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**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

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

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**DATE:** April 14, 2009 at 2:05 p.m.

**TO:** Board of Supervisors

**FROM:** Traci Tesconi, Project Planner

**SUBJECT:** MNS08-0010, Lands of Robert Young Family LTD PTP

**Action of the Project Review and Advisory Committee:**

At its regularly scheduled meeting on February 19, 2009, the Project Review and Advisory Committee, with a 7-0 vote, recommended that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request made by Robert Young Family LTD PTP for a Minor Subdivision of 52 acres +/-, under an existing Type I Williamson Act contract, creating two parcels 25.3 acres and 26.9 acres in size located at 4300 Highway 128, Geyserville; APN 131-060-0191; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource); Supervisorial District 4.

**Project Description:**

The project site is 52 acres in size, located on the northeast corner of Highway 128 and Geysers Road in the Alexander Valley area just northeast of the Healdsburg area. The site is slight to moderate slopes generally less than 30%, mostly south and west facing. The parcel is bounded by Geysers Road to the east, vineyards to the west, State Highway 128 to the south, and vineyards to the north. Vegetation is primarily vineyard (29 acres) along with oak woodland and grass land. The site is developed with one farm worker residence and one barn, along with a large vineyard. An on-site septic system and an off-site water well serves the one farm worker residence.

Proposed Lot 1: 25.3 acres in size to contain 15.18 acres of existing vineyard. The designated Building Envelope and alternative building envelope (refer to tentative map) are located in the central part of parcel, setback 450 feet from Geysers Road. Access would be off Geysers Road, about 800 feet east of Lot 2's driveway. This parcel is to be served in the future by on-site septic system and off-site well (easement already recorded).

Proposed Lot 2: 29.6 acres in size to contain 14.98 acres of existing vineyard. Lot 2 also contains the existing Farmworker Housing unit and barn. PRMD records show the Farmworker Housing unit was built with permit in 1990 (B-101230). A Farmworker Housing unit is not considered part of the density allowance; therefore, a primary residence or other agricultural employee housing opportunities will still be allowed on proposed Lot 2. The designated building envelope and alternative building envelope (refer to tentative map) are located in the central part of parcel, setback 250 feet from Highway 128. Access would be off Geysers Road, near the existing access to the farmworker residence and barn. This parcel is to be served in the

future by on-site septic system and off-site well (easement already recorded).

Driveway construction for the new parcels would not be done at this time, but rather done at the time the future residences are built.

Further project components are as follows:

**Sewage Disposal:** On-site septic systems are proposed for each parcel. Preliminary soil and site review by RAM Engineering concludes suitable soil is available.

**Water Supply:** An off-site well, located to the southwest near the Russian River will provide domestic water to the lots, and will continue to provide domestic water to the existing farm worker unit and agricultural water. There is an existing, recorded well easement in place for this site.

**Access:** Lot 1 will access off Geysers Road about 800 feet east of Lot 2's driveway. Lot 2 will access off Geysers Road at or near the existing access for the existing farmworker housing unit and barn, approximately 500 feet east of Highway 128. Therefore, neither of the proposed parcels would access directly off Highway 128. The applicant envisions constructing on-site driveways to the proposed building envelopes along existing vineyard roads resulting in little/no disturbance to the existing vineyard. Driveway construction will not occur until the time of residential development on the parcel(s).

**Potential Vineyard Removal:** According to the applicant's Planning Consultant, if and when a residence is constructed on either of the two parcels within the designated building envelopes, it would result in a loss of 2 acres of vineyard (1 acre per parcel). However, even with the potential loss of 1 acre of vineyard, each parcel will continue to contain 14 to 15 acres of commercial vineyard, with a minimum of 50% of the total parcel area under cultivation.

## **ISSUES DISCUSSED AT THE PUBLIC HEARING**

Discussion:

An agent for the applicants asked the question as to whether the existing Farmworker house could be replaced.

Resolution:

The project planner explained the existing Farmworker residence remains a permitted use in the LIA zoning district. Therefore, the Farmworker residence could be replaced by applying for the appropriate Building permit. No further planning application would be required if the new Farmworker residence is placed at the same location and footprint of the existing Farmworker residence. However, if the new Farmworker residence is relocated on proposed Parcel 2, then a Zoning Permit would be required in order for PRMD staff to verify the new Farmworker residence location is consistent with setback requirements set forth in the Zoning Code for Year-round Farmworker Housing.

In addition, the Environmental Health Specialist explained that any replacement of the Farmworker residence would require the existing septic system to be evaluated to insure it is working properly and depending upon the scope of the replacement, the project could be reviewed under the "Re-utilization Policy" of PRMD's Well and Section Section.

## ISSUES

### **Issue #1: General Plan Consistency**

The General Plan designation for the site is Land Intensive Agriculture, 20 acres per dwelling unit. The proposed subdivision of the 52 acres into two lots of 25.3 acres and 26.9 acres is consistent with density allowances for the project site in the General Plan.

In addition, a subdivision of land under a Williamson Act contract must be consistent with General Plan policy AR- 8c (Agricultural Resource Element) as follows:

***AR-8c: Subdivision of any Williamson Act contracted lands shall not result in any new parcel less than 10 acres in size for Type 1 preserves or 40 acres in size for Type 2 preserves, or the established minimum lot size, whichever is more restrictive. Each proposed new parcel must separately meet the economic criteria that the original parcel met at the time that the contract was executed.***

#### Staff analysis:

The subdivision would not result in new parcels that are less than the minimum acreage of 10 acres respectively for a Type I contract. The property is zoned LIA (Land Intensive Agriculture) B6-20 acre density. Minimum parcel size requirement under the LIA zoning district is 20 acres. Therefore, the division of the 52 acre site into two parcels, 25.3 and 26.9 acres in size, is consistent with the General Plan density (20 acres per dwelling unit) designation, is consistent with the LIA Zoning District's minimum parcel size (20 acres), and will exceed the 10 acre minimum parcel size under Williamson Act.

In addition, a mitigation measure limits designated building envelope areas as depicted on the Parcel Map meet the threshold requirement set forth in the Sonoma County Interim Guidelines for Williamson Act contracts, whereas compatible use areas are limited to 15% or 5 acres, whichever is less. The initial calculations are as follows:

Lot 1 = 25.3 acres equals a building envelope area limited to 3.78 acres.

Lot 2 = 26.9 acres equals a building envelope limited to 4.035 acres.

Since, however, final parcels sizes may vary slightly at the Parcel Map stage, staff has incorporated into the project, a mitigation measure that lists the standard threshold language from the Interim Guidelines, which states: a) the building envelope sizes cannot be enlarged beyond 15% of the parcel size or 5 acres, whichever is less, from that depicted on the recorded Parcel Map or re-located without first obtaining approval of a Certificate of Modification (Exhibit A - Draft Conditions of Approval - Condition 49).

**Issue #2: Zoning Consistency**

The zoning for the property is LIA (Land Intensive Agriculture), B6-20 acre density. Minimum parcel size under the LIA zoning district is 20 acres. Both of the proposed parcels are consistent with minimum lot size requirements for the LIA district. Both lots have been configured to include a commercial vineyard and contain existing vineyard roads to ease the management of the existing vineyard.

**Issue #3: Subdivision Map Act/Williamson Act**

The land being subdivided into two lots is under a Williamson Act contract. Therefore, the minor subdivision is subject to Section 66474.4 (a) of the Subdivision Map Act because it involves land under Williamson Act contract. Section 66474.4 of the State Subdivision Map Act requires action by the legislative body of a county for any subdivision of land that is under a Williamson Act Contract, as stated below:

**66474.4. (a)** *The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:*

*(1) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.*

*(b) (1) For purposes of this section, land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (A) less than 10 acres in size in the case of prime agricultural land, or (B) less than 40 acres in size in the case of land that is not prime agricultural land.*

*(2) For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) at least 10 acres in size in the case of prime agricultural land, or (B) at least 40 acres in size in the case of land that is not prime agricultural land. . . .*

Staff analysis:

The applicant has submitted a request for a minor subdivision of 52 acres to create two lots, 25.3 acres and 26.9 acres in size. The information below provides evidence that the parcels meet the 10 acre minimum parcel size requirement to remain consistent with a Type I contract and thereby not too small to sustain their agricultural use.

In addition, the information below provides the historical agricultural income generated by the original land from 2002 to 2007, also demonstrating the existing vineyard's annual

income will continue to exceed the \$200/acre annual income requirement for a Type I contract.

The two proposed parcels are configured to ease the vineyard management and both parcels will equally contain the same amount of existing vineyard.

Proposed Lot 1 consists of 25.3 acres containing 15.8 acres of existing vineyard.

Proposed Lot 2 consists of 29.6 acres containing 14 acres of existing vineyard.

Below is the agricultural income generated for the last five years from the 52-acre project site from the sale of the wine grapes produced on 29.18 acres in the first two columns. The last two columns are provided to demonstrate the "projected per acre income" for Lots 1 and 2 will meet minimum income requirements.

**Table 1: Agricultural Income- Last five years for the Project Site**

<b>Year</b>	<b>Annual Income from sale of wine grapes planted on 29.18 acres of the 52 acre site</b>	<b>Per acre income calculated over the 52 acre site</b>	<b>"Projected per acre income" for Lot 1 (25.3 acres)*</b>	<b>"Projected per acre income" for Lot 2 (29.6 acres)*</b>
<b>2002</b>	<b>\$301,005</b>	<b>\$4,274.00</b>	n/a	n/a
<b>2003</b>	<b>\$246,870</b>	<b>\$4,747.50</b>	n/a	n/a
<b>2004</b>	<b>\$127,687</b>	<b>\$2,455.51</b>	<b>\$5,046</b>	<b>\$4,314</b>
<b>2005</b>	<b>\$14,523</b>	<b>\$279.28</b>	<b>\$574</b>	<b>\$490</b>
<b>2006</b>	<b>\$162,136</b>	<b>\$3,118</b>	<b>\$6,408</b>	<b>\$5,477</b>
<b>2007</b>	<b>\$179,136</b>	<b>\$3,444.92</b>	<b>\$7,080</b>	<b>\$6,051</b>

Note: (\*) Referring to the income sheets provided by applicant, proposed Lot 1 would contain existing vineyard blocks MR 16 to MR 18. Lot 2 would contain existing vineyard blocks MR 12 to MR 15.

As a condition of approval, the property owner will rescind and replace the original, existing Type I contract with two new Type I contracts for the existing vineyard. Therefore, the subdivision is subject to the 10 acre minimum parcel size requirement for prime land (vineyard) as defined in both Section 66474.4 and General Plan policy AR-8C.

Under the Map Act, agricultural land is considered large enough to sustain its agricultural

use for orchard and/or vineyard land when the parcel is at least 10 acres in size for prime land/Type I contracts.

Under the County Rules and Regulations for Agricultural Preserves, the minimum gross income requirement for prime land (Type I contract) is \$200 per acre. The historical agricultural income provided by the applicant for the project site over the last five years allows staff to project the per acre income Lot 1 and Lot 2 are capable of generating. Clearly, Lot 1 and Lot 2 would individually meet or exceed the minimum income requirement for two, new individual Type I contracts.

Overall, it appears the proposed subdivision is consistent with General Plan density and zoning's minimum parcel size requirement, and is consistent with General Plan policy AR-8c. In addition, it appears the tentative map can be approved as the findings set forth under Section 66474.4 (a) of the Map Act can be met as follows:

1. Both of the resulting parcels following the subdivision of the land would be large enough to sustain their agricultural use. The parcels are considered to be prime farmland. Both of the resulting parcels of the subdivision would be over 10 acres in size, which exceeds the minimum parcel size for prime farmland, as recommended by the State Department of Conservation; and
2. The primary use of both parcels will remain as agricultural (vineyard). Lot 1 = 25.3 acres with 15.8 acres of existing vineyard with a building envelope limited to 3.78 acres. Lot 2 = 26.9 acres with 14 acres of existing vineyard with a building envelope limited to 4.035 acres. The building envelopes listed above are consistent with the threshold listed in the County's Interim Guidelines which limits compatible uses to 15% of the parcel size or 5 acres, whichever is less.
3. The subdivision would result in residential development incidental to the commercial agriculture use of the land because both of the resulting parcels would contain an existing commercial vineyard operation which can be demonstrated to be economically viable. Each parcel's vineyard operation is to be individually managed. The management of a permanent, commercial crop such as vineyards is an intensive agricultural operation that requires daily, year-round care. Proper management requires those person(s) who are overseeing the daily operations to ideally live on the site. Such daily operations include: frost protection, irrigation, pesticide applications, vector and deer control, pruning, and harvesting; and maintenance and repair of irrigation systems, fencing, etc.
4. The subject parcel is surrounded on two sides by large, existing vineyard operations. In referring above to this initial study, the subject parcel is depicted on the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as Prime and Unique Farmland. The subject parcel is located in a region that demonstrates it contains prime farm land (vineyards). Therefore, the subdivision can be found consistent with the findings of Subsections a and b. The additional findings listed under Section 66474.4, subsection c-k are not applicable.

**Issue # 4: Scenic Resource Designation**

According to the Open Space Map of the General Plan for Planning Area 3, Highway 128 is designated as a Scenic Highway Corridor and the parcel is designated as a Scenic Landscape Unit. These areas were established to "Retain a rural, scenic character ... with very low intensities of development." The following policies have been established by the Sonoma County General Plan to help maintain the scenic resources in areas with the Scenic Landscape Unit designation:

OS-2e: Require that new structures meet the following criteria:

- 1) They are sited below exposed ridgelines.
- 2) They use natural land forms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire retardant plants may be required.
- 3) Cuts and fills are discouraged and where practical, driveways are screened from public view.
- 4) Utilities are undergrounded where economically practical.

In addition, within the Zoning Ordinance, the following applies to the proposed subdivision:

Sec. 26-64-020. Community separators and scenic landscape units.

1. (a) All structures, except certain telecommunications facilities as provided for in Section 26-64-040, located within community separators and scenic landscape units illustrated on Figures OS-5a through OS-5i, inclusive, of the General Plan Open Space element and included within the SR district shall be subject to the following criteria:

(1) Structures shall be sited below exposed ridgelines;

Staff response: Building envelopes for the two lots are not proposed on exposed ridgelines. Administrative Design Review applications will be required for future residential development.

(2) Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required;

Staff response: A site inspection determined that the building envelopes are located in areas that would be screened due to topography, and by existing trees and vines.

(3) Cuts and fills are discouraged, and where practical, driveways are screened from public view;

Staff response: Depending on the design of future structures, cuts and fills may be required for construction. Administrative Design Review is required as Mitigation Measure to reduce significant impacts.

(4) Utilities are placed underground where economically practical;

Staff response: A condition has been required for the subdivision to require underground utilities when practical.

The above criteria shall not apply to agricultural accessory structures which do not require a Use Permit in the district with which this district is combined. In the event that compliance with these standards would make a parcel unbuildable, structures shall be sited where minimum visual impacts would result.

(b) In addition to the criteria listed in subsection (a) of this section, the following standards shall apply to subdivisions within community separators and scenic landscape units and included within the SR district unless otherwise provided herein:

(1) Building envelopes shall be established for structures. Use of height limitations should be considered, if necessary to further mitigate visual impacts;

Staff response: Building envelopes and alternative building envelopes have been designated for Lot 1 and Lot 2.

(2) Clustering shall be used to reduce visual impact where consistent with the applicable base district;

Staff response: Not applicable. The two-lot subdivision cannot be clustered because the land is under an existing Williamson Act contract.

(3) Building sites and roadways shall be located to preserve trees and tree stands as provided in Section 26-88-040(m) of this chapter;

Staff response: The proposed building envelope locations do not require tree removal to accommodate any future building sites. Also, no removal of existing vineyards would be required on either lot.

(4) To the extent allowed by law, dedication of a permanent scenic or agricultural easement shall be required at the time of subdivision for projects in community separators. Consider requiring such easements in critical scenic landscape units pursuant to general plan Policy OS-2g.

Staff response: Not applicable - project site is not located within a community separator designation.

As required for the Minor Subdivision, the applicant has established building envelopes on Lot 1 and Lot 2 (see Tentative Map dated June 30 2008). It appears that the designated building envelopes proposed for these two lots meet the intent of the Scenic Landscape designation. In addition, the building envelopes are all located outside of the 200 foot Scenic Highway Corridor setback. At this time no specific structures are proposed with the subdivision; therefore, further review is necessary. However, to ensure new structures on proposed Lot 1 and Lot 2 of the tentative map meet the criteria of the SR (Scenic

Resources) combining district, mitigation measures have been incorporated into the project requiring: building envelopes, as depicted on the tentative map, to be accurately placed and shown to scale on the Parcel Map to be recorded; a note on the map stating Administrative Design Review applications are required for any new residential structures, accessory buildings, and additions (excepting only agricultural exempt barns) with exterior lighting plans; and a note on the map stating the designated building envelope areas are limited to 15% of the total parcel size or maximum of 5 acres, whichever is less, and cannot be enlarged or relocated without first obtaining approval of a Certificate of Modification by the final decision making body (Board of Supervisors).

### CONCLUSION

Based on the above analysis, it has been determined that the subdivision is consistent with minimum lot size standards of the LIA zoning district, would not result in parcels too small to sustain their agricultural use, the primary use of the two parcels will remain agriculture, and the subdivision will not result in residential development that is not incidental to the commercial agricultural use of the land. Therefore, staff recommends that the Board of Supervisors approve the Minor Subdivision, consistent with the requirements of Section 66474.4 (a) of the Subdivision Map Act. Draft Conditions of Approval require submittal of complete Agriculture Preserve applications prior to recording the Parcel Map to rescind and replace the existing Type I Williamson Act Contract with separate contracts for the two newly created parcels.

### **STAFF RECOMMENDATION**

Adopt the Mitigated Negative Declaration and approve the proposed two-lot Minor Subdivision subject to the conditions of approval contained within Exhibit A.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The subdivision complies with the General Plan land use designation of Land Intensive Agriculture 20 acre density.
2. The subdivision is consistent with General Plan goals, policies and objectives, specifically General Plan policy AR-8c and the Williamson Act Rules and Regulations because it has been demonstrated that each parcel will individually meet the size, income, and all other requirements for the new Type I Williamson Act contract, including that the parcels are devoted to agricultural use.
3. The subdivision complies with the requirements of the LIA (Land Intensive Agriculture), B6-20 acre density, Z, SR zoning designation in terms of density and minimum lot size requirements.
4. To assure conformance with the Scenic Resource zoning designation of the site, Conditions of Approval require building envelopes, as depicted on the tentative map, to be accurately placed and shown to scale on the Parcel Map to be recorded; a note on the map stating Administrative Design Review applications are required for any new

residential structures, accessory buildings, and additions (excepting only agricultural exempt barns) with exterior lighting plans; and a note on the map stating the designated building envelope areas are limited to 15% of the total parcel size or 5 acres, whichever is less, due to the parcels being under a Williamson Act contract. Building envelopes cannot be enlarged or relocated without first obtaining approval of a Certificate of Modification by the final decision making body (Board of Supervisors).

5. The subdivision complies with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Specifically, the tentative map complies with Section 66474 of the Subdivision Map Act in that the project is consistent with the applicable General Plan, the design of the subdivision is consistent with the applicable general plan, the site is physically suitable for the development, the subdivision will not cause substantial environmental damage or injure fish or wildlife or their habitat, the subdivision is not likely to cause serious public health problems, and the design of the subdivision will not conflict with public easements.
6. The subdivision complies specifically with Section 66474.4 (a)-(1) and (b)-(2) of the Subdivision Map Act pertaining to land under an existing California Land Conservation contract, referred to as a Williamson Act contract, as it has been determined that the resulting parcels following the subdivision would be large enough to sustain their agricultural use because each parcel will exceed the 10-acre minimum parcel size requirement for the new Type I Williamson Act contract. The primary use of both parcels will remain as agricultural (vineyard). Lot 1 = 25.3 acres with 15.8 acres of existing vineyard with a building envelope limited to 3.78 acres. Lot 2 = 26.9 acres with 14 acres of existing vineyard with a building envelope limited to 4.035 acres. The building envelopes listed above are consistent with the threshold listed in the County's Interim Guidelines which limits compatible uses to 15% of the parcel size or 5 acres, whichever is less.
7. The subdivision would result in residential development incidental to the commercial agriculture use of the land because both of the resulting parcels would contain an existing commercial vineyard operation has been demonstrated to be economically viable. Each parcel's vineyard operation is to be individually managed. The management of a permanent, commercial crop such as vineyards is a labor intensive agricultural operation that requires daily, year-round care. Proper management requires those person(s) who are overseeing the daily operations to ideally live on the site. Such daily operations include: frost protection, irrigation, pesticide applications, vector and deer control, pruning, and harvesting; and maintenance and repair of irrigation systems, fencing, etc.
8. The subject property is surrounded on two sides by large, existing vineyard operations. In referring above to this initial study, the subject parcel is depicted on the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as Prime and Unique Farmland. The subject parcel is located in a region that demonstrates it contains prime farm land (vineyards). Therefore, the subdivision can be found consistent with the findings of Subsections a and b. The additional findings listed under Section 66474.4, subsection c-k are not applicable.

9. The subdivision complies with Board of Supervisors Resolution No. 28630, Rules and Regulations for Administration of Agricultural Preserve - Type I contract because it has been demonstrated that each new parcel would individually meet the minimum gross income requirement of \$200.00 per acre for a Type I Williamson Act contract.
10. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
11. Conditions of Approval require that prior to recording the Parcel Map, complete Agricultural Preserve applications must be submitted to rescind and replace the existing Type I Williamson Act Contract with two separate Type I contracts for the two newly created parcels.

**Attachments:**

- Draft Board of Supervisors Resolution
- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Vicinity Map
- EXHIBIT C: Minor Subdivision application and proposal statement
- EXHIBIT D: Tentative Map
- EXHIBIT E: Aerial map depicting existing vineyard areas
- EXHIBIT F: APN Map
- EXHIBIT G: PRAC Record of Action dated February 19, 2009
- EXHIBIT H: Mitigated Negative Declaration

Resolution Number

County of Sonoma  
Santa Rosa, California

April 14, 2009  
MNS08-0010 Traci Tesconi

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE TENTATIVE MAP AND RESCINDING AND REPLACING THE ORIGINAL TYPE I WILLIAMSON ACT CONTRACT WITH TWO NEW TYPE 1 WILLIAMSON ACT CONTRACTS AS REQUESTED BY ROBERT YOUNG FAMILY, LTD, PTP FOR PROPERTY LOCATED AT 4300 HIGHWAY 128, GEYSERVILLE; APN 131-060-019.

**WHEREAS**, the applicant, Robert Young Family, LTD PTP, filed an application with the Sonoma County Permit and Resource Management Department for a Minor Subdivision of +/-52 acres creating two lots, 25.3 acres and 26.9 acres in size for land currently under an existing Type I Williamson Act contract located at 4300 Highway 128, Geyserville, APN 131-060-019, Zoned: LIA (Land Intensive Agriculture), B6 20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource); Supervisorial District 4; and

**WHEREAS**, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

**WHEREAS**, Section 66474.4 (a) of the State Subdivision Map Act requires action by the legislative body of a county for any subdivision of land that is under a Williamson Act Contract; and

**WHEREAS**, this Minor Subdivision requires Board of Supervisors approval because of the existing Williamson Act contract.

**WHEREAS**, said Tentative Map has been referred to the Project Review Advisory Committee and interested agencies, and reports and recommendations have been received therefrom; and

**WHEREAS**, at its regularly scheduled meeting on February 19, 2009, the Project Review and Advisory Committee, with a 7-0 vote, recommended that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the request subject to modified conditions and findings; and

**WHEREAS**, in accordance with the provisions of law, the Board of Supervisors held a public hearing on April 14, 2009, at which time all interested persons were given an opportunity to be heard; and

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors makes the following findings:

1. The subdivision complies with the General Plan land use designation of Land Intensive Agriculture 20 acre density.
2. The subdivision is consistent with General Plan goals, policies and objectives, specifically

General Plan policy AR-8c and the Williamson Act Rules and Regulations because it has been demonstrated that each parcel will individually meet the size, income, and all other requirements for the new Type I Williamson Act contract, including that the parcels are devoted to agricultural use.

3. The subdivision complies with the requirements of the LIA (Land Intensive Agriculture), B6-20 acre density, Z, SR zoning designation in terms of density and minimum lot size requirements.
4. To assure conformance with the Scenic Resource zoning designation of the site, Conditions of Approval require building envelopes, as depicted on the tentative map, to be accurately placed and shown to scale on the Parcel Map to be recorded; a note on the map stating Administrative Design Review applications are required for any new residential structures, accessory buildings, and additions (excepting only agricultural exempt barns) with exterior lighting plans; and a note on the map stating the designated building envelope areas are limited to 15% of the total parcel size or 5 acres, whichever is less, due to the parcels being under a Williamson Act contract. Building envelopes cannot be enlarged or relocated without first obtaining approval of a Certificate of Modification by the final decision making body (Board of Supervisors).
5. The subdivision complies with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Specifically, the tentative map complies with Section 66474 of the Subdivision Map Act in that the project is consistent with the applicable General Plan, the design of the subdivision is consistent with the applicable general plan, the site is physically suitable for the development, the subdivision will not cause substantial environmental damage or injure fish or wildlife or their habitat, the subdivision is not likely to cause serious public health problems, and the design of the subdivision will not conflict with public easements.
6. The subdivision complies specifically with Section 66474.4 (a)-(1) and (b)-(2) of the Subdivision Map Act pertaining to land under an existing California Land Conservation contract, referred to as a Williamson Act contract, as it has been determined that the resulting parcels following the subdivision would be large enough to sustain their agricultural use because each parcel will exceed the 10-acre minimum parcel size requirement for the new Type I Williamson Act contract. The primary use of both parcels will remain as agricultural (vineyard). Lot 1 = 25.3 acres with 15.8 acres of existing vineyard with a building envelope limited to 3.78 acres. Lot 2 = 26.9 acres with 14 acres of existing vineyard with a building envelope limited to 4.035 acres. The building envelopes listed above are consistent with the threshold listed in the County's Interim Guidelines which limits compatible uses to 15% of the parcel size or 5 acres, whichever is less.
7. The subdivision would result in residential development incidental to the commercial agriculture use of the land because both of the resulting parcels would contain an existing commercial vineyard operation has been demonstrated to be economically viable. Each parcel's vineyard operation is to be individually managed. The management of a permanent, commercial crop such as vineyards is a labor intensive agricultural operation that requires daily, year-round care. Proper management requires those person(s) who are overseeing the daily operations to ideally live on the site. Such daily operations include: frost protection, irrigation, pesticide applications, vector and deer control, pruning, and harvesting; and maintenance and repair of irrigation systems, fencing, etc.

8. The subject property is surrounded on two sides by large, existing vineyard operations. In referring above to this initial study, the subject parcel is depicted on the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as Prime and Unique Farmland. The subject parcel is located in a region that demonstrates it contains prime farm land (vineyards). Therefore, the subdivision can be found consistent with the findings of Subsections a and b. The additional findings listed under Section 66474.4, subsection c-k are not applicable.
9. The subdivision complies with Board of Supervisors Resolution No. 28630, Rules and Regulations for Administration of Agricultural Preserve - Type I contract because it has been demonstrated that each new parcel would individually meet the minimum gross income requirement of \$200.00 per acre for a Type I Williamson Act contract.
10. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
11. Conditions of Approval require that prior to recording the Parcel Map, complete Agricultural Preserve applications must be submitted to rescind and replace the existing Type I Williamson Act Contract with two separate Type I contracts for the two newly created parcels.

**BE IT FURTHER RESOLVED** that the Board of Supervisors adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

**BE IT FURTHER RESOLVED** that the Board of Supervisors approves the requested Tentative Map to subdivide +/-52 acres into two parcels 25.3 acres and 26.9 acres in size.

**BE IT FURTHER RESOLVED** that the Board of Supervisors approves the mutual rescission and replacement of the existing Type I Williamson Act contract with two new, separate Type I contracts for property located at 4300 Highway 128, Geyserville, APN 131-060-019.

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**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.

Background information is on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 9540

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 9540

They 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.