



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8156
www.yolocounty.org

PLANNING COMMISSION STAFF REPORT

February 9, 2012

FILE #2011-0067: A Variance to allow construction of an ancillary (second dwelling unit) more than 250 feet away from the primary dwelling in the Agricultural Preserve (A-P) Zone (Attachment A).

APPLICANT: Rebecca (Pfanner) and Steve Robinson
1646 Coloma Way
Woodland, CA 95695

OWNER: Pfanner Pfarm Trust
Carolyn Piner
26810 CR 97D
Davis, CA 95616

LOCATION: 26810 County Road 97D, west of the City of Davis off Russell Boulevard (APN: 037-140-017) (Attachment B)

GENERAL PLAN: Agriculture

ZONING: Agricultural Preserve (A-P)

SUPERVISORIAL DISTRICT: 2 (Supervisor Saylor)

SOILS: Capay silty clay (Ca) (Class II); Myers Clay (Ms) (Class II); Rincon silty clay loam (Rg) (Class II); and Corning gravelly clay loam (CiD2) (Class IV)

FLOOD ZONE: X (areas outside the 100 year and 500 year flood plains)


FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: Categorical Exemption

REPORT PREPARED BY:


Stephanie Cormier, Senior Planner

REVIEWED BY:


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission:

1. Hold a public hearing and receive comments;
2. Determine that a Categorical Exemption (Attachment C) is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
3. Adopt the Findings (Attachment D); and
4. Grant a Variance subject to the Conditions of Approval (Attachment E).

REASONS FOR RECOMMENDED ACTIONS

The proposed project would allow immediate family members to live on the property in a new home, who could assist in the care and maintenance of the historic agricultural operation, while assuring that existing farm improvements are not impacted. The property has an existing developed footprint, consisting of a primary home and established animal breeding and training operations. The increased distance has been requested to avoid impacts to existing animal breeding facilities and riparian areas. The main residence would continue to house the property owner, and the second home would house immediate family members who are relocating back to the area to continue farming the property.

BACKGROUND

The application is a request for a Variance to place a second dwelling in excess of the 250-foot clustering requirement. The property (known as the Pfanner Pfarm) has been owned by the Pfanner family for more than 65 years, with a horse breeding and training facility for thoroughbreds that has been in operation for 40 years. Significant improvements made to the property to enhance operations preclude placing a second home within the required 250 feet of the primary home. Improvements include fencing, gates, and corrals to establish a horse training area and separate goat breeding area, and pasture areas. Domestic leach field areas and drainage courses are also located within the vicinity. A slough traverses the property in a northeast/southwest direction at the southern portion of the property, and is within 250 feet of the primary home. Approximately 20 acres of the 160-acre parcel are in use as a home site and animal breeding and training operations. Approximately 14 acres are used for seasonal pasturing adjacent to the south side of the slough. The remainder of the property is lease farmed in row crops, and is under a Williamson Act contract.

The applicant has proposed two home site options for consideration: Site 1 places the second home on the south side of the slough, approximately 350 feet away from the primary home; and Site 2 places the home in the southwestern portion of the property, a significant distance away from the primary dwelling (more than 2,000 feet), with potential access to existing power and water lines (Attachment A).

PROJECT DESCRIPTION

The project will require a Variance to site the second residence in excess of the 250-foot clustering requirement for agriculturally-zoned parcels. Site 1 would place the home approximately 350 feet away from the primary home, taking into consideration a 100-foot buffer from the south bank of the slough. The location of Site 1, the applicant's preferred site, was primarily chosen to remain as close as possible to the existing home in an effort to assist in the care of family and existing family farming operations, as well as to minimize adverse impacts to agricultural operations. Additionally, the bend in the slough and its proximity to mature trees creates a wind break and natural shelter making the selection for a home site desirable.

The approximately 14 acres south of the slough is unimproved and fallow, and only used for seasonal pasture. Placing a home site here would allow the family members to improve the existing pasture land and add specialty crops along the driveway areas. The applicant has stated that the irregular shape of the 14-acre field precludes it from traditional row crop farming; however, the field could be used for increased pasturing and/or specialty crops. Ingress/egress to the home would be off Russell Boulevard, in an effort to reduce potential traffic conflicts on County Road 97D, including driveway approaches for a seasonal U-pick berry operation (Impossible Acres) and a cattle barn that is regularly used for 4-H and other school-related activities.

Site 2, which would be located in the southwestern portion of the property approximately 2,020 feet from the primary dwelling, would require the removal of approximately four acres of crops that have been in production for over 70 years. Ingress/egress would be from County Road 97, approximately 1/8 of a mile from Russell Boulevard. Power and water are already lined up near this location on a private farm road approximately one-quarter mile from Russell Boulevard. This site would offer security from vandalism that has occurred over the years on the road due to its isolated location.

ANALYSIS

Located within the 250-foot radius of the primary home site are multiple barns used in the animal breeding operations, a fenced pasture and horse training area, a fenced goat breeding area, fenced and irrigated pasture land, leach field areas, and a seasonal slough (Attachment A). The proposed Site 1 is approximately 100 feet from the south bank of the slough, which is consistent with policies in the 2030 Countywide General Plan that prohibit development within 100 feet from the top of a bank of a slough (Conservation Policy CO-2.22). Zoning setback requirements would also be met. The intent of the applicant's location for Site 1 is to place the second unit as close as possible to the primary residence, without impacting the existing improvements or the slough. The two homes would be accessible by foot when the slough is dry (Attachment F).

Site 2 is located in a more remote location in an area that has been in crop production for approximately 70 years. The field is lease farmed and was recently harvested in corn. Crop removal would be inevitable, and it's possible that future farming could be restricted due to the presence of the home site location within the active field. Although potential farming acreage would also be removed from the currently fallow land on Site 1, the possibility of improving the field with fenced pasturing and specialty crops will not affect any current operations and the home site would not preclude spraying operations on the adjacent lease farmed fields.

The applicants are committed to the preservation of their agricultural property and family farm traditions. They intend to promote the Pfanner Pfarm tradition by improving existing operations for increased production and maintenance, and will continue the use of traditional row crops and livestock production, in addition to specialty crops and seed production. Staff is in favor of recommending approval of the Variance for the location of Site 1, the applicant's preferred site location, in accordance with the findings made below (Attachment D).

COMMENTS FROM OTHER AGENCIES

A "Request for Comments" was circulated for the proposed project from January 5, 2012, to January 25, 2012. The project was reviewed by the County Development Review Committee on January 25, 2012. No significant comments were received, other than standard requirements from Yolo County Environmental Health regarding permits for a new well and septic system, and maintaining minimum setbacks as required by County Code. Additionally, Maria Wong, Executive Director of the Yolo County Habitat/Natural Community Conservation Plan JPA has indicated that the addition of a second dwelling unit is exempt from the requirement to mitigate for the loss of Swainson's hawk foraging habitat.

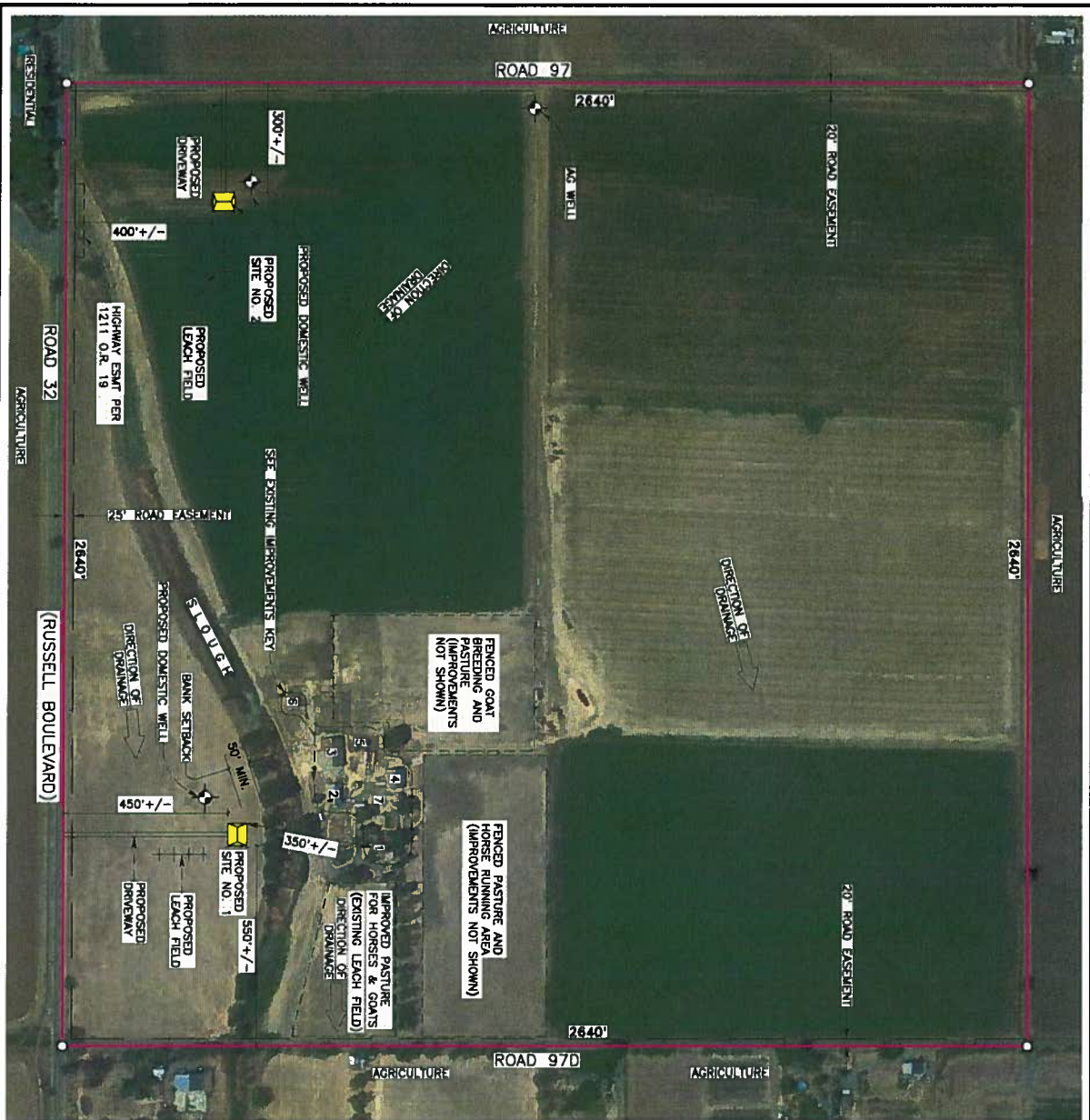
APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of the Board within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable

to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

ATTACHMENTS

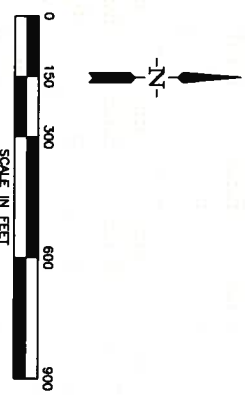
- Attachment A - Site Plan and Applicant Statement
- Attachment B - Location Map
- Attachment C - Categorical Exemption
- Attachment D - Findings
- Attachment E - Conditions of Approval



PROJECT ADDRESS: 26810 ROAD 97D
ASSESSOR S PARCEL NO: 037-140-017
PROPERTY OWNER: PFANNER PFARM TRUST
 26810 ROAD 97D
 DAVIS, CA 95616
PROPOSED USE: RESIDENTIAL
GROSS ACREAGE: 160 ACRES+/-
PROPOSED FLOOR AREA: 3000 SF +/-
ARCHITECT: MATTHEW PINER
 PINERWORKS ARCHITECTURE
 & BUILDING GROUP
 THE GREEN LIVING CENTER
 919 20TH STREET
 SACRAMENTO, CA
 PH: 916-444-71
 M: 916-802-78

- EXISTING IMPROVEMENTS KEY**
- 1 . . . HOUSE
 - 2 . . . MILK BARN
 - 3 . . . HAY BARN
 - 4 . . . STALL BARN
 - 5 . . . CALF BARN
 - 6 . . . 2-STALL BARN
 - 7 . . . WELLS

- NOTES**
1. THIS SITE PLAN IS BASED UPON RECORD IN AND IS INTENDED TO ACCOMPANY A PRELIM PLICATION FOR A ZONING VARIANCE. IT I PRODUCT OF A COMPREHENSIVE BOUNDARY SU
 2. PROPOSED SITE NO. 1 AND PROPOSED S REPRESENT APPROXIMATE ALTERNATE LOCATI SINGLE NEW RESIDENCE.



ATTACHMENT A

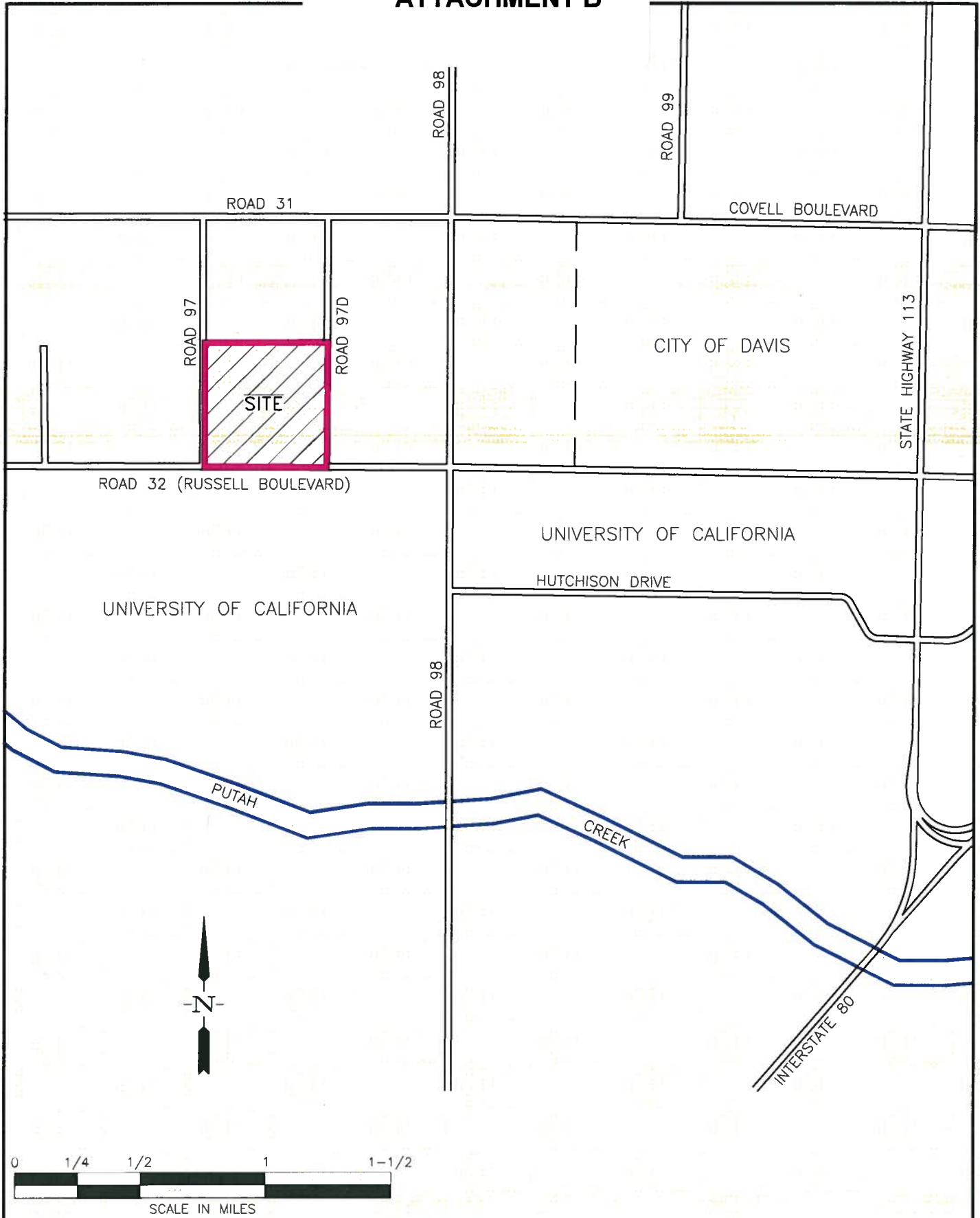


FRAME SU
 609 A STREET
 530.756.8584 (v&f)

DAVID, CA 95616
 jhframe@dcn.org

SITE PLAN
IN FOR ZONING VARIANCE
 26810 ROAD 97D, YOLO COUNTY, CALIFORNIA
 PREPARED FOR: REBECCA PFANNER, PFANNER PFARMS
 NOVEMBER, 2011 SCALE: 1" = 300'

ATTACHMENT B



FRAME SURVEYING & MAPPING
609 A STREET DAVIS, CA 95616
530.756.8584 (v&f) jhframe@dcn.org
6129-001

LOCATION MAP
APPLICATION FOR ZONING VARIANCE
PFANNER PFARM TRUST
26810 ROAD 97D APN 037-140-017

Yolo County Planning and Public Works

292 W. Beamer St.

Woodland, CA 95695

Re: *Variance for Property located at 26810 CR 97D APN:# 037-140-171*

December 14, 2011

To Whom it Concerns;

Justification for Variance:

Our family has farmed this land for over 65 years and struggled to hold onto it through many different challenges. Now, the time has come that we would like to have a safe, comfortable home in which our growing family can continue the tradition. It is our desire to utilize this land to promote agriculture by improving the existing facilities so that they may have increased production, be more efficient and stay better maintained. In order to do so, we need a secure home that does not greatly impede existing agricultural operations.

To build within 250' of the primary residence is not possible...

To the west due to multiple existing barns.

To the south due to a seasonal slough that would prohibit the building being at exactly 250'

To build within 250' of the primary residence is possible...

To the east in fenced, irrigated pasture land

To the north in fenced, irrigated pasture land

Why not build to the north or east of the primary residence?

Within the last 8 years, a significant investment was made in the fencing of these areas as a training area for horses. Pfanner Pfarm has been a Thoroughbred breeding facility for over 40 years and the northern pasture is the primary area where the horses are turned out for exercise from the adjacent stall barn.

Fences, gates and corrals have been established in both the northern and eastern fields. Building here would not only undermine the success of that operation, but it would also negate the \$22,000 investment that has been made in the process.

Any building and associated development of a home site here would take away from an existing agricultural operation and limit the size of additional agricultural use associated with the new home.

It should also be noted that this ground is lower and therefore is where the runoff from the barns and house goes to during wet weather.

In addition, the egress to 97-D from either of these locations would put a total of 5 driveways within a 200 yard distance in either direction—one of which is to an existing business across the street (Impossible Acres u-pick). In order to prevent a hazard and to not overcrowd a small stretch of road, we ask that one of the following locations be considered as an option that a variance could be granted for.

Location Site #1—located on the south side of the property

If the width of the slough didn't have to be factored into the measurement...this location would be within the 250' limit from the primary residence.

This ground has been unimproved, fallow, seasonal pasture land for over 40 years. While there is some underground irrigation (concrete pipes) installed on this approximate 13 acre piece, the pipes that feed this line of irrigation are broken and therefore have not been used in over 30 years. It should also be noted that installed irrigation pipes do not run the complete length of the slough and only go to about half the length of the field in a west to east run—therefore the construction would not interfere or damage them any further.

The main egress to the street would be to Russell Blvd and the home itself would be approximately 400' from the road and approximately 100' from the bank of the slough. We intend to improve this acreage by fencing and improving existing pasture land or adding specialty crops on either side of our driveway.

There is currently no power or water lined in to this site. We would be drilling a well and installing septic lines within county regulations to provide power and water for the residence.

Location Site #2-located on the west side of the property—off Rd 97

This ground has been in crop production for over 70 years and while it has been steadily farmed, there have been no improvements made to this area during this time as far as fencing, irrigation or amendments.

The egress to the street would be on Road 97 approximately 1/8 of a mile from Russell Blvd. This egress would pose no threat to any existing driveways or to other neighbor's views.

Power and water is already lined up near this site at approximately ¼ mile from Russell Blvd to an existing machine road where the ag well/pump is located; though it has yet to be determined if a separate well would need to be created for a residence. Septic lines would need to be installed and our yard area would protect those lines from potential damage from traffic.

Over the years, theft of equipment and vandalism has occurred on the machine road since it is such an isolated location. Having a home nearby would help to discourage bad behavior and to guard the west side of the family property.

ATTACHMENT C

COUNTY RECORDER
Filing Requested by:

Yolo County Planning and Public Works

Name

292 West Beamer Street

Address

Woodland, CA 95695

City, State, Zip

Attention: Stephanie Cormier

Notice of Exemption



To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

Project Title: **ZF# 2011-0067 (Variance)**

Rebecca and Steve Robinson
1646 Coloma Way
Woodland, CA 95695

Project Location: Property is located at 26810 County Road 97D, west of the City of Davis off Russell Blvd APN: 037-140-017

Project Description: A Variance to exceed the clustering requirement for placing ancillary dwellings within 250 feet of the primary dwelling in agriculturally zoned areas.

Exempt Status:

Categorical Exemptions: New Construction "15303" Class 3; and Minor Alterations in Land Use Limitations "15305" Class 5

Reasons why project is exempt:

§ 15303, Class 3, consists of construction and location of limited numbers of new, small structures such as one single-family residence.

§ 15305, Class 5, consists of minor alterations in land use limitations in areas with an average slope of 20%, which do not result in any changes in land use or density including (a) Minor lot line adjustments, side yard, and *set back* variances not resulting in the creation of any new parcels.

Lead Agency Contact Person: Stephanie Cormier, Senior Planner

Telephone Number: (530) 666-8850

Signature (Public Agency): _____ Date:

Date received for filing at OPR:

ATTACHMENT D

FINDINGS FOR ZONE FILE #2011-0067 PFANNER PFARM VARIANCE

(A summary of evidence to support each FINDING is shown in Italics.)

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2011-0067, the Yolo County Planning Commission finds the following:

California Environmental Quality Act (CEQA) and Guidelines

1. That the Categorical Exemption prepared for the project is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

The categorical exemption prepared for the project, pursuant to Section 15303 and 15305 of the CEQA Guidelines, is based on pertinent information in the public record and comments received. The project consists of new construction of one single-family residence in a rural setting that requires a Variance to exceed a clustering requirement.

Zoning (County Code Section 8-2.2904)

2. That the Commission shall grant a variance only when, in accordance with the provisions of Sections 65900 through 65905 of Article 3 of Chapter 4 of Title 7 of the Government Code of the State, all of the following circumstances are found to apply:

- (a) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The 250-foot clustering requirement is intended to protect active farmland from being disturbed due to the construction of additional home sites. In this case, the property's developed footprint has already been disturbed and no additional agricultural activity will be adversely affected from construction of a new home site. The proposed site (Site 1) is 350 feet away from the main farm house. Areas within the 250-foot radius include a seasonal slough, leach field areas, existing barns, and improved areas, i.e., fencing, gates, and corrals for horse and goat breeding and training operations.

- (b) That, because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

The 160-acre parcel, which is primarily in agricultural production (lease farmed in row crops), is surrounded by other agricultural properties, and bounded by Russell Boulevard to the south. The property contains a seasonal slough that traverses in a southwest/northeast direction. The slough separates about 14 acres of unimproved land from the intensive farming operations and animal breeding and training operations. The selected site for the second home (south side of the slough) was chosen due to its closer proximity to the main family residence that would avoid existing improvements to the family's 40-year animal breeding operations. It is also the least used area (seasonal pasturing) and will have the least adverse effect on current or future agricultural activities.

- (c) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.

The general purpose of the A-P (Agricultural Preserve) zoning district is to preserve land

best suited for agricultural use. A-P zoning implements the policies in the General Plan that support an agricultural land use designation, in that it prevents the premature encroachment of nonagricultural uses. Consistent with this land use designation are uses that are considered appropriate, which include growing and harvesting field crops; growing and harvesting specialty and seed crops; animal raising operations; uses related to natural resources; and residential uses, generally limited to housing for farm owners, family members, and farm laborers. The applicant's new home site selection is in keeping with the spirit of the General Plan in that it attempts to preserve areas currently farmed so that agricultural productivity is not substantially affected, and limits the residential footprint.

ATTACHMENT E

CONDITIONS OF APPROVAL PFANNER PFARM VARIANCE Zone File # 2011-0067

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION – PPW (530) 666-8850

1. The project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2011-0067. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The project is as described and summarized in the Yolo County Planning Commission staff report, as modified by the adopted Conditions of Approval, which includes construction of a second single-family dwelling in excess of the 250-foot clustering requirement. A building permit shall be required for the construction of a new single-family residence. Any subsequent substantive changes in the project description may require an amendment to this Variance, with approval by the Zoning Administrator or Planning Commission, at the discretion of the Planning and Public Works Director.
3. The approved Variance shall apply only for placing a second dwelling approximately 350 feet away (Site 1) from the primary dwelling, on the south side of the seasonal slough, for the purpose of providing a home for immediate family members. The Variance shall be valid for 24 months, unless an extension is requested in writing by the property owner, and subject to revocation and/or expiration as per County Code Section 8-2.2906.
4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as applicable to the proposed use and the project area. These include, but are not limited to: Yolo-Solano Air Quality Management District (YSAQMD), Yolo County Environmental Health, Yolo County Planning and Public Works, and the West Plainfield Fire District.
5. A \$50 recording fee will be required and payable by the project applicant upon filing of the Notice of Exemption by the lead agency, within five working days of approval of this project by the Planning Commission.

ENVIRONMENTAL HEALTH DIVISION – HEALTH DEPARTMENT (530) 666-8646

6. Water for the new proposed home must meet bacteriological standards and be tested for nitrates. Should an existing well not meet standards for construction or water quality, a new well source may be required.
7. A permit is required for installation of an onsite sewage disposal system.

BUILDING DIVISION – PPW (530) 666-8775

8. The applicant shall obtain all necessary approvals from the Planning and Public Works Department prior to the establishment of a second home site. All Building Permit plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County building standards prior to the commencement of any construction.

WEST PLAINFIELD FIRE DISTRICT (530) 756-0212

9. The applicant shall comply with all necessary regulations including but not limited to the Uniform Building Code, Uniform Fire Code, and local fire department standards.

COUNTY COUNSEL (530) 666-8172

10. In accordance with Yolo County Code Section 8-2.2415, the applicants, owners, their successors or assignees shall agree to indemnify, defend and hold harmless the county or its agents, officers and employees from any claim, action or proceeding (including damage, attorney fees, and court cost awards) against the county or its agents, officers, or employees to attack, set aside, void, or annul an approval of the county advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The county shall promptly notify the applicant of any claim, action or proceeding and that the county cooperates fully in the defense. If the county fails to promptly notify the applicant of any claim, action or proceeding, or if the county fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the county harmless as to that action. The county may require that the applicant post a bond in an amount reasonably determined to be sufficient to satisfy the above indemnification and defense obligation.

PRIOR TO LAND DISTURBANCE OR ISSUANCE OF GRADING PERMITS AND BUILDING PERMITS:

BUILDING DIVISION – PPW (530) 666-8775

11. A grading permit shall be required prior to any soil disturbance activity on the site. Grading plans shall be submitted to the Building Division for review and approval. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year to prevent erosion.
12. If required, the applicant shall submit a soils report, prepared by a registered civil engineer, which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for structures and embankments required to accomplish the proposed grading; and where necessary, slope stability studies, and recommendations and conclusions regarding site geology.
13. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to West Plainfield Fire District fees, Davis Joint Unified School District fees, and County facility fees.
14. Prior to the issuance of any Building Permit, all necessary permits as required by Federal, State, and local agencies and districts shall be provided to the Planning and Public Works Department.

ENVIRONMENTAL HEALTH DIVISION – HEALTH DEPARTMENT (530) 666-8646

15. An approvable septic system site plan shall be required prior to issuance of a grading permit.

PUBLIC WORKS DIVISION – PPW (530) 666-8811

16. The applicant shall apply for a County encroachment permit for work within the County right-of-way. A paved driveway approach is required for the applicant's access connection to Russell Boulevard (Site 1) per County standards.

17. Construction of the proposed development shall comply with the County of Yolo Improvement Standards that require best management practices to address storm water quality, erosion, and sediment control. If the development disturbs one acre or more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #) and a copy of the SWPPP prior to issuance of a County building or grading permit.