



COUNTY OF YOLO

Board of Supervisors

625 Court Street, Room 204 • Woodland, CA 95695
(530) 666-8195 • FAX (530) 666-8193
www.yolocounty.org

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Sr. Deputy Clerk of the Board, **Julie Dachtler**

Memo

To: Taro Echiburu, Community Services
From: Lupita Ramirez
Date: 9/28/2022
Re: Yolo County Planning Commission Appeal

Attached please find an application filed by the Law office of Andrew Vento Gabriel appealing the Planning Commission's Decision on September 8, 2022 regarding the request for a Use Permit to allow more than two dwellings units at 30633 The Horseshoe in the unincorporated area of west of the City of Winters.

I have tentatively set this matter for hearing on Tuesday, November 22, 2022. Please let us know if this date would work, so we can notify the applicant.

Please prepare the appropriate public hearing notice and email it to the Clerk's Office (clerkoftheboard@yolocounty.org) by Monday, November 7, 2022.

As a reminder, please be sure and enter this appeal into Agenda Quick as a Time Set.

Thank you.

cc: Leslie Lindbo
Stephanie Cormier
Tracy Gonzalez
Phil Pogledich
Eric May



Law Office of Andrew Vento Gabriel

3260 Blume Drive, Suite 225 ▪ Richmond, California 94806
[T] (510) 890-1479 ▪ [F] (510) 323-7771 ▪ agabriel@avgplawoffice.com

FILED

September 23, 2022

BY *Dipita Ramirez*
DEPUTY CLERK OF THE BOARD

September 22, 2022

Via Personal Delivery and Electronic Mail

Clerk of the Board of Supervisors
Yolo County
625 Court Street, Room 204
Woodland, California 95695

Email: clerkoftheboard@yolocounty.org

**Re: 30633 The Horseshoe, Winters, California 95694 (APN: 030-280-005) (“Premises”)
Zoning File #2021-0026**

Dear Clerk of the Board and Honorable Board of Supervisors,

The purpose of this letter is to provide formal notice that Ryan & Michele Campbell, owners of the above-referenced Premises hereby appeal the findings and partial approval of the Yolo County Planning Commission. The Campbells respectfully request that the Board approve Minor Use Permit required to allow two additional small family units to remain on the Premises. Such units will pose little to no impact to the purpose of the farm, surrounding areas, as well as the spirit of Yolo County’s zoning laws.

Legal Grounds for Approval

Currently, the Parcel is zoned as Agricultural Intensive (A-N). Pursuant to the Yolo County Zoning Code (“Zoning Code”), A-N zones are reserved for lands that maintain high quality soil, water availability and flat lands. Additionally, the Zoning Code also allows agriculturally-related support uses and protecting the viability of the family farm.¹

When a landowner seeks to add more than two dwelling units to an A-N zoned parcel then a Minor Use Permit is required. The construction of more than two dwelling units (including the legalization of more than two existing units) requires a finding that the residential use is compatible

¹ Yolo County Zoning Code, Title 8, Chapter 2, Article 3, Section 8-2.302(a)

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and appurtenant with the principal agricultural use of the property.² In terms of the dwelling itself, construction of a new ancillary dwelling is limited to a size no more than 2,500 square feet, **excluding garage space.**³

Here, the entire structure that the Campbell's constructed (less any garage space) is less than 2,500 square feet, strictly used for familial residential purposes, and is designed to protect "the viability of the family farm."⁴

Size/Impact

Based on the Staff Report provided to the Planning Commission, the report outlines that the building itself is 4,001 square feet, without reminding that the total living area sought to be legalized is 1,601 square feet.⁵ Overall, the dwelling is well within sizing restrictions for ancillary dwelling units pursuant to the Zoning Code.

Additionally, in terms of size, the units themselves did not require the construction of any new roads, or major construction. By building the units in close proximity to the garage, the Campbells were able to minimize any impact to existing crops.

Use

As is well documented, California is suffering a housing crisis resulting in a strong push for more housing available to individuals. The crisis has also forced families to come up with solutions in order to house their family members.

Here, the Campbells seek nothing more than to find suitable living arrangements for their family. The sole purpose of this property was to provide housing for their family members. The structure itself only seeks to preserve this goal of a united family residing on a family farm.

From day 1, the Premises was intended to be a family farm. For reference, attached are some family photos of the individuals already residing on the Premises.⁶ Each family member contributed to the construction of the duplex, with a full understanding that a member of the family would take possession.⁷

The Planning Commission has already issued such restriction in their Use Permit and Conditions of Approval where they stated that "the newly permitted structure shall be limited in use to family

² Yolo County Zoning Code, Title 8, Chapter 2, Article 3, Table 8-2.303(e) and Yolo County Zoning Code, Title 8, Chapter 2, Article 3, 8-2.306(y)

³ *Id.*

⁴ Yolo County Zoning Code, Title 8, Chapter 2, Article 3, Section 8-2.302(a)

⁵ Attachment 1

⁶ Attachment 2

⁷ Attachment 3

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members, caretakers, or a farmworker and their family."⁸ The Campbells are very much okay with this use restriction.

Overall, the Campbells wish to continue with the mission of preserving the family farm. However, in order to preserve the family farm, the farm must be large enough for the family. These two units are designed to preserve the family while also protecting the privacy of each member.

Materials Thus Far

As stated before, the units have already been constructed, and are generally code compliant (although, final approval is still pending with other entities). And with complete respect with the Planning Commission and their desire to reach a middle ground, the plan approved by them requires the destruction of a fully built out unit or undergo further renovations.⁹

As stated, the units individually are not large. They are the size of an apartment unit in the city. To some degree, the smaller of the units already qualify as an accessory dwelling unit. They were constructed with high quality materials with longevity in mind.¹⁰

Alternative Theories

Throughout this process, the Campbells have done everything in their power to ensure that they are acting within the conformity of the law. This included coordinating with as many officials to aid in their efforts to work through this matter.

The first alternative theory was actually proposed by an agent of Yolo County.¹¹ The agent proposed that the units combine with the garage to create a duplex. The combined livable square footage are still below the 2,500 limit for a dwelling and as such, still constitute 3 dwellings.

The second alternative theory would constitute that the duplex itself is the primary residence and that the two other units are ancillary units. This would again constitute 3 dwellings buildings.

While further research is needed to determine the viability and legality of these options, but if the Board would like additional information, my office is more than willing to brief these matters further.

Conclusion

The purpose of this appeal is to emphasize that the Campbells only seek to expand their home to accommodate their family currently residing in the home. More importantly, the units only seek

⁸ Attachment 4, ¶8

⁹ *Id.* at ¶5

¹⁰ Attachment 5

¹¹ Attachment 6

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to achieve their goal of maintaining a family farm. They do not seek to expand or bring in additional individuals. The duplex itself does not significantly reduce the currently available farming area, nor does it introduce any additional traffic, noise, or any other nuisances. As such, the Campbells respectfully request that the Board of Supervisors grant their Minor Use Permit.

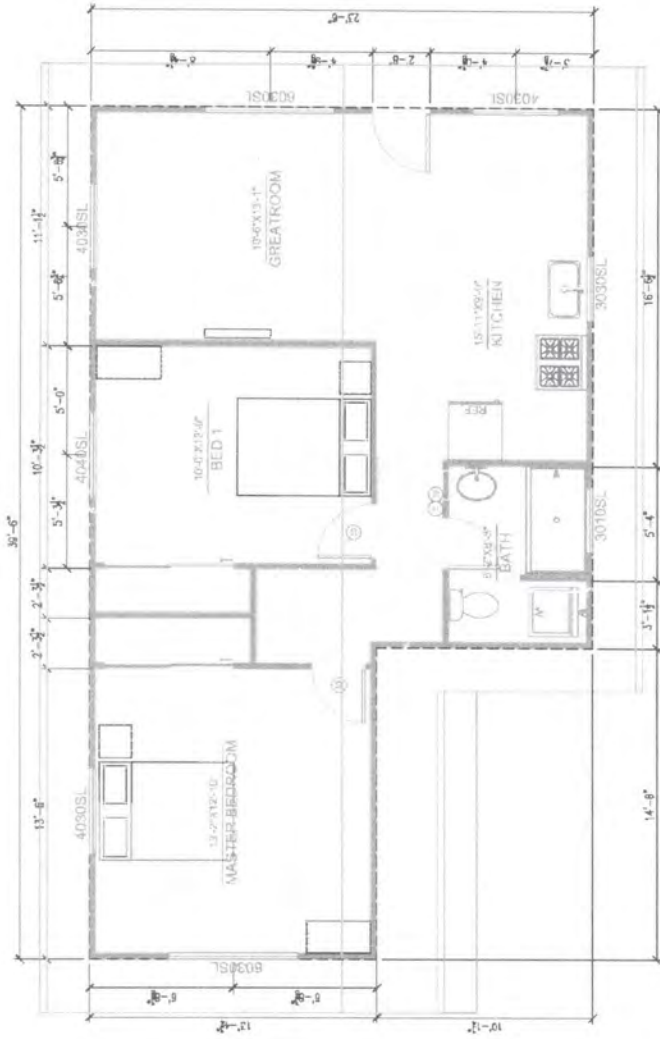
Sincerely,

LAW OFFICE OF ANDREW VENTO GABRIEL

A handwritten signature in blue ink, appearing to read 'Andrew V. Gabriel', with a stylized flourish at the end.

ANDREW V. GABRIEL, ESQ.
Attorney at Law

ATTACHMENT 1

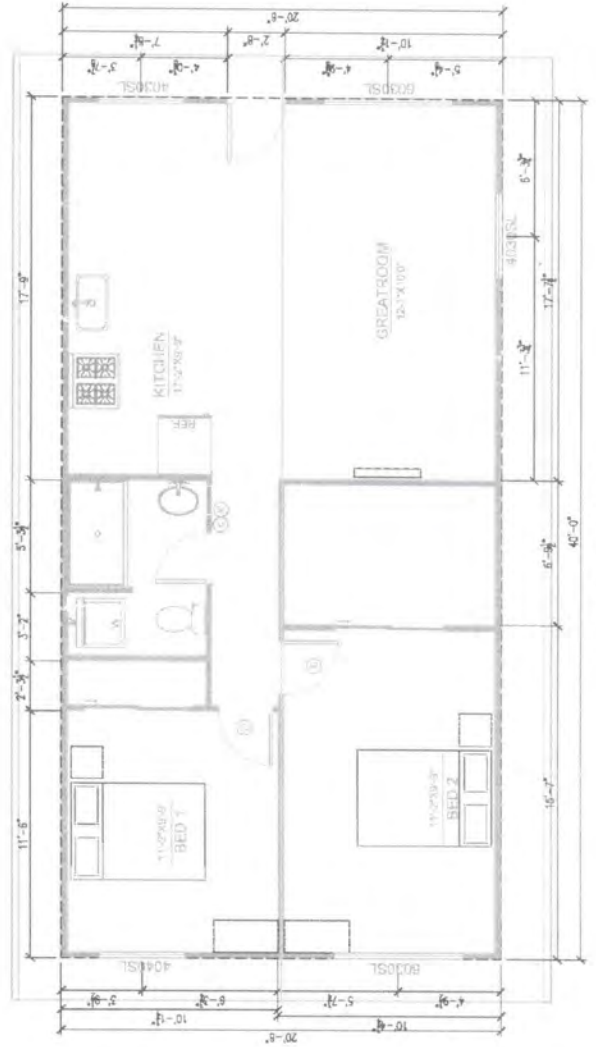


building 1

FLOOR SPACE	AREA (SQ.FT.)
LIVABLE SQ FT	781

building 2

FLOOR SPACE	AREA (SQ.FT.)
LIVABLE SQ FT	820



BUILDING 2

ATTACHMENT 2











ATTACHMENT 3









ATTACHMENT 4

USE PERMIT AND CONDITIONS OF APPROVAL
ZONE FILE #2021-0026
CAMPBELL FAMILY UNITS

PLANNING DIVISION – COMMUNITY SERVICES (530) 666-8803

1. The project shall be developed in compliance with all adopted Conditions of Approval for Zone File #2021-0026. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as approved by the Yolo County Planning Commission.
2. This Use Permit authorizes a third residential unit on the property, as described and summarized in the staff report, and as modified by the Conditions of Approval approved by the Planning Commission. A building permit shall be required to legalize the construction of the additional dwelling unit. Any subsequent substantive changes in the project description may require an amendment to this Use Permit, with approval by the Zoning Administrator or Planning Commission, at the discretion of the Director.
3. This Use Permit (#2021-0026) shall commence within one year from the date of the Zoning Administrator's approval or said permit shall be null and void. The Director of Department of Community Services may grant an extension of time, not to exceed one year.
4. The Applicant shall be responsible for all costs associated with implementing the Conditions of Approval contained herein.
5. Prior to building permit issuance to legalize the construction of unpermitted dwelling unit(s), the Applicant shall either,
 - Submit a 'change of use (or occupancy)' permit application to the Yolo County Building Division with a detailed plan of measures that will be taken to convert one of the units into an accessory structure; or
 - Submit an application for a demolition permit to the Yolo County Building Division to completely remove one of the two units from the premises.
6. Any future proposal to construct more than the existing number of units allowed by this Use Permit shall be submitted for review to the Department of Community Services and may subject to a discretionary review and approval by the Planning Commission.
7. Any future proposal to significantly modify or expand the uses allowed by this Use Permit, including the addition of new dwelling units, shall be submitted for review and approval to the Director of Community Services.
8. The newly permitted structure shall be limited in use to family members, caretakers, or a farmworker and their family.
9. The newly permitted dwelling unit shall not be used for short-term rental.
10. This project shall be constructed in a manner consistent with the development requirements for Agricultural Intensive (A-N) Zones, set forth in Title 8, Chapter 2.

Article 3 and Article 4, Section 8-2.402 Siting Development Standards for New Homes in Agricultural Zones, of the Yolo County Code.

11. The subject parcel is located in an Agricultural Preserve No. 20 and is under a Williamson Act contract (No.73-009). 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. **Attachment D** describes how the project complies with the Williamson Act statutes, including the principles of compatibility, within Government Code Section 51238.1.

ENVIRONMENTAL HEALTH - COMMUNITY SERVICES (530) 666-8646

12. Septic System (Onsite Wastewater Treatment System):
 - Prior to building permit final occupancy approval, a new OWTS shall be installed and finalized under YCEH Septic Installation Permit #22-013S.
 - This permit proposes an advanced alternative (supplemental treatment) OWTS. This type of OWTS will require an ongoing annual OWTS Operating Permit and annual service reports.
 - This permit has not yet been issued for the following reasons, as communicated to the owner/applicant in an email dated 4/1/22:
 - Planning and Building approvals for the existence of this duplex.
 - The septic tank was installed without permit and does not meet standards.
 - Building sewer pipe information.

BUILDING DIVISION – COMMUNITY SERVICES (530) 666-8775

13. **Permits Required:** Building and Fire permits shall be required for all construction or change of occupancy classification, including demolition, grading and other site improvements. The application and construction documents shall follow state and local regulations, including the California Building Code, California Residential Code, California Fire Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, and California Green Building Code.
14. **Optional Preapplication Meeting:** Due to the limited information provided on an application for a planning permit, a detailed analysis of building code requirements is not always possible. Your licensed design professional will ensure code compliance for use and occupancy classification, construction type, fire resistant construction, fire protection systems, egress, disabled access, structural requirements, and any other required code compliance measures. If the project has unique features that require a code interpretation you may schedule a preapplication meeting with the Building Division.
15. **Fees:** The applicant shall pay the appropriate fees prior to issuance of building permits, including but not limited to permit fees, fire fees, school fees, service district fees, county facility (FSA) fees, and Environmental Health fees.
16. **Fire Access:** Site access for fire engines shall be coordinated with the local fire district chief in compliance with the California Fire Code. Ensure fire apparatus

access is available within 150 feet of all portions of the building. Fire apparatus access roads must be a minimum of 20 feet (with no parking permitted on either side.) Fire apparatus access roads must maintain a minimum turning radii of 20 feet interior / 40 feet exterior.

17. **Sprinklers:** The fire suppression system will need to be submitted as deferred submittals to the Building Division and/or the local fire district.

Because these structures are in a special flood hazard area, additional requirements apply.

18. **General Flood Requirements:** All construction shall meet all the requirements of Yolo County Code Chapter 8-4 Flood Protection Article 5 Provisions for Flood Hazard Reduction. These requirements include elevating structures so that the lowest floor is at least one foot above the base flood elevation, venting enclosures below the lowest floor, anchoring the structures to resist flood loads, and locating or designing all utilities to prevent the entry and accumulation of flood waters.
19. **Elevation Certificates:** For all new structures that are fully or partially within the Special Flood Hazard Area elevation certificates must be submitted and approved three times: Once with the permit application, once prior to construction above the lowest floor, and once prior to final inspection.
20. **Flood Zone Boundaries on Site Plan:** For all development, submit a site plan showing the flood zone boundaries. Any development that is within 100 ft of a flood zone boundary will require a surveyor to provide the precise location of the structure relative to the flood zone boundary.

PUBLIC WORKS DIVISION – COMMUNITY SERVICES (530) 666-8436

21. Applicant shall secure and pay for a County encroachment permit to improve the residential driveway connection to County Road 87A (The Horseshoe) and bring it into conformance with the Yolo County Improvement Standards (see attached Drawing # 4-23, Sheet 1 of 2). The Applicant shall reimburse the County for all activities associated with encroachment permit issuance and inspection (County Zone File No. ZF2021-0026).
22. The Applicant shall provide ongoing maintenance of gravel parking areas and access roads, including but not limited to, stabilizing any areas that have eroded, preventing the downstream conveyance of sediment, and providing dust control.
23. County roads shall not be used for event/business/operations parking.
24. Driveway visibility shall be maintained per Yolo County Improvement Standards Drawing # 4-13 at a minimum. Please note attached letter to county landowners regarding tree maintenance guidelines along County roads (dated May 17, 2021). Applicant shall maintain trees along County Road 16 frontage per these tree maintenance guidelines.
25. 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 the State-issued Waste Discharge Identification Number (WDID #) and pay the associated fees prior to issuance of a County building or grading permit.

COUNTY COUNSEL – (530) 666-8172

26. 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) 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.
27. 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 Planning Commission may result in the following:

- Revocation of Use Permit;
- Non-issuance of future building permits;
- Code enforcement action;
- Legal action.

ATTACHMENT 5

Sold

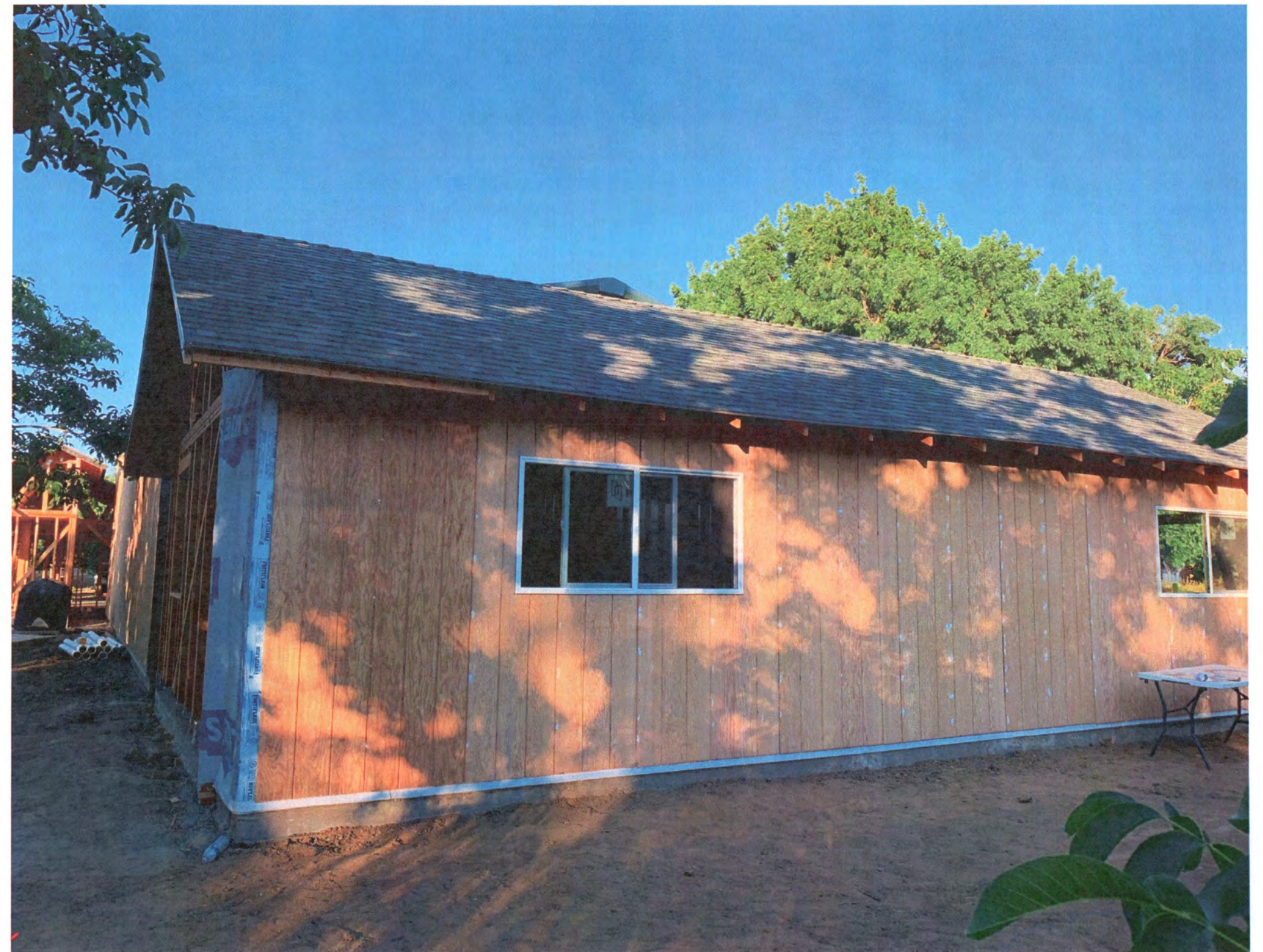
















ATTACHMENT 6

**Fw: 30633 The Horse Shoe, Duplex Permit (Letter and Minor Use Application) - Application for Septic**

1 message

----- Forwarded Message -----

From: Michele Campbell <campbellkids5@att.net>
To: Ryan Campbell <rycampbell70@gmail.com>; Tracy Gonzalez <tracy.gonzalez@yolocounty.org>; Stephanie Cormier <stephanie.cormier@yolocounty.org>; Tom Davis <tom.davis@yolocounty.org>; environmental.health@yolocounty.org <environmental.health@yolocounty.org>
Sent: Thursday, May 20, 2021, 08:43:35 AM PDT
Subject: Re: 30633 The Horse Shoe, Duplex Permit (Letter and Minor Use Application) - Application for Septic

Environmental Health Team,
Please See the attached for the Application for Septic System and let me know what else is needed.

Kindest Regards,
Michele Campbell
707-312-0518

On Tuesday, April 13, 2021, 04:00:20 AM PDT, Tom Davis <tom.davis@yolocounty.org> wrote:

Thank you Michele.

You have done great in getting all of this info together. 😊

As you know, Covid 19 has slowed us all down and our workloads have increased. We will get back to you soon. Keep up the good work.

I really appreciate the cooperation you and your husband are showing us. Because of that, I did not create a Code Enforcement case for this project as it would slow down our progress and add enforcement costs. There is a "work without permit" fee that I assigned to your permit. You are required to pay that when the permit issued.

Again, thanks for helping us get this corrected.

Tom Davis

From: Michele Campbell [mailto:campbellkids5@att.net]
Sent: Monday, April 12, 2021 7:54 PM
To: Tom Davis <Tom.Davis@yolocounty.org>; Ryan Campbell <rycampbell70@gmail.com>; Ryan Campbell <rycampbell@swinerton.com>; Tracy Gonzalez <Tracy.Gonzalez@yolocounty.org>; Stephanie Cormier <Stephanie.Cormier@yolocounty.org>
Subject: Re: 30633 The Horse Shoe, Duplex Permit (Letter and Minor Use Application)

Hi Tom,

My apologies for the delay, I had been working on getting all my documentation and my email failed due to the amount of attachments sent.

First, we are happy to hear that the Planning Department is working with us, we are extremely fortunate that our family will be able to manage and live on the farm together. Thank you for your help and commitment to working together to make this a win, win!

I will be sending over the following documents in various emails due to the size of attachments:

- 1) Use Minor Permit Application for the 2nd Dwelling on 30633 The Horseshoe (Project: Campbell Duplex) (2 attachments)
- 2) Metal Building Plans
- 3) Metal Building Design Calcs. (4 Attachments)
- 4) Metal Building Cost Est. \$30,000 (Total YTD cost not including additional work or permits \$170K)
- 5) Inspection Letter by Licensed Engineer certified "As Built" project (2 pg letter)

To answer your question, we do not want a separate building permit, for simplicity we will add cost/planning to the most recent permit filed on our project: Campbell Duplex.

List of pending items:

- 1) Title 24
- 2) Geographical/Plot Survey to include Flood Area
- 3) Fire Sprinkler Plan and Calcs.
- 4) Application Environmental Health for Septic Tank.

Please note, I went out bid on the fire sprinklers, which was part of the delay in getting the design work completed. I will send you the plans and calculation once received.

Please watch for all emails.

Thank you again for all you help.

Kindest Regards,

Michele Campbell

707-312-0518

On Saturday, April 10, 2021, 05:16:53 AM PDT, Tom Davis <tom.davis@yolocounty.org> wrote:

Hi Ryan and Michelle

I am following up on this email I sent Tuesday.

Thanks

Tom Davis

From: Tom Davis
Sent: Tuesday, April 6, 2021 2:59 PM
To: campbellkids5@att.net
Subject: 30633 The Horse Shoe, Duplex Permit

Hi Ryan and Michelle Campbell.

I want to thank you for submitting your plans so we could get the reviews started.

You have ended up with 4 dwellings on the parcel. The Planning Department has a way for you to make three homes legal through a Use Permit. They agreed to combining the two new homes and the Ag Exempt and calling it a duplex with an attached garage.

1. We need you to apply for a Minor Use Permit.
 - a. On agricultural parcels in the A-N Zone, more than two dwelling units, as well as the legalization of existing 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)].
 - b. Here is a link to the Planning Application Forms webpage to access a Use Permit application:<https://www.yolocounty.org/gment/general-government-departments/community-services/planning-division/application-forms>.
 - c. The fee for submitting a Minor Use Permit requires an initial deposit of \$4,271.00. Access to the Planning fee schedule can be found here:<https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/planning-fee-information>.
 - d. Please contact Tracy atrac.gonzalez@yolocounty.org or (530) 666-8803, or me at stephanie.cormier@yolocounty.org or (530) 666-8041, with any questions submitting their application.
2. Fire Sprinklers are required for the new homes and the garage. Let me know when you get those plans and calcs.
3. In order for me to complete the building review, I need the existing metal building plans. You permitted it as an Ag Exempt. We do not do inspections or plan review on these permits. You must go through the as-built process for the garage as well. Full set of plans and calcs on the foundation and structure. We need the full cost of the Metal Building added to this permit valuation or we can issue a separate Building permit to convert the Ag Exempt. Please let me know what you like to do.
4. The Fire Department and Yolo Buildings authority:
 - a. We share the authority 50/50 with the Fire Marshals in Yolo County. We both have say in what is required and most of the time I agree with whatever the Fire Department wants.
 - b. You need to provide an all weather road so Fire and Rescue can service the Duplex and Garage. Please contact Art Mendoza for the driveway requirements. art.mendoza@wintersfire.org
5. Public Works may require you to add an encroachment for your driveway off The Horse shoe. Please contact Public Works for any questions. Josue.PMora@yolocounty.org

Once we get these items submitted we will be able to continue with the reviews.

Thanks

Tom Davis

Chief Building Official, C.B.O. / CACEO, CCEO

County of Yolo, Dept of Community Services

530-666-8035


Don't let your fears decide your fate.

Please note: Due to staffing shortages, our public counter hours have been reduced to 8am-12pm Monday through Friday. You may see Building/Code staff by appointment only 1-4pm Monday through Friday.

For the continued health and safety of our staff, we ask that you conduct business over the phone or by email wherever possible.

All persons entering our building must wear a face covering.

[THIS EMAIL ORIGINATED FROM OUTSIDE YOLO COUNTY. PLEASE USE CAUTION AND VALIDATE THE AUTHENTICITY OF THE EMAIL PRIOR TO CLICKING ANY LINKS OR PROVIDING ANY INFORMATION. IF YOU ARE UNSURE, PLEASE CONTACT THE HELPDESK (x5000) FOR ASSISTANCE]

 **Campbell - 30633 The Horseshoe, Winters - Application for Septic.pdf**
456K