



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

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DIRECTOR

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PLANNING COMMISSION STAFF REPORT

MARCH 12, 2009

FILE #2008-070: Request to Rezone a 50-acre parcel from A-1 (General Agricultural) to A-P (Agricultural Preserve) and to place the parcel into a Williamson Act Contract. (Attachment A)	
APPLICANT/OWNER: Pat and Sarah Brewer 48511 Hamilton Rd Clarksburg, CA 95612	
LOCATION: Five miles southwest of the town of Clarksburg (APN: 043-120-08) (Attachment B).	GENERAL PLAN: Agricultural ZONING: Agricultural General (A-1) SOILS: Sacramento Clay (Class III), FLOOD ZONE: B (area within the 500-year flood plain). FIRE HAZARD AREA: None
ENVIRONMENTAL DETERMINATION: Categorical Exemption	
REPORT PREPARED BY: <i>Craig Baracco</i> Craig Baracco, Associate Planner	REVIEWED BY: <i>David Morrison</i> David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission recommend that the Board of Supervisors take the following actions:

1. **HOLD** a public hearing and receive comments;
2. **DETERMINE** that a Categorical Exemption is the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines **(Attachment C)**;
3. **ADOPT** the Findings **(Attachment D)**; and
4. **ADOPT** an Ordinance approving the rezoning **(Attachment F)** subject to the Conditions of Approval **(Attachment E)**
5. **APPROVE** the Williamson Act Contract **(Attachment G)**

REASONS FOR RECOMMENDED ACTIONS

The proposed actions will rezone 50.5 acres of land from A-1 (Agricultural General) to A-P (Agricultural Preserve), to allow the creation of a new Williamson Act contract. The Williamson Act contract will provide financial support for the existing farming operation, while ensuring that the property will remain in agricultural use.

BACKGROUND

The proposal to rezone approximately 50.5 acres from A-1 to A-P is consistent with zoning requirements that regulate Williamson Act contracts. The property lies about five miles southwest of the town of Clarksburg. The property is currently in active agricultural production, specifically alfalfa cultivation. The soil on the property consist solely of Sacramento Clay, a class III soil, and is considered to be "Farmland of Statewide Importance." The property also contains a single-family residence, a detached garage, and a barn.

STAFF ANALYSIS

The proposal is consistent with Yolo County requirements for the A-P zone and the Williamson Act contract. The parcel exceeds the minimum of forty acres of irrigated and cultivated land necessary to enter into the Williamson Act. The rezone will allow an additional 50.5 acres of land to be included in the Williamson Act, which is consistent with zoning requirements regulating Williamson Act contracts and General Plan policies that govern the conservation of agricultural lands. The Yolo County General Plan Land Use policies and the County's Agricultural Element policies emphasize the use of Williamson Act contracts as tools to preserve agricultural lands.

Staff supports the request for a rezone, since it will add an additional 50.5 acres to currently contracted lands, thereby maintaining the agricultural integrity of the area while providing financial support to the existing farming operation by providing property tax relief.

AGENCY COMMENTS

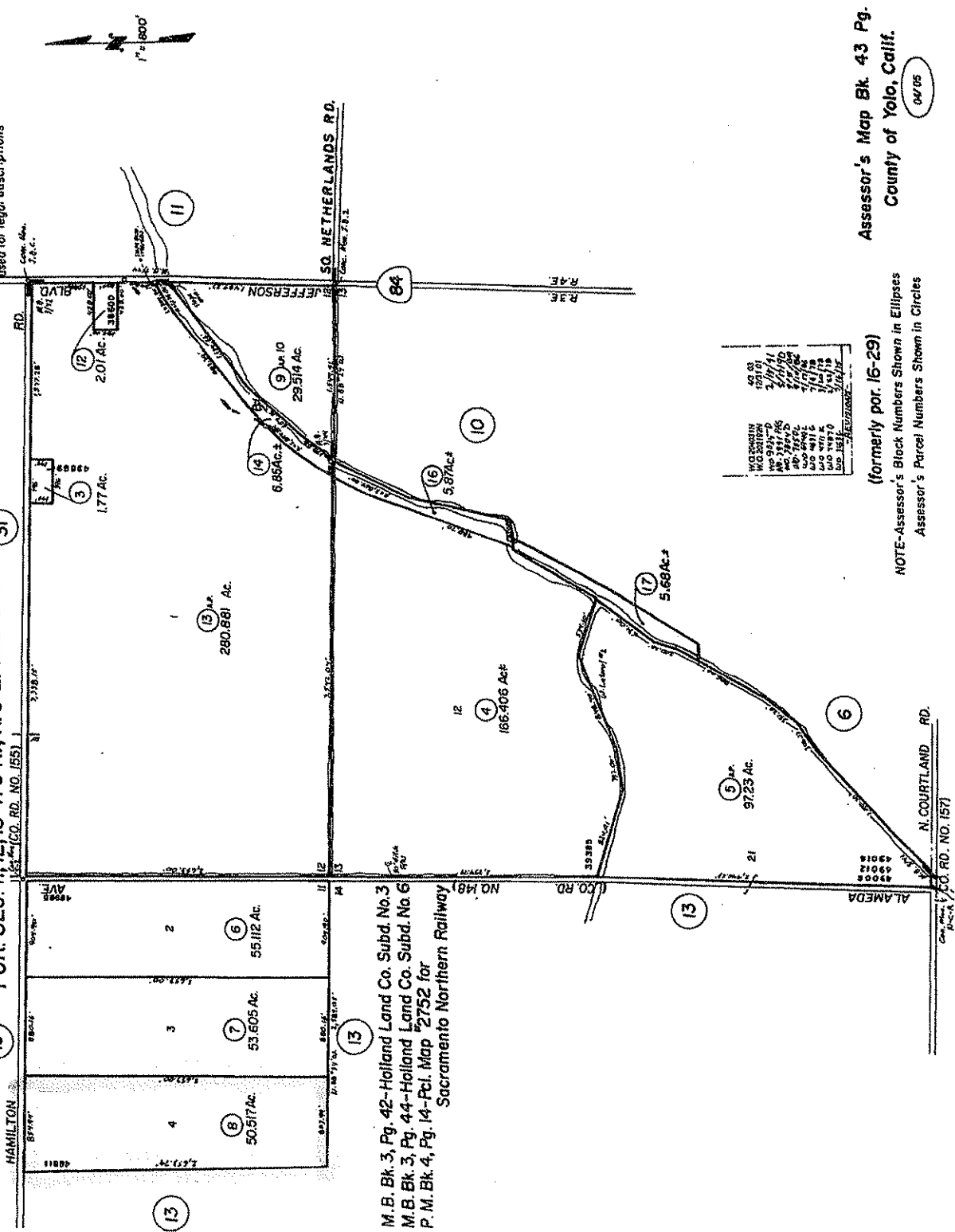
A "Request for Comments" was prepared and circulated for the project from January 17, 2009 to February 4, 2009. The project was reviewed in a meeting of the County Development Review Committee on January 28, 2009. No significant comments were received during the review period.

ATTACHMENTS

- Attachment A** - Site Plan
- Attachment B** - Location Map
- Attachment C** - Categorical Exemption
- Attachment D** - Findings
- Attachment E** - Conditions of Approval
- Attachment F** - Ordinance of Rezoning
- Attachment G** - Williamson Act Contract

CAUTION- These maps ARE NOT to be used for legal descriptions

POR. SEC. 11, 12, 13 T. 6 N., R. 3 E. M. D. B. & M. 31



M. B. Bk. 3, Pg. 42-Holland Land Co. Subd. No. 3
 M. B. Bk. 3, Pg. 44-Holland Land Co. Subd. No. 6
 P. M. Bk. 4, Pg. 14-Pol. Map 2752 for Sacramento Northern Railway

Block No.	Parcel No.	Acreage
1	1	1.77 Ac.
2	2	280.581 Ac.
3	3	53.605 Ac.
4	4	50.517 Ac.
5	5	97.23 Ac.
6	6	55.112 Ac.
7	7	53.605 Ac.
8	8	166.406 Ac.±
9	9	29.519 Ac.
10	10	5.87 Ac.±
11	11	6.85 Ac.±
12	12	1.77 Ac.
13	13	50.517 Ac.
14	14	6.85 Ac.±
15	15	5.87 Ac.±
16	16	5.69 Ac.±
17	17	5.69 Ac.±

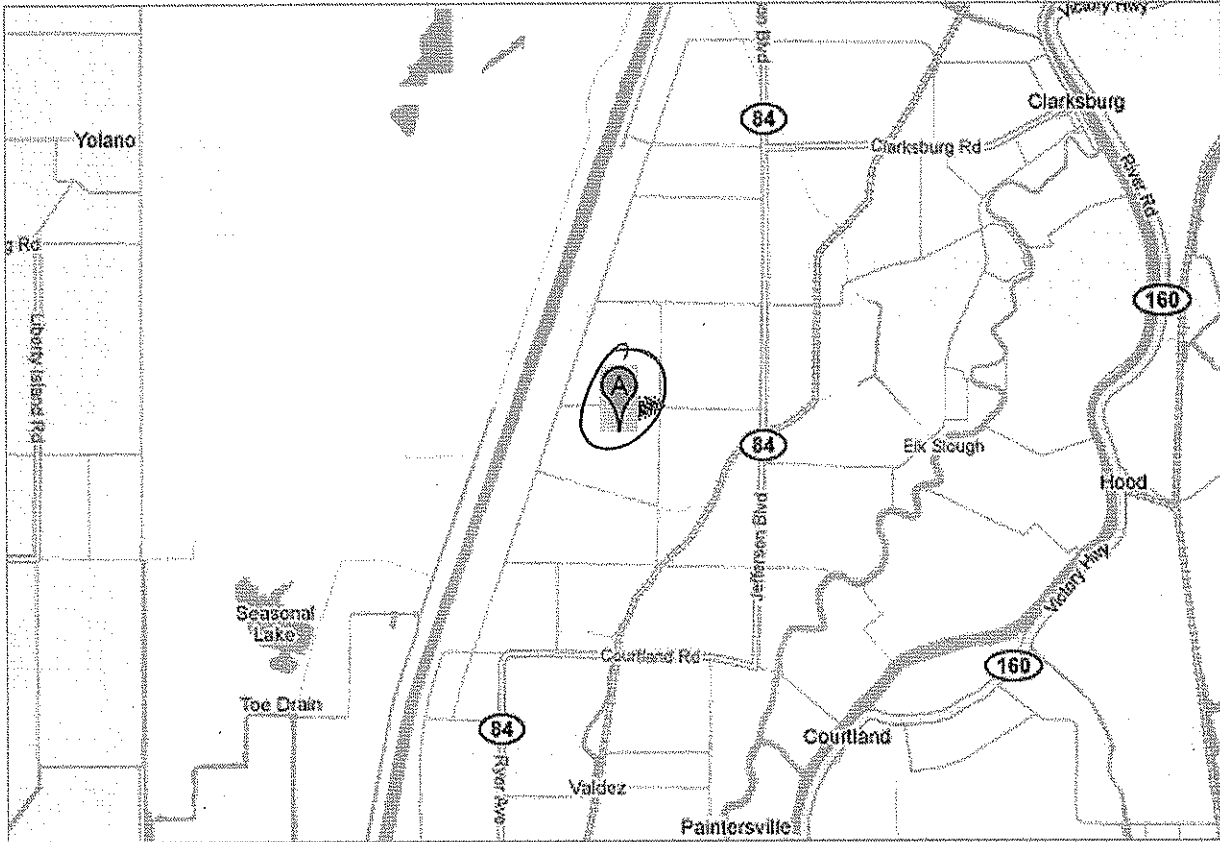
NOTE-Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles
 (formerly por. 16-29)



The information and depictions herein have been produced using data available by Yolo County. The information and depictions herein are for informational purposes and Yolo County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that any and all depiction, measurements and distances depicted herein and as to which specific or precise accuracy is required should be determined by procurement of certified maps, surveys, plats, flood insurance studies, and/or other official means.

**Attachment B
Project Location**

Google™ Address *48511 HAMILTON RD.*
Maps



COUNTY RECORDER
Filing Requested by:

Yolo County Planning and Public Works
Name
292 West Beamer Street
Address
Woodland, CA 95695
City, State, Zip

Attention: Craig Baracco

Notice of Exemption



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

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: ZF# 2008-070

Pat and Sarah Brewer
48511 Hamilton Rd
Clarksburg, CA 95612

Project Location: Five miles southwest of the town of Clarksburg (APN: 043-120-08)

Project Description: Request to Rezone a 50-acre parcel from A-1 (General Agricultural) to A-P (Agricultural Preserve) and to place the parcel into a Williamson Act Contract.

Exempt Status: **Categorical Exemption. 15317" Class 17.**

Reasons why project is exempt: Section 15317, Class 17 consists of the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.

Lead Agency Contact Person: Craig Baracco, Associate Planner

Telephone Number: (530) 666-8833

Signature (Public Agency): _____ Date: _____

Date received for filing at OPR:

Attachment C

FILE # _____ FILE NAME _____
AUTHORIZED SIGNATURE _____

RECEIPT # _____
FEE STATUS _____

**FINDINGS FOR
ZONE CHANGE AND
WILLIAMSON ACT CONTRACT ESTABLISHMENT
BREWER ZF # 2008-070**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-070, the Yolo County Planning Commission recommends that the Board of Supervisors find the following:

California Environmental Quality Act (CEQA) Guidelines

That the recommended Class 17 Categorical Exemption is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

Pursuant to CEQA Section 15317, Class 17 (Open Space Contracts or Easements), the project is categorically exempt from further environmental review. Class 17 covers the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.

General Plan Agricultural Element

That the proposal is consistent with the following General Plan principles:

Agriculture Goal – 1:

Conserve and preserve agricultural lands in Yolo County, especially areas currently farmed or having prime agricultural soils and outside existing planned communities and city limits.

Agriculture Objective – 1:

Recognition of agriculture as the most important industry in Yolo County.

Agriculture Objective – 4:

Utilization of the Williamson Act, conservation easements, and Agricultural Lands Conversion Ordinance and similar tools to preserve agricultural lands.

Agriculture Policy – 5:

Yolo County shall actively maintain the Williamson Act Land Conservation (Agricultural Preserve) program.

The project is consistent with these policies as it proposes the establishment of a Williamson Act contract for the preservation of prime agricultural land for farming purposes.

Zoning Code

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 of the Yolo County Code, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Board of Supervisors find that:

1. The public health, safety, and general welfare warrant the change of zone;

Attachment D

The proposed establishment of three separate Land Conservation (Williamson Act) contracts on this property will satisfy the purpose of the A-P (Agricultural Preserve) zone by preserving prime lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone is in conformity with the Master Plan;

The project is consistent with the Yolo County General Plan and the Yolo County Agricultural Element in that it supports and promotes a healthy and competitive agricultural community and economy.

3. That the soils found on the subject property are predominately Class I, II, or III soils according to the Soils Survey of Yolo County.

The proposed parcel contains class III soils.

4. That in accordance with Section 8-2.401 of the Yolo County Code, the purpose of the Agricultural Preserve (A-P) Zone shall be to preserve land best suited for agricultural use from the encroachment of nonagricultural uses. The A-P Zone is intended to be used to establish agricultural preserves in accordance with the California Land conservation Act of 1965, as amended.

The parcel meets the minimum acreage requirement for the establishment of Agricultural Preserve (A-P) parcels and is currently farmed with alfalfa.

Williamson Act

In accordance with Section 51200 et seq. of the California Government Code, the applicant may agree to establish a new Williamson Act contract, provided that the Yolo County Board of Supervisors finds all of the following:

1. The land is devoted to agricultural use, as defined in Section 51242.

The parcels are actively farmed to a rotation of row and field crops. Historical use of the sites has been for agricultural purposes. There are no existing structures on the parcels.

2. The land is located within an area designated as an agricultural preserve.

Agricultural lands that are primarily zoned A-P and enrolled in the Williamson Act surround the subject parcels. The new contract will join an existing agricultural preserve.

3. Upon approval of the zone change, the applicant shall be required to enter into new Williamson Act contracts with the County for the initial term of ten years.

The new contracts would enforceably restrict the boundaries of each parcel for an initial term, not less than 10 years.

4. The parcels of land subject to contract will be large enough to sustain agricultural use, as defined in Section 51222.

The parcel subject to contract are approximately is 50.5 acres in size and will more than satisfy the requirements of state law.

CONDITIONS OF APPROVAL

BREWER REZONE/WILLIAMSON ACT CONTRACT ZF #2008-070

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein.
2. Upon approval by the Board of Supervisors, the property owner(s) or administrators of trust shall execute the Williamson Act contract division for the subject properties on a form approved by the Office of the County Counsel of Yolo County. Said contracts shall be recorded in the Office of the Yolo County Clerk/Recorder and a copy of the recorded contracts shall be returned to the Planning and Public Works Department prior to the issuance of any building entitlement on the subject properties.
3. The properties subject to a single Williamson Act contract shall not be divided for the purpose of sale, non-agricultural lease or financing unless approval of a division of the Williamson Act contract is granted as provided in the Yolo County Zoning Ordinance and Land Conservation Act of 1965 (Williamson Act).
4. The applicant shall obtain all necessary approvals from the Planning and Public Works Department prior to the establishment of a second home. 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.
5. The applicant shall pay the appropriate fees prior to the issuance of any building permits, including, but not limited to, the Esparto Unified School District, Esparto Fire District, County Facilities Fees and Yolo County Environmental Health fees.
6. Prior to the issuance of any building permits, Yolo County Environmental Health shall approve a septic system design. Special designed septic system or on-site sewage disposal system may be required due to unfavorable soil conditions.
7. Any development shall include private and public improvements in compliance with all applicable federal and state laws, Yolo County Code regulations, and County Engineering Design Specifications and Standards.
8. 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.

Attachment E

9. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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 the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Board of Supervisors may result in the following:

- Non-issuance of future building permits;
- Legal action.

ORDINANCE No. _____

AN ORDINANCE REZONING CERTAIN PROPERTY FROM
AGRICULTURAL GENERAL (A-1) TO AGRICULTURAL PRESERVE (A-P)

The Board of Supervisors of the County of Yolo, State of California, ORDAINS AS FOLLOWS:

Section 1. The real property, described in the legal description as shown on Exhibit A-1, which is incorporated herein by reference, is hereby rezoned from the Agricultural General (A-1) Zone to Agricultural General Preserve (A-P) Zone.

Section 2. The purpose and intent of the Agricultural Preserve (A-P) is to establish a Land Conservation Contract (Williamson Act Contract) on the subject real property which furthers the County's policies on the preservation of agricultural and open space lands'

Section 3. Insert Map No. 19 of the Zoning Map of the County of Yolo (which is incorporated by reference in section G-2.3002 of the Yolo County Code), and incorporated herein by this reference, is amended by the re-designation of certain lands as is reflected on said Exhibits identified in Sections 1 and 2 of this ordinance.

Section 4. Principal uses, Accessory uses, and Conditional uses may be allowed on the subject real property as provided for by Yolo County Code Title 8, Chapter 2, Article 4, Agricultural Preserve (A-P) zone.

Section 5. All other requirements for the subject real property shall be subject to the Yolo County Code, where applicable.

Section 6. If any section, sub-section, sentence, clause, or phrase of this ordinance or any Attachments is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

Section 7. This ordinance shall be introduced by title and number only, its reading waived, and a noticed public hearing held pursuant to Government Code Section 65856.

Section 8. This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Attachment F

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo, at the meeting of the Board of Supervisors of Said County, and after a noticed public hearing, said Board adopted this Ordinance on the _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By _____
Mike McGowan, Chair

ATTEST:
Ana Morales, Clerk
Board of Supervisors

By _____

(Seal)

APPROVED AS TO FORM
Robyn Drivon, County Counsel

By _____

