

Planning Commission

Dave McCullough, District 1
Heath Krug, District 2
John Troughton, Jr., District 3,
Vice-Chair
Kirk Pendleton, District 4, Chair
Elizabeth Yerxa, District 5



Community Development Department

Greg Plucker,
Secretary to the Planning Commission
220 12th Street, Colusa, CA 95932
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COLUSA COUNTY Planning Commission Agenda December 7, 2022

**Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932**

Welcome to a meeting of the Colusa County Planning Commission. If you are scheduled to address the Commission, please state your full name for the record. Regularly numbered items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. We invite all members of the public to attend.

9:00 a.m. CALL TO ORDER

- Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
Planning Commission – Regular Meetings – November 2, 2022.

II. PUBLIC COMMENT

III. PUBLIC HEARING COMMUNITY DEVELOPMENT

1. Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt amendments to the General Plan and Zoning Ordinance to allow for the creation of small residential agriculture lots under certain conditions and find the project is exempt from the California Environmental Quality Act.

IV. PLANNING DIRECTOR COMMENTS/REPORTS

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

ADJOURN

PERIOD OF PUBLIC COMMENT: Any person may speak about any subject of concern, provided it is within the purview of the Planning Commission and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of **15 minutes per issue** and each individual or group will be limited to no more than **5 minutes each**. **Note:** No Commission action shall be taken on comments received.

ADA COMPLIANCE: Upon request, Agendas will be made available in alternative formats to accommodate persons with disabilities. In addition, any person with a disability who requires a modification or accommodation to participate or attend this meeting may request necessary accommodation. Please make your request to the County Board Clerk, specifying your disability, the format in which you would like to receive this Agenda, and any other accommodation required no later than 24 hours prior to the start of the meeting.

Anyone wishing to appeal a decision of the Planning Commission may do so within 10 calendar days after the decision. Anyone wishing to appeal a decision must submit a letter of appeal and pay the required fee of \$750.00 to the Clerk of the Board of Supervisors at 547 Market Street, Ste. 102, Colusa, CA, 95932

All supporting documentation is available for public inspection and review in the Office of the Board Clerk, 547 Market Street, Suite 102, Colusa, CA 95932 during regular business hours 8:30 a.m. to 5:00 p.m., Monday through Friday.
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COLUSA COUNTY
Planning Commission
Minutes

November 2, 2022

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

The Colusa County Planning Commission meets in Regular Session this 2nd day of November 2022 at the hour of 9:00 a.m. Present: Commissioners Elizabeth Yerxa, Dave McCullough, John Troughton, Jr. and Kirk Pendleton. Absent: Commissioner Heath Krug.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
 Planning Commission – Regular Meetings – October 5, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Troughton, Jr.
SECONDER:	McCullough
AYES:	Yerxa, McCullough, Troughton Jr., Pendleton
ABSENT:	Krug

II. PUBLIC COMMENT

None.

III. PUBLIC HEARING

Chair Pendleton makes time for a Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt an amendment to the Colusa County Code to add Article V (Electric Vehicle Charging Station Permitting Process) to Chapter 5 (Building Code) and find the project is exempt from the California Environmental Quality Act.

Comments received By Mr. Geiger and Mr. Plucker.

Minutes Acceptance: Minutes of Nov 2, 2022 9:00 AM (APPROVAL OF MINUTES)

9:21 a.m. Chair Pendleton opens the Public Hearing and calls for public comment. Hearing none, Chair Pendleton closes the Public Hearing.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Adopt **Resolution No. 22-009** recommending the Board of Supervisors adopt an amendment to the Colusa County Code to add Article V (Electric Vehicle Charging Station Permitting Process) to Chapter 5 (Building Code) and find the project is exempt from the California Environmental Quality Act.

RESULT:	APPROVED [3 TO 1]
MOVER:	Troughton, Jr.
SECONDER:	Yerxa
AYES:	Yerxa, McCullough, Troughton, Jr.
NAYS:	Pendleton
ABSENT:	Krug

IV. PLANNING DIRECTOR COMMENTS/REPORTS

Mr. Plucker states that they are still working on details pertaining to the Janus EIR project, so it's not ready to be brought forward for review. He further states the Board of Supervisors is looking at a general plan amendment and rezoning pertaining to small agriculture lots.

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

None.

Chair Pendleton adjourned the meeting at 9:24 a.m. to reconvene in Regular Session on December 7, 2022 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

Kirk Pendleton, Chair

By: _____
Melissa Kitts, Deputy Clerk



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

Meeting: 12/07/22 09:00 AM
Department: Community Development
Category: Public Hearing
Prepared By: Greg Plucker

Initiator: Greg Plucker

Sponsors:

PLANNING COMMISSION (ID # 8737)

DOC ID: 8737 A

Detail

Applicant: Colusa County
General Plan: Agriculture General (AG),
Agriculture Upland (AU)

File: PD-22-28
Zoning: Foothill Agriculture (F-A),
Exclusive Agriculture (E-A)

Formal Title / Summary

County Code Text Amendment PD-22-36

Action Requested

Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt amendments to the General Plan and Zoning Ordinance to allow for the creation of small residential agriculture lots under certain conditions and find the project is exempt from the California Environmental Quality Act.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

County staff has been approached with questions about the ability to subdivide a small (2 to 3 acres) portion of a larger agricultural parcel in order to create a separately owned "small" residential agriculturally zoned parcel for the purpose of preserving an existing historic home or to allow for an existing home to be sold to a family member. The issue was first presented to the Board at its September 1, 2020 for discussion purposes (Attachment #1). At the conclusion of this meeting, Supervisors Evans and Corona were appointed to an Ad-Hoc Committee to consider this possibility. Senior Deputy County Counsel Sutton and Community Development Director Plucker served as staff.

The Ad-Hoc committee met a number of times to review the issue, identify potential issues, and develop potential solutions. County-staff presented updates to the Board at its March 1, 2022 meeting (Attachment #2) and at its September 13, 2022 meeting (Attachment #3).

At the Board's most recent meeting (September 13, 2022), County staff introduced the concept of establishing a zoning overlay zone that would allow for the creation of a small (potentially 2 to 3 acres) agricultural parcel. Under the zoning overlay zone approach, the use of the small parcel would be restricted to a residential use and the use of the larger agricultural "remainder" parcel would be restricted to agricultural uses so that the overall residential density would not change. At the conclusion of the Board's discussion, staff received direction to move forward with the development of a zoning overlay zone that would allow for the creation of a small residential agricultural parcel subject to a set of performance standards.

The item before the Commission is the General Plan Amendment and Zoning Overlay Zone Amendment which would establish the Small Residential Agricultural Parcel Overlay Zone in the County Code.

APN:

County-Wide

LOCATION:

County-Wide

PROJECT:

As introduced, the item before the Commission is a General Plan Amendment and a Zoning Overlay Zone Amendment which would establish the Small Residential Agricultural Parcel Overlay Zone in the County Code.

Under the County's existing General Plan and Zoning requirements, the minimum parcel size for properties within the two main agricultural land use designations is either 40 acres (Exclusive Agricultural Zoning Designation) or 80 acres (Foothill Agricultural Zoning Designation). These minimum parcel sizes were established during the 2012 General Plan and 2014 Zoning Code amendments in an effort to reduce conflicts between extensive agricultural operations on the valley floor and the previous 10-acre minimum parcel size for agriculturally zoned parcels. The inquiries that staff has received represent a different circumstance than what was occurring prior to 2012 when 10-acre agricultural parcels were being created and sold primarily as residential properties.

When the Ad-Hoc Committee and staff initially discussed the concept of allowing for the creation of a small agricultural residential parcel, the initial focus was on the development of a deed restriction that would require:

- 1.) Adoption of specific findings that the home is part of an active agricultural operation, how the creation of the parcel would not impact those agricultural operations, or would cause the proliferation of other small parcels nearby;
- 2.) Allow the creation of a small agricultural parcel only for a habitable home that has been in existence since January 1, 2000;
- 3.) Require a deed restriction that the home be used as the primary residence of the landowner and any future remodel or reconstruction would be substantially consistent with the existing architectural design of the original home;
- 4.) Allow the small agricultural parcel to be created only if it would be held in a different ownership from the parent parcel in conjunction with the creation of the

parcel;

5.) Limit the size of the small agricultural parcel to the minimum size necessary to provide a septic system and the residential well, approximately 2 acres; and

6.) Limit the construction of another house on the parent parcel unless the original parcel size was greater than or equal to 80 acres and restrict further subdivision for at least 20 years.

The above conditions were developed in an attempt to provide safeguards to protect the County's agricultural resources and avoid the creation of incompatible residential uses. However, after additional analysis, staff presented to the Board the possibility of changing the previously considered deed restriction approach. The issue with using a deed restriction to impose restrictions and requirements is that it is not very transparent and can be hard to track overtime. Upon further consideration, staff presented a different solution; the use of a zoning code overlay zone. A zoning overlay zone is an additional set of zoning regulations that are imposed onto a specific piece of property, or properties, in addition to the existing zoning regulations. The current County Zoning Ordinance has two existing overlay zones; (1) a planned development overlay zone; and a (2) energy production overlay zone.

The proposed zoning overlay zone would restrict the uses of the small residential agricultural parcel to residential uses and residential uses would be restricted on the applicable portion of the larger agricultural parcel. In developing this overlay zone, the previously discussed "deed restriction" conditions were changed to performance standards that an application would have to meet. In order for the zoning overlay zone to be designated on a property, the Planning Commission would first review the proposal and provide a recommendation to the Board of Supervisors. The Board would then review the rezoning request just as it does with any other rezoning request. This would be the first step in the process and would ensure full public notice and thorough review of the required findings and development standards established by the overlay zone ordinance. Finally, when the Planning Commission considered a proposed overlay zone rezoning application, a Parcel or Tentative Map would be required to be processed at the same time.

ANALYSIS:

Based on the direction from the Board, County staff has prepared: (1) the attached draft resolution that would amend General Plan Table LU-1 (General Plan Land Use Designations) to allow for the creation of a small residential agricultural parcel through a zoning overlay zone; and (2) the attached draft ordinance that would amend the Zoning Code to add the Small Residential Agricultural Parcel Overlay Zone.

Currently, Footnote #1 of Table LU-1 specifies that existing legal parcels smaller than the minimum parcel size may remain as legal parcels. The amendment would add the

following language to this footnote, "In the Agricultural General and Agricultural Upland General Plan Land Use Designations, parcels less than the minimum parcel size may be created pursuant to a zoning overlay zone which requires the parcels within a unique overlay zone meet the minimum parcel size, that there is no increase in residential density, and other requirements as may be adopted by the Board." The addition of this language in the General Plan would enable the proposed Small Residential Agricultural Parcel Overlay Zone to be consistent with the General Plan.

With respect to the Small Residential Agricultural Parcel Overlay Zone, the proposed ordinance details the required findings and the development standards that would apply. As detailed in Section e(findings) in order for the Planning Commission to recommend approval of a zoning overlay rezoning application, the Commission would have to make 7 findings that specify that there is:

- 1.) No increase in residential density;
- 2.) The property is currently engaged in commercial agricultural activities;
- 3.) There is sewer and water services and vehicular access.
- 4.) Detailed information has been submitted describing how the residential use will not impact the continued agricultural uses;
- 5.) Detailed information has been submitted justifying the small parcel in order to preserve an existing residence, to provide housing that will be used to support the existing agricultural activities, or other reasons that support the creation of the small, residential agricultural parcel;
- 6.) If the property is subject to a Williamson Act contract, a non-renewal application for the small residential parcel has been submitted and will be processed prior to recordation of the Parcel or Final Subdivision Map; and
- 7.) The proposed project shall not be substantially detrimental to adjacent property and will not materially impair the purposes of the agricultural provisions of the General Plan and the County Code.

The proposed ordinance also contains the following performance standards:

- 1.) The single-family parcel shall be the smallest size required to support the necessary water and septic systems and access;
- 2.) The larger, non-residential agricultural parcel together with the single-family parcel shall equal or exceed the minimum parcel size of the underlying agricultural zoning district;

- 3.) An existing home is present that is at least 20 years old;
- 4.) Any future reconstruction or remodeling of the existing home shall be consistent to the existing architectural style. Should substantial changes be proposed, the proposed changes would be referred to the Planning Commission for review and approval.

The proposed overlay zone would restrict the uses on the small residential parcel to a single-family home and accessory residential uses. Uses on the larger agricultural parcel would be limited to the uses defined in TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES excluding those uses listed under the Residential Uses and Community and Recreational Uses sections of said table.

As part of the overlay zone rezoning process, a parcel or tentative subdivision map would be required that clearly delineates the property involved and the configuration of the small residential agricultural lot and the larger agricultural parcel. In reviewing the rezoning application, if the Commission is unable to make the required findings specified in the overlay zone, then the Commission would also deny the proposed map. If the Commission is able to make the required findings, then the Commission would recommend approval of the overlay zone rezoning application, and approve the proposed map subject to approval of the rezoning application by the Board of Supervisors.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed amendment would add a third Overlay Zone to the Colusa County Zoning Code. As proposed, the proposed amendment would not increase the residential density or cause other potential development impacts. The project is subject to Section 15061(b)(3) of the CEQA Guidelines, in that CEQA applies only to projects which have the potential for causing a significant impact on the environment. From a practical perspective, there would be little change that would be noticeable and, as such, it can be seen with certainty that there is no possibility the project will have a significant impact on the environment; therefore the project is not subject to CEQA.

SUMMARY:

The proposed project would amend the General Plan and Zoning Ordinance and would allow for the limited creation of a number of small, residential agricultural lots. This concept has been studied by a Board Ad-Hoc Committee and staff since September 2020 and the proposed requirements have been established to allow for the preservation of existing, historic farm homes or to allow an existing home to be sold. An important aspect of this past work has been to develop requirements to prevent impacts the County's existing agricultural resources. Staff believes as currently written, the proposed ordinance provides for the sufficient safeguards to the County's

agricultural interests.

RESOLUTION 22 - _____

**A RESOLUTION OF THE COUNTY OF COLUSA PLANNING COMMISSION
RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT
A STATUTORY EXEMPTION AND APPROVE GENERAL PLAN AND
ZONING TEXT AMENDMENTS (PD-22-36) ESTABLISHING
THE SMALL RESIDENTIAL AGRICULTURAL PARCEL OVERLAY ZONE**

WHEREAS, the County of Colusa has initiated General Plan and Zoning Text Amendments (PD-22-36) to provide for the limited development of single-family residential uses on smaller than normally allowed agriculturally zoned parcels through density clustering and standards to protect the surrounding agricultural resources;

WHEREAS, Colusa County is the Lead Agency under the California Environmental Quality Act (CEQA) for the project and has determined that a Statutory Exemption is appropriated for the proposed project due to the fact that the change in land use regulations would result in projects that are exempt from CEQA;

WHEREAS, in accordance with California Government Code, the Colusa County Planning Commission conducted a public hearing on the proposed General Plan and Zoning Amendments as shown on Exhibits “A” and Exhibit “B” attached to this resolution; and

WHEREAS, during said hearing, the Planning Commission considered the requested application, the Planning Unit staff report, and all comments and evidence submitted into evidence at the hearing and staff’s proposed environmental determination.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, based on its analysis of all evidence and testimony considered at the public hearing, makes the following findings:

1. The proposed amendments will not impair the integrity and character of the General Plan or Zoning Ordinance.
2. That the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the California Code of Regulations because there is no possibility this project may have a significant effect on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt a Statutory Exemption pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the Californian Code of Regulations and approve the General Plan Amendment detailed in Exhibit “A” and Zoning Text Amendment detailed in Exhibit “B” attached hereto and incorporated by reference subject to any minor amendments by the County Council.

PASSED AND ADOPTED by the Colusa County Planning Commission this 7th day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Kirk Pendleton, Chair
Planning Commission

ATTEST: Greg Plucker, Secretary to the
Colusa County Planning Commission

Melissa Kitts, Deputy Clerk

APPROVED AS TO FORM

Jennifer Sutton, Sr. Deputy County Counsel

EXHIBIT "A"
GPA #21-01 MAP AMENDMENT
DRAFT BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNTY OF COLUSA BOARD OF SUPERVISORS
 APPROVING A STATUTORY EXEMPTION AND A GENERAL PLAN
 TEXT AMENDMENT PROVIDING FOR THE CREATION OF SMALL RESIDENTIAL
 AGRICULTURAL PARCELS AND AN APPLICABLE OVERLAY ZONE**

WHEREAS, the County of Colusa has initiated General Plan and Zoning Text Amendments (PD-22-36) to provide for the limited development of single-family residential uses on smaller than normally allowed agriculturally zoned parcels through a density transfer and other standards to protect the surrounding agricultural resources;

WHEREAS, Colusa County is the Lead Agency under the California Environmental Quality Act (CEQA) for the project and has determined that a Statutory Exemption is appropriate for the proposed project due to the fact that the change in land use regulations would apply to existing homes and not result in additional development;

WHEREAS, the Colusa County Planning Commission conducted a duly noticed public hearing at which time the Commission considered all evidence, testimony, and staff's recommendation on the proposed Amendments and following said hearing the Planning Commission adopted a resolution recommending that the Board approve the subject applications; and

WHEREAS, the Board of Supervisors has conducted a duly notice public hearing at which time the Board considered all evidence, testimony, staff's and the Planning Commission's recommendation on the proposed Amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors based on its analysis of all evidence and testimony considered at the public hearing, does hereby determine that the proposed General Plan Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the California Code of Regulations because there is no possibility this project may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Colusa does hereby adopt General Plan Amendment PD-22-36 as follows:

Footnote #1 of Table LU-1 is hereby amended by adding the underlined text as follows:

"1. Existing legal parcels smaller than the minimum parcel size may remain as legal parcels. In the Agricultural General and Agricultural Upland General Plan Land Use Designations, parcels less than the minimum parcel size may be created pursuant to a zoning overlay zone which requires the parcels within a uniquely designated overlay zone in total meet the minimum parcel size, that there is no increase in residential density, and other requirements as may be adopted by the Board."

EXHIBIT "A"
GPA #21-01 MAP AMENDMENT
DRAFT BOARD OF SUPERVISORS RESOLUTION

PASSED AND ADOPTED by the Board of Supervisors, Colusa County, State of California, this 3rd day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

J Merced Corona, Chairperson
Colusa County Board of Supervisors

ATTEST:
Wendy G Tyler
Clerk to the Board of Supervisors

By

Melissa Kitts, Deputy Clerk

APPROVED AS TO FORM:

Richard Stout, County Counsel

Attachment: Exhibit "A" DRAFT BOS GPA Resolution for PD-22-36 (8737 : County Code Text Amendment PD-22-36)

EXHIBIT "B"
ZONING TEXT AMENDMENT (PD-22-36)
DRAFT BOARD OF SUPERVISORS ORDINANCE

ORDINANCE NO. _____

**AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS
ADDING SECTION 44-2.80.030 SMALL RESIDENTIAL AGRICULTURAL PARCEL
OVERLAY ZONE TO THE COUNTY ZONING CODE**

The Board of Supervisors of the County of Colusa ordains as follows:

SECTION 1.

The provisions of this ordinance would provide for the limited development of a single-family residential parcel on smaller than normally allowed agriculturally zoned parcels through a transfer of density and other standards to protect the surrounding agricultural resources and, as such, are exempt from CEQA pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the California Code of Regulations because the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

SECTION 2.

Section 44-2.80.030 Small Residential Agricultural Parcel (SRAP) Overlay Zone is hereby added to the County Zoning Code as detailed in Exhibit "A" attached hereto and incorporated by reference.

SECTION 3.

The provisions of Section 44-2.80.030 are severable and if any provision of Section 44-2.80.030 or its application in a particular circumstance is held invalid, the remainder of Section 44-2.80.030, including the application of such part or provision in another circumstance, will not be affected and will continue in full force. The Board of Supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase in Section 44-2.80.030 irrespective of the fact that any one, or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 4.

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

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Attachment: Exhibit "B" Draft Small Residential Ag Lot Overlay Zone Ordinance (8737 : County Code Text Amendment PD-22-36)

EXHIBIT "B"
ZONING TEXT AMENDMENT (PD-22-36)
DRAFT BOARD OF SUPERVISORS ORDINANCE

Introduced, passed, and adopted at a regular meeting of the Board of Supervisors held on the 3rd day of January 2023 by the Board of Supervisors of the County of Colusa, State of California by the following roll call vote:

AYES:

NOES:

ABSENT:

Jose Merced Corona, Board Chair

ATTEST: Wendy G. Tyler, Clerk of the
Board of Supervisors

By: _____
Melissa Kitts, Deputy

APPROVED AS TO FORM:

Richard Stout, County Counsel

Attachment: Exhibit "B" Draft Small Residential Ag Lot Overlay Zone Ordinance (8737 : County Code Text Amendment PD-22-36)

EXHIBIT "B"
ZONING TEXT AMENDMENT (PD-22-36)
DRAFT BOARD OF SUPERVISORS ORDINANCE

EXHIBIT "A"

44-2.80.030 Small Residential Agricultural Parcel (SRAP) Overlay Zone.

(a) Purpose. The Small Residential Agricultural (SRAP) Overlay Zone is intended to provide for the limited development of single-family residential uses on smaller than normally allowed agriculturally zoned parcels through density clustering and standards to protect the surrounding agricultural resources. Through these requirements, the applicable objectives of the General Plan can be achieved. The objectives of the SRAP overlay zone are to achieve the following purposes:

- (1) Permit flexibility in the establishment of a limited number of single-family uses on smaller than normally allowed agricultural parcels to preserve existing historic homes and to allow the sale of existing homes to support the continuation of existing agricultural activities through ownership or economic support;
- (2) Maintain the overall residential density of a legal, conforming agricultural parcel by restricting residential use to a portion of the parcel; and
- (3) Ensure that the rezoning overlay process considers the potential impacts to adjacent and nearby agricultural uses to ensure that agricultural operations are not negatively impacted.

(b) Parcel or Tentative Subdivision Map. A Parcel or Tentative Subdivision Map shall be processed in conjunction with any SRAP rezoning application request. The map shall define the parcel that is to be designated for the single-family use and define the parcel where a single-family use would be restricted. The approval of the Parcel or Tentative Subdivision Map by the Planning Commission shall be conditioned upon the approval of the SRAP overlay rezoning application by the Board of Supervisors. Should the Planning Commission not recommend the approval of an SRAP overlay rezoning application, the Commission shall deny the approval of the accompanying map application.

(c) Development Standards. The following standards shall apply to the approval of a Parcel or Tentative Subdivision Map and SRAP rezoning application:

- (1) The single-family parcel shall be the smallest size required to support the necessary water and septic systems and access in a logical and reasonable configuration, typically two to three acres. The larger, non-residential agricultural parcel together with the single-family parcel shall equal or exceed the minimum parcel size for the underlining agricultural zoning district;
- (2) An existing habitable home is located on the small single-family parcel that is at least 20 years old;
- (3) Any future reconstruction or remodelling of the existing home shall be consistent and complimentary to the existing architectural style of the existing home to the satisfaction of the Community Development Director. Should the Community Development Director determine that any changes would be a substantial deviation, such as increasing the size of the home by over twenty-five percent or changing the architectural style, the Director may refer the change to the Planning Commission for review and approval.

EXHIBIT "B"
ZONING TEXT AMENDMENT (PD-22-36)
DRAFT BOARD OF SUPERVISORS ORDINANCE

EXHIBIT "A"

(d) Uses. Uses and on parcels with the SRAP overlay zoning designation shall be subject to those uses of the underlying zoning district amended as follows:

- (1) Uses within the small residential agricultural parcel shall be limited to a Single-Family Home as detailed in the Residential Uses section of TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES. Accessory uses that are customary and incidental to the single-family use may be allowed by the Community Development Director.
 - (2) Uses within the larger, resultant agricultural parcel shall be limited to the uses defined in TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES excluding those uses listed under the Residential Uses and Community and Recreational Uses sections of said table.
- (e) Findings. The Planning Commission and the Board of Supervisors shall make the following findings in approving any SRAP overlay rezoning application:
- (1) The proposed small residential agricultural parcel combined with the larger, resultant agricultural parcel does not exceed the total residential density allowed under the base zoning classification or the General Plan land use designation;
 - (2) The property involved with the overlay rezoning application is currently engaged in commercial agricultural activities;
 - (3) Adequate provisions have been made for sewer and water services and vehicular access.
 - (4) The applicant has submitted detailed information describing how the residential use of the small, residential agricultural parcel will not impact the continued agricultural use of the larger, resultant agricultural parcel or the agriculture activities in the surrounding area, or cause a proliferation of applications for small, residential agricultural parcels;
 - (5) The applicant has submitted detailed information describing the justification to create the small residential agricultural parcel in order to preserve an existing residence, to provide housing that will be used to support the existing agricultural activities, or other types of justification that support the creation of the small, residential agricultural parcel;
 - (6) Should the property be subject to a Williamson Act contract, a non-renewal application for the small residential parcel has been submitted as part of the Parcel or Tentative Subdivision Map application and that a condition of approval of the map has been included which requires that the area of the small residential parcel be non-renewed from the existing Williamson Act contract prior to recordation of the Parcel or Final Subdivision Map; and
 - (7) The proposed project shall not be substantially detrimental to adjacent property and will not materially impair the purposes of the agricultural provisions of the General Plan and the County Code, or negatively impact the public interest.

EXHIBIT "B"
ZONING TEXT AMENDMENT (PD-22-36)
DRAFT BOARD OF SUPERVISORS ORDINANCE

EXHIBIT "A"

- (f) Residential-Agricultural Overlay Designation. The SRAP overlay zoning designation shall be delineated on the Zoning Map in a manner similar to that of any other overlay zone. The assignment of the SRAP overlay zone designation serves to provide a reference to the corresponding overlay rezoning adopted by ordinance of the Board of Supervisors.
- (g) Procedures. The overlay rezoning review and approval process will be conducted by the Community Development Director or his/her designee in accordance with Section 44-1.70 (Permit Application and Review Procedures) of the County Code.
- (h) Appeals. A decision of the Community Development Director may be appealed to the Planning Commission and a decisions of the Planning Commission may be appealed to the Board of Supervisors in accordance with Section 44-1.80.080 (Appeals) of the County Code.
- (i) Deviations from Development Standards. The approving authority may grant requests to deviate from the standards and requirements described herein for unique circumstances provided that the intent of these requirements are still achieved.
- (j) Filing Fees. Filing fees shall be the same as other rezoning applications and the applicant shall pay for the cost of the required public hearing notices prior to recordation of any Parcel or Final Subdivision Map.

**Request For County Board of Supervisors Action**

MEETING DATE: September 1, 2020

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Agricultural Properties - Parcel Size Discussion

Presentation, and possible direction regarding potential general plan and zoning amendments to allow single-family home parcels on agriculturally zoned land that is smaller than otherwise currently allowed.

Detailed Description/Background of Request***Background***

County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances. For example, a large agriculturally zoned parcel may be owned by a family partnership or trust and there is a desire to create a smaller residential parcel in order to transfer it to one of the family members so that they could own their own home separate from the partnership/trust. In another recent example, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Example: The below picture shows a 1,500+ acre farm comprised of 9 - 160+ acre parcels (yellow square highlight) which is held in title by a family trust. Within this farm there is a single-family home (red circle highlight) that is occupied by a family member. The trustee of the farm would like to transfer the ownership of the home and the accompanying 4+ acres of land that is being used as part of the single-family home to a family member for their home. Under the existing General Plan and Zoning Ordinance, the parcel would have to be a minimum of 40 acres (Agriculture General - General Plan Designation and Exclusive Agriculture - Zoning District) or 80 acres (Agriculture Upland - General Plan Designation and Foothill Agriculture - Zoning District). A parcel map could be processed which would result in a 40 acre parcel and a 120 acre parcel from the parent 160 acre parcel. However, because the 40 acre parcel contains 36 acres of actively farmed land this subdivision would not be financially feasible; nor would the potential impact on the larger farming operations be desirable.



The 40-acre minimum parcel size was established during the 2012 General Plan and 2014 Zoning Code updates in effort to reduce conflicts between extensive agricultural operations on the valley floor and 10-acre agriculturally zoned parcels that were being created and used for primarily residential uses. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold. The purpose of this discussion item is to seek the Board's direction on whether there is a desire to explore the ability to allow for these types of subdivisions and what regulatory safeguards would be needed to prevent incompatibility issues between large agricultural operations and these smaller residential lots in order to protect the agricultural operations in the County.

Allowing these types of smaller subdivisions would require a General Plan amendment and changes to the County's zoning code. Additionally, in conducting a preliminary review of this issue, staff has identified a potential solution that would help minimize conflicts and the potential proliferation of single-family homes in areas zoned for extensive agriculture through the use of Transferable Development Rights (TDRs). TDRs is a process by where a certain development right is transferred from one parcel to another. Typically this is done in order to restrict the development potential of one property and increase the development of potential of the other. The TDR process would shift the right to build a residence from the parent parcel to just the smaller (child) parcel. This would help limit the proliferation of single-family homes on agricultural zoned parcels. In addition, staff has identified other issues that may require additional land use regulations to provide additional safeguards to prevent conflicts:

- 1.) Parcel Sizes:
 - a. Should the parent parcel be required to meet the minimum zoning parcel size requirements before and/or after the subdivision?
 - b. Should there be a minimum size for the new parcel and/or a maximum size?
- 2.) Prevention of Proliferation
 - a. Should there be a limitation on the number of times this type of subdivision would be allowed?
 - b. Should only one such subdivision be allowed on the parent parcel regardless of size?
 - c. Should only one such subdivision be allowed on all of the parcels that are of the same ownership interest?
 - d. Should the creation of such a parcel only be allowed for an existing home?
- 3.) Review Authority
 - a. Should approval of the parcel creation, whether it occurs through a parcel map or lot line adjustment, require a public hearing at the Planning Commission level?
 - b. Should the approval process require specific findings relating to the protection of the surrounding agricultural operations, avoidance of successive similar subdivisions in the vicinity, and other potential findings that may be necessary to protect the County's agricultural operations and avoid incompatible uses.
- 4.) Disclosures
 - a. Should standard disclosures be created and required in addition to the County's right-to-farm ordinance?

The above list is not intended to represent all of the issues that would need to be addressed in order to provide the necessary safeguards to protect the County's agricultural operations and avoid incompatible uses; the list provides a starting point for the necessary discussions.

Staff has brought this item to the Board due to citizen inquiries. At this juncture, staff is seeking the Board's direction on whether the Board desires to have staff continue reviewing this possibility. Should the Board determine that this is a process that you would like staff to continue to explore, the Chair may wish to consider appointing two

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Board members to work with staff (Community Development Department and County Counsel's office) to explore this possibility further. Staff would then report back to the full Board with the recommendation from the Ad-Hoc Committee following this effort; which may be for or against moving forward depending on the subsequent analysis.

Prior Board Action

None

Fiscal Impact/Funding Source

This is only a discussion item no fiscal impact is anticipated.

Action for the Clerk.

None

**Request For County Board of Supervisors Action**

MEETING DATE: March 1, 2022

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Small Residential Agricultural Lot Creation Discussion

Presentation and direction regarding land use regulation amendments allowing for the creation of smaller agriculturally zoned residential lots.

Detailed Description/Background of Request***Background***

As discussed at the Board's September 1, 2020 meeting, County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances (Attachment #1). In one of the recent cases, there is a large agriculturally zoned parcel that is owned by a trust and there is a desire to create a smaller parcel in order to transfer it and the existing home to one of the family members so that they could own their own home separate from the trust. In another recent case, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Under the County's existing General Plan and Zoning requirements, the minimum parcel size for properties with an agricultural land use designation is either 40 acres (Exclusive Agricultural Zoning Designation) or 80 acres (Foothill Agricultural Zoning Designation). These minimum parcel sizes were established during the 2012 General Plan and 2014 Zoning Code amendments in an effort to reduce conflicts between extensive agricultural operations on the valley floor and the then 10-acre minimum parcel size for agriculturally zoned parcels. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold as residential properties.

At the conclusion of the September 1st meeting, Chair Carter appointed Supervisors Evans and Corona to an Ad-Hoc Committee to consider this possibility. Senior Deputy County Counsel Sutton and Community Development Director Plucker served as staff. Since that time, the Ad-Hoc Committee has met several times during which a number of potential issues were identified. These issues included the introduction of incompatible uses, the creation of small lots for the purpose of creating rental homes or

saleable lots, and other negative impacts to the County's agricultural resources.

In order to address these issues, a number of conditions were developed that could potentially address the identified issues. These conditions included:

- 1.) Require specific findings that the home is part of an active agricultural operation, how the creation of the lot would not impact those agricultural operations, or would cause the proliferation of other small lots nearby;
- 2.) Allow the creation of a small agricultural lot only for a habitable home that has been in existence since January 1, 2000;
- 3.) Require a deed restriction that the home be used as the primary residence of the landowner and any future remodel or reconstruction would be substantially consistent with the existing architectural design of the original home;
- 4.) Allow the small agricultural lot to be created only if it would be held in a different ownership from the parent parcel in conjunction with the creation of the parcel;
- 5.) Limit the size of the small agricultural lot to the minimum size necessary to provide a septic system and the residential well, approximately 2 acres; and
- 6.) Limit the construction of another house on the parent parcel unless the original parcel size was greater than or equal to 80 acres and restrict further subdivision for at least 20 years.

The above conditions were developed in an attempt to provide safeguards to protect the County's agricultural resources and avoid the creation of incompatible residential uses. Initially with the above conditions, staff believed that there would only be a limited number of such lots created. However, as staff was preparing to bring this item back to the Board for consideration additional discussions occurred with the Assessor's Office regarding the potential impacts of Proposition 19 and the Williamson Act for these potential small agricultural lots exemptions.

Based on the Assessor's Office estimation, there could be hundreds of parcels that may be eligible for such an exemption. The Assessor's Office believes that clarifying legislation may be forthcoming that would address some of the Ad Hoc Committee's concerns, and it would not be prudent to move the small agricultural lot provision forward at this time due to potential unintended consequences that may undermine the goal of preserving historic farm homes.

At this juncture, the Ad Hoc Committee and staff is recommending that this issue be tabled until such time as the issues around Proposition 19 have been addressed.

Prior Board Action

In September, 2020 the Board considered this issue and the Chair formed an Ad-Hoc Committee to review the matter.

Fiscal Impact/Funding Source

This is only a discussion item and no fiscal impact is anticipated at this time.

Action for the Clerk.

None at the present time.

ATTACHMENTS:

- Attachment #1 Sept 01 2020 Board Staff Report Small Ag Lot Creation (PDF)

**Request For County Board of Supervisors Action**

MEETING DATE: September 1, 2020

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Agricultural Properties - Parcel Size Discussion

Presentation, and possible direction regarding potential general plan and zoning amendments to allow single-family home parcels on agriculturally zoned land that is smaller than otherwise currently allowed.

Detailed Description/Background of Request***Background***

County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances. For example, a large agriculturally zoned parcel may be owned by a family partnership or trust and there is a desire to create a smaller residential parcel in order to transfer it to one of the family members so that they could own their own home separate from the partnership/trust. In another recent example, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Example: The below picture shows a 1,500+ acre farm comprised of 9 - 160+ acre parcels (yellow square highlight) which is held in title by a family trust. Within this farm there is a single-family home (red circle highlight) that is occupied by a family member. The trustee of the farm would like to transfer the ownership of the home and the accompanying 4+ acres of land that is being used as part of the single-family home to a family member for their home. Under the existing General Plan and Zoning Ordinance, the parcel would have to be a minimum of 40 acres (Agriculture General - General Plan Designation and Exclusive Agriculture - Zoning District) or 80 acres (Agriculture Upland - General Plan Designation and Foothill Agriculture - Zoning District). A parcel map could be processed which would result in a 40 acre parcel and a 120 acre parcel from the parent 160 acre parcel. However, because the 40 acre parcel contains 36 acres of actively farmed land this subdivision would not be financially feasible; nor would the potential impact on the larger farming operations be desirable.



The 40-acre minimum parcel size was established during the 2012 General Plan and 2014 Zoning Code updates in effort to reduce conflicts between extensive agricultural operations on the valley floor and 10-acre agriculturally zoned parcels that were being created and used for primarily residential uses. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold. The purpose of this discussion item is to seek the Board's direction on whether there is a desire to explore the ability to allow for these types of subdivisions and what regulatory safeguards would be needed to prevent incompatibility issues between large agricultural operations and these smaller residential lots in order to protect the agricultural operations in the County.

Allowing these types of smaller subdivisions would require a General Plan amendment and changes to the County's zoning code. Additionally, in conducting a preliminary review of this issue, staff has identified a potential solution that would help minimize conflicts and the potential proliferation of single-family homes in areas zoned for extensive agriculture through the use of Transferable Development Rights (TDRs). TDRs is a process by where a certain development right is transferred from one parcel to another. Typically this is done in order to restrict the development potential of one property and increase the development of potential of the other. The TDR process would shift the right to build a residence from the parent parcel to just the smaller (child) parcel. This would help limit the proliferation of single-family homes on agricultural zoned parcels. In addition, staff has identified other issues that may require additional land use regulations to provide additional safeguards to prevent conflicts:

- 1.) Parcel Sizes:
 - a. Should the parent parcel be required to meet the minimum zoning parcel size requirements before and/or after the subdivision?
 - b. Should there be a minimum size for the new parcel and/or a maximum size?
- 2.) Prevention of Proliferation
 - a. Should there be a limitation on the number of times this type of subdivision would be allowed?
 - b. Should only one such subdivision be allowed on the parent parcel regardless of size?
 - c. Should only one such subdivision be allowed on all of the parcels that are of the same ownership interest?
 - d. Should the creation of such a parcel only be allowed for an existing home?
- 3.) Review Authority
 - a. Should approval of the parcel creation, whether it occurs through a parcel map or lot line adjustment, require a public hearing at the Planning Commission level?
 - b. Should the approval process require specific findings relating to the protection of the surrounding agricultural operations, avoidance of successive similar subdivisions in the vicinity, and other potential findings that may be necessary to protect the County's agricultural operations and avoid incompatible uses.
- 4.) Disclosures
 - a. Should standard disclosures be created and required in addition to the County's right-to-farm ordinance?

The above list is not intended to represent all of the issues that would need to be addressed in order to provide the necessary safeguards to protect the County's agricultural operations and avoid incompatible uses; the list provides a starting point for the necessary discussions.

Staff has brought this item to the Board due to citizen inquiries. At this juncture, staff is seeking the Board's direction on whether the Board desires to have staff continue reviewing this possibility. Should the Board determine that this is a process that you would like staff to continue to explore, the Chair may wish to consider appointing two

Action Item (ID # 5963)

Meeting of September 1, 2020

Board members to work with staff (Community Development Department and County Counsel's office) to explore this possibility further. Staff would then report back to the full Board with the recommendation from the Ad-Hoc Committee following this effort; which may be for or against moving forward depending on the subsequent analysis.

Prior Board Action

None

Fiscal Impact/Funding Source

This is only a discussion item no fiscal impact is anticipated.

Action for the Clerk.

None

**Request For County Board of Supervisors Action**

MEETING DATE: September 13, 2022

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Small Residential Agricultural Lot Creation Discussion

Discussion and potential direction regarding land use regulation amendments allowing for the creation of smaller residential agriculturally zoned lots.

Detailed Description/Background of Request***Background***

As discussed at the Board's September 1, 2020 and March 1, 2022 meetings, County staff has been approached with questions about the ability to subdivide a small (2 to 3 acres) portion of a larger agricultural parcel in order to create a separately owned "small" residential agriculturally zoned parcel for the purpose of preserving an existing historic home or to allow for an existing home to be sold to a family member (Attachment #1 and #2).

Under the County's existing General Plan and Zoning requirements, the minimum parcel size for properties with an agricultural land use designation is either 40 acres (Exclusive Agricultural Zoning Designation) or 80 acres (Foothill Agricultural Zoning Designation). These minimum parcel sizes were established during the 2012 General Plan and 2014 Zoning Code amendments in an effort to reduce conflicts between extensive agricultural operations on the valley floor and the previous 10-acre minimum parcel size for agriculturally zoned parcels. The inquiries that staff has received represent a different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold primarily as residential properties.

At the Board's March 1, 2022 meeting, the Board further considered the matter and discussed a number of issues including the introduction of incompatible residential uses in agricultural areas, the potential proliferation of these small lots, and other potential impacts to the County's agricultural resources.

One significant issue that was discussed at the March 1st meeting was whether Proposition 19 (passed by California voters on November 3, 2020) would create an incentive to use the small agricultural residential lot creation process to shield the transfer of the property from a property tax increase and thereby causing additional lots to be proposed than would be otherwise expected. Proposition 19 was a

constitutional amendment that limited property tax increases on the transfers of certain properties between family members, including family farms. Because the text of Proposition 19 left a number of significant questions unanswered, the Board continued the discussion to allow time to further research and analyze this issue and directed staff to return in September, 2022 for further discussion.

Discussion

Staff has conducted additional research to determine whether Proposition 19 would encourage the creation of more small residential agricultural lots than would otherwise occur without Proposition 19. Based on this research, staff does not believe that Proposition 19 would cause this to occur.

Proposition 19 codified Section 2.1(e)(2) of the California constitution which defines a family farm as any real property which is under cultivation or which is being used for pasture or grazing, or that is used to produce any agricultural commodity (commodity defined as any and all plant and animal products produced in this state for commercial purposes, including, but not limited to, plant products used for producing biofuels). The small residential agricultural lot that would be created is not anticipated to include any cultivation area and, thus, would not meet the definition of a family farm.

Another factor that staff has considered is changing the previously considered deed restriction approach for the creation of the small agricultural residential lots. The issue with using a deed restriction to impose standards and requirements is that it is not very transparent and can be hard to track overtime. Upon further consideration, staff believes that a better solution to implement any requirements on the creation of small residential agricultural lots is through the use of a zoning code overlay zone. A zoning overlay zone is an additional set of zoning regulations that are imposed onto a specific piece of property, or properties, in addition to the existing zoning regulations. The current County Zoning Ordinance has two existing overlay zones; (1) a planned development overlay zone; and a (2) energy production overlay zone.

Under this approach, the overlay zone would restrict the uses of the small residential agricultural lot parcel to residential uses and residential uses would be restricted on the applicable portion of the larger agricultural parcel. In developing this overlay zone, the previously discussed "deed restriction" conditions would be reconsidered to determine which ones would still be applicable given this changed approach. These restrictions would include: (1) how best to implement the residential use requirement and restriction; (2) any age requirements for existing homes; (3) occupancy and ownership requirements; (3) design standards; (4) development standards including parcel size; and (5) any additional subdivision restrictions. Ultimately, during the development of the overlay zone the Board would determine the development and use standards, requirements, and restrictions.

In order for the zoning overlay zone to be designated on the property that would be involved in the creation of a small residential agricultural lot, the Planning Commission would first review the proposal and provide a recommendation to the Board of Supervisors. The Board would then review the rezoning request just as it does with any

other rezoning request. This would be the first step in the process and would ensure full public notice and thorough review of the required findings and development and use standards established by the overlay zone ordinance. This approach would also ensure the transparency of the properties' development restrictions due to the use of the zoning overlay use and development regulations.

Should the Board wish to have staff proceed with this effort, the Board should direct staff to prepare the necessary overlay zone. Prior to processing the overlay zone to the Planning Commission and Board, staff would discuss the draft with the Ad-Hoc committee for any recommendations. Once the overlay zone is adopted, an applicant could then process a rezoning application to place the overlay zone on the property. An applicant could also process the necessary parcel map or lot line adjustment at the same time. However, should the parcel be subject to a Williamson Act contract, the area of the small residential lot would have to go through the contract non-renewal process before the parcel could be created.

Prior Board Action

In September 2020, the Board considered this issue and the Chair formed an Ad-Hoc Committee to review the matter.

In March 2022, the Board further considered this issue and directed staff to return in September, 2022 for further discussion.

Fiscal Impact/Funding Source

This is only a discussion item and no fiscal impact is anticipated at this time.

Action for the Clerk.

None at the present time.

ATTACHMENTS:

- Attachment #1 Board Staff Report September 1, 2020 (PDF)
- Attachment #2 Board Staff Report March 1, 2022 (PDF)

**Request For County Board of Supervisors Action**

MEETING DATE: September 1, 2020

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Agricultural Properties - Parcel Size Discussion

Presentation, and possible direction regarding potential general plan and zoning amendments to allow single-family home parcels on agriculturally zoned land that is smaller than otherwise currently allowed.

Detailed Description/Background of Request***Background***

County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances. For example, a large agriculturally zoned parcel may be owned by a family partnership or trust and there is a desire to create a smaller residential parcel in order to transfer it to one of the family members so that they could own their own home separate from the partnership/trust. In another recent example, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Example: The below picture shows a 1,500+ acre farm comprised of 9 - 160+ acre parcels (yellow square highlight) which is held in title by a family trust. Within this farm there is a single-family home (red circle highlight) that is occupied by a family member. The trustee of the farm would like to transfer the ownership of the home and the accompanying 4+ acres of land that is being used as part of the single-family home to a family member for their home. Under the existing General Plan and Zoning Ordinance, the parcel would have to be a minimum of 40 acres (Agriculture General - General Plan Designation and Exclusive Agriculture - Zoning District) or 80 acres (Agriculture Upland - General Plan Designation and Foothill Agriculture - Zoning District). A parcel map could be processed which would result in a 40 acre parcel and a 120 acre parcel from the parent 160 acre parcel. However, because the 40 acre parcel contains 36 acres of actively farmed land this subdivision would not be financially feasible; nor would the potential impact on the larger farming operations be desirable.



The 40-acre minimum parcel size was established during the 2012 General Plan and 2014 Zoning Code updates in effort to reduce conflicts between extensive agricultural operations on the valley floor and 10-acre agriculturally zoned parcels that were being created and used for primarily residential uses. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold. The purpose of this discussion item is to seek the Board's direction on whether there is a desire to explore the ability to allow for these types of subdivisions and what regulatory safeguards would be needed to prevent incompatibility issues between large agricultural operations and these smaller residential lots in order to protect the agricultural operations in the County.

Allowing these types of smaller subdivisions would require a General Plan amendment and changes to the County's zoning code. Additionally, in conducting a preliminary review of this issue, staff has identified a potential solution that would help minimize conflicts and the potential proliferation of single-family homes in areas zoned for extensive agriculture through the use of Transferable Development Rights (TDRs). TDRs is a process by where a certain development right is transferred from one parcel to another. Typically this is done in order to restrict the development potential of one property and increase the development of potential of the other. The TDR process would shift the right to build a residence from the parent parcel to just the smaller (child) parcel. This would help limit the proliferation of single-family homes on agricultural zoned parcels. In addition, staff has identified other issues that may require additional land use regulations to provide additional safeguards to prevent conflicts:

- 1.) Parcel Sizes:
 - a. Should the parent parcel be required to meet the minimum zoning parcel size requirements before and/or after the subdivision?
 - b. Should there be a minimum size for the new parcel and/or a maximum size?
- 2.) Prevention of Proliferation
 - a. Should there be a limitation on the number of times this type of subdivision would be allowed?
 - b. Should only one such subdivision be allowed on the parent parcel regardless of size?
 - c. Should only one such subdivision be allowed on all of the parcels that are of the same ownership interest?
 - d. Should the creation of such a parcel only be allowed for an existing home?
- 3.) Review Authority
 - a. Should approval of the parcel creation, whether it occurs through a parcel map or lot line adjustment, require a public hearing at the Planning Commission level?
 - b. Should the approval process require specific findings relating to the protection of the surrounding agricultural operations, avoidance of successive similar subdivisions in the vicinity, and other potential findings that may be necessary to protect the County's agricultural operations and avoid incompatible uses.
- 4.) Disclosures
 - a. Should standard disclosures be created and required in addition to the County's right-to-farm ordinance?

The above list is not intended to represent all of the issues that would need to be addressed in order to provide the necessary safeguards to protect the County's agricultural operations and avoid incompatible uses; the list provides a starting point for the necessary discussions.

Staff has brought this item to the Board due to citizen inquiries. At this juncture, staff is seeking the Board's direction on whether the Board desires to have staff continue reviewing this possibility. Should the Board determine that this is a process that you would like staff to continue to explore, the Chair may wish to consider appointing two

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Meeting of September 1, 2020

Attachment #1

Board members to work with staff (Community Development Department and County Counsel's office) to explore this possibility further. Staff would then report back to the full Board with the recommendation from the Ad-Hoc Committee following this effort; which may be for or against moving forward depending on the subsequent analysis.

Prior Board Action

None

Fiscal Impact/Funding Source

This is only a discussion item no fiscal impact is anticipated.

Action for the Clerk.

None

**Request For County Board of Supervisors Action**

MEETING DATE: March 1, 2022

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Small Residential Agricultural Lot Creation Discussion

Presentation and direction regarding land use regulation amendments allowing for the creation of smaller agriculturally zoned residential lots.

Detailed Description/Background of Request***Background***

As discussed at the Board's September 1, 2020 meeting, County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances (Attachment #1). In one of the recent cases, there is a large agriculturally zoned parcel that is owned by a trust and there is a desire to create a smaller parcel in order to transfer it and the existing home to one of the family members so that they could own their own home separate from the trust. In another recent case, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Under the County's existing General Plan and Zoning requirements, the minimum parcel size for properties with an agricultural land use designation is either 40 acres (Exclusive Agricultural Zoning Designation) or 80 acres (Foothill Agricultural Zoning Designation). These minimum parcel sizes were established during the 2012 General Plan and 2014 Zoning Code amendments in an effort to reduce conflicts between extensive agricultural operations on the valley floor and the then 10-acre minimum parcel size for agriculturally zoned parcels. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold as residential properties.

At the conclusion of the September 1st meeting, Chair Carter appointed Supervisors Evans and Corona to an Ad-Hoc Committee to consider this possibility. Senior Deputy County Counsel Sutton and Community Development Director Plucker served as staff. Since that time, the Ad-Hoc Committee has met several times during which a number of potential issues were identified. These issues included the introduction of incompatible uses, the creation of small lots for the purpose of creating rental homes or

Attachment #2

saleable lots, and other negative impacts to the County's agricultural resources.

In order to address these issues, a number of conditions were developed that could potentially address the identified issues. These conditions included:

- 1.) Require specific findings that the home is part of an active agricultural operation, how the creation of the lot would not impact those agricultural operations, or would cause the proliferation of other small lots nearby;
- 2.) Allow the creation of a small agricultural lot only for a habitable home that has been in existence since January 1, 2000;
- 3.) Require a deed restriction that the home be used as the primary residence of the landowner and any future remodel or reconstruction would be substantially consistent with the existing architectural design of the original home;
- 4.) Allow the small agricultural lot to be created only if it would be held in a different ownership from the parent parcel in conjunction with the creation of the parcel;
- 5.) Limit the size of the small agricultural lot to the minimum size necessary to provide a septic system and the residential well, approximately 2 acres; and
- 6.) Limit the construction of another house on the parent parcel unless the original parcel size was greater than or equal to 80 acres and restrict further subdivision for at least 20 years.

The above conditions were developed in an attempt to provide safeguards to protect the County's agricultural resources and avoid the creation of incompatible residential uses. Initially with the above conditions, staff believed that there would only be a limited number of such lots created. However, as staff was preparing to bring this item back to the Board for consideration additional discussions occurred with the Assessor's Office regarding the potential impacts of Proposition 19 and the Williamson Act for these potential small agricultural lots exemptions.

Based on the Assessor's Office estimation, there could be hundreds of parcels that may be eligible for such an exemption. The Assessor's Office believes that clarifying legislation may be forthcoming that would address some of the Ad Hoc Committee's concerns, and it would not be prudent to move the small agricultural lot provision forward at this time due to potential unintended consequences that may undermine the goal of preserving historic farm homes.

At this juncture, the Ad Hoc Committee and staff is recommending that this issue be tabled until such time as the issues around Proposition 19 have been addressed.

Prior Board Action

In September, 2020 the Board considered this issue and the Chair formed an Ad-Hoc Committee to review the matter.

Attachment #2**Fiscal Impact/Funding Source**

This is only a discussion item and no fiscal impact is anticipated at this time.

Action for the Clerk.

None at the present time.

ATTACHMENTS:

- Attachment #1 Sept 01 2020 Board Staff Report Small Ag Lot Creation (PDF)

**Request For County Board of Supervisors Action**

MEETING DATE: September 1, 2020

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: Agricultural Properties - Parcel Size Discussion

Presentation, and possible direction regarding potential general plan and zoning amendments to allow single-family home parcels on agriculturally zoned land that is smaller than otherwise currently allowed.

Detailed Description/Background of Request***Background***

County staff has been approached with questions about the ability to subdivide a small portion of a larger agricultural parcel in order to create a separately owned residential parcel to address estate planning and other unique circumstances. For example, a large agriculturally zoned parcel may be owned by a family partnership or trust and there is a desire to create a smaller residential parcel in order to transfer it to one of the family members so that they could own their own home separate from the partnership/trust. In another recent example, there is a desire to separate an existing historic farm house from a larger agriculture parcel in order to sell the home so that it can be rebuilt and preserved.

Example: The below picture shows a 1,500+ acre farm comprised of 9 - 160+ acre parcels (yellow square highlight) which is held in title by a family trust. Within this farm there is a single-family home (red circle highlight) that is occupied by a family member. The trustee of the farm would like to transfer the ownership of the home and the accompanying 4+ acres of land that is being used as part of the single-family home to a family member for their home. Under the existing General Plan and Zoning Ordinance, the parcel would have to be a minimum of 40 acres (Agriculture General - General Plan Designation and Exclusive Agriculture - Zoning District) or 80 acres (Agriculture Upland - General Plan Designation and Foothill Agriculture - Zoning District). A parcel map could be processed which would result in a 40 acre parcel and a 120 acre parcel from the parent 160 acre parcel. However, because the 40 acre parcel contains 36 acres of actively farmed land this subdivision would not be financially feasible; nor would the potential impact on the larger farming operations be desirable.

Attachment #2

The 40-acre minimum parcel size was established during the 2012 General Plan and 2014 Zoning Code updates in effort to reduce conflicts between extensive agricultural operations on the valley floor and 10-acre agriculturally zoned parcels that were being created and used for primarily residential uses. The inquiries that staff has received represent a potentially different circumstance than what was occurring prior to 2012 when 10-acre agricultural lots were being created and sold. The purpose of this discussion item is to seek the Board's direction on whether there is a desire to explore the ability to allow for these types of subdivisions and what regulatory safeguards would be needed to prevent incompatibility issues between large agricultural operations and these smaller residential lots in order to protect the agricultural operations in the County.

Allowing these types of smaller subdivisions would require a General Plan amendment and changes to the County's zoning code. Additionally, in conducting a preliminary review of this issue, staff has identified a potential solution that would help minimize conflicts and the potential proliferation of single-family homes in areas zoned for extensive agriculture through the use of Transferable Development Rights (TDRs). TDRs is a process by where a certain development right is transferred from one parcel to another. Typically this is done in order to restrict the development potential of one property and increase the development of potential of the other. The TDR process would shift the right to build a residence from the parent parcel to just the smaller (child) parcel. This would help limit the proliferation of single-family homes on agricultural zoned parcels. In addition, staff has identified other issues that may require additional land use regulations to provide additional safeguards to prevent conflicts:

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- 1.) Parcel Sizes:
 - a. Should the parent parcel be required to meet the minimum zoning parcel size requirements before and/or after the subdivision?
 - b. Should there be a minimum size for the new parcel and/or a maximum size?
- 2.) Prevention of Proliferation
 - a. Should there be a limitation on the number of times this type of subdivision would be allowed?
 - b. Should only one such subdivision be allowed on the parent parcel regardless of size?
 - c. Should only one such subdivision be allowed on all of the parcels that are of the same ownership interest?
 - d. Should the creation of such a parcel only be allowed for an existing home?
- 3.) Review Authority
 - a. Should approval of the parcel creation, whether it occurs through a parcel map or lot line adjustment, require a public hearing at the Planning Commission level?
 - b. Should the approval process require specific findings relating to the protection of the surrounding agricultural operations, avoidance of successive similar subdivisions in the vicinity, and other potential findings that may be necessary to protect the County's agricultural operations and avoid incompatible uses.
- 4.) Disclosures
 - a. Should standard disclosures be created and required in addition to the County's right-to-farm ordinance?

The above list is not intended to represent all of the issues that would need to be addressed in order to provide the necessary safeguards to protect the County's agricultural operations and avoid incompatible uses; the list provides a starting point for the necessary discussions.

Staff has brought this item to the Board due to citizen inquiries. At this juncture, staff is seeking the Board's direction on whether the Board desires to have staff continue reviewing this possibility. Should the Board determine that this is a process that you would like staff to continue to explore, the Chair may wish to consider appointing two

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Board members to work with staff (Community Development Department and County Counsel's office) to explore this possibility further. Staff would then report back to the full Board with the recommendation from the Ad-Hoc Committee following this effort; which may be for or against moving forward depending on the subsequent analysis.

Prior Board Action

None

Fiscal Impact/Funding Source

This is only a discussion item no fiscal impact is anticipated.

Action for the Clerk.

None

Draft Proof

County of Colusa
 547 Market St., Ste. 102
 Colusa, CA 95932

NOTICE DESCRIPTION

Notice of Public Hearing
 General Plan and Zoning Text Amendments
 #PD-22-36, Colusa County

RUN DATES

11/22/2022

This is not an affidavit of publication.
 You will receive the signed
 affidavit of publication
 within 5-days of publication date.

LEGAL NOTICE

COUNTY OF COLUSA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing on December 7, 2022 at 9:00 a.m. in the Board of Supervisors Chambers located at 546 Jay Street, Suite 108, Colusa, CA, to consider the following:

General Plan and Zoning Text Amendments #PD-22-36, Colusa County - A proposed Resolution recommending that the Colusa County Board of Supervisors: (1) adopt a General Plan Amendment to add language to Footnote #1 of Table LU-1 of the General Plan which would allow for the potential creation of a parcel less than the minimum parcel size in certain agricultural zoning designations under certain conditions; and (2) adopt an Ordinance that would add Section 44-2.80.030 Small Residential Agricultural Parcel (SRAP) Overlay Zone to the County Code.

The Commission will consider undertaking this action as an exemption to CEQA pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the California Code of Regulations because the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The provisions of these amendments would provide for the limited creation of a smaller than normally allowed agriculturally zoned parcel with an existing home through a transfer of density and other standards and would not increase the development potential of the applicable parcels.

If you have questions or concerns regarding this matter, or would like to submit comments you may do so to the following: Secretary to the Planning Commission, 1213 Market Street, Colusa, CA (530)458-0483, or by e-mail at gplucker@countyofcolusa.org. All persons are invited to attend and be heard. Additional documentation is available for review in accordance with Agenda Scheduling Deadlines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508 and at the Community Development Department, 1213 Market Street, Colusa, CA (530) 458-0480.

If you challenge the proposed project or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Dated: November 17, 2022

/s/Melissa Kitts, Deputy Clerk

11/25/2022 - CCPR # 2022-1032