

FINDINGS

FIELD & POND USE PERMIT ZONE FILE #2015-0018

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2015-0018, the Yolo County Planning Commission finds the following:
(A summary of evidence to support each FINDING is shown in Italics)

California Environmental Quality Act (CEQA) and Guidelines

That the recommended Mitigated Negative Declaration/Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA) and is the appropriate environmental document and level of review for this project.

The environmental document for the project, prepared pursuant to Section 15000 et. seq. of the CEQA Guidelines, provides the necessary proportionate level of analysis for the proposed project, and sufficient information to reasonably ascertain the project's potential environmental effects. The environmental review process has concluded that there will not be a significant effect on the environment as a result of the proposed project with mitigation measures implemented.

General Plan

That the proposal is consistent with the Yolo County General Plan as follows:

The Yolo County General Plan designates the subject property as Agriculture (AG).

The project is consistent with the following General Plan Policies:

Land Use Policy LU-1.1 defines Agriculture as including the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and equestrian facilities. It also includes agricultural industrial (e.g. processing and storage) and 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-1.1 seeks to protect and enhance the County's key agricultural sectors, which includes retaining existing growers and processors of crops; encouraging the growth of emerging crops and value-added processing; and supporting small producers and their ability to serve visitors.

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.

Economic Development Policy ED-4.16 supports local events that showcase Yolo County products such as wine, produce, and art and crafts.

Economic Development Policy ED-4.17 encourages the collaboration with local non-profit, business, and merchant associations to promote and advertise local programs and events.

Zoning

A. That the proposal is consistent with the property's zoning.

The property is zoned A-X (Agricultural Extensive). The proposed use is consistent with 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 special event facility, as indicated further below.

B. That, as required by Section 8-2.306(k)(4), (7), (8), and (9), upon review and conditional approval, the proposal to establish a large special event center is found to meet the following development standards:

- (4) Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official. Agriculturally exempt structures shall not be used by the public.

The barn on the property that is used for special events has received a final occupancy permit for public use from the County Building Division. The house on the property is in the process of receiving final building permits for use as a bed and breakfast facility. A condition of approval for the Use Permit requires that use and operation of the main house or any other on-site structure as a bed and breakfast shall not commence until all building occupancy permits have been received from the Building Division.

- (7) Special event facilities shall provide adequate on-site parking for all attendee's vehicles, including service providers. Permanent parking spaces, either of gravel or other permeable surface, shall be provided for all sales,

gift, handicraft and food service areas. Paved handicapped spaces shall be provided as required. Parking for special events, weddings, marketing promotional events, and similar functions may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt, decomposed granite, gravel or other permeable surface, provided that the parking area is fire safe. On-street parking shall not be permitted.

Conditions of approval require that the site plan approved by the Use Permit provide event parking onsite to accommodate at least 150 guests with additional parking for employees and service providers, and parking is prohibited within the County Road 29 right-of-way.

- (8) Access to any tourist or sales facility shall be connected directly to a public road. Where a facility is located on a private road, access shall be subject to the review and approval of the Director and local Fire District.

Access to the facility is provided by County Road 29, a public road.

- (9) The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking. Adequate land area must be available for the provision of on-site services, e.g., leachfields, to accommodate the projected number of attendees.

Several conditions of approval (and mitigation measures) 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 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.

In addition, conditions require review and permitting by Environmental Health of leachfields and wells, and require at least four (4) bathrooms and washroom facilities shall be provided at the site for all scheduled events, provided by bringing portable bathrooms and washroom facilities to the site, unless permanent restroom facilities are constructed under proper permitting for the site.

C. That, as required by Section 8-2.306(l)(2), upon review and conditional approval, the proposal to establish a large bed and breakfast is found to meet the following development standards:

- (i) All guest rooms must be located within and accessible through the main single-family dwelling. Alternatively, a minority of guest rooms may be located outside the primary residence in ancillary dwelling(s), or other buildings constructed or renovated for habitable use, with the issuance of a Major Use Permit.
- (ii) Food service must be restricted to breakfast or a similar early morning meal. The price of food must be included in the price of overnight accommodation.
- (iii) Adequate parking and access must be provided, as set forth in Sec. 8-2.306(k)(5) and (6), above.
- (iv) The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking.
- (v) Adequate land area is available for the provision of on-site services, e.g., leachfields, to accommodate the number of guests and employees, if the project is not connected to public services. Bed and breakfast inns shall comply with all CCDEH (California Conference of Directors of Environmental Health) guidelines and CURFFL (California Uniform Retail Food Facilities Law) requirements.

The project meets the standard in (i). The applicant proposes to convert the existing main house into a five-bedroom bed and breakfast. If lodging in the five-bedroom B&B is successful, the applicant may pursue future construction of up to four additional detached, 500-square foot one-room cottages (no kitchen facilities) to accommodate a total of nine guest rooms.

The project meets the standard in (ii). A condition of approval requires that the operation of the B&B restricts food service to breakfast or a similar early morning meal and the price of food must be included in the price of overnight accommodation.

The project meets the parking and access standards, and compatibility standards with adjacent agricultural operations in (iii) and (iv), as already noted above in (B).

The project meets the standard in (v). Conditions of approval require review and permitting of water and wastewater systems by Environmental Health. Another condition requires compliance with the California Conference of Directors of Environmental Health guidelines and California Uniform Retail Food Facilities Law requirements.

D. That the proposal is consistent with findings required for approval of a Use Permit (Section 8-2.217(e) of the Yolo County Code) as follows:

The requested land use is listed as a conditional use in the zone regulations.

Pursuant to Sections 8-2.306(k) and (l), the proposed large special event facility and large bed and breakfast is allowed within the A-X Zone through the Minor or Major Use Permit review and approval process.

The requested use is essential or desirable to the public comfort and convenience.

The project increases the opportunity for local rural tourism, as encouraged by General Plan policies, and provides event patrons with an opportunity to experience a local agricultural setting and learn about the rich history of Yolo County.

The requested land use will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

The proposed project will not create a significant effect on the character of the surrounding rural area. Rural tourism will be enhanced, and the public's health, safety, or general welfare will not be impaired. As already noted above in (B), numerous conditions of approval (and mitigation measures) require the project to be designed and operated to be compatible with adjacent agricultural operations and rural residences. These include requirements that any newly constructed buildings maintain a 500-foot buffer from adjacent agricultural operations and that outdoor event areas or gathering places provide screening 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 agricultural practices surrounding, including notification that agricultural equipment has the right-of-way along County Road 29.

The requested use will be in conformity with the General Plan.

As already noted above, the proposed special event facility and bed and breakfast implements General Plan policies that seek to promote tourism in the rural areas and share the area's agricultural heritage with guests, and to provide an opportunity for agricultural landowners to earn an additional income by providing services.

Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

All necessary infrastructure and utilities will be required of the proposed project. Existing dirt/gravel driveways provide access to the event facility, accommodate emergency access, and provide for a separate entrance and exit. The project will be required to meet all applicable health and sanitation approvals.

The requested use, if located in an agricultural zone, will serve and support production of agriculture, the agricultural industry, or is otherwise agriculturally related; or if the use is not agriculturally related (e.g., solar or

wind energy, rural recreation, and other non-agricultural uses), the use is listed as a conditional use consistent with subsection (a), above, and generally relies on a rural location; and

The proposed use will serve to further support the local tourism industry by increasing opportunities for experiencing the County's rich agricultural resources. Large special event centers that host more than 12 events per year and/or that accommodate more than 150 attendees per event are listed as conditional uses in the A-X Zone.

The requested use, if located in an agricultural zone and if proposed on prime farmland, cannot be reasonably located on lands containing non-prime soils.

The proposed use is located on 11 acres that includes prime soils. The site of the proposed event center and bed and breakfast has historically been in use as a residence surrounded by farmstead-related buildings. The 11-acre portion of the property is too small to farm on a commercial scale, although the project includes limited farming on the 11 acres. Larger agricultural parcels in the vicinity of the property are in active production. The lands owned by the applicant located south of the Chickahominy Slough consist of non-prime soils, however, it would not be practical or possible to construct new bed and breakfast and event facilities there, instead of north of the slough. The southern lands are protected from any construction by the existing conservation easement and the lands are not currently accessible by a bridge over the slough. The home site is surrounded by other prime farmland. The only non-prime lands in the area that could be used for development are located further west on County Road 29, which could further exacerbate access issues.

Williamson Act Compatibility

The subject parcel 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 requires that lands under contract must be kept in commercial agricultural use during the life of the contract, except for permitted uses that are "compatible" with agricultural uses.

The Williamson Act sets forth three "principles of compatibility" that uses on contracted lands must be consistent with. See Government Code § 51238.1. Accordingly, the Planning Commission makes the following findings:

A. Principles of Compatibility For Uses On Contracted Lands (Gov. Code § 51238.1(a))

(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.

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. The site is physically segregated from other farmland by Chickahominy Slough in the south and County Road 29 on the north, and project activities will not expand to areas currently used for agricultural purposes. Although the project proponents have recently non-renewed the Williamson Act Contract, the non-renewal will not have an effect on the portion of the parcel already used for agricultural purposes, because that portion of the property is under a conservation easement that limits uses to agricultural and open-space uses, similar as those required by the Williamson Act.

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 to maintain a 500-foot buffer from adjacent agricultural operations and provide screening 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 agricultural practices surrounding, including notification that agricultural equipment has the right-of-way along County Road 29.

Further, the bed and breakfast (B&B) component of the project would not compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves because it will rely on the existing building that is not used for agricultural use, and separated from ongoing agricultural operations.

With these mitigation measures in place, the Planning Commission finds that the proposed use will not significantly compromise the long-term productive agricultural capability of contracted lands in the 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. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

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.

The impact on other contracted lands in the agricultural preserve is similar as described above. The IS/MND considered off-site impacts to agriculture and concluded that the impacts would not be significant with mitigation in place. The mitigation measures require the project to be designed and operated to be compatible with adjacent agricultural operations. Further, the B&B component of the project would 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 because it will rely on the existing building that is not used for agricultural use, and separated from ongoing agricultural operations. With these mitigation measures in place, the Planning Commission finds that the project will not significantly displace or impair current or reasonably foreseeable agricultural operations 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.

Land adjacent to the project site is largely under contract and used for agricultural and open-space uses. There is no evidence that the project will directly result in significant removal of land from agricultural or open-space use. The project depends on the rural and isolated surroundings, and will not cause development in the surrounding areas. To the extent that project impacts might indirectly cause economic pressure to remove land from agricultural production, the IS/MND considered off-site impacts to agriculture and concluded that the impacts would not be significant with mitigation in place. The mitigation measures require the project to be designed and operated to be compatible with adjacent agricultural operations. Further, the B&B component of the project would not result in the significant removal of adjacent contracted land from agricultural or open-space use because it will rely on the existing building that is not used for agricultural use, and separated from ongoing agricultural operations. With these mitigation measures in place, the Planning Commission finds that the project will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

B. Impacts on Non-Contracted Lands in the Agricultural Preserve (Gov. Code § 51238.1(a))

The vast majority of lands in the agricultural preserve are under contract. Impacts to non-contracted lands are not any different in kind or extent as those to contracted lands discussed above.