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11 FARMLAND PROTECTION ALLIANCE

12 [ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF YOLO**

15 FARMLAND PROTECTION ALLIANCE,  
16 TULEYOME, YOLO COUNTY FARM  
17 BUREAU and DOES 1-10,

18 Petitioners and Plaintiffs,

19 v.

20 COUNTY OF YOLO, YOLO COUNTY  
21 BOARD OF SUPERVISORS and  
22 DOES 11-50,

23 Respondents and Defendants;

24 FIELD & POND, DAHVIE JAMES, PHILIP  
25 WATT, and DOES 51-500,

26 Real Parties in Interest.

**FILED**  
**YOLO SUPERIOR COURT**

**NOV 14 2016**

By **D. KRAUSE**  
Deputy

CASE NO.: **PT16-1894**

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

(Code Civ. Proc., §§ 1085, 1094.5;  
Cal. Environmental Quality Act ["CEQA"],  
Pub. Resources Code, §§ 21000 et seq.;  
Gov. Code, §§ 51230 et seq.; Williamson  
Act, Planning Code, Gov. Code, §§ 65000 et  
seq.; Yolo County Code, §§ 8-2.307, 8-  
2.217)

Dept.:  
Judge:

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Petitioners and Plaintiffs FARMLAND PROTECTION ALLIANCE, TULEYOME, and YOLO COUNTY FARM BUREAU (collectively, “Petitioners”) allege as follows:

### **INTRODUCTION**

1. This action challenges the October 11, 2016 actions of YOLO COUNTY and the YOLO COUNTY BOARD OF SUPERVISORS (“County” or “Respondents”) to: (1) adopt a mitigated negative declaration (“MND”) for the proposed operation of event center and bed and breakfast Field & Pond (“Project”); and (2) make other discretionary decisions resulting in approval of the Project.

2. The proposed Project is a bed and breakfast and large event center located in a remote area of Yolo County on an agriculturally zoned parcel of land surrounded by agricultural lands.

3. Respondents failed to proceed in the manner required by law, and thus prejudicially abused their discretion, in violation of the California Environmental Quality Act (“CEQA”), Public Resources Code sections 21000 et seq., and the CEQA Guidelines, Title 14, California Code of Regulations section 15000 et seq. CEQA requires the preparation of an environment impact report (“EIR”) where there is substantial evidence, in light of the whole record before the lead agency, that a project may have a significant effect on the environment. (Pub. Resources Code, § 21082.2, subd. (d).) Because substantial evidence in the record supports a fair argument that the Project may cause significant adverse effects on the environment, Respondents failed to proceed in the manner required by law by adopting the MND and approving the Project.

4. By approving the Project on the basis of the MND’s flawed and fragmented environmental analysis, Respondents made a decision without all of the information that they, responsible agencies, and the public needed to properly weigh the consequences of Project approval. Respondents should have prepared and approved an EIR, or at minimum recirculated an adequate mitigated negative declaration, prior to considering and approving the Project. These failures deprived the County, other agencies and the public of the opportunity to consider mitigation and alternatives that could have addressed the Project’s adverse impacts, including

1 but not limited to impacts to aesthetics, agriculture, biological resources, hazards and hazardous  
2 materials, hydrology and water quality, land use and planning, noise, public services,  
3 transportation/traffic, and utilities services.

4 5. Respondents also violated the provisions of the California Land Conservation Act  
5 of 1965 (popularly known as the “Williamson Act”)(Gov. Code, § 51200 *et seq.*), which  
6 imposes restrictions on land use in order to protect existing agricultural lands in exchange for  
7 tax exemptions. In approving the project, Respondents approved a use on Williamson Act-  
8 contracted land that conflicts with the principles of compatibility articulated by in Government  
9 Code section 51238.1.

10 6. Respondents also violated policies in the Yolo County General Plan in violation of  
11 Government code section 65000 *et seq.* (also known as the “Planning and Zoning Law”), and  
12 failed to support its erroneous finding that the Project conforms to the General Plan with  
13 substantial evidence.

14 7. Respondents violated the Yolo County zoning code in approving a Project that is  
15 inconsistent with the general welfare, and approving a Bed & Breakfast (“B&B”) that does not  
16 meet the code’s definition of that business.

## 17 **PARTIES**

18 8. Farmland Protection Alliance (“Alliance”) is a non-profit public-interest  
19 unincorporated association of farmers and concerned residents formed in August 2016 prior to  
20 approval of the Project. The Alliance’s goal is to ensure the long term viability of agriculture in  
21 Yolo County and governmental compliance with CEQA and other laws of the State designed to  
22 protect the public and environment

23 9. The Alliance is composed of persons whose interests will be severely injured if the  
24 adoption of the Project is not set aside pending full compliance with CEQA and other State  
25 laws. Alliance members include community residents and citizens concerned that the Project’s  
26 unanalyzed impacts will adversely affect the agricultural character of the area surrounding the  
27 Project. As a group that includes residents near the Project, Alliance members are within the  
28 class of persons beneficially interested in and aggrieved by the acts of Respondents, as alleged

1 herein. The Alliance and its members have a direct and substantial beneficial interest in  
2 ensuring that Respondents comply with the laws relating to environmental protection,  
3 particularly CEQA, and the Alliance is affected by Respondents' failure to prepare adequate  
4 environmental review of the Project. The Alliance brings this petition on behalf of all others  
5 similarly situated that are too numerous to be named and brought before this Court as  
6 petitioners.

7 10. Petitioner Tuleyome, a 501(C)(3) non-profit public benefit and educational  
8 corporation, was founded in 2002 as a volunteer advocacy-oriented nonprofit organization to  
9 protect the wild and agricultural heritages of the Inner Coastal Range and the Western  
10 Sacramento Valley for current and future generations. These areas include Yolo, Solano, Lake,  
11 Napa, Glenn, Tehama, Colusa, and Mendocino counties in northwestern California. Tuleyome  
12 and its members have a direct and substantial beneficial interest in ensuring that Respondents  
13 comply with laws relating to environmental protection. Tuleyome and its members are  
14 adversely affected by Respondents' failure to comply with CEQA and the State Planning and  
15 Zoning laws, among other laws, in approving the Project.

16 11. Petitioner Yolo County Farm Bureau ("YCFB") is a non-governmental, non-  
17 profit, voluntary membership California corporation whose purpose is to work for the protection  
18 of agriculture and the rural environment in Yolo County. YCFB supports responsible farming  
19 and respects the health and welfare of those in Yolo County. Its membership consists of more  
20 than 1,300 farmers and ranchers who live, farm and ranch throughout Yolo County, as well as  
21 non-farmers who support the preservation of viable agriculture and the quality of life in the  
22 county and its rural communities. The proposed Project, which is the subject of this action, will  
23 result in severe adverse environmental and economic impacts on YCFB members' operations  
24 and properties. Members rely on and authorize YCFB to represent their rights under Public  
25 Resources Code section 21167, subdivision (a) and Government Code section 65009,  
26 subdivision (b)(2), with the aim of enforcing the provisions of CEQA, the Planning and Zoning  
27 Law and the Williamson Act.

1           12.       Petitioners are unaware of the true names and capacities of Petitioners and  
2 Plaintiffs fictitiously named herein as Does 1 through 10, inclusive. Petitioners are informed  
3 and believe, and thereon allege, that such fictitiously named Petitioners and Plaintiffs are  
4 beneficially interested in Respondents' compliance with its mandatory duties under CEQA and  
5 State law before approving the Project, and that such Petitioners and Plaintiffs adequately  
6 participated in the County's administrative review process for the Project to have standing to be  
7 joined as Petitioners and Plaintiffs in this proceeding. Petitioners will amend this Petition, with  
8 leave of the court if necessary, to allege the fictitiously named Petitioners' and Plaintiffs' true  
9 names and capacities when ascertained. Therefore, YCFB has exhausted administrative  
10 remedies consistent with the requirements of Public Resources Code section 21177, subdivision  
11 (c).

12           13.       Respondent Yolo County ("County") is a political subdivision of the State of  
13 California and a body corporate and politic exercising local government power. The County is  
14 the CEQA "lead agency" for the Project. As lead agency for the Project, the County is  
15 responsible for preparation of an environmental document that describes the Project and its  
16 impacts, and, if necessary evaluates mitigation measures and/or alternatives to lessen or avoid  
17 any significant environmental impacts.

18           14.       Respondent Yolo County Board of Supervisors are responsible for regulating and  
19 controlling land use within the County including, but not limited to, implementing and  
20 complying with the provisions of CEQA and the CEQA Guidelines, California Code of  
21 Regulations, title 14, section 15000 et seq. (the "Guidelines").

22           15.       Petitioners are unaware of the true names and capacities of Respondents  
23 fictitiously named Does 11 through 500, and sues such respondents by fictitious names.  
24 Petitioners are informed and believe, and on the basis of such information and belief, allege the  
25 fictitiously named respondents are also responsible for the actions described in this Petition.  
26 When the true identities and capacities of these respondents have been determined, Petitioners  
27 will amend this petition, with leave of the court if necessary, to insert such identities and  
28 capacities.

16. The following entities are named as Real Parties in Interest pursuant to Section 21167.6.5, subdivision (a) of the Public Resources Code.

17. Real Party in Interest Field & Pond is the business name of the proposed Project's event space and B&B.

18. Real Party in Interest Dahvie James is a Project applicant as listed in the Notice of Determination (“NOD”) filed by Respondents. The NOD lists James’ current address as San Francisco.

19. Real Party in Interest Philip Watt is a Project applicant as listed in the NOD filed by Respondents. Watt has a veterinary practice in San Francisco and the NOD lists his current address as San Francisco.

20. Petitioners are unaware of the true capacities of Real Parties in Interest Does 51 through 100, and sues such real parties in interest by fictitious names. Petitioners are informed and believe, and based on such information and belief, allege that the fictitiously named real parties in interest are directly and materially affected by the actions described in this Petition and Complaint. When the true identities and capacities of these real parties in interest have been determined, Petitioners will amend this Petition, with leave of the court if necessary, to insert such identities and capacities.

## JURISDICTION AND VENUE

21. Petitioners hereby reallege and incorporate the allegations contained in all previous paragraphs of this Petition, as if fully set forth herein.

22. This Court has jurisdiction over the matters alleged in this Petition pursuant to Code of Civil Procedure sections 526, 527, 1085, and 1087 and Public Resources Code section 21168.5.

23. Venue for this action properly lies in the Superior Court for the State of California in and for the County of Yolo pursuant to section 394 of the Code of Civil Procedure. The Respondents are located within the County of Yolo and the Project will exist within the County of Yolo.

1 **FACTUAL ALLEGATIONS**

2 24. Petitioners hereby reallege and incorporate the allegations contained in all  
3 previous paragraphs of this Petition, as if fully set forth herein.

4 25. The paragraphs below refer to and rely on information in documents relating to  
5 this action, all of which will be filed with this Court as part of the record of proceedings and are  
6 herein incorporated by reference.

7 **Agriculture in Yolo County**

8 26. Yolo County has embraced carrying its agricultural heritage into the future,  
9 revising its Code in 2014 to state that land with an agricultural zoning designation “shall be to  
10 provide for land uses that support and enhance agriculture as the predominant land use” and  
11 requiring that the uses be compatible with agriculture. (Yolo County Code, § 8-2.301.)

12 27. This emphasis on protecting agriculture is also reflected in Yolo County’s General  
13 Plan policies, which favor “protect[ing] and enhanc[ing] the County’s key agricultural sectors,  
14 which includes retaining existing growers” (Yolo County General Plan Policy AG-1.1) and  
15 “encourag[ing] businesses that promote, provide services, and support farming” (Yolo County  
16 General Plan Policy ED-1.3).

17 28. Yolo County has also adopted “Flourishing Agriculture” as one of six goals of its  
18 2016-2019 Strategic Plan, with concentration on supporting agriculture’s economic viability and  
19 ensuring agricultural land availability.

20 **The Project**

21 29. The proposed Project is a proposed large bed and B&B and large special events  
22 facility, known as Field & Pond, on property zoned as “agricultural extensive” under the County  
23 Code.

24 30. The Project site is located approximately five miles northwest of the City of  
25 Winters on the northern portion of an 80-acre parcel in a remote area, with the closest major  
26 roadway, CR 89, located approximately 3 miles to the east. The Project is accessed off County  
27 Road (“CR”) 29 near its terminus, towards the western foothills in the unincorporated area of the  
28 county.



1           31.     The Project began operations in 2015, prior to commencement of CEQA review.  
2     Though County staff requested that Real Parties not conduct operations until the County  
3     completed CEQA review of the Project, Real Parties continued operating without a permit up to  
4     the date of Project approval, claiming that that they were entitled to hold up to 8 events per year  
5     by right. On December 4, 2015, the County notified Field & Pond that event operations should  
6     cease and desist due to violations of County Code. The by right status of an event center at the  
7     Project site remains in dispute.

8           32.     The proposed Project includes several residences, which Real Parties intend to  
9     rent out as B&B rooms, as well as up to four yet to be constructed cottages to be used for the  
10    same purpose.

11          33.     The proposed Project includes a 45,000 square foot parking lot between the pond  
12    and CR 29 that the MND states will provide parking for 75 cars.

13          34.     There is a 2-acre pond on the Project site, which has been confirmed as habitat  
14    for a Tricolor Blackbird population, a species currently under review for permanent listing  
15    under the Federal and California Endangered Species Acts. (16 U.S.C., §§ 1531 et. seq; Fish  
16    & G. Code, §§ 2050 et seq.)

17          35.     The Project site has also been identified as potential habitat for the Valley  
18    Elderberry Longhorn Beetle (“VELB”), Swainson’s hawk, and the Western pond turtle.

19          36.     Chickahominy Slough bisects the property, separating the 11-acre Project site  
20    from the remaining southern 68 acres of the parcel, over which the Wildlife Heritage  
21    Foundation holds a conservation easement severely restricting uses for the benefit of the  
22    environment. (See Site Figures, attached as Exhibit A.)

23          37.     The entire Project parcel is under a Williamson Act contract. The owners non-  
24    renewed the contract in August 2015. Thus, if the Williamson Act contract is not cancelled, as  
25    was required by law given the incompatible uses included in the proposed Project, the land  
26    would remain under contract until 2024.

38. All of the properties adjacent to the Project are also under Williamson Act contracts. These lands are in agricultural use, and include a walnut orchard directly across CR 29, as well as tomato and other row crop fields, and other agricultural uses.

39. The tomato growing season on lands surrounding the Project, including planting through harvest, generally runs from March to October. The timing of the tomato harvest is unpredictable, and can change with as little as an hour's notice, based on the direction of the buyer as well as weather conditions. In addition, when harvest is occurring, it occurs 24 hours a day, with up to 150 truckloads of harvested tomatoes leaving the Project-adjacent parcel per day.

40. Rural CR 29 is also used for hauling cattle and agricultural products throughout the year, including large farming/ranching implements, to and from various farm and ranch lands in the vicinity of the Project.

#### **Environmental Review for Project**

41. The County commenced preparation of an MND and published a Notice of Intent ("NOI") to Adopt a Mitigated Negative Declaration ("MND") on March 8, 2016.

42. During this comment period, the California Department of Conservation provided a public comment on the Project stating its concerns that the Project was incompatible with the Project site's Williamson Act contract, and recommended that the Project be postponed until after the contract ended, or cancellation of the contract.

43. Following the first comment period, rather than completing an EIR or beginning the cancellation process for the Williamson Act contract on the site, the County revised and recirculated the MND on June 28, 2016. Revisions included deleting plans to add an agricultural component to the Project.

44. The revised MND evaluated an event center that would hold 35 events per year during the first year of operation, with the option to apply for more events in subsequent years.

#### **Project Approval**

45. On August 11, 2016, the Yolo County Planning Commission held a regular meeting and took public comment for several hours to consider: (i) adopting the MND, and (ii)

1 approving the Project. At this meeting, Petitioners explained that the MND fails to adequately  
2 describe the Project; utilizes an improper baseline; fails to adequately consider impacts to  
3 agriculture, biological resources, hydrology, land use, and transportation, among other errors.

4 46. At the August 11, 2016 meeting, the Planning Commission voted to reject the  
5 MND and deny the Project's application for a conditional use permit ("CUP"), based on the  
6 Project's incompatibility with the agricultural activities on surrounding lands, the traffic  
7 hazards it would create, resulting in harm to the general welfare, and other concerns.

8 47. On August 24, 2016, Real Parties appealed the Planning Commission's  
9 determination.

10 48. On September 13, 2016, Respondents heard Real Parties' appeal. After a four-  
11 hour public hearing, Respondents voted 4-1 to adopt the MND and approve the Project,  
12 including holding up to 20 events per year.

13 49. On October 4, 2016, Director Taro Echiburu of the County's Department of  
14 Community Services disclosed that Respondents had not considered the current draft of the  
15 MND at the September hearing, and that an additional hearing was therefore necessary.

16 50. On October 11, 2016, Respondents held a second hearing on the Project and  
17 MND. After several hours of public comments, Respondents again voted to adopt the MND  
18 and approve the Project, this time by a margin of 3-2.

19 51. At both the September 13 and October 11, 2016 Board of Supervisor meetings,  
20 inclusion of a condition of Project approval that would require the Project be reviewed for  
21 compliance with permit terms after one year of operation was discussed. On both occasions  
22 Real Parties refused to acquiesce to Respondents' review of the Project's compliance with the  
23 conditions of approval. Following this refusal, Respondents declined to include this condition  
24 in the Project's approval.

### 25 **STANDING**

26 52. Petitioners hereby reallege and incorporate the allegations contained in all  
27 previous paragraphs of this Petition, as if fully set forth herein.  
28

53. Respondents have mandatory duties to comply with CEQA (Pub. Resources Code, §§ 21000-21098, 21155-21156, 21158-21666, 21167.1-21189.3) and other laws alleged herein before approving the Project.

54. Petitioners are beneficially interested in the Respondents' full compliance with CEQA and other laws alleged herein before the County's approval of the Project. Petitioners participated in the administrative process by submitting both written comments and participating in Project approval hearings.

55. Alliance members have a substantial interest in ensuring the Project's impacts are fully mitigated. Unless the relief requested herein is granted, Petitioners' environmental, agricultural, commercial and community interests will be adversely affected and injured by Respondents' failure to comply with CEQA in approving the Project and adopting the MND. Among other reasons, the Project will adversely affect road conditions before, during, and after events, and will conflict with existing agricultural operations on Williamson Act contracted lands. Petitioners, therefore, have a direct interest in ensuring that the Respondents fulfill their duties to comply with CEQA and other laws alleged herein. In addition, Petitioners actively participated in the administrative processes conducted by Respondents to determine the Project's environmental and other impacts, and despite which Respondents decided to adopt the MND and approve the Project.

56. Tuleyome's purpose is practicing and encouraging advocacy and active stewardship with diverse communities to conserve, enhance, restore, and enjoy the lands in the region. Tuleyome's environmental and community interests would be adversely affected and injured by Respondents' failure to comply with CEQA and other laws alleged herein in approving the Project and adopting the MND. Among other reasons, the Project will adversely affect species and their habitat in the Project area.

57. YCBF's purpose is to protect and promote agricultural interests in Yolo County and to find solutions to problems of the farm, the farm home, and the rural community. YCBF's agricultural and community interests would be adversely affected and injured by Respondents' failure to comply with CEQA in approving the Project and adopting the MND. Among other

1 reasons, the Project will hinder existing agricultural operations in Yolo County. YCBF  
2 participated in the administrative process by submitting both written comments and participating  
3 in Project approval hearings

4 58. Petitioners have no other plain, speedy, and adequate remedy in the ordinary  
5 course of law, and Petitioners will suffer irreparable injury unless this Court issues the relief  
6 requested in this Petition.

7 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

8 59. Petitioners hereby reallege and incorporate the allegations contained in all  
9 previous paragraphs of this Petition, as if fully set forth herein.

10 60. Petitioners have performed any and all conditions precedent to the filing of this  
11 Petition, and have participated in all phases of the administrative and environmental review  
12 process, and thus have fully exhausted their administrative remedies. (Pub. Resources Code, §  
13 21177, subd. (a).)

14 61. The grounds for noncompliance with CEQA alleged in this Petition were  
15 presented to the County orally and in writing prior to the close of the County's public hearing on  
16 the Project.

17 62. Petitioners have exhausted their administrative remedies.

18 63. Alliance members and their representatives, participated in the administrative  
19 review and approval processes for the Project, commented on the Project, and objected to the  
20 County's approval of Project, including at proceedings before the Planning Commission and  
21 Board of Supervisors. Therefore, the Alliance has exhausted administrative remedies consistent  
22 with the requirements of Public Resources Code section 21177, subdivision (c).

23 64. Tuleyome submitted written comments and also presented oral comments on the  
24 MND before the Planning Commission and Board of Supervisors that focused on Project  
25 impacts to sensitive species and biological resources. Therefore, Tuleyome has exhausted  
26 administrative remedies consistent with the requirements of Public Resources Code section  
27 21177, subdivision (c).  
28

1           65.     YCFB was an active and good-faith participant in the public proceedings  
2 surrounding approval of the Project. YCFB provided written comments opposing the Project,  
3 and detailed its environmental concerns in regard to the same. Additionally, some of YCFB's  
4 individual members participated in the process by providing written and/or oral comments to the  
5 Planning Commission and Board of Supervisors.

6           66.     Respondents have taken final agency actions with respect to adopting the MND  
7 and approving the Project. Respondents have a mandatory duty to comply with all applicable  
8 state and federal laws including, but not limited to, CEQA prior to undertaking the discretionary  
9 approvals at issue in this lawsuit. Petitioners possess no effective remedy to challenge the  
10 approvals at issue in this action other than by means of this lawsuit.

#### 11                               **STATUTE OF LIMITATIONS**

12           67.     Respondents approved the Project on October 11, 2016 and filed an NOD for the  
13 Project on or about October 12, 2016.

14           68.     This action was brought within 30 days of the filing and posting of the NOD as  
15 required by Public Resources Code section 21167, subdivision (b), and case law (see *Citizens*  
16 *of Lake Murray Association v. City of San Diego City Council* (1982) 129 Cal.App.3d 436,  
17 440-441 [the act of posting an NOD commences the 30-day limitations period for the filing of  
18 litigation].)

#### 19                               **NOTICE OF CEQA SUIT**

20           69.     Petitioners hereby reallege and incorporate the allegations contained in all  
21 previous paragraphs of this Petition, as if fully set forth herein

22           70.     On November 14, 2016, Petitioners' counsel faxed and sent via overnight delivery  
23 a letter to Yolo County giving notice of Petitioners' intent to file this action. A copy of that  
24 notice is attached hereto as Exhibit B. Through that letter, Petitioners complied with Public  
25 Resources Code section 21167.5.

26           71.     In accordance with Public Resources Code section 21167.7, a copy of this  
27 pleading shall be provided to the Attorney General.  
28

1                                   **PRIVATE ATTORNEY GENERAL DOCTRINE**

2           72.     Petitioners hereby reallege and incorporate the allegations contained in all  
3 previous paragraphs of this Petition, as if fully set forth herein.

4           73.     Petitioners bring this action as a private attorney general pursuant to Code of Civil  
5 Procedure section 1021.5, and any other applicable legal theory, to enforce important rights  
6 affecting the public interest.

7           74.     Issuance of the relief requested in this Petition will confer a significant benefit on  
8 the general public by requiring the Respondents to carry out their duties under CEQA before  
9 approving the Project.

10          75.     Issuance of the relief requested in this Petition will also result in the enforcement  
11 of important rights affecting the public interest by compelling the Respondents to engage in a  
12 fair, objective, and legally adequate analysis of the Project's environmental impacts, and to  
13 ensure that the public has a meaningful opportunity to review and comment on these impacts  
14 and mitigation measures for that Project.

15          76.     The necessity and financial burden of enforcement are such as to make an award  
16 of attorneys' fees appropriate in this case. Absent enforcement by Petitioners, Respondents will  
17 proceed with a project that will cause significant, unmitigated environmental impacts that might  
18 otherwise have been reduced or avoided through legally adequate environmental review and the  
19 adoption of feasible mitigation measures. Absent enforcement by Petitioners, Respondents will  
20 improperly benefit from having taken action on the Project without the kind of meaningful  
21 public participation and procedural legitimacy that only an EIR process can provide.

22          77.     Pursuant to Public Resources Code section 21167.7, Petitioners have served a  
23 copy of this Petition on the Attorney General's office to give notice that Petitioners brought this  
24 lawsuit as a private attorney general under Code of Civil Procedure section 1021.5. (See Exhibit  
25 C, attached hereto.)

26                                   **REQUEST TO PREPARE ADMINISTRATIVE RECORD**

27          78.     Petitioners hereby reallege and incorporate the allegations contained in all  
28 previous paragraphs of this Petition, as if fully set forth herein.

1           79. Pursuant to Public Resources Code, section 21167.6, subdivision (b)(2),  
2 Petitioners elect to prepare the administrative record in this action.

3                                   **FIRST CAUSE OF ACTION**

4                                   **Violation of CEQA**

5                                   **(Pub. Resources Code, §§ 21000 et seq.)**

6           80. Petitioners hereby reallege and incorporate the allegations contained in all  
7 previous paragraphs of this Petition, as if fully set forth herein.

8           81. Under CEQA, a project may be approved based on an MND, rather than an EIR,  
9 only if the initial study for the project that is circulated for public review and comment  
10 indicates that all of the project's identified, potentially significant adverse effects have clearly  
11 been mitigated to less than significant levels, and if no substantial evidence emerges through  
12 the public review process that a project may have a significant effect.

13          82. Respondents prejudicially abused their discretion in approving the Project  
14 because substantial evidence in the administrative record supports a fair argument that  
15 Respondents' approval of the Project may result in one or more significant effects on the  
16 environment. The substantial evidence before Respondents demonstrates, at a minimum, that  
17 Respondents failed to adequately disclose, evaluate, or mitigate the Project's impacts on  
18 aesthetics, agriculture, biological resources, hazards and hazardous materials, hydrology and  
19 water quality, land use and planning, noise, public services, transportation/traffic, and utilities  
20 services.

21          83. The MND analysis of aesthetic resources is fatally flawed and fails as an  
22 informational document. The MND's deficiencies include, but are not limited to:

- 23               a. The Project would introduce new sources of lighting to the Project area  
24                       during night-time operations and/or lighting associated with vehicle traffic  
25                       headlights.

26          84. The MND analysis and mitigation of agricultural impacts is inadequate. The  
27 MNDS's deficiencies include, but are not limited to:



- 1 a. The Project conflicts and interferes with agricultural uses adjacent to the  
2 property and surrounding Williamson Act lands. For instance, the Project  
3 is within 300 feet of the closest actively farmed parcel of land, and the  
4 approximately 11-acre site is not large enough for the necessary buffers to  
5 be placed on it, instead of neighboring farmlands. Local spray permits  
6 require a buffer of 300 to 500 feet, meaning that the adjacent walnut  
7 orchard would be restricted from applying necessary sprays on a portion  
8 of the orchard in order to provide the protective buffer. (See Buffer  
9 Figures, attached as Exhibit D.
- 10 b. Operation of the Project would conflict with the transport of agricultural  
11 products on CR 29 due to the condition of the road, thereby interfering  
12 with agricultural operations.
- 13 c. The mitigation measures in the MMRP alleged by Respondents to  
14 mitigate significant agricultural impacts, such as limiting the number of  
15 events to 20, are both unenforceable and inadequate.

16 85. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects  
17 on biological resources. Deficiencies include, but are not limited to:

- 18 a. The MND claims that MM BIO-1 will mitigate potentially significant  
19 impacts to the VELB by requiring a 100-foot setback of construction from  
20 any shrubs containing the VELB. This measure is illusory, however,  
21 because it allows the Real Party to avoid this measure if it "is not  
22 possible" without explaining when this would not be possible. Thus, this  
23 mitigation measure is insufficient.
- 24 b. MM BIO-3 is insufficient to mitigate impacts to the tricolored blackbird.  
25 The pond is a known tricolor blackbird habitat and possible nesting area.  
26 The MMRP imposes a 100-foot buffer zone around portions of the pond  
27 during events without evidence that this will be adequate to mitigate  
28 impacts to the species. MM-BIO 3 also requires a 500 foot setback if it is

determined that breeding occurs at the pond. There is not enough space on the Project site, however, to provide these buffer zones. (See Buffer Figure, attached as Exhibit D.) MM-BIO 3(d) also contends, without support or explanation, that reducing the number of events will mitigate impacts on the tricolored blackbird.

- c. The MND claims without substantiation that mitigation measures designed to protect the VELB and Tricolor Blackbird will reduce impacts to the Western pond turtle to less than significant.

86. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects on hazards and hazardous materials. Deficiencies include, but are not limited to:

- a. The MND concludes without adequate substantiation that the Project would have less than significant impacts with respect to exposing people or structures to harm involving wildland fires.
- b. The conditions of approval do not constitute sufficient mitigation to reduce risk from wildland fires to less-than-significant levels.
- c. The MND fails to analyze or mitigate potentially significant impacts due to agricultural spray. Existing structures on the site where event attendees would congregate are within the County recommended spray buffer. (See Exhibit D.) This could result in a health hazard and the proposed mitigation measures are insufficient to reduce this risk.

87. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects on hydrology and water quality. Deficiencies include, but are not limited to:

- a. The MND determines that there will be less than significant impacts to hydrology and water quality based on an inaccurate and insufficiently supported estimate of the Project's water usage.
- b. The MND indicates that the applicants intend to increase the number of events per year in the future, as well as increase the number of rooms

1 rented by the B&B. The MND fails to analyze how these anticipated  
2 changes would affect the Project's water demands.

3 88. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects  
4 on land use and planning. Deficiencies include, but are not limited to:

- 5 a. The MND does not address the Project's conflict with existing Yolo  
6 County Zoning Code. The Project is ineligible to receive a use permit to  
7 hold events as an "agri-tourism" site. The Project has no agricultural  
8 component, and because of lack of access to the southern portion of the  
9 property, the Project will not be able to expand its agricultural operations.

10 89. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects  
11 on noise. Deficiencies include, but are not limited to:

- 12 a. The MND concludes, without providing any evidence other than the  
13 applicants' statement, that amplified music would not exceed 75 dB at the  
14 property lines. (*Cf.* Pub. Resources Code, § 20182.1, subd. (c)(1).)  
15 b. The MND ignores potentially significant impacts to wildlife due to noise  
16 and provides no explanation of why 75 dB would not cause impacts to  
17 these animals.

18 90. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects  
19 on public services. Deficiencies include, but are not limited to:

- 20 a. The MND fails to analyze or mitigate the Project's impacts on the need  
21 for police protection and law enforcement response. The Project will  
22 bring substantially more visitors to the area, including many who will be  
23 drinking alcohol. This brings the potential for increased crime in the area,  
24 including trespassing.

25 91. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects  
26 on transportation/traffic. Deficiencies include, but are not limited to:

- 27 a. The MND fails to analyze impacts due to road hazards. CR 29, the main  
28 road serving the Project includes dangerous segments. The road is also

regularly used by large trucks and agricultural equipment. The Project will bring unfamiliar drivers into these dangerous driving conditions.

- b. The MND failed to include a traffic study to accurately measure existing traffic conditions and compare to Project-created conditions.
- c. MM-AG-2 is insufficient to mitigate traffic impacts to less than significant levels. MM-AG-2 allows 100 additional vehicle round-trips for each of 20 events.
- d. The MND relies upon requiring the use of vans or shuttles for events with more than 150 attendees to determine that transportation impacts will be less than significant. This measure is likely unenforceable and ineffective, and does not ensure that Project visitors are prevented from driving their own cars to the Project site.
- e. The MND fails to identify any objective methodology for determining that traffic impacts can be reduced to less than significant with mitigation incorporated.
- f. The MND impermissibly defers mitigating impacts to emergency access. MM-TR-1 requires an emergency access and circulation plan to be drafted at a later date. M-TR-2 fails to explain how this plan will ensure emergency access along CR 29, making it impossible to know whether the measures proposed by the plan will be feasible.

92. The MND failed to adequately disclose, evaluate, or mitigate the Project's effects on utilities and service systems. Deficiencies include, but are not limited to:

- a. The MND declines to analyze the necessary increase in capacity of the Project site's septic system. There is inadequate space to expand the septic capacity on the site, given the applicable buffers. (See Buffer Figures, Exhibit D.) Expanded septic, however, is an essential Project component that must be disclosed in the MND.

1           93.    The MND failed to adequately disclose, evaluate, or mitigate the Project's  
2 cumulative impacts. Deficiencies include, but are not limited to:

- 3           a.    The MND fails to identify the geographic scope for each cumulative  
4 impacts analysis, which varies according to research area of consideration.  
5           The MND fails to disclose this information.
- 6           b.    The MND fails to follow either the "list of projects" or "summary of  
7 projects" approach. (CEQA Guidelines, § 15130, subd. (b).) The MND  
8 fails to disclose past, present and probable future projects and their related  
9 impacts.
- 10          c.    The cumulative impacts analysis fails to discuss the implications of the  
11 applicants' plans to increase the number of events in the future, and  
12 expand the B&B use. These impacts must either be discussed in the  
13 MND, or in the context of reasonably foreseeable cumulative impacts.

14          94.    Respondents further abused their discretion by providing an inaccurate,  
15 incomplete, and misleading description of the proposed Project. The Project description in the  
16 MND failed to describe all proposed elements of the Project, including future construction  
17 projects. For instance, the MND states that it will include a program providing mentorship in  
18 agriculture to urban youth. The Project description offers no further information on the  
19 frequency or duration of the program, its size, transportation requirements, or how the Project  
20 applicant will ensure safety of participants. As a result of these and other deficiencies in the  
21 project description, Respondents failed to ensure the whole of the project was analyzed as  
22 required by CEQA and the MND's analysis of the Project's potential impacts is inadequate,  
23 violating CEQA and causing the MND to fail as an informational document.

24          95.    An EIR must provide a sufficient description of the existing physical  
25 environment that may be affected by the Project, so that the Project's impacts may be  
26 measured against the background or baseline of the existing environment. (CEQA Guidelines,  
27 § 15125, subd. (a).) The MND does not describe the baseline existing conditions at all for any  
28 of the following resources: Agriculture and Forest Resources, Air Quality, Biological

Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Public Services, and Utilities and Services System. The failure to address the existing environment in the Project's immediate vicinity causes the MND to fail as an informational document.

96. In addition, the MND is unclear about how activities occurring prior to permit issuance are accounted for in the baseline. Pre-permit operations appear to be considered part of the baseline for some resources; CEQA does not allow activities that were the subject of environmental review to be considered baseline conditions.

97. The MND improperly segments environmental review of the Project. Project applicants intend to increase the number of annual events beyond 35, and to add structures, like a lap pool and cabana, on the Project site. Because these are reasonably foreseeable impacts of the Project, the MND must provide environmental review of these features as well, and may not defer this analysis to subsequent CEQA review.

98. Respondents violated CEQA by failing to prepare an EIR for the Project despite the existence of substantial evidence in the record of proceedings supporting a fair argument that the Project will cause potentially significant impacts to aesthetic resources, agriculture, biological resources, hazards and hazardous materials, hydrology and water quality, land use, transportation, and utilities services. At minimum, Respondents had a duty to recirculate an adequate MND before considering whether to approve the Project. As a result, the MND is inadequate, violating CEQA and causing the MND to fail as an informational document.

99. As a result of the foregoing defects, Respondents failed to adopt legally adequate mitigation for the project and approved the project with unmitigated impacts. Respondents prejudicially abused their discretion by adopting an MND that does not comply with the requirements of CEQA, and failing to prepare an EIR for the Project.

100. Respondents' decision to approve the Project is invalid and an abuse of discretion because Respondent's findings are not supported by evidence, its decisions is not supported by the findings, and it has not proceeded in the manner required by law as required by Public Resources Code section 21081.

101. As a result of the foregoing defects, Respondents' approval of the Project is contrary to law and invalid and must be set aside.

## **SECOND CAUSE OF ACTION**

### **Inconsistency with General Plan**

**(Gov. Code, §§ 65000 et seq.)**

102. Petitioners hereby reallege and incorporate the allegations contained in all previous paragraphs of this Petition, as if fully set forth herein.

103. All projects must be consistent with a county's General Plan under the Planning and Zoning Law. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) Also, specific findings must be made to demonstrate conformity with the General Plan. (*Families Unafraid to Uphold Rural El Dorado County v. County of El Dorado* (1998) 62 Cal.App.4th 1332, 1342.)

104. The Project is inconsistent with General Plan policies in the Conservation and Open Space Element. The inconsistencies include, but are not limited to, the following:

- a. Policy CO-2.1 which requires the County to consider and maintain the ecological function of landscapes, connecting features, watersheds, and wildlife movement corridors.
- b. Policy CO-2.3 which provides for the preservation and enhancement of those biological communities that contribute to the county's rich biodiversity including blue oak and mixed oak woodlands, native grassland prairies, wetlands, riparian areas, aquatic habitat, agricultural lands, heritage valley oak trees, remnant valley oak groves, and roadside tree rows.
- c. Policy CO-2.9 which provides for the protection of riparian areas to maintain and balance wildlife values.
- d. Policy CO-2.22 which prohibits development within a minimum of 100 feet from the top of banks for all lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams.

- 1 e. Policy CO-2.30 which protects and enhances streams, channels, seasonal and  
2 permanent marshland, wetlands, sloughs, riparian habitat and vernal pools in land  
3 planning and community design.
- 4 f. Policy CO-2.36 which provides that habitat preservation as a part of any  
5 mitigation requirements shall be preserved in perpetuity through deed restrictions,  
6 conservation easement restrictions, or other method to ensure that the habitat  
7 remains protected.
- 8 g. Policy CO-2.38 requiring that a project avoid adverse impacts to wildlife  
9 movement corridors and nursery sites (e.g., nest sites, dens, spawning areas,  
10 breeding ponds). Preserve the functional value of movement corridors to ensure  
11 that essential habitat areas do not become isolated from one another due to the  
12 placement of either temporary or permanent barriers within the corridors.  
13 Encourage avoidance of nursery sites (e.g., nest sites, dens, spawning areas,  
14 breeding ponds) during periods when the sites are actively used and that nursery  
15 sites which are used repeatedly over time are preserved to the greatest feasible  
16 extent or fully mitigated if they cannot be avoided.

17 105. The MND fails to identify impacts for conservation resources resulting from the  
18 Project and fails to adequately discuss the Project's consistency with the policies set forth in the  
19 Conservation and Open Space Element.

20 106. The Project is also inconsistent with the Habitat Conservation Plan/Natural  
21 Community Conservation Plan (HCP/NCCP). Policy CO-2-4 provides for the County to  
22 coordinate with the Yolo HCP/NCCP to sustain or recover special-status species by preserving  
23 and enhancing their habitats. (See also Policy CO-2.43 [incorporates the HCP/NCCP as  
24 implementation for General Plan Conservation Element policies].)

25 107. The HCP/NCCP identifies the Chickahominy Slough, which bisects the property  
26 separating the 11 acres where the house is located from the southern 68 acres of the parcel, as  
27 an important riparian habitat connectivity linkage. (See Site Figures, attached as Exhibit A.)  
28 The MND, however, fails to identify and discuss the Project's inconsistency with the



1 Conservation and Open Space Policies that provide for protecting and preserving wildlife  
2 movement corridors, more specifically Chickahominy Slough. (See, e.g. Policy CO-2.1.)

3 108. Additionally, the Project conflicts with Health and Safety Policy HS-3.1, which  
4 requires the County to “Manage the development review process to protect people, structures,  
5 and personal property from unreasonable risk from wildland fires.” This Project would bring,  
6 at times, hundreds of people to a remote site in a Moderate Fire zone nine miles from the  
7 closest Fire Department. Moreover, the site is only accessible by one narrow road, which large,  
8 slow-moving pieces of agricultural equipment often utilize. In the event of a wildfire, it would  
9 be difficult to reach and evacuate the large number of guests on the Project site. Approving the  
10 CUP is inconsistent with this policy.

11 109. For the foregoing reasons, Respondents prejudicially abused its discretion with  
12 respect to its approval of the Project because the Project and its review and approval by  
13 Respondents are inconsistent with the General Plan and/or not supported by adequate findings.

### 14 **THIRD CAUSE OF ACTION**

#### 15 **Violation of the Williamson Act**

16 **(Gov. Code, §§ 51200 et seq.)**

17 110. Petitioners hereby reallege and incorporate the allegations contained in all  
18 previous paragraphs of this Petition, as if fully set forth herein.

19 111. The Williamson Act is California’s legal touchstone for the protection of  
20 agricultural land against premature and discontinuous development, establishing a mechanism  
21 whereby individual counties create agricultural preserves within their boundaries and then  
22 enter into contracts with landowners within those preserves for the maintenance of land in  
23 agricultural or compatible uses. (Gov. Code, § 51200 et seq.)

24 112. The Williamson Act provides that land uses approved on contracted land must be  
25 compatible with surrounding agriculture. (Gov. Code, § 51238.1.) In particular, a land use on  
26 contracted land may not “significantly compromise the long-term productive agricultural  
27 capability” of the subject contracted parcel or parcels or on other contracted lands in agricultural  
28 preserves,” nor may it “significantly displace or impair current or reasonably foreseeable

1 agricultural operations” of Williamson Act-contracted land or on other contracted lands in  
2 agricultural preserves or “result in the significant removal of adjacent contracted land from  
3 agricultural or open-use space.” (Gov. Code, § 51238.1, subds. (a)(1), (2), (3).)

4 113. The Project is located on and surrounded by Williamson Act-contracted land, and  
5 is within the boundaries of an agricultural preserve established pursuant to the Act.

6 114. Prior to the approvals, the California Department of Conservation, the state agency  
7 charged with oversight of the Williamson Act, notified the County that the Project could be  
8 inconsistent with the site’s Williamson Act contract, and recommended postponement of the  
9 project until a Williamson Act contract was no longer operative on the site.

10 115. The Department of Conservation also notified the County of its opinion that the  
11 Project would be incompatible with surrounding agricultural operations on other contracted  
12 lands in agricultural preserves, and that it could violate the Williamson Act’s compatibility  
13 requirement.

14 116. In spite of this, the County approved the Project.

15 117. The Project is inconsistent with the principles of compatibility as defined in  
16 Government Code section 51238.1, subdivision (a).

17 118. The County lacked the authority to approve the Project on Williamson Act-  
18 contracted land, which violates the principles of compatibility.

19 119. In order to approve this Project, the County was required to first cancel the  
20 Williamson Act contract restricting use of the parcel underlying the Project using the procedures  
21 defined in Government Code sections 51280 et seq., or otherwise wait until such time as the  
22 contract expired by its own terms. The County did neither of these things.

23 120. Further, the Williamson Act further provides that a County “shall adopt rules  
24 governing the administration of agricultural preserves.” (Gov. Code, § 51231.) At the time of  
25 Project approval, Yolo County had no such rules enacted.

26 121. The County’s failure to adopt Williamson Act regulations violates Government  
27 Code section 51231.

122. The County’s approval of the Project, and its failure to adopt rules governing the administration of agricultural preserves, violated the Williamson Act both as to the contracted parcel underlying the Project, and as to surrounding agricultural operations on contracted land.

#### **FOURTH CAUSE OF ACTION**

##### **Violations of Yolo County Code**

**(Yolo County Code, §§ 8-2.307, 8-2.217)**

##### **The Project Does Not Satisfy Yolo County’s Definition of a B&B.**

123. The County issued the Project a permit to operate a B&B, even though it cannot qualify as one under Yolo County Code.

124. The Yolo County Code only permits the operation of a B & B where at least one owner resides on site. The Code defines a B & B as a “single-family dwelling, and accessory buildings, with an owner in residence.” (Yolo County Code, § 8-2.307.)

102. On information and belief, Plaintiffs allege that although Mr. Watt is listed as the owner, he does not reside at the Project site. Rather, he lives and works in San Francisco. Moreover, the applicants intend to convert the “owner residence” into B & B rooms at the Project site, further illustrating that neither applicants nor owner reside there.

##### **The Project Would Impair the General Welfare and Character of the Neighborhood.**

125. An application for a use permit must be denied where, as here, the Project would impair the general welfare and character of the neighborhood. Under Yolo County Code, section 8-2.217, subdivision (e)(3), in order to approve a CUP, the Planning Commission “shall find . . . the requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.”

126. Though the Code does not define “general welfare” “it is well established that the concept of public welfare encompasses a broad range of factors.” (*Desmond v. County of Contra Costa* 21 Cal.App.4th 330, 337-338.) In determining whether such a conflict exists, “it is appropriate and even necessary for the County to consider the interests of neighboring property owners . . . , and the opinions of neighbors may constitute substantial evidence of this issue.” (*Id.* at 337-338.)

127. Evidence in the record demonstrates that the Project would impair the character of the neighborhood, including accepted “public welfare” arguments such as the concern that the Project would cause disruptive changes to traffic patterns and bring drivers ill-equipped for the challenges of interacting with agricultural traffic on rural roads, as well as bringing additional noise and light pollution to this rural area.

128. The Planning Commission itself adopted findings that the Project would cause road hazards and be incompatible with nearby existing agricultural uses.

129. The Planning Commission's decision to deny CUP application was supported by substantial evidence, and the Board of Supervisors violated the Code when it approved a CUP that impairs the character of the neighborhood and is detrimental to the general welfare.

## PRAYER FOR RELIEF

Wherefore, Petitioners pray for judgment against Respondents as follows:

1. For a temporary stay restraining Respondents and Real Parties and their agents, employees, officers and representatives from issuing any permits or taking other actions in furtherance of the Project pending full compliance with the requirements of CEQA and the CEQA Guidelines, the Planning and Zoning Law, the Williamson Act, and the Yolo County Code.

2. For a temporary restraining order, preliminary and permanent injunction restraining Respondents and Real Parties and their agents, servants, and employees, and all others acting in concert with Respondents and Real Parties on their behalf, from taking any action to implement the Project, pending full compliance with the requirements of CEQA and the CEQA Guidelines, the Planning and Zoning Law, the Williamson Act, and the Yolo County Code;

3. For a peremptory writ of mandate commanding Respondents to vacate and set aside in its entirety its decision to approve the Project;

4. For a peremptory writ of mandate directing the Respondents and Real Parties to comply with the requirements of CEQA and the CEQA Guidelines, the Planning and Zoning Law, the Williamson Act, and the Yolo County Code. With respect to the Williamson Act, the


peremptory writ of mandate should direct Respondents and Real Parties to comply with the requirements of the Williamson Act, and to enforce the Williamson Act contract on the Project parcel so long as the contract is in effect.

5. For an award of reasonable attorneys' fees and costs in this action to Petitioners; and

6. For such other and further relief that the Court deems just and proper.

Dated: November 14, 2016

SOLURI MESERVE,  
A LAW CORPORATION

By: 

Osha R. Meserve  
Attorney for Petitioners and Plaintiffs  
Farmland Protection Alliance

Dated: November 14, 2016


LAW OFFICE OF  
DONALD B. MOONEY

By: 

Donald B. Mooney  
Attorney for Petitioner and Plaintiff  
Tuleyome

Dated: November 14, 2016

CALIFORNIA FARM BUREAU FEDERATION  
OFFICE OF THE GENERAL COUNSEL

By: 

Christian C. Scheuring  
Attorney for Petitioners and Plaintiffs  
Yolo County Farm Bureau

**VERIFICATION**

I am an attorney at law duly admitted and licensed to practice before all courts of this State and I have my professional office at 1010 F Street, Suite 100, Sacramento, Sacramento County, California. I am one of the attorneys of record for Petitioners/Plaintiffs Farmland Protection Alliance, Tuleyome, and the Yolo County Farm Bureau in the above-entitled action, and am authorized to execute this verification on their behalf. I have read the foregoing petition and complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 14th day of November, 2016, Sacramento, California.



Osha R. Meserve

# **EXHIBIT A**



**Approximate Project Limits**



**Project site (zoomed-in)**





[illegible]

# **EXHIBIT B**



tel: 916.455.7300 · fax: 916.244.7300  
1010 F Street, Suite 100 · Sacramento, CA 95814

November 14, 2016

**SENT VIA U.S.P.S. MAIL, FACSIMILE (530-666-8109)**  
**AND EMAIL (cntyclrk@yolorecorder.org)**

Yolo County Office of the Clerk-Recorder  
625 Court Street, Room B01  
Woodland, CA 95695

**RE: Notice of Commencement of Action against County of Yolo,  
Yolo County Board of Supervisors, and Field & Pond et al.**

To Whom It May Concern:

Please take notice, under Public Resources Code section 21167.5, that Farmland Protection Alliance, Tuleyome, and the Yolo County Farm Bureau, (collectively, "Petitioners") intend to file a petition for writ of mandate under the provisions of the California Environmental Quality Act ("CEQA") against County of Yolo, Yolo County Board of Supervisors (collectively "County"), and Real Parties in Interest Field & Pond, Dahvie James, and Philip Watt. The petition challenges the October 11, 2016 approval of the County to adopt a mitigated negative declaration for the proposed operation of an event center and bed and breakfast of Field & Pond (the "Project"). The lawsuit will be based on violations of CEQA, the Yolo County Code and other claims, as discussed more fully in the Project's administrative and environmental review proceedings. The exact nature of the allegations and relief sought is described in the Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief that Petitioners plan to file on November 14, 2016.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:   
Osha R. Meserve

ORM/mre

cc: Proof of Service Attached

## **PROOF OF SERVICE**

I hereby declare that I am employed in the City of Sacramento, County of Sacramento, California. I am over the age of 18 years and not a party to the action. My business address is 1010 F Street, Suite 100, Sacramento, California 95814.

On November 14, 2016, I served the attached document:

### **NOTICE OF COMMENCEMENT OF ACTION AGAINST COUNTY OF YOLO, YOLO COUNTY BOARD OF SUPERVISORS, AND FIELD & POND ET AL.**

on the following parties or attorneys for parties, as shown below:

Yolo County Office of the Clerk-Recorder  
625 Court Street, Room B01  
Woodland, CA 95695  
Email address: cntyclrk@yolorecorder.org  
Facsimile: (530) 666-8109

Service was caused as follows:

✓ **BY FIRST-CLASS MAIL:** I am readily familiar with this business's practice for collecting and processing correspondence for mailing with the U.S. Postal Service. In the ordinary course of business, correspondence would be deposited with the U.S. Postal Service on the day on which it is collected. On the date written above, following ordinary business practices, I placed for collection and mailing at my place of business the attached document(s) in a sealed envelope, with postage fully prepaid, addressed as shown above.

✓ **VIA FACSIMILE:** I caused each such document to be sent by facsimile machine number [(916) 244-7300] to the following persons or their representative at the address and the facsimile number listed above.

✓ **VIA ELECTRONIC MAIL:** I caused each such document to be sent by electronic mail to the addressees at the email addresses listed above. The document was served electronically from my place of business at 1010 F Street, Suite 100, Sacramento, California 95814 from my electronic service address at [mae@semlawyers.com](mailto:mae@semlawyers.com).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California on November 14, 2016.



---

Mae Ryan Empleo

# **EXHIBIT C**

OSHA R. MESERVE (SBN 204240)  
PATRICK M. SOLURI (SBN 210036)  
SOLURI MESERVE, A LAW CORPORATION  
1010 F Street, Suite 100  
Sacramento, California 95814  
Telephone: (916) 455-7300  
Facsimile: (916) 244-7300  
Email: osha@semlawyers.com  
patrick@semlawyers.com

Attorneys for Petitioners and Plaintiffs  
FARMLAND PROTECTION ALLIANCE

[ADDITIONAL COUNSEL LISTED ON FOLLOWING PAGE]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF YOLO**

FARMLAND PROTECTION ALLIANCE,  
TULEYOME, YOLO COUNTY FARM  
BUREAU and DOES 1-10,

Petitioners and Plaintiffs,

v.

COUNTY OF YOLO, YOLO COUNTY  
BOARD OF SUPERVISORS and  
DOES 11-50,

Respondents and Defendants;

FIELD & POND, DAHVIE JAMES, PHILIP  
WATT, and DOES 51-500,

Real Parties in Interest.

**CASE NO.:**

**NOTICE TO ATTORNEY GENERAL**

**(Code Civ. Proc., § 388;  
Pub. Resources Code, § 21167.7)**

DONALD B. MOONEY (SBN 153721)  
LAW OFFICE OF DONALD B. MOONEY  
129 C Street, Suite 2  
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Attorney for Petitioner and Plaintiff  
TULEYOME

CHRISTIAN C. SCHEURING (SBN 208807)  
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Sacramento, California 95833  
Telephone: (916) 561-5665  
Facsimile: (916) 561-5691  
Email: cscheuring@cbbf.com

Attorney for Petitioners and Plaintiff  
YOLO COUNTY FARM BUREAU

1 TO THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA:

2 PLEASE TAKE NOTICE, under Public Resources Code section 21167.7 and Code of  
3 Civil Procedure section 388, Petitioners Farmland Protection Alliance, Tuleyome, and Yolo  
4 County Farm Bureau (collectively, "Petitioners") filed a petition for writ of mandate under the  
5 provisions of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.  
6 ("CEQA"); Cal. Code Regs., tit. 14, § 15000 et seq.) against County of Yolo, Yolo County  
7 Board of Supervisors (collectively "County"), and Real Parties in Interest Field & Pond, Dahvie  
8 James, and Philip Watt. The petition challenges the October 11, 2016 approval of the County  
9 to adopt a mitigated negative declaration for the proposed operation of an event center and bed  
10 and breakfast of Field & Pond (the "Project"). The lawsuit will be based on violations of  
11 CEQA, the Yolo County Code and other claims, as discussed more fully in the Project's  
12 administrative and environmental review proceedings. The exact nature of the allegations and  
13 relief sought is described in the Petition for Writ of Mandate and Complaint for Declaratory and  
14 Injunctive Relief, which was filed on November 14, 2016, and is attached hereto as Exhibit 1.

15 Dated: November 14, 2016

SOLURI MESERVE,  
A LAW CORPORATION

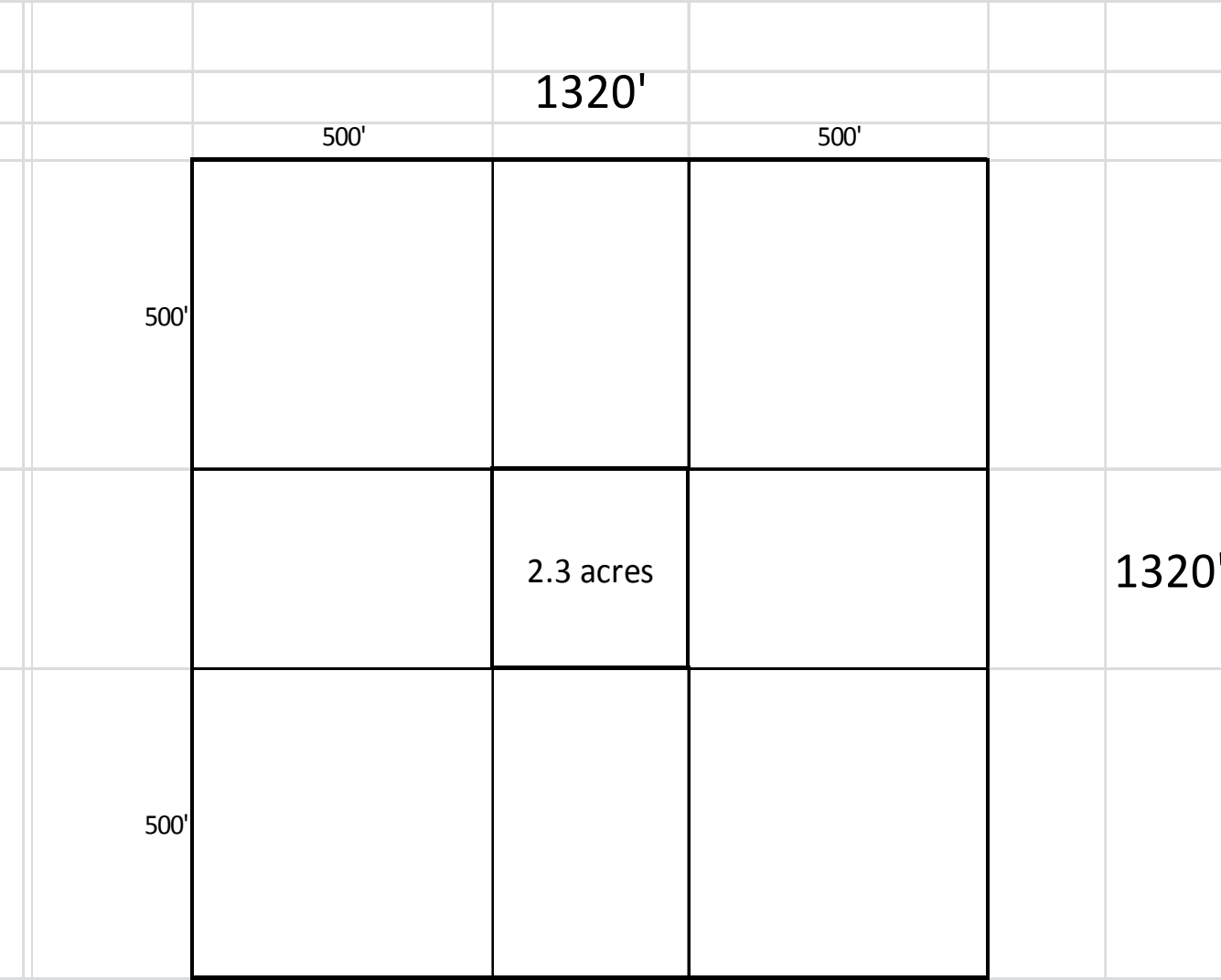
17  
18 By: 

Osha R. Meserve  
Attorney for Petitioners and Plaintiffs  
Farmland Protection Alliance



# **EXHIBIT D**

40 ACRE PARCEL WITH 500 FOOT BUFFER

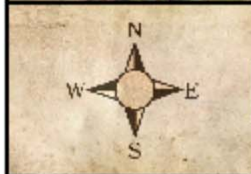




	<b>Field &amp; Pond Buffer Areas</b>	 <b>Armstrong</b> & ASSOCIATES ADVANCING LANDSCAPE
	Creek Buffer 100 ft.	
	2016	

Mapping Services





## Field & Pond Buffer Areas

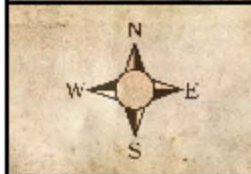
Lake Buffer 100 ft.

2016

**Armstrong**  
ASSOCIATES  
ADVANCED SOLUTIONS

Mapping Services





## Field & Pond Buffer Areas

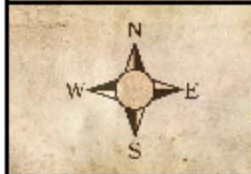
Creek & Lake Buffer 100 ft.

2016

**Armstrong**  
ASSOCIATES  
ADVANCED SOLUTIONS

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## Field & Pond Buffer Areas

500 ft. Spray Buffer

2016



Mapping Services





## Field & Pond Buffer Areas

500 ft. Spray Buffer

2016



Mapping Services