



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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WORKSHOP

PLANNING COMMISSION STAFF REPORT

SEPTEMBER 9, 2010

FILE #2010-005: Update of the agricultural zoning districts, 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: All agricultural General zoning districts (A-P, A-1)

SUPERVISOR: all districts

FLOOD ZONE: various

SOILS: various

FIRE ZONE: various

ENVIRONMENTAL DETERMINATION: Negative Declaration

REPORT PREPARED BY:

Eric Parfrey, Principal Planner

REVIEWED BY:

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 conceptual proposal to update the agricultural zoning districts (**Attachment A**); and
2. **RETURN** the item to the Planning Commission at a future meeting for a public hearing to consider a recommendation on the ordinance.

REASONS FOR RECOMMENDED ACTION

The updated Yolo Countywide 2030 General Plan was approved in November, 2009. Under state law, all development regulations (Title 8 of the Yolo County Code), 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. The updated plan includes two implementation actions that specifically require the County to update the agricultural zoning regulations, as noted below:

Action CC-A1: Update the County Zoning Code to reflect appropriate zoning consistent with each land use designation and to establish appropriate new zone categories and regulations to implement the goals, policies, and actions of this General Plan. This update shall include development of a form-based zoning code.

Action CC-A30: Amend the County Code to remove the Williamson Act as a basis for the Agricultural Preserve Zone.

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 AG-A22: Amend the Zoning Code to require a Use Permit for any new home to be constructed on a parcel smaller than 20 acres within an antiquated subdivision. Include criteria that would have to be met to approve the Use Permit, such as a showing of agricultural feasibility, to ensure that the primary use of the parcel is not a homesite.

The proposed framework seeks to implement these two General Plan action items.

PROPOSED CONCEPTUAL FRAMEWORK

The framework for the new zoning for the agricultural districts is outlined in **Attachment A**. The proposal is based on the need to replace the current A-P (Agricultural Preserve) and A-1 (Agricultural General) zoning districts with new districts that are not based on the Williamson Act. Under the existing zoning, ag parcels that are adjacent to each other and share similar soil, water, and crop characteristics may be treated very differently, based on whether or not the property is included within a Williamson Act. Since the Williamson Act is a voluntary program, the current zoning system essentially leaves zoning up to each individual landowner. Not surprisingly, much of the farmland immediately adjoining the cities and unincorporated communities is not under contract

and is zoned A-1. As a result, current zoning does not provide consistent protection for vulnerable and threatened farmland on the valley floor. The new proposed zoning eliminates the inconsistency of applying different minimum parcel sizes and use regulations to similar properties, while retaining many of the protections of the original Williamson Act program.

Existing Zoning

The existing A-1 zoning has historically been applied to properties not under a current Williamson Act contract, including many of the smaller parcels in the unincorporated area which are too small to enter the program. (The current minimum acreage needed to enter into a Williamson Act contract is 40 acres. Earlier in the program, the minimum requirement was only 10 acres, as provided for in State law.)

When land is placed into a Williamson Act contract, the property is required to be rezoned from A-1 to A-P. (It should be noted that the County is not currently accepting new land to be taken into contract, due to uncertainty regarding subvention funding by the State and the long-term feasibility of the Williamson Act program.) However, when a larger parcel or group of parcels leaves the Williamson Act program through the 10-year "non-renewal" process, the County does not automatically rezone the parcels from A-P to A-1.

There are approximately 600,000 acres of agriculturally zoned land within Yolo County, which is represented by 6,655 assessor's parcels (table in **Attachment B**). A-1 zoned parcels make up 3,035 parcels out of the total 6,655 (46 percent). Two-thirds of the A-1 zoned parcels in the county are less than 20 acres in size (2,023 parcels out of the total 3,035). The small parcels are predominantly located in the Woodland-Yolo area including Monument Hills, around Esparto, around the County airport, in the Capay Valley, and in the Dunnigan area (map in **Attachment C**).

The A-1 zoning includes a 20-acre minimum parcel size and a list of farm-related uses that are allowed "by right" as either a "principal," "accessory," or "conditional" use allowed with a Use Permit (**Attachment D**). The regulation of specific uses is generally less restrictive than under the A-P zoning. Both zoning districts allow a primary home by right (no restrictions), and an ancillary (second) second home is allowed by right if it is sited within 250 feet of the primary dwelling. Additional homes beyond the first two are allowed by a Use Permit (this is an interpretation of the existing zoning and is not stated explicitly).

The A-P zoning is primarily applied to properties under Williamson Act contract. (As noted earlier, it also applies to properties that at one time were under contract, but have since gone through the non-renewal process.) The vast majority, over three-quarters, of agricultural land within Yolo County, measured by acreage, is under contract (474,131 acres out of almost 600,000 acres, or 79 percent). Almost one-half (48 percent) of the parcels zoned A-P are greater than 80 acres.

There is a common perception that A-P zoning carries a blanket 80-acre minimum parcel size; however, this perception is not correct. The existing zoning (**Attachment D**) requires that "New parcels shall be no less than 80 gross acres where the soils are capable of cultivation and irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated; and 320 gross acres where the soils are not capable of cultivation including range land and lands which are not income producing." Similar to the A-1 zone, the primary and second home are allowed by right if they are sited within 250 feet of each other.

There is a separate requirement regarding the minimum size of a Williamson Act contract (not the minimum parcel size). The minimum size needed to establish a separate contract is 40 acres (if irrigated) or 80 acres (if not irrigated). Thus, existing legal parcels that are irrigated and between 40

and 80 acres can qualify for a separate contract, even if they do not meet the current minimum parcel size.

Proposed Zoning

The existing A-1 and A-P zones are proposed to be replaced with two new zones that are more consistent and are based on factors such as soil type, surface water availability, and crop characteristics, rather than simply segregating parcels by whether owners have chosen to participate in the Williamson Act or not. Staff proposes that lands be zoned according to whether the properties are farmed intensively (typical irrigated crops or orchards) or are farmed extensively (dry land farming or grazing). Several other rural agricultural counties in the Sacramento and San Joaquin Valleys employ a similar zoning strategy.

The new A-N (Agricultural Intensive) zone would be applied to lands located on the valley floor. Instead of applying a single minimum parcel size, different minimum sizes would be allowed, based on whether the properties are planted in permanent or annual crops. A 40 acre minimum parcel size would be allowed for irrigated parcels primarily planted in permanent crops; an 80 acre minimum parcel size would apply to irrigated parcels that are cultivated (not in permanent orchards or vineyards); and a 160 acre minimum parcel size would be used for other parcels that are uncultivated.

There are three main reasons for applying a smaller parcel size to permanent crops. First, studies prepared by UC-Davis and others, have shown that it is economically feasible for farmers to make a living from planted crops such as orchards and vineyards on smaller parcels than typical row crop operations, where more acreage is needed to make a profit. Second, the installation of permanent crops is very expensive and may require smaller parcels to allow financing, than would be needed for row crop agriculture. Third, it makes sense from a policy and economic point of view for the county to encourage more owners to plant permanent crops. A key agricultural policy in the new General Plan directs the County to "Support high value and intensive farming practices on appropriate agricultural soils" (Policy AG-2.5). Additional policies seek to promote permanent crops, primarily wine grapes, olives, and almonds in agricultural districts in the Capay Valley, Clarksburg, and the Dunnigan Hills.

The current A-1 and A-P properties that are rezoned to the new A-N zone district that do not meet the new minimum parcel sizes would become legal, non-conforming lots. They would retain all property and development rights under the former A-1 and A-P zoning, except for the minimum parcel size and, in some cases (those parcels of 20 acres or less), the ability to construct a primary or second home by right.

For parcels zoned A-N, that are over 20 acres, a primary and a second home would be allowed by right if they met home siting criteria (that are to be developed in accordance with General Plan policies). If one or more of the standards cannot be met, then a Use Permit would be required. For parcels under 20 acres, a Use Permit would be required for any home.

The new A-E (Agricultural Extensive) zone would be used for the remaining agricultural lands that are primarily non-irrigated and are off the valley floor in the Capay or Dunnigan hills. A 160-acre minimum parcel size would be applied to properties that are involved in dryland farming; a 320-acre minimum would apply to rangeland. Similar to the A-N zone, a primary and ancillary (second) home would be allowed by right if the parcel exceeds 20 acres and the proposal meets home siting criteria. A Use Permit would be required if the criteria cannot be met, or if the parcel is less than 20 acres.

OTHER AGENCY INVOLVEMENT

The conceptual framework for the ag zoning update was first reviewed by the Ag Working Group at their meeting on August 26, 2010. 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 Group generally accepted the proposed transition from the current A-1 and A-P zoning to the new proposed A-N and A-E zoning. Most members seemed to agree with the range of minimum parcel sizes. However, some members reacted very negatively to the concept of linking parcel size with the water source (surface or ground). The original draft of the conceptual framework has been modified to delete any parcel size criteria related to water source.

Some members of the Group also questioned how the County could ensure that parcels zoned for 40 acres with permanent crops (vineyards or orchards) would remain in permanent crops. It is true that orchards and vineyards are not "permanent" crops, trees and vines eventually wear out over decades and are no longer productive. Although it is also common to replace older or damaged portions of orchards and vineyards, so that the parcel remains productive as a whole. It is possible that, under the proposed zoning, a person could install trees or vines for the purpose of creating a 40 acre home site and then immediately remove them after the parcel map has been approved. Staff believes, however, that this scenario would be unlikely due to the high cost involved in establishing orchards/vineyards, and could be addressed by agreements requiring the landowner to retain the permanent crops for a period of time after the division has been approved.

The Group also did not like the idea of requiring Use Permits for homes on small parcels less than 20 acres. The Group would like to see uniform siting/development criteria applied equally to all parcel sizes. If a proposal meets all of the siting criteria, it could move forward with only a building permit. If the proposal did not meet the criteria, it would have to first obtain a Use Permit. While staff believes such a system could work and would be more streamlined, it is not consistent with the Board of Supervisors' direction, as expressed in Action Item AG-A22.

The citizens' advisory committees have not yet reviewed the conceptual framework for the new ag zoning.

ATTACHMENTS

- A: Ag Zoning Update Conceptual Framework
- B: Table of Agricultural Parcel Sizes
- C: Map of Agricultural Parcel Sizes
- D: Existing zoning regulations for the Agricultural General (A-1) and Agricultural Preserve (A-P) zoning districts

ATTACHMENT A

Yolo County Ag Zoning Update Conceptual Framework – Second Draft 9-1-10

Purpose

To update and revise the current zoning regulations for agricultural lands in the unincorporated areas of Yolo County to ensure consistency with the policies of the newly adopted 2030 Countywide General Plan

Existing Zoning

A-1 (Agricultural General):

- 20-acre minimum parcel size;
- primary home allowed by right (no restrictions);
- second home allowed by right, must be sited within 250 feet of the primary dwelling;
- additional homes beyond two allowed by Use Permit

A-P (Agricultural Preserve):

- applied to properties under Williamson Act contract;
- 80 acre minimum parcel size if irrigated, 160 acre minimum if not irrigated but capable; 320 acres if not capable of cultivation (grazing);
- zoning regulations allow existing parcels of at least 40 acres to enter into a separate WA contract (or successor contract) if irrigated;
- primary home allowed by right (no restrictions);
- second home allowed by right, must be sited within 250 feet of the primary dwelling;
- additional homes beyond two allowed by Use Permit

Proposed Zoning

A-N (Agricultural Intensive):

- 40 acre minimum parcel size for irrigated parcels ~~with access to surface water~~ primarily planted in permanent crops;
- 80 acre minimum parcel size for irrigated parcels ~~with access to surface water~~ that are cultivated;
- 160 acre minimum parcel size for parcels that ~~depend primarily on groundwater and are cultivated or~~ uncultivated;
- current A-1 and A-P properties that are rezoned to the new A-N zone that do not meet new minimum parcel size requirements become legal non-conforming lots that retain all property and development rights under the former A-1 and A-P zones, except for minimum parcel size and primary or second home by right if less than 20 acres;

- for parcels 20 acres or over, primary home allowed by right if it meets home siting standards, Use Permit if it deviates from standards;
- for parcels 20 acres or over, second home allowed by right if it meets home siting standards, including must be sited within 250 feet of the primary dwelling;
- for parcels under 20 acres, Use Permit required for any home;
- additional homes beyond two allowed by Use Permit;

A-E (Agricultural Extensive):

- 160-acre minimum parcel size for dryland farming; 320-acre minimum for rangeland;
- primary home allowed by right if it meets home siting standards, Use Permit if it deviates from standards;
- second home allowed by right on parcels 20 acres or more, if it meets home siting standards, including 250-foot clustering requirement;
- Use Permit required for any primary or second home on a parcel less than 20 acres;
- additional homes beyond two allowed by Use Permit;

AG-R (Agriculture Residential):

- applies only to small lots created through subdivision approved under the Clustered Agricultural Housing Ordinance;
- 2.5 acre maximum parcel size
- Use Permit required for any second home;

AG-C (Agriculture Commercial):

- No minimum

AG-I (Agriculture Industrial):

- No minimum

AG-O (Agriculture District Overlay):

- See underlying zone

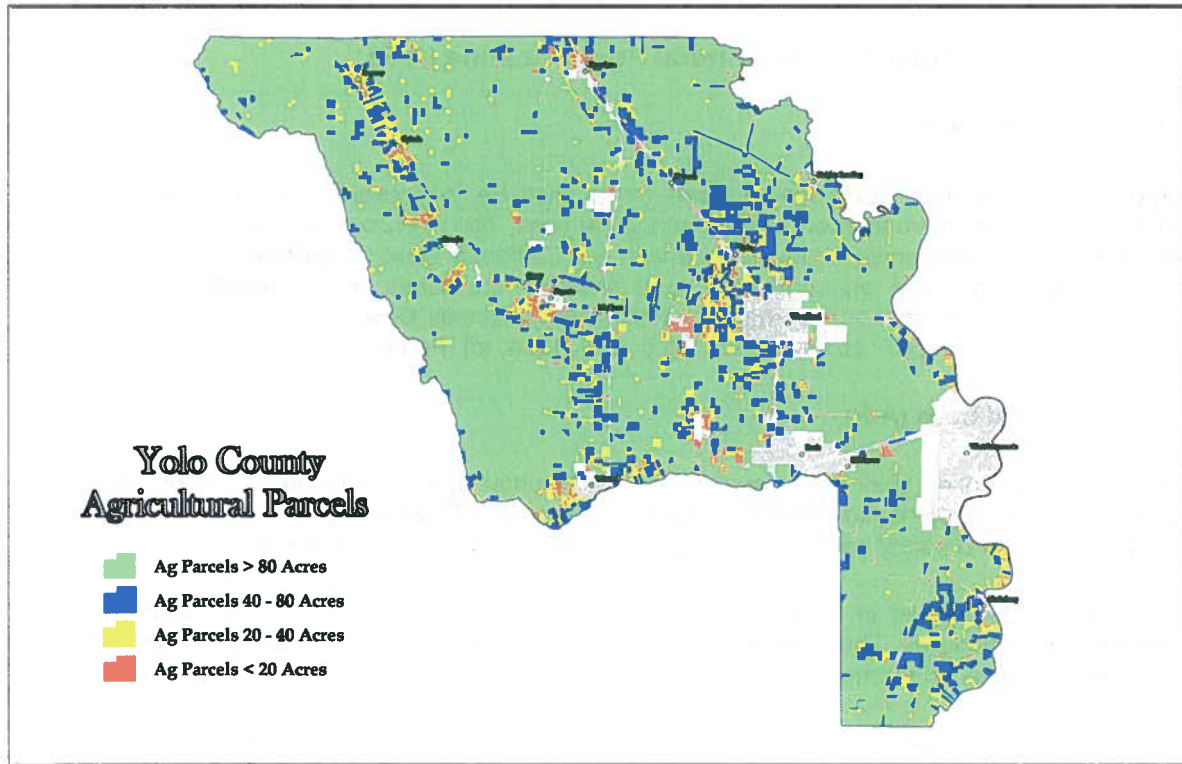
ATTACHMENT B

YOLO COUNTY AG PARCEL SIZES

Size of Agricultural Parcel	Zoning	Parcel Count	Percent of Total	Acres	Percent of Total
Less than 20 acres	A-1	2,023		12,485	
	A-P	564		4,934	
Sub-total		2,587	38.9%	17,419	2.9%
20 to 40 acres	A-1	407		11,628	
	A-P	573		17,422	
Sub-total		980	14.7%	29,050	4.8%
40 to 80 acres	A-1	229		13,504	
	A-P	740		45,467	
Sub-total		969	14.6%	58,971	9.8%
Larger than 80 acs.	A-1	376		87,338	
	A-P	1,743		406,308	
Sub-total		2,122	31.8%	493,646	82.4%
All parcels	A-1	3,035		124,955	
	A-P	3,620		474,131	
TOTAL		6,655	100.0%	599,086	100.0%

ATTACHMENT C

MAP OF AG PARCEL SIZES



ATTACHMENT D

Existing zoning regulations for the Agricultural Preserve (A-P) and Agricultural General (A-1) zoning districts

Article 4. Agricultural Preserve Zone (A-P)

Sec. 8-2.401. Purpose (A-P).

The purpose of the Agricultural Preserve Zone (A-P) shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land Conservation Act of 1965, as amended. Uses approved on contracted land shall be consistent and compatible with the provisions of the Act. Uses authorized shall not include Agribusiness Development Parks Areas. (§ 5.01, Ord. 488, § 4, Ord. 488.47, as amended by § 3, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.402. Principal Uses (A-P).

The following principal uses shall be reviewed Over the Counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit:

- (a) Agriculture, as defined in Section 8-2.208 of Article 2 of this Chapter, including agricultural buildings or structures. The uses set forth in this section shall not include dairies, stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter;
- (b) One single-family dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (as amended by §10, Ord. 1303, eff. July 24, 2003) (c) Parks, publicly owned; and,
- (d) Rural recreation, with no permanent buildings. (§ 5.02, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 681.66, eff. January 8, 1981, § 1, Ord. 681.91, eff. August 26, 1982, § 3, Ord. 1244, eff. February 3, 2000, and §2, Ord. 1250, eff. August 24, 2000)
- (e) Subject to Section 8-2.2703.5 of this chapter, one single-family dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (§11, eff. July 24, 2003)

Sec. 8-2.403. Accessory uses (A-P).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit, Site Plan Review, and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues: (§2, Ord. 1377, eff. August 28, 2008)

- (a) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (b) Repealed (§2, Ord. 1377, eff. August 28, 2008);

- (c) Home occupations;
- (d) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, "accessory use" shall include temporary or permanent supply, services, or preparation areas for on-site purposes;
- (e) One ancillary dwelling, except where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres (as amended by §12, Ord. 1303, eff. July 24, 2003);
- (f) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (g) Repealed (§2, Ord. 1377, eff. August 28, 2008); (h) Temporary landing strips appurtenant to principal use;
- (i) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facility is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, groundwater recharge, or tailwater enhancement. (§ 5.03, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.122, eff. October 13, 1971, § 5, Ord. 488.155, eff. May 14, 1973, § 2, Ord. 488.182, eff. June 6, 1985, § 2, Ord. 1010, eff. August 8, 1985, §§ 18 and 22, Ord. 488.188, eff. January 2, 1986, § 2, Ord. 1158, eff. March 4, 1993, § 3, Ord. 1244, eff. February 3, 2000, and § 3, Ord. 1250, eff. August 20, 2000, as amended by §13, Ord. 1303, eff. July 24, 2003)
- (k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on a single Antiquated Subdivision parcel or lot of less than eighty (80) acres. (§14, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.404. Conditional uses (A-P). Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses shall be authorized by Minor Use Permit:

- (a) Agricultural labor camps consistent with Government Code Sections 17020, 17021.5 and 17021.6;
- (b) Animal feed yards;
- (c) Electrical distribution and transmission substations, communication equipment buildings, and public utility service yards;
- (d) Dairies;
- (e) Hog farms;
- (f) Publicly-owned facilities incidental to the supply of essential services by a public entity, such as wastewater treatment ponds, sewage facilities pump stations, water supply facilities and pump stations, and solid waste disposal sites;

- (g) (Repealed by §15, Ord. 1303, eff. July 24, 2003);
- (h) Commercial aquaculture or any related use involving aquaculture ponds, tanks, or similar facilities and equipment;
- (i) Co-generation facilities;
- (j) Officially designated County Historic Resources to be used for educational and tourist purposes including, but not limited to, archaeological sites, museums, bed and breakfasts; restaurants, restaurants with bars, wedding chapels, or reception establishments directly dependent upon a unique natural resources or feature; and schools;
- (k) Commercial stables;
- (l) Oil and gas well drilling and operations;
- (m) Agricultural research with the exception of product processing plants; and
- (n) "Yolo Stores" or "Growers Cooperatives".
- (o) Repealed by §16, Ord. 1303, eff. July 24, 2003)
- (p) The keeping, care of sheltering of any animal, the keeping of which requires a permit from the Department of Fish and Game pursuant to the fish and Game Code, with the exception of ocelots, jungle cats, and wolves, which are prohibited. (§3, Ord. 1365, eff. December 6, 2007)

Sec. 8-2.404.5. Conditional Uses (A-P). Major Use Permit.

Upon review and approval, or conditional approval, by the Planning Commission, the following conditional uses may be authorized by Major Use Permit:

- (a) Rural recreation, public and private, with permanent buildings. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, as amended from time to time, *inter alia*. In addition to the above criteria, such use shall be found to meet the following:
 - (1) The use will not substantially modify the land's natural characteristics or change them beyond those modifications already related to current or previous agricultural uses;
 - (2) The use will not require permanent cessation of agriculture on the subject lands or preclude conversion back to agriculture if desirable in the future; and
 - (3) The use will not be detrimental to surrounding agricultural uses in the area;
- (b) Commercial surface mining operations, after the approval of a Special Sand and Gravel Combining Zone (SG) pursuant to Article 23.1 of this Chapter. Surface mining operations may be allowed only when located within the Off-Channel Mining Plan area and/or when necessary for agriculture. Such use may include processing plants, batch plants, offices, equipment storage yards, and other facilities appurtenant to the surface mining operations. The landowner shall agree to a modification of the Land Use contract affecting the parcel that

provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia*;

- (c) Agricultural uses not otherwise listed as a principal, accessory, or conditional use in this zone, provided that it is found that the proposed use:
 - (1) Is consistent with Government Code Sections 51200 et. seq; and,
 - (2) Will serve and support production of agriculture, or animal husbandry; or,
 - (3) Is not appropriate for location within a city or town, and, cannot be reasonably located on lands containing non-prime soils. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia*;
- (d) Lodges, incidental and dependent upon agriculture, or directly dependent upon a unique natural resource or feature as an attraction. The landowner shall agree to a modification of the Land Use contract affecting the parcel that provides for taxation of the affected portion of the parcel pursuant to the provisions of Section 423(a)(3) of the California Revenue and Taxation Code, *inter alia*; and
- (e) Airports and landing strips, private;
- (f) Wineries;
- (g) Bed and Breakfasts. (§ 3, Ord. 1244, eff. February 3, 2000); and
- (h) Single-Family Dwellings where located on two (2) or more Antiquated Subdivision parcels or lots (§ 17, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.405. Height regulations (A-P).

There shall be no height regulations in the AP Zone except where required for conditional uses and as set forth in Section 8-2.2605 and Article 34 of this Chapter. (§ 5.05, Ord. 488, § 4, Ord. 488.47, as amended by § 16, Ord. 652, eff. May 5, 1971, and § 3, Ord. 1244, eff. February 3, 2000, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.406. Parcel size and yard requirements (A-P).

- (a) New parcels shall be no less than 80 gross acres where the soils are capable of cultivation and are irrigated; 160 gross acres where the soils are capable of cultivation but are not irrigated; and 320 gross acres where the soils are not capable of cultivation including range land and lands which are not income producing. (as amended by §18, Ord. 1303, eff. July 24, 2003)
- (b) Front yard, ninety (90') feet as measured from the right-of-way center line of the abutting street;
- (c) Side yard, ten (10') feet from property line; and
- (d) Rear yard, fifty (50') feet from property line. (§ 5.06, Ord. 488, § 4, Ord. 488.47, as amended by § 2, Ord. 488.116, eff. November 4, 1970, § 1, Ord. 488.147, eff. March 15, 1973, § 1, Ord. 488.168, eff. February 11, 1976, § 1, Ord. 488.169, eff. May 20, 1976, § 5, Ord. 1157, eff. January 21, 1993, and § 3, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.407. Conditions for establishment of an Agricultural Preserve.

The establishment of an agricultural preserve shall be subject to the following requirements:

- (a) Applications for such agricultural preserve designation may be submitted by one or more property owners provided the parcels of such property are contiguous.
- (b) The minimum acreage requirement for the establishment of an agricultural preserve designation shall be 100 acres total.
- (c) If a proposed establishment of an Agricultural Preserve does not meet the minimum total acreage requirement of this section, the Agricultural Preserve shall only be established by its inclusion into an existing contiguous agricultural preserve that meets the minimum total acreage requirement of this Section. The boundary of any effected agricultural preserve shall be amended accordingly concurrent with the establishment of a Williamson Act Contract.
- (d) The Property shall either:
 - (1) Be predominately Class I, II, or III soil; or
 - (2) Satisfy the purposes of the zone in any one of the following ways:
 - (i) Tend to maintain the agricultural economy;
 - (ii) Tend to prevent the premature or unnecessary conversion from agriculture;
 - (iii) Tend to assist in the preservation of prime lands; or;
 - (iv) Preserve lands with public value as open space. (§ 5.07, Ord. 488, § 4, Ord. 488.47, as amended by § 1, Ord. 488.116, eff. November 4, 1970, § 6, Ord. 1157, eff. January 21, 1993, and § 3, Ord. 1244, eff. February 3, 2000, as amended by §19, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.407.5 Conditions for establishment of a Williamson Act Contract (A-P)

The minimum area of each parcel subject to a new Williamson Act Contract shall be no less than 40 gross acres where the soils are capable of cultivation and are irrigated; and 80 gross acres where the soils are capable of cultivation but are not irrigated, and where the soils are not capable of cultivation including range land and lands which are not income producing.

Sec. 8-2.408. Land use contracts (A-P)

- (a) This section shall apply to all lands subject to Williamson Act Contracts entered into under the provisions of the Land Conservation Act of 1965 (Williamson Act Section 51200 et. seq., California Government Code), and Yolo County ordinances and programs implementing the Williamson Act.
- (b) Notwithstanding any status as legal parcels under the Subdivision Map Act and County subdivision ordinances, if two (2) or more parcels are subject to a single Williamson Act Contract, a division of the Williamson Act Contract shall first be approved by the Zoning Administrator as authorized by 8-2.408(f) prior to any of the following:

- (1) Independent sale, transfer or conveyance of the parcel(s) from the other parcel(s) subject to the contract; or
 - (2) Independent leasing or financing for non-agricultural purposes of the parcel(s) from the other parcel(s) subject to the contract; or
 - (3) Independent leasing or financing with the effect of conveying ownership of the parcel(s) from the other parcel(s) subject to the contract.
- (c) A division of a Williamson Act contract as authorized by 8-2.408(b) of this article shall also be subject to the following:
- (1) The property owner(s) shall execute separate Williamson Act Successor Agreements for each separately situated parcel, and the agreement(s) shall be duly executed and recorded in the office of the County Recorder;
 - (2) The parcels must be legal parcels under the Subdivision Map Act (Government Code section 66400 et. seq.) and Chapter 1 of this Title;
 - (3) Each parcel proposed to be subject to a Williamson Act Successor Agreement, and each Williamson Act Successor Agreement, shall meet the following minimum size standards:
 - (i) At least the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter; or
 - (ii) If less than the minimum acreage sizes as specified in Subsection 8-2.406(a) of this chapter, at least a minimum of 40 acres for irrigated land, or at least a minimum of 80 acres for non-irrigated land, provided that the owner annually demonstrates that, except for a homesite no larger than a single acre, the remainder of the acreage is being used for the commercial production of agricultural products or is planted with immature fruit or nut trees, or vines, or is used partly for storage of commodities obtained from the owner's owned or leased land, which demonstration shall be made by filing a declaration or a Williamson Act questionnaire with the county Assessor not later than April 1 of each year;
 - (4) The Williamson Act Successor Agreement must be consistent with the General Plan, and such Agreement shall preserve agricultural uses from the encroachment of nonagricultural uses, maintain the agricultural economy, assist in the preservation of prime lands, and preserve lands with public value as open space; and
 - (5) Failure to file the declaration or questionnaire as required by 8-2.408(b)(3)(ii), by April 1, shall cause the property to be valued pursuant to Section 423(a)(3) of the Revenue and Taxation Code using as the stipulated income to be capitalized the product of the property's factored base year value and the capitalization rate applicable for valuing restricted open-space land. If the property owner fails to file the declaration or questionnaire for two consecutive years, the County shall consider giving notice of non-renewal of the Williamson Act contract. The above conditions shall be reflected in the applicable Williamson Act contract(s).
- (d) A division of a Williamson Act contract and approval of a Williamson Act Successor Agreement may be granted and established by the Zoning Administrator without meeting the minimum parcel size standards set forth in subsection (c), above, if all the following requirements are satisfied:

- (1) At the time of execution of the original Williamson Act contract, two or more parcels which were not then owned by the same owners were made subject to a single contract;
 - (2) Each landowner or successor in interest to the landowner at the time of execution of the original contract will hold, upon completion of the division, substantially the same parcel or parcels as he or his predecessor held at the time of execution of the original contract; and
 - (3) Each landowner or successor in interest executes a single Williamson Act successor agreement as to the parcel or combination of parcels he formerly held subject to the original contract.
- (e) Landowners may request to enter into Williamson Act contracts on a parcel or two or more parcels provided that the parcel or each of the parcels are or will be zoned Agricultural Preserve (A-P), and satisfy the minimum parcel size and agricultural preserve standards set forth in Section 8-2.406(a) and 8-2.407 of this Article;
 - (f) The Zoning Administrator or their designee may approve or deny a Williamson Act Successor Agreement, or a request to establish a Williamson Act contract, that satisfies the requirements and standards as set forth by this article; however, such approval or denial shall be subject to review on appeal to the Planning Commission and further appeal to the Board of Supervisors. Upon due consideration and review of any proposal, the Zoning Administrator may refer further consideration and action to the Planning Commission.
 - (g) Upon approval of a Williamson Act Successor Agreement, or a Williamson Act contract, the Zoning Administrator shall deliver the approved and executed agreement or contract to the Clerk of the Board of Supervisors for execution by the Chair of the Board, such agreement or contract being subject to appeal as provided for by Section 8-2.3301(b)(2) of this chapter. (§ 2, Ord. 488.147, eff. March 15, 1973, as amended by § 1, Ord. 488.183, eff. August 15, 1985, § 7, Ord. 1157, eff. January 21, 1993, §§ 2, 3, Ord. 1163, eff. November 4, 1993, § 3, Ord. 681.164, eff. September 5, 1996, § 3, Ord. 1244, eff. February 3, 2000, and as amended by §21, Ord. 1303, eff. July 24, 2003)
 - (h) Williamson Act contracts may be non-renewed, rescinded or cancelled only as provided in the Williamson Act (Government Code section 51200 et. seq.); Uses that are allowed, whether as permitted, accessory or conditional uses, in the A-P zone shall be restricted to those uses deemed compatible with contracted land under the Williamson Act. Compatible uses shall meet all applicable findings required in Section 51238 et. seq. of the Williamson Act. Any amendment to the lists of permitted accessory or conditional uses in the A-P zone shall be an amendment of the uses allowed under then existing and subsequently approved Williamson Act contracts without further notice. (as amended by §21, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.409. Farmland Security Zone (FSZ).

- (a) This section shall apply only to those lands subject to FSZ contracts entered into under the provisions of the Williamson Act (Section 51296 et seq. of the California Government Code), other applicable provisions of State law, and Yolo County ordinances and programs implementing the Williamson Act.
- (b) In addition to the requirements for an FSZ contract set forth in State law, the establishment of a Farmland Security Zone in Yolo County shall be subject to the following conditions:
 - (1) The minimum acreage requirement for a FSZ preserve shall be 100 acres.

(2) Only those lands located within three miles of a LAFCO-adopted city sphere of influence may qualify for placement within a FSZ contract.

- (c) Uses which are allowed, whether as permitted, accessory or conditional uses, in a FSZ contract shall be restricted to those uses which are deemed compatible with FSZ contracted land under State law. Any amendment to the lists of permitted accessory or conditional uses in a FSZ contract shall be an amendment of the uses allowed under then existing and subsequently approved FSZ contracts without further notice. Any list of compatible uses previously adopted by Yolo County shall have no force or effect after the effective date of the ordinance adding this subsection to the County Code.
- (d) Except as otherwise described in this section, all other provisions of this Article remain effective. (§ 7, Ord. 1250, eff. August 24, 2000)

Article 6. Agricultural General Zone (A-1)

Sec. 8-2.601. Purpose (A-1).

The purpose of the Agricultural General Zone (A-1) shall be to provide uses on lands best suited for agriculture. Uses authorized shall not include Agribusiness Development Park Areas. (§ 6.01B, Ord. 488, as renumbered to § 7.01B, Ord. 488, by § 2, Ord. 488.47, as amended by § 8, Ord. 1157, eff. January 21, 1993, and § 5, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.602. Principal uses (A-1).

The following principal uses shall be reviewed Over the Counter by the Planning and Public Works Department, and their authorization shall be subject to Site Plan Review and approval of facilities, infrastructure, health, and safety issues; and, issuance of any requisite Building Permit:

- (a) Agriculture, as defined in Section 8-2.208 of Article 2 of this Chapter, including agricultural buildings or structures. The uses set forth in this section shall not include dairies, stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter;
- (b) One single-family dwelling, except where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres; (as amended by §22, Ord. 1303, eff. July 24, 2003)
- (c) Parks, publicly owned; and,
- (d) Rural recreation, with no permanent buildings. (§ 6.02, Ord. 488, as renumbered to § 7.02, Ord. 488, by § 2, Ord. 488.47, as amended by § 3, Ord. 681.66, eff. January 8, 1981, § 3, Ord. 681.91, eff. August 26, 1982, § 5, Ord. 1244, eff. February 3, 2000, and § 5, Ord. 1250, eff. August 24, 2000)
- (e) Subject to Section 8-2.2703.5 of this chapter, one single-family dwelling where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres. (§23, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.603. Accessory uses (A-1).

In addition to the accessory structures allowed pursuant to Article 34 of this Chapter, the following accessory uses shall be allowed subject to issuance of any requisite Building Permit, Site Plan Review, and approval by the Planning Division of setbacks, facilities, infrastructure, and health and safety issues (§2, Ord. 1377, eff. August 28, 2008):

- (a) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (b) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (c) Home occupations;
- (d) One ancillary dwelling, except where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres; (as amended by §24, Ord. 1303, eff. July 24, 2003)
- (e) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (f) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (g) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (h) Repealed (§2, Ord. 1377, eff. August 28, 2008);
- (i) Accessory uses that enhance the primary use of agricultural lands or the agricultural industry, or any necessary equipment or facilities for the support or maintenance of the principal operation. For the purposes of this section, "accessory use" shall include temporary or permanent supply, service, or preparation areas for on-site purposes.
- (j) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, provided that such reservoir or retention facilities is found to have a potential either to provide flood control, fire suppression, water supply, wildlife habitat improvement, or groundwater recharge or enhancement benefits. (§ 6.03, Ord. 488, as renumbered to § 7.03, Ord. 488, by § 2, Ord. 488.47, as amended by § 4, Ord. 652, eff. May 5, 1971, § 3, Ord. 488.122, eff. October 13, 1971, § 6, Ord. 488.182, eff. June 6, 1985, § 6, Ord. 1010, eff. August 8, 1985, §§ 20 and 24, Ord. 488.188, eff. January 2, 1986, § 3, Ord. 1158, eff. March 4, 1993, and § 5, Ord. 1244, eff. February 3, 2000)
- (k) Subject to Section 8-2.2703.5 of this chapter, ancillary dwelling where located on an Antiquated Subdivision parcel or lot of less than twenty (20) acres. (§25, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.604. Conditional uses (A-1). Minor Use Permit.

Upon review and approval, or conditional approval by the Zoning Administrator, the following conditional uses may be authorized by Minor Use Permit:

- (a) Agricultural chemicals, sales, and storage;
- (b) Agricultural processing plants;
- (c) Agricultural products storing plants and yards;

- (d) Animal feed and sales yards;
- (e) Animal hospitals, veterinary offices, and kennels;
- (f) Dairies;
- (g) Cemeteries, crematories, mausoleums, and columbariums;
- (i) Electrical distribution stations, transmission substations, communication equipment buildings, and public utility service yards;
- (l) Fertilizer plants and yards;
- (j) Forest products manufacturing and processing plants;
- (k) Hog farms;
- (l) Agricultural labor camps consistent with State law (amended by §2, Ord. 1377, eff. August 28, 2008);
- (m) "Yolo Stores," or "Grower's Cooperatives";
- (n) Agricultural research;
- (o) Commercial aquaculture or any related use involving aquaculture ponds, tanks, or similar facilities and equipment;
- (p) Commercial stables;
- (q) Oil and gas well drilling and operations;
- (r) Foster home nursery schools, and day care centers;
- (s) (Repealed by §26, Ord. 1303, eff. July 24, 2003)
- (t) Co-generation facilities;
- (u) Officially designated County Historic Resources used for educational and tourist purposes, including, but not limited to, archaeological sites, museums, bed and breakfasts, restaurants, restaurants with bars, wedding chapels, or reception establishments and schools as authorized by Section 82.2402(h) of this Chapter;
- (v) Rural recreation with permanent buildings; (w) Bed and breakfast; and,
- (x) Lodges, with restaurant, or restaurant with bar, incidental and dependent upon agriculture; and/or directly dependent upon a unique natural resource or feature as an attraction.
- (y) Repealed. (§ 6.04, Ord. 488, as renumbered to § 7.04, Ord. 488, by § 2, Ord. 488.47, as amended by § 5, Ord. 652, eff. May 5, 1971, § 1, Ord. 488.121, and § 6, Ord. 488.122, eff. October 13, 1971, § 3, Ord. 488.144, eff. January 26, 1973, § 4, Ord. 488.167, eff. September 4, 1974, § 2, Ord. 488.170, eff. February 22, 1979, § 4, Ord. 681.66, eff. January 8, 1981, § 3, Ord. 681.99, eff. March 17, 1983, § 3, Urgency Ord. 488.172, eff. July 24, 1984,

§ 4, Ord. 488.180, eff. April 18, 1985, § 2, Ord. 488.181, eff. May 9, 1985, § 7, Ord. 488.182, eff. June 6, 1985, § 7, Ord. 1010, eff. August 8, 1985, § 7, Ord. 488.188, eff. January 2, 1986; §§ 1, 2, Ord. 681.133, eff. November 17, 1988, § 1, Ord. 681.138, August 17, 1989, § 4, Ord. 488.204, eff. June 21, 1990, § 7, Ord. 1158, eff. March 4, 1993, § 2, Ord. 681.160A, eff. August 31, 1995, §§ 4, 5, Ord. 681.164, eff. September 5, 1996, §6, Ord. 1212, eff. October 23, 1997, § 5, Ord. 1234, eff. May 6, 1999, § 5, Ord. 1244, eff. February 3, 2000, and § 6, Ord. 1250, eff. August 24, 2000; Repealed by §27; Ord. 1303, eff. July 24, 2003)

- (z) The keeping, care or sheltering of any animal, the keeping of which requires a permit from the Department of Fish and Game pursuant to the Fish and Game Code, with the exception of ocelots, jungle cats, and wolves, which are prohibited. (§3, Ord. 1365, eff. December 6, 2007)

Sec. 8-2.604.5. Conditional uses (A-1). Major Use Permit.

Upon review and approval, or conditional approval, by the Planning Commission, the following conditional uses shall be authorized by Major Use Permit:

- (a) Commercial and industrial uses of primary and essential service to the agricultural use of the area, including, but not limited to, almond hulling; fruit, grain, and bean storage and drying; the sale of fertilizers and insecticides; the sale and repair of farm equipment and machinery, such as tractors and cultivators; and the limited manufacture of such equipment and machinery;
- (b) Airports and landing strips, private;
- (c) Building and structures, public and quasi-public, and uses of an administrative, educational, religious, cultural, or public service type; provided, however, that in addition to the findings required for the use permit specified by Section 8-2.2804(a) through (e); approval of the use shall be subject to the following:
 - (1) That the site shall have previously been utilized by non-farm production uses;
 - (2) That the proposed use requires or will benefit from an agricultural setting; and
 - (3) That a condition of the use permit shall be the recordation of a "right to farm easement" with regard to the site, approved by the County as to form and content.
- (d) Forest products manufacturing and processing plants;
- (e) Commercial surface mining operations, after the approval of a Special Sand and Gravel Combining Zone (SG) pursuant to Article 23.1 of this Chapter. Surface mining operations may be allowed only when located within the Off-Channel Mining Plan area and/or when necessary for agriculture. Such use may include processing plants, batch plants, offices, equipment storage yards, and other facilities appurtenant to the surface mining operations;
- (f) Auction yards, flea markets, and similar outdoor sales areas enclosed by an approved screen fence; and
- (g) Wineries. (§ 5, Ord. 1244, eff. February 3, 2000)
- (h) Single-Family Dwellings where located on two(2) or more Antiquated Subdivision parcels or lots (§ 28, Ord. 1303, eff. July 24, 2003)

Sec. 8-2.605. Height regulations (A-1).

There shall be no height regulations in the A1 Zone except where required for conditional uses and as set forth in Section 8-2.2605 and Article 35 of this Chapter. (§ 6.05, Ord. 488, as renumbered to § 7.05, Ord. 488, by § 2, Ord. 488.47, as amended by § 18, Ord. 652, eff. May 5, 1971, as amended by §2, Ord. 1377, eff. August 28, 2008)

Sec. 8-2.606. Lot and yard requirements (A-1).

The following minimum lot and yard requirements shall be observed in the A-1 Zone:

- (a) Lot area, twenty (20) acres;
- (b) Lot width, one-hundred (100) feet;
- (c) Front yards, ninety (90') feet as measured from the right-of-way center line of the abutting street;
- (d) Side yards, ten (10') feet from property line; and
- (e) Rear yards, fifty (50') feet from property line. (§ 6.06, Ord. 488, as renumbered to § 7.06. Ord. 488, by § 2, Ord. 488.47, as amended by § 3, Ord. 488.168, eff. February 11, 1976, and § 5, Ord. 1244, eff. February 3, 2000)

Sec. 8-2.607. Other required conditions (A-1).

The following additional conditions shall be required in the A-1 Zone:

- (a) Any building or enclosure in which animals or fowl, except domestic pets, are contained shall be distant at least 300 feet from any lot in an R or C Zone or from any school or institution for human care. (§ 6.07, Ord. 488, as renumbered to § 7.07, Ord. 488, by § 2, Ord. 488.47)

Sec. 8-2.608. Zone change application fees (A-1).

On and after January 1, 1965, the zone change application fee, as set forth in Section 82.3003 of Article 30 of this chapter, shall apply for any requested change from the A-1 Zone to the Agricultural Exclusive Zone (A-E). (§ 6.01A, Ord. 488, as renumbered to § 7.01A, Ord. 488, by § 2, Ord. 488.47)

