

**AUGUST 10, 2021, MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:00 – 7:30 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe L. McIntosh, J. Pendergraph, P. Shelton
R. West

OTHERS PRESENT: J. Goodwin, City Manager
T. Raney, Community Development Director
K. Valente, Senior Planner
J. Buckman, City Attorney
S. Mahoney, Finance Director
D. Sylvester, Police Chief
A. Paquette, Fire Chief
L. Thomason, City Clerk

PLEDGE OF ALLEGIANCE: Mayor R. West led the pledge of allegiance.

PUBLIC COMMENT: None.

CONSENT CALENDAR

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve minutes from the regular City Council meeting on July 27, 2021**, Vote called – AYES; All. Motioned carried.

Mayor R. West announced the Public Hearings for discussion of Ordinance related to Right-to-Farm, Ordinance related to the Agriculture Combining District and adoption of the proposed Citywide Agriculture, Goals, Objectives and Implementation will be combined and discussed as a Public Workshop during the council meeting.

Mayor R. West proceeded to open discussion of the regular calendar agenda item.

1) Police Chief D. Sylvester presented the staff report for discussion and consideration of adopting a resolution approving an agreement with Wheatland Union High School District for a part-time School Resource Officer and directing the City Manager to execute the agreement. In the spring of 2021, the Police Department was approached by the WUHSD Superintendent about the ability of the department to provide a part-time School Resource Officer on campus at Wheatland Union High School two days a week. WUHSD secured a two-year grant allowing them to fund one, part-time School Resource Officer, twice a week for 8 hours each day. The School Resource Officer program provided by the City of Wheatland would enhance the safe and positive learning environment within WUHSD, promote a positive working relationship with school staff members to prevent juvenile delinquency, promote positive attitudes regarding the police role, and inform students of their rights and responsibilities as lawful members of the community. This is accomplished through the assignment of one, Wheatland Police Officer to High School campus. WUHSD shall reimburse the City up to \$35,230 fiscal year 2021 and \$36,882 fiscal year 2022 to the City toward the cost of the SRO program, as well as assign one school administrator at the high school to coordinate the activities of the SRO on campus. The WUHSD

reimbursement would be based on the actual hours of service provided. On the days the School Resource Officer is at the High School, a Reserve Police Officer will fill their patrol shift so staffing levels remain the same. The term of this Agreement is for two years, beginning July 1, 2021, through and including June 30, 2023. Either WUHSD or City may terminate this Agreement upon giving thirty (30) days written notice to the other party. Under the proposed agreement WUHSD will pay for the costs (maximum 16 hours per week for 37 weeks), and City agrees to assign one Police Officer, including necessary equipment, to serve as the School Resource Officer (SRO) at Wheatland Union High School.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. Coe to **approve Resolution No. 30-21 Approving and Agreement with Wheatland Union High School District for a part-time School Resource Officer**. Vote called – AYES: All. Motion carried.

PUBLIC WORKSHOP

1) Senior Planner K. Valente presented the staff report for discussion of the proposed Right-to-Farm Ordinance. In 2014, the City of Wheatland annexed the Johnson Rancho and Hop Farm properties, which currently includes more than 1,500 acres of active agriculture land. Active agricultural land is typically located within unincorporated county land and not within incorporated cities. As a result, the City of Wheatland currently has limited adopted policies, standards, and guidelines related to agricultural production. As the city continues to urbanize and develop, staff has identified the importance of developing additional policies, standards, and guidelines to support agricultural production within the city. 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 Agricultural Production Standards project. The City of Wheatland held five Ad-Hoc Committee meetings from January 23, 2020, to February 16, 2021. The five Ad-Hoc Committee meetings provided an opportunity for discussion and input from the general public and the committee members to prepare the proposed Right-to-Farm Ordinance. All five public meetings were publicly noticed per the city's standard noticing practices. 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. 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. Although Right-to-Farm Ordinances fall within the regular regulatory powers of county and city governments, the local measures were first created 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. The purpose and intent of the Right-to-Farm

Ordinance is 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 worked with the selected Ad-Hoc Committee members and created the proposed Right-to-Farm Ordinance by using the model prepared by the California Farm Bureau and modifying it specifically for the City of Wheatland. The proposed Right-to-Farm Ordinance would provide a level of protection and importance for the existing agricultural productions within the city and ensure the continued use of agriculture amongst future development. The proposed Right-to-Farm Ordinance includes Purpose and Intent; Definitions; Nuisance; Land Use Entitlement Right-to-Farm Restrictions; Notification to Transferees; and 2 Grievance Procedures. 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. On July 6, 2021, staff presented the proposed Right-to-Farm Ordinance to the Wheatland Planning Commission. Staff received several comments from the public and Wheatland City Councilmember Pamela Shelton, who was appointed to the Agricultural Standards Project Ad Hoc Committee, regarding the proposed ordinance's relationship to agritourism and the Bishop Pumpkin Farm in the City of Wheatland. Planning staff explained that the purpose and intent of the proposed Right-to-Farm Ordinance is to protect agricultural land uses, promote a good neighbor policy between agricultural operations and residents, and promote ongoing communication between agricultural operators and residents near agricultural activities. After planning commission discussion, the Wheatland Planning Commission voted to recommend city council adoption of the proposed Right-to-Farm Ordinance.

2) Senior Planner K. Valente presented the staff report for discussion of the proposed Agriculture Combining District Ordinance. 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 within 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 assist in preserving and protecting existing agricultural uses. The proposed Agriculture Combining District Amendment 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 proposed combining district amendment 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 proposed combining district Amendment will provide standards for agricultural production and agricultural supportive uses in the city. In addition, the proposed 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 and Hop Farm development will occur over many years, so the underlying base zoning of the Johnson Rancho and Hop Farm properties 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 Amendment 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 proposed ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines

section 15305, Minor Alterations in Land Use Limitations. On July 6, 2021, staff presented the proposed Agriculture Combining District Amendment to the Wheatland Planning Commission. Staff received several comments from the public and Wheatland City Councilmember Pamela Shelton, who was appointed to the Agricultural Standards Project Ad-Hoc Committee, regarding the proposed Agriculture Combining District Amendment's relationship to agritourism and the Bishop Pumpkin Farm in the City of Wheatland. Planning staff explained that the intent of the proposed Agriculture Combining District Amendment is to create standards for agricultural production within the city and the Agriculture Combining District is currently proposed to only include properties within the Johnson Rancho and Hop Farm area and offers no benefit to the Bishop Pumpkin Farm or changes to the existing Agriculture Exclusive-Planned Development Zone (AE-PD). After planning commission discussion, the Wheatland Planning Commission voted to recommend city council adoption of the proposed Agriculture Combining District Amendment. In addition, on July 19, 2021, city staff met with Ad-Hoc Committee member and Wheatland City Councilmember Pamela Shelton to further discuss the proposed Agriculture Combining District Amendment. Ms. Shelton recommended the proposed agritourism definition should be revised to a more detailed definition. The proposed Agriculture Combining District Amendment includes the definition: "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." The proposed definition was a result of several discussions during the Ad-Hoc Committee meetings and was also approved by the Wheatland Planning Commission. Planning staff is seeking direction from the city council on the necessity to revise the proposed agritourism definition. Ms. Shelton also recommended the agritourism use should require planning commission approval of a conditional use permit. The proposed Agriculture Combining District Amendment identified agritourism as a permitted use in the proposed combining district. Staff supports the recommendation of requiring planning commission approval of a conditional use permit for the agritourism use; therefore, staff has revised the attached ordinance accordingly.

3) Senior Planner presented the staff report for discussion for consideration of adoption of the proposed Citywide Agriculture Goals, Objectives, and Implementation Measures. The proposed Citywide Agriculture Goals, Objectives, and Implementation Measures is intended to implement and expand on the city's adopted plans, including the Wheatland General Plan Policy Document and the City of Wheatland Community Vision. 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. On July 6, 2021, staff presented the proposed Citywide Agriculture Goals, Objectives, and Implementation Measures to the Wheatland Planning Commission. Staff received several comments from the public and Wheatland City Councilmember Pamela Shelton, who was appointed to the Agricultural Standards Project Ad-Hoc Committee, regarding the proposed goals, objectives, and implementation measures relationship to agritourism and the Bishop Pumpkin Farm in the City of Wheatland. Planning staff explained that the intent of the Citywide Agriculture Goals, Objectives, and Implementation Measures is intended to protect and encourage all aspects of the city's existing agricultural operations and history. Staff recognized the concern some residents may have with the Bishop's Pumpkin Farm and stated that the Citywide Goals, Objectives, and Implementation Measures' purpose is to protect and serve the existing and future Wheatland residents living within an agricultural community. As a result, staff has included an additional objective: Mitigate all potential impacts to existing and future Wheatland residents associate with, or created by, agritourism. After planning commission discussion, the Wheatland Planning Commission voted to recommend city council adoption of the proposed policy document.

Citywide Agriculture Goals, Objectives, and Implementation Measures Comments

Council Member P. Shelton commented on the agritourism definition and aerial spraying.
Mayor R. West commented on one goal or objective be to analyze potential impacts or costs to residents as a result of annexing ag land into the City and buffer zones.
Council Member L. McIntosh commented on use types on the conditional use permit and fee, environmental impact reports, poultry and hog ranches and hemp and marijuana standards.
Council Member J. Pendergraph commented on established agricultural land within City limits.

Agriculture Combining District Comments

Council Member P. Shelton commented on the ease of understanding the table provided in the power point slides; agritourism and conditional use permits, concerns with the definition of agritourism, zoning map amendment colors on map and 90-day sales for pumpkins, Christmas trees etc.
Council Member L. McIntosh commented on conditional use permits and how the county processes them. McIntosh also commented on new policies and affecting established businesses.
Mayor R. West commented on being consistent with Yuba County on conditional use permits and why proposed development not included in the Agriculture Combining District. Mayor West also commented on sunset on farming and PDA zoning and new use.

Public Comment

C. Walsh commented he supports the language relating to Council Member P. Shelton's recommendation, existing agritourism and mitigation of potential impact to existing and future residents, potential impact to local roadways and the mitigation process.
R. Epperson commented on the trigger that would apply to the combining district overlay to and other properties not included in the Agriculture Combining District.

Community Development Director T. Raney clarified that the Citywide Agriculture Goals, Objectives, and Implementation Measures is a policy document not an ordinance.

City Manager commented on the development of a truck route ordinance.

Right-to-Farm Comments

Council Member P. Shelton commented on forms provided to potential homeowners on the Right-to-Farm ordinance; applicable to entire City, not just future development; do other communities provide similar information to home buyers and agricultural community allowed 24-hour access to farm.
Mayor R. West questioned who the City looked at in areas close to Wheatland that have similar documents and policies.

Public Comment

C. Walsh commented on the genesis of City Council action on these items.

City Attorney J. Buckman recommended City Council continue the Public Hearings to a date certain on September 14, 2021, at 6:00 p.m.

REPORTS

Council Member J. Pendergraph reported on FRAQMD and air quality from the fires
Mayor R. West reported on the SYTIA meeting and approval of project list.

There being no further business, Mayor R. West adjourned the meeting at 7:30 p.m.

Minutes approved and adopted on this 24th day of August 2021.

Rick West, Mayor

Lisa J. Thomason, City Clerk

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