



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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Time Set 11.

Planning Commission

Meeting Date: 09/08/2022

Information

SUBJECT

ZF #2021-0026: Consider a request for a Use Permit to allow more than two dwelling units on an Agricultural Intensive (A-N) zoned parcel at 30633 The Horseshoe in the unincorporated area west of the City of Winters (APN: 030-280-005). This action would bring existing unpermitted dwelling units into compliance with County Zoning Regulations. The project is exempt from the California Environmental Quality Act. Applicants/Owners: Ryan & Michele Campbell. (Planner: Tracy Gonzalez)

SUMMARY

FILE # 2021-0026: Request for a Use Permit to allow more than two dwelling units on an Agricultural Intensive (A-N) zoned parcel, which would bring existing unpermitted dwelling units into compliance with County Zoning Regulations.	
APPLICANT: RYAN & MICHELE CAMPBELL 30633 THE HORSESHOE WINTERS, CA 95694	OWNER: SAME AS APPLICANT
LOCATION: 30633 THE HORSESHOE (APN: 030-280-005) GENERAL PLAN: Agriculture (AG) ZONING: Agriculture Intensive (A-N) SUPERVISORIAL DISTRICT: 2 (Supervisor Saylor)	SOILS: Class I and IV soils BrA, Brentwood silty clay loam, 0 to 2 percent Ra, Reiff very fine sandy loam Sv, Sycamore complex, drained Ya, Yolo silt loam, 0 to 2 percent WILLIAMSON ACT: Contract No. 73-009 FLOOD ZONE: A (Special Flood Hazard Area), X FIRE SEVERITY ZONE: NON-WILDLAND/NON-URBAN
ENVIRONMENTAL DETERMINATION: "Common Sense Exemption" per Section 15061(b)(3) and Class 3 Exemption per Section 15303(b) of the CEQA Guidelines	

RECOMMENDED ACTION

That the Planning Commission:

1. Receive a staff presentation, hold a public hearing, and accept public comments on the request for a Use Permit to allow more than two dwelling units on the property for the purpose of bringing existing unpermitted dwelling units into compliance with County Zoning Regulations;
2. Determine the project is exempt from the California Environmental Quality Act (CEQA) and CEQA Guidelines pursuant to the "common sense" exemption per Section 15061(b)(3) and Class 3

- exemption per Section 15303(b) of the CEQA Guidelines (Attachment C);
3. Adopt the proposed Findings (Attachment D); and
 4. Approve a Use Permit for one additional unit, for a total of three dwellings, on the 23-acre property, with Conditions of Approval (Attachment E).

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The Campbells (Applicant) are seeking approval of a Use Permit to bring into Zoning Code compliance the unpermitted construction of two small dwelling units on an agriculturally-zoned parcel located in the unincorporated area of Winters known as 'The Horseshoe'. The dwellings were constructed adjacent to a 2,400 square foot (SF) agricultural exempt structure and are in addition to a 1,660 SF primary dwelling and 1,155 SF ancillary (second) dwelling. According to the Applicant, the units were built to house their adult children who would like to remain on the property and help maintain the 20-acre walnut orchard.

PROJECT BACKGROUND

The project site is a 22-acre A-N zoned parcel (APN: 030-280-005) located 0.8 miles southwest of the City of Winters and 0.36 miles south of State Route 128, at 30633 The Horseshoe. The parcel includes approximately 20 acres of walnut trees, one primary residence built in 1920 where the Applicant and family reside, one ancillary residence occupied by the Applicant's son and his family, and an agricultural exempt barn (2,400 SF) built in 2019 that is used for equipment storage.

The two subject dwelling units (781 SF and 820 SF, respectively) were constructed immediately adjacent to the storage barn and are within the development footprint of the ancillary residence. A septic system was also installed to serve the dwellings; however, according to Environmental Health staff, the installation was not permitted and the location and construction of the system does not meet current code standards. The entire residential footprint of the parcel appears to be slightly less than two acres. For the purposes of this discussion, the County's Zoning Regulations assume that the area established for home site development on agriculturally zoned parcels, including ancillary uses, is approximately 2.5 acres [County Code Section 8-2.402(b)].

In early 2021, a Yolo County Building Inspector conducted an inspection at the Campbell property for an electrical permit. During the inspection the unpermitted dwellings and septic system installation were discovered. In an attempt to achieve compliance, County staff began working with the Campbells to obtain the necessary approvals prior to initiating a building code violation case. In March, 2021, the Campbells submitted a building permit application for an 'as-built duplex with garage' as a show of good faith effort to bring the buildings, including the ag exempt structure, into compliance with residential building standards. During the Planning Division's review of the as-built permit, it was discovered there were already two dwellings on the property and a Minor Use Permit would be required to satisfy County Zoning Regulations [County Code Sections 8-2.304/Table 8-2.304(e) and 8-2.404(c)].

In June 2021, the Campbells submitted an application for a Minor Use Permit requesting that the units be allowed to remain and review of the as-built permit was placed on hold until zoning compliance has been satisfied. Likewise, a permit for the septic system installation is also under review by the Environmental Health Division, pending approval of the Use Permit. At some point during Planning's review of the application, the Campbells explored alternative avenues for permitting the structures, such as legalizing the units for 'farmworker' housing, but opted to continue the Use Permit process because the housing would not qualify as eligible employee housing for farmworkers under the State's criteria.

Though the Campbells have been cooperative with the County in an effort to achieve compliance, the Applicants have continued to make improvements without permits and inspections, including installation of fire sprinklers in the two subject units and the agricultural exempt structure. Fire sprinklers are required for residential structures, including garages that are attached or in close proximity to dwelling units. Such improvements are required to be made under an approved permit so long as all Fire District and other relevant fees have been paid. To date, no Fire District fees have been paid.

The County has been contacted by numerous interested parties expressing significant concern and interest over the project, including the manner in which the Applicants have conducted their business. These and other comments are summarized below and/or attached for the Commission's review.

STAFF ANALYSIS

The 2030 Countywide General Plan designates the parcel Agriculture (AG) and the parcel is zoned Agricultural Intensive (A-N), which allows for the construction of one primary dwelling and one ancillary dwelling, by-right (i.e. without discretionary approval from the County). The property is subject to the Williamson Act under Land Use Agreement No. 79-009 in Agricultural Preserve 20. As indicated above, prior to building permit approval for more than two homes on an agriculturally zoned parcel, the County Code requires the issuance of a Minor Use Permit.

Yolo County's Zoning Regulations for siting new homes in the Agricultural Zones provides that on parcels in the Agricultural Intensive (A-N) or Agricultural Extensive (A-X) Zones, more than two dwelling units may be permitted through the issuance of a Minor Use Permit, upon finding that the residential use is compatible and appurtenant with the principal agricultural use of the property [Yolo County Code Section 8-2.402(c)]. The by-right units may include one primary home unrestricted in size and one ancillary home that is limited to 2,500 square feet, excluding space that is unconditioned or used for storage. Alternatively, the primary home may be constructed as a duplex, i.e., a building containing exclusively two dwelling units under a common roof (County Code Sections 8-2.304/Table 8-2.304(e) and 8-2.507).

Although Minor Use Permits are typically issued by the Zoning Administrator after holding a duly noticed public hearing, when, at the discretion of the Zoning Administrator, there is significant public interest in a project, or the decision on a project involves policy considerations which should be reviewed by the Planning Commission, the Zoning Administrator may elect to refer a project, with or without a recommendation, to the Planning Commission for decision [County Code Section 8-2.206(e)]. Thus, given the level of public interest in the Campbell project, the Zoning Administrator respectfully refers the matter to the Planning Commission for decision. To assist the Planning Commission with decision-making, staff outlines the following zoning provisions for consideration.

The purpose of a Use Permit is to allow for the proper integration into the community of uses, which may be suitable only in specific locations in a zone or only if such uses are designed or laid out on the site in a particular manner [County Code Section 8-2.217(a)]. No application may be filed which proposes any use that is not consistent with the Countywide General Plan. If the Planning Commission approves a Use Permit request, it may attach such conditions, including standard and specific design, development, and performance requirements, infrastructure requirements, standard time limitations, guarantees, amortization schedules, and any other assurances and requirements as may be necessary to accomplish the objectives set forth in the County's Zoning Regulations and requirements of the General Plan.

In granting a Use Permit, the Planning Commission, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, shall find the following general conditions to be fulfilled:

1. The requested use is listed as a conditional use in the Zoning Regulations;
2. The requested use is essential or desirable to the public comfort and convenience;
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;
4. The requested use will be in conformity with the General Plan;
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided;
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; and
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.

At the Planning Commission's discretion, conditions may be imposed on the project as may be necessary to allow the above findings to be made and may require the applicant to execute and record documents which insure that such conditions run with the land. Draft Findings have been prepared for the Commission's review in Attachment D.

STAFF SUMMARY

The request for adding a third home to an agriculturally-zoned parcel is a common Minor Use Permit application and, generally, the discretionary review process for such requests does not generate significant public concern. When considering such requests, staff is mindful of General Plan policies that seek to manage growth to preserve and enhance the County's agriculture and rural setting. More specifically, Land Use Policy LU-3.8 states: *The intent of allowing residences in the agricultural areas is to provide dwellings for those directly involved in onsite 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.* Similarly, the Agriculture and Economic Development Element supports residential uses in the agricultural areas for the purpose of allowing farmers to live on their land. Agriculture Policy AG-1.7 encourages farm dwellings to be located in a manner that protects both on- and offsite agricultural practices. The County's Zoning Regulations also require that additional homes beyond those allowed by right must be appurtenant to and compatible with the principal agricultural use of the property.

According to the Applicant, the subject dwellings will serve to house immediate family members who assist with daily onsite agricultural operations. The dwellings were constructed immediately adjacent to an existing agricultural exempt structure and did not appear to remove any trees from the orchard and are proximate to the ancillary dwelling. On its face, the addition of two small living quarters meets General Plan Agriculture and Land Use Policies that encourage residences in 'clustered' configurations for those directly involved in onsite farming activities by providing a means for the family to continue living on-site and maintain the family operation. Likewise, Resolution 73-2 that established and/or enlarged Agricultural Preserve No. 20 for Land Use Agreement No. 79-009 specifically allows, as a compatible use, ranch and farm dwellings appurtenant to a principal use when located on a parcel containing at least 20 acres, including living quarters of persons employed on the premises and relatives of the property owner or leasee.

Planning staff remain concerned that the Applicants have demonstrated a tendency to disregard the permitting process and ignore local requirements. Comments received from interested parties express similar concerns related to the Applicant's approach for building additional homes on agricultural land (see Attachment G). Thus, staff is seeking direction and final action from the Planning Commission. Had the Campbells approached the County when they purchased the parcel in 2019, Planning staff could have provided simple solutions for the family without the need for a discretionary process. For instance, the County does not currently regulate the size of a primary home and allows for up to 2,500 square feet for an ancillary home. Many property owners take advantage of the County's regulations with respect to farm dwellings and either add on to the original home that could include attached but separate living quarters, or, instead, build a new home in its place, all without invoking the requirement for a Use Permit.

In general, staff supports the addition of a third home on agricultural properties when it can be shown with certainty that the residence will house additional family members, a caretaker, or a farmworker and their family. In this case, it appears the Campbells are seeking to legalize an approximately 4,001 SF residential building that will contain two small separate living quarters joined by a large 'garage'. Should the Planning Commission decide to approve the Use Permit with conditions, staff recommends limiting the addition of living quarters to just one unit for a total of three dwellings on the 23-acre property that must be used by family members, a caretaker, or a farmworker and their family. The proposed conditions of approval would also require that the second unpermitted unit be converted to a non-residential use or be demolished with the appropriate required permits.

COLLABORATIONS

The Planning Division requested comments from various public agencies, and the received

responses are included as **Attachment F**. It can be noted that the project has been determined to be exempt from the Yolo Habitat Conservancy land cover fees and does not require permit coverage under the HCP/NCCP. Please see the memo prepared by Estep Environmental Consulting in Attachment F. The Department of Agriculture had no comments or concerns regarding the project and the Winters Fire Department did not respond.

Notice of the Planning Commission meeting for the project was published on July 31, 2022 and mailed to interested parties requesting notification as well as property owners within 1,000 feet of the project site on July 29, 2022.

A Courtesy Notice was previously mailed to property owners within 1,000 feet of the project site in early June and several verbal comments were received regarding the project proposal. Written comments have also been received and are included as Attachment G. Verbal comments are summarized below:

- Concerns regarding potential impacts to traffic/road conditions; no guarantee that the units will be used to house family members assisting with the orchard in the future if the property is sold or if the owners stop farming the parcel.
- Echoed concerns above; additional concerns regarding the potential for an increase in noise and a decrease in aesthetic value of the agricultural landscape on The Horseshoe; would an approved project set a precedent as a way to accommodate illegally built units throughout the County.
- Concerns regarding use of the property as a lodging venue or 'Airbnb' and the property owners refusal to obtain permits prior to construction activities; significant concerns with the project's characterization of the project as a 'duplex' and the use of prime farmland to construct the living units; increase in use of the road and trucks parked on The Horseshoe.

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 of Supervisors within **fifteen (15) days** from the date of the action. A written notice of appeal specifying the grounds for appeal 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

Att. A. Vicinity Map
Att. B. Site Plan
Att. C. Notice of Exemption
Att. D. Findings
Att. E. Conditions of Approval
Att. F. Agency Responses
Att. G. Interested Party Comments

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	09/01/2022 11:26 AM
Leslie Lindbo	Leslie Lindbo	09/01/2022 03:38 PM
Taro Echiburu	Evelyn Tamayo-Arias	09/01/2022 03:40 PM
Form Started By: Tracy Gonzalez		Started On: 07/08/2022 11:56 AM
Final Approval Date: 09/01/2022		