

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

November 10, 2009 at 2:05 p.m.

DATE:

TO: Board of Supervisors

FROM: Traci Tesconi, Project Planner

SUBJECT: PLP09-0048, Piccetti Vineyards Partnership - John Piccetti

Action of the Planning Commission:

At its regularly scheduled meeting on September 17, 2009, the Planning Commission, with a 4-0-1 vote, recommended that the Board of Supervisors approve the request by Piccetti Vineyards Partnership - John Piccetti to 1) establish a new Type I Agricultural Preserve Area totaling 89 acres, 2) a Zone Change on the 89 acres from the RRD (Resource and Rural Development), B6-120 acre density, SR (Scenic Resource) district to the RRDWA (Resources and Rural Development/Agricultural Preserve), B6-120 acre density, SR (Scenic Resource) district or other appropriate district to allow for 3) inclusion of the 89 acres into the Agricultural Preserve, and authorization for the Chair of the Board of Supervisors to sign a new Type I - Williamson Act Contract (File No. PLP09-0048) for vineyard land located at 8843 and 8371 West Dry Creek Road, Geyserville; APN 139-090-044 and 139-150-035; Supervisorial District No. 4.

State Law Requirements:

1. Establishment of new Agricultural Preserve Area

Land can only be placed under a Williamson Act Contract when it is within a designated Agricultural Preserve established by the Board of Supervisors. The primary request by the property owner is to place the 89 acres under a Williamson Act Contract; however, this requires a new Agricultural Preserve Area to be established because the subject property is not already within or contiguous to an established Agricultural Preserve Area. Although the Planning Commission recommended approval of the establishment, only the Board of Supervisors can establish a new Agricultural Preserve Area. An Agricultural Preserve is defined as "an area devoted to...agricultural use" (GC Section 51201(d)) and is established for the purpose of defining the boundaries of those areas within which the County is willing to enter into contracts. Typically, Agricultural Preserves must be a minimum of 100 acres unless certain findings are made to allow a smaller preserve area (GC Section 51230; Sonoma County Rules and Regulations for the Administration of Agricultural Preserves, Type A-1).

According to Section 51230 of the Williamson Act, after a public hearing a County may establish an Agricultural Preserve. The preserve shall be established for the purpose of defining the boundaries of those areas within which the city or county is willing to enter into contracts pursuant to this Act. An Agricultural Preserve shall consist of no less than 100 acres. However, the statute allows establishment of Agricultural Preserves less than 100 acres if it finds that

smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the General Plan.

The project site is located in the Dry Creek Valley and within the Dry Creek Valley Appellation. Although the project site is in an area of the County that is predominantly vineyard land, the project site is not within or contiguous to an existing Type I Preserve Area. The parcels immediately surrounding the project site are not being used for agricultural uses or timber production. Therefore, it appears that this particular project site is unique in that it contains a 27-year old, large commercial vineyard operation that produces high quality wine grapes and is located in the Dry Creek Appellation, but located in the hillsides of Dry Creek Valley and not contiguous to other existing vineyards. It appears that establishing a new Type I Preserve Area for a parcel that historically has been used for a viable commercial agriculture operation in the Dry Creek Valley region would not be out of character for this area of the County.

For the Board of Supervisors to establish a new Agricultural Preserve Area, it must find that the request is consistent with the General Plan. The General Plan designation is Resource and Rural Development (RRD). The Resource and Rural Development Land Use designation allows for agricultural production, and the RRD and RRDWA Zoning Districts specifically allow the outdoor growing of crops and vines as a permitted use. However, the RRDWA zoning district was specifically developed for those parcels under the RRD Land Use designation and under a Williamson Act Contract. Concurrently filed with the Agricultural Preserve establishment on the property is a Zone Change from the RRD (Resources and Rural Development) district to the RRDWA (Resources and Rural Development/Agricultural Preserve) district which, if approved simultaneously, will provide consistency with the General Plan and Zoning Regulations. In addition, the 89-acre parcel exceeds the RRD zoning district's 20 acre minimum parcel size requirement.

The establishment or enlargement of an Agricultural Preserve includes certain procedural requirements. Such an action must be passed by Board of Supervisor's Resolution after a noticed public hearing (GC Section 51230, 51231, 51233). Staff has ensured that all of the procedural requirements have been met, including the appropriate newspaper publication and notification to the Local Agency Formation Commission. The final Staff Report to the Board of Supervisors will satisfy the requirements of Government Code Section 51234 and the maps required by Section 51237 will be updated after the Board's action. A proposed Agricultural Preserve Area map has been attached as Exhibit N of the Planning Commission Staff Report.

A similar request (PLP07-0083) was approved last year by the Board of Supervisors. A new Type I Agricultural Preserve Area was established in west Sebastopol area for a total of 87.96 acres. It was comprised of four separate parcels planted in either orchard and/or vineyard, but not within or contiguous to an existing Type I Agricultural Preserve, so a new preserve was approved and established.

2. Williamson Act Contract

A Land Conservation (Williamson Act) Contract between the County and a property owner restricts specific parcels of land to agricultural or related open space uses. In return, landowners receive property tax assessments which are much lower than normal because they are based on discounted value. Again, although the Planning Commission recommended approval, a new Williamson Act Contract can only be executed by the Board of Supervisors if the subject land is within an Agricultural Preserve, and satisfies all other requirements for a contract.

Before land may qualify for a new or replacement Williamson Act Contract, it must meet certain

eligibility criteria. Once land is under a contract, it must continue to meet the eligibility criteria for the duration of the contract. The County employs three different types of Williamson Act Contracts, depending on the nature of the land to be preserved and protected under the Agricultural Preserve Program, whereas:

"Type I Contracts" are available for qualifying prime agricultural land located within an established agricultural preserve."

The land proposed to be restricted by the contract must be "devoted" to agricultural use, which must involve the production of food or fiber. The County's policy is that "Prime agricultural land" is "devoted to an agricultural use" when a minimum of 50% of the total contracted land or six acres, whichever is more, is continuously maintained and used for commercial production of an agricultural commodity (with allowances for fallow periods, change of crop or production method). In this case, 50% of the 89 acres is not planted in vineyard, but the 20 acres of vineyard can definitively be considered a commercial agricultural operation. Also, the property has been planted in vineyard for 27 years and contains only a single family residence and barns; therefore, it appears the primary use of the property is commercial agriculture. Although staff discussed the possibility of using the unplanted areas of the property for livestock grazing, this does not appear to be an option for the property owners. Also, there is very little commercial livestock grazing in this hillside area of Dry Creek.

In addition, the applicant has submitted a Site Plan and photos of the project site to demonstrate that all easily plantable land that has been planted in vineyard. Planting additional vineyard would require removal of woodlands and/or areas with steep terrain. Another goal of the Williamson Act, besides the preservation of agricultural land, is the preservation of open space, to protect and maintain land in its natural state. The requested contract, however, will be a Type I (Prime Agricultural Land) Contract, not a Type II Open Space Contract.

In addition, to qualify for a Type I Williamson Act Contract, a parcel must be at least 10 acres in size and have a gross annual income of at least \$200 per acre. The subject parcel is 89 acres in size with 20 acres of vineyard. The vineyard has been producing a crop for over 24 years. The applicant has submitted a complete Agricultural Preserve Income Statement (attached as Exhibit C of the Planning Commission Staff Report) and copies of four years worth (2003 through 2007) of the Schedule F form (Agricultural Profit and Loss statement) demonstrating the property's annual per acre gross income generated from the agricultural production has exceeded the minimum income requirement. Overall, it appears the property meets the qualifications to execute a Type I Williamson Act Contract.

ISSUES DISCUSSED AT THE PUBLIC HEARING

Issue #1: Status of New Williamson Act Contracts

Discussion

Commissioner Murphy asked staff if the County is approving any new Williamson Act Contracts.

Resolution

Deputy Director Barrett explained that PRMD will be taking a full report to the Board of Supervisors asking for direction on how PRMD should proceed with the Williamson Act Program and whether new contracts should be allowed until such time as the subvention money program is restored.

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On October 20, 2009, the Board of Supervisors directed PRMD to continue processing requests for new Williamson Act Contracts submitted to date. However, PRMD will not process requests for new Williamson Act Contracts received after this date until further notice.

Issue #2: Williamson Act Program Funding

Discussion

Commissioner Murphy asked if monies from the Sonoma County Agricultural Preservation and Open Space District (SCAPOS) could be used to fund the Williamson Act Program.

Resolution

Deputy Director Barrett explained the funding for SCAPOS acquisitions comes from sales tax; therefore, most likely these monies cannot be used for subventions for the Williamson Act program.

Issue #3: Similar Requests Approved

Discussion

Commissioner Shahhosseini asked staff if a similar, new Agricultural Preserve request had been approved previously to allow the establishment of an Agricultural Preserve Area below 100 acres.

Resolution

Staff explained that in West Sebastopol a 87.96-acre parcel was approved to establish a new Type I Agricultural Preserve Area based on historical and existing agricultural use consisting of orchards and some row crops.

List of Attachments:

Draft Board of Supervisors Resolution

EXHIBIT A: Existing and Proposed Agricultural Preserve Area Map

EXHIBIT B: Draft Ordinance

EXHIBIT C: Draft Sectional District Map

EXHIBIT D: Planning Commission Resolution No. 09-032

EXHIBIT E: Draft Planning Commission Minutes dated September 17, 2009

EXHIBIT F: Planning Commission Staff Report dated September 17, 2009

Resolution Number

County of Sonoma
Santa Rosa, California

November 10, 2009
PLP09-0048 Traci Tesconi

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, APPROVING THE REQUEST BY PICCETTI VINEYARDS PARTNERSHIP - JOHN PICCETTI, TO (1) ESTABLISH A NEW TYPE I AGRICULTURAL PRESERVE AREA (1-635) TOTALING 89 ACRES; (2) A ZONE CHANGE ON 89 ACRES FROM THE RRD (RESOURCE AND RURAL DEVELOPMENT), B6-120 ACRE DENSITY, SR (SCENIC RESOURCES) DISTRICT TO THE RRDWA (RESOURCE AND RURAL DEVELOPMENT - AGRICULTURAL PRESERVE), B6-120 ACRE DENSITY, SR DISTRICT OR OTHER APPROPRIATE DISTRICT, AND 3) AUTHORIZE THE CHAIR OF THE BOARD OF SUPERVISORS TO SIGN A TYPE I WILLIAMSON ACT CONTRACT FOR LAND LOCATED AT 8843 AND 8371 WEST DRY CREEK ROAD, HEALDSBURG; APN 139-090-044 AND 139-150-035.

WHEREAS, the applicant, Piccetti Vineyards Partnership - John Piccetti, filed an application with the Sonoma County Permit and Resource Management Department for the formation of a new Type I Agricultural Preserve and to enter into a Type I Williamson Act Contract for one parcel with two Assessor's Parcel Numbers totaling 89 acres located at 8843 and 8371 West Dry Creek Road, Healdsburg; APN 139-090-044 and 139-150-035; Zoning RRD (Resources and Rural Development), B6-120 acre density, SR (Scenic Resource) district; Supervisorial District No. 4; and

WHEREAS, Section 15317 of Title 14 of the California Code of Regulations provides that establishment of an Agricultural Preserve and the execution of Williamson Act Contracts are exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, Section 51230 of the Williamson Act, in part, after a public hearing, allows the County to establish an Agricultural Preserve for the purpose of defining the boundaries of those areas within the County willing to enter into contracts pursuant to the Act; and

WHEREAS, the property qualifies for a Type I Williamson Land Conservation Contract under the California Land Conservation Act (aka Williamson Act) and the County's Rules and Regulations for the administration of Agricultural Preserves (Type I); and

WHEREAS, at its regularly scheduled meeting on September 17, 2009, the Planning Commission, with a 4-0-1 vote, recommended approval of the request to the Board of Supervisors; and

WHEREAS, in accordance with the provisions, the Board of Supervisors held a public hearing on November 10, 2009, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors makes the following findings consistent with Government Code 51200 et seq. and County-adopted Rules and Regulations for Administration of Agricultural Preserves and Williamson Act requirements for new Type I Contracts for each new lot:

1. The establishment of a new Type I Agricultural Preserve Area is consistent with the General Plan for the Resource and Rural Development land use designation.
2. The establishment of a new Type I Agricultural Preserve area of 89 acres is approved below the 100 acre minimum requirement, as it has been found, pursuant to Section 51230 of the Williamson Act, that a slightly smaller preserve is necessary due to the project site's unique characteristics. The project is an intense, commercial agricultural enterprise, in the hillside above Dry Creek Valley, surrounded mostly by woodlands and land not under cultivation. The 20 acres of vineyard has been in production for 27 years. The project site is located in the Dry Creek Valley and the Dry Creek Valley Appellation, which is a region of the County that is predominantly vineyard land. Therefore, establishing a new Type I Agricultural Preserve Area within the Dry Creek Valley would not be out of character for this area of the County.
3. The Zone Change from the RRD, B6-120 acre density, SR district to the RRDWA, B6-120 acre density, SR district for a parcel under agricultural cultivation is consistent with the General Plan and the Zoning Ordinance for inclusion into the Agricultural Preserve program and establishment of a Williamson Act Contract.
4. The subject parcel is 89 acres in size with 20 acres planted in a producing vineyard. The parcel has demonstrated that it exceeds both the 10 acre minimum parcel size and the minimum gross annual income of \$200 per acre requirements to allow for the establishment of a Type I Williamson Act Contract. The 20 acres of vineyard is considered an intensive, commercial agricultural operation.
5. The land proposed to be restricted by the contract must be "devoted" to agricultural use, which must involve the production of food or fiber. The County's policy is that "Prime agricultural land" is "devoted to an agricultural use" when a minimum of 50% of the total contracted land or six acres, whichever is more, is continuously maintained and used for commercial production of an agricultural commodity (with allowances for fallow periods, change of crop or production method). In this case, 50% of the 89 acres is not planted in vineyard, but the 20 acres of vineyard can definitively be considered a commercial agricultural operation. Also, the property has been planted in vineyard for 27 years and contains only a single family residence and barns; therefore, it appears the primary use of the property is commercial agriculture, and based on the existing development, the land has been "devoted" to an agricultural use.
6. The Zone Change would not result in an increase in subdivision potential or development potential. The General Plan Land use designation would remain RRD, 120 acres per dwelling unit. Currently, the project site of 89 acres does not have any further subdivision potential. With 20 acres of vineyard, the property would qualify for a Full Time Agricultural Employee residence which is considered a compatible use for Williamson Act contracted property.

7. The Zone Change does not affect the SR (Scenic Resource) combining district designation because the designation will remain on the subject site.
8. The Zone Change to the RRDWA, B6-120 acre density, SR district prohibits a Second Dwelling Unit on the subject parcel.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the project described in this resolution is exempt from the requirements of the California Environmental Quality Act under Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is an establishment of an Agricultural Preserve and authorization of one new Williamson Act Contract.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby grants the request by Piccetti Vineyards Partnership - John Piccetti to establish a new Type I Agricultural Preserve totaling 89 acres; and a rezone from RRD, B6-120 acre density, SR district to the RRDWA, B6-120 acre density, SR district.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby instructed to record this Resolution, along with the map depicting the newly established Agricultural Preserve Area (1-836), referenced as Exhibit A, with the Office of the Sonoma County Recorder.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to sign a new Type I Williamson Act Contract for those lands which are described on the tax rolls of the County of Sonoma by the above referenced Assessor's Parcel Numbers.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

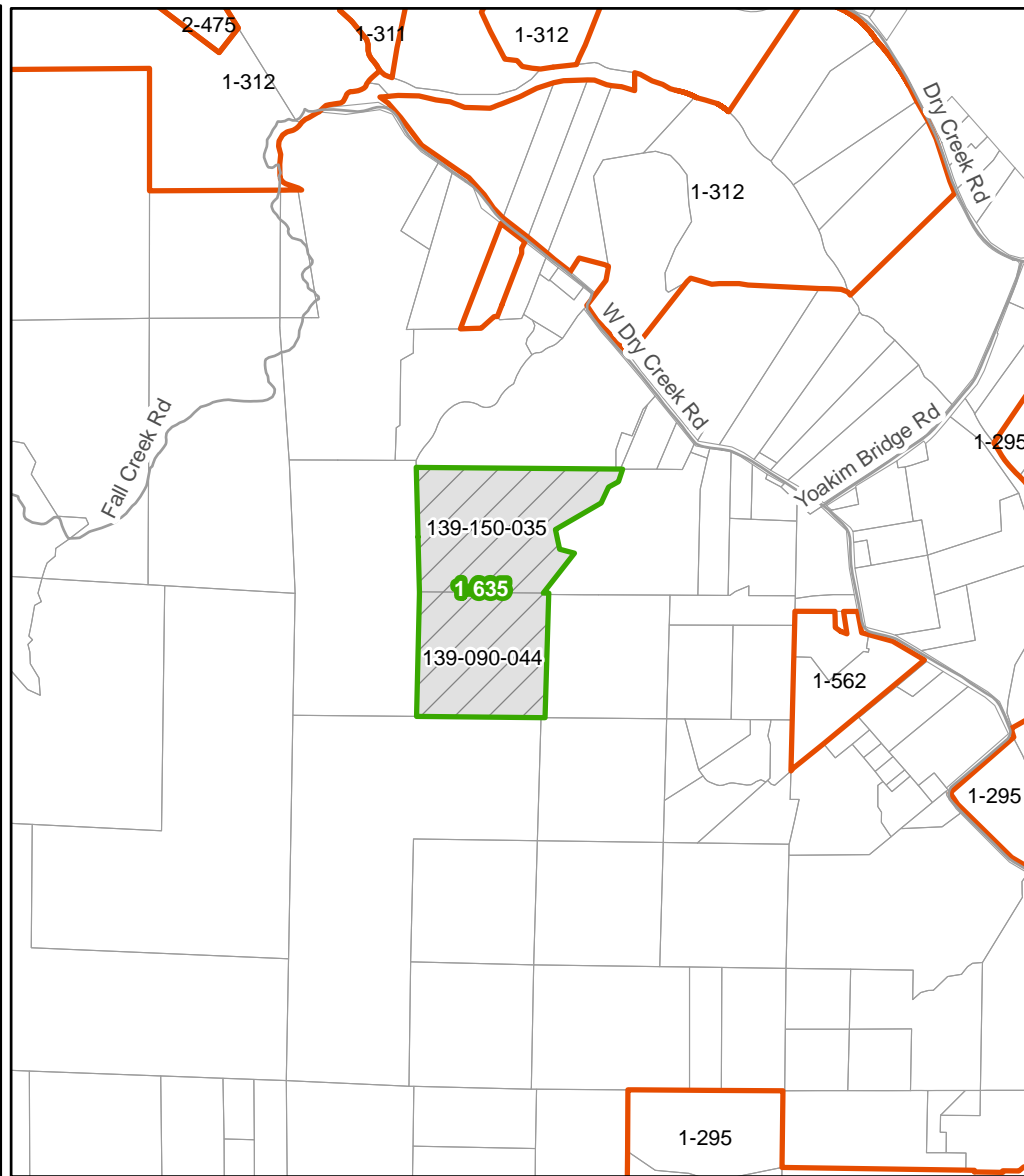
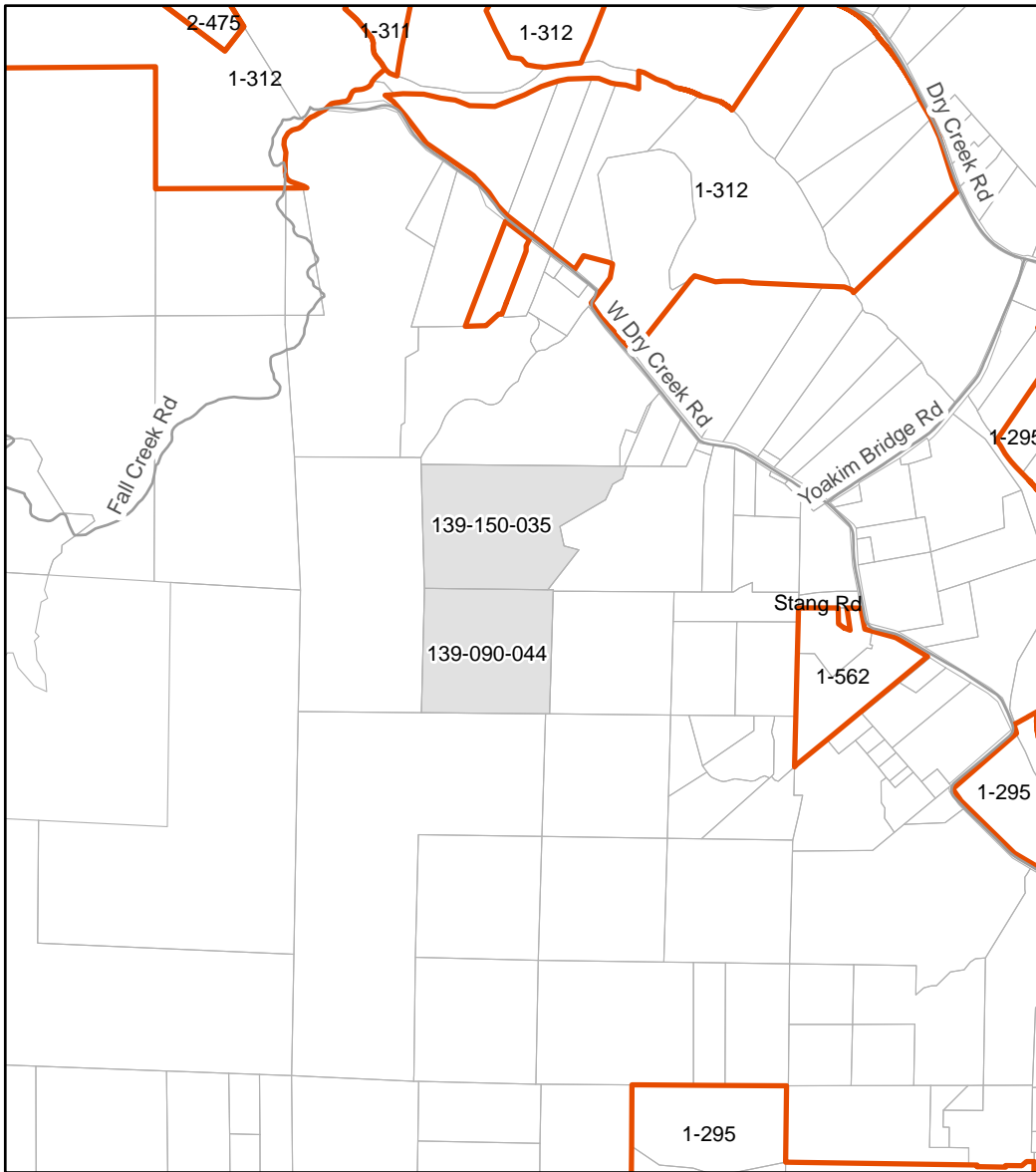
Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

SO ORDERED.

Existing Agricultural Preserve Area

Proposed Agricultural Preserve Area



Base Data

- Parcels
- Main Arterials

Ag Preserve Amendment Data

- Subject Area
- Existing Agricultural Preserve Boundary
- Proposed Agricultural Preserve Boundary



Map Scale and Reproduction methods limit precision in physical features displayed. This map is for illustrative purpose only, and is not suitable for parcel-specific decision making. The parcels contained here-in are not intended to represent surveyed data.

Site-specific studies are required to draw parcel-specific conclusions.

Assessor's parcel data are current as of January 5, 2009. For more current parcel data consult the County of Sonoma Assessor's Office.

No part of this map may be copied, reproduced, or transmitted in any form or by any means without written permission from the Permit and Resource Management Department (PRMD), County of Sonoma, California.

FILE: PLP09-0048

[AGP09-0028]

APN: 139-090-044 & 139-150-035

Resolution No.: N/A

Adopted Date: N/A

Permit and Resource Management Department
Project Review Section



2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1965



x (707) 565-1103

1 inch equals 2,000 feet

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RRD (RESOURCES AND RURAL DEVELOPMENT), B6-120 ACRE DENSITY, SR SCENIC RESOURCES DISTRICT TO THE RRDWA (RESOURCE AND RURAL DEVELOPMENT - AGRICULTURAL PRESERVE), B6-120 ACRE DENSITY, SR DISTRICT FOR 89 ACRES LOCATED AT 8843 AND 8371 WEST DRY CREEK ROAD, APN 139-090-044 AND 139-150-035.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the RRD (Resource and Rural Development) B6 120 acre density, SR (Scenic Resource) district to the RRDWA (Resource and Rural Development - Agricultural Preserve) B6 120 acre density, SR district for 89 acres located on the northeast side of West Dry Creek Road, approximately 500 feet northeast from Yoakim Bridge Road, Healdsburg, also known as 8843 and 8371 West Dry Creek Road, Geyserville, APN 139-090-044 and 139-150-035. File No. PLP09-0048. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this 10th day of November, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors

Resolution Number 09-032

County of Sonoma
Santa Rosa, California

September 17, 2009
PLP09-0048 Traci Tesconi

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS OF THE REQUEST BY PICCETTI VINEYARDS PARTNERSHIP- JOHN PICCETTI, TO (1) ESTABLISH A NEW TYPE I AGRICULTURAL PRESERVE AREA (1-635) TOTALING 89 ACRES; (2) A ZONE CHANGE ON 89 ACRES FROM THE RRD (RESOURCE AND RURAL DEVELOPMENT) B6-120 ACRE DENSITY, SR (SCENIC RESOURCES) DISTRICT TO THE RRDWA (RESOURCE AND RURAL DEVELOPMENT - AGRICULTURAL PRESERVE) B6-120 ACRE DENSITY, SR DISTRICT OR OTHER APPROPRIATE DISTRICT AND 3) INCLUSION OF THE 89 ACRES INTO THE AGRICULTURAL PRESERVE AND AUTHORIZE THE CHAIR OF THE BOARD OF SUPERVISORS TO SIGN A TYPE I WILLIAMSON ACT CONTRACT FOR LAND LOCATED AT 8843 AND 8371 WEST DRY CREEK ROAD, HEALDSBURG; APN 139-090-044 AND 139-150-035.

WHEREAS, the applicant, Piccetti Vineyards Partnership- John Piccetti, filed an application with the Sonoma County Permit and Resource Management Department for the formation of a new Type I Agricultural Preserve and to enter into a Type I Williamson Act Contract for one parcel with two Assessor's parcel numbers totaling 89 acres located at 8843 and 8371 West Dry Creek Road, Healdsburg; APN 139-090-044 and 139-150-035; Zoning RRD (Resources and Rural Development), B6, 120 acre density, SR (Scenic Resource) district; Supervisorial District No. 4; and

WHEREAS, Section 15317 of Title 14 of the California Code of Regulations provides that establishment of an Agricultural Preserve and the execution of Williamson Act contracts are exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, Section 51230 of the Williamson Act, in part, after a public hearing, allows the County to establish an Agricultural Preserve for the purpose of defining the boundaries of those areas within the County willing to enter into contracts pursuant to the Act.

WHEREAS, the property qualifies for a Type I Williamson Land Conservation Contract under the California Land Conservation Act (aka Williamson Act) and the County's rules and regulations for the administration of Agricultural Preserves (Type I);

NOW THEREFORE BE IT RESOLVED, that Planning Commission makes the following findings consistent with Government Code 51200 et seq. and County-adopted Rules and Regulations for Administration of Agricultural Preserves and Williamson Act requirements for new Type I contracts for each new lot:

1. The establishment of a new Type I Agricultural Preserve Area is consistent with the General Plan for the Resource and Rural Development land use designation.
2. The establishment of a new Type I Agricultural Preserve area of 89 acres is approved below the 100 acre minimum requirement, as it has been found, pursuant to § 51230 of the Williamson Act, that a slightly smaller preserve is necessary due to the project site's unique characteristics. The project is an intense, commercial agricultural enterprise, in the hillside above Dry Creek Valley, surrounded mostly by woodlands and land not under cultivation. The 20 acres of vineyard has been in production for 27 years. The project site, located in the Dry Creek Valley and the Dry Creek Valley Appellation, is predominantly vineyard land, but the project site is not within or contiguous to an existing Type I Preserve Area. For this reason, establishing a new Type I Preserve Area in Dry Creek Valley would not be out of character for this area of the County.
3. The Zone Change from the RRD B6 120 acre density SR district to the RRDWA B6 120 acre density SR district for a parcel under agricultural cultivation is consistent with the General Plan and the Zoning Ordinance for inclusion into the Agricultural Preserve program and establishment of a Williamson Act contract.
4. The subject parcel is 89 acres in size with 20 acres planted in a producing vineyard. The parcel has demonstrated that it exceeds both the 10 acre minimum parcel size and the minimum gross annual income of \$200 per acre requirements to allow for the establishment of a Type I Williamson Act contract. The 20 acres of vineyard is considered an intensive, commercial agricultural operation.
5. The Zone Change would not result in an increase in subdivision potential or development potential. The General Plan Land use designation would remain RRD 120 acres per dwelling unit. Currently, the project site of 89 acres does not have any further subdivision potential. In actuality, placing the project site under a Williamson Act contract would prohibit the allowance of a second unit (aka granny unit). However, with the 20 acres of vineyard, a Full Time Agricultural Employee residence would be allowed, even with a Williamson Act contract.
6. The Zone Change would not affect the SR (Scenic Resource) combining district, because the it remains unchanged on the subject parcel.
7. The Zone Change to the RRDWA B6 120 acre density SR district prohibits a Second Dwelling Unit on the subject parcel.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval to the Board of Supervisors to grant the request by Piccetti Vineyards Partnership - John Piccetti to establish a new Type I Agricultural Preserve totaling 89 acres; and a rezone from RRD B6 120 acre density SR district to the RRDWA B6 120 acre density SR district; and authorization for the Chair of the Board of supervisors to sign a new Type I Williamson Act contract for those lands which are described on the tax rolls of the County of Sonoma by the above referenced Assessor's Parcel Numbers.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find that the project described in this resolution is exempt from the requirements of the California Environmental Quality Act under Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is an establishment of an Agricultural Preserve and authorization of one new Williamson Act contract.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Murphy, who moved its adoption, seconded by Commissioner Lynch, and adopted on roll call by the following vote:

Commissioner Feibusch	Aye
Commissioner Shahhosseini	Aye
Commissioner Murphy	Aye
Commissioner Lynch	Aye
Commissioner Fogg	Absent

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.

Sonoma County Planning Commission MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: **September 17, 2009**
Meeting No.: **09-016**

ROLL CALL

Commissioners

Komron Shahhosseini
Dennis Murphy
Tom Lynch
Marcel Feibusch, Chair

Staff Members

Jennifer Barrett
Traci Tesconi
Scott Hunsperger
Sue Gallagher, Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Minutes continued to future date: -August 20, 2009 -BZA
-August 20, 2009 -Planning Commission

REGULAR CALENDAR

Item No. 1	Time: 1:05 p.m.	File: PLP09-0048
Applicant:	Piccetti Vineyards Partnership	
	John Piccetti	Staff: Traci Tesconi
Env. Doc.:	Categorical Exemption	
Proposal:	Request to 1) establish a new Type I Agricultural Preserve Area totaling 89 acres, 2) a Zone Change on the 89 acres from the RRD (Resource and Rural Development) B6 120 acre density, SR (Scenic Resource) district to the RRDWA (Resource and Rural Development-Agricultural Preserve) B6 120 acre density, SR district or other appropriate district to allow for 3) inclusion of the 89 acres into the Agricultural Preserve, and authorization for the Chairman of the Board of Supervisors to sign, a new Type 1 Williamson Act contract for vineyard land.	
Location:	8843 and 8371 W. Dry Creek Road, Geyserville	
APN:	139 150 035 and 139 090 044	Supervisorial District: 4
Zoning:	RRD (Resources and Rural Development), B6, 120 acre density, SR (Scenic Resource) Board of Supervisors Hearing date to be determined.	

Traci Tesconi summarized the written staff report which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Murphy** asked if the the County is still accepting Williamson Act contracts. **Deputy Director Barrett** indicated we are asking the Board of Supervisors for direction on whether we want to continue accepting new contracts and review the overall fiscal impact.

Per **Deputy Director Barrett**, the County already absorbs most of the cost. **Commissioner Murphy** suggested looking at whether some funding could be reclaimed through the Open Space District. **Commissioner Shahhosseini** asked if the Planning Commission has approved similar requests. Staff **Tesconi** recalled a parcel in West Sebastopol that was under 100 acres about 76 acres in size, consisting of orchard. It was approved for Type 1 because of the orchards and row crops as the historical use of the property.

Public Hearing Opened: 1:30

Speakers: Michael Delbar, agent for Piccetti Family Vineyards, thanked Traci for her assistance. The request, if approved, will expand the existing Agricultural Preserve area. Delbar reflected that when the Williamson Act was adopted, there were no subventions, and it was a policy decision. The subventions came later.

Public Hearing Closed: 1:35

Action: **Commissioner Murphy** made a motion to recommend approval of the request to the Board of Supervisors, which was seconded by **Commissioner Lynch**, and passed with a 4-0-0-1 vote.

Appeal Deadline: n/a
Resolution No: 09-032

Feibusch: aye Shahhosseini: aye Murphy : aye Lynch : aye Fogg: absent
Ayes: Noes: Absent: Abstain:

Minutes adopted October 15, 2009.

Sonoma County Planning Commission STAFF REPORT

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: PLP09-0048
DATE: September 17, 2009
TIME: 1:05 p.m.
STAFF: Traci Tesconi

Board of Supervisors Hearing will be held at a later date and noticed at that time.

SUMMARY

Applicant/Owner: Piccetti Vineyards Partnership - John Piccetti

Location: 8843 and 8371 West Dry Creek Road, Geyserville
APN: 139-090-044 and 139-150-035 Supervisorial District No. 4

Subject: Zone Changes/Agricultural Preserve Establishment/Williamson Act contract

PROPOSAL: Request to 1) establish a new Type I Agricultural Preserve Area totaling 89 acres, 2) a Zone Change on the 89 acres from the RRD (Resource and Rural Development) B6 120 acre density, SR (Scenic Resource) district to the RRDWA (Resource and Rural Development-Agricultural Preserve) B6 120 acre density, SR district or other appropriate district to allow for 3) inclusion of the 89 acres into the Agricultural Preserve, and authorization for the Chairman of the Board of Supervisors to sign, a new Type I -Williamson Act contract for vineyard land.

Environmental Determination: Categorical Exemption Title 14, Section 15317 Class 17 and Section 15061(b)(3) of CEQA Guidelines

General Plan: Resource and Rural Development, 120 acres per dwelling unit

Zoning: RRD (Resources and Rural Development), B6, 120 acre density, SR (Scenic Resource) district

Environmental Determination: Categorical Exemption

Project deemed complete: June 12, 2009

RECOMMENDATION: Recommend that the Board of Supervisors:

- 1). Approve the new Type I Agricultural Preserve Area totaling 89 acres in size.
- 2). Approve the Zone Change.

- 3). Approve the inclusion of the 89 acre parcel into the new Agricultural Preserve Area, and authorize the Chairman of the Board of Supervisors to sign a new Type I Williamson Act contract.

ANALYSIS

Project Description:

The property owners have requested their property totaling 89 acres be placed under Williamson Act contract. The property is one legal parcel, but has two Assessors Parcel Numbers. The property is not within or contiguous to an existing Type I Agricultural Preserve Area, and the property is zoned RRD (Resource and Rural Development). Therefore, the concurrent filing to establish a new Agricultural Preserve Area and applicable zone changes, respectively, were required.

For 27 years the Piccetti Family has farmed the property, producing high quality wine grapes on the land.

Site Characteristics:

The 89 acre property is located on a private road, off of West Dry Creek Road, in the hills rising up from Dry Creek Valley. Topography varies over the site, which is planted with 20 acres of vineyard and woodlands. Existing development includes a primary residence and several barns. Pena Creek is ½ mile west of the project area.

Surrounding Land Use and Zoning:

Land use in the project vicinity is agricultural. The valley floor is planted in vines and the hills rising above the valley are wooded, but have some vineyard development. Zoning on the valley floor is LIA (Land Intensive Agricultural) with 20 acre densities, and the hills above the valley are zoned Resource and Rural Development, with 120 acre densities.

DISCUSSION OF ISSUES

Issue # 1: Establishment of new Agricultural Preserve

The primary request by the property owner is to place the 89 acres under a Williamson Act contract. However, land can only be placed under contract when it is within a designated Agricultural Preserve established by the Board of Supervisors. An Agricultural Preserve is defined as "an area devoted to...agricultural use" (GC §51201(d)) and is established for the purpose of defining the boundaries of those areas within which the County is willing to enter into contracts. Typically, Preserves must be a minimum of 100 acres unless certain findings are made to allow a smaller preserve area (GC §51230; Sonoma County Rules and Regulations for the Administration of Agricultural Preserves, Type A-1).

Within Sonoma County there are several established Agricultural Preserves, either depicted as Type I or Type II areas. An intense agricultural use, such as vineyard or orchard land, is consistent with a Type I Agricultural Preserve Area. Research of the County's Agricultural Preserve Area maps has determined that the project site is not located within or contiguous to an existing Type I Agricultural Preserve Area. Therefore, concurrently filing a request to establish a new Agricultural Preserve, along with a request to place the land under a new Williamson Act contract and a zone change, is appropriate.

According to § 51230 of the Williamson Act, after a public hearing a County may establish an agricultural preserve. The preserve shall be established for the purpose of defining the boundaries of those areas within which the city or county willing to enter into contracts pursuant to this Act. An agricultural preserve

shall consist of no less than 100 acres. However, the statute allows establishment of agricultural preserves less than 100 acres if it finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the General Plan.

The establishment or enlargement of an Agricultural Preserve includes certain procedural requirements. Such an action must be passed by Board of Supervisors' resolution after a noticed public hearing (GC §51230, 51231, 51233). Staff has ensured that all of the procedural requirements have been met, including the appropriate newspaper publication and notification to the Local Agency Formation Commission. The final staff report to the Board of Supervisors will satisfy the requirements of Government Code §51234 and the maps required by §51237 will be updated after the Board's action. A proposed Agricultural Preserve Area map has been attached as Exhibit P of the staff report.

The project site is located in the Dry Creek Valley and within the Dry Creek Valley Appellation. Although the project site is in an area of the County that is predominantly vineyard land, the project site is not within or contiguous to an existing Type I Preserve area. The County first established Agricultural Preserve areas in the early 1970's. The land in the area of the project site was typically used for cattle grazing and some timber harvesting. In the last 10-20 years, more vineyards have been established in this area of the County, more so in the valley. Today, the parcels immediately surrounding the project site are not being used for agricultural uses or timber production. Therefore, it appears that this particular project site is unique in that it contains a large commercial vineyard operation that has been producing high quality wine grapes for the last 27 years, is located in the Dry Creek Appellation, and contains an agricultural enterprise that is predominant for this area of the County. Therefore, it appears that establishing a new Type I Preserve Area in Dry Creek Valley would not be out of character for this area of the County.

For the Board of Supervisors to establish a new Agricultural Preserve Area, it must find that the request is consistent with the General Plan. The General Plan designation is Resource and Rural Development (RRD). Concurrently filed with the Preserve establishment on the property is a zone change from the RRD district to the RRDWA (Resource and Rural Development- Agriculture Preserve) district, which if approved simultaneously, will provide consistency with the General Plan and Zoning Regulations. In addition, the 89 acre parcel exceeds the RRD zoning district's 20 acre minimum parcel size requirement.

A similar request (PLP07-0083) was approved last year by the Board of Supervisors. A new Type I Agricultural Preserve Areas was established in west Sebastopol area for a total of 87.96 acres. It was comprised of four separate parcels planted in either orchard and/or vineyard, but not within or contiguous to an existing Type I Agricultural Preserve, so a new Preserve was approved and established.

If approved, surrounding adjacent orchard or vineyard lands can be added to the Preserve Area, subject to Board of Supervisors approval.

Issue #2: Zone Change

The request for a Zone Change on the 89 acres from the RRD B6 120 acre density SR district to the RRDWA B6 120 acre density SR district is consistent with establishment of a Williamson Act contract under the Agricultural Preserve program and the General Plan. The SR (Scenic Resource) combining district on the parcel would remain unchanged. The General Plan land use designation of RRD 120 acres per dwelling unit would remain unchanged as well. The proposed Zone Change will not increase subdivision potential or development potential on the subject parcel, and the RRDWA zoning district would actually reduce development potential because the zoning designation does not allow a second dwelling unit (aka granny unit) lodging, or campgrounds consistent with the County's Williamson Act rules.

When the Sonoma County General Plan was updated in 1989 and the Zoning Ordinance in 1991, the

RRDWA (Resource and Rural Development- Agricultural Preserve) Zoning District was developed. Typically, parcels zoned RRD are located in hillsides where natural resources are found. However, when land is used for agricultural production, the RRDWA zoning district is an appropriate zoning classification if the parcel qualifies for inclusion into the Agricultural Preserve program. Grazing of livestock was previously the primary agricultural use in the surrounding hillside areas, but vineyards are now becoming more prominent. The project site is not located in a TPZ (Timberland Production Zone).

Issue #3: Williamson Act Contract

A Land Conservation (Williamson Act) contract between the County and a property owner restricts specific parcels of land to agricultural or related open space uses. In return, landowners receive property tax assessments which are much lower than normal because they are based discounted value. A Williamson Act contract can only be executed if the subject land is within an Agricultural Preserve. Once again, only the Board of Supervisors may approve a Williamson Act contract.

Before land may qualify for a new or replacement Williamson Act Contract, it must meet certain eligibility criteria. Once land is under a contract, it must continue to meet the eligibility criteria for the duration of the contract. The County employs three different types of Williamson Act Contracts, depending on the nature of the land to be preserved and protected under the Agricultural Preserve Program, whereas:

“Type I Contracts” are available for qualifying prime agricultural land located within an established agricultural preserve.”

The land proposed to be restricted by the contract must be “devoted” to agricultural use, which must involve the production of food or fiber. The County’s policy is that “Prime agricultural land” is “devoted to an agricultural use” when a minimum of 50% of the total contracted land or six acres, whichever is more, is continuously maintained and used for commercial production of an agricultural commodity (with allowances for fallow periods, change of crop or production method). In this case, 50% of the 89 acres is not planted in vineyard, but the 20 acres of vineyard can definitively be considered a commercial agricultural operation. Also, the property has been planted in vineyard for 27 years and contains only a single family residence and barns; therefore, it appears the primary use of the property is commercial agriculture, and based on the minor existing development, the land have been “devoted” to an agricultural use.

In addition, the applicant has submitted a site plan and photos of the project site to demonstrate that all easily plantable land that has been planted in vineyard. Planting additional vineyard would require removal of woodlands and/or areas with steep terrain. Another goal of the Williamson Act, besides the preservation of agricultural land, is the preservation of open space, to protect and maintain land in its natural state.

In addition, to qualify for a Type I Williamson Act contract, a parcel must be at least 10 acres in size and have a gross annual income of at least \$200 per acre. The subject parcel is 89 acres in size with 20 acres of vineyard. The vineyard has been producing a crop for over 24 years. The applicant has submitted a complete Agricultural Income Statement (Refer to Exhibit C of the staff report) and copies of four years worth (2003 through 2007) of the Schedule F form (Agricultural Profit and Loss statement) demonstrating the property’s annual per acre gross income generated from the agricultural production has exceeded the minimum income requirement. Overall, it appears the property meets the qualifications to execute a Type I Williamson Act contract.

STAFF RECOMMENDATION

Recommend that the Board of Supervisors:

- 1) Approve the new Type I Agricultural Preserve Area totaling 89 acres in size.
- 2) Approve the Zone Change.
- 3) Approve the inclusion of the 89 acre parcel into the new Agricultural Preserve Area, and authorize the Chairman of the Board of Supervisors to sign a new Type I Williamson Act contract.

FINDINGS FOR RECOMMENDED ACTION

1. The establishment of a new Type I Agricultural Preserve Area is consistent with the General Plan for the subject site's Resource and Rural Development land use designation.
2. The establishment of a new Type I Agricultural Preserve area of 89 acres is approved below the 100 acre minimum requirement, as it has been found, pursuant to § 51230 of the Williamson Act, that a slightly smaller preserve is necessary due to the project site's unique characteristics. The project is an intense, commercial agricultural enterprise, in the hillside above Dry Creek Valley, surrounded mostly by woodlands and land not under cultivation. The 20 acres of vineyard has been in production for 27 years. The project site, located in the Dry Creek Valley and the Dry Creek Valley Appellation, is predominantly vineyard land, but the project site is not within or contiguous to an existing Type I Preserve Area. For this reason, establishing a new Type I Preserve Area in Dry Creek Valley would not be out of character for this area of the County.
3. The Zone Change from the RRD B6 120 acre density SR district to the RRDWA B6 120 acre density SR district for a parcel under agricultural cultivation is consistent with the General Plan and the Zoning Ordinance for inclusion into the Agricultural Preserve program and establishment of a Williamson Act contract.
4. The subject parcel is 89 acres in size with 20 acres planted in a producing vineyard. The parcel has demonstrated that it exceeds both the 10 acre minimum parcel size and the minimum gross annual income of \$200 per acre requirements to allow for the establishment of a Type I Williamson Act contract. The 20 acres of vineyard is considered an intensive, commercial agricultural operation.
5. The Zone Change would not result in an increase in subdivision potential or development potential. The General Plan Land use designation would remain RRD 120 acres per dwelling unit. Currently, the project site of 89 acres does not have any further subdivision potential. Placing the project site under a Williamson Act contract would prohibit the allowance of a Second Dwelling Unit. However, with the 20 acres of vineyard, a full time Agricultural Employee residence would be allowed, even with a Williamson Act contract.
6. The Zone Change does not affect the subject site's SR (Scenic Resource) combining district designation.

LIST OF ATTACHMENTS

- EXHIBIT A: Proposal Statement
EXHIBIT B: Application and Supplemental Questionnaire
EXHIBIT C: Agricultural Income Statement
EXHIBIT D: General Plan Map

- EXHIBIT E: Zoning Map
 - EXHIBIT F: APN Pages (2)
 - EXHIBIT G: Aerial Maps (2)
 - EXHIBIT H: USGS Map
 - EXHIBIT I: Existing Agricultural Preserve areas in the vicinity
 - EXHIBIT J: Site Plan - APN: 139-090-044
 - EXHIBIT K: Site Photos
 - EXHIBIT L: Site Plan- APN: 139-150-035
 - EXHIBIT M: Site Photos
 - EXHIBIT N: Proposed Agricultural Preserve Area map
 - EXHIBIT O: Draft Resolution
 - EXHIBIT P: Draft Ordinance
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Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

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