

FILED

DEC 18 2017

ORDINANCE NO. 1494

BY Lupita Ramirez
DEPUTY CLERK OF THE BOARD

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF YOLO
ADOPTING THE AGRICULTURAL COMMERCIAL
ZONING CODE AMENDMENT**

The Board of Supervisors ("Board") of the County of Yolo, State of California, hereby ordains as follows:

SECTION 1. ADOPTION OF ZONING CODE AMENDMENTS

This ordinance includes text amendments to several separate sections of the Zoning Code (Title 8 of the Yolo County Code), as set forth below. The Board of Supervisors hereby adopts the amendment set forth herein to the respective sections of the Yolo County Code to promote the public health, safety, and welfare of the residents of Yolo County, and for other reasons set forth in the staff report for this item.

SECTION 2. AMENDMENT TO CHAPTER 2, ARTICLE 3 (AGRICULTURAL ZONES)

Title 8, Chapter 2, Sections 8-2.303(c), Sec. 8-2.304 (Table 8-2.3014(c)), Sec. 8-3.306(k), Sec. 8-3.306(l), Sec. 8-3.306(m), Sec. 8-3.306(n), Sec. 8-3.306(o), and Sec. 8-3.306(p), are amended to read as follows:

A. Section 8-2.303. Revise Sec. 8-2.303(c) to read as follows:

Sec. 8-2.303 Agricultural Use Types Defined

(c) Agricultural Commercial and Rural Recreation Uses

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, including some tourism-related uses that may be the primary use of a particular property. These Use Type examples do not require the rezoning of the land to the Agricultural Commercial Zone, which is reserved for significant agricultural commercial uses that are the primary use of the property. Examples of this Use Type includes wineries, special events, lodging/bed and breakfasts, commercial horse stables, "Yolo Stores," and farm-based tourism (i.e., working farms or ranches), which educate or entertain visitors, guests or clients, and generate income for the owner/operator.

This Use Type also includes commercial or non-commercial operations related to outdoor sporting or leisure activities that require large open space areas that do not have any detrimental impact on adjacent agricultural lands.

B. Sec. 8-2.304 (Table 8-2.3014(c)). Revise Table 8-2.3014(c) as follows on the following page:

Table 8-2.304(c)
Allowed Land Uses and Permit Requirements
for Agricultural Commercial and Rural Recreational Uses

A = Allowed use, subject to zoning clearance* SP = Site Plan Review UP(m) = Minor Use Permit required UP(M) = Major Use Permit required N = Use Not Allowed	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	A-N	A-X	A-C	A-I	A-R	
AGRICULTURAL COMMERCIAL AND RURAL RECREATIONAL USES						
Commercial Uses						
Commercial farm equipment sales	N	N	SP	SP	N	1 annual sale event in A-N, A-X
Farm equipment repair, light manufacturing	See "agricultural support services" in Table 8-2-304(d)					
Agricultural animal feed stores	SP	SP	SP	SP	N	
Christmas trees/pumpkin patches, over 100 daily customers	SP	SP	SP	SP	N	
Corn mazes	SP	SP	SP	SP	N	
Nurseries and landscaping materials	UP(m)	UP(m)	SP	SP	N	See definition
Permanent roadside/produce stands, farmers markets, U-pick farms, etc.	SP	SP	A	SP	SP	See Table. 8-2.506 (must meet parking requirements)
Seasonal roadside/produce stands	A	A	A	A	SP	
"Yolo Stores," less than 100 daily customers	SP	SP	SP	SP	N	See definition
"Yolo Stores," over 100 daily customers	UP(m)	UP(m)	SP	SP	N	
Wineries, breweries, distilleries, olive mills, small	SP	SP	SP	A	UP(m)	See Sec. 8-2.306(j)
Wineries, breweries, distilleries, olive mills, large	UP(m)	UP(m)	SP	SP	N	
Special event facilities, over 40 acres, 8 events per year, less than 150 attendees	A	A	N	A	N	See Sec. 8-2.306(k) and Table 8-2.401
Special event facilities, small	UP(m)	UP(m)	A	A	UP(m)	
Special event facilities, large	UP(M)	UP(M)	UP(m)	UP(m)	UP(M)	
Private stables w/ events	SP	SP	SP	SP	N	See Sec. 8-2.306(i)
Commercial stables, small	SP	SP	SP	SP	N	
Commercial stables, large	UP(m)	UP(m)	SP	SP	N	
Bed and breakfasts/lodging, small	SP	SP	SP	N	UP(m)	Sec. 8-2.306(l) and Table 8-2.401
Bed and breakfasts/lodging, large	UP(M)	UP(M)	UP(m)	N	N	
Farm stays, farm dinners	A	A	SP	N	UP(m)	See Sec. 8-2.306(m)
Hotels, motels	N	N	N	N	N	
Rural restaurants	N	N	UP(m)	N	N	See Sec. 8-2.306(o)
Cottage food operation	A	A	A	A	A	See Sec. 8-2.506(k)
Rural Recreational						
Campground	N	UP(M)	UP(m)	N	N	See definition and Sec. 8-2.306(p)
Primitive campground	UP(M)	UP(m)	N	N	N	
Recreational vehicle parks	N	N	UP(M)	N	N	
Parks, golf courses, country clubs	N	N	N	N	N	
Fisheries, game preserves,	UP(m)	UP(m)	N	N	N	See Sec. 8-2.306(p)
Sport shooting, hunting, gun and fishing >50	UP(m)	UP(m)	N	N	N	
Off-road vehicle courses	N	UP(M)	N	N	N	
Commercial pools, ponds, or lakes	UP(M)	UP(m)	UP(M)	N	N	
Health resorts, spas, and retreat centers	UP(M)	UP(M)	UP(M)	N	N	
Rural sports activities, hiking, biking	UP(m)	UP(m)	N	SP	N	

- C. **Section 8-1.306(k).** Revise Sec. 8-2.306(k) to read as follows:

Sec. 8-2.306 Specific Use Requirements or Performance Standards

(k) Special event facilities

- (1) Special event facilities include farm and residential land and structures that are used for special events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms. A "special event" or "event" is defined in Sec. 8-2.307. Special event facilities are characterized as "small" or "large" depending on construction of new structures, the number of events that are held in a given year, the number attendees, and the amount of traffic that is generated. "Small special event facilities" are those that do not involve the construction of substantial new structures used by the public, hold no more than twelve events per year, attract fewer than 150 attendees at each event, and each event generates less than 100 vehicle trips. "Large special event facilities" are those that involve construction of substantial new structures used by the public, hold more than twelve events per year, or the events attract more than 150 attendees or generate more than 100 vehicle trips. Large special event facilities receive a greater level of review to ensure that any potential impacts are addressed. Different development standards apply within the Clarksburg Agricultural District (see Sec. 8-2. 401).
- (2) A special event facility located on a parcel that is a minimum of 40 acres is allowed by right, so long as the facility holds no more than one (1) event per month not to exceed eight (8) events per year, and attracts fewer than 150 attendees at each event, and each event generates less than 100 vehicle trips. 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.
- (3) 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 unless the structures are reclassified through the issuance of a new building permit.
- (4) Small special event facilities are allowed in the A-N, A-X and the A-R agricultural zones and in the RR-5, RR-1, and R-L residential zone with a Minor Use Permit. Small special event facilities are allowed with a Site Plan Review in the Clarksburg Agricultural District, and are allowed by right with building and environmental health permits in the A-C and A-I zones, provided that the project meets all development standards. At the discretion of the Planning Director, a Minor Use Permit may be required for a small special event facility 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. A Minor Use Permit shall be required if the project involves noise generating activities after 10 p.m.

- (5) Large special event facilities require the issuance of a Major Use Permit in the A-N, and A-X, and A-R zones, except in the A-C and A-I zones, and the Clarksburg Agricultural District, where a Minor Use Permit is required. At the discretion of the Planning Director, a Major Use Permit may be required for a large project in the A-C and A-I zones and the Clarksburg Agricultural District, if there are any agricultural, residential, vehicle access, traffic, if other land use compatibility issues, or if any of the development standards are not met. A Major Use Permit shall be required if the project involves noise generating activities after 10 p.m.
- (6) 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 and not located on any leachfields. On-street parking shall not be permitted.
- (7) Review of a special event facility subject to discretionary approval shall consider vehicular access as it relates to traffic, public safety, potential conflicts with farming equipment, and points of access to public roads. Vehicular access shall be subject to the review and approval of the Director, and all jurisdictional authorities including the local Fire District and CalFire. The adequacy of vehicular access shall also be reviewed for comment by the County Sheriff's Office and the Highway Patrol, as appropriate.
- (8) A special event facility 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. Approval of large special event facility applications shall include conditions that regulate potential impacts to adjacent agricultural operations and neighbors including noise, lighting, dust, spray buffers, crime/trespassing/ vandalism; and advance notification for large events over 150 participants.
- (9) Small and large special event facilities subject to discretionary approval shall include an agricultural spraying buffer or setback from any nearby established and active orchard or farm field that employs spraying, measured from the outdoor areas where participants may congregate, based on existing nearby agricultural operations. A buffer or setback may be reduced or eliminated, either permanently or for a fixed number of years, with the approval of all owners of neighboring properties affected by the buffer. Such approval must be in writing, binding on all successors in interest, filed with the Department of Community Services and Agricultural Commissioner, and recorded with the County Recorder.

- (10) An application for a small and large special event facility located in a Fire Hazard Severity Zone shall include a public safety/fire and emergency evacuation plan. The Public Safety Plan shall require: a detailed fire plan, including evacuation; a staffing plan; employees/staff training in all safety procedures; a smoking policy; and a ban on all fireworks.
- (11) A large special event facility located on lands under a Williamson Act contract or in a Williamson Act Agricultural Preserve must be incidental to an established 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.

D. Section 8-2.306(l). Revise Sec. 8-2.306(l) to read as follows:

(l) Bed and breakfasts/lodging

- (1) A “small” bed and breakfast/lodging is defined as one which has six (6) guest rooms or less. A “large” bed and breakfast/lodging has more than six guest rooms and not more than ten (10) guest rooms. Different thresholds apply within the Clarksburg Agricultural District (see Sec. 8-2. 401). A bed and breakfast/lodging of any size that holds “special events” shall also comply with all applicable requirements for special event facilities found in Sec. 8-2.306(k).
- (2) Small bed and breakfasts/lodging are allowed by right within the Clarksburg Agricultural District, with the issuance of a Site Plan Review in all of the A-X, A-N, and A-C agricultural zones, and with the issuance of a Minor Use Permit in the A -R zone and in the RR-5, R-L, R-M, and R-H residential zones, provided that the project includes no newly constructed cottages or buildings.
- (3) Large bed and breakfasts/lodging are subject to a Major Use Permit in the A-X and A-N zones all of the residential zones, and are subject to a Minor Major Use Permit in the A-C agricultural zone and the Clarksburg Agricultural District.
- (4) At the discretion of the Planning Director, a Minor Use Permit may be required for a small bed and breakfast/lodging, or a Major Use Permit may be required for a large bed and breakfast/lodging, if there are any agricultural, residential, vehicle access, traffic, or other land use compatibility issues, or if any of the following development standards are not met:
 - (i) All guest rooms must be located within and accessible through the main single-family dwelling. Alternatively, guest rooms may be located outside the primary residence cottages (newly constructed structures or existing buildings that are renovated for habitable use), provided that any newly constructed cottages require the issuance of a Major Use Permit.

- (ii) Food service for a traditional bed and breakfast must be restricted to breakfast or a similar early morning meal. The price of food must be included in the price of overnight accommodation. Lodging other than a traditional bed and breakfast is not required to serve breakfast for guests, but all other standards must be met.
 - (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.
 - (vi) Bed and breakfast inns/lodging shall comply with all CCDEH (California Conference of Directors of Environmental Health) guidelines and CURFFL (California Uniform Retail Food Facilities Law) requirements.
- (5) Small and large bed and breakfasts/lodging subject to discretionary approval shall include an agricultural spraying buffer or setback from any nearby established and active orchard or farm field that employs spraying, measured from the outdoor areas where participants may congregate, based on existing nearby agricultural operations. A buffer or setback may be reduced or eliminated, either permanently or for a fixed number of years, with the approval of all owners of neighboring properties affected by the buffer. Such approval must be in writing, binding on all successors in interest, filed with the Department of Community Services and Agricultural Commissioner, and recorded with the County Recorder.
- (6) A 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 established agricultural operation, and must be 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 contract must be cancelled or must have exited the Williamson Act program through non-renewal prior to permit approval.

E. Section 8-2.306(m). Revise Sec. 8-2.306(m) to read as follows:

(m) Farm stays

- (1) A "farm stay" includes six (6) or fewer guestrooms or accommodates no more than 15 guests, in a single family dwelling, or main farm house, or accessory guest house, provided as part of a working farm or ranch operation. A farm stay may hold farm dinners for guests. A farm stay may hold no more than four special events per year, attended by no more than 50 attendees. A farm stay that exceeds these performance standards shall

be processed as either a Special Event Facility or a Bed and Breakfast, as applicable.

- (2) Farm stays are allowed in all of the agricultural zones, with the exception of the A-I zone, and in the RR-5 residential zone, provided that the project is designed to be compatible with any adjoining agricultural operations and single family residences. At the discretion of the Planning Director, a Minor Use Permit may be required for a project if there are any compatibility issues, or if any of the following development standards are not met:

F

E. Section 8-2.306(n). Delete Sec. 8-2.306(n) in its entirety.

F. Sections 8-2.306(o) and Sec. 8-2.306(p). Renumber Section 8-2.303(o) Rural restaurants as Sec. 8-2.306(n), and renumber Section 8-2.303(p) Rural recreational facilities as Sec. 8-2.306(o)

G. Section 8-2.307. The "Agri-tourism," "Bed and Breakfast (B&B)," and "Special event facility/tasting room" definitions in Section 8-2.307 are amended, and new definitions for "Cottages," "Incidental," and "Special event," are added, to read as follows:

Agri-tourism

An income-generating activity conducted on a working farm or ranch, or other agricultural operation or agricultural facility, for the enjoyment and education of visitors, guests, or clients. Agri-tourism refers to the act of visiting a working farm or ranch, or any agricultural or horticultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agri-tourism includes activities and uses that are incidental to the agricultural operations. Agri-tourism also includes uses that benefit from locating in a quiet, sparsely-populated, agricultural or natural environment, which may not be directly tied to, or incidental to, on-site agricultural operations, but nevertheless enhance the agricultural economy in the region. Such uses do not include commercial or retail uses and activities that are not directly related to agriculture such as sales of goods and services typically found in urban areas. Agri-tourism uses include, but are not limited to, wine, beer, and olive oil tasting, sale of local agricultural products, seasonal and permanent farm stands, "Yolo Stores," farm tours, lodging (including bed and breakfasts and farm stays), and event centers that accommodate weddings, music, and limited dining including farm dinners.

Bed and Breakfast (B&B)/lodging

A single-family dwelling, and accessory buildings, cottages and bungalows, with an owner or manager in residence or on-site, containing no more than ten (10) guest rooms used, let or hired out for transient night-to-night lodging, and that meets all of the standards in Section 8-2.306(l). Food service, if provided, is restricted to breakfast or a similar early morning meal, subject to applicable County Health Department regulations.

Cottages

Bungalows or cottages, attached or unattached, that are part of an approved bed and breakfast use, that are located within an agricultural area on agricultural-zoned lands, and that are incidental to permitted agri-tourism uses located on the parcel or in the immediate agricultural area. Cottages may be newly constructed structures or existing buildings that

are renovated for habitable use. Cottages are not motel rooms and are not used to house permanent, year-round residents.

Incidental

“Incidental” shall mean a use or activity that is accompanying but not a major part of a primary use.

Special event

A “special event” or “event” is a community or private gathering such as a harvest festival, wedding, farm dinner, corporate retreat, party, seasonal tasting, or rodeo, that is held at a special event facility/tasting room. An event includes all such gatherings, whether paid or unpaid. However, an event does not include farm tours by school children, FHA groups, small informal gatherings of family members or personal friends of the special event operator/owner, or one-time annual events such as festivals, charity fundraisers, or Day in the Country.

Special event facility/tasting room

The use of land and/or facilities, for which a fee is normally charged, for a community or private event that is held on the premises of an agricultural property. A special event facility can include a tasting room, in which the general public, customers or guests may taste and purchase wine, beer, olive oil, cider, food items, or other incidental products commonly sold at such tasting rooms. A tasting room may be located at a vineyard, orchard, or other agricultural property, without the need for a winery, brewery, distillery, or olive mill facility or other processing facility to be located upon the premises.

SECTION 3. AMENDMENT TO CHAPTER 2, ARTICLE 5 (RESIDENTIAL ZONES)

Title 8, Chapter 2, Section 8-2.504 (Table 8-2.504(a)) is amended to read as follows on the following page:

Table 8-2.504(a)

**Allowed Land Uses and Permit Requirements
for Residential Zones**

A = Allowed use, subject to zoning clearance* SP = Site Plan Review UP (m) = Minor Use Permit UP (M) = Major Use Permit N = Use Not Allowed	Land Use Permit Required by Zone					Specific Use Requirements or Performance Standards
	RR-5	RR-1	R-L	R-M	R-H	

Residential Uses						
Single family detached home including duplex	A	A	A	A	N	See Table 8-2.505 and Sec. 8-2.506(a), (l), and (m)
Second or "granny" unit	See Table 8-2.504(b) and Secs. 8-2.506(b), (l), (m)					
Triplex, four-plex	N	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Table 8-2.505 and Sec. 8-2.506(c), (l), and (m)
Multi-family (condominiums, townhouses, apartments)	N	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Group or co-housing	SP	SP	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Farm worker housing	A/SP	A/SP	A/SP	SP/UP(m)	SP/UP(m)	See Sec. 8-2.506(d)
Emergency shelters	N	N	N	N	N	See Sec. 8-2.606(m)
Mobile home parks	N	N	UP(M)	UP(M)	UP(M)	See Sec. 8-2.1014
Home Occupation/Care						
Home occupation	A	A	A	A	A	See Sec. 8-2.506(e)
Group/home care (6 or less beds)	A	A	A	A	A	See Sec. 8-2.506 (f)
Group/home care (7 or more beds)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	
Child care (<9 children)	A	A	A	A	A	See Sec. 8-2.506(g)
Child care (9 to 14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	
Child care centers (>14 children)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	SP/UP(m)	See Sec. 8-2.506(h)
Mixed Residential/Commercial/Public and Quasi-Public Uses						
Small winery/olive mill (> 1 acre)	SP/UP(m)	UP(m)	UP(m)	N	N	See Sec. 8-2.306(j)
Small special events facility (on > 1 acre parcel)	UP(m)	UP(m)	UP(m)	N	N	See Sec. 8-2.306(k)
Small/large bed and breakfast/lodging	UP(m)/UP(M)	UP(m)/UP(M)	UP(m)/UP(M)	UP(m)/UP(M)	UP(m)/UP(M)	See Sec. 8-2.306(l)
Farm stay	SP/UP(m)	N	N	N	N	See Sec. 8-2.306(m)
Rural recreation	N	N	N	N	N	
Small ancillary commercial uses	N	N	SP	SP	SP	See Sec. 8-2.506(i)
Cottage food operation	A	A	A	A	A	See Sec. 8-2.506(k)
Churches, religious assembly	UP(M)	UP(M)	UP(M)	UP(M)	N	
Animal Keeping						
Small domestic animals (cats, dogs, birds)	A	A	A	A	A	See Sec. 8-2.506(j)
Large domestic animals (fowl, horses, swine, goats)	A	A	A	A	N	
Wild, exotic, dangerous animals	A	N	N	N	N	
Kennels/animal boarding	UP(m)	N	N	N	N	See definition in Sec. 8-2.307

* An "allowed use" does not require a land use permit, but is still subject to permit requirements of other Yolo County divisions such as Building, Environmental Health, and Public Works.

SECTION 4. APPLICABILITY

This ordinance shall not apply to ongoing operations and uses already in existence, or to pending applications that have been deemed complete for processing, as of July 1, 2017.

SECTION 5. SEVERABILITY

If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

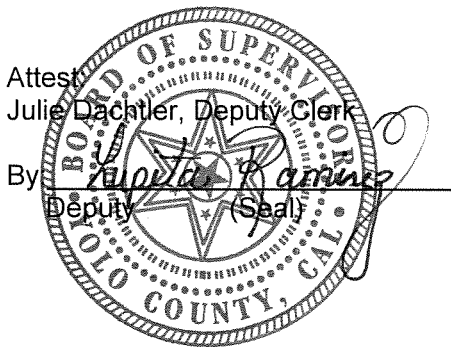
I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo and, after a noticed public hearing, said Board adopted this Ordinance on the 12th day of December, 2017, by the following vote:

AYES: Villegas, Saylor, Rexroad, Chamberlain.

NOES: Provenza.

ABSENT: None.

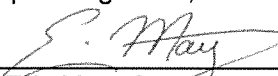
ABSTAIN: None.



Supervisor Duane Chamberlain, Chair
Yolo County Board of Supervisors

Approved As To Form:

Philip J. Pogledich, County Counsel

By: 
Eric May, Senior Deputy