



City of Wheatland

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PLANNING COMMISSION MEETING STAFF REPORT

Date: July 6, 2021
Agenda Item:

Subject: Consider recommending City Council approval of the proposed Agriculture Combining District Amendment.

Prepared by: Tim Raney, Community Development Director

Recommendation

Staff requests that the Planning Commission adopt the attached resolution recommending City Council adopt the proposed Ordinance amending Chapter 18.54 of the Wheatland Municipal Code relating to the Agriculture Combining District (see Attachment 1).

Background

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.

Discussion

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 the following sections as seen in Exhibit 1 to Attachment 1:

- 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. These eight properties listed below all currently include current agriculture production and total 1,639.08 acres:

- 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



CEQA Review

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.

Conclusion

Based on the above information, staff recommends that the Planning Commission adopt the attached 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.

Attachments

1. Resolution No. 2021-** Recommending Council Adoption of the Ordinance 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 (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 an Agriculture Combining District.

Exhibit 1: Ordinance of the City Council of the City of Wheatland, California, 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 (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 an Agriculture Combining District.

**PLANNING COMMISSION
RESOLUTION NO. 2021-04**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND
RECOMMENDING CITY COUNCIL ADOPTION OF THE ORDINANCE AMENDING CHAPTER
18.54 OF THE WHEATLAND MUNICIPAL CODE RELATING TO THE AGRICULTURE
COMBINING DISTRICT**

WHEREAS, on August 13, 2014 the City of Wheatland annexed the Johnson Rancho and Hop Farm Annexation Project, which included active agriculture production land; and

WHEREAS, on June 11, 2019 the City of 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; and

WHEREAS, on June 15, 2021, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary recommending City Council approval of the Agriculture Combining District Amendment Ordinance; and

WHEREAS, the Planning Commission gave notice of public hearing as required by law; and

NOW THEREFORE, BE IT RESOLVED that in recommending approval to the City Council of Ordinance No. _____, 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, the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. 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.
2. The proposed Ordinance is consistent with the General Plan, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council adopt the Ordinance 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, in the form attached as Exhibit 1, subject to such changes as may be approved by the City Council.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Wheatland at a regular meeting thereof held on the 6th day of July 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LISA THOMASON
City Clerk

EXHIBIT 1

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND, CALIFORNIA,
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
(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 AN AGRICULTURE COMBINING DISTRICT**

ORDINANCE NO. _____

**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 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 AN AGRICULTURE COMBINING DISTRICT**

The City Council of the City of Wheatland 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 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 _____, 2021 the 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 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 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.

"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 honey bees 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 Operations” means a facility operated for commercial purposes where animals are slaughtered.

“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.

18.54.050 Permitted land uses.

The following uses are permitted:

- A. Row, Field, Tree, and Crop Production, excluding hemp cultivation
- B. Plant nurseries (Retail/Wholesale)
- C. Agrotourism
- D. 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. 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.
- C. Animal Hospitals and Veterinary Clinics;
- D. Antennas and Wireless Telecommunications Facilities;

- E. Apiary;
- 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. Rodeos;
- N. Trade of livestock;
- O. 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. Apiary
- B. Barns, stables, storage tanks, and other farm buildings
- C. 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.
- D. Subject to the requirements of Government Code sections 65852.2 and 6582.22, accessory building(s) not usable as a guesthouse or second residential unit in the ___-A district are not subject to a maximum square footage; therefore, structures in excess of 650 square feet do not require a conditional use permit.

- E. 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.
- F. Garages and carports
- G. Fences and walls
- H. Patio covers
- I. Swimming pools
- J. Accessory uses and structures that the Community Development Director finds to be consistent with the purpose and intent of this ordinance.
- K. 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 operations.
- B. Commercial poultry ranches.
- C. Commercial hog ranches (more than five swine); and

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.

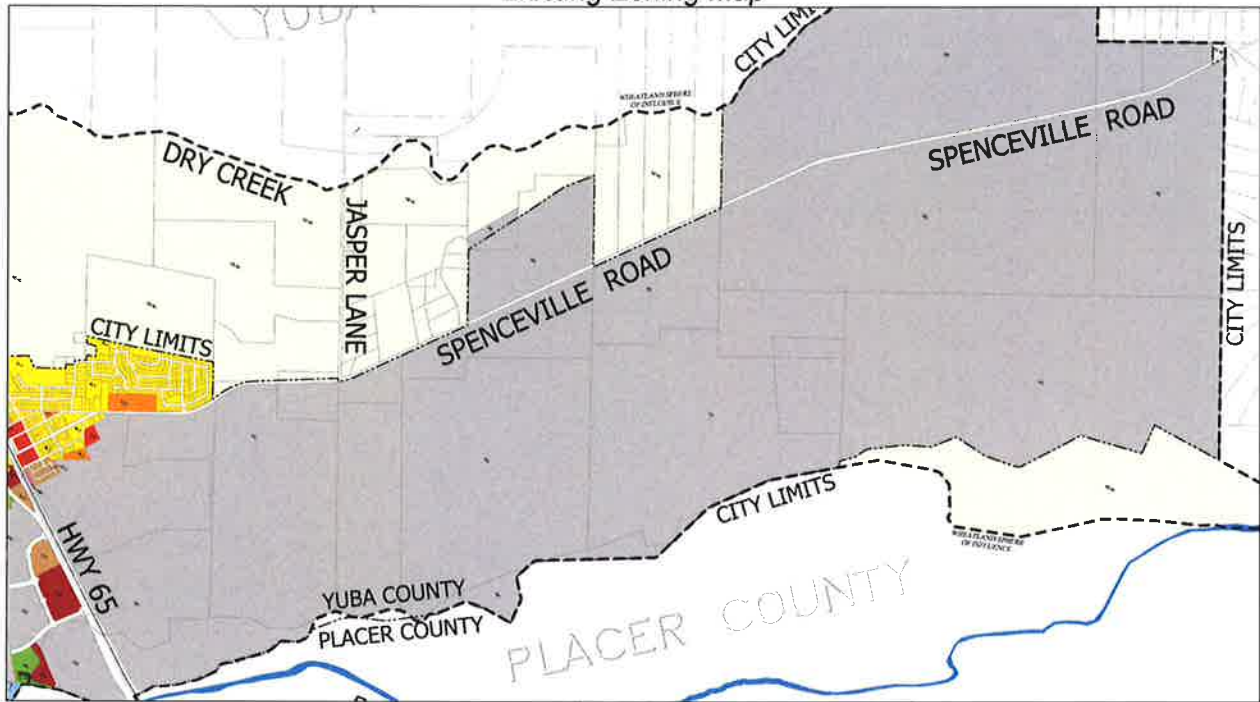
If any section, subsection, sentence, clause, phrase or portion of this Chapter is held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such division shall not affect the validity of the remaining portions 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.

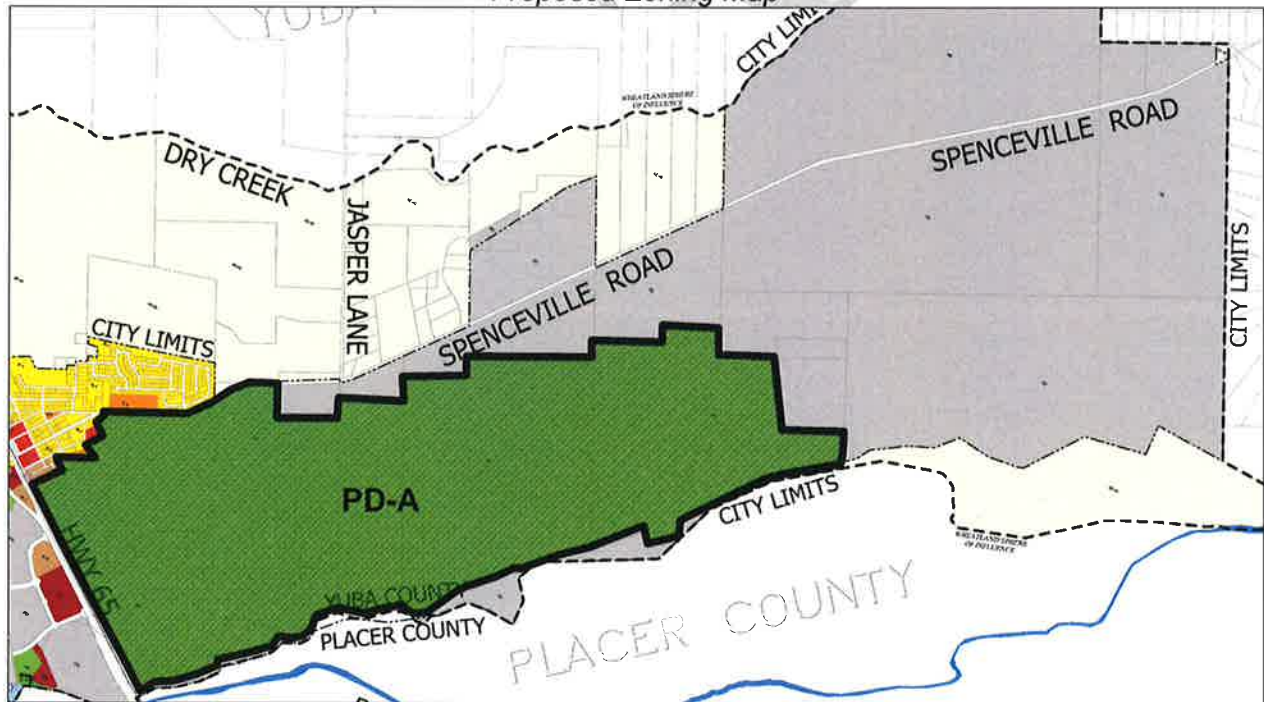
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- 015-360-055-000 – 10.66 acres

Proposed Zoning Map Amendment

Existing Zoning Map



Proposed Zoning Map



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 City Council of the City of Wheatland, held on the ____ of _____, 2021, and passed and adopted at a regular meeting thereof, held on the ____ of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor of the City of Wheatland

ATTEST:

City Clerk of the City of Wheatland