

FINDINGS
ZONE FILE #2021-0026
CAMPBELL FAMILY UNITS
USE PERMIT

Upon due consideration of the facts presented in the staff report and at the public hearing on the appeal of the Planning Commission's decision on Zone File #2021-0026, the Board of Supervisors denies the appeal and upholds the Planning Commission's decision to approve the Use Permit to allow one of the two unpermitted dwellings to complete the permitting process for a total of three residences on agriculturally-zone property. In support of this decision, the Board of Supervisors makes the following findings:
(A summary of the evidence to support each FINDING is shown in italics)

California Environmental Quality Act

The common sense exemption, per Section 15061(b)(3), and the Class 3 exemption, per Section 15303(b), was prepared and filed in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines and is the appropriate level of environmental review for this project. The project proposes to legalize the construction of one unpermitted dwelling on an agriculturally intensive zoned parcel, which is already in existence and would not increase the development footprint of the property, and the demolition or conversion to non-residential uses of the second unpermitted dwelling. (Attachment C).

Yolo County General Plan

The proposal is consistent with the following Yolo County General Plan as follows:

The Yolo County General Plan designates the subject property as Agriculture (AG).

The project is consistent with the following General Plan Policies:

Land Use Policy LU-2.1 *seeks to protect existing farm operations from impacts related to the encroachment of urban uses and to ensure that development will not have a significant adverse effect on the economic viability or constrain the lawful practices of adjoining or nearby agricultural operations*

Land Use Policy LU-2.4 *seeks to vigorously conserve, preserve, and enhance the productivity of the agricultural lands in areas outside of adopted community growth boundaries and outside of city SOIs.*

Land Use Policy LU-3.8 *allows residences in the agricultural areas to provide dwellings for those directly involved in on-site farming activity, including farm employees, the landowners and their immediate families. All such dwellings shall be encouraged to locate on lands least suited for agricultural use and/or in "clustered" configurations to minimize the conversion of agricultural lands to any other uses.*

Agriculture Policy AG-1.4 *prohibits land use activities that are not compatible within agriculturally designated areas.*

Agriculture Policy AG-1.5 *strongly discourages the conversion of agricultural land for other uses.*

Agriculture Policy AG-1.7 encourages farm dwellings to be located in a manner that protects both on-site and off-site agricultural practices. All dwellings in agriculturally zoned areas shall be encouraged to be located on portions of the parcel less suitable for agricultural use.

Housing Policy HO-1.1 encourages a mix of housing types, densities, affordability levels, and designs.

The subject property is designated as Agriculture in the Yolo County General Plan. As conditioned, the Use Permit is consistent with the policies, goals and objectives of the General Plan.

Zoning Code

The proposal is consistent with applicable zoning standards.

The proposed project meets the criteria set forth in County Code Section 8-2.306(y)(3) where the construction of more than two dwelling units, as well as the legalization of more than two existing units, may be permitted through the issuance of a Use Permit, upon finding the residential use is compatible and appurtenant with the principal agricultural use of the property.

The proposal is consistent with findings required for approval of a Use Permit, as set forth in County Code Section 8-2.217(e):

1. The requested use is listed as a conditional use in the zone regulations or elsewhere in the code;

The legalization of more than two existing units is listed as a conditional use in the Agricultural Intensive (A-N) Zone [County Code Section 8-2.304].

2. The requested use is essential or desirable to the public comfort and convenience;

The legalization of additional dwelling unit(s) will allow the Applicant to provide separate housing for the children who have resided on the property with the Applicant since the property was purchased in September 2019 and who will help maintain the existing family walnut orchard.

3. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

The proposed use is consistent with surrounding land uses, including other rural residences and nearby agricultural operations, and will serve to enhance the agricultural operations at the site.

4. The requested use will be in conformity with the General Plan;

The proposed use is consistent with General Plan policies in that it encourages a mix of housing types, allows for residences in "clustered" formations for those directly involved with the farming operation, and supports the existing agricultural operations.

5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided; and

Adequate facilities serving the proposed dwelling will be provided under separate permits.

6. The requested use, if located in an agricultural zone, will serve and support production of agriculture, the agricultural industry, or is otherwise agriculturally related; or if the use is not agriculturally related (e.g., solar or wind energy, rural recreation, and other non-agricultural uses), the use is listed as a conditional use consistent with subsection.

More than two dwellings, including manufactured homes, on an agriculturally zoned parcel is a conditionally allowed use. Additional dwelling unit(s) will serve the existing agricultural use of the property by allowing the property owner to provide housing for their children who maintain the family walnut orchard.

7. The requested use, if located in an agricultural zone, and if proposed on prime farmland, cannot be reasonably located on lands containing non-prime farmland.

No additional agricultural land will be taken out of production, as the units were constructed immediately adjacent to the existing agricultural exempt structure that is used for equipment storage and is within, or immediately adjacent to, the development footprint of one of the existing residences.

Williamson Act Compatibility Findings

The subject parcel is located in Agricultural Preserve No. 20 and is under Williamson Act Contract 73-009 established January 1, 1973.

The Williamson Act requires that lands under contract must be kept in commercial agricultural use during the life of the contract, except for permitted uses that are “compatible” with agricultural uses.

The Williamson Act sets forth three “principles of compatibility” that uses on contracted lands must be consistent with. See Government Code § 51238.1. Accordingly, the Zoning Administrator makes the following findings:

Principles of Compatibility for Uses on Contracted Lands (Gov. Code § 51238.1(a)):

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.**

Approval of the project will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel. The approximately 22-acre project site is planted in walnut orchards. The proposed project will allow the Applicant to provide housing for their adult children who will be maintaining the existing agricultural operations. Approval of a third residence will not expand the development footprint of the authorized homesite.

- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels**

or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

The proposed project will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcels or on other contracted lands in the agricultural preserves. The legalization of additional dwelling unit(s) is compatible and appurtenant with the principal agricultural use of the property and of the surrounding properties. The proposed project will support, not compromise, or displace, the long-term agricultural capability of the land by providing housing to the Applicant's adult children who will help maintain the existing agricultural operations. The project is not expected to conflict with zoning or the Williamson Act.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Land surrounding the project site is partially under contract and primarily used for agricultural purposes. There is no evidence that the project will result in any removal of adjacent land from agricultural uses. The proposed project to legalize the construction of additional dwelling unit(s) is compatible with the agricultural land use designation of the subject parcel and the surrounding parcels, and will not result in the conversion of additional farmland.