



MAY 20, 2020

VIA EMAIL: RHICKEL@BUTTECOUNTY.NET

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Butte County, Department of Development Services
Planning Division
7 County Center Drive
Oroville, CA 95965

Governor's Office of Planning & Research

MAY 22 2020

STATE CLEARINGHOUSE

Dear Mr. Hickel:

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING, MINOR USE PERMIT MUP19-0006, SCH# 2020040302

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing, Minor Use Permit 19-0006 (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

Minor Use Permit to establish a special event facility to host wedding ceremonies and receptions, intimate gatherings, corporate functions and other similar events. The facility will host up to 30 events per year during the fall, spring and summer seasons, with up to 250 guests per event. Events will not exceed 12 hours per day, with no more than three (3) events to occur in one week. Events may use amplified music and sound, including live music, disc jockeys and microphones. Amplified sound is limited to the hours of 10 am to 9 pm, Sunday through Thursday, and 10 am to 10 pm, Friday and Saturday.

The outdoor event area is located in the rear yard adjacent to the residence and may include the installation of temporary tents and include amplified music and sound. Amplified music and sound used during events will have speakers oriented away from Cana Highway toward the orchard. No on-site food preparation is proposed at the facility. Food and drinks will be provided by off-site caterers or vendors brought to the facility. Two full-size permanent restrooms and one disabled-accessible restroom will be provided to the guests.

Currently, the project site parcel is in agricultural use and is identified by the Department of Conservation's Farmland Mapping and Monitoring Program¹ as: Prime, and Other Farmland. The subject parcel is also enrolled in a Williamson Act contract.

Department Comments

The Williamson Act enables local governments to enter into 10-year contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or compatible uses. California Government Code (GC) § 51230² enables local government to enter into Williamson Act contracts; in return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use (i.e. farming, grazing, and/or open space), as opposed to potential market value.

The Williamson Act instructs counties and cities on what constitutes a compatible use – that counties and cities are given latitude to determine other uses that can be deemed compatible within the intent of the Williamson Act; and that these uses must be associated with agricultural operations on the property. GC § 51238.1(c)(3)³ also states that a compatible use, "is consistent with the purposes of this chapter to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in Section 51205, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve".

The Division supports the activities of agricultural business ventures on land under a Williamson Act contract as long as the use supports and promotes the agricultural commodity being grown on the premises; and the number of attendees does not abuse the Williamson Act's leniency in allowing counties to determine the permanent or temporary human population of the agricultural area (GC § 51220.5⁴). This section was written to protect agricultural lands from uses that often hinder or impair agricultural operations and as such should be considered prior to project approval.

Any proposed use on the project site should be validated to ensure that it is unique enough to justify compatibility with the existing agricultural production, as opposed to being a use that could occur on non-contracted or urban lands. While the Department has typically found tasting rooms to be similar in nature to stands selling produce grown on-site, and therefore compatible; event centers and other facilities which increase the population of the area can have a more difficult time finding consistency with GC § 51220.5 and the Principles of Compatibility, GC § 51238.1.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

² Government Code §51230, Chapter 7, Article 2.5 Agricultural Preserves, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51230.&lawCode=GOV

³ Government Code §51238.1(c)(3), Chapter 7, Article 2.5 Agricultural Preserves, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51238.1&lawCode=GOV

⁴ Government Code §51220.5, Chapter 7, Article 2 Declaration, http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51220.5&lawCode=GOV

Conclusion

The Department recommends the following discussion prior to project approval:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Proposed cancellation of Williamson Act contract for any portion of the project site proposing any non-compatible use.

Thank you for giving us the opportunity to comment on the Notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing, Minor Use Permit 19-0006 Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916)324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor