

CAPAY VALLEY VISION

P r e s e r v i n g a s e n s e o f p l a c e

December 27, 2013

Mr. Davis Morrison
Deputy Director
Yolo County Planning and Public Works
292 West Beamer St.
Woodland, CA 95695

Dear David,

Thank you for your response to the work of our committee, and our comments on the Yolo County Proposed Zoning Update. We appreciate your thoughtful letter and further appreciate that some of the suggestions that came from our group have been incorporated into the document as it moves forward.

The Capay Valley Vision Agricultural Taskforce has met several times to consider your letter and to continue our discussions about a creating a zoning document that considers the unique needs of Rural Yolo County. Many of the participating task force attendees reflect small scale, limited resource, and start-up farms or established farm enterprises with an agritourism component, so we seek to consider their needs and their well being in a diversified Yolo County Farm Economy. We are also interested in real strategies that help to meet the stated goals of the Yolo County General Plan and Yolo County Tactical Plan, seeking rulemaking that creates the conditions for a more diversified agricultural economy by promoting activities broadly seen as 'Agritourism'. We believe that agritourism needs to be seen as a tool that farmers can use to enhance their production and to help keep farm enterprises viable.

Our considerations are shaped in part by a broader discussion about the role of government and the capacity of government to both manage and oversee all of the activities that might fall under these zoning designations. In most cases, an informed citizen will make good choices that diversify their enterprises. They assume the risk and liabilities associated with that diversification. They understand and agree that their farm-based diversification can serve to enhance farm income by allowing for new creative complementary activities to production; by enlivening rural places, bringing urban residents closer to rural realities for greater understanding of farm/rural life; and achieving goals of greater food access by creating more consumer oriented production closer to home.

We spent a great deal of time considering which activities could be performed by right and determined that “by informed right” was a more appropriate concept for transferring responsibility from county to a project originator. We feel low risk activities that have little impact on land, traffic, and neighbors are appropriate to fall in this category. We understand and agree, that as stated in your letter, 'a property owner's rights to pursue economic opportunity must be carefully weighed against the impacts to adjacent neighbors, the environment and available services.' We still feel that there are many activities covered in the Proposed Ordinance that do not need to go through a Site Plan review. A Site Plan review may trigger a costly and onerous process, becoming a project deterrent to many rural residents. When plans are brought forward to the County for review, the County is obligated to mandate full compliance with all codes. That can stop a project in its tracks. Many under-resourced projects simply would never be able to begin.

As we proposed in our original letter we would like to achieve “by informed right” though an information/certification process that outlines the general considerations for establishing a reasonable enterprise. Further, we do understand that this process may not be acceptable when there are conflicts with neighbors, or access problems. Many of the issues that arise with projects are location specific. Therefore we propose that low-risk activities that do not permanently change the use of the land may be best judged by the neighbors or by the pertinent General Plan Advisory committees. This could exist as a checklist that helps a project consider how it might be done correctly, the needs of neighbors, environmental concerns and capacity of the area to absorb the project without problems. This approach places responsibility more directly on the shoulders of a citizen to do things in a way that don't create problems with neighbors and where discussion starts among neighbors before a project commences. When there is a lack of agreement, it seems appropriate that the county has an important role to hear and deliver findings about the permitting of a proposed project.

We spent a great deal of time discussing event centers. Ultimately we concluded that the issue of scale, density, proximity to neighbors and access are important aspects to consider when regulating this activity. There are many areas in the Capay Valley and within the County that can have large, noise-generating events without neighbors being disturbed, or even being aware that they are happening. Many of these activities are both very low risk and very low impact. It is only when there is a complaint that the county need be compelled to act. For example, Capay Organics ‘Second Saturdays’, or farm dinners for 25 or 30 have an extremely low environmental impact and wouldn't warrant any county oversight. The liability is completely the responsibility with the farm event/dinner giver. The committee generally agrees that caution should be used when writing rules that may not have county staff to oversee them. Rather, more responsibility to do things well should be transferred to the landowner through information on how to do it right and vesting responsibility in the person doing the project. The outcomes of such an approach are much more desirable in the long run.

Another option could be a blanket certification for farms wishing to engage in events. The county could do an initial assessment to evaluate and certify factors like proximity to neighbors, egress and access, and/or size of property, and if that site could support events with no or very little community impact. The events would take place on farmland but not change the use of the land. Farming would remain the primary activity-- the events enhance the farming.

We agree that the focus should be centered on opening up the opportunities associated with ongoing farm activities. For example, small wineries that operate out of a farm building could be allowed by informed right. Small bed and breakfasts should be allowed by informed right; if the stay is not pleasant, the business will likely fail, risks are low and the farm stay operator is the one with liability exposure. Small nurseries with a small number of square feet of greenhouse space can be done by informed right and are a very compatible form of agricultural production. Farm produce stands should exist by informed right when the product originates on the farm--not needing a site plan review. It is far more like the European model of small enterprises that are associated with working farms. The impact is low and the enhancement high.

Perhaps like the cottage food bill, where environmental health has some minimal legislated mandate, scale is the threshold for requiring greater county scrutiny. In the cottage foods bill it is \$50,000 in sales. For small nurseries that grow it could be the number of square feet of altered space. At a small enough scale there is no oversight needed and a site plan should not be needed. Once a farm reaches a certain scale conversely affecting a greater population maybe then that they should undergo more rigorous county oversight. We are encouraging the county to act as a promoter and facilitator, and, when there is conflict, to act as the arbitrator and decision-maker.

Additionally, for projects that cannot escape the site plan or use-permit process we propose Yolo County follow the lead of other counties and implement an amnesty program. This will allow farmers to differ their payment for a few years, giving their new projects time to generate income.

We feel that unless the county relaxes some of their oversight of low risk on-farm activities, agritourism will be slow to take hold in the county.

Thank you for again considering our recommendations. We appreciate your willingness to work with us on these matters.

Sincerely,

Paul Muller
Chairman, Ag Task Force