

**JULY 6, 2021, MINUTES
REGULAR WHEATLAND PLANNING
COMMISSION MEETING
WHEATLAND COMMUNITY CENTER,
101 C STREET, WHEATLAND, CA
6:00 – 7:10 P.M.**

PLANNING COMMISSIONERS PRESENT: G. Hart, D. Panteloglow, B. Powner, W. Tinsley, S. Witt

OTHER OFFICIALS PRESENT: T. Raney, Community Development Director
K. Valente, Senior Planner

PLEDGE OF ALLEGIANCE:

Commissioner Scott Witt led the pledge of allegiance.

PUBLIC COMMENT

Chris Walsh commented on Ag tourism, entertainment and recreation.

CONSENT CALENDAR

1) Planning Commission Chairman S. Witt made the motion, Planning Commission Vice Chairman D. Panteloglow seconded the motion to **approve minutes from the regular Planning Commission meetings on April 20 and June 15, 2021**. Vote called – AYES: All Motion carried.

PUBLIC HEARING

1) Community Development Director (CDD), Tim Raney, presented the staff report for recommending City Council adoption of the Right-to-Farm Ordinance. In 2014, the City annexed the Johnson Rancho and Hop Farm Annexation Project, and now includes more than 1,500 acres of active agriculture land. Active agricultural land is typically located within unincorporated County land, which is why the City of Wheatland currently has limited, if any, adopted policies, standards, or guidelines related to agricultural production. As the City continues to urbanize and develop, staff has identified the importance of developing policies, standards, and guidelines to protect an industry that has been the backbone of the City and surrounding region. On June 11, 2019 the Wheatland City Council appointed two City Council members, two Planning Commissioners, two local agriculture producers, and a local business owner to an Ad-Hoc Committee for the preparation of the Citywide Agriculture Production Standards project. A Right-to-Farm Ordinance is a common strategy available to local governments utilized to protect farmers from nuisance lawsuits and provide incentives to landowners to maintain their lands in agricultural uses. Agriculture producers who are experiencing rural residential development in their area often worry about the conflicts with non-agriculture uses that may not appreciate the noise, smells, and dust associated with normal agricultural activities. While informal and formal legal confrontations between agriculture producers and non-agriculture uses have been rare in the City of Wheatland, it is important that the City provide legal protection to farmers as a means to protect agricultural land from urbanization and reduce the fears of local farmers. As a result of adopting the ordinance, Right-to-Farm communities afford certain protections to agriculture producers in case of routine land use conflicts such as noise or odor. These nuisance complaints

are kept from litigation and run through a non-punitive hearing process by which consensus can be reached between all parties. Right-to-Farm community residents are informed of a community's status prior to purchase of a property. Local Right-to-Farm Ordinances in California date from the early 1980s. Although Right-to-Farm Ordinances fall within the regular regulatory powers of county and city governments, the local measures were stimulated in 1981 by the passage of a State statute (Sect. 3482.5 of the California Civil Code) that declares a farm in operation for more than three years is not to be considered a nuisance due to changed conditions (urbanization) in the area. In 1989, the legislature went further by allowing counties and cities to require relators to disclose to property buyers' particular conditions of the property, including the possible negative impacts of nearby farming (Civil Code Section 1102.6a). The California Farm Bureau prepared a model Right-To-Farm Ordinance at that time, and most counties and cities have since followed the model language in adopting their own ordinances. Thus, most county and city Right-to-Farm Ordinances have similar contents. Although only preliminary, the City anticipates that the major purpose and intent of the Right-to-Farm Ordinance will be to protect agricultural land uses and designations identified on zoning maps from conflicts with nonagricultural land uses that may result in financial hardship to agricultural operators or termination of farmers' operations. Staff recommends that the Planning Commission adopt the resolution recommending the City Council adopt the proposed Ordinance adding new Chapter 18.62 of the Wheatland Municipal Code relating to Right-to-Farm.

Planning Commissioner B. Powner commented on how property owners are generally informed.
Planning Commission Vice Chairman D. Panteloglew commented on disclosure requirement.
Planning Commission Chair commented on the agricultural footprint for Wheatland.

PUBLIC COMMENT

C. Walsh commented on meetings and notification to residents, general vision of the Right-to-Farm Ordinance, agreement procedures, jurisdictions that already have the process in place and how does this address AG tourism.

P. Shelton commented on AG tourism which is what Bishop Pumpkin Farm is and members of the Wheatland AG Polices - AD Hoc Committee.

Motion was made by Planning Commission Chairman S. Witt, Seconded by Planning Commissioner W. Tinsley to **adopt the Resolution No. 2021-03 recommending City Council adopt the proposed Ordinance adding new Chapter 18.62 of the Wheatland Municipal Code relating to Right-to-Farm.**
Vote called – AYES: All. Motion carried.

2) CDD Tim Raney presented the staff report for recommending City Council adoption of proposed Agriculture Combining District Amendment. In 2014, the City annexed the Johnson Rancho and Hop Farm Annexation Project, and now includes more than 1,500 acres of active agriculture land. Active agricultural land is typically located within unincorporated County land, which is why the City of Wheatland currently has limited, if any, adopted policies, standards, or guidelines related to agricultural production. As the City continues to urbanize and develop, staff has identified the importance of developing policies, standards, and guidelines to protect an industry that has been the backbone of the City and surrounding region. On June 11, 2019, the Wheatland City Council appointed two City Council members, two Planning Commissioners, two local agriculture producers, and a local business owner to an Ad-Hoc Committee for the preparation of the Citywide Agriculture Production Standards project. A combining district is a regulatory tool that creates a special zoning district, placed over an existing base zone, which identifies special provisions in addition to those in the underlying base zone. The City of Wheatland Zoning Code currently includes an existing Agriculture Combining District (Chapter 18.54); however, the combining district is currently not applied to any properties in the City. Staff worked with the selected Ad-Hoc Committee members and expanded the existing Agriculture Combining District to define the agricultural production allowed in the City, provide

standards for such agricultural production, and most importantly, assist in preserving and protecting existing agriculture uses. The proposed Agriculture Combining District 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 Combining 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 Combining District will provide policies, standards, and guidelines for agricultural production and agricultural supportive uses in the City. In addition, the Agriculture Combining District Amendment is a way for the City to preserve agriculture as the interim land use of areas of land recently annexed into the City until it is appropriate to commence development of the land. For example, the Johnson Rancho development will occur over many years, so the underlying zoning of the Johnson Rancho will be for the future residential or commercial development; however, the proposed Agriculture Combining District would ensure that the interim agriculture uses are protected. The proposed Agriculture Combining District includes purpose and Intent; applicability; definitions; uses Generally; permitted Land Uses; conditional Uses; temporary Uses; accessory Uses; prohibited Uses; nonconforming Uses and Structures; permanent Structures; site Development Standards; sign Standards; and Severability. In addition to the proposed Agriculture Combining District amendment, staff is proposing to rezone eight properties located in the Johnson Rancho and Hop Farm Annexation Area to include the Agriculture Combining District. The eight properties all currently include current agriculture production and total 1,639.08 acres. The proposed Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations. Staff recommends that the Planning Commission adopt the resolution recommending the City Council amending Chapter 18.54 of the Wheatland Municipal Code pertaining to the Agriculture Combining District Regulations and rezone eight properties totaling 1,639.08 acres.

PUBLIC COMMENT

C. Walsh commented on time frame of proposal and impact on AG tourism regarding Bishop Pumpkin Farm.

P. Shelton commented on where to find existing Agricultural Combining District information.

Planning Commission Vice Chairman D. Panteloglou commented on conditional uses regarding hospitals and Draft EIR acreage and the AKT and Johnson Rancho Developments.

Motion was made by Planning Commissioner W. Tinsley; Planning Commissioner G. Hart seconded the motion to **adopt the Resolution No. 2021-04 recommending City Council adopt the proposed Ordinance amending Chapter 18.54 of the Wheatland Municipal Code relating to the Agriculture Combining District.** AYES: All. Motion carried.

3) CDD Tim Raney presented the staff report for recommending City Council adoption of the proposed Citywide Agriculture Goals, Objectives, and Implementation Measures. In 2014, the City annexed the Johnson Rancho and Hop Farm Annexation Project, and now includes more than 1,500 acres of active agriculture land. Active agricultural land is typically located within unincorporated County land, which is why the City of Wheatland currently has limited, if any, adopted policies, standards, or guidelines related to agricultural production. As the City continues to urbanize and develop, staff has identified the importance of developing policies, standards, and guidelines to protect an industry that has been the backbone of the City and surrounding region. On June 11, 2019, the Wheatland City Council appointed two City Council members, two Planning Commissioners, two local agriculture producers, and a local business owner to an Ad-Hoc Committee for the preparation of the Citywide Agriculture Production Standards project. The proposed Citywide Agriculture Goals, Objectives, and Implementation Measures is intended to implement

and expand on the adopted plans, including the Wheatland General Plan Policy Document and the City of Wheatland Community Vision. The staff report included information regarding the Wheatland General Plan Policy Document, City of Wheatland Community Vision and Policy Document Implementation. The proposed policy document is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations. Staff recommends that the Planning Commission adopt the resolution recommending the City Council adopt the proposed Citywide Agriculture Goals, Objectives, and Implementation Measures.

PUBLIC COMMENT

C. Walsh commented on agritourism regarding Bishop Pumpkin Farm.

P. Walsh commented on AG tourism.

P. Shelton commented on agriculture in the community and concerns about the term 'agritourism'.

S. Witt commented on carte blanche activities in the City and requirements.

W. Tinsley commented on definition of tourism.

B. Powner agreed with the additional objective suggested by CDD T Raney.

H. Gilbert commented on the upcoming salsa festival.

CDD T. Raney commented on producing and protecting documentation to protect a rural way of life as development happens. Raney suggested that an objective be added that any opportunities for AG tourism based efforts, all impacts be mitigated as well.

Motion was made by Planning Commission Vice Chari Panteloglow, Seconded by Planning Commission Chair S. Witt to adopt the Resolution No. 2021-05 recommending City Council adopt the proposed Citywide Agriculture Goals, Objectives, and Implementation Measures. Vote called – AYES: All. Motion carried.

REPORTS

With no other business before the Commissioners, the meeting adjourned at 7:10 p.m.

Respectfully submitted,
Tim Raney, Community Development Director