



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

December 14, 2021

SUBJECT: Recommend Ordinance No. 483 Amending Chapter 18.54 of the Wheatland Municipal Code pertaining to Agricultural Combining District regulations return to the City's Agriculture Policy AD-Hoc Committee for further discussion.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

Staff recommends that the Wheatland City Council direct staff to bring Ordinance No. 483 amending Chapter 18.54 of the Wheatland Municipal Code pertaining to Agricultural Combining District regulations back to the City's Agriculture Policy AD-Hoc Committee for further discussion (see Attachment 1).

Background and Discussion

On September 28, 2021, the Wheatland City Council voted to introduce and waive the first reading of Ordinance No. 483 amending Chapter 18.54 of the Wheatland Municipal Code pertaining to Agricultural Combining District regulations and the rezone of eight properties totaling 1,639.08 acres (APNs 015-360-030-000, 015-360-031-000, 015-360-038-000, 015-360-051-000, 015-360-052-000, 015-360-053-000, 015-360-054-000, and 015-360-055-000) into the Agriculture Combining District.

However, further discussion with staff and stakeholders has brought up new discussion points related to the Agricultural Combining District amendment (Ordinance No. 483). Specifically, the discharge of firearms within city limits for pest control on active agriculture land, the creation of new water wells for agriculture production, and review authority over the intensification of agricultural properties.

Discharge of Firearms

During the last City Council discussion of the proposed ordinance, there was some discussion related to discharge of firearms in the agricultural areas. The City Attorney has determined that an update of Section 9.08.030 of the Wheatland Municipal Code would address any concerns. Therefore, no further discussion is necessary with regard to Ordinance 483.

New Agriculture Water Wells

Concerns of new agriculture water wells potentially resulting in impacts to the City's future water supply resulted in listing new agriculture water wells in the City as a prohibited use in Ordinance No. 483. This change created major concerns with the agriculture producers within the City, and staff is recommending the council give direction to the Ad-Hoc committee to propose language to reconcile any conflict between agricultural and municipal water use.

Intensification of Agricultural Properties

Another issue that requires review is intensification of existing agricultural near homes. The intent of the Agriculture Combining District is to provide regulations and standards for existing agriculture to continue as an interim use until future development occurs. Questions have been raised as to what happens in an area covered by the combining district if the type of agricultural use intensifies, creating unanticipated conflicts with nearby homes. The Ad-Hoc Committee should make recommendations related to this scenario.

Fiscal Impact

The current budget for the development of the Citywide Agricultural Production Standards project was funded through a grant by the Gilbert family. Bringing Ordinance No. 483 back to the City's AD-Hoc Committee for more discussion will result in additional staff time for the project not initially anticipated. To date, due to additional meetings outside of the initial scope that have already occurred, the project budget has exceeded the initial project funding by approximately \$1,500. Staff estimates that approximately \$10,000 would be necessary to cover the overage plus the additional processing costs through the ad-hoc committee. If private funding is not available to cover these costs, then it is anticipated the costs would be required to be covered by the General Fund.

Attachment

1. Ordinance No. 483 of the Wheatland City Council Amending Chapter 18.54 of the Wheatland Municipal Code pertaining to Agriculture Combining District Regulations and the Rezone of Eight Properties Totaling 1,639.08 Acres into the Agriculture Combining District.

ORDINANCE NO. 483

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND, CALIFORNIA,
AMENDING CHAPTER 18.54 OF THE WHEATLAND MUNICIPAL CODE
PERTAINING TO AGRICULTURAL COMBINING DISTRICT REGULATIONS
AND THE REZONE OF EIGHT PROPERTIES TOTALING 1,639.08 ACRES
(APNs 015-360-030-000, 015-360-031-000, 015-360-038-000, 015-360-051-000,
015-360-052-000, 015-360-053-000, 015-360-054-000, AND 015-360-055-000)
INTO THE AGRICULTURE COMBINING DISTRICT**

The Wheatland City Council does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to amend Chapter 18.54 to the Wheatland Municipal Code pertaining to the city's administration of its agricultural combining district regulations in the Wheatland Municipal Code. This ordinance is adopted pursuant to Government Code section 65850 and other applicable law.

SECTION 2. Findings.

The Wheatland City Council finds and determines as follows:

- A. The City of Wheatland administers zoning provisions within the city's boundaries consistent with the city's General Plan as provided for in Title 18 of the Wheatland Municipal Code.
- B. On September 28, 2021, the Wheatland City Council held a duly noticed public meeting concerning the adoption of a proposed ordinance to amend Chapter 18.54 of the Wheatland Municipal Code ("proposed Agricultural Combining District Regulations Amendment Ordinance").
- C. The proposed Agricultural Combining District Regulations Amendment Ordinance is consistent with the policies of the City of Wheatland General Plan and with the Wheatland Municipal Code.
- D. The Wheatland City Council finds that the public necessity requires the proposed zone change; that the subject properties are suitable to the uses permitted in the proposed zone change; that said permitted uses are not detrimental to the surrounding property; and that the proposed zone change is in conformance with the Wheatland General Plan.
- E. The Wheatland City Council finds it necessary to pass and implement the proposed Agricultural Combining District Regulations Amendment Ordinance, and that it will promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the city.

SECTION 3. Amendments.

A. Chapter 18.54 of the Wheatland Municipal Code is amended to read as follows:

Chapter 18.54

AGRICULTURAL COMBINING DISTRICT REGULATIONS

Sections:

- 18.54.010 Purpose and Intent.
- 18.54.020 Applicability.
- 18.54.030 Definitions.
- 18.54.040 Uses Generally.
- 18.54.050 Permitted Land Uses.
- 18.54.060 Conditional Uses.
- 18.54.070 Temporary Uses.
- 18.54.080 Accessory Uses.
- 18.54.090 Prohibited Uses.
- 18.54.100 Nonconforming Uses and Structures.
- 18.54.110 Permanent Structures.
- 18.54.120 Site Development Standards.
- 18.54.130 Sign Standards.
- 18.54.140 Severability.

18.54.010 Purpose and intent.

The Agricultural Combining District (___-A) is intended to ensure that designated agricultural lands on the City of Wheatland's official zoning map are treated sensitively to the location of and pressures from surrounding urban development. The ___-A district is intended to protect the vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agricultural and related uses and/or agricultural by-products. Additionally, the ___-A district will provide policies, standards, and guidelines for agricultural production and agricultural supportive uses in the city.

18.54.020 Applicability.

The agricultural combining district contained herein shall apply to the properties identified on the updated zoning map with an ___-A district.

18.54.030 Definitions.

For the purpose of this chapter, certain words and terms used herein, or which may be hereafter used are defined as set forth in this section.

"Agritourism" means any activity incidental to the operation of an agricultural operation that brings members of the public to the operation for educational, recreational, or retail purposes, excluding uses that would be considered entertainment (i.e., concerts, roller coasters, hotels).

"Agricultural Support Services" means uses that are supportive of the farm community and are fully compatible with agricultural uses. Agricultural support services are uses which directly support or which are accessory or incidental to

established agricultural uses within the ___-A district. These include but are not limited to:

1. Agricultural chemicals, fuel and fuel oil, nonflammable bottled gas;
2. Animal husbandry services, veterinary services for large and small animals, and horseshoeing.
3. Farm machinery equipment and supplies, sale and repair;
4. Farm produce sales and supply (feed, hay, grain and grain products, fertilizer);
5. Farm products packaging and processing;
6. Feed storage, farm products warehousing and storage (except stockyards);
7. Fertilizer operations in accordance with applicable federal, State, or local regulations.

“Animal Confinement Facility” means animal barns, corrals, or pens.

“Apiary” means a location where beehives of honeybees are kept. Apiaries come in many sizes and can be rural or urban depending on the honey production operation. Furthermore, an apiary may refer to a hobbyist's hives or those used for commercial or educational usage.

“Certified Farmers’ Market” means a location, approved by the Agricultural Commissioner, where a producer sells their own products directly to consumers.

“Commercial Animal Slaughter and Rendering Operations” means a facility where animals are slaughtered, most often (though not always) to provide food for humans. Slaughterhouses supply meat, which then becomes the responsibility of a packaging facility and/or the recycling of dead animals. Rendering operations recycle dead animals, slaughterhouse wastes, and supermarket rejects into various products known as recycled meat, bone meal, and animal fat.

“Commercial Kennels and Catteries” means the keeping of more than four (4) dogs and/or four (4) cats over the age of four (4) months for breeding, boarding, training or sale on a parcel 2½ acres minimum in area.

“Cow, Goat, and Sheep Dairies” means any premises where milk is produced for wholesale distribution and where ten (10) or more cows and/or goats are in lactation.

“Crop Production” means a primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

“Expanded use” means an expanded use consists of a building expansion or new construction in excess of 5,000 square feet.

“Trade of Livestock” means the sale of livestock to general public (e.g., animal auctions).

“Waste Management Facility” means the activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment and disposal of waste, together with monitoring and regulation of the waste management process. Waste can be solid, liquid, or gaseous, including industrial, biological and household.

18.54.040 Uses generally.

No building, structure or land shall be used, and no building or structure shall be hereafter constructed, structurally altered, or enlarged, except in accordance with the procedures provided in, and for the purposes set out in, this Chapter.

Table 18.54.040 identifies the uses of land allowed in the ___-A district. The applicable permit requirements for each use are established by the letter designations as follows:

- “P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all city development standards.
- “C” Designates that a conditional use permit is required, pursuant to Chapter 18.67.
- “N” Not an allowable use in the ___-A district.

USE TYPE	AG COMBINING DISTRICT
RESIDENTIAL USES	
Single Dwelling Unit	P
EDUCATIONAL USES	
Educational Facilities	C
AGRICULTURAL USES	
Agricultural Support Services	C
Agritourism	C
Animal Keeping ¹	C
Animal Hospitals and Veterinary Clinics	C
Calf Growing Ranches ²	C
Certified Farmer's Markets ³	P
Commercial Animal Slaughter, and Rendering Operations	N
Commercial Poultry Ranches	N
Commercial Hog Ranches ⁴	N

USE TYPE	AG COMBINING DISTRICT
Fruit Stand ⁵	P
Dairies ⁶	C
Fertilizer Operations ⁷	C
Kennels ⁸	C
Mushroom Farms ⁹	C
Office ¹⁰	P
Plant Nurseries (Retail/Wholesale)	C
Rodeos	C
Row, Field, Tree and Crop Production, excluding hemp cultivation	P
Seasonal Sales ¹¹	P
Trade of Livestock	C
UTILITY AND COMMUNICATION FACILITIES	
Antennas and Wireless Telecommunications Facility	C
Waste Management Facilities ¹²	C

The following special considerations shall apply to Table 18.54.040: (Numbers correspond to footnote numbers in the Table).

1. Not including except household pets. Shall meet the following requirements:
 - A. Allowed animal types include non-dairy cattle/buffalo, horses, swine, sheep, goats, rabbits, chinchillas, emus, rheas, poultry, and ostriches, as well as similar animal types as determined by the community development director.
 - B. Animal keeping must be on a legally recognized parcel no less than two (2) acres. Lot area used to qualify animal keeping for one animal type shall not be reused to qualify another animal type.
 - C. Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or other applicable regulating agency.
 - D. Small animal keeping: Aviary, or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on parcels that are at least one-half (1/2) acre. Fish raising shall be limited to one (1) pond per acre with a maximum of four (4) ponds per parcel. Each pond shall not exceed one-half (1/2) acre in area.

2. Shall be located on a parcel that is at least five (5) acres.
3. Pursuant to the California Department of Food and Agriculture.
4. Including more than five (5) swine.
5. For the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions.
 - A. Shall be located only on lots containing a minimum of 10,000 square feet.
 - B. The floor area of the stand shall not exceed 1,000 square feet.
 - C. The owner(s) shall remove such stand at their own expense within 30 days after the use has terminated.
 - D. Stands shall be located a minimum of 20 feet from the right-of-way line of any street or highway.
 - E. Parking areas shall be improved with paving, gravel or other materials as required by city standards to control dust or erosion.
 - F. Adequate provision for traffic circulation, off-street parking, and pedestrian safety including ADA standards and requirements shall be provided to the satisfaction of the community development director.

If any of the above conditions are not met, the proposed fruit stand shall require planning commission approval of a use permit.

6. Including expansions to existing dairies.
7. Shall be in accordance with applicable federal, State, or local regulations.
8. Shall be located on a parcel with a minimum of two and one-half (2½) acres
9. Shall not include the use of manure.
10. Shall be in conjunction with row, field, tree, plant nursery or crop production operation, not to exceed 1,500 square feet in size (one per parcel).
11. Shall not to exceed a period of ninety (90) days each (i.e., Christmas tree and Halloween pumpkin sales, etc.).
12. Shall be constructed and operated in accordance with applicable federal, State, or local laws regulations.

18.54.050 Permitted land uses.

The following uses are permitted:

- A. Row, Field, Tree, and Crop Production, excluding hemp cultivation
- B. Single dwelling unit.

18.54.060 Conditional uses.

The following uses shall be permitted subject to the approval of a use permit by the planning commission in accordance with the standards and procedures outlined in Chapter 18.76 of the City of Wheatland Municipal Code. The hearing body may grant a use permit as it was applied for, if, on the basis of the application and evidence, the hearing body makes the findings set forth in Section 18.76.030 of the City of Wheatland Municipal Code.

- A. Agricultural Support Services;
- B. Agritourism;
- C. Animal Keeping, except household pets, if it meets the following requirements:
 - 1. Allowed animal types include non-dairy cattle/buffalo, horses, swine, sheep, goats, rabbits, chinchillas, emus, rheas, poultry, and ostriches, as well as similar animal types as determined by the community development director.
 - 2. Animal keeping must be on a legally recognized parcel no less than two (2) acres. Lot area used to qualify animal keeping for one animal type shall not be reused to qualify another animal type.
 - 3. Proper management of animal waste shall be carried out in accordance with all requirements of the State Regional Water Quality Control Board or other applicable regulating agency.
 - 4. Small animal keeping: Aviary, or similar small animal ranches or farms (excluding chicken and hog ranches) shall be permitted on parcels that are at least one-half (1/2) acre. Fish raising shall be limited to one (1) pond per acre with a maximum of four (4) ponds per parcel. Each pond shall not exceed one-half (1/2) acre in area.
- D. Animal Hospitals and Veterinary Clinics;
- E. Antennas and Wireless Telecommunications Facilities;
- F. Calf growing ranches, if located on a parcel that is at least five (5) acres;
- G. Churches, temples and other places of worship within an existing building or expansions to existing religious facilities;
- H. Dairies, including expansions to existing dairies;
- I. Educational institutions;
- J. Fertilizer operations, in accordance with applicable federal, State, or local regulations;
- K. Kennels located on a parcel with a minimum of two and one-half (2½) acres;
- L. Mushroom farms without use of manure;

- M. Plant nurseries (Retail/Wholesale)
- N. Rodeos;
- O. Trade of livestock;
- P. Waste management facilities, if constructed and operated in accordance with applicable federal, State, or local laws regulations.

18.54.070 Temporary uses.

The following temporary uses are permitted:

- A. Seasonal sales (i.e., Christmas tree and Halloween pumpkin sales, etc.) are authorized by the city, not to exceed a period of ninety (90) days each.
- B. Certified Farmer's Markets (Pursuant to the California Department of Food and Agriculture).

18.54.080 Accessory uses.

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted use on the same parcel:

- A. Vegetation Management (i.e., burning of agricultural waste products)
- B. Pest control (i.e., discharge of firearms).
- C. Apiary
- D. Barns, stables, storage tanks, and other farm buildings
- E. Second Units, Caretaker's unit, or guesthouses, one (1) per parcel, and shall meet the setbacks of the main structure as listed in Table 2.
- F. Office unit in conjunction with row, field, tree, plant nursery or crop production operation, not to exceed 1,500 square feet in size (one per parcel). Any office unit shall meet the setbacks of the main structure as listed in Table 2.
- G. Garages and carports
- H. Fences and walls
- I. Patio covers
- J. Swimming pools
- K. Accessory uses and structures that the community development director finds to be consistent with the purpose and intent of this ordinance.
- L. Stands for the sale of agricultural products grown or produced on the same premises (excluding milk and meat products), subject to the following conditions:

1. Stand shall be permitted only on lots containing a minimum of 10,000 square feet.
2. The floor area of the stand shall not exceed 1,000 square feet.
3. The owner(s) shall remove such stand at their own expense within 30 days after the use has terminated.
4. Stands shall be located a minimum of 20 feet from the right-of-way line of any street or highway.
5. Parking areas shall be improved with paving, gravel or other materials as required by city standards to control dust or erosion.
6. Adequate provision for traffic circulation, off-street parking, and pedestrian safety including ADA standards and requirements shall be provided to the satisfaction of the community development director.

18.54.090 Prohibited uses.

The following uses are specifically prohibited in the ___-A district:

- A. Commercial animal slaughter and rendering operations.
- B. Commercial poultry ranches.
- C. Commercial hog ranches (more than five swine); and
- D. New agriculture water well.

The planning commission will make a determination of uses for those not specifically listed above as permitted or conditional uses, based on the similarity of the subject use to one of the above listed categories and the overall intent of this ordinance.

18.54.100 Nonconforming uses and structures.

Nonconforming uses and structures are governed by the following:

- A. Abandonment: Whenever a nonconforming use or structure has been abandoned, the nonconforming use or structure shall not be reestablished, and the use of the structure and the site thereafter shall be in conformity with the regulations of the ___-A district. For the purposes of this Chapter, discontinuance of the nonconforming use for a continuous period of 180 days shall be conclusive evidence of abandonment of such nonconforming use regardless of the landowner's intent.
- B. Special Hardship Circumstances: If discontinuance of the nonconforming use is the result of a special hardship or other unique circumstance, the Planning Commission may extend the 180-day period for up to an additional 180 days for purposes of determining abandonment of the nonconforming use. To receive such consideration, the property owner shall request an extension in writing, prior to the expiration of the initial 180-day period, including a full explanation of the

reason why the extension should be granted and how it qualifies as a special hardship or other unique circumstance.

18.54.110 Permanent structures.

Design review will be required for all new, altered or expanded structures/uses including all new structures in excess of 5,000 square feet, pursuant to Chapter 18.67 Architectural Review of the City of Wheatland Municipal Code.

18.54.120 Site development standards.

The table below (Site Development Standards) summarizes the development standards for all uses in the __-A district set forth herein.

Category	Requirement
Maximum Principal Structure Height	50 Feet
Minimum Lot Size	1 acre
Maximum Lot Coverage (i.e., building coverage)	None
Minimum lot width	150 feet
Minimum lot depth	140 feet
Setbacks	
Front	40 feet
Side	20 feet
Rear	40 feet
Maximum Housing Density	1 dwelling unit per property plus accessory units as described in Section 18.60.010 of the City of Wheatland Municipal Code

18.54.130 Sign standards.

A. Non-Residential Use:

1. Freestanding signs shall be permitted provided that:
 - I. Not more than one freestanding sign structure shall be permitted for each street frontage of any lot or parcel.
 - II. No freestanding sign shall exceed a maximum height of twenty-five feet. If a pole sign, the bottom of such sign shall be not less than eight feet above the finished grade.
 - III. No single sign shall exceed two hundred square feet.
2. Wall Mounted: One (1) sign mounted on the street side (front) elevation, not to exceed one sq. ft. of sign area for each foot of the front elevation up to a maximum area of 50 square feet; if the building is on a corner lot, two (2) mounted signs are permitted at one sq. ft. of sign area for each foot of width of the front and street side elevations of the building, for a maximum of 50 square feet per elevation.

B. Residential Use:

1. Refer to Title 19 "Signs" of the City of Wheatland Municipal Code for standards.

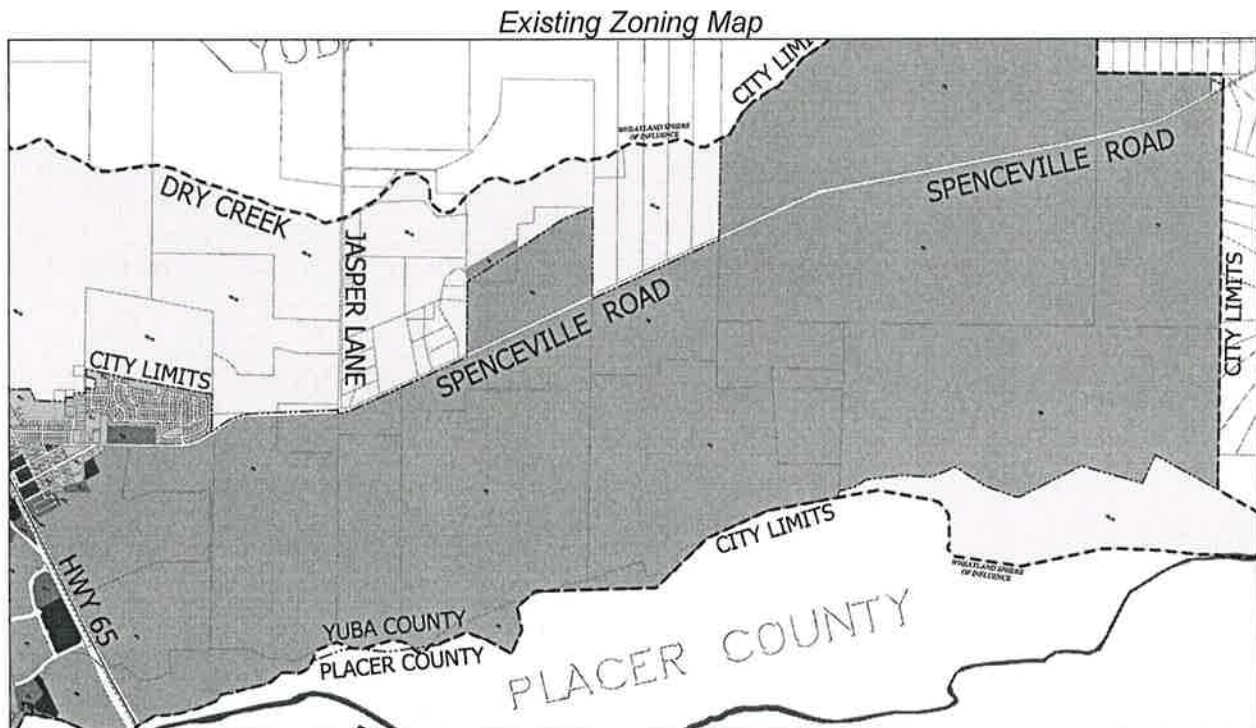
18.54.140 Severability.

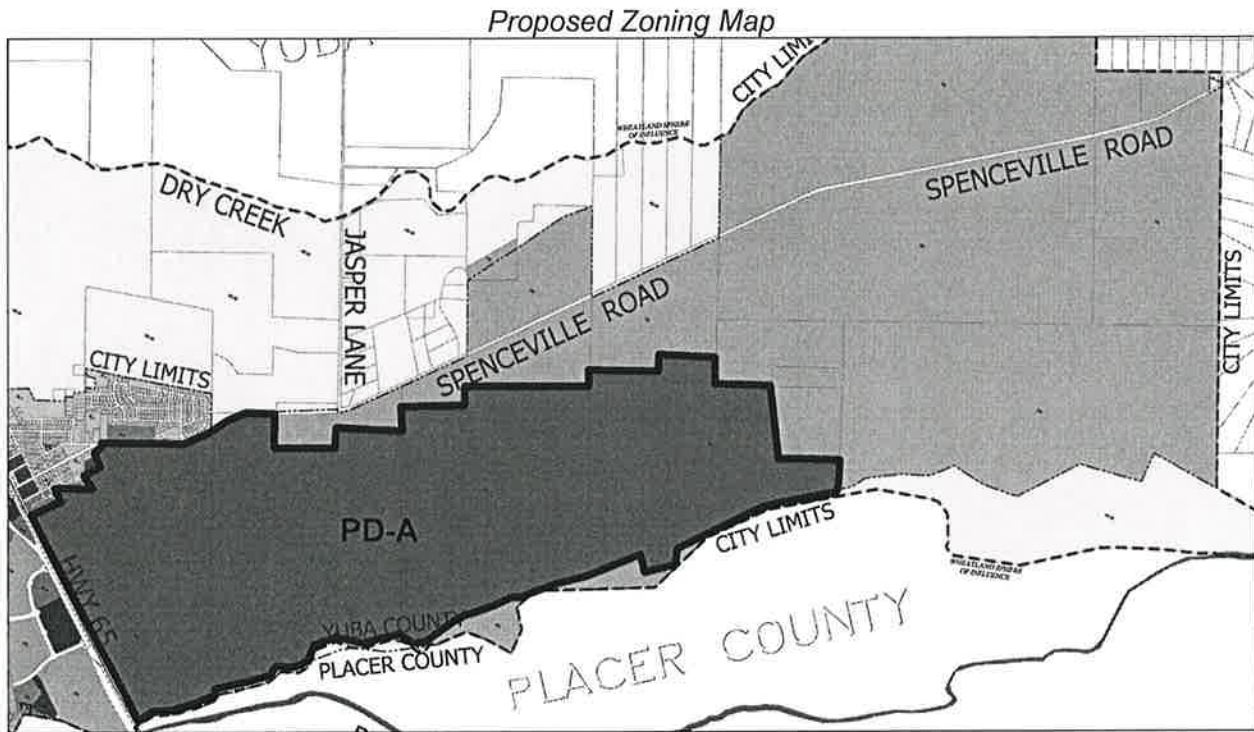
If any section, subsection, sentence, clause, phrase or portion of this Chapter is held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such division shall not affect the validity of the remaining portions thereof. The city hereby declares that it would have passed these standards, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any section of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

SECTION 4. Zoning Map Rezone. The properties identified below, are hereby rezoned from Planned Development (PD) to Planned Development Agricultural Combining District (PD-A), as mapped out in the following Proposed Zoning Map Amendment.

- 015-360-030-000 – 458.49 acres
- 015-360-031-000 – 128.59 acres
- 015-360-038-000 – 404 acres
- 015-360-051-000 – 145.4 acres
- 015-360-052-000 – 145.4 acres
- 015-360-053-000 – 285.9 acres
- 015-360-054-000 – 60.64 acres
- 015-360-055-000 – 10.66 acres

Proposed Zoning Map Amendment





SECTION 4. Exemption from CEQA. The proposed Agricultural Combining District Regulations Amendment Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 7 Posting. Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the city.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the Wheatland City Council, held on the 28th of September 2021, and passed and adopted at a regular meeting thereof, held on the December 14, 2021, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Mayor of the City of Wheatland

ATTEST:

City Clerk of the City of Wheatland