



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

Taro Echiburú, AICP
DIRECTOR

Planning & Public Works
292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775
FAX (530) 666-8156
www.yolocounty.org

Environmental Health
292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8646
FAX (530) 669-1448
www.yolocounty.org

Integrated Waste Management
44090 CR 28H
Woodland, CA 95776
(530) 666-8852
FAX (530) 666-8853
www.yolocounty.org

Time Set 10.

Planning Commission

Meeting Date: 08/11/2016

Information

SUBJECT

ZF #2015-0018: Public hearing on a proposed Use Permit to operate a large bed and breakfast and large special event facility, known as Field & Pond. The project site is located northwest of the City of Winters, on an approximately 80-acre agriculturally-zoned property, near the terminus of County Road 29, approximately three miles west of County Road 89 (APNs: 047-120-011 and 050-150-012). A Mitigated Negative Declaration has been prepared for the project. (Applicant/Owner: Dahvie James and Philip Watt; Planner: E. Parfrey)

SUMMARY

FILE # 2015-0018: Use Permit request to operate a large bed and breakfast and large event facility, known as Field & Pond.	
APPLICANT: Dahvie James and Philip Watt 26055 County Road 29 Winters, CA 95694	OWNER: Philip Watt
LOCATION: 26055 County Road 29 (APNs: 047-120-011 and 050-150-012) (Attachment A)	SOILS: Sehorn-Balcom complex, 30 to 50% slopes (SmF2), eroded (Class VI); Tehama loam (TaA), 0 to 2% slopes (Class II); Zamora loam (Za) (Class I); and Sehorn-Balcom complex (SmD), 2 to 15% slopes (Class III)
GENERAL PLAN: Agriculture	FLOOD ZONE: X (area not within the 100-year flood plain)
ZONING: Agricultural Extensive (A-X) SUPERVISORIAL DISTRICT: 5 (Supervisor Chamberlain)	FIRE SEVERITY ZONE: Moderate
ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold a public hearing to receive comments on the project (Attachments A and B);
2. Determine that the Initial Study/Mitigated Negative Declaration with the Errata and Mitigation Monitoring and Reporting Program (Attachment C) is the appropriate level of environmental documentation for the project in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
3. Adopt the Findings (Attachment D) that reflect the approval of the Planning Commission for the project; and
4. Approve the Use Permit with the Conditions of Approval (Attachment E) for the project.

REASONS FOR RECOMMENDED ACTIONS

As the Planning Commission is aware, the Field & Pond proposal has generated a significant amount of neighbor and public interest since the project was proposed in 2015. Over the last year, the Planning Commission, the Board of Supervisors, and the community have been engaged in an extensive debate about the role of agri-tourism uses, and especially special event centers, in the agricultural areas of Yolo County. Staff has met with the applicants and project opponents numerous times in an attempt to address neighbor and environmental concerns. Staff has prepared two separate environmental Initial Studies to address agricultural compatibility, endangered species, circulation, and other issues that have been raised by this application.

The proposed Use Permit, as modified by these staff recommendations, is consistent with numerous General Plan policies that encourage tourism use in the agricultural area. The project, as modified and conditioned, also meets the regulations and development standards of Sections 8-2.304 and 8-2.306(k) and (l) (a) of the Yolo County Code, which requires a Major Use Permit for conditional uses such as a large bed and breakfast and a large event facility.

The proposed Use Permit, if approved, will contain an extensive set of conditions that will regulate the use of the property as a venue for holding large events. Like other event centers previously approved by the Planning Commission and/or Board of Supervisors, these conditions will include numerous mitigation measures and requirements to reduce potential impacts to ongoing agricultural practices in the project vicinity.

Recently approved Use Permits for other event centers, including Freeheart Farms and the Yolanda Ranch, include Conditions of Approval that have limited event activity based on site characteristics and project specifics. Consistent with these prior approvals of event facilities, staff believes the Field & Pond site characteristics and project specifics warrant a further limit on event activity to address potential compatibility issues, in accordance with General Plan policies and zoning code regulations.

At this time, staff recommends that the project be approved subject to a significant decrease in the number of allowed annual events. The applicants have requested a Use Permit to allow up to 35 special events per year; staff recommends approval of a permit that would allow no more than 12 annual events, as described further in this staff report. Reducing the number of allowed events from the applicant's proposed number of 35 would serve to reduce potential impacts due to the constrained access to the site (one narrow rural road in and out) and would reduce impacts to neighboring agricultural operations. (Note that the Mitigated Negative Declaration found that impacts could be mitigated to less than significant levels if the number of events was limited to 20. While staff's recommendation of 12 events would further manage the project's impacts, the Planning Commission could, consistent with CEQA, authorize 20 events in the Use Permit.)

BACKGROUND

On April 6, 2015, the applicants submitted a Use Permit application for a large B&B and large event facility for the project known as Field & Pond. Two separate "Request for Comments" were subsequently routed for an early agency review in April and July, 2015, and a Courtesy Notice was sent to adjacent property owners, interested parties, and others who had since requested project notification. The application was deemed "complete" for filing on August 21, 2015. Since that time, the project request has been modified a

number of times, in response to concerns submitted by residents and special interest groups, as well as responsible agencies.

Project Site

The project site is located approximately five miles northwest of the City of Winters on an 80-acre parcel, currently in use as a home site that includes three dwellings, three barns, a water tower, several grain silos, and a two-acre fishing pond. Chickahominy Slough bisects the property separating the 11-acre home site from the southern portions that contain oak woodlands in hilly terrain. The northern portion of the 80-acre property has been developed as a homestead that has primarily been used for residential purposes, with the remaining part of the parcel used for some grazing. The project site is surrounded by intensive farming and ranching operations, including row crops, orchards, and animal husbandry.

The property is accessed off County Road (CR) 29, near its terminus towards the western foothills. Located in a remote area, the nearest major roadway is County Road 89, which is approximately three miles east of the project site. County Road 88 is approximately two miles to the east. Approximately 0.7 mile west of the intersection at CR 29 and CR 88, CR 29 makes a series of three bends and two turns until it reaches the project site, which is located on the south side of the road and includes a few gravel/dirt driveways. There are approximately eight residences, including the applicant's, that share use of CR 29 from its terminus to CR 89. In addition to local residential traffic, the rural county road is also used for hauling cattle and agricultural products, including large farming/ranching implements, to and from the various farm and ranch lands in the vicinity of the project.

The A-X zoned property is under a Williamson Act contract (Agreement No. 13-47) that was recently non-renewed in August 2015. Non-renewal is a nine-year process that will conclude in 2024. The property is also under a conservation easement that is held by the Wildlife Heritage Foundation, successor to the Winters Conservancy, which was recorded on the property in 1998. The conservation easement's primary purpose is to preserve the land in its natural, scenic, agricultural, and open space conditions. The easement agreement exempts the 11-acre home site areas from its restrictions, which are generally applied to the balance of the land, including the area south of Chickahominy Slough. The property also contains an easement on the adjoining parcel to the west for accessing the southern portions of the property, i.e., crossing over Chickahominy Slough. The access easement is restricted to pedestrian use only.

The property, at one time used for grazing livestock, has not been in agricultural production for many years. As part of the applicant's efforts to restore the agricultural value of the property, grazing agreements with ranchers interested in using the southern portions of the property for pasture are being sought.

The 80-acre property is surrounded by large rural parcels in active agricultural production, including orchards, row crops, livestock, grazing land, and rural residences. The nearest residence to the project site is located approximately 0.8 mile to the east and approximately one mile to the west. An unoccupied home site is located approximately 0.5 mile northwest of the project site. Most of the surrounding properties, including the project site, are under Williamson Act contract.

PROJECT DESCRIPTION

The project is a request for a Use Permit to open the grounds and structures of the "William Cannedy Farm" to accommodate a large bed and breakfast (B&B) and large special events venue, for the hosting of private parties and/or non-profit functions. Although not a County-designated historical resource, the William Cannedy Farm is described in the Yolo County 1986 Historic Resources Survey as "an excellent example of farmstead related buildings complete with the original pioneer residence."

The original project request included converting the main house into a five-room B&B with an additional ten bungalows that would be located on the south side of Chickahominy Slough. However, that proposal was changed to eliminate any additional B&B accommodations in the areas restricted by the property's conservation easement south of the slough. Thus, the project request now includes four future single-room cottages on the north side of the slough that is outside the easement, in addition to the five-room B&B in the

main house.

Events

The applicant has modified the number of proposed events as the project developed. The original project proposal included a request for 35 events for the first year of operation and up to 70 events per year after a one-year project review. The applicant subsequently scaled the project down to 50 events per year in an effort to address ongoing concerns. Thereafter, the request was further reduced to 35 events per year with a desire to increase the number of annual events if shuttles are used. The final project proposal included hosting up to 35 events per year with up to 300 attendees per event.

The Mitigated Negative Declaration included a mitigation measure to limit the number of events to 20 per calendar year, not to exceed one event per week. The mitigation measure requires that most of the events be limited to 150 attendees, with four allowed to have up to 300 attendees, not more than once per month.

In addition to the mitigation measure, Staff recommends that the Use Permit be limited to 12 events per calendar year.

For-profit events are proposed to be held seasonally, generally from March through November, Friday through Sunday, between the hours of 8:00 AM to midnight. Weddings, the largest of anticipated events, would typically occur on Saturdays between the hours of 1:00 PM and midnight and are expected to draw an average of 120 guests. Corporate retreats and non-profit events are expected to occur on Fridays from 8:00 AM to 4:00 PM, and are expected to draw around 50 guests on average. A majority of the events are expected to be weddings that draw between 120 to 150 guests, with a few larger events exceeding 200 but not more than 300 people.

One of the three barns on the property is proposed to be converted for the hosting of indoor/outdoor events, in addition to the outdoor garden areas. The applicant is currently working with the Yolo County Building Division to resolve permitting issues, as noted above, primarily for accessibility, occupancy, and fire/life safety.

Patrons would be responsible for bringing in licensed vendors to provide services, such as catered food and drinks, and temporary portable restroom facilities will be provided on a per event basis. All event parking will be onsite in a dedicated graveled lot with enough parking to accommodate up to 75 vehicles. Access to the event facility parking lot will be accommodated by a separate entrance and an exit off County Road 29, with separate driveways for the B&B and emergency vehicles (Attachment B).

Shuttles

The Mitigated Negative Declaration includes a mitigation measure that requires shuttles for each of the four events with more than 300 attendees. The applicant has recently proposed exclusive use of shuttles for all for-profit events regardless of number of attendees in an effort to reduce vehicle trips on CR 29 and as a possible way to increase the proposed 35 events per year. This protocol includes use of one 47-seat passenger bus and one 28-seat passenger shuttle that would be used to transport guests to and from events at Field & Pond. The applicant has indicated that church or hotel parking lots could be accessed, as desired, but has also identified four Park-n-Ride locations in Vacaville as well as three private lots closer in proximity to Winters.

According to the applicant, a typical 120-person wedding event would require two round-trips for the bus and one round-trip for the shuttle, totaling approximately one hour of transport time to Field & Pond. The bus would be returned once guests have arrived, and the shuttle would remain at the site to begin transporting guests back to the designated lot every hour, upon demand, starting around 8:00 PM. It is assumed that the bridal party would use private vehicles.

Lodging

The 80-acre property consists of three residences, including the main house which is proposed to be converted to a five-bedroom B&B. Renovations to the 3,300-square foot house include adding three

bathrooms, for a completed floor plan of five bedroom suites with five private bathrooms, and one common area bathroom. There would be no change to the total square footage. A second residence, located near the main house, is occupied by the applicant/owner. A third residence, not currently occupied, is located at the western edge of the property and is proposed to be used for housing a resident farmer. The project also proposes the future construction of up to four single-room cottages to accommodate additional lodging. Most of the lodging is anticipated to be driven by events, but could also occur separately.

In the last year, the applicant has submitted building plans for the barn and for the main house. A building permit to address occupancy and fire code requirements in the barn to accommodate indoor events has been issued for the barn but a final occupancy permit has not been granted, as of this writing. The building plans for the house address accessibility, which includes a new patio, ADA ramp and parking, and bathroom remodel.

Agriculture

The project proponents plan to enhance the agricultural value of the land by converting portions of the property that show a potential for supporting food crops, such as herbs, vegetables, nuts, and stone fruit. These crop producing endeavors would be managed by a resident farmer seeking an opportunity to farm a plot of land and provide educational outreach to visitors of Field & Pond through participation in a weekend farming program and urban youth program. Specifically, the project proposes planting tree crops on the northern portion of the property (along CR 29). At the writing of this Initial Study, the applicant has planted an orchard on the north side of the slough, including 120 trees.

The project also proposes implementation of an urban youth program called Fresh Start that would provide career mentorship in agriculture to urban youth. According to the applicant, the idea behind Fresh Start is to engage urban youth in discussions and education directed at establishing a successful career in agriculture through exercises and field trips designed to provide real life experiences.

The master plan for Field & Pond includes a five to ten year phased approach with the following milestones:

2016

- Accessibility features added to main house (ADA ramp, patio decking, and accessible bathroom)
- Barn retrofit
- Tree crop planting on north side of slough
- Floral/Vegetable crop installation
- Resident farmer
- Fresh Start pilot

2017

- Main house remodel (3 new bathrooms)
- Fresh Start expansion

2018 – 2025

- Lap pool and cabana for B&B guests

2025 – 2030

- Additional lodging

ANALYSIS

Public and Environmental Review

The project has been subject to significant public and environmental review over the last year.

A public workshop at the Planning Commission was held on February 18, 2016, to review project details,

solicit comments from the public, and receive staff direction from the Commission.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and issued on March 8, 2016. Approximately 26 comment letters or e-mails were received in response to the document. The comments on the original IS/MND are included in Attachment G.

Based on some of the detailed comments, a decision was made to prepare a revised Initial Study and to recirculate it for a new 30-day review period. The IS/MND is included in Attachment C. The significant changes addressed in the revised MND include:

- deletion of future plans for planting orchards or other crops in the agricultural area to the south of Chickahominy Creek;
- further revision and addition of mitigation measures to reduce potential impacts on adjacent agricultural operations; and
- incorporation of the results of a biological assessment for the site, and addition of a new mitigation measure related to potential impacts to the tri-colored blackbird.

The revised IS/MND public review period ended on July 28, 2016. A total of 21 additional comments letters/e-mails were received. More than one-half of the respondents had also commented on the original IS/MND. These comment letters on the revised IS/MND are included in Attachment F.

Reduction in Maximum Number of Allowed Events

The applicants have requested a Use Permit for a large B&B that would accommodate lodging for up to nine guest rooms, and a large event center that would host up to 35 indoor/outdoor events for up to 300 attendees per event (with most events drawing around 120 people).

Currently, the 80-acre A-X (Agricultural Extensive) zoned property is allowed, "by-right" pursuant to Yolo County Code Section 8-2.306(k)(2), to host one paid for-profit event per month or up to eight per year, with each event accommodating up to but not more than 150 attendees or generating up to or less than 100 vehicle trips per event. As such, the applicant has hosted a number of events while the Use Permit application is pending (see further discussion under "Zoning Violations," below).

While the applicant has requested a fairly large maximum number of annual events (35), the IS/MND includes a mitigation measure (AG-2) which restricts the maximum number of events to no more than 20. This mitigation requirement is designed to reduce the project's scope in order to address potential conflicts with the Williamson Act and nearby agricultural operations.

Mitigation Measure AG-2(a) states:

- (a) limit operations to a total of 20 total events per calendar year, not to exceed one event per week. A majority of the events shall not exceed a guest list of 150 attendees. Up to but not more than four (4) of the events may include up to but not more than 300 attendees, not to occur more than once per month. Shuttles or vans shall be required for events that exceed 150 attendees. In all instances, the number of trips generated by attendees, service personnel, and other persons associated with the event (car trips and van/shuttle trips) shall not exceed 100 round trips for a single event. The limitations on this mitigation measure do not apply to personal events.

The applicants may seek a Use Permit amendment in the future to increase the number of events, but no sooner than after one year of project implementation, upon review and approval by the Planning Commission. Any proposed modification to increase the number of events/attendees would be subject to additional CEQA review and environmental analysis. Staff takes no position on whether an application for a Use Permit Amendment is likely, or that it should or should not be approved at a later time. The Conditions merely acknowledge that the applicant, like any other permit holder, can seek amendments to Use Permits, but prohibit the applicant from making it sooner than one year.

As part of this staff report, staff is recommending that the maximum number of events be limited to 12 events per year, subject to the same restrictions as set by Mitigation Measure AG-2(a), above (i.e. with up to

4 events over 150, one per month, with use of shuttles).

Environmental Issues

The project has raised a significant amount of public feedback regarding the site's remote location, access and traffic safety along County Road 29, the scope of the proposed uses on the site, and the compatibility of the uses with surrounding agriculture operations. In addition, issues related to biological resources have been addressed at length. Finally, questions have been raised about the project's consistency with the Williamson Act and with the County's adopted policies and zoning regulations, which are discussed at the end of this staff report.

The following discussion is summarized from the IS/MND and augmented with additional staff analysis.

Traffic and Safety

The project site is situated in a remote location that is accessed off County Road 29. County Road 29 is a narrow, unlit, and minimally maintained county road that is used by residents, and farmers and ranchers using large agricultural machinery to access nearby agricultural operations. County Road 29, within the vicinity of the project site, has not been measured for level of service (LOS) since it is not defined in the General Plan as providing countywide roadway function. The nearest Minor Two-Lane roadway designated in the General Plan is County Road 89, which is approximately three miles east of the project site, and currently has an established LOS B, with a projected LOS D (from CR 29A to CR 27) upon build-out of the 2030 Countywide General Plan. Existing average daily traffic count for CR 89, from CR 29A to CR 27, is 1,100.

According to the most recent traffic count for CR 29 in 2003, there are about 149 daily vehicle trips for the portion of CR 29 from CR 88 to end of CR 29. As per Yolo County Public Works engineering staff, these traffic counts are not expected to have significantly increased due to lack of development in the area. A traffic collision history report, prepared by Yolo County traffic engineers, revealed a total of one traffic incident (a non-collision overturned vehicle) in the last five years (January 1, 2010, through December 31, 2015).

There are approximately eight residences, including the applicant's, that share use of CR 29 from its terminus to CR 89, in a location where the road is narrow and has three bends and two turns. In addition to local residential traffic, the rural county road is also used for hauling cattle and agricultural products, including large farming/ranching implements, to and from the various farm and ranch lands in the vicinity of the project. According to the local residents that farm and ranch in the vicinity of the project site, agricultural traffic users in the project vicinity include tomato harvesters, grain harvesters, livestock haulers, tomato haulers, almond and walnut hauling trucks, manure hauling semi-trucks, along with tractors and other large implements that use, occupy, enter and exit the roadway along the three mile stretch from the end of CR 29 to CR 89.

The project site is accessed off County Road 29 via a separate event entrance and exit with circulation to and from a proposed 45,000-square foot event parking area that will accommodate up to 75 vehicles. These driveway locations are west of and separate from the entrance and parking for the proposed B&B. A third entrance, the most easterly entrance, will be maintained for emergency and maintenance personnel.

The applicant is proposing the use of shuttles for events. For those events using shuttles, pick-up and drop-off locations would be established through event coordination. According to the applicant, typical shuttle pick-up and drop-off schedules work in hourly intervals, which means guests would begin arriving one to two hours prior to ceremony or event start time, and would begin departing following a reception and/or dinner in two or three waves. For those events with guest lists over 150 people, Field & Pond has proposed to use one 47-passenger seat bus and one 28-passenger seat shuttle. The bus would make two round trips to drop guests at the site before returning to the depot. The shuttles would make one round trip and remain onsite for the duration of the event. The shuttle would be used to transport the guests back to the original pick-up/drop-off location.

As required by Mitigation Measure AG-2, noted above, operation of the event center will be limited to generation of no more than 100 round trip vehicle trips per event, which assumes each event includes up to 150 attendees (with both single-passenger and double-passenger vehicle occupants), in addition to truck deliveries, vendors, and part-time employees. Events with over 150 attendees shall require use of shuttles, vans, or buses to limit the traffic to no more than 100 trips. Vehicle trips generated by B&B operations are expected to coincide with planned events, but may also add up to 10 vehicles trips per day.

The number of trips generated during the event season, would generally occur Friday through Sunday from March through November. The existing traffic on CR 29 from CR 89 to the CR 29 end, is estimated to be low (149 average daily trips). It is anticipated that the event use could double the aggregate vehicle trips in the area on events days (typically on Saturdays) between March and November of each year. However, given the low existing levels of use, traffic flows are not expected to be impacted with the proposed uses.

Although the increased traffic volume is likely not significant, there is the potential for traffic conflict between event drivers and existing agricultural traffic such as large tomato or cattle trucks. In order to reduce the possibility of traffic hazards, the applicant will be financially responsible for the installation of signage, at the discretion of the County Engineer, in a particular location along CR 29 where the road narrows and there is no striped centerline. Implementation of Mitigation Measure TR-1 will visually alert users of CR 29 as to the changing conditions of the roadway. The project's Conditions of Approval also require the applicant to establish a comprehensive notification system that alerts potential clients/guests of Field & Pond as to the rural conditions along County Road 29, as well as an acknowledgement that the County has no future plans to improve County Road 29. This notification also requires that the applicant establish a process by which to notify the residents and farmers/ranchers who share use of County Road 29, from its end to CR 89, of each planned event not less than three weeks in advance, to ensure continued communication between property owners and/or agricultural operators.

As an additional mitigation measure, the applicant is required to prepare and implement an emergency access and circulation plan to ensure emergency vehicle access to and throughout the site. The lodging and event center project will also be required to prohibit parking and shuttle bus loading/unloading on the County right-of-way (CR 29). The applicant has submitted a draft Public Safety and Emergency Response Plan, which is included in Attachment H (attachment C to the June 24, 2016 letter to Ed Short, Chief Building Official).

With the mitigation that requires additional signage on the narrow roadway, an extensive notification process required in the project's adopted Conditions of Approval, and implementation of the emergency access and circulation plan, the potential increase in traffic conflicts and hazards is expected to be less than significant.

Compatibility with Nearby Agricultural Operations

Some area farmers and ranchers and the Yolo County Farm Bureau, maintain that the proposal is not conducive to its rural setting, given that it is not enhancing an existing agricultural use and may impede existing agricultural operations.

As already noted above, a key recommendation of this staff report is a further restriction in the maximum number of annual events from 20 events (analyzed by the IS/MND) to 12 events. Reducing the number of allowed events will further decrease potential impacts on adjacent agricultural operations and residents, and reduce potential traffic hazards along CR 29.

In addition, several conditions of approval (and mitigation measures) will require the project to be designed and operated to be compatible with adjacent agricultural operations and rural residences. These include requirements to:

- maintain a 500-foot buffer from adjacent agricultural operations for any newly constructed buildings, such as cottages or guest houses or a new event barn, not including a restored barn, unless a written agreement to reduce the buffer is obtained between the affected agricultural operator(s) and applicant;

- provide screening by planting trees or other foliage in those event locations within 300 feet of adjacent agricultural operations;
- limit hours of operation for the event center to no later than 12:00 am, with all amplified music and other amplified noise generating activities ceasing at 10:00 pm., and limit noise levels at the nearest residents' property lines to not exceed 60 dBA during any scheduled event;
- limit the number of annual events and the maximum number of attendees per event;
- notify adjoining property owners and/or current lease farmers of scheduled events within a range of three weeks to three days of a confirmed event date;
- distribute a disclaimer and notification statement to all guests and event participants regarding the agricultural practices surrounding the project site, with reference to the County's "Right-to-Farm" Ordinance; notification shall clearly indicate that agricultural equipment has the right-of-way, and that vehicles approaching and departing Field & Pond events must yield to all farming and ranching implements while traveling along County Road 29.

Impacts to Biological Resources

The IS/MND identifies potential impacts due to construction and operation of the B&B and events center on several protected species. One of the main reasons that a revised MND was prepared was to include additional data and analysis related to a special status species, the tri-colored blackbird, which has been observed at the 2-acre pond on the site.

A biologist under contract with the County, Jim Estep, conducted a field assessment of the property in April, 2016, to observe and characterize natural communities and wildlife habitats present on and adjacent to the property. He focused particularly on the 2-acre pond and its associated emergent marsh to determine the presence of tricolored blackbirds (*Agelaius tricolor*), and trees along Chickahominy Slough and elsewhere on the property for the presence of nesting Swainson's hawks (*Buteo swainsoni*) and other raptors. Mr. Estep's report is included in Appendix A to the IS/MND (Attachment C).

The IS/MND requires the applicant to implement several mitigation measures related to the Valley Elderberry Longhorn Beetle (VELB), the Swainson's hawk, and tri-colored blackbird.

Related to the VELB, there is potential to directly or indirectly impact elderberry shrubs (host to the VELB) from the project construction or operation if shrubs occur within or near the project site. Removal or damage to elderberry shrubs would be considered a significant impact. Several mature elderberry shrubs were noted along Chickahominy Slough within the project boundary. No shrubs were found in upland sites in the immediate vicinity of where the events occur. A mitigation measure requires a pre-construction survey to determine the presence/absence of elderberry shrubs within 100-feet of all new construction (e.g., parking areas, and future single-room cottages, pool and cabana); complete avoidance of any elderberry shrub that meets the U.S. Fish and Wildlife Service definition; and a 100-foot setback from any new construction areas. If avoidance is not possible, consultation with the USFWS is required. In addition, during scheduled events, the applicants shall maintain a 100-foot buffer from the top of the bank of Chickahominy Slough where elderberry bushes are located.

The property supports numerous potential nest trees for Swainson's hawk along Chickahominy Slough, although there are no nests currently on the property and no potential nest trees will be removed. There is one known nest in the immediate vicinity of the property, approximately 0.55 miles northwest of the main house. This distance is sufficient to avoid disturbance to the nest site from noise and other human disturbances resulting from the proposed project. Therefore, the project is not expected to impact Swainson's hawk nests or nesting habitat. However, in order to reduce the potential for impacts to nesting Swainson's hawk, a mitigation measure requires pre-construction surveys and further mitigation, if any nearby nest sites are identified.

There is also the potential to directly or indirectly impact the tricolored blackbird through project construction or operation. Although currently designated as a state species of special concern, the legal status of the tricolored blackbird has recently been under review by the CDFW and the USFWS for a permanent listing. The tricolored blackbird nests in colonies from several dozen to several thousand breeding pairs. Tricolored blackbirds have been reported at the 2-acre pond on the project as recently as 2014 when a total of 35

individuals were detected. However, breeding was apparently not confirmed. (A UC Davis Web portal site appears to indicate the presence of a colony, but the underlying data are inconsistent with this observation. See <http://tricolor.ice.ucdavis.edu/content/brian-stucker-pond>. The County is not aware of evidence confirming breeding at the site.)

Although nesting does not appear to have been confirmed, small numbers of tricolored blackbirds have occupied the marsh during the breeding season since at least 2011, including 10 individuals observed during Mr. Estep's survey. Mr. Estep did not detect breeding behavior. Still, although the small number of birds, the lack of confirmed breeding, and presence of red-winged blackbirds as the primary breeding occupant of the marsh would suggest this is not a significant breeding site for tricolored blackbirds, detections during breeding season indicate occupancy and potential (but unconfirmed) breeding.

Tricolored blackbirds are sensitive to a variety of human disturbances near their breeding colonies, particularly during the incubation phase of the breeding cycle. The species also requires nearby foraging habitat. The adjacent pasture is essential for continued occupancy and possible use of the marsh as a breeding site. Project elements that could potentially affect continued occupancy by tricolored blackbirds are an increase in the frequency and magnitude of noise and other disturbances related to proposed events occurring during the breeding season. For purposes of Mr. Estep's analysis, confirmed breeding of tricolored blackbirds must be established for a habitat or disturbance-related impact to reach a level of significance. If breeding were confirmed at the site, these project elements would constitute a potentially significant impact to this species.

In order to reduce potential impacts to the tricolored blackbird, the IS/MND includes Mitigation Measure BIO-3, which requires:

- relocation of any parking areas at least 100 feet away from the 2-acre pond;
- during scheduled events, maintenance of a 100-foot buffer around the northern and western portion of the 2-acre pond to prohibit visitor access into the buffer during the breeding season (March through August). If breeding of tricolored blackbirds is verified in any given season, then this buffer shall be increased to 500 feet;
- maintenance of cattail growth in the 2-acre pond should not occur during the breeding season (approximately March through August);
- reduction in the the number of events per year by implementing Mitigation Measure AG-2; and
- hiring of a qualified biologist to conduct a monitoring survey in the early part of each year for a minimum of 5 years to determine occupancy and breeding status at the 2-acre pond. If breeding is not confirmed during the 5-year period, monitoring can cease. If breeding is confirmed, annual monitoring shall continue until 5 consecutive years of non-breeding is confirmed.

Compatibility with County Policies

The proposed use is consistent with numerous General Plan policies that encourage agri-tourism uses. Specifically, the project is consistent with the following General Plan Policies:

Land Use Policy LU-1.1, which defines Agriculture as including "agricultural commercial uses (e.g. roadside stands, "Yolo Stores," wineries, farm-based tourism, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. "

Agriculture Policy AG-3.2 allows uses that support agriculture, such as agricultural commercial uses, agricultural industrial uses, direct product sales, processing, and farm-based tourism on agricultural land subject to appropriate design review and development standards.

Agriculture Policy AG-3.16 promotes agricultural innovation, including agri-tourism and non-traditional agricultural operations in order to expand and improve business and marketing opportunities for those engaged in agriculture.

Agriculture Policy AG-3.18 allows the location of agricultural commercial, industrial, and tourism activities on land designated as Agricultural, consistent with the Land Use and Community Character Element.

Agriculture Policy AG-5.1 promotes markets for locally and regionally grown and/or prepared food and other products and services.

Economic Development Policy ED-1.3 encourages businesses that promote, provide services, and support farming, with an emphasis on value-added agriculture, agri-tourism, food processing, and agricultural suppliers.

Economic Development Policy ED-4.3 seeks opportunities to expand tourism around local attractions and amenities.

Economic Development Policy ED-4.7 supports the development of visitor-serving private businesses that retain and complement the County's rural character.

Consistency with County Zoning Regulations

The project, as modified and conditioned, meets the regulations and development standards of Sections 8-2.304 and 8-2.306(k) and (l) (a) of the Yolo County Code, which requires a Major Use Permit for conditional uses such as a large bed and breakfast and a large event facility.

The Yolo County Code defines a bed and breakfast (B&B) as a single-family dwelling, and accessory buildings, with an owner/operator in residence, containing no more than ten (10) guest rooms used for transient night-to-night lodging. A "large" B&B has more than six guest rooms and/or holds more than 12 special events per year, and/or generates more than 100 vehicle trips on any given day of operations (Yolo County Code Section 8-2.306(l)).

A special event facility includes use of farm and residential land and structures for for-profit, paid events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings. A "large special event facility" is one that involves construction of substantial new structures used by the public, holds more than 12 events per year, or the events attract more than 150 attendees or generate more than 100 vehicle trips per event (County Code Section 8-2.306(k)).

The issue of whether a proposed commercial use such as a B&B or event center must be located on a "working farm," or be operated only by an existing agricultural operation has been raised. The County Zoning Code does not include any definitions or policies that restrict applicants or operators to existing agriculturalists for bed and breakfasts, event centers or other specific types of agri-tourism uses. However, the existing definition of "agri-tourism" in the Zoning Code is somewhat inconsistent in its use of language. (The definition refers to "activity conducted on a working farm or ranch, or other agricultural operation or agricultural facility" and "activities and uses that are appurtenant to the agricultural operations," but then the definition concludes that "Agri-tourism uses include, but are not limited to, wine, beer, and olive oil tasting, sale of local agricultural products, lodging (bed and breakfasts and farm stays), and event centers that accommodate weddings, music, and limited dining.") As a result, staff has concluded that the project does not violate the zoning code requirements for B&Bs and event centers. To clarify the potential confusion, staff will propose, as part of a future proposed Zoning Code Amendment, that the definition of agri-tourism be deleted and that the zoning regulations rely on the definitions and development standards regulations of the individual agricultural commercial uses such as B&Bs and event centers.

The proposed Use Permit, as modified and conditioned, meets the development standards set forth for event centers in Section 8-2.306(k)(4), (7), (8), and (9) and for bed and breakfast facilities in Section 8-2.306(l)(2). The Findings for the Use Permit (Attachment D) presents a more detailed discussion of how the project conforms with each of these specific development standards.

The Use Permit is also consistent with the general findings required for approval of a Use Permit (Section 8-2.217(e) of the Yolo County Code).

Consistency with the Williamson Act

The property is located in an Agricultural Preserve and is under a Williamson Act Contract. The original contract was entered on December 29, 1969, with a successor agreement entered with the prior owner on April 25, 2013. Recently, the Williamson Act contract was non-renewed by the owner in August 2015. Thus, the agreement will cease to self-renew but the contract will remain in effect for the rest of its term, i.e., nine years (until 2024). The southern part of the property is also subject to a conservation easement that is held by the Wildlife Heritage Foundation. This easement does not affect the northern home site where project activities will take place.

The Williamson Act Contract requires that the property only be used for agricultural use and uses "compatible" with agricultural use during the life of the contract.

The Williamson Act sets forth three "principles of compatibility" that uses on contracted lands must be consistent with (Government Code Section 51238.1):

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.
- (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The Use permit, as modified and conditioned, is consistent with each of these three principles, as summarized below from the Findings (Attachment D).

Approval of the project will not significantly compromise the long-term agricultural capability of the subject parcel. The majority of the subject parcel (approximately 69 acres) has historically been used for grazing, and will continue to be used for grazing. The 11-acre portion of the parcel to be used for project activities has historically been used as a home site and for storage of equipment and supplies.

Approval of the project also will not significantly impact the long-term productive agricultural capability of other contracted lands in agricultural preserves. The Initial Study/Mitigated Negative Declaration (IS/MND) considered off-site impacts to agriculture and concluded that the impacts would not be significant with mitigation in place. As already noted above, the mitigation measures and other conditions of approval require the project to be designed and operated to be compatible with adjacent agricultural operations and rural residences. These include requirements for new construction to maintain a 500-foot buffer from adjacent agricultural operations and to provide screening in existing event locations within 300 feet of adjacent agricultural operations; limit hours of operation and limit noise levels at the nearest residents' property lines; limit the number of annual events and the maximum number of attendees per event; notify adjoining property owners and/or current lease farmers of scheduled events; and require a disclaimer and notification statement to all guests and event participants regarding the surrounding agricultural practices, including notification that agricultural equipment has the right-of-way along County Road 29.

The proposed project will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel. The current use of the parcel is for grazing purposes, which also represents its reasonably foreseeable use. The project activities will not take place on portions of the parcel that have been used for grazing purposes, and will not impair the use of the parcel for those purposes.

Zoning Violations

The Zoning Code allows special events to be held "by right" (i.e., without requiring a Site Plan Review or Use Permit) on agriculturally-zoned parcels that are greater than 40 acres in size, limited to one paid, for profit event per month or up to eight events per year, as long as all other County requirements, such as use of permitted structures, are adhered to. Field & Pond is located on an 80-acre property and the applicant has recently exercised the right to host by right events while the Use Permit application has been pending. In December, 2015, the County issued a courtesy notice regarding permit issues for on-site structures,

including the barn and main house. The applicant has continued to work with the Yolo County Building Division on addressing permitting requirements.

During the 2016 event season beginning in May and continuing to the present, the applicant has scheduled and held a number of events, including several weddings, pre-wedding dinners, and private dinners. The events have provoked a flurry of complaints that have been submitted to the County Community Services Department from neighbors and others. The complaints allege that the applicants have held events in violation of the “by right” zoning rules (more than one event per month). The complaints also allege that event visitors have caused near accidents driving carelessly on County Road 29, and that one of the shuttle buses used by the venue caused the road to be closed when it became stuck in a roadside ditch. The complaints also allege that the main house has been used as a bed and breakfast to host wedding guests.

A key issue that has been raised by these complaints has been how the County defines “paid, for-profit” events. There is a discrepancy between how the applicant describes certain events that have been held as “not for-profit” versus the interpretation of County regulations. The current County Code does not include a definition of what does and does not constitute a “paid, for profit event.” Section 8-2.306(k)(1) states that “Special event facilities include farm and residential land and structures that are used for for-profit, paid events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms.” As part of a pending Zoning Code Amendment to update agri-tourism regulations expected to be the subject of public hearings later this year, staff will be proposing a clarification to the definition of a for- profit paid event (and may propose to eliminate the distinction between paid and unpaid events).

These allegations of zoning violations at Field & Pond have been investigated by the County. A series of letters have been sent to the applicant discussing these violations and responses have been received (see Attachment H). The County is continuing to investigate and take further action on these alleged zoning and building violations.

The issue of resolving these zoning violations is being handled separately from the processing of the Use Permit.

COMMENTS FROM OTHER AGENCIES

The Community Services Department has received numerous comment and agency response letters from area residents, farmers and ranchers, special interest groups, and various county and other responsible agencies. These comments are included in Attachments F and G.

Planning staff has consulted with the Agricultural Commissioner's Office and the Office of the County Counsel, in addition to the Environmental Health, Public Works, and Building Divisions, to develop the recommended Conditions of Approval for the project.

Attachments

[Att. A - Vicinity map and aeria](#)

[Att. B - Project Site](#)

[Att C - Errata. MMRP. MND](#)

[Att D - Findings](#)

[Att E - Conditions](#)

[Att F - Comments on MND](#)

[Att G - Comments on first MND](#)

[Att H - Zoning violation letters](#)

Inbox

Taro Echiburu

Form Started By: Eric Parfrey

Final Approval Date: 08/04/2016

Reviewed By

Taro Echiburu

Date

08/03/2016 06:14 PM

Started On: 07/20/2016 02:57 PM