

FINDINGS

WILLIAMSON ACT GUIDELINES ZONE FILE #2016-0043

Williamson Act Compatibility

Sec. 106 of the proposed Williamson Act Guidelines states:

“The Yolo County Board of Supervisors has determined that the uses for agricultural and open space zones reflected in Table 1 that are permitted by right or allowed by non-discretionary review by the Zoning Code in that zone are compatible with agriculture for lands under Land Use Agreements and FSZ Contracts.

Any use requiring a Use Permit or other discretionary approval which is located on lands under a Williamson Act contract or in an agricultural preserve must be found to comply with the Williamson Act statutes, including the principles of compatibility found in Government Code Section 51238.1.”

Adoption of these Williamson Act Guidelines also requires findings to be adopted that the Guidelines and the uses identified as compatible and incompatible are consistent with the three “principles of compatibility” set forth in the Williamson Act in Government Code Section 51238.1.

Accordingly, the Board of Supervisors makes the following findings:

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 Williamson Act Guidelines will not significantly compromise the long-term agricultural capability of any parcels under contract. The Guidelines are consistent with Tables 8-2.304(a) through (e) in the Yolo County Zoning Code which identify all of the agricultural and other use types that are allowed “by right” (without a zoning permit), those uses that are permitted through issuance of a Site Plan Review or Use Permit, and those uses that are not allowed, in the A-N, A-X, A-C, and A-I zones. Table 8-2.804 identifies all of the use types that are allowed “by right” or with a Site Plan Review or Use Permit, in the POS zone.

All of the specific use types that are identified as allowed “by right” in the Zoning Code tables are typical agricultural production, processing, and animal uses that are entirely compatible with Land Use Agreements and FSZ Contracts. Uses that are allowed by right (no zoning permits are required but building permits may be required) include a wide range of agricultural production, processing, and accessory uses, as well as some animal facilities uses (small dairies and hog farms, etc.), a

few rural commercial uses (produce stands, farm stays, limited special event facilities on large parcels), small solar systems, and rural residential uses (primary and ancillary dwellings, small group homes, etc.).

The agricultural production and processing uses represent the primary use of the land. The other types of uses allowed by right are typically small in scale and are incidental to the primary agricultural operations. The one use allowed by right that could potentially impact the primary agricultural operations is the limited special event center that are allowed on parcels of 40 acres or more. However, the zoning regulations for the use clearly restricts the activity to larger parcels, with no more than 8 events per year, with less than 150 attendees, and less than 100 vehicle trips. In addition, the regulations state that "At the discretion of the Planning Director, a Site Plan Review or Minor Use Permit may be required if there are any agricultural, residential, vehicle access, traffic, or other land use compatibility issues, or if any of the development standards are not met."

These incidental uses such as produce stands, farm stays and limited special events, small solar systems, and rural residential uses do not have the potential to significantly compromise the long-term productive agricultural capability of contracted lands in the agricultural preserves of the county. The County's experience has shown that uses allowed by right are compatible with the Williamson Act and the appropriate findings can be made under Section 65128.1(a) of the statutes.

In contrast, uses that are allowed through issuance of a zoning permit (a non-discretionary Site Plan Review or a discretionary Use Permit) include uses that have the potential to generate impacts to adjacent agricultural operations or residences if not approved subject to standard or unique conditions. Uses such as hog farms, nurseries, wineries, special event facilities, and industrial agricultural uses, must comply with development standards contained in the Zoning Code regulations which require the design of the proposed use to be consistent with, and to minimize impacts, to adjacent agricultural operations and rural residences.

The types of uses that are permitted with the approval of a Site Plan Review include large-scale agricultural processing, animal farms, permanent roadside produce stands, corn mazes/pumpkin patches, Yolo Stores, wineries, small bed and breakfasts/lodging, stables, small agricultural support services, oil and gas drilling, small wind energy and medium-sized solar systems, and larger group home and child care facilities.

As with the agricultural uses allowed by right, the activities permitted through the Site Plan Review permit process are either primary agricultural operations or are limited in such a way that they would not significantly affect the primary agricultural operations. One use allowed by Site Plan Review that has raised concerns is small bed and breakfasts. However, as with the limited special event facilities allowed by right, small bed and breakfasts must conform to a lengthy list of development standards that is set forth in the zoning regulations. The zoning sets standards that limit the maximum number of rooms for small bed and breakfasts, as well as prohibit construction of substantial new buildings, and require adequate parking, access, fire and police protection for small event facilities and B&Bs.

As in the case of by right event centers on large parcels, the zoning regulations

allow the Planning Director to elevate the permit application for a small event facility to a discretionary level (Use Permit) if there are any land use compatibility issue or if development standards are not met. Also, the proposed revisions to the zoning regulations include the following requirement:

A large special event facility [or large bed and breakfast/lodging facility] located on lands under a Williamson Act contract or in a Williamson Act Agricultural Preserve must be incidental to an agricultural operation and found to comply with the Williamson Act statutes, including Government Code Section 51238.1. If a finding of consistency or compatibility with the Williamson Act cannot be made, the land must have exited the Williamson Act program prior to permit approval.

The uses identified as compatible in the Williamson Act Guidelines have been allowed in the agricultural zones by right or through site plan review for several years, including on Williamson Act-contracted land under the former A-P Zoning. This experience has demonstrated that the uses do not compromise the long-term productive agricultural capability of land in the agricultural zone, in part because the uses are tailored to avoid any undue impact on agriculture. With these development standards and conditions in place, the Board of Supervisors finds that any of the permitted and compatible uses identified in the County Zoning Code and Williamson Act Guidelines will not significantly compromise the long-term productive agricultural capability of contracted lands in the agricultural preserves of the county.

(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 Williamson Act Guidelines will not significantly displace or impair current or reasonably foreseeable agricultural operations on any contracted parcels in the unincorporated area. As noted above, the guidelines are consistent with Tables 8-2.304(a) through (e) in the Yolo County Zoning Code which identify all of the agricultural and other use types that are allowed “by right,” through issuance of a Site Plan Review or Use Permit, and those uses that are not allowed, in the agricultural zones where a majority of the parcels are under contract.

The range of specific uses that are allowed by right or by permit in the agricultural zones include typical farm activities that will not displace or impair agricultural operations on contracted lands. Ancillary uses permitted by the zoning such as agricultural commercial, rural recreational, industrial and rural residential activities and structures, are subject to development standards and conditions designed to ensure compatibility and to not displace existing and future farming activities on contracted lands.

The uses identified as compatible in the Williamson Act Guidelines have been allowed in the agricultural zones by right or through site plan review for several years, including on Williamson Act-contracted land under the former A-P Zoning.

This experience has demonstrated that the uses do not displace or impair agricultural operations, in part because the uses are tailored to avoid any undue impact on agriculture. With these development standards and conditions in place, the Board of Supervisors finds that the Williamson Act Guidelines 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.

The proposed Williamson Act Guidelines will not result in the significant removal of adjacent contracted land from agricultural or open-space use. As noted above, the guidelines are consistent with Tables 8-2.304(a) through (e) in the Yolo County Zoning Code which identify all of the agricultural and other use types that are allowed "by right," through issuance of a Site Plan Review or Use Permit, and those uses that are not allowed, in the agricultural zones where a majority of the parcels are under contract.

The range of specific uses that are allowed by right or by permit in the agricultural zones include typical farm activities that will not remove land from agricultural or open-space use. Ancillary uses permitted by the zoning such as agricultural commercial, rural recreational, industrial and rural residential activities and structures, are subject to development standards and conditions designed to ensure compatibility and to not displace existing and future farming activities on contracted lands.

The uses identified as compatible in the Williamson Act Guidelines have been allowed in the agricultural zones by right or through site plan review for several years, including on Williamson Act-contracted land under the former A-P Zoning. This experience has demonstrated that the uses do not remove land from agricultural or open-space use, in part because the uses are tailored to avoid any undue impact on agriculture. With these development standards and conditions in place, the Board of Supervisors finds that the Williamson Act Guidelines will not significantly displace or impair current or reasonably foreseeable agricultural operations on other contracted lands in agricultural preserves.