



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 14.

Planning Commission

Meeting Date: 04/13/2017

Information

SUBJECT

ZF #2016-0013: Workshop (not a public hearing) to consider a proposed Zoning Code Amendment related to commercial and tourism uses in the agricultural zones, including substantive changes to the Zoning Code regulations for special event facilities, bed and breakfast uses, and other agricultural commercial uses. Owner/applicant: numerous/Yolo County. (Planner: E. Parfrey)

SUMMARY

FILE ZF#2016-0013	
APPLICANT: Yolo County	OWNER: numerous
LOCATION: all properties in the unincorporated area GENERAL PLAN: TBD ZONING: all agricultural zones SUPERVISORIAL DISTRICT: all	SOILS: all FLOOD ZONE: all FIRE SEVERITY ZONE: all
ENVIRONMENTAL DETERMINATION: TBD	

RECOMMENDED ACTION

That the Planning Commission hold a public workshop to:

1. Receive public comment and consider the options reviewed by the Board of Supervisors and the direction from the Board;
2. Review the staff proposal to amend the agricultural commercial zoning regulations (Attachment A); and
3. Direct staff as to which revisions should be pursued through public hearings.

REASONS FOR RECOMMENDED ACTIONS

At this workshop the Planning Commission will review the various options to amend the agricultural commercial zoning regulations that were considered by the Board of Supervisors at their meeting of March 7, 2017. The Board directed staff on some of the options and staff has prepared a draft of a proposed zoning amendments. The Planning Commission is being asked to review the proposed amendments and to give further direction to staff on the package of amendments that should be scheduled for future public hearings.

BACKGROUND

Chronology of Discussion on Agricultural Commercial Zoning Text Amendment

The following is a chronology of events beginning in October, 2015, when the Planning Commission last considered zoning text amendments related to commercial and tourism uses in the agricultural zones.

On October 8, 2015, the Planning Commission held a public workshop to review and comment on the proposed 2015 Zoning Code Amendments, which included the addition of development standards and regulations related to bed and breakfasts and associated cottages. The Commission recommended approval of the 2015 Zoning Code Amendments on November 12, 2015.

On February 23, 2016, the Board held a public hearing on the 2015 Zoning Code Amendments. The Board approved most of the staff recommended amendments except for those related to commercial and tourism-related uses in the agricultural zones. Prior to approval, the Board removed the staff-proposed edits to sections addressing special event centers and bed-and-breakfast establishments (Secs. 8-2.306(k) and 8-2.306(l)); and removed proposed edits to the definitions of "bed-and-breakfast" and "cottages" in Sec. 8-2.307. The Board also directed staff to return with language for an ordinance to consider a temporarily moratorium on new event centers and bed-and breakfast establishments in unincorporated areas of the county, and a proposal for a future workshop on the topic of commercial agricultural and tourism regulations.

On March 8, 2016, the Board held a public hearing on a 45-day temporary moratorium for all permits related to special event centers and bed-and breakfasts within the agricultural zones of the unincorporated area of Yolo County. Following the hearing, the Board decided not to proceed with the temporary moratorium and directed staff to return to the Board with a proposal for a stakeholder process.

On March 22, 2016, the Board held a public hearing and adopted the small package of 2016 Zoning Code Amendments which included changes to the existing County Code that clarifies a special event facility on a lot greater than 40 acres may by right hold no more than one event per month and eight events per year.

At the same meeting on March 22, 2016, the Board of Supervisors approved a staff proposal for a process and timeline to review General Plan policies and Zoning Code regulations for commercial and tourism uses.

Community Services Department staff, assisted by staff from the Agricultural Commissioner's office, organized a series of public meetings. Public meetings occurred on April 3 and April 11, 2016 to solicit community input, and a Planning Commission workshop was held on April 14,

2016.

Planning Commission Recommendations

At the April 14, 2016 workshop, the Planning Commission considered the agricultural commercial and tourism policies and regulations and direct staff as to any possible revisions.

Following lengthy public testimony, the Commission discussed the issues that had been raised and agreed with staff's brief summary of how to proceed for the next meeting:

- Agree that no "major surgery" is required to the General Plan and zoning regulations;
- Work on the definition of agri-tourism;
- Review how other counties are regulating commercial and tourism uses in agricultural and rural areas;
- Discuss how to regulate the locations of specific uses;
- Discuss how to protect existing agricultural operations from impacts of new commercial and tourism activities; and
- Address/re-evaluate regulation of paid vs. non-paid/non-profit special events.

On May 12, 2016, the Planning Commission held a second workshop on the same topics and again heard testimony from several individuals. Staff compiled a modest list of proposed amendments to the agricultural commercial regulations based on the guidance given by the Planning Commission at the previous April meeting.

In May, staff proposed the following changes:

- Add development standards for large special event facilities;
- Delete reference to "for-profit, paid" events;
- Provide a consistent threshold to differentiate between small and large event facilities and B&Bs;
- Delete the existing definition of agri-tourism; and
- Delete the section regulating "other agri-tourism uses."

Following the public testimony, discussion by the Planning Commissioners generally concurred with the staff recommendations. However, some Commissioners requested that approval of a large event facility should require the issuance of a Major, not Minor, Use Permit, which means all applications would be heard at the Planning Commission, not before the Zoning Administrator. Based on recent history, staff agrees and has made this change to the proposed zoning regulations.

Staff has continued to revise the recommended changes to the zoning regulations, and work with stakeholders. Staff presented several key issues that remain to be resolved at the Board of Supervisors meeting on March 7, 2017.

ANALYSIS

The following is a summary of the various options for resolving the issues which were considered by the Board at its March 7, 2017 meeting, which are described in greater detail in the accompanying Table 1 (Attachment B). The discussion below identifies the specific direction that the Board gave to staff on some of the issues. Two representative letters that were received by the Board from Dahvie James and Chad Roberts on these issues are included in Attachment C.

1. How to Define "Agri-tourism"

Descriptions and definitions for commercial agricultural uses, including agri-tourism uses, are found in two separate locations in the Zoning Code: Section 8-2.303 (Agricultural Use Types Defined) and Sec. 8-2.307 (Definitions).

The two sections must be clarified to distinguish between “commercial agricultural” uses, which is a broad category of activities, and “agri-tourism” uses, which include only some of the “commercial agricultural” uses.

“Agricultural Commercial and Rural Recreation Uses” are described in Sec. 8-2.303 (Agricultural Use Types Defined). That description includes “wineries, commercial horse stables, ‘Yolo Stores,’ farm-based tourism, special events, festivals, lodging, horseshows, crop-based seasonal events, ancillary restaurants, educational experiences, agricultural technical tours, garden/nursery tours, historical agricultural exhibits, ranch/farm tours, and winery/vineyard tours.” This description does not include several other individual uses listed in Table 8-2.304(c) (Allowed Land Uses and Permit Requirements) such as farm equipment sales and repair, nurseries, roadside stands, campgrounds, and rural sports activities.

The current Code lists individual commercial agricultural uses in Table 8-2.304, and includes separate definitions, for stables, wineries/breweries, special event facilities, bed and breakfasts, farm stays, campgrounds, and rural recreation. However, the current Zoning Code includes a lengthy definition of “agri-tourism” in Sec. 8-2.307 (Definitions), but there isn’t a specific “agri-tourism use” listed in Table 8-2.304, although there is an activity listed use as “*other* agri-tourism uses.” (emphasis added) This has created the impression among the public that the definition of agri-tourism applies to all tourism-related activities, which is not the case.

Staff recommended to the Board that the existing definitions of “agri-tourism” in Sec. 8-2-307, and and “other agri-tourism uses” described in Section 306(n)(1) be deleted. In their place, staff recommended that the existing description of “Agricultural Commercial and Rural Recreational” uses in Sec. 8-2.303(c) be clarified to distinguish “agri-tourism uses” as those commercial agricultural uses that are “incidental” to (not a major part of) the primary agricultural use of the property, from other commercial agricultural uses (such as some bed and breakfasts and event facilities) that may not be incidental to agriculture on the site or in the area (see further discussion in (2), below).

At the March 7 meeting, the Board gave direction to staff to retain the existing definition of agri-tourism. Staff has done so and further revised the definition.

2. Agricultural Commercial and Tourism-related Uses Incidental to Existing Agriculture

Over the last year, there has been discussion about whether uses such as event centers or bed and breakfasts are “incidental,” “appurtenant,” or connected to the existing agricultural use in the area or on a specific property. The issue is two-fold: whether a proposed commercial agricultural use is incidental to the agricultural operations on the particular property or whether the use is incidental to the agricultural operations in the area in which it is located.

The “Agricultural Commercial and Rural Recreation” Use Type described in Sec. 8-2.303 states that “This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy” (emphasis added).

The existing definition of “agri-tourism” in Sec. 8-4.307 (which is proposed for revision) refers “to the act of visiting a working farm or ranch” and states “Agri-tourism includes activities and uses that are appurtenant to the agricultural operations,...” This latter phrase refers to agricultural operations of the property involved. Staff recommends revising the definition to use the word “incidental” in place of “appurtenant,” and restate the definition of incidental as currently found elsewhere in the zoning code.

The zoning code does not include any performance standards that separate out “incidental” and “non-incidental” uses. Suggestions to review financial statements or other criteria are infeasible. Instead, the zoning code is crafted in a way to ensure that uses are incidental, by limiting the extent of uses. However, some proposed commercial agricultural uses may be located on a small parcel, or be operated in a manner that makes the application of the “incidental” requirement difficult. For example, a bed and breakfast may be proposed in a house on a small five or ten acre lot that does not support any existing viable agriculture. The zoning code retains flexibility to allow for such uses, even if not technically “incidental” to ag operations on that property, but still otherwise supported by public policy.

Staff recommended to the Board that the Zoning Code be amended to clarify that “agri-tourism uses” are those commercial agricultural uses that are “incidental” to (not a major part of) the primary agricultural use of the property. Other commercial agricultural uses such as bed and breakfasts and event facilities, which are not defined as “agri-tourism uses,” may or may not be incidental to agriculture on the site or in the area. At the March 7 meeting, the Board did not directly resolve the issue but a majority of members expressed the view that the preservation and conservation of agriculture should be the paramount goal of the County and all regulations should be consistent with that over-arching goal.

Staff is now recommending that text be added to the zoning code amendments (Sec. 8-2.306(k)(5) and Sec. 8-2.306(l)(3), respectively) to require that large special event centers and bed and breakfasts must be found to be incidental to the agricultural use of the parcel.

3. How to Define What Constitutes a “Special Event”

As the Commission is well aware, there has been great deal of discussion about what constitutes an “event” held at a special event facility and/or bed and breakfast. Some of the confusion arises when the maximum number of events that are allowed at a venue are defined as either for-profit or non-profit. Earlier approvals of large special event centers (such as Freeheart Farms in Esparto) set a limit on the number of events that could be held during a calendar year and excluded non-profit events such as fundraisers for local fire districts or charitable organizations. However, the most recent approval of Field & Pond did not include this distinction and set an annual limit on the number of events regardless whether the event was for-profit or not.

To help resolve this issue, staff recommends that a definition of “special event” be added to the Zoning Code as follows:

A “special event” is a community or private gathering such as a harvest festival, wedding, seasonal tasting, or rodeo, that is held at a special event facility/tasting room. A special event includes all such gatherings, whether paid or unpaid. However, a special event does not include small informal gatherings of family members or personal friends of the special event operator/owner.

Members of the Board generally concurred with this approach.

4. Level of Review

Currently, the Zoning Code requires the issuance of a Minor Use Permit (a public hearing before the Zoning Administrator, appealable to the Planning Commission and then the Board) for large special event facilities, except that a Major Use Permit (Planning Commission hearing with direct appeal to the Board) may be required at the discretion of the Planning Director if there are potential compatibility issues, or if development standards are not met. A Site Plan Review (which involves staff review with no public notice and no hearing) is required for small facilities, except at the discretion of the Planning Director a Minor Use Permit may be required.

For bed and breakfast facilities, a Minor Use Permit is required for large B&Bs (over 6 rooms), and a Site Plan Review is required for small B&Bs, except that a Major or Minor Use Permit, respectively, may be required at the discretion of the Planning Director.

Staff recommends that a greater level of review, a Major Use Permit issued by the Planning Commission, be adopted for large special event facilities and for large B&Bs, which is the direction given by the Board.

5. “By right” special event facilities on large parcels

The current Code allows a small special event facility on a parcel of 40 acres or more by right (without a Site Plan Review or Use Permit), if the facility holds no more than one event per month not to exceed eight events per year, generates less than 100 vehicle trips or fewer than 150 attendees per event, whichever is less. The Code includes the same provision that, at the discretion of the Planning Director, a Site Plan Review or Minor Use Permit may be required. Staff is recommending that the current regulation is retained as written. The Board generally agreed that the by right provision should be retained.

An option would be to delete this regulation that allows small special event facilities on large parcels by right and to require a Site Plan Review for all small event facilities regardless of parcel size.

6. Ensure Consistency with the Williamson Act

Many of the agricultural commercial/tourism applications that have been approved by the County to date are on lands that are subject to the Williamson Act. The Williamson Act statutes include Government Code Section 51238.1, which requires that uses approved on contracted lands be consistent with the statutes’ “principles of compatibility.”

Staff recommends that a new subsection be added to the development standards for special event centers in Sec. 8-2.306(k) as follows:

- (11) A small or large special event facility located on lands under a Williamson Act must be found to comply with the Williamson Act statutes, including Government Code Section 51238.1.

Although such findings are already required by law, having the requirements specified in the Code will assist landowners in understanding the requirements for tourism-related uses on Williamson Act parcels.

Another option would be to amend the Zoning Code to prohibit special event facilities and B&B's on lands under a Williamson Act contract, regardless of whether such uses can be compatible with agricultural operations. This restriction would seriously reduce the number of parcels in the agricultural zones that could apply for such uses, since three-quarters of the agricultural land in the unincorporated area is under contract. Such a restriction may also be inconsistent with the existing General Plan policies, which encourage "agricultural commercial and agricultural tourism" activities.

7. 500-foot spray buffer

An issue that was not discussed by the Board (or previously by the Commission) is whether a development standard regarding a minimum setback for agricultural spray buffers should be established to apply to small and large special event facilities and B&Bs. Following discussion with the Agricultural Commissioner, staff is recommending that a 500-foot spray buffer be added to the regulations.

8. Other changes

Numerous other minor changes to the existing zoning regulations for these uses will be recommended by staff to clarify the language.

Attachments

[Att.A. Zoning Code Amendment](#)

[Att.B. Table of remaining issues](#)

[Att.C. Comments to BOS workshop 3-7-17](#)

Form Review

Inbox

Eric May

Leslie Lindbo

Taro Echiburu

Form Started By: Eric Parfrey

Final Approval Date: 04/04/2017

Reviewed By

Eric May

Leslie Lindbo

Taro Echiburu

Date

03/30/2017 12:17 PM

04/03/2017 06:10 PM

04/04/2017 12:00 PM

Started On: 03/27/2017 11:27 AM

TABLE 1

Commercial Agricultural Zoning Code Amendment Options to Consider

<u>Issue</u>	<u>Current Regulations and Options for Amendment</u>
1. Define “agri-tourism”	<u>Current:</u> “Agricultural Commercial and Rural Recreation Uses” are described in Sec. 8-2.303(c) (Agricultural Use Types Defined) and a lengthy definition of “agri-tourism” is included in Sec. 8-2.307 (Definitions). A separate definition is also included for “other agri-tourism uses.” <u>Option #1:</u> Delete “agri-tourism” and “other agri-tourism” definitions in Sec. 8-2.307 and Sec. 8-2.306 (n)(1), and amend text in Sec. 8-2.303(c) to differentiate between “Agricultural Commercial” and “Agri-tourism” uses (see (2), below). (This is the staff recommendation, and is consistent with the direction from the Planning Commission to “work on the definition of agri-tourism.”) <u>Option #2:</u> Retain definitions in both Sec. 8-2.307 and in Sec. 8-2.303(c) and amend text in both to be consistent and differentiate between “Agricultural Commercial” and “Agri-tourism” uses.
2. Agri-tourism uses incidental to existing agriculture	<u>Current:</u> The “Agricultural Commercial and Rural Recreation Uses” description states: “This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy. “ <u>Option #1:</u> As explained in the staff report, describe “agri-tourism uses” as those commercial agricultural uses that are “incidental” (not a major part) of the primary agricultural use of the property. Other commercial agricultural uses such as bed and breakfasts and event facilities, which are not “agri-tourism uses,” may or may not be incidental to agriculture on the site or in the area. (This is the staff recommendation. The Planning Commission did not discuss this issue.) <u>Option #2:</u> Retain definition of “agri-tourism” in Sec. 8-2.307 and amend the text to be consistent with Sec. 8-2.303(c).
3. Define “event”	<u>Current:</u> Regulations include the following: “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” <u>Option #1:</u> Amend above to state: “Special event facilities include farm and residential land and structures that are used for special events” and add a new definition for “special event”: A “special event” is a community or private gathering such as a harvest festival, wedding, seasonal tasting, or rodeo, that is held at a special event

TABLE 1

Commercial Agricultural Zoning Code Amendment Options to Consider

<u>Issue</u>	<u>Current Regulations and Options for Amendment</u>
	facility/tasting room. A special event includes all such gatherings, whether paid or unpaid. However, a special event does not include small informal gatherings of family members or personal friends of the special event operator/ owner. (This is the staff recommendation, and is consistent with the direction from the Planning Commission to “address/re-evaluate regulation of paid vs. nonpaid/non-profit special events.) <u>Option #2:</u> Define “special event” as including only “for-profit, paid” events (current language)
4. Level of review	<u>Current:</u> <u>Special event facilities:</u> Minor Use Permit (Zoning Administrator hearing) for “large” facilities, except Major Use Permit (Planning Commission hearing with possible appeal to Board of Supervisors) at discretion of Planning Director if potential compatibility issues exist, or if development standards are not met. Site Plan Review (staff review and approval, no hearing) for small facilities, except at discretion of Planning Director, a Minor Use Permit is required. <u>Bed and breakfast facilities:</u> Minor Use Permit for “large” B&Bs (over 6 rooms), Site Plan Review (or “by right” in Clarksburg) for small B&B’s, except a Major or Minor Use Permit for large or small B&Bs, respectively, at the discretion of Planning Director if potential compatibility issues exist, or if development standards are not met. <u>Option #1:</u> Major Use Permit for large special event facilities and large B&Bs issued by Planning Commission. (This is the staff recommendation, and is consistent with the direction from the Planning Commission.)
5. “By right” special event facilities on large parcels	<u>Current:</u> Small special event facility on 40+ acre parcel, that holds no more than one event per month not to exceed eight events per year, generates less than 100 vehicle trips or fewer than 150 attendees per event, whichever is less, is allowed by right, except at discretion of Planning Director, a Site Plan Review or Minor Use Permit may be required <u>Option #1:</u> Retain current regulation as written. (staff recommendation) <u>Option #2:</u> Delete regulation that allows small special event facilities on large parcels by right (require Site Plan Review for all small event facilities regardless of parcel size)

TABLE 1

**Commercial Agricultural Zoning Code Amendment
Options to Consider**

<u>Issue</u>	<u>Current Regulations and Options for Amendment</u>
6. Consistency with the Williamson Act	<u>Current:</u> Wineries, special event facilities, B&B's, and farm stays are permitted on lands under Williamson Act contract (compatibility findings under Government Code Section 51238.1 are normally adopted as part of approval). Regulations for "other agri-tourism uses" and for "rural recreation" uses may require a Major Use Permit for activities on contracted lands, with adoption of special findings. <u>Option #1:</u> Delete regulations for "other agri-tourism uses" (see above) and add the following regulation: "A special event facility located on lands under a Williamson Act contract must be found to comply with the Williamson Act statutes, including Government Code Section 51238.1." (This is the staff recommendation, and is consistent with the direction from the Planning Commission.) <u>Option #2:</u> Prohibit special event facilities and B&Bs on lands under a Williamson Act contract.

CHAD ROBERTS, PH.D.

SENIOR ECOLOGIST (ESA), PROFESSIONAL WETLAND SCIENTIST (SWS)



05 March 2017

Supervisor Duane Chamberlain, Chair
Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, CA 95695

Subject: Comment for BOS Workshop, Agricultural Zoning Code Amendment

Dear Supervisor Chamberlain and members of the Board of Supervisors (BOS):

Following are two general comments regarding the BOS consideration on Tuesday morning of possible amendments to the County's Zoning Code with respect to "ag-tourism" uses. I'm not able to attend the workshop or I'd make the comments in person.

A. Ag-Tourism Uses Must be Truly Incidental to Existing Agricultural Uses

Personally I find the staff analysis to be very muddy with respect to the relationship between proposed "ag-tourism" uses and the underlying agricultural uses and practices for sites in the County. During discussions about the then-proposed General Plan update it seemed clear that the General Plan intended to augment the agricultural viability of existing agricultural operations in Yolo County by allowing those existing operations to engage in what we're now calling "ag-tourism" uses. I recall the intent being quite clear that this privilege was extended only to existing agricultural operations (including future changes or expansions), and that the "ag-tourism" uses must be truly *incidental* to the agricultural operations to qualify.

Consult any dictionary you like and you'll invariably find that "incidental to" has a meaning that identifies the incidental use or condition as occurring *because of* its relationship to something else. In the present case, the "ag-tourism" uses identified in the General Plan exist because there is an existing agricultural operation to which the 'ag-tourism' use is incidental.

Somehow this relationship seems to have been lost in the discussions about 'ag-tourism,' and the intrinsic relationship between the agricultural use and the 'ag-tourism' augmentation needs to be restored as a key element in these discussions. If a given site or property is not already in use for agricultural purposes, then an "ag-tourism" augmentation would not comport with what we've had in mind for the past decade of discussions.

Visitor-serving uses that happen to be sited in an agricultural setting and which trade upon that setting, but which are not themselves agricultural operations, don't accord with our past discussions and intentions. Such uses are fundamentally not agricultural, and could be sited in non-agricultural use areas anywhere in Yolo County.

Such linkages between existing conditions and potential uses are a key concept in land use planning. For example, the California Coastal Act limits siting industrial uses in the Coastal Zone to those that must have access to or be located on the coast, and the demonstration of need for a coastal location is a major element in the approval process. The irrefutable logic underlying this requirement is that industries that don't *have* to be near the coast shouldn't be. The County should be making similar findings that a proposed "ag-tourism" use that is not actually *incidental to an existing agricultural operation* isn't "incidental," and proposals for such uses must therefore be reviewed under the County Code as non-agricultural uses.

B. County Application Review Processes Must Consider the Real Scope of Impacts in Selecting Permit Type

The staff report for the workshop addresses approval processes that the County could follow with respect to “ag-tourism” uses (typically the options identified in Item 4 in Table 1, attached to the staff report). I generally concur with the staff recommendation that a Major Use Permit should be required for all large event facilities or large event center operations, and most likely for large B&Bs. However, I feel obliged to state that the staff analysis has clearly left out major areas of concern that need to be factored into the County’s review of proposed “ag-tourism” uses, including specifically the intensity of permit review each application receives.

The staff analysis is focused essentially entirely on compatibility with text in the existing zoning code (e.g., the County’s “development standards”) as the standard for the required level of County review. It’s unclear (to me, at least) how the potential that a proposed “ag-tourism” use may cause substantial impacts to the environment in the vicinity of the proposed use, or to other landowners and land uses in the vicinity, are factored into this decision. Additional clarification is needed from the BOS that establishes that the potential for significant adverse impacts is a primary criterion for determining the intensity of review accorded by the County to any such proposed use: a proposal that has a high potential for creating significant impacts must, because of that, be subjected to more thorough permit-review processes.

It’s important that the BOS provide clear directives to staff about the importance of potential adverse effects. The potential for a proposed “ag-tourism” use to adversely affect neighboring uses and the environment is not a direct function of the size of the proposed use; rather, the potential is more directly related to the existing conditions at the site and the types and degrees of change that the proposed project will cause if approved. Projects that have a high potential for causing significant changes require more thorough review, even if the number of units in the proposal falls below a threshold for review that might otherwise authorize a lower intensity (say a Minor Use Permit instead of a Major Use Permit).

I anticipate that staff will say to the BOS that the potential for adverse impacts will typically be addressed in the CEQA review process that the County is required to conduct for every proposed project, and that if staff CEQA considerations indicate that a thorough environmental review (even to the extent of requiring an Environmental Impact Report) is required, even be it for a Site Plan Review or a Minor Use Permit, that staff will certainly conduct that review. Experience indicates that staff will try to minimize the level of environmental review required for projects processed by the County, regardless of the project scope, but particularly for projects that staff considers to be eligible for less-intensive permit-review processes. That is, there’s a high likelihood that “lesser” permits will receive short shrift in the environmental review process, simply because they’re “lesser” permits.

It will be a better future for all Yolo County residents, current and future, if the Board makes it clear that projects that cause impacts to the County’s environment, and to the existing land use system in the County, are approved only with due scrutiny of those impacts, and that the level of scrutiny required is based on the project’s effects rather than its perceived permit type.

Dear Board of Supervisors, County Staff and Commissioners,

We are submitting the following letter and attached document in support of the Agritourism workshops and hearings to begin shortly. Staff's effort to synthesize all of the information, opinions, policies and implications is to be commended. Notwithstanding the fact that the inspiration for this work was motivated by a number of exogenous forces that were quite clearly focused on derailing the success of our permit application and business, we are still glad to see that you have taken up the charge to try to get to a revised zoning code that will be more efficient and effective in aiding the development of our county. We hope that you will take our continued involvement in this process, even after having been granted our use permit (YAY), as a testament to how important we feel it is that the county get to a system that operates fairly, and in support of the betterment of all community members who seek to develop businesses to sustain themselves and help the local economy.

We are sure that this has not been an easy process for you. Candidly, it has certainly not been easy for us, and in many ways we do not feel that it was always fair for us. However, we still believe in you, and your ability to get to better and brighter outcomes for those who may come behind us. As you endeavor to find the best outcomes, we would encourage you to:

Be equitable

The work that you are doing with respect to the General Plan and Zoning Code is about more than specifications, requirements and enforcements. It's about more than quelling the concerns of seemingly concerned citizens. It's about creating economic opportunity, and paving the way for economic equality and fairness here in this area. It's about ensuring the economic viability of this county, even as it continues to grow and change in terms of population, diversity and industry. It's about helping others to succeed. For those of you who believed in us, supported us through this process, and ultimately granted us an opportunity of a lifetime to actually work for ourselves, we thank you from the bottom of our hearts; we are so immensely grateful.

Be consistent

Find a way to remove bias from the system. We have to do away with this notion of heightened response and deference to the person that yells the loudest, and abuses applicants, county staff, officials and resources. This mode of operating doesn't serve the best interest of everyone equally. Only those who feel that they have the authority and entitlement to behave this way are going to fair well. These folks effectively bias the pathways that applications might take, and in turn end up controlling who can be financially successful in this area, and who can't. Without change, these folks will always live beyond reproach, while at the same time holding others to standards that neither they themselves, nor their descendants, will ever have to meet. The world shouldn't work that way. Of course in many cases it does, and that is sad. However, we believe that you can devise a basis of fairness, and stick to it, so that we can right some of the things here that are clearly wrong.

Be courageous

We have personally witnessed the level of pressure that can be drummed up, even in support of some of the most disingenuous causes and claims. We've read letters of threat and disdain sent to you, because of your willingness to evaluate projects based on laws, and not mandates from self-proclaimed influencers. All we can say is that your jobs suck. No. Really. They do. LOL. BUT, thank you for doing them. Thank you for charging forward and trying to find answers that work for our total community. We know that it certainly is not easy. There is a small contingent of people who have lived here and enjoyed a feeling of superiority for generations, and they simply don't want to give that feeling

up; and we have all seen surprising examples of the extreme measures they are willing to take in order to hold onto something that wasn't ever truly theirs to have in the first place; we are all equal. Nevertheless, we can tell you that your work matters. Keep going. We believe in you as individuals. We believe in you as a collective. We believe in your ability to get us to better and brighter outcomes. Please continue to strive to do the right thing. And when you do, know that there are many of us within this community who support you, appreciate you, and will remember you for it.

Best of luck to you guys. And of course, if we can help support you in any way, please let us know. We ~~want~~ need you to be successful, in order for our total community to prosper.

Attached: Responses to staff proposed options.

Kind Regards,

James & Watt
26055 County Road 29
Winters, CA 95694
415-845-2295
www.FieldandPond.com
<https://www.facebook.com/FieldandPond>



TABLE 1

Commercial Agricultural Zoning Code Amendment Options to Consider

<u>Issue</u>	<u>Current Regulations and Options for Amendment</u>	<u>Feedback on Staff Options</u>
1. Define "agri-tourism"	<u>Current:</u> "Agricultural Commercial and Rural Recreation Uses" are described in Sec. 8-2.303(c) (Agricultural Use Types Defined) and a lengthy definition of "agri-tourism" is included in Sec. 8-2.307 (Definitions). A separate definition is also included for "other agri-tourism uses." <u>Option #1:</u> Delete "agri-tourism" and "other agri-tourism" definitions in Sec. 8-2.307 and Sec. 8-2.306 (n)(1), and amend text in Sec. 8-2.303(c) to differentiate between "Agricultural Commercial" and "Agri-tourism" uses (see (2), below). (This is the staff recommendation, and is consistent with the direction from the Planning Commission to "work on the definition of agri-tourism.") <u>Option #2:</u> Retain definitions in both Sec. 8-2.307 and in Sec. 8-2.303(c) and amend text in both to be consistent and differentiate between "Agricultural Commercial" and "Agri-tourism" uses.	Agree with Staff recommendation to delete "agri-tourism" and "other agri-tourism" definitions from Sec. 8-2.306 & 307.
2. Agri-tourism uses incidental to existing agriculture	<u>Current:</u> The "Agricultural Commercial and Rural Recreation Uses" description states: "This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy. " <u>Option #1:</u> As explained in the staff report, describe "agri-tourism uses" as those commercial agricultural uses that are "incidental" (not a major part) of the primary agricultural use of the property. Other commercial agricultural uses such as bed and breakfasts and event facilities, which are not "agri-tourism uses," may or may not be incidental to agriculture on the site or in the area. (This is the staff recommendation. The Planning Commission did not discuss this issue.) <u>Option #2:</u> Retain definition of "agri-tourism" in Sec. 8-2.307 and amend the text to be consistent with Sec. 8-2.303(c).	Agree with specifically calling out verbiage that explains that "Agricultural Commercial and Rural Recreation Uses" includes commercial uses THAT MAY BE incidental OR COMPLEMENTARY to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy. We need to lower the prominence of the agritourism point all together, as well as include callouts for weddings, corporate events and retreats, and finally to broaden our focus in order to emphasize that these activities are about helping the total economy in general, not just the agricultural community and economy. For example: This Use Type includes commercial uses that may be incidental to the agricultural or horticultural operations of the area, or otherwise complementary to them. The focus of these uses relate to that preserve-celebrating the rural lifestyle, and stimulate stimulating the agricultural local economy..... This Use Type includes wineries, commercial horse stables, "Yolo Stores," and farm-based tourism and agricultural tourism (i.e., working farms or ranches), which educate or entertain visitors, guests or clients, and generate income for the owner/operator. This It also includes using the land for special events, festivals, lodging, horseshows, crop-based seasonal events, ancillary restaurants, educational experiences, agricultural technical tours, garden/nursery tours, historical agricultural exhibits, ranch/farm tours, and winery/vineyard tours, weddings, corporate events, and retreats....

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3. Define "event"	<u>Current:</u> Regulations include the following: "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" <u>Option #1:</u> Amend above to state: "Special event facilities include farm and residential land and structures that are used for special events" and add a new definition for "special event": A "special event" is a community or private gathering such as a harvest festival, wedding, seasonal tasting, or rodeo that is held at a special event facility/tasting room. A special event includes all such gatherings, whether paid or unpaid. However, a special event does not include small informal gatherings of family members or personal friends of the special event operator/ owner. (This is the staff recommendation, and is consistent with the direction from the Planning Commission to "address/re-evaluate regulation of paid vs. nonpaid/non-profit special events.) <u>Option #2:</u> Define "special event" as including only "for-profit, paid" events (current language)	Agree in part with staff recommendation. However, we should close the loopholes here. This clause should stipulate that all facilities used for the public, for any reason, should be compliant with county building and planning codes. We should also do away with any language that gives leeway for anyone to be harassed over personal gatherings in their own homes. We should not be regulating what people do within their own homes and properties, for the purposes for their own private engagement with family and friends. For example: "Special event facilities include farm, and residential land, and structures that will be are used for a special event(s)" A "special event" is a community or private gathering such as a harvest festival, wedding, seasonal tasting, or rodeo that is held at a special event facility/tasting room. A special event includes all such gatherings, whether paid or unpaid. It also requires legally approved structures, permits and facilities based on county building, planning and EH&S requirements. However, a special event does not include small informal gatherings of family members or personal friends of the special event operator/ property owner.

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4. Level of review	<u>Current: Special event facilities:</u> Minor Use Permit (Zoning Administrator hearing) for “large” facilities, except Major Use Permit (Planning Commission hearing with possible appeal to Board of Supervisors) at discretion of Planning Director if potential compatibility issues exist, or if development standards are not met. Site Plan Review (staff review and approval, no hearing) for small facilities, except at discretion of Planning Director, a Minor Use Permit is required. <u>Bed and breakfast facilities:</u> Minor Use Permit for “large” B&Bs (over 6 rooms), Site Plan Review (or “by right” in Clarksburg) for small B&Bs, except a Major or Minor Use Permit for large or small B&Bs, respectively, at the discretion of Planning Director if potential compatibility issues exist, or if development standards are not met. <u>Option #1:</u> Major Use Permit for large special event facilities and large B&Bs issued by Planning Commission. (This is the staff recommendation, and is consistent with the direction from the Planning Commission.)	We should be explicitly clear about what a Site Plan Review entails. We also need to hold ourselves accountable for removing the bias from our system for governance. Special event facilities and operations shouldn't be passed through or overlooked simply because of who you know, what your last name is, or who complains. If the codes are in place to ensure the safe operation of events, then all events should obviously be compliant with those codes. We should be requiring legally approved structures, permits and facilities based on county building, planning and EH&S requirements (structural, ADA, access, Fire, well, septic, etc.). Allowing for a fair system for permitting will also help to ensure that the number of events any given area will or can have is kept to a reasonable number. Cost to initiate and continue operations drives the price for the public, and the price for the public controls the demand and frequency. Also, a fair system allows the applicant to know and plan for the exact set of metrics that they will be required to satisfy, before deciding to start an event operation. This should be the case for both paid and non-paid events. For example, doing a campaign party for a political official in some instances can be just as, if not more, valuable to the venue owner than simply doing an event for someone from the general public; while the event itself may pose no less risk to the public. Finally, it should be required that all special event operations be reported to the neighbors, county, Fire and Police departments; this is what is required of legally operating venues for the purpose of safety. We need to remove the politics from our regulations, and be consistent about how we enforce them.
5. “By right” special event facilities on large parcels	<u>Current:</u> Small special event facility on 40+ acre parcel, that holds no more than one event per month not to exceed eight events per year, generates less than 100 vehicle trips or fewer than 150 attendees per event, whichever is less, is allowed by right, except at discretion of Planning Director, a Site Plan Review or Minor Use Permit may be required <u>Option #1:</u> Retain current regulation as written. (staff recommendation) <u>Option #2:</u> Delete regulation that allows small special event facilities on large parcels by right (require Site Plan Review for all small event facilities regardless of parcel size)	The staff's recommendation here is not consistent with the feedback received during the last Planning Commission hearing. A review of the public record can confirm this. Planning commissioners indicated that the one event per month rule that was recently instated should be returned to the prior policy that allowed for a total of eight events per year, not to be designated by any particular timing. Feedback was given from several local wineries that a frequency of one event per month would not be adequate for meeting their business needs. Commissioners indicated agreement, and also further recommended that the by-right minimum be increased to 12. This motion was made by Jack Kasbergen, and other Commissioners indicated agreement. We should pick up from this place. Also, the current code indicates that B&Bs are entitled to 12 events. This was part of the basis for increasing the by-right to 12, so that there would be a common basis across B&Bs and event centers.

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6. Consistency with the Williamson Act	<u>Current:</u> Wineries, special event facilities, B&B's, and farm stays are permitted on lands under Williamson Act contract (compatibility findings under Government Code Section 51238.1 are normally adopted as part of approval). Regulations for "other agri-tourism uses" and for "rural recreation" uses may require a Major Use Permit for activities on contracted lands, with adoption of special findings. <u>Option #1:</u> Delete regulations for "other agri-tourism uses" (see above) and add the following regulation: "A special event facility located on lands under a Williamson Act contract must be found to comply with the Williamson Act statutes, including Government Code Section 51238.1." (This is the staff recommendation, and is consistent with the direction from the Planning Commission.) <u>Option #2:</u> Prohibit special event facilities and B&Bs on lands under a Williamson Act contract.	Agree with staff's recommendations here.