homeowners. In addition, the homeowners association shall be responsible for ensuring the permanent protection of the agricultural buffer and protection of the adjacent agricultural uses from trespass, vandalism, and complaints about agricultural practices from those residing within the home sites created by the subdivision. An assessment system involving all home site residents, or other form of subsidy, shall be required to ensure compliance with this provision.

ATTACHMENT B

Clustered Agricultural Housing Ordinance Draft 8-20-10

(Changes from previous 3-11-10 draft are shown in ~~strikeouts~~ and underline)

Add the following new section to Article 24 General Provisions, of Chapter 2, Title 8 of the Yolo County Code:

Section 8-2.2418 Clustered Agricultural Housing

(a) **Purpose.**

1. The General Plan includes policies to preserve agriculturally zoned lands in Yolo County and to maintain and enhance the farm economy. This Section implements those policies by allowing the concentration of existing agricultural home sites into compact areas, while merging the remainder farmland into large tracts that can be permanently protected for future agricultural use. This reduces the potential for dispersed ranchette-type homes that tend to interrupt more efficient and economically feasible patterns of farming.

The purpose of this Section is to implement the following General Plan policies:

~~Policy LU 2.3 Manage agricultural parcels of less than 20 acres, including antiquated subdivisions where appropriate, to create compatibility with surrounding agricultural uses to the greatest extent possible, including: 1) discourage residential development; 2) encourage lot mergers to achieve larger parcel sizes; 3) encourage clustering of units to preserve farmland and natural resources; 4) encourage transfers of development rights to areas where additional farm dwellings are desired (e.g. organic farms that are labor intensive); 5) encourage deed restrictions, site design and development themes that support the agricultural use of the land; and 6) aggressively limit the impact of residential development where it does occur.~~

~~Policy LU 3.8 The intent of allowing residences in the agricultural areas is to provide dwellings for those directly involved in on-site farming activity, including farm employees, the landowners and their immediate families. All such dwellings shall be encouraged to locate on lands unsuited for agricultural use and/or in "clustered" configurations to minimize the conversion of agricultural lands to any other uses.~~

This Section establishes a set of regulations that allows for and encourages clustering of home sites for agricultural family members and for farm workers on smaller parcels than allowed by the current zoning, while ensuring the long-term preservation of adjoining agricultural resources. This clustering regulation serves as an alternative to a conventional rural subdivision ~~or lot split~~, which ~~would split~~ farms or ranches into individual home sites that conform with typical minimum parcel sizes of 40, 80, or 160 acres. This Section allows an agricultural land owner that meets the criteria to apply for a subdivision of land that would result in two additional lots, one of which would be a "remainder agricultural parcel."

~~2. This ordinance complements the related Transfer of Development Rights (TDR) ordinance, Section 8-2.405. The TDR ordinance allows the transfer or “sending” of agricultural housing credits to other agricultural areas that have been found in need of more housing for family members or farmworkers. This Clustered Agricultural Housing ordinance would allow the housing credits that are sent to the “receiving” areas under the TDR program to cluster home sites on smaller lots than would normally be allowed under existing zoning regulations. In addition, a “remainder agricultural production parcel” created under this Clustered Ag Housing ordinance may be found eligible for qualifying as a “sending site” under the TDR ordinance, if the “remainder agricultural production parcel” meets all of the other eligibility criteria of Section 8-2.405.~~

(d) Definitions.

“Clustered agricultural housing project” shall mean ~~one~~ two or more agricultural parcels that are adjacent and under common ownership, at least one ~~parcel~~ of which is 20 acres or less in size, and which are all included in an application to create a clustered agricultural housing project. The “clustered agricultural housing project” includes all of the lands that are subdivided to create clustered housing parcels not to exceed 2.5 acres each, including as well as the larger “remainder agricultural production parcel.”

“Remainder agricultural parcel.” ~~Following~~ Concurrent with the subdivision of qualifying agricultural lands to create one or more clustered ~~home sites or~~ housing parcels not to exceed 2.5 acres each, the remaining large agricultural parcel(s) are the “remainder agricultural parcel.” The “remainder agricultural production parcel” shall be no less than 85 percent in size of the total lands acreage included in the application, prior to subdivision and shall meet the minimum lot size requirements for a new parcel in the applicable agricultural zone.

(e) Lands eligible for clustering.

3. This Section applies to lands located in the current Agricultural Preserve (A-P) or Agricultural General (A-1) zones, and all future agricultural zones that may supersede the A-P and A-1 zones, which meet the criteria listed in (2) and (3), below. ~~If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, a Notice of Non-Renewal must be filed concurrently with the applications for clustering (see Section 8-2.405(e), below).~~

4. Subject to subsection (3), below, parcels are eligible for clustering if one of the following criteria is met: , and the parcel(s) are not found to be ineligible under any of the criteria in (3), below:

- i. One or more of the parcels that are adjacent and under common ownership, which are included in the application, are 20 acres or less in size and consist of a majority of prime agricultural soils; or
- ii. A majority of the parcels that are adjacent and under common ownership, which are included in the application, are located in an antiquated subdivision and some or all of the lots have been found to be legal lots of record through the issuance of a Certificate of Compliance; ~~or~~
- iii. ~~The parcel(s) are located in a “specialty farm housing area,” where additional farm dwellings are desired (e.g. organic farms that are labor intensive), as defined and designated by the County under the Transfer of Development Rights (TDR) ordinance, Section 8-2.405; or~~

- iv. ~~The parcel(s) are located in a “receiving” area designated by the County under the Transfer of Development Rights (TDR) ordinance, Section 8-2.405.~~
3. Parcels are not eligible for clustering if any of the following criteria apply:
 - i. The parcel(s) are located within ~~two miles of~~ an adopted city Sphere of Influence, Urban Limit Line, or Growth Boundary.
 - ii. The parcel(s) are subject to an existing agricultural, habitat, or other type of conservation easement that restricts use of the land.

(d) Permits required.

1. ~~A Use Permit shall be issued for all clustered agricultural housing applications, including the remainder agricultural production parcel. The Use Permit application shall be accompanied by other required applications, including a rezoning application for the proposed housing parcels; and a Tentative Parcel or Subdivision Map., which~~ The rezoning application shall include a request to rezone the newly created small lots from A-1 or A-P (or successor zoning districts) to a new Agricultural-Clustered Residential (A-CR) zone or other appropriate zone that is determined compatible with the new use by the County. The Tentative Parcel or Subdivision Map shall include the remainder agricultural production parcel as a designated parcel of the Map, not as a “remainder parcel” as the term is used in section 66424.6 of the State Subdivision Map Act.
2. If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, ~~a Notice of Non-Renewal~~ the following applications must be filed concurrently with the applications for clustering: a Notice of Non-renewal for all the land under a single contract; a Williamson Act Contract Cancellation for the portion of the land to be subdivided into smaller lots; and a Successor Agreement to place the remainder agricultural production parcel under a new Williamson Act contract (unless the Williamson Act program has been discontinued by the County).
3. ~~If the parcel(s) to be subdivided for clustering are within the A-P zone and are under an active Williamson Act contract, a Contract Cancellation, a Notice of Non-Renewal, and a Successor Agreement for the remainder, must be filed concurrently with the applications for clustering approval.~~
4. ~~If a proposed clustered agricultural housing application fails to comply with any of the development standards listed in subsection (g), below, the permit application shall include a Major Variance application.~~

(e) Application content.

~~In addition to the information required by Section 8-2.2418(g), t~~ The Use Permit application for a clustered agricultural housing project shall also include, but not be limited to, the following:

1. A written explanation by the applicant, accompanied by technical studies, as needed, of how the proposed project will satisfy to prove compliance with all the required findings development standards specified in Section 2.2418(t) (f);
2. A graphic and written demonstration of conventional subdivision qualification pursuant to Title 8, Chapter 1 Land Development;
3. A detailed phasing schedule for the filing of a final Parcel or Subdivision Map and an accompanying conservation easement, ~~where applicable, the installation of required improvements, and a date for termination of the entitlement in the event the use is not established within the specified schedule.~~

4. Verifiable demonstration of ongoing agricultural ~~history for use of the property~~ including the remainder production agricultural parcel, ~~i.e. for five of the past eight over the ten years preceding the application;~~
5. Detailed description ~~of, or a draft,~~ conservation easement for the remainder agricultural production parcel.
6. Submittal of a hydrogeologic report that demonstrates there are adequate water resources to support the home sites and continued agricultural production, unless the Planning or Environmental Health Director has determined that evidence has shown that no water resource limitations exist in the vicinity of the project site; and
7. A draft copy or description of any Covenants, Conditions, and Restrictions that are proposed to establishing the a Homeowner's Association for the cluster project.

~~(f)~~ Environmental review.

~~After acceptance of an application for cluster development pursuant to this Section, an Initial Study for the project shall be prepared in compliance with the California Environmental Quality Act (CEQA) and the Local CEQA Guidelines. The Initial Study shall closely examine the potential impacts on the long-term protection of the agricultural, environmental and biological resources, as well as the availability of, and potential impacts on, resources such as water, traffic, air quality, schools and other public services and facilities. Whether or not a Negative Declaration or a Categorical Exemption shall be recommended will be determined by the Initial Study. A Categorical Exemption may be filed if the project meets all of the established criteria, development standards, and required Findings in this Section, and the Initial Study has not identified any potentially significant impacts.~~

~~(g)~~(f) Development standards for clustered agricultural housing.

The design and development of a clustered agricultural housing project shall be consistent with the following standards:

1. Type of housing. The following types of housing are allowed in a clustered agricultural housing project: single family homes subject to any size limitations set by other Sections of this Chapter; duplexes; and farm worker housing projects consistent with State laws and other Sections of this Chapter.
2. Minimum size of the remainder agricultural production parcel. Following subdivision and creation of the clustered agricultural housing project, the resulting remainder agricultural production parcel(s) shall be no less than 85 percent in size of the total lands prior to subdivision.
3. Merger of remaining substandard parcels. The subdivision approved to create the home site(s) or parcel(s) shall include the mandatory merger of any existing and remaining adjacent parcels under common ownership that are substandard in size, as defined by the underlying zoning district.
 - a. Number of home site units or parcels created. The maximum number of home site ~~units or parcels~~ allowed in a clustered agricultural housing project application shall be no more than the existing number of legally established parcels within the area of the proposed subdivision plus two parcels, one of which will be the designated remainder agricultural parcel.
 - ~~based on one of the following calculations:~~
 - i. ~~If the clustered agricultural housing project is not located within an antiquated subdivision, the maximum number of home site units or parcels allowed shall~~

~~be consistent with the minimum size requirement of the remainder agricultural production parcel in (2), above, and may be equal to the number of rural homes that would be allowed "by right" (without the issuance of a Use Permit or a Variance) under the regulations of the underlying zone district, e.g., one primary and one ancillary home per legal parcel in the current A-P and A-1 zone district. This calculation assumes that no minimum parcel size would be less than required by the Environmental Health Department for leachfield and water well placement. Under no circumstances shall the number of home site units or parcels allowed be based on a calculation of less than 5.0 acres for each unit or parcel as compared to the total acreage of the existing parcels. Design criteria and environmental mitigation may reduce the number of residential cluster parcels allowed; or~~

~~ii. If the clustered agricultural housing project is located entirely within an antiquated subdivision and some or all of the lots have been found to be legal lots of record through the issuance of a Certificate of Compliance, the maximum number of clustered home site units or parcels is equal to the number of legal parcels that have been recognized by the County in advance of the clustered agricultural housing project.~~

5. Home site or parcel size. A clustered agricultural housing site or parcel shall normally be a ~~minimum~~ maximum of 2.5 acres, assuming a single family home, duplex, or small to medium-sized farm worker housing project. Larger parcels sizes may be required to accommodate agricultural buffers or farm worker housing project, with a maximum residential cluster parcel size of 5.0 acres.
6. Site design and avoidance of best prime land. Clustered agricultural housing shall be located and clustered to provide the maximum protection of the best prime productive agricultural land located both on- and off-site. Clustered agricultural housing should be located on land with the lowest agricultural viability, as documented by a Storie or LESA rating, to the maximum feasible extent.
7. Parcel layout. The clustered agricultural housing parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other and located within a single cluster development area. A maximum of two clustered development areas may be approved if such a design reduces environmental impacts.
8. Housing development confined. Clustered agricultural housing development shall be confined to the newly created parcel(s) boundaries. Housing development components include, but are not limited to, housing units, accessory structures, roadways and access drives, water and wastewater systems, agricultural buffers, drainage basins, and any other areas of the project site that may be removed from agricultural production to accommodate the proposed clustered housing project. ~~Shared use of existing access roads or driveways, located off the newly created parcel(s) on the "remainder agricultural production parcel" or on adjacent parcels is allowed if an appropriate easement is adopted and recorded~~ water systems, wastewater treatment, storm water drainage, and other common infrastructure shall be provided to the greatest feasible extent.
9. Second or Ancillary Units Allowed. Second or ancillary housing units may be allowed through issuance of a Use Permit on any small lots created through subdivision by this ordinance, if the second units meet environmental health and other standards set forth in the Yolo County Code and other applicable laws and regulations.

10. Access. Clustered developments in compliance with this Section shall be allowed only on properties with access to an existing paved, county or state maintained road. ~~The use of shared access roads or driveways is allowed according to (6), above.~~ Home site parcels shall be located as close as possible to existing access roads, and significant new road or driveway development that takes farmland out of production shall be avoided to the extent feasible.
11. Interior Road and Utilities. Unless otherwise required by the County, all interior roads and utilities shall be privately-owned and maintained and the applicant shall demonstrate through draft Conditions, Covenants and Restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project at their own expense, without any financial support of the County.
12. Agricultural buffers. Residential building sites and access drives shall maintain a sufficient buffer separation from adjacent and on-site agricultural operations and exterior property lines, to reduce any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass by persons or domestic animals, vandalism, and complaints about agricultural practices. The width of buffers shall be consistent with the agricultural buffer policies adopted in the General Plan, ~~i.e., Policy LU 2.1 requires a buffer of 300 feet, which can be reduced to no less than 100 feet.~~ The agricultural buffers shall be for both ~~existing and potential agricultural uses.~~ All agricultural buffers shall be located within the clustered agricultural housing project. Fencing shall be provided, as required by the County.
- ~~12. Water and wastewater systems. Each proposed clustered agricultural housing parcel shall be designed and developed to provide for individual or shared group on-site water and wastewater systems. Shared water and wastewater systems among housing clusters are encouraged in order to minimize the developed footprint, reduce impacts, and save productive farmland.~~
13. Visual resources. Roads and building sites shall be located to minimize site disturbance and visibility from public roads and viewing areas.
14. Habitat protection. Clustered agricultural housing development shall be located and designed to ensure maximum protection of sensitive habitats such as Swainson's hawk habitat and wetlands.

(h) Conservation of remainder agricultural production parcel.

No ~~proposal or application for a clustered agricultural housing development not within an antiquated subdivision~~ shall be approved without an guarantee of easement that assures the permanent conservation easement for agricultural use of the remainder agricultural production parcel that is ~~created by the subdivision of land to create the new clustered home sites as part of the project.~~ The required conservation easement shall be maintained in perpetuity, and the terms and minimum requirements for the conservation easement ~~or other instrument~~ recorded to satisfy the requirements of this provision shall be at least as those stringent as set forth in Section 8-2.2416 of this Chapter. The conservation easement shall be recorded concurrent with the Parcel or Final Map that creates the subdivision. ~~guaranteed by either of the following methods:~~

- ~~1. A recorded, permanent affirmative agricultural easement granted to Yolo County, under the general terms set forth in Section 8-2.2416, with final terms as deemed acceptable to the County.~~
- ~~2. Transfer of fee title free and clear of any liens, or sale of all development rights and/or dedication of a perpetual agricultural and/or habitat conservation easement, to a qualifying nonprofit public benefit 501(c)(3) corporation operating in Yolo County, as defined and selected by Yolo County under Section 8-2.2416 of this Chapter, for the purpose of conserving and protecting land in its natural, rural or agricultural condition.~~

~~**(i) Required merger of remaining substandard parcels within antiquated subdivision.**~~

~~No proposal or application for a clustered agricultural housing development within an antiquated subdivision shall be approved without a requirement and guarantee for the merger and permanent conservation of remaining lands within the antiquated subdivision.~~

~~**(j) Ownership and maintenance of roads.**~~

~~Unless otherwise required by the County, all interior roads and utilities shall be privately owned and maintained and the applicant shall demonstrate through draft Conditions, Covenants and Restrictions or other means that the project residents shall maintain all private roads and utilities for the life of the project at their own expense, without any financial support of the County.~~

~~**(k)(i) Homeowners association.**~~

~~A homeowners association, or other suitable organization as approved by the County Counsel, shall be formed and membership shall be mandatory for each buyer and successive buyer of each of the clustered agricultural housing units. The homeowners association shall be responsible for, at a minimum, the permanent maintenance of areas held in common, if any, by the homeowners. In addition, the homeowners association shall be responsible for ensuring the permanent protection of the agricultural buffer and protection of the adjacent agricultural uses from trespass, vandalism, and complaints about agricultural practices from those residing within the home sites created by the subdivision. An assessment system involving all home site residents, or other form of subsidy, shall be required to ensure compliance with this provision.~~

~~**(l) Required findings.**~~

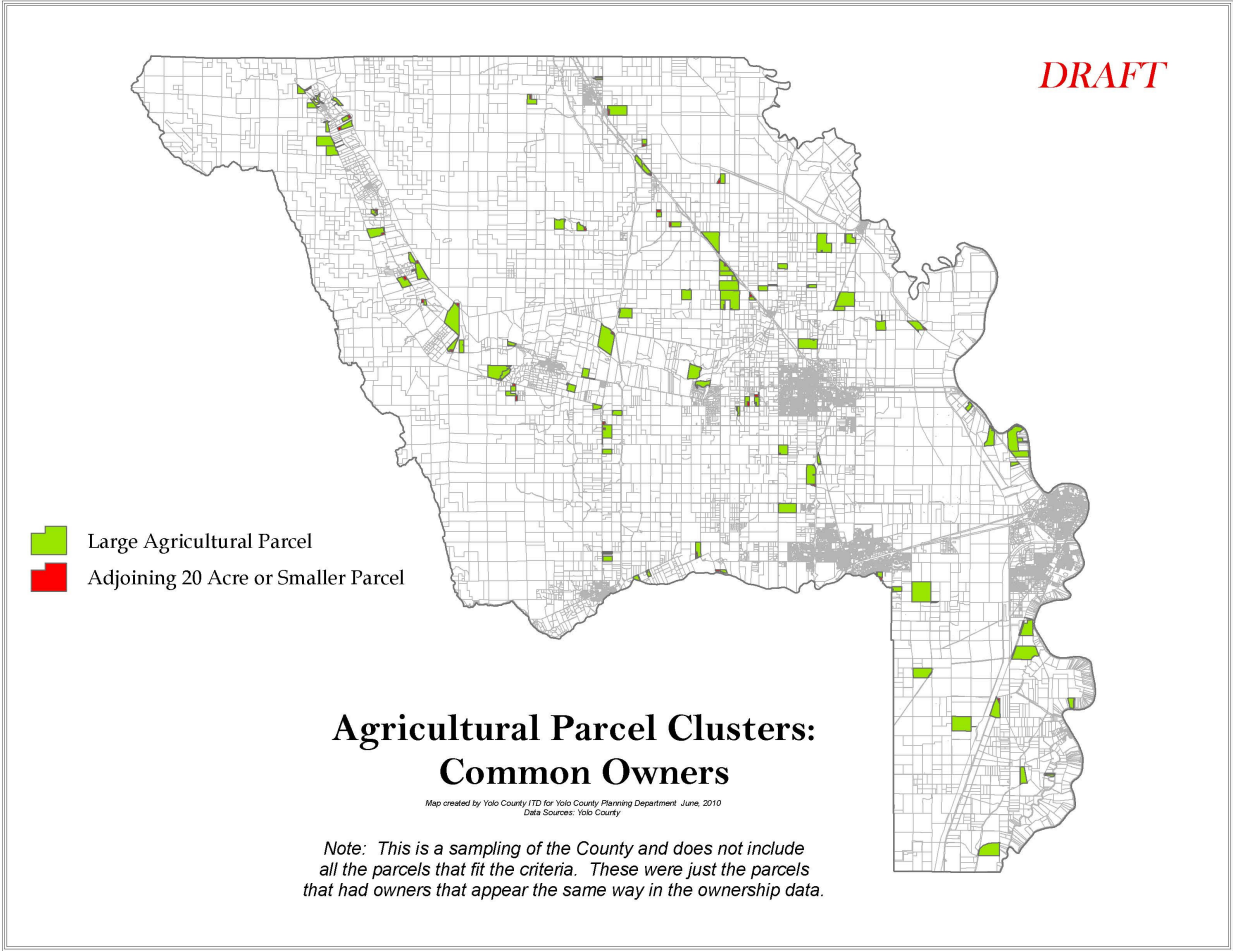
~~Approval of a clustered agricultural housing project shall not occur unless the County review body first makes all findings required for issuance of a Use Permit and for the Subdivision or Parcel Map, and also finds that:~~

- ~~1. The proposed clustered agricultural housing project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations on the remainder agricultural production parcel, or within the remaining antiquated subdivision, and in the surrounding area.~~
- ~~2. The proposed clustered agricultural housing project has been designed to comply with all of the design and development standards listed in Section 8-2.2418(g).~~

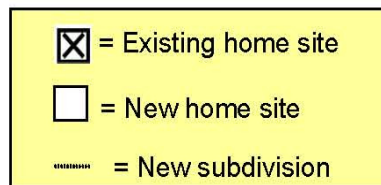
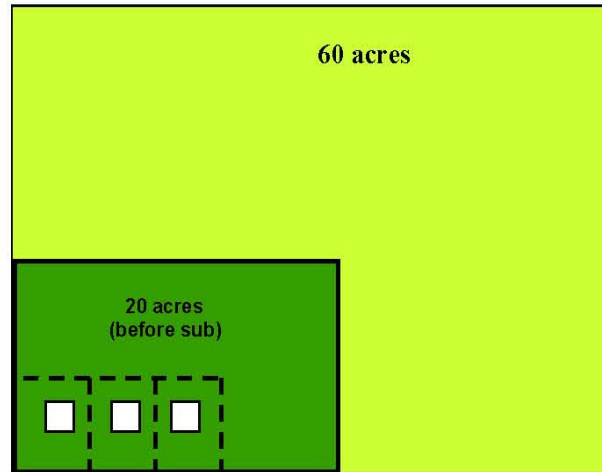
3. ~~The proposed clustered agricultural housing project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices.~~
4. ~~The water, wastewater, access, and all necessary services and maintenance of services, are adequate to serve the proposed clustered housing development, without placing any financial burden on the County.~~
5. ~~The proposed clustered agricultural housing project, the proposed Conditions, Covenants and Restrictions governing the Homeowners Association, and the permanent conservation easement placed on the remainder agricultural production parcel, and/or the merger of substandard lots, are adequate to maintain the lands in agricultural production.~~

ATTACHMENT C

MAP



ATTACHMENT D
CLUSTERED AG HOUSING PROJECT
(TWO PARCELS)



Existing: 2 parcels under common ownership, no existing home, zoned A-1 and A-P, 80-acre minimum parcel size

Proposal: Create a Clustered Ag Housing with (3) 2.5-acre lots, plus remainder parcel (total of 4 parcels)

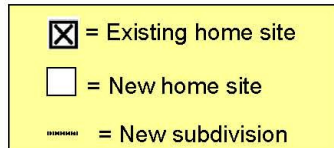
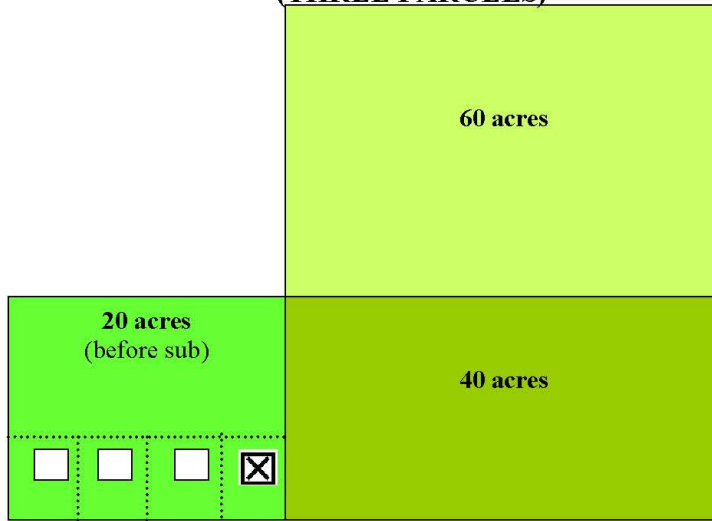
Result: Subdivide 80 acres into (3) 2.5-acre lots, merge remainder substandard ag parcel of 60 acres with 12.5 acres into one parcel of 72.5 acres which is placed in an easement

Remainder ag parcel of 72.5 acres is conserved = 91% of total

ATTACHMENT E

EXAMPLE #2

CLUSTERED AG HOUSING PROJECT (THREE PARCELS)



Existing: 3 adjacent parcels under common ownership, 1 existing home, zoned A-P, 80-acre minimum parcel size

Proposal: Create a Clustered Ag Housing project with (4) 2.5-acre lots, including 3 new home sites and a lot for the existing home, plus the remainder parcel (total of 5 parcels)

Result: Subdivide 120 acres into (4) 2.5 lots, merge remainder substandard ag parcels of 10 acres plus 40 acres plus 60 acres into one parcel of 110 acres which is placed in an easement

Remainder ag parcel of 110 acres is conserved = 92% of total

ATTACHMENT F

CAPAY VALLEY CITIZENS ADVISORY COMMITTEE

September 1, 2010

Mr. Eric Parfrey
Principal Planner
Planning and Public Works Department
County of Yolo
292 West Beamer Street
Woodland, CA 95695

Re: Clustered Ag Housing and TDR Ordinances

Dear Mr. Parfrey

The Capay Valley Citizens Advisory Committee is opposed to the ordinance as proposed, because it fails to meet its stated objective, namely the creation of ag housing and discouragement of residential development. Of particular concern to our committee is the fact the County will be rewriting the Ag parcel ordinance to eliminate the distinction between AP and AG land, by putting them under one definition. We are asked to comment and make recommendations on the Ag Clustering Ordinance before the new Ag ordinance is adopted. In our opinion, this is putting the “cart before the horse”. How are we to make an intelligent decision relating to development of ag land without first knowing what the new Ag parcel ordinance will cover?

1. Need for Farm Worker Housing:

Whilst this is a commendable goal, and there is a need to provide such housing, this proposed ordinance does not meet its objective. Nowhere in the ordinance are there any restrictions or regulations to mandate such housing will in fact be occupied by those directly involved in on-site farming. Nor does it provide such housing will be restricted to this specific group in the future.

Given the fact the majority of farm workers are paid the minimum wage, we question how this ordinance will enable the average farm worker the ability to afford to rent or buy ag housing. There are no subsidies, provisions or incentives provided to encourage the creation of farm worker housing. Perhaps there are other state or federal programs that provide such incentives but this ordinance does not do so.

2. Discourage Residential Development.

Rather than discourage residential development this ordinance will in fact, increase residential development by allowing the transfer of development rights from anywhere in the County, and providing up to a 20% density bonus for doing so. In addition, it will allow lots under 20 acres

to be developed where no such building right exists at present. It will include these lots as a buildable lot when calculating the number of residences allowed, with the result two additional houses could be added under the clustered housing concept, and it would allow the transfer of those increased development rights.

During the course of public comment at our meetings, it was apparent the consensus of members of our community was the ordinance will allow and encourage substantial development in the Capay Valley. The transfer of development rights will enable unprecedented development in ways and places that would not have seen development without this ordinance. It is a real estate speculators dream come true and a Capay Valley resident's self preservation nightmare.

This ordinance is based on an ordinance enacted by San Luis Obispo. Of great concern is that the transfer of development rights enacted under the SLO ordinance, and proposed under this ordinance, resulted in the development of the massive Santa Margarita Ranch Development on 13,800 acres. That ordinance allowed the development of 112 houses to start, and further development of 400 additional houses, a 36 hole golf course, 250 unit guest ranch and lodge, 12 room bed & breakfast Inn, 9 wineries, gift shops, livestock sales yard, and an executive retreat center. As a consequence of this massive development, and the resulting legal battles, the SLO ordinance is now undergoing major changes which include the elimination of the 20% density bonus, also included under this ordinance. It should be noted the SLO Planning Department did not recommend adoption of the development. However, the SLO Board of Supervisors over ruled the department and adopted the plan.

In light of the problems encountered by SLO, we strongly urge the Planning Department to review the major changes being made to the SLO ordinance BEFORE proceeding with the same ordinance in Yolo County.

Conclusion.

Our committee has a concrete proposal that will actually help achieve the stated objectives of preserving open space and supporting farm worker housing. We urge the Planning Department to concentrate on finding solutions within its department and also within the Environmental Department to allow the development of agricultural worker housing within existing communities.

Under the 2030 General Plan the town of Guinda will be expanded. Currently there are close to 30 building sites in Guinda that are not being used due to problems of providing individual wells and septic tanks. We suggest the building regulations be amended to allow for the installation of community water, septic and utility systems. This will allow for in-fill of lots within an existing community boundary and allow for clustered housing in Guinda and other similar areas,. It will encourage the development of affordable ag housing without losing valuable and irreplaceable farmland.

We sincerely hope you will carefully consider the concerns raised in this letter and amend the proposed ordinance accordingly.

Yours truly,

J. Anne Rawlins
Co-Chairman
Capay Valley Citizens Advisory Committee

c.c. Chairperson Helen Thompson, Board of Supervisors
c.c. Supervisor Duane Chamberlain
c.c. Stephanie Cormier

ATTACHMENT F

September 1, 2010

Yolo County Board of Supervisors
Yolo County Planning Commissioners
Woodland, California

To Whom It May Concern:

The proposed Clustered Agricultural Housing Ordinance is of great concern as it has the potential to develop rural agricultural lands into rural housing developments that could end up as residences for those not farming or ranching these parcels. The ordinance allows for the development of parcels for “agricultural family members and for farm workers on smaller parcels than allowed by the current zoning, while ensuring the long-term preservation of adjoining agricultural resources”. This statement is no indication of any intent to retain and preserve these new separate parcels exclusively for “agricultural family members and for farm workers”. It is extremely lacking in clarity as how it will be beneficial in preserving agricultural lands within rural communities. A striking observation is the lack of data available on the number of these potential housing parcels that can be developed in the Capay Valley as well as the rest of Yolo County.

Section 2ii of this proposed ordinance appears to state that antiquated subdivisions can be developed for housing as well as on prime agricultural soils under certain conditions. The use of prime agricultural soils for housing is adverse to preserving agriculture and creation of smaller parcels could take a significant amount of land overall out of availability for agricultural production. In addition, clustered housing projects could create the possibility of diverting water from agricultural use for the housing project(s) consumption and creating a potential for competition of available water.

In an already financially strapped County, there could be increased need for County services such as road maintenance, planning and building department services, schools and fire and law enforcement services. What will the impact be on any existing infrastructure (if any infrastructure is at

all available) and what further burdens will be placed on the communities where they will be located?

What will be the fiscal impact on County services?

Increased residences on agricultural lands would increase traffic on local roads and highways. In the case of Capay Valley, with an increase in traffic expected due to the proposed casino expansion, this could become a very serious concern for Capay Valley residents. Housing should be placed in urban or growth areas – not on agricultural land as stated in the Capay Valley General Plan and General Plan update states. Once land is lost to development, it is seldom reclaimed as agricultural land. The trade-off of application fees and permit fees to the County coffers for these agricultural housing subdivisions is an unsatisfactory excuse for the loss of agricultural land to development. Whereas it would also create a higher tax base for the County in addition to these fees, it would be at the expense of agricultural land loss.

This proposal is contrary to what the existing Yolo County and Capay Valley General Plans and updates dictate. There could be the potential of having to amend the general plan(s) and will this set precedent indicating that it can be done again and again? There appears to be many unclear implications of this proposed policy – it greatly lacks clarity, mainly that of the possibility of being adverse to the retention of agriculture lands for farming and ranching purposes which has been the intent of Yolo County and the Capay Valley currently and historically.

This proposed ordinance should not be allowed at this time until information has been acquired that determines its complete usefulness to the rural communities and its agricultural base. Clearly, we need complete satisfaction that little adverse impact will occur towards preserving agriculture in Yolo County and the Capay Valley.

Sincerely,

Ellen Knolle

P O Box 159
Guinda, CA 95637
530-796-3166

ATTACHMENT G

Dunnigan Advisory Committee Dunnigan, Ca 95937

August 2, 2010

Eric Parfrey
Principal Planner
Yolo County Planning & Public Works
292 West Beamer Street
Woodland, Ca 95695



Re: Clustered Agricultural Housing/ Transfer of Development Rights Ordinances

Eric:

The following action was taken by the Dunnigan Advisory Committee at their meeting of July 21 on the above ordinances.

Clustered Agricultural Housing Ordinance:

The consensus of the committee was this was a good ordinance. After considerable discussion and numerous questions the following vote was taken:

- Motion by Mel Smith to approve this ordinance, Seconded by Chairman Bill Weber. Vote: Yes 2; No 1; Abstain 2, Motion Carried

Based on the discussion and some concerns an amended motion was made to address these concern as follows:

- Motion by Chairman Weber; would like to see additional incentives added (i.e. density bonuses, 20%) to the Clustered Ag Housing Ordinance, and to assure reassessments would be adjusted down to reflect the property values o gag land without development rights. Seconded by Mel Smith. Vote: Yes 7; No 0; Abstain 3; Motion carried.

Transfer of Development Rights:

Comments indicated this ordinance to be premature. Indication was that this ordinance would not be used in rural communities and no receiver entities had been identified. Lots of desire to be a sending site noted but left a lot of unanswered concerns.

- Motion by Erich Linse; not to address this ordinance at this time, Seconded by Chairman Bill Weber. Vote: Yes 7; No 2; Abstain 1: Motion carried.

We hope our comments will be of value.

Respectfully submitted,

A handwritten signature in blue ink that reads "Deanna Kirkland".

Deanna Kirkland, Secretary
Dunnigan Advisory Committee

ATTACHMENT H

“Clustered” Housing ordinance not what it seems

The 2030 Yolo County General Plan emphasizes the need for “clustering” housing and the adoption of a transfer of development rights to help preserve farmland and increase housing for farm families and farm workers. On the surface, this ordinance seems like a good idea as it supports merging multiple parcels and grouping new home sites into common areas, instead of the current trend of building individual homes on larger parcels. The ordinance also allows for an increase in housing density on farms for farm workers and farm families via a transfer of development rights from an area of less to more need.

However, the problem with this proposed ordinance is that the language is vague and confusing and would likely have more negative impacts to our farmlands than positive ones. Under this ordinance, a landowner with a parcel 20 acres or less would be allowed to parcel off two 1 to 5 acre lots in exchange for putting the rest of the land into an agriculture preserve for in perpetuity.

Under current Yolo County land use policy, however, landowners are only allowed to build two houses on one parcel; so, how would creating 3 separate parcels from a 20-acre lot protect farmland?

Where the real concern comes in is if a landowner owns multiple parcels, one of which must be 20-acres or less. With the current allowable 2 housing sites per parcel, if a person owns 10 parcels, they would be allowed to subdivide 20, one to five acre parcels, plus an additional 4 sites (the allowable 20% housing density bonus) for a total of 24 home sites. This expansion possibility is why the ordinance also includes language for implementing mandatory homeowners’ associations.

Although agricultural conservation steps in when the landowner gives up the right to develop the rest of the land for in perpetuity, this ordinance has the potential to encourage leapfrog development in our county. With 400 foot buffers from residences required for some agricultural practices, an increased incidence of housing clusters in our county would make farming more difficult for growers.

Further, how are farm workers going to afford these new one to five acre home sites in Yolo County via the proposed transfer of development rights? The estimated cost for Yolo County building permits and land use reviews is \$60,000 per unit.

If additional agricultural housing is needed for farm workers and family-unit farming, the county should make provisions in their current zoning policies to allow for specific needs; e.g. creating separate parcels in support of loan applications for adjacent home sites for aging parents and adult children. There doesn’t need to be a whole new level of bureaucracy with associated administration costs that involves parceling off new, small acreage lots and the transfer of development rights to accommodate this need.

Submitted by Charla Parker, local resident, member Yolo-Zamora Citizens Advisory Committee.