



# County of Yolo

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DIRECTOR

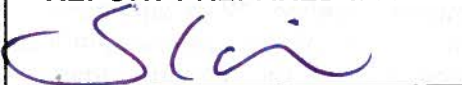

## PLANNING AND PUBLIC WORKS DEPARTMENT

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### WORKSHOP ONLY

### PLANNING COMMISSION STAFF REPORT

MARCH 10, 2010

<b>FILE #2010-005:</b> Workshop to consider the update of the zoning regulations for the agricultural zones (Article 3 of Chapter 2, Title 8 of the Yolo County Code).	
<b>APPLICANT:</b> Yolo County	
<b>LOCATION:</b> Agricultural parcels in the unincorporated area of Yolo County <b>GENERAL PLAN:</b> Agriculture (AG) <b>ZONING:</b> Agricultural zoning districts (A-P, A-1, AGI)	<b>SUPERVISOR:</b> all districts <b>FLOOD ZONE:</b> various <b>SOILS:</b> various <b>FIRE ZONE:</b> various
<b>ENVIRONMENTAL DETERMINATION:</b> To be determined	
<b>REPORT PREPARED BY:</b>  Stephanie Cormier, Senior Planner	<b>REVIEWED BY:</b>  David Morrison, Assistant Director

### RECOMMENDED ACTION

That the Planning Commission:

1. Hold a public workshop hearing, consider public comments, and give further direction to staff regarding the proposed update of the zoning regulations for the agricultural zones in the Yolo County Code (Attachment A); and
2. Return the item to the Planning Commission at a future hearing for a recommendation on the revised zoning regulations for the agricultural zones.

### REASONS FOR RECOMMENDED ACTION

The updated 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. The existing regulations dealing with agricultural zoning must be rewritten to incorporate specific policies and implementation actions in the new General Plan.

AGENDA ITEM 6.4

## **BACKGROUND**

The Planning Commission considered a previous draft of the proposed agricultural zones at a workshop on December 14, 2011, where staff accepted comments and recommendations. The following is a summary of staff directives based on Planning Commission recommendations:

- Clarify definitions related to similar agricultural uses; provide consistency between definitions and uses
- Provide for rural lodging, i.e., farmstays
- Change the wording on the definition of "wetlands"
- Clarify the term "contracted lands," i.e., lands under Williamson Act contract
- Place limits on animal facilities in terms of numbers; provide further definition and criteria for determining Use Permit requirements
- Separate agricultural commercial activities, such as tastings, from agricultural industrial operations, such as wineries and other ag processing establishments, as a way to encourage tourism
- Make explicit allowances for 4-H and FFA groups
- Prevent the tables from being loaded down with narrative; clarify with footnotes
- Clarify the proposed AGC (Agricultural Commercial) Zone; what are its parameters? Does a property have to be rezoned to accommodate a commercial or industrial use?
- Define AGC in terms of size – what is an acceptable maximum parcel size?
- Identify specific criteria for rural restaurant establishments permitted as agricultural uses in the AGC Zone

Following the last Planning Commission workshop, minor edits have been made to the draft and circulated to the citizens' advisory committees for their review and comments. The draft was also reviewed at the January 27, 2011, Development Review Committee meeting. Staff continues to revise the "working" draft update in response to the December workshop recommendations, and has incorporated changes, as applicable, based on comments received by the various advisory committees. Staff expects a final ordinance for action at the April or May, 2011, Planning Commission meeting.

## **STAFF ANALYSIS**

The most notable change to the draft agricultural zoning update is format. Most reviewers thought the original draft document was too cumbersome and hard to read; and yet, reviewers requested more information for clarification. Initially, staff had hoped to create a user-friendly document with the use of tables, and added a related definitions section to provide clarification. Without eliminating substantive portions of text, the most recent working draft places the "Zoning Districts" at the beginning of the document, followed by the "Use Type" section, followed by individual tables that identify allowed and permitted uses for each Use Type. To minimize redundancy, some of the previous Use Types have been combined. Separating each Use Type category with a related Table still seems to overwhelm some reviewers, but staff believes the new format is more user-friendly. The definitions section has been placed at the end of the document for reference.

Some advisory committee members feel the updated zoning regulations place more severe restrictions on agricultural uses. However, the more significant comments made by citizens advisory committee members have been with respect to minimum parcel size in the new A-N (Agricultural Intensive) Zone, and a request to clarify the new AGC (Agricultural Commercial) Zone. Only one committee has submitted written comments to date. The Esparto Citizens Advisory Committee comments are attached (Attachment B). A brief summary of advisory committee comments include:

- Concern regarding the possibility of property being assessed differently if rezoned to a new agricultural zone

- Creating minimum parcel sizes reflective of organic farming and other specialty farming operations
- Inconsistencies between the allowed and permitted uses in the AG-R (Agricultural Residential) Zone
- No discernable difference between the A-N (Agricultural Intensive) and A-X (Agricultural Extensive) Zones
- Requiring a Use Permit does not solve the issue of removing productive agricultural land
- Inconsistencies between allowing some agricultural processing/industrial facilities by-right and requiring permits for others
- Placing higher restrictions on animal facilities and animal keeping uses
- Not allowing rural recreational uses on prime farmland
- Clarifying the term “newly created parcel” and what minimum parcel size actually means with respect to the division of ag land
- Consider specialty farming operations, such as organic farming, when setting minimum parcel sizes
- A need to clarify the residential uses with respect to minimum parcel size

Staff will continue to work on addressing the above issues, as necessary. The purpose of this workshop is to update the Planning Commission with progress on the agricultural zoning update, seek further direction, and to address some of the more significant issues, such as minimum parcel size requirements.

As a point of discussion, staff is recommending that the Planning Commission discuss the proposal for allowing a 40-acre minimum parcel size in the A-N (Agricultural Intensive) Zone. Currently, staff is proposing to allow the creation of 40-acre parcels if the property is planted in permanent crops. However, implementation of the concept may have different results, such as, dividing the property down to 40 acres prior to obtaining financing for planting an orchard or vineyard. The County would need some assurance that the permanent crop would be planted and retained. Also, subdivisions could be in conflict with the overall intention of supporting agriculture, and could set precedence for creating additional home sites.

### **OTHER AGENCY INVOLVEMENT**

As indicated above, revision of the zoning regulations for the agricultural zones has been circulated for review by the citizens’ advisory committees. Some of the committees provided no comments (Knights Landing and Madison); some requested that an updated draft return for further review (Clarksburg and Capay Valley); and others provided more specific comments and concerns (Esparto, Yolo-Zamora, Clarksburg and Capay Valley) as described above. The Office of the County Counsel is currently reviewing the latest draft version of the update to the agricultural zoning regulations.

### **ATTACHMENTS**

- A: Updated Draft Zoning Regulations for the Agricultural Zones (Article 3 of Chapter 2, Title 8 of the County Code)
- B: Comments submitted by the Esparto Citizens Advisory Committee



**Title 8 LAND DEVELOPMENT  
YOLO COUNTY CODE**

**CHAPTER 2: ZONING REGULATIONS**

**Article 3: Agricultural Zones**

**Sec. 8-2.301. Purpose**

The purpose of the Agricultural Zones shall be to provide for land uses that support and enhance agriculture as the predominant land use in the unincorporated area of the County. Such uses shall be compatible with agriculture, and may include uses that support open space, natural resource management, outdoor recreation, and enjoyment of scenic beauty.

**Sec. 8-2.302. Agricultural Zones**

Agricultural land is separated into five zoning districts, with specific Use Types, minimum lot area, and other requirements, as described below.

**(a) Agricultural Intensive (A-N) Zone**

The Agricultural Intensive (A-N) Zone is applied to preserve lands best suited for intensive agricultural uses typically dependent on higher quality soils, water availability, and relatively flat topography. The purpose of the zone is to promote those uses, while preventing the encroachment of nonagricultural uses. Uses in the A-N Zone are primarily limited to intensive agricultural production and other activities compatible with agricultural uses. This includes allowing agriculturally-related support uses, excluding incompatible uses, and protecting the viability of the family farm. Minimum lot size for newly created parcels<sup>1</sup> in the A-N Zone is 40 acres for irrigated parcels primarily planted in permanent crops, such as orchards or vineyards; 80 acres for irrigated parcels that are cultivated; 160 acres for parcels that are generally uncultivated and/or not irrigated.

**(b) Agricultural Extensive (A-X) Zone**

The Agricultural Extensive (A-X) Zone is applied to protect and preserve lands that are typically less dependent on high soil quality and available water for irrigation. Such lands require considerably larger parcel sizes to allow extensive agricultural activities such as livestock and ranching operations, and dry land farming. These lands may also be used for open space functions that are often connected with foothill and wetlands locations, such as grazing and pasture land, and wildlife habitat and recreational areas. Minimum lot size for newly created parcels in the A-X Zone is 160 acres for dry land farming and 320 acres for rangeland.

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<sup>1</sup> Minimum parcel size requirements apply to the creation of new parcels, and do not affect the status of any previously existing legal parcel regardless of acreage.

### **(c) Agricultural Commercial (AGC) Zone**

The Agricultural Commercial (AGC) Zone is applied to existing and planned commercial uses in the agricultural areas. The Agricultural Commercial Use Types set forth in Section 8-2.303(c) and Table 8-2.1(c) do not require rezoning to the AGC Zone. The Agricultural Commercial Zone is to be applied only when the primary use of the property is for commercial activities directly related to agriculture. The commercial activities must be incidental to the primary agricultural use of the greater area. Maximum parcel size in the AGC Zone shall be determined by the existing or proposed use, and shall have a minimum parcel size of five (5) acres.

### **(d) Agricultural Industrial (AGI) Zone**

The Agricultural Industrial (AGI) Zone is applied to land in the rural areas for more intensive processing and industrial-type uses, which are directly related to the local agricultural industry. Minimum parcel size in the AGI Zone shall be adequate enough to support the use, normally a minimum of five (5) acres.

### **(e) Agricultural Residential (AG-R) Zone**

The Agricultural Residential (AG-R) Zone shall be applied only to those lots created through a subdivision approved under the Clustered Agricultural Housing Ordinance. Minimum parcel size in the AG-R Zone shall be as approved. Maximum parcel size shall be 4 acres.

### **(f) Overlay Zones**

In addition to the five zones identified above, there are \_\_\_ overlay zones that may be combined with the underlying agricultural zone districts. The overlay districts are described in Article 4 (Special Agricultural Regulations) and Article 8 (Overlay Combining Districts).

## **Sec. 8-2.303. Agricultural Use Types Defined**

As required by Sec. 8-2.225 in Article 2 of this Chapter, a Use Classification System has been employed to identify agricultural Use Types. The most prevalent Use Types identified for each agricultural zone district are "principal" uses allowed by right, as well as "accessory" or "ancillary" uses, and conditional uses permitted through the issuance of a Use Permit. The agricultural Use Types include the full range of cultivated agriculture, such as the on-site production of plant and animal products by agricultural methods, as well as agricultural commercial uses, agricultural industrial uses, and agricultural residential uses, serving the rural areas. The descriptions of the Use Types in this chapter also contain individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type.

### **(a) Agricultural Production, Processing, and Accessory Uses**

This Use Type includes a wide range of agricultural land uses and operations to be used for the production of food and fiber. Typical production uses do not require the application of any development or performance standards. This Use Type also includes

processing or packaging of harvested crops grown or produced primarily on the premises or in the local area, whether or not value is added, for the onsite preparation of market or for further processing and packaging elsewhere. These uses do not include rendering, tanning, or reduction of meat. Accessory agricultural uses that are incidental or subordinate to the principal agricultural use of the property include buildings or structures for the purposes of supply of goods, materials, or services that support agricultural uses. Accessory structures are defined and regulated, by zone district, in Article 12 of this Chapter.

The following Table 8-2.1(a) identifies some specific Agricultural Production, Processing, and Accessory Use Type examples, that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.1(a): Allowed Land Uses and Permit Requirements for Agricultural Production, Processing, and Accessory Uses**

<b>A = Allowed use, subject to zoning clearance***</b> <b>SP = Site Plan Review</b> <b>UP (m) = Minor Use Permit required</b> <b>UP (M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	

**AGRICULTURAL PRODUCTION, PROCESSING, AND ACCESSORY USES**

	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	
<b>Production</b>						
Crop production, orchards and vineyards	A	A	A	A	A	
Keeping farm animals, including pasturing and livestock grazing	A	A	A	A	A	Sec. 8-2.2411
Apiaries and aviaries	A	A	A	A	A	
Horse breeding	A	A	A	A	A	
Dry land farming	A	A	A	A	A	
<b>Processing<sup>1</sup></b>						Sec. 8-2.305(a)
Alfalfa cubing, hay baling and cubing	A	A	A	A	SP	
Custom canning, freezing, or preserving fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading and packing of fruits and vegetables	A	A	A	A	SP	
Corn shelling; drying of corn, rice, hay, fruits and vegetables	A	A	A	A	SP	
Grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain	A	A	A	A	SP	
Hay sales and distribution	SP	SP	SP	A	N	
Tree nut hulling and shelling	A	A	A	A	N	
Forestry	A	A	N	A	N	
<b>Accessory</b>						Sec. 8-2.305(a)
Barns and storage sheds	A	A	A	A	A	8-2.3404
Coolers and cold storage houses, dehydrators, grain elevators, hullers, silos	A	A	A	A	N	8-2.3404

	A-N	A-X	AGC	AGI	AG-R	
Farm offices	A	A	A	A	A	8-2.3404
Greenhouses, commercial, up to 100,000 sq. ft.	A	A	A	A	N	8-2.3404
Greenhouses, commercial, over 100,000 sq. ft.	SP	SP	SP	A	N	Lighting may not impact adjoining parcels or public right-of-way
Gardening sheds, residential greenhouses	A	A	A	A	A	8-2.3404
Other accessory structures	A	A	A	A	A	8-2.3404
Privately-owned reservoirs or water retention basins, with associated on-site water transmission facilities <sup>2</sup>	A	A	A	A	A	Not for commercial use

\*\*\*An allowed use does not require a land use permit, but is still subject to requirements and permits designated by other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) Regionally serving agricultural operations, including processing facilities, may require Site Plan Review or a Use Permit, at the Planning Director's discretion.
- (2) Privately-owned reservoirs and/or water retention basins, with associated on-site water transmission facilities, are allowed as accessory uses in the Agricultural Zones, 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.

### (b) Animal Facilities Uses

This Use Type includes a wide array of activities associated with the keeping of animals that typically require the application of development or performance standards, subject to a non-discretionary or discretionary permit.

The following Table 8-2.1(b) identifies some specific Animal Facilities Use Type examples, that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.1(b): Allowed Land Uses and Permit Requirements for Animal Facilities**

<b>A = Allowed use, subject to zoning clearance***</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	A-N	A-X	AGC	AGI	AG-R	

### ANIMAL FACILITIES USES<sup>1</sup>

	A-N	A-X	AGC	AGI	AG-R	
Animal feedlots and dairies, up to 1,000 head of cattle	UP(m)	UP(m)	N	SP	N	
Animal feedlots and dairies, greater than 1,000 head of cattle	UP(M)	UP(M)	N	UP(m)	N	
Stockyards	UP(m)	UP(m)	N	SP	N	
Goat dairies	UP(m)	UP(m)	N	SP	N	
Fowl and poultry ranches, greater than 100 animal units	UP(m)	UP(m)	N	SP	N	



Hog farms or ranches, i.e., 9 or more hogs raised for commercial purposes (not for onsite consumption)	UP(m)	UP(m)	N	SP	N	
Small-animal specialties such as rabbit farms or other fur-bearing animals, greater than 25 animal units	SP	SP	N	SP	N	
Aquaculture	UP(m)	UP(m)	N	SP	N	
Animal hospitals & veterinary medical facilities	UP(m)	UP(m)	UP(m)	SP	N	Not allowed on Williamson Act land
Household pets & rescue, less than 10 dogs or other small domesticated animal <sup>2</sup>	A	A	A	A	A	Use Permit required for keeping 10 or more pets
Kennels & animal shelters, 5 or more dogs or other small domesticated animal	UP(m)	UP(m)	UP(M)	SP	UP(M)	Kennels prohibited on Williamson Act land
Private stables <sup>3</sup> , 15 or less boarded horses	A	A	SP	SP	UP(m)	

\*\*\*An allowed use does not require a land use permit, but is still subject to requirements and permits designated by other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) Does not apply to general raising of animals, FFA, 4H, or other student project.
- (2) The keeping, care or sheltering of animals, which requires a permit from the Department of Fish and Game pursuant to the Fish and Game Code, shall require a Minor Use Permit.
- (3) Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official. Agriculturally exempt structures shall not be used by the public.

**(c) Agricultural Commercial and Rural Recreation Uses**

This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy, such as wineries, commercial horse stables, "Yolo Stores," and farm-based tourism (i.e., working farms or ranches), which educate or entertain visitors, guests or clients, and generate income for the owner/operator. This includes using the land for special events, festivals, lodging, horseshows, crop-based seasonal events, ancillary restaurants, educational experiences, agricultural technical tours, garden/nursery tours, historical agricultural exhibits, ranch/farm tours, and winery/vineyard tours. These Use Type examples do not require a rezone to the Agricultural Commercial Zone. This Use Type also includes commercial or non-commercial operations related to outdoor sporting or leisure activities that require large open space areas which do not have any detrimental impact on adjacent agricultural lands.

The following Table 8-2.1(c) identifies some specific Agricultural Commercial and Rural Recreation Use Type examples, that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.1(c): Allowed Land Uses and Permit Requirements for Agricultural Commercial and Rural Recreational Uses**

<b>A = Allowed use, subject to zoning clearance***</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	A-N	A-X	AGC	AGI	AG-R	

**AGRICULTURAL COMMERCIAL AND RURAL RECREATIONAL USES**

	A-N	A-X	AGC	AGI	AG-R	
<b>Commercial</b>						
Farm equipment sales	N	N	SP	SP	N	
Farm equipment repair; light manufacturing	SP	SP	SP	A	UP(M)	
Christmas trees and pumpkin patches; corn maze	SP	SP	SP	SP	N	
Nurseries, landscaping materials <sup>2</sup>	UP(m)	UP(m)	SP	SP	N	
Roadside stands, produce stands	SP	SP	A	SP	SP	Sec. 8-2.3404(b)(1)
Yolo Stores <sup>2</sup>	UP(m)	UP(m)	SP	SP	N	Majority of goods for sale must be grown and/or manufactured in Yolo County
Wineries and olive oil operations, including tastings & sales <sup>2</sup>	UP(m)	UP(m)	SP	SP	N	Operation is over 15,000 sq ft and production over 21,000 cases per year
Boutique wineries and custom olive mills with tastings & sales	SP	SP	SP	A	UP(m)	Less than 15,000 sq ft and 21,000 cases per year
Special events facility or tasting room <sup>1,2</sup> (i.e., weddings, tastings, seasonal festivals)	UP(m)	UP(m)	SP	SP	UP(M)	Site Plan Review in A-N and A-X zones if less than 12 events per year, at the Director's discretion
Special events, without facilities (i.e., no public use of permanent structures)	SP	SP	SP	SP	UP(m)	Sec. 8-2.305(b)
Commercial stables <sup>1,2</sup> , 16 or more boarded horses and/or more than 6 events per year	UP(m)	UP(m)	SP	SP	N	Site Plan Review if less than 4 events per year and less than 20 boarded horses, at the Director's discretion
Private stable with up to six events per year <sup>1</sup>	SP	SP	SP	SP	N	
Petting zoos	UP(M)	UP(m)	SP	SP	N	
Bed & Breakfast, up to 10 rooms	SP	SP	SP	N	UP(m)	
Agricultural homestays, up to 6 rooms	SP	SP	SP	SP	N	
Hotels & motels	N	N	N	N	N	
Lodges	UP(m)	UP(m)	SP	SP	N	
Rural restaurants, ancillary to a agricultural commercial facility (restaurants not ancillary to the primary use of the property are not allowed)	UP(M)	UP(M)	SP	SP	N	Must be appurtenant to the primary agricultural use of the area

	A-N	A-X	AGC	AGI	AG-R	
Gas & service stations	N	N	N	N	N	
Junk yards	N	N	N	N	N	
Adult entertainment	N	N	N	N	N	
Medical marijuana dispensaries	N	N	N	N	N	
<b>Rural Recreational</b>						Sec. 8-2.305(c)
Camping, with permanent facilities	UP(M)	UP(m)	UP(m)	N	N	
Camping, without permanent facilities	UP(m)	SP	N	SP	N	
Recreational vehicle parks	N	N	N	N	N	
Parks	N	N	N	N	N	Must be zoned PR
Golf courses and country clubs	N	N	N	N	N	Must be zoned PR
Fisheries and game preserves with permanent structures; hunting, gun and fishing clubs	UP(M)	UP(m)	N	SP	N	
Off-road vehicle courses	N	UP(M)	N	UP(M)	N	
Pools, ponds, or lakes used for commercial swimming or boating purposes	UP(M)	UP(m)	UP(M)	UP(M)	N	
Health resorts, spas, retreat centers	UP(M)	UP(m)	UP(m)	N	N	Need must benefit from locating in a quiet, sparsely-populated, natural environment
Sport shooting facilities, including archery	UP(M)	UP(m)	N	SP	N	

\*\*\*An allowed use does not require a land use permit, but is still subject to requirements and permits designated by other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official. Agriculturally exempt structures shall not be used by the public.
- (2) Williamson Act land in the A-N and A-X Zones may require a Major Use Permit for commercial uses directly related to agri-tourism, subject to the terms of each individual land use agreement. Such uses shall be appurtenant to and incidental to agriculture, or directly dependent upon a unique natural resource or feature.

#### (d) Agricultural Industrial, Resource Extraction, and Utilities Uses

This Use Type includes industrial or scientific uses subordinate to, and in support of agriculture, which may include product processing plants that provide regional serving opportunities, and agriculturally based laboratories or facilities for the production or research of food, fiber, animal husbandry or medicine, and may include administrative office space in support of the operation. Uses related to the agricultural industry may require more intensive methods such as warehousing, transportation facilities, crop dusting, agricultural chemical and equipment sales, and other agricultural related industries, which present more noise, odor, and traffic than general agricultural practices. Such uses may be applied to lands not suitable for intensive agriculture due to soil quality, topography, or water availability. This Use Type also includes mineral extraction, wind and solar power, gas and oil wells, electrical utilities and yards, and wireless communication towers.

The following Table 8-2.1(f) identifies some specific Agricultural Industrial and Research Use Type examples that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.1(d): Allowed Land Uses and Permit Requirements for Agricultural Industrial, Resource Extraction, and Utilities**

<b>A = Allowed use, subject to zoning clearance***</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	A-N	A-X	AGC	AGI	AG-R	

**AGRICULTURAL INDUSTRIAL, RESOURCE EXTRACTION, AND UTILITIES USES**

	A-N	A-X	AGC	AGI	AG-R	
<b>Industrial</b>						
Alcohol fuel production; biomass fuel manufacture	UP(m)	UP(m)	N	SP	N	
Agricultural chemical sales & storage; fertilizer works	UP(m)	UP(m)	UP(M)	SP	N	
Agricultural & seed research facilities	UP(m)	UP(m)	N	SP	N	
Agricultural warehousing	UP(m)	UP(m)	N	SP	N	
Canneries, industrial	UP(m)	UP(m)	N	SP	N	
Regional hulling; rice mills; other regional processing facilities	UP(m)	UP(m)	N	SP	N	
Commercial composting, green waste facility	UP(M)	UP(M)	N	UP(m)	N	
Construction yards	N	N	N	N	N	
Crop dusting	UP(m)	UP(m)	N	SP	N	
Airports and heliports, private	UP(m)	UP(m)	UP(M)	SP	N	
Airports and heliports, public	UP(M)	UP(M)	N	UP(m)	N	
Explosive handling	N	N	N	UP(m)	N	
Sewage treatment plant & disposal area	N	N	N	UP(m)	N	
Slaughterhouses	UP(M)	UP(M)	N	UP(m)	N	
<b>Resource Extraction</b>						
Surface mining <sup>1</sup>	UP(M)	UP(M)	N	SP	N	
Oil and gas well drilling operations	SP	SP	N	UP(m)	N	Sec. 8-2.305(d)
<b>Utilities</b>						
Electrical distribution and transmission substations; communication equipment buildings; public utility service yards	UP(m)	UP(m)	N	SP	N	
Large commercial power generation facilities, including solar and wind energy	UP(M)	UP(M)	N	UP(M)	N	Sec. 8-2.2418 and 8-2. 2420
Medium-sized solar facility, where 2.5 acres or more of habitat/farmland are disturbed	UP(m)	UP(m)	N	UP(m)	N	Sec. 8-2.2420
Medium-sized solar facility, where less than 2.5 acres of habitat/farmland are disturbed	SP	SP	N	SP	N	Sec. 8-2.2420
Small wind energy system for onsite use	SP	SP	SP	SP	SP	Sec. 8-2.2418
Private solar energy system, onsite use only	A	A	A	A	A	Sec. 8-2.3404 and 8-2.2420
Co-generation facilities	UP(m)	UP(m)	UP(M)	SP	N	Must be located so as to preserve land in agricultural production
Water pumping or other conversion of wind or solar energy to mechanical or thermal power used on-site	A	A	A	A	A	

	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	
Wireless communication facilities	UP(M)	UP(M)	UP(M)	UP(M)	N	Sec. 8-2.305(e)

\*\*\*An allowed use does not require a land use permit, but is still subject to requirements and permits designated by other Yolo County divisions such as Building, Environmental Health, and Public Works.

- (1) Surface mining operations require approval of a Special Sand and Gravel Combining Zone 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.

**(e) Residential and Other Uses**

The following Table 8-2.1(e) identifies some specific Residential Use Type examples that are allowed by right, by non-discretionary Site Plan Review, by conditional Use Permit, or uses that are not allowed, in each of the agricultural zones.

**Table 8-2.1(e): Allowed Land Uses and Permit Requirements for Residential and Other Uses**

<b>A = Allowed use, subject to zoning clearance***</b> <b>SP = Site Plan Review</b> <b>UP(m) = Minor Use Permit required</b> <b>UP(M) = Major Use Permit required</b> <b>N = Use Not Allowed</b>	<b>Land Use Permit Required by Zone</b>					<b>Specific Use Requirements or Performance Standards</b>
	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	

**RESIDENTIAL and OTHER USES**

	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	
Primary dwelling	A	A	N	N	A	Use Permit required in A-N and A-X zones if under 20 acres Sec. 8-2.304
Ancillary (second) dwelling <sup>1</sup>	SP	SP	N	N	UP(m)	Limited to 2,000 square feet of living space Sec. 8-2.304, Sec. 8-2.404 and 8-2.3404
Caretaker residence <sup>2</sup>	SP	SP	UP(m)	UP(m)	UP(m)	Use Permit in A-N and A-X zones if 2 homes already exist. Sec. 8-2.304 and 8-2.3404
Farm worker housing, up to 20 housing units or accommodations for up to 20 employees	UP(m)	UP(m)	N	UP(m)	UP(m)	Must be consistent with State law
Residential care home, large	UP(M)	UP(m)	N	N	UP(m)	Not allowed on Williamson Act land. Must benefit from the agricultural use of the area
Residential care home, small, up to 6 beds	A	A	N	N	A	
Day care center	N	N	N	N	N	
Large family day care, 7-14 children	N	N	N	N	UP(m)	
Small family day care, up to 8 children	A	A	N	N	A	

	<b>A-N</b>	<b>A-X</b>	<b>AGC</b>	<b>AGI</b>	<b>AG-R</b>	
Garages, private use	A	A	A	A	A	Sec. 8-2.3404
Accessory (second) kitchen	SP	SP	N	N	SP	Sec. 8-2.3404
Vehicle storage, personal use only	SP	SP	N	N	N	Commercial storage uses not allowed
Home occupations	SP	SP	N	N	A	Sec. 8-2.305(f)
Pool houses (cabanas), artist studios	SP	SP	N	N	SP	Sec. 8-2.3404
Emergency shelters	N	N	N	N	N	
Mobile Home Parks	N	N	N	N	N	
Hospitals	N	N	N	N	N	
Cemeteries, crematoriums, mausoleums, etc.	N	N	N	N	N	Must be zoned PQP
Private schools, churches, non-profit organizations, fraternal organizations	UP(M)	UP(M)	N	N	N	Not allowed on Williamson Act land. Use must demonstrate a benefit from agricultural setting; otherwise, must be zoned PQP.

**\*\*\*An allowed use does not require a land use permit, but is still subject to requirements and permits designated by other Yolo County divisions such as Building, Environmental Health, and Public Works.**

- (1) If a parcel is below 20 acres, a Use Permit is required in the A-N and A-X zones for placement of an ancillary dwelling.
- (2) Caretaker residence only allowed on AGC and AGI zoned property as an ancillary use to the primary agricultural commercial or agricultural industrial use of the property, as determined by the Director of Planning and Public Works. Not allowed on AG-R zoned property if two (2) homes already exist.

**Sec. 8-2.304. Table of Development Requirements**

The following Table 8-2.2 identifies the development requirements, including minimum parcel sizes, building setbacks, and other standards that allowed and permitted uses in the agricultural zones must meet as a standard or condition of any issued building permit, Site Plan Review, or Use Permit.

**Table 8-2.2  
Development Requirements in  
Agricultural Zones**

<b>AG ZONE</b>	<b>Minimum Lot Area (acres)</b>	<b>Front Yard Setback (feet)</b>	<b>Rear Yard Setback<sup>2</sup> (feet)</b>	<b>Side Yard Setback<sup>2</sup> (feet)</b>	<b>Height Restriction (feet)</b>	<b>Building Separation (feet)</b>	<b>Building Size (square feet)</b>	<b>Density (dwellings per acre)</b>
<b>A-N</b>	40 acres, if irrigated and in permanent crops; 80 acres, if irrigated and cultivated; 160 acres, if uncultivated and/or not irrigated	20 feet from property line, or 50 feet from centerline of roadway, whichever is greater <sup>1</sup> .	25 feet from property line	20 feet from property line	35 feet for residential uses; unrestricted for agricultural uses, except where required for conditional uses	250 feet max between dwellings; 20 feet between dwellings and agricultural structures; distance between accessory structures as per Uniform Building and Fire Codes.	No limit on primary dwelling; ancillary dwelling no greater than 2,000 square feet of living space.	One primary dwelling on parcels 20 acres or more, plus one ancillary (second) dwelling <sup>3,4</sup>
<b>A-X</b>	160 acres, if dry land farmed; 320 acres, if rangeland	20 feet from property line, or 50 feet from centerline of roadway, whichever is	25 feet from property line	20 feet from property line	35 feet for residential uses; unrestricted for agricultural uses, except where required	250 max between dwellings; 20 feet between dwellings and agricultural structures; distance between	No limit on primary dwelling; ancillary dwelling no greater than 2,000 square	One primary dwelling on parcels 20 acres or more, plus one ancillary (second) dwelling <sup>3,4</sup>

		greater.			for conditional uses	accessory structures as per Uniform Building and Fire Codes.	feet of living space.	
AG ZONE	Minimum Lot Area (acres)	Front Yard Setback (feet)	Rear Yard Setback <sup>2</sup> (feet)	Side Yard Setback <sup>2</sup> (feet)	Height Restriction (feet)	Building Separation (feet)	Building Size (square feet)	Density (dwellings per acre)
AGC	No minimum. Parcel size determined by use.	None, unless otherwise specified by Use Permit	None, unless specified by Use Permit or required ag buffer	None, unless specified by Use Permit or required ag buffer	40 feet, unless otherwise specified by Use Permit	As per Uniform Building and Fire Codes.	None	None, except as caretaker residence <sup>5</sup> .
AGI	No minimum. Parcel size must be adequate for use.							None, except as caretaker residence <sup>5</sup> .
AG-R								

**Notes:**

1. Yard abutting road is considered front. Properties abutting a major arterial require a 30-foot front yard setback, as measured from the edge of right-of-way.
2. The Director may approve the location of any standard accessory structure within the required side or rear yards, which must be at least five feet from the side and rear property lines, if a standard structure cannot be located within standard setbacks.
3. Ancillary dwelling must meet home siting criteria as set forth in Section 8-2.402.
4. A Use Permit is required for any home on parcels less than 20 acres.
5. Minor Use Permit required for caretaker residence.



### **Sec. 8-2.305. Specific Use Requirements**

The following specific use requirements may be applicable to some of the specific uses identified in the previous Tables 8-2.1(a-e), and shall be applied to any issued building permits, Site Plan Review, or Use Permit for uses in the agricultural zones.

#### **(a) Agricultural Processing Facilities and Accessory Uses**

Agricultural processing facilities and uses shall require a Site Plan Review or Minor Use Permit, at the Director's discretion, in the A-N and A-X Zones if the operations exceed 100,000 square feet of use area and/or if 75 truck trips are generated per day.

#### **(b) Special Events**

A Minor Use Permit is required in the A-N and A-X Zones if the events occur more than four times per month, trigger more than 100 vehicle trips per event, include structures used by the public, or are determined to be conditional uses by the Director of Planning and Public Works.

#### **(c) Rural Recreational Facilities**

All Williamson Act land in the A-N and A-X Zones requires a Major Use Permit for rural recreational uses with permanent facilities. Such uses 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.

#### **(d) Oil and Gas Well Drilling Operations**

1. No oil or gas drilling operation shall be established in the unincorporated area of the County until the Director of Planning and Public Works or his designee has approved the Site Plan for such operation, and the applicant agrees to operate/conduct the drilling operation in compliance with the below listed conditions.
2. The applicant shall post a performance bond or other good and sufficient surety approved by the County in the amount of not less than \$5,000.00 to secure compliance with the criteria and conditions imposed upon the approval of the oil and gas drilling operation Site Plan Certificate. The release of the performance bond shall not occur until the reclamation of land disturbed during the drilling operation and the removal of all equipment not necessary for the normal maintenance of the oil and gas well is complete.
3. The oil or gas well drilling operation shall not be located within ½ mile of any designated residential area shown on the adopted County General Plan and/or a City General Plan or a county and/or city residential zone district.
4. A Use Permit shall be required if the oil or gas well drilling operation cannot meet the following criteria:
  - (i) Except for drill stem testing and emergency procedures, no drilling operation shall result in an ambient noise level in excess of 60 decibels (measured as an LDN average), measured at the outside of the nearest residence at the bedroom window closest to the drilling site; unless, however, it can be demonstrated that the ambient noise level at such location prior to the commencement of the drilling

operation was 57 decibels or higher, then the noise standard shall be that the drilling operation does not result in the addition of more than three (3) decibels to the preexisting ambient noise level. *The noise level requirements may be waived if the applicant has received a written waiver from the resident of any residence at which the noise level would exceed the standards set forth in this subsection. If the dwelling is leased, the tenant shall execute the waiver, and the property owner shall be notified.*

- (ii) All lights on the drill site shall be erected/installed according to CAL-OSHA employee safety requirements and shall be shielded and/or directed so as to focus the direct rays from the lights onto the drilling site and away from the residences, except where required for aircraft warning purposes.
- (iii) All vehicle parking and maneuvering areas shall be treated in such a manner as to control dust. Such treatment may be accomplished by placing gravel on such areas and/or periodically watering the areas, or by other means approved by the Director.
- (iv) The drilling operation shall comply with the requirements of all other agencies having jurisdiction over the site and operation. Yolo County Planning and Public Works may require additional permits, including, but not limited to:
  - A. A grading permit if the drilling operation results in any ground disturbance;
  - B. A building permit for the erection of structures;
  - C. A flood elevation certificate if construction occurs in a FEMA designated 100-year flood zone; and
  - D. An encroachment permit if the construction of access roads connects to county right-of-way
- (v) The drilling operation shall be located no closer than the following distances from the specified uses if such uses are located:
  - A. Within 500 feet of any school;
  - B. Within 500 feet of any church or place of public worship;
  - C. Within 500 of any place of public assembly;
  - D. Within 500 feet of any dwelling (*applicant must show or state the distance to the nearest residence*), unless residents of such dwelling have filed a written waiver.
  - E. Within 100 feet of the property line to any county road or state highway; and
  - F. Within 250 feet of any levee owned by any public agency.

**(e) Wireless Telecommunications Facilities Use Permit Review Criteria**  
***[Insert cell tower siting criteria on agriculturally zoned lands]***

**(f) Home Occupations on agriculturally zoned parcels**

***[Insert updated Home Occupation criteria related to agricultural and rural residences]***

**Home occupation, rural**

A use which, as determined by the Commission, is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which use:

- (a) Is confined completely within the dwelling or mobile home and occupies not more than fifty (50%) percent of the gross area of one floor thereof;
- (b) Is operated by the members of the family occupying the dwelling or mobile home;

- (c) Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;
  - (d) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located;
  - (e) Meets the requirements of the Chief Building Inspector and fire district of jurisdiction; and
  - (f) Requires no additions or extensions to the dwelling or mobile home.
- Home occupations shall be permitted in mobile homes only if a use permit is granted and the mobile home is located in a mobile home park.  
(§ 3.050, Ord. 488, as amended by § 1, Ord. 488.31)

# APPENDIX A

## Sec. 8-2.306. Definitions

### **Agricultural Building or Structure**

An uninhabited building or structure used to shelter farm animals, farm implements, supplies, products and/or equipment; and that contains no residential use, is not open to the public, and is incidental and accessory to the principal use of the premise. An agricultural building may contain processing activities as a direct result of the farming operation on the premises. (§ 2, Ord. 1244, eff. February 3, 2000)

### **Agricultural homestay or Farmstay**

A form of agricultural tourism where a farmer or rancher hosts tourists at his/her working farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching. The homestay must be located on and be a part of a farm or ranch that produces agricultural products as its primary source of income, and contain six or fewer guestrooms. Lodging and meals must be incidental to and not the primary function of the homestay. Overnight accommodations may be located in the primary residence, ancillary dwelling, or other existing dwelling on the premises. The price of food must be included in the price of overnight accommodation.

### **~~Agricultural labor camp~~ Farm Labor Housing**

Any living quarters, dwelling, boardinghouse, ~~tent~~, bunkhouse, mobile home, or other housing accommodation maintained in connection with any work or place where work is being performed and the premises upon which such accommodations are situated, and/or the areas set aside and provided for the accommodation of up to 20 farm workers. camping of six (6) or more employees by a labor contractor. "Labor camp" shall also mean a labor supply camp. "Labor supply camp" shall mean any place, area, or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees of another. (§ 3-055, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

### **Agricultural Processing Facility**

A fixed establishment performing any processing or packaging of crops after harvest, whether or not value is added, for the onsite preparation of market or for further processing and packaging elsewhere, including but not limited to: alfalfa and hay cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; canning, freezing, or preserving fruits and vegetables; tree nut hulling and shelling; and alcohol fuel production. Does not include animal processing or "wineries" which are defined separately.

### **Agriculture**

The use of land for the raising of crops, trees or animals, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses thereto; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. For the purposes of this section, "accessory use" shall mean supply, service, storage, and processing areas and facilities for any other agricultural

land. The uses set forth in this section shall not include ~~stockyards, slaughterhouses, hog farms, fertilizer works, or plants for the reduction of animal matter.~~ (§ 3.006, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

**Agritourism**

Any income-generating activity conducted on a working farm or ranch, or other agricultural operation or agricultural facility, for the enjoyment and education of visitors, guests, or clients. Agricultural tourism refers to the act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or ranch or agricultural operation that also adds to the economic viability of the agricultural operation.

**Ancillary Dwelling**

A structure designed, intended, or used for rural residential purposes, as elsewhere provided for herein, and including "Granny Units," and be located appurtenant to, clustered with, and on the same agricultural parcel as the main residential facilities. It shall not include labor camps. (§ 2, Ord. 1244, eff. February 3, 2000)

**Animal processing**

The slaughtering and processing of animals for commercial purposes, including rendering plants.

**Animal hospital**

A building wherein the care and treatment of sick or injured dogs, cats, rabbits, birds, and similar small animals are performed.

**Animal keeping**

The keeping, feeding or raising of animals as a commercial agricultural venture, avocation, hobby or school project, either as a principal land use or subordinate to a residential use. Includes the keeping of common farm animals, small-animal specialties, bee farms, aviaries, worm farms, household pets, etc.

**Bed and Breakfast (B&B)**

Temporary, night-to-night lodging provided for paying guests in a dwelling, including accessory structures, containing a residential living unit, which serves as a residence. Food service is restricted to breakfast or a similar early morning meal.

**Campground**

Land or premises which is used, or intended to be used, let, or rented for transient occupancy by persons traveling by automobile or otherwise, or by transient persons using tents, recreational vehicles, or similar quarters.

**Caretaker units**

A permanent residence, secondary and accessory to an existing main dwelling, for persons employed principally onsite for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances.

**Composting facility**

A commercial/industrial facility where organic matter is transformed into soil or fertilizer by biological decomposition. Composting activities accessory to an onsite residential or agricultural use are excluded from this definition.

**Conservation easement**

A non-possessory interest in real property imposing limitations or affirmative obligations, the purpose of which includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

**Cultivation**

The growing and harvesting of agricultural produce for food and fiber. Crop cultivation includes farms, orchards, groves, greenhouses, and wholesale nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds.

**Dairy**

A department, establishment, or facility concerned with the business of production of milk, butter, or cheese, including the sale or distribution of milk and milk products, from animals. The feeding and care for dairy stock may be by feed lot, pasture or grazing, or any combination thereof, as elsewhere provided for herein. A dairy facility does not include the incidental feeding, breeding, raising, and keeping of livestock for the production of milk when used for 4-H, FFA, or other youth projects.

(§2, Ord. 1244, eff. February 3, 2000)

**Dry land farming**

The practice of crop production without irrigation. (§ 2, Ord. 1244, eff. February 3, 2000)

**Farm**

Under Section 52262 of the Food and Agricultural Code, a farm is defined as: "a place of agricultural production which has annual sales of agricultural products of \$1,000 or more."

**Farm dwelling**

A dwelling for permanent year-round residents of a farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm. (§ 3.039, Ord. 488)

**Farm office**

A private administrative office within an enclosed building for the purpose of running a farming operation. (§ 2, Ord. 1244, eff. February 3, 2000)

**Feed lot or animal feed yard**

(a) "Feed lot" shall mean any premises used principally for the raising or keeping of animals in a confined feeding area.

(b) "Confined feeding area" shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

(1) Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; or

(2) Where the space per animal unit is less than 600 square feet; or

(3) Dry Lot Feeding, where animals are confined in an enclosed area, and fed carefully mixed, high concentrate feed.

(c) "Feed lot" is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone.

(d) "General farming and/or livestock operation" shall mean one in which the confined feeding of animals is an incidental part of, or complimentary to the total livestock operation. (§3.041, Ord. 488, amended by § 1, Ord. 488.159, eff. July 18, 1973, as amended by § 2, Ord. 1244, eff, February 3, 2000)

**Fowl or Poultry Ranch**

A confined animal feeding operation consisting of a lot or building or combination of lots and buildings intended for the raising and keeping of poultry for egg production (laying hens) or meat production (broilers). A poultry farm does not include the incidental raising and keeping of poultry for egg production or meat production when used for 4-H, FFA, and other youth projects.

**Grazing**

The keeping of cattle, sheep, or other similar animals on fields for the purpose of grazing and feeding.

**Greenhouse**

An agricultural structure, or residential accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of plants. (§ 2, Ord. 1244, eff. February 3, 2000)

**Hog farm**

Any premises used exclusively for the raising or keeping of nine (9) or more hogs raised, fed, or fattened for the purposes of sale and consumption by other than the owner of the site. The term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation or as an F.F.A., 4-H, or other student project in an agricultural zone. (§ 3.049, Ord. 488)

**Kennel**

Any enclosure, premises, building, structure, lot or area, except where reasonably necessary to support an agricultural use (i.e., to contain herding dogs), where five (5) or more dogs or other small domestic animals, as defined in Title 8, which are not sick or injured and are ten (10) weeks in age or older are boarded for compensation, cared for, trained for compensation, kept for sale, or bred for sale, or ten (10) or more dogs or other small domestic animals that are ten (10) weeks of age or older which are kept and maintained as pets, "rescue" animals, or for any other non commercial purpose (Also see "Animal hospital," Section 8-2.210 of this article.)

**Lodge**

A residential structure with rooms for rent or hire, a common lobby, facilities which may include a restaurant, restaurant with bar, indoor hall, open courtyard areas, reception and assembly area; ~~with access to each guest's bedroom through the common lobby or courtyard;~~ and may include accessory commercial uses incidental to the principal use of the premise. (§ 2, Ord. 1244, eff. February 3, 2000)

**Mining**

Resource extraction establishments primarily engaged in mining, developing mines, or exploring for minerals, or surface mines extracting crushed and broken stone, dimension stone or sand and gravel.

**Nursery**

Commercial agricultural establishments engaged in the production of agricultural and ornamental plants and other nursery products, grown under cover or outdoors. A Nursery can be wholesale and retail, incidental to agriculture, or a combination of both. (§ 2, Ord. 1244, Eff. February 3, 2000)

**Off-Road Vehicle Courses**

Rural areas set aside for the use of off-road vehicle enthusiasts including dirt bike, enduro, hill climbing, or other off-road motorcycle courses; also, rural areas for competitive events utilizing four-wheel drive vehicles. Does not include sports assembly facilities, or simple access roads which are usable by only four-wheel drive vehicles.

**Oil and gas well drilling operation**

Resource extraction establishments primarily engaged in recovering oil from oil sands and shales and producing natural gasoline and cycle condensate. Activities include exploration, drilling, oil and gas well operation and maintenance, operation of natural gas and cycle plants, the mining and extraction of oil from oil sand and shales, and on-site processing only to the extent necessary to permit extraction.

**Open Space**

Land subject to valid restrictions against housing or other urban development, the maintenance of which in its natural or protected states is necessary for the enhancement of living conditions in Yolo County. (§ 2, Ord. 1244, eff. February 3, 2000)

**Pasturage**

The grazing of livestock.

**Permanent crop**

A crop produced from plants, such as orchards and vineyards, that lasts for several seasons and need not be replanted after each harvest.

**Primary dwelling**

A structure designed, intended, and used for residential purposes, as elsewhere provided for herein. It shall not include Ancillary Dwelling; Secondary Dwelling; Guest House; or Living Quarters. (§ 3.086, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

**Roadside stand**

A temporary business established and operated for the display and sale of agricultural products grown on the premises, or on adjacent lands or other lands in Yolo County owned or leased by the operator, which may include a limited amount of prepackaged food, such as preserved, baked or packaged products from crops grown onsite that have been prepared onsite, subject to all applicable health codes.

**Rural Recreation**

Outdoor sporting or leisure activities that require large open space areas and do not have any significant detrimental impact on agricultural use of lands that are in the general vicinity of the rural recreation activity. Rural recreation activities shall include, but are not limited to: the shooting of skeet, trap, and sporting clays; archery; gun, hunting, or fishing, clubs; sport parachuting; riding; dude ranches; picnicking; nature study; viewing or enjoying historical, archaeological, scenic, natural or scientific sites; health



resorts, rafting, hiking, backpacking, bicycling, or touring excursions; or camping. Rural Recreation shall also include commercial or non-commercial operations related to any outdoor sporting and leisure activities within the meaning of Rural Recreation as defined. (§ 2, Ord. 1244, eff. February 3, 2000, as amended by § 8, Ord. 1250, eff. August 24, 2000)

### **Slaughterhouse**

An establishment where animals are butchered.

### **Special Event Facility/Tasting Room**

The use of land and/or facilities, for which a fee is charged, for a community or private event that is held on the premises of an agricultural property, such as harvest festivals, weddings, and seasonal tastings. A special event facility can include a "tasting room," in which the general public, customers or guests may taste and purchase wine, olive oil, cider, food items, or other incidental products commonly sold at such tasting rooms. A tasting room may be located at a vineyard, orchard, or other agricultural property, without the need for a winery facility or other processing facility to be located upon the premises. Adequate onsite parking for all attendee's vehicles, including service providers, must be provided.

### **Stable, private**

Those facilities used for the shelter, breeding, and/or training of horses and similar equine animals for the use of the residents and their guests. Private stables may include the boarding of fifteen (15) or fewer equine animals that are not owned or leased pursuant to a written agreement, by either the property owner or resident. No more than six (6) shows, exhibitions, or other public/quasi-public events may be held per year. For the purposes of this section, a public/quasi-public event is defined as a gathering where an admission fee is charged, and/or where food and drink are sold onsite. Private stables holding public/quasi-public events shall require approval of a Site Plan Review. Private stables that hold more than six (6) such events per year shall be considered a commercial stable, regardless of the number of horses boarded. (§ 3.104, Ord. 488, as amended by §2, Ord. 1212, eff. October 23, 1997)

### **Stable, commercial**

A stable, other than a private stable, where sixteen (16) or more equine animals are boarded, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. Commercial stables may include the retail or wholesale sales of tack, feed, and other equestrian products. Such sales shall be incidental to the operation of the stable. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the commercial stable. (§ 3.105, Ord. 488, as amended by §3, Ord. 1212, eff. October 23, 1997)

### **Stockyard**

A confined animal facility intended for the temporary confinement and care of livestock for the purpose of selling or trading, prior to being slaughtered or shipped to market.

### **Tourism**

That industry which promotes and accommodates the recreational touring, sight-seeking, leisure travel, and sojourns by individuals and groups within Yolo County, including eco-tourism and agri-tourism. (§ 3.116, Ord. 488, as amended by § 2, Ord. 1244, eff. February 3, 2000)

**Wetlands**

The area and the plant communities that include fresh or salt water marshes, generally found in areas of shallow, standing, or sluggishly moving water.

**Williamson Act**

**Wind energy conversion systems**

A wind driven machine that converts wind energy into electrical power for the primary purpose of: (a) resale or off-site use, or (b) onsite use and not for resale.

**Winery**

A building, or portion thereof, used for the crushing of grapes, the fermenting and/or processing of grape juice, the aging, processing, storage, and bottling of wine, or the warehousing and shipping of wine. It shall also include accessory uses, such as: related office, laboratory, wholesale, and retail sales activities and wine tasting and winery tours. (§6, Ord. 1234, effective May 6, 1999)

**Yolo Store**

“Yolo Store” shall be a structure, wherein the majority of the items offered for sale are primarily grown or manufactured in Yolo County (e.g., out-of-county bottled wines, but made from Yolo grapes, or locally grown nursery products, etc.). (§ 2, Ord. 1244, eff. February 3, 2000)

# ECAC

## ESPARTO CITIZENS ADVISORY COMMITTEE

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C/O YOLO COUNTY PLANNING, RESOURCES AND PUBLIC WORKS DEPARTMENT  
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February 28, 2011

TO: Stephanie Cormier

CC: Eric Parfrey, Principal Planner, Yolo County Planning & Public Works  
Nate Palmer, Assistant Deputy for Duane Chamberlain, Supervisor, 5<sup>th</sup> District  
Keith Williams, Planning Commissioner, 5<sup>th</sup> District  
Leroy Bertolero, Planning Commissioner, At Large

FROM: Esparto Citizens Advisory Committee

SUBJECT: Agricultural Zoning Regulations Update

ENCLOSURE: 1. Comments to Yolo County Code Title 8, Chapter 2, Article 3 draft 2-1-11

Stephanie,

Enclosed are comments from Esparto Citizens Advisory Committee members regarding the update to the Agricultural Zoning Regulations. As the review of the proposed code change was on short notice, the comments represent individual input and may not represent a consistent opinion of the ECAC. Thank you for your consideration.

Sincerely,



John Hulsman Jr., Chair  
Colleen Fescenmeyer  
Pat Harrison  
Melissa Jordan  
Giacomo Moris  
Patrick Scribner

*The Esparto Citizens Advisory Committee is appointed by the Board of Supervisors to act as advisors to the Planning Commission concerning land use matters. The opinions expressed by this committee are not necessarily those shared by the Planning, Resources, and Public Works Department.*

Comments to Yolo County Code Title 8, Chapter 2, Article 3 draft 2-1-11

General comments:

There is no apparent need for separate A-N and A-X zones. There is no difference in permit requirements, development requirements or anything else in the draft ordinance. The two zones should be combined into a single production agriculture zone coded AGP.

The method of restricting land uses in the production agriculture zone should be rethought. It appears that just about any use is possible if one has the money to push the paperwork through the system. Landowners, regardless of the depth of their pockets, should be able to do whatever they want with THEIR land so long as it doesn't remove the land from crop production or open space and doesn't negatively affect the neighboring landowners. Limitations on uses should be based on the area removed from crop production or open space, the size of the buildings (footprint and height), traffic, off parcel effects (light, smells, etc) and for large employers the distance from worker housing (to reduce vehicle miles traveled) rather than a specific use. If someone wants to open a farm equipment repair business in an existing farm shop building, why should a minor use permit be required? If farmland needed to be paved-over to house the business, a site plan or minor or major use permit should be required depending upon the amount of farmland lost, the size of the building, off parcel effects and the impact on traffic.

Specific comments:

Title 8, Chapter 2, Article 3

Section 8-2.302(g). Mineral extraction isn't an agricultural use.

Section 8-2.303(a). The minimum lot size of 40 acres is too small. It is essentially the 10 and 20 acres of years past that are no longer viable as farms. 40 acres will not be viable 20 years from now. The land in this proposed zone is the most productive and should be preserved for production. The last entry in this section should be changed as follows: 160 acres for parcels that are uncultivated not irrigated.

Section 8-2.303(e). The maximum parcel size of 4 acres is too small a parcel for viable agriculture and may be too small when septic systems, wells, set backs, etc. are taken into consideration.

Table 8-2.1

Agricultural Production Uses. Crop production, orchards, vineyards, pasture and grazing should be permitted by right (A) in zone AG-R. This will prevent wasted empty space and permit hobby and very small farms on the 4 acre parcels.

Agricultural Processing Uses. Note 3 is a good start toward the approach of basing review and approval on the size of the operation and its effects on land, neighbors and infrastructure. However, it should be revised so that uses that take more than a specified acreage of land out of production would require a major use permit. Even without that change, all the listed uses including hay sales and distribution and forestry should be permitted by right (A) in all zones except AG-R. Hay sales and distribution operations should be treated no differently than nut hulling and distribution or grain drying and storage operations.

**Animal Facilities and Animal Keeping Uses.** The concern with animal facilities is the effect (smell and noise) on neighbors and the downwind areas. Present dairies are not significantly different than feedlots and neither are stockyards. A few animals may not be a problem, but thousands can be. Poultry and hogs present the same issues. Permit requirements should be based on the size of the operation. Stockyards and dairies should be subjected to the same requirements as feedlots. Private stables and horse breeding can also affect neighbors. These operations should be required to have a setback distance from their neighbors. One really needs to love horses to live right next to 15 of them.

**Agricultural Commercial Uses Including Agri-tourism and Services.** Permit requirements for pumpkin patches should be based on the size of the patch. A small patch should be permitted by right (A) while larger patches would require review based on trips generated per day. Corn mazes should probably be added to this list.

**Residential and Other Uses.** We agree that second dwelling units should not be allowed on parcels zoned AG-R. On other parcels the caretaker residence should be considered the ancillary (second) dwelling. A separate listing for caretaker residence should not be required. A listing for rental housing could just as easily be added although we don't support that. Group homes, residential care homes and private schools, churches, non-profit organizations, and fraternal organizations should not be permitted in the A-N and A-X zones unless they show a benefit to the agricultural use of the area. Vehicle storage for personal use should be permitted by right (A) in the residential and farm building areas of land zoned A-N and A-X.

**Resource Extraction and Utilities Uses.** Why isn't solar or wind powered pumping of water allowed on parcels zoned AG-R? This use should be allowed by right (A) or site plan (SP) in all agricultural zones.

**Rural Recreation Uses.** Is the county really going to entertain off-road vehicle courses on prime farmland? If the county could ever make a case for separate A-N and A-X zones, this would be it. This comment also applies to the other uses in this land use type.

Table 8-2.2

Front, rear and side yard setback need to be defined more clearly. Is this the setback to the building or is there a setback (band of weeds) to the yard? The term building in lieu of yard would be less ambiguous.

In Ag Zone A-N, under minimum lot area (acres) the last portion of the entry should be changed as follows: 160 acres, if ~~uncultivated~~ not irrigated.

