



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

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

### PLANNING COMMISSION STAFF REPORT

APRIL 9, 2009

**FILE #2008-062:** Request for Lot Line Adjustment, Zone Boundary Adjustment, and Williamson Act Contract Amendment to modify parcel lines between two parcels (**Attachment A**).

<b>APPLICANT/OWNER:</b>	Chris Lerch (Applicant) 608 Court Street Woodland, CA 95695	Peter Schmidl (Owner) 813 Harbor Boulevard West Sacramento, CA 95691
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**LOCATION:** The project is located on the west side of Jefferson Boulevard, north of North Courtland Road, approximately four miles southwest of Clarksburg (APN: 043-060-01, 043-060-32) (**Attachment B**).

**GENERAL PLAN:** Agriculture

**ZONING:** Agricultural Preserve (A-P) and Agricultural General (A-1)

**SUPERVISORIAL DISTRICT:** 1 (McGowan)

**FLOOD ZONE:** B (area outside the 100-year flood plain)

**SOILS:** Sacramento silty clay loam (Class III), Sacramento clay (Class III), Valdez silt loam, deep (Class III)

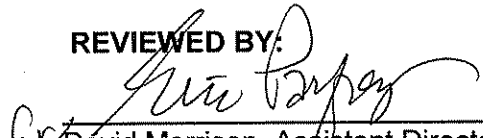
**FIRE SEVERITY ZONE:** None

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption

**REPORT PREPARED BY:**

  
Jeff Anderson, Assistant Planner

**REVIEWED BY:**

  
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 proposed Findings (**Attachment D**) and Conditions of Approval (**Attachment E**) for the project;

AGENDA ITEM 7.1

4. **APPROVE** the Resolution for the Lot Line Adjustment (**Attachment F**);
5. **ADOPT** an Ordinance approving the Zone Boundary Adjustment (**Attachment G**); and
6. **APPROVE** the Williamson Act Contract Amendment (**Attachment H**).

### **REASONS FOR RECOMMENDED ACTIONS**

The proposed actions will allow for the realignment of lot lines in order to create a more orderly and practical parcel layout. The proposed configuration minimizes potential impacts to current farming practices on the A-P zoned parcel, and does not result in a net loss of acreage for either parcel. The proposed lot line adjustment does not create any additional home sites. Existing farming practices will continue on the A-P parcel and on portions of the newly configured A-1 parcel.

### **BACKGROUND**

The proposed project is a Lot Line Adjustment between two agriculturally zoned parcels (**Attachment A**). The project site is located approximately four miles southwest of Clarksburg off Jefferson Boulevard and North Courtland Road (**Attachment B**). Parcel 1 is zoned A-P and is approximately 190± acres. The parcel is actively farmed and is under a Williamson Act contract. In addition, Parcel 1 contains a residence, detached garage, shop, and a pump house. Parcel 2 is zoned A-1 and is approximately 8± acres. Parcel 2 was created as the result of a Sacramento Northern Railway right-of-way abandonment and includes a 75-foot easement from the centerline of the Main Drainage Canal (Duck Slough), held by Reclamation District 999. Parcel 2 does not currently contain any permanent structures.

The project proposes adjusting lot lines to widen Parcel 2 and relocate it so that it encompasses all of the existing structures currently on Parcel 1. There would be no net loss of acreage between each parcel. Although development of a home site on Parcel 2 is currently allowed under Title 8 of the Yolo County Code, the shape and development constraints of the existing Parcel 2 result in a very long and narrow buildable area. In addition, construction on or alongside the canal bank could potentially interfere with access and/or maintenance of the canal.

A Zone Boundary Adjustment (**Attachment G**) is required to allow the exchange of land between the A-P (Parcel 1) and A-1 (Parcel 2) parcels. In addition, a Williamson Act Contract Amendment is required to reflect the change in the revised boundaries of Parcel 1 (**Attachment H**).

### **STAFF ANALYSIS**

The Yolo County General Plan Land Use policies and the County's Agricultural Element policies govern the conservation of agricultural lands and the prevention of premature and unnecessary conversion of agricultural land through available land use controls. The Agricultural Element emphasizes the use of Williamson Act Contracts as tools to preserve agricultural lands. The total amount of acreage enrolled in the Williamson Act will not change as a result of the Lot Line Adjustment; only the boundary lines of the Williamson Act Contract will change. The parcel under contract (Parcel 1) will maintain its present agricultural operations, and will continue to incorporate portions of the proposed/reconfigured Parcel 2. Farm production will be expanded to include areas adjoining the canal bank.

An agricultural land use designation is applied to lands best suited for agriculture and to preserve them from the encroachment of nonagricultural uses. General Plan Land Use Policy LU 17

**AGENDA ITEM 7.1**

(Residential Uses/Agricultural Lands) states, "Residential land uses in the agricultural areas shall be limited to dwellings only for preservation of the family farm, for farm employees and those persons who own the farm land...All such dwellings shall be encouraged to locate on lands unsuited for agricultural use and/or in 'clustered' configurations to minimize the conversion of agricultural lands to any other uses." The parcel lines will be reconfigured so that Parcel 2 encompasses the existing residence and other structures. The existing buildings have been clustered together and are located adjacent to Jefferson Boulevard to minimize the impacts to the agricultural land. In addition, portions of the newly configured and relocated A-1 parcel will continue to be farmed in conjunction with the A-P parcel.

Typically, an urban land use, such as a residence within proximity to a farming operation (not otherwise an ancillary use to a farming operation), would be considered a potential source of conflict on an agricultural parcel. Yolo County has an adopted Right to Farm ordinance that protects agricultural operations from nuisance claims. Although the applicant has not expressed an intent to sell the newly configured A-1 parcel in the near future, as a Condition of Approval the applicant will be required to record a "Right to Farm" Disclosure Notice on the parcel.

According to Maria Wong, JPA Manager, the project would be considered an urban development proposal and therefore would be required to mitigate for the loss of Swainson's hawk habitat. However, although the project requires a Zone Boundary Adjustment, the areas of A-1 and A-P zoning will remain the same. The Zone Boundary Adjustment is simply a result of the Lot Line Adjustment that involves two parcels in two different zoning districts. It will not apply a new land use designation or a new zoning district to either of the parcels. More importantly, no new home sites are being created as a result of the proposed actions. Therefore, staff recommends that the applicant not be required to mitigate for the loss of Swainson's hawk habitat through participation in the Habitat Conservation Plan.

The project, as approved with the Conditions of Approval (**Attachment E**), is in compliance with the county General Plan, county zoning regulations and other ordinances, and with the California Environmental Quality Act (CEQA) and the Subdivision Map Act. Staff supports the request for a Lot Line Adjustment, Zone Boundary Adjustment, and Williamson Act Contract Amendment, since it improves the efficient use of land. Staff's recommendation supports maintaining the agricultural integrity of the area while allowing for a more efficient parcel configuration of the A-1 parcel.

**SUMMARY OF AGENCY COMMENTS**

A Request for Comments was prepared and circulated for the proposed project from December 18, 2008 to January 22, 2009. Additionally, a courtesy notice was sent to property owners within 300 feet of the project site. Comments received during the review period are displayed below and will be incorporated into the project as appropriate.

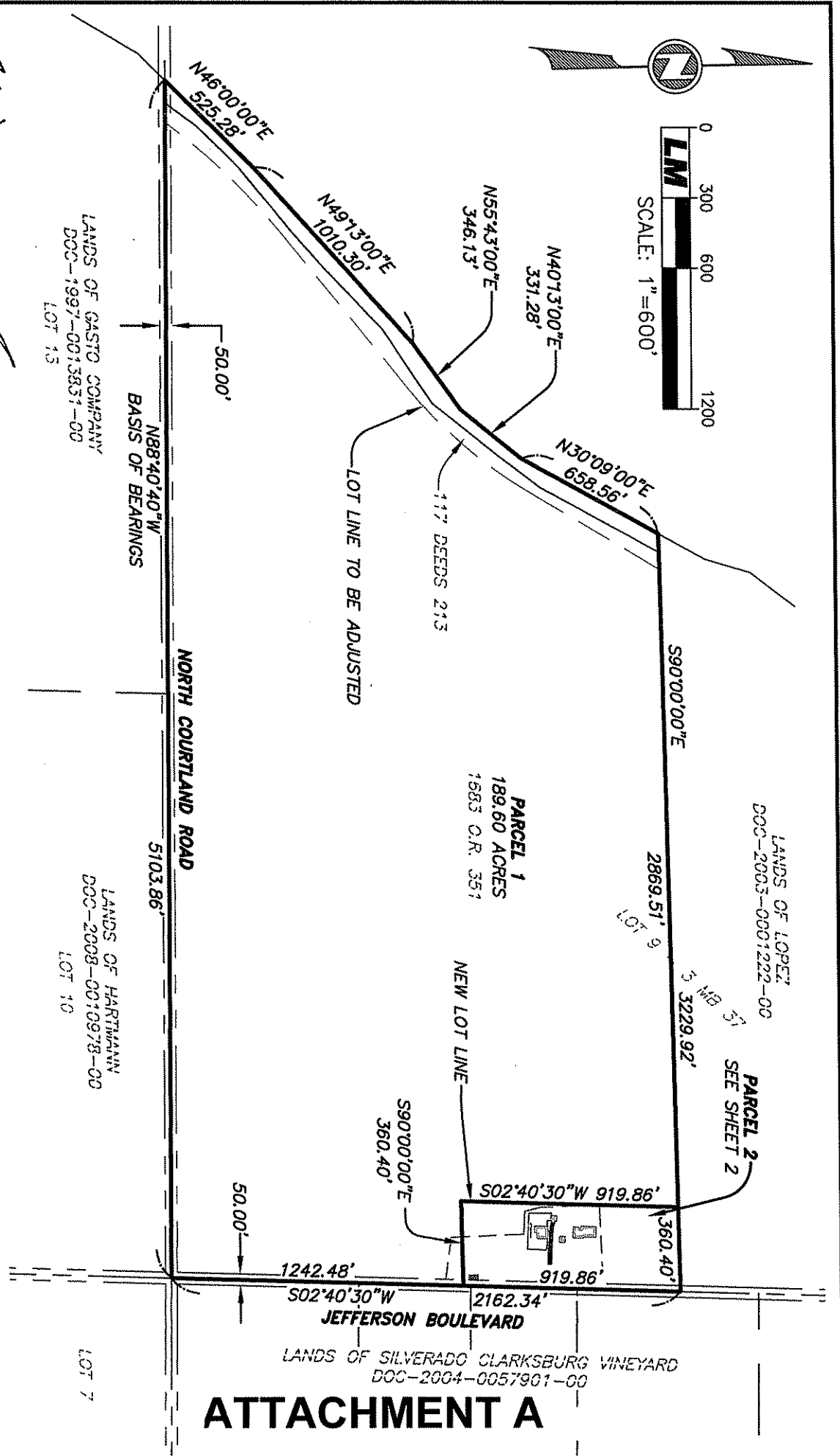
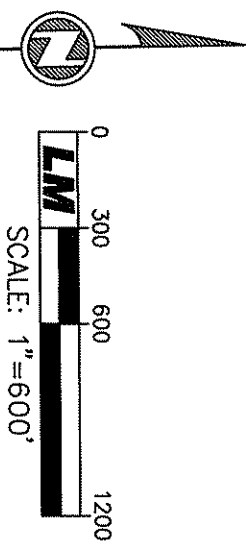
<b>Date</b>	<b>Agency</b>	<b>Comment</b>	<b>Response</b>
December 18, 2008	Local Area Formation Commission (LAFCO)	No comment.	N/A
January 5, 2009	Yolo County Building Division	No comment.	N/A
January 22, 2009	Yolo County Public Works Division	No comment.	N/A
January 25, 2009	Agricultural Commissioner	No comment.	N/A

**AGENDA ITEM 7.1**

January 25, 2009	Yolo County Environmental Health Department (YCEH)	Prior to the issuance of any building permits, well and septic system design shall be approved by the Environmental Health Department.	Included in Conditions of Approval.
January 25, 2009	Maria Wong, Habitat JPA Manager	The applicant shall address the potential loss of Swainson's hawk habitat through participation in the Yolo County Habitat Conservation Plan.	Comment noted.
March 12, 2009	Clarksburg General Plan Citizens Advisory Committee	The Committee recommended unanimous approval (6-0) of the project at their March 12, 2009 meeting for the following reasons: <ul style="list-style-type: none"> <li>▪ The project will result in more practical lot configurations;</li> <li>▪ The Lot Line Adjustment will not result in any new entitlement for home sites;</li> <li>▪ The resulting lots will create more buildable sites for any future homes; and</li> <li>▪ Any new homes will likely be located near the County road, making it easier for the Reclamation District to maintain the slough.</li> </ul>	Comment incorporated into staff's analysis.
March 31, 2009	Reclamation District 999	RD 999 is in support of the project. The reconfiguration and relocation of the A-1 parcel will make it easier for maintenance of Duck Slough.	Comment noted.

**ATTACHMENTS**

- A: Site Plan
- B: Location Map
- C: Categorical Exemption
- D: Findings
- E: Conditions of Approval
- F: Resolution of Lot Line Adjustment
- G: Ordinance of Zone Boundary Adjustment
- H: Williamson Act Contract Amendment



CHRISTOPHER W. LERCH  
DATE 11-13-2008

THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH SECTION 8761 OF THE PROFESSIONAL LAND SURVEYORS' ACT.

**LM LAUGENOUR AND MEIKLE**  
CIVIL ENGINEERING • LAND SURVEYING • PLANNING

808 COURT STREET, WOODLAND, CALIFORNIA 95695 • PHONE: (530) 662-1755  
P.O. BOX 628, WOODLAND, CALIFORNIA 95776 • FAX: (530) 662-4602

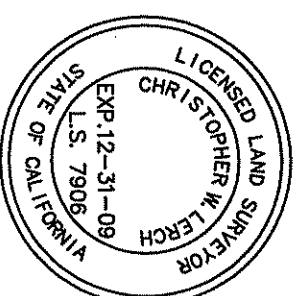


EXHIBIT TO ACCOMPANY LAND DESCRIPTIONS  
AFTER LOT LINE ADJUSTMENT

FOR  
**PETER SCHMIDL**  
BEING PORTIONS OF SECTION 13  
TOWNSHIP 6 NORTH, RANGE 3 EAST, MDM  
INCORPORATED AREA OF YOLO COUNTY,  
STATE OF CALIFORNIA  
NOVEMBER 10, 2008  
SHEET 1 OF 2

**ATTACHMENT A**

LOT 9 3 MB 37

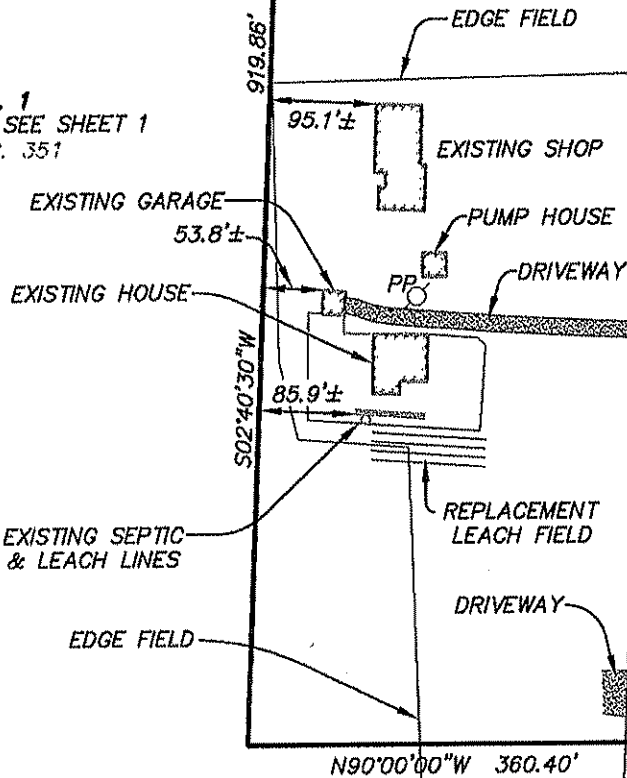
LANDS OF LOPEZ  
DOC-2003-0001222-00

S90°00'00"E 360.40'

50.00'

PARCEL 2  
7.60 ACRES

PARCEL 1  
189.60 ACRES - SEE SHEET 1  
1683 O.R. 351



JEFFERSON BOULEVARD

LOT 4

LANDS OF SILVERADO CLARKSBURG VINEYARD  
DOC-2004-0057901-00



SCALE: 1"=160'

EXHIBIT TO ACCOMPANY LAND DESCRIPTIONS  
AFTER LOT LINE ADJUSTMENT

FOR

**PETER SCHMIDL**

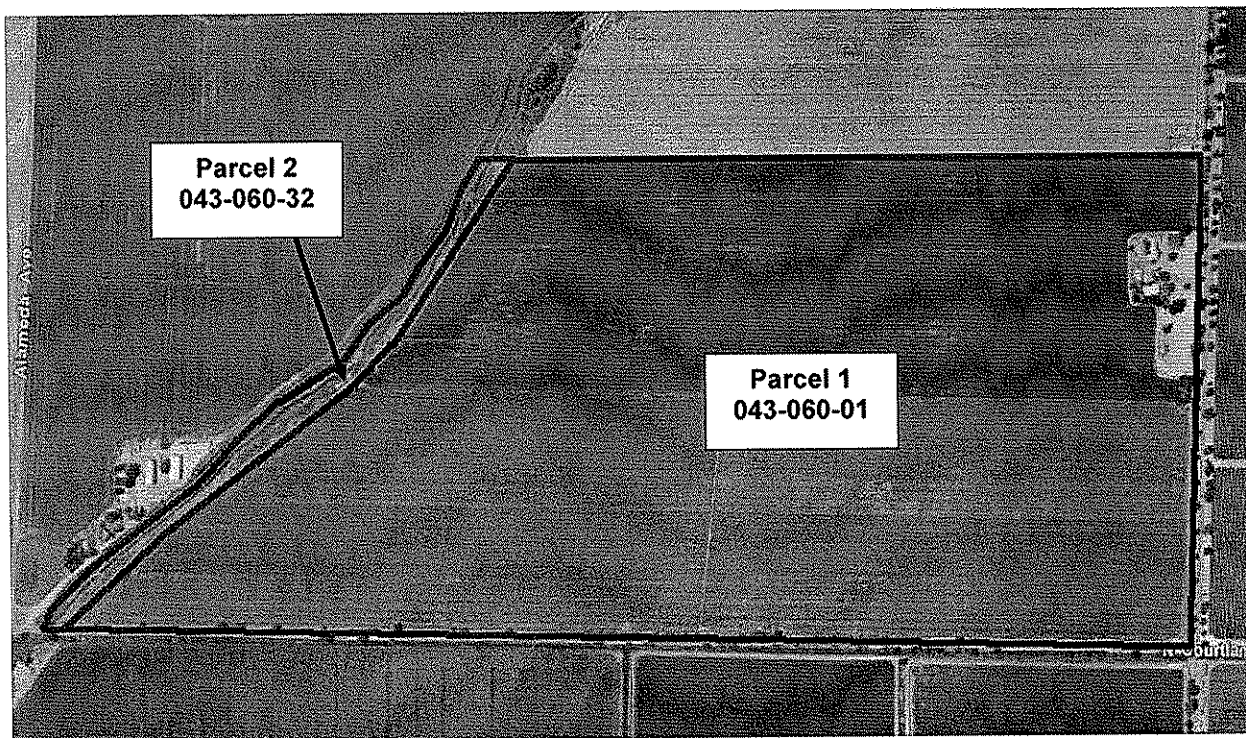
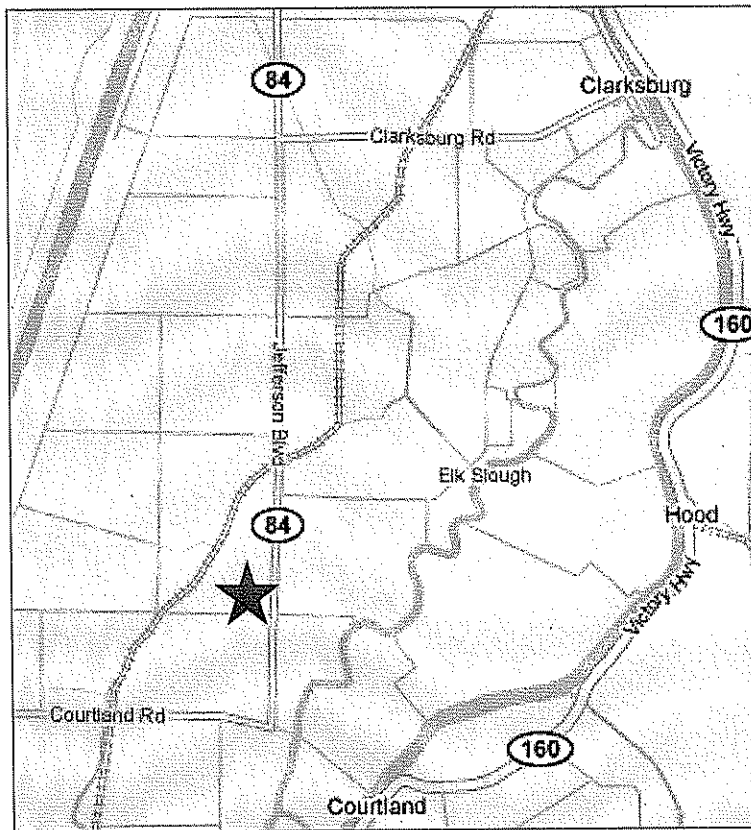
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SHEET 2 OF 2

NOVEMBER 10, 2008

# LOCATION MAP



# ATTACHMENT B





**COUNTY RECORDER**  
**Filing Requested by:**

**Yolo County Planning and Public Works**

Name

**292 West Beamer Street**

Address

**Woodland, CA 95695**

City, State, Zip

Attention: Jeff Anderson

**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# 2008-062 (Lot Line Adjustment/Zone Boundary Adjustment/Williamson Act Contract Amendment)**

Peter Schmidl  
813 Harbor Boulevard  
West Sacramento, CA 95691

**Project Location:** West side of Jefferson Boulevard, north of North Courtland Road, approximately four miles southwest of Clarksburg. APNs: 043-060-01, 043-060-32

**Project Description:** A Lot Line Adjustment, Zone Boundary Adjustment, and Williamson Act Contract Amendment in the Agricultural Preserve (A-P) zone and Agricultural General (A-1) zone.

**Exempt Status:**

Ministerial (21080(b)[1] (15268):

**Categorical Exemption "15305" Class 5**

No Impact or other Statutory Exemptions. State Section number: Section 15061(b-3)

**Open Space Contracts "15317"**

**Reasons why project is exempt:**

§ 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 but not limited to (a) *Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcels.*

§ 15317, Class 17 consists of the maintenance of open space contracts under the Williamson Act.

**Lead Agency Contact Person:** Jeff Anderson, Assistant Planner

**Telephone Number:** (530) 666-8036

Signature (Public Agency): \_\_\_\_\_ Date:

Date received for filing at OPR:

**ATTACHMENT C**

**FILE #2008-062 FILE NAME: Schmidl LLA/Zone Boundary/Williamson Act**

**RECEIPT #59004**

**AUTHORIZED SIGNATURE** \_\_\_\_\_

**FEE STATUS** \_\_\_\_\_



**FINDINGS FOR ZONE FILE #2008-062  
SCHMIDL LOT LINE ADJUSTMENT, ZONE BOUNDARY  
ADJUSTMENT, AND WILLIAMSON ACT CONTRACT AMENDMENT**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2008-062, the Board of Supervisors find the following:  
*(A summary of evidence to support each FINDING is shown in Italics.)*

**California Environmental Quality Act (CEQA) and Guidelines**

That the recommended Class 17 and Class 5 Categorical Exemptions are the appropriate levels of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

*Pursuant to CEQA Section 15305, Class 5 (Lot Line Adjustments), and Section 15317, Class 17 (Open Space Contracts or Easements), the project is categorically exempt from further environmental review. Class 5 includes minor Lot Line Adjustments not resulting in the creation of any new parcels. Class 17 covers the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act.*

**General Plan**

That the project is consistent with the Yolo County General Plan and policies in the Agricultural Element in that it continues to conserve and preserve agricultural lands, especially areas currently farmed, and that it ensures compatibility of land uses adjacent to agricultural operations, so that agricultural productivity is not substantially affected.

*The proposed Lot Line Adjustment and Zone Boundary Adjustment will not substantially decrease agricultural production on the A-P zoned parcel. The acreage enrolled in the Williamson Act will not change as a result of the Lot Line Adjustment. The proposed parcel configuration is proposed in order to remove developable land near the canal and to enhance farming practices. Removing the buildable area from the A-1 zoned parcel's canal bank easement will also prevent unnecessary obstruction to Reclamation District 999 for maintenance. Residential use of the land will be restricted due to the limitation of urban facilities and infrastructure.*

**Williamson Act (Government Code Section 51257)**

To facilitate a Lot Line Adjustment, pursuant to subdivision (d) of Section 66412 of the Subdivision Map Act, and notwithstanding any other provision of the Williamson Act, the parties may mutually agree to rescind the contract and simultaneously enter into a new contract pursuant to Government Code Section 51200 et. seq., provided that the Board of Supervisors finds all of the following:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, but not less than 10 years.

*Upon approval of the project, the applicant shall be required to enter into a new Williamson Act contract for the initial term of ten (10) years. The new contract for the reconfigured parcel of approximately 190± acres will be restricted in accordance with Government Code Section 51200 et. Seq.*

2. There is no net decrease in the amount of the acreage restricted.

*There will be no decrease in the amount of total acreage restricted and no net change in the*

**ATTACHMENT D**

*acreage of the parcel in the Williamson Act. The A-1 parcel is not under Williamson Act contract.*

3. At least 90 percent of the land under the former contract remains under the new contract.

*The new Williamson Act Contract equaling the same total acreage will be amended to reflect the new boundary lines. No net acreage will be removed from the Williamson Act.*

4. After the Lot Line Adjustment, the parcel of land subject to contract will be large enough to sustain its agricultural use, as defined in Section 51222.

*The parcel subject to the Williamson Act contract is approximately 190± acres and will more than meet the requirements as defined in Section 51222 of the Government Code.*

5. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

*The amendment of zoning boundaries and Williamson Act contract will have relatively little negative impact to agricultural activity on the parcel under contract. Removing developable land near the canal bank and easement area will enhance the current and future farming practices and minimize conflicts with the reclamation district. Total acreage restricted by the Williamson Act Contract will not be reduced and the project will not compromise the long-term agricultural productivity of the parcel under contract.*

6. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

*The Lot Line Adjustment will not result in the removal of adjacent land from agricultural use. The newly configured A-1 parcel will encompass the existing development that was previously on the A-P parcel. In addition, portions of the newly configured A-1 parcel will continue to be farmed.*

7. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

*The Lot Line Adjustment does not change the existing number of developable parcels and will not result in an uneven exchange of developable land. The Lot Line Adjustment is in conformance with the County's General Plan Land Use policies that support efficient use of land.*

### **Zoning Code**

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

*The 190± acre parcel (APN: 043-060-01) currently meets and will continue to meet all the requirements of the A-P zone with regard to land use in the zoning requirements of the Yolo County Code (Section 8-2.402) and the amended Williamson Act Contract (Section 8-2.408).*

The purpose of the Agricultural General Zone (A-1), Section 8-2.601, shall be to provide uses on lands best suited for agriculture.

*The 8± parcel (APN: 043-060-32) is an existing legal non-conforming parcel (less than 20 acre minimum requirement) with an A-1 zoning designation. Portions of the existing parcel are farmed and will continue to be farmed after the Lot Line Adjustment.*



**CONDITIONS OF APPROVAL  
ZONE FILE #2008-062  
SCHMIDL LOT LINE ADJUSTMENT, ZONE BOUNDARY ADJUSTMENT  
AND WILLIAMSON ACT CONTRACT AMENDMENT**

**ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:**

PLANNING DIVISION—PPW (530) 666-8808

1. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Yolo County Board of Supervisors.
2. Upon approval by the Board of Supervisors, the property owner(s) or administrators of trust shall execute the Williamson Act Contract Amendment for the subject Agricultural Preserve property on a form approved by the Office of the County Counsel of Yolo County. Said contract shall be recorded in the Office of the Yolo County Clerk/Recorder and a copy of the recorded contract shall be returned to the Planning and Public Works Department prior to the issuance of any building entitlement on the subject properties.
3. The property 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. Within thirty (30) days from the date of project approval by the Yolo County Board of Supervisors, the applicant shall sign the Williamson Act contract amendment and return to the Planning and Public Works Department.
5. Upon approval of the Lot Line Adjustment by the Board of Supervisors, the Planning and Public Works Department shall issue a Certificate of Compliance with Lot Line Adjustment plat map and legal descriptions. The Certificate of Compliance shall be recorded in the Office of the Yolo County Clerk/Recorder within thirty (30) days of issuance. A copy of the recorded Certificate of Compliance shall be returned to the Planning and Public Works Department prior to the issuance of any building permit on the subject properties.
6. Recordation of the Certificate of Compliance for the Lot Line Adjustment shall not in any way result in the elimination, obstruction, or reduction in size of any access way to the resulting parcels.
7. Concurrent with the recordation of the Certificate of Compliance and Lot Line Adjustment, the applicant shall record a Right-to-Farm Disclosure Notice (Title 10, Chapter 6, of the Yolo County Code) on title of the newly configured A-1 zoned parcel, identified as APN: 043-060-32. The applicant shall provide a copy of the Right-to-Farm Ordinance to any buyer of the parcel created by this Lot Line Adjustment, prior to purchase.

COUNTY COUNSEL (530) 666-8172

8. In accordance with Yolo County Code Section 8-2.2415, the applicant 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)

**ATTACHMENT E**

against the county or its agents, officers, or employees to attach, 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 determined to be sufficient to satisfy the above indemnification and defense obligation.

### **PRIOR TO ISSUANCE OF ANY BUILDING PERMITS:**

#### BUILDING DIVISION—PPW (530) 666-8775

9. The applicant shall pay the appropriate fees prior to the issuance of building permits, including, but not limited to, the Parcel Map checking fees, River Delta Unified School District, Clarksburg Fire District fees, County Facility fees, and Yolo County Environmental Health fees.
10. 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.

#### ENVIRONMENTAL HEALTH DEPARTMENT (530) 666-8646

11. Prior to the issuance of any building permits, well and septic system designs shall be approved by the Environmental Health Department.

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

- **non-issuance of future building permits;**
- **Legal action.**



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING A MINOR LOT LINE ADJUSTMENT WITH RESPECT TO CERTAIN PROPERTIES ZONED AGRICULTURAL PRESERVE (A-P) AND AGRICULTURAL GENERAL (A-1)**

WHEREAS, the two parcels at issue, of 7.60 and 189.60 acres each, respectively, are located in the unincorporated area of the County of Yolo and are currently zoned Agricultural General (A-1) (APN 043-060-32) and Agricultural Preserve (A-P) (APN 043-060-01); and

WHEREAS, the owner of the parcels ("Applicant") has submitted an application (Zone File No. 2008-062) for a minor lot line adjustment to alter the boundary between these two properties to facilitate a more practical parcel configuration for the parcel zoned A-1; and

WHEREAS, the Board has determined that it is appropriate to approve the lot line adjustment and a corresponding rezone (by separate ordinance) of the affected real property, for the reasons set forth in written findings adopted at the same time as this resolution; and

WHEREAS, the Board of Supervisors in reaching its decision has considered the whole record, including all testimony offered in connection with the project; and

WHEREAS, a Categorical Exemption was prepared for this project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA") and the State CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the lot line adjustment and zone boundary change of real property between the parcels at issue in the manner reflected in this resolution.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, on the \_\_\_ day of \_\_\_\_\_ 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

By \_\_\_\_\_  
Mike McGowan, Chair  
Yolo County Board of Supervisors

Attest:  
Ana Morales, Clerk of the Board

Approved As To Form:  
Robyn Truitt Drivon, County Counsel

By: \_\_\_\_\_  
Deputy (Seal)

By: \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy



ORDINANCE NO. \_\_\_\_\_

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

The Board of Supervisors ("Board") of the County of Yolo, State of California, ordains as follows:

**Section 1. Purpose and Findings.**

The purpose of this Ordinance is to rezone certain real property from Agricultural General (A-1) to Agricultural Preserve (A-P), as shown on the maps attached as **Exhibits 1 and 2**, and as described in the legal descriptions attached as **Exhibits 3 and 4**, all of which are incorporated herein by this reference. Following the effective date of this Ordinance, the land shown on Exhibit 1 and described in Exhibit 3 shall be rezoned Agricultural Preserve (A-P), and the land shown on Exhibit 2 and described in Exhibit 4 shall be rezoned Agricultural General (A-1). The Board finds that this rezoning will promote the purpose of the lot line adjustment, which exchanges a small amount of land between the parcels to ensure the orderly development of the A-1 property.

**Section 2. Amendment of County Zoning Map.**

Inset Map No. 29 of the Zoning Map of the County of Yolo (which is incorporated by reference in Section 8-2.3001 of the Yolo County Code), and incorporated herein by this reference, is amended by the rezoning of certain lands as reflected on the Attachments in Sections 1, above.

**Section 3. Principal, Accessory, and Conditional Uses.**

Provisions of the Yolo County Code governing Principal, Accessory, and Conditional uses on the parcels affected by this Ordinance are as provided for by Yolo County Code Title 8, Chapter 2, Article 4, Agricultural Preserve (A-P) zone and Yolo County Code Title 8, Chapter 2, Article 6, Agricultural General (A-1) Zone.

**Section 4. Severability.**

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 5. Effective Date.**

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 David Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

**ATTACHMENT G**

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike McGowan, Chair  
Yolo County Board of Supervisors

ATTEST:  
Ana Morales, Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy (Seal)

APPROVED AS TO FORM;  
Robyn Truitt Drivon, County Counsel

By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

- Exhibit 1: Map for "Parcel 1" zoned A-P**
- Exhibit 2: Map for "Parcel 2" zoned A-1**
- Exhibit 3: Legal Description for "Parcel 1"**
- Exhibit 4: Legal Description for "Parcel 2"**

AGREEMENT NO. \_\_\_\_\_

**WILLIAMSON ACT SUCCESSOR AGREEMENT**

THIS AGREEMENT ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, between the County of Yolo, a political subdivision of the State of California (hereinafter "County"), and Peter Schmidl, Trustee of the Peter Paul Schmidl Revocable Trust (hereinafter "Owner").

**RECITALS**

WHEREAS, Owner is the legal owner of newly configured parcel (APN: 043-060-01) consisting of 190± acres of real property which is more particularly shown in **Exhibit 1** and described in **Exhibit 2**, attached hereto and incorporated herein by this reference; and

WHEREAS, this Agreement relates to property in Agricultural Preserve No.70, originally established by a Land Use Contract (Agreement No. 71-345) that incorporated portions of Yolo County Resolution No. 71-18, recorded in Volume 966 on Page 421 in the Yolo County Official Records on February 5, 1971; and

WHEREAS, concurrently with its approval of this Agreement, the Yolo County Board of Supervisors approving a Lot Line Adjustment of the above-referenced property; and

WHEREAS, this Agreement applies only to the real property as shown in **Exhibit 1** and described in **Exhibit 2** of this Agreement, attached hereto and incorporated herein by this reference; and

WHEREAS, both Owner and County desire to limit the use of the subject property to agriculture, recreation, and open space uses by entering into this Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

**AGREEMENT**

1. As to the subject property, Owner hereby acknowledges and agrees to be bound by all the terms and conditions and obligations of Agreement No. 71-345.
2. Agreement No. 71-345 is further amended by the addition of the following paragraphs:

Notwithstanding anything to the contrary in Resolution No. 71-18, or any documents incorporated therein by reference, IT IS FURTHER AGREED that the subject property shall be subject to the provisions of Article 1.5 (commencing with Section 421) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code only to the extent that it is used for agriculture, recreational use or open

*Williamson Act Successor Agreement between the County of Yolo and  
Peter Schmidl  
Zone File #2008-062  
190± acres*

*Page 1 of 5*

**ATTACHMENT H**

space, all as defined below. To the extent the subject property is used for any other use, including those uses determined to be compatible with the agricultural use of the land within this preserve and subject to this contract, it shall be valued by using the stipulated minimum income method provided for in section 423(a)(3) of the California Revenue and Taxation Code and the amount which constitutes the minimum annual income per acre to be capitalized shall be determined annually by multiplying the factored base year value of the property involved by the Williamson Act capitalization rate for that year.

The following definitions shall apply to terms used in the above paragraph:

- A. Agriculture means the growing of crops or the raising of livestock. The growing of crops shall include growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, horticulture, hay grain, and similar crops. The raising of livestock shall include animal husbandry, including the breeding and raising of cattle, sheep, goats, pigs, rabbits, poultry, and similar animals, and egg production and dairies, and the business of breeding and raising horses, whether or not for use in growing crops or raising livestock, including boarding horses; however, the raising of livestock shall not include dog kennels.
- B. Agriculture shall not include the direct marketing or sale of agricultural products or facilities for the processing of agricultural products, including, but not limited to, canneries, wineries, dehydrators, or fruit, vegetable, or meat packing plants.
- C. Recreational use means the use of land by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation and which does not change the land from its natural or agricultural state. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.
- D. Open space use means the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit or enjoyment of the public, to provide essential habitat for wildlife, or for other purposes consistent with the definition of "open space" set forth in Government Code section 51201.

3. The County may declare this Agreement terminated if it (or another substantially similar contract) is declared invalid or ineffective in any court adjudication accepted by the County as final, but no cancellation fee or other penalties shall be assessed against Owner upon such termination.

4. Owner, upon request of the County, shall provide information relating to Owner's obligations under this Agreement to assist the County in determining value for assessment purposes or to determine continued eligibility under the Williamson Act.

*Williamson Act Successor Agreement between the County of Yolo and  
Peter Schmidl  
Zone File #2008-062  
190± acres*

5. Owner represents that it properly holds legal title to the subject real property and all necessary persons have executed this Agreement. Owner agrees to indemnify, defend, and save harmless the County from any and all claims, suits, or losses caused by prior claims of other owners or security holders.

6. All notices to be given to the Owner pursuant to this Agreement shall be given to Owner herein by delivery personally in writing or by depositing the same in the United States Mail, first class postage prepaid, addressed as set forth above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

COUNTY OF YOLO

OWNER

\_\_\_\_\_  
Mike McGowan, Chair  
Board of Supervisors

\_\_\_\_\_  
Peter Schmidl, Trustee  
Owner

Attest:  
Ana Morales, Clerk  
Board of Supervisors

By \_\_\_\_\_  
(Seal)  
Deputy

Approved as to Form:  
Robyn Truitt Drivon, County Counsel

By \_\_\_\_\_  
Philip J. Pogledich, Senior Deputy

State of California  
County of Yolo

On \_\_\_\_\_, 2009, before me, \_\_\_\_\_, **Notary Public**, personally appeared Mike McGowan, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as Chair of the Yolo County Board of Supervisors, and that by his signature on the instrument the County of Yolo executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

\_\_\_\_\_  
(SEAL)



State of California  
County of \_\_\_\_\_

On \_\_\_\_\_, 2009, before me, \_\_\_\_\_, **Notary Public**, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: \_\_\_\_\_  
(SEAL)



**LAND DESCRIPTION**

**AFTER LOT LINE ADJUSTMENT - PARCEL 1**

THAT portion of real property situate in the unincorporated area of County of Yolo, State of California, and being a portion Section 13, Township 6 North, Range 3 East, Mount Diablo Base and Meridian, and also being a portion of the Southerly two-thirds of Lot 9 as shown on that certain map entitled "HOLLAND LAND CO. SUBDIVISION NO. 7", filed in Book 3 of Maps, at Pages 37 and 38, said County Records, and also being a portion of item One as described in Book 1683 of Official Records at Page 351, said County Records, and also being a portion of that Parcel of land as described in Book 117 of Deeds at Page 213, said County Records, being more particularly described as follows:

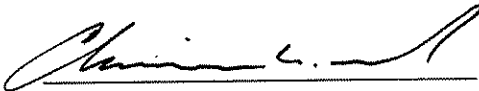
BEGINNING at the Southeast corner of said Lot 9; thence, from said POINT OF BEGINNING, and along the South line of said Lot 9, North 88°40'40" West 5,103.86 feet to the Southwest corner of said Lot 9; thence, along the West line of said Lot 9 the following five (5) courses and distances: 1) North 46°00'00" East 525.28 feet; 2) North 49°13'00" East 1,010.30 feet; 3) North 55°43'00" East 346.13 feet; 4) North 40°13'00" East 331.28 feet; and 5) North 30°09'00" East 658.56 feet to the Northerly line of the Southerly two-thirds of said Lot 9; thence, along the Northerly line of said Southerly two-thirds, South 90°00'00" East 2,869.51 feet, said point being distant North 89°59'59" West 360.40 feet from the Northeast corner of said Southerly two-thirds of said Lot 9; thence, leaving said North line, South 02°40'30" West 919.86 feet; thence South 90°00'00" East 360.40 feet to the East line of said Lot 9, said point being distant North 02°40'30" East 1,242.48 feet from said Southeast corner of said Lot 9; thence, along said East line, South 02°40'30" West 1,242.48 feet to the POINT OF BEGINNING.

Containing 189.60 acres of land, more or less.

The basis of bearings for this description is the South line of said Lot 9, shown as South 88°40'40" East on that certain map entitled "HOLLAND LAND CO. SUBDIVISION NO. 7", filed in Book 3 of Maps, at Pages 37 and 38, said County Records.

End of description.



  
Christopher W. Lerch

11-13-2008  
Date