

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
 Meeting Date: ___/___/___ Held Until: ___/___/___
 Agenda Item No: _____ Agenda Item No: _____
 No: _____

Department: Permit and Resource Management
 Department

() 4/5 Vote Required

Contact:
 Melinda Grosch

Phone:
 (707) 565-2397

Board Date:
 August 4, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Williamson Act Authorization: [REDACTED], AGP09-0018

REQUESTED BOARD ACTION:

Resolution authorizing the Chair of the Board of Supervisors to sign a Type I Williamson Act Contract as requested by [REDACTED] for 34.3 acres located at 7015 Westside Road, Healdsburg; Supervisorial District 4.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD APPROVAL

Estimated Cost \$

Contingencies \$
 (Fund Name:)

Amount Budgeted \$

Unanticipated Revenue \$
 (Source:)

Other Avail Approp \$
 (Explain below)

Other Transfer(s) \$
 (Source:)

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required):

Prior Board Action(s):

None

Alternatives - Results of Non-Approval:

Applicant would not receive tax benefits for maintaining property in agricultural use.

On File with the Clerk: Planning Application, Supplemental Questionnaire, Income Statement, APN Map, Soil Analysis

Background:

The property owner, [REDACTED], has requested that his land be placed under a Type I Williamson Act Contract. A Williamson Act Contract restricts land in exchange for tax benefit to the owner; any loss of tax revenue to the County is generally off-set by subvention funds received from the State. Type I Williamson Act contracts must comply with the California Constitution, Article B, Section 8, the Williamson Act (Government Code 51200 et. seq.) and County adopted Rules for the administration of Type I Williamson Act contracts. The parcel satisfies the following requirements for a Type I Williamson Act contract:

1. The parcel is within an existing Agricultural Preserve:

The parcel is located within the boundaries of Agricultural Preserve 1-397 as established by Board of Supervisors Resolution 31672-4 passed on December 30, 1970.

2. The land is prime agricultural land or has prime soils:

The parcel is within an area of Sobrante Loam 15 to 30% slopes that has a capability rating of l'VE-1, not considered prime soils. Traditionally these areas are used as range lands but are currently being converted to vineyards. The Zoning designation of LIA (Land Intensive Agriculture), B6-60 acres per dwelling unit, (SR) Scenic Resources, F2 (Flood Plain), VOH (Valley Oak Habitat) reflects the prime agricultural nature of the site.

3. For Type I Williamson Act Contracts the minimum parcel size is 10 acres:

The parcel, at 34.3 +/- acres exceeds the 10 acre minimum parcel size required.

4. The land is devoted to an agricultural use (the production of food or fiber):

Approximately five acres are currently planted in grapes. The vineyard was established four years ago. There are an additional four acres that are cleared and prepared for planting. The owner plans to plant this area in 2010. Another four acres of the property which are planned for planting have soils that are high in magnesium and have a lot of serpentine. Based on a soils analysis prepared by Bryan L Rahn, Certified Agronomist and Soil Scientist, it was determined that this area would require substantial supplementation and work to make it suitable for vineyard planting.

Based on the analysis the owner is applying a compost and fertilizer regimen and gypsum supplements to the area in the hopes that it will be able to be planted within the next few years. There are a number of extremely large, old Valley oaks scattered throughout the property that the owner desires to protect. Due to their location and the location of a small ephemeral stream other areas of the site do not offer large enough areas to plant with grapes. During a site visit by the Project Planner the property owner identified a few other small areas that may be planted scattered here and there among the trees which may equal two or three more acres of grapes. A small olive orchard has been planted but this will be its first year of production so there is no production information to include.

Background: Continued

Based on the soil constraints and natural resources of the property the owner has maximized the use of the property for vineyard planting to the extent possible.

The County's basic policy is that at least 50% of the parcel should be devoted to agricultural uses. However, where significant constraints are present on the property, such as very steep slopes, riparian habitat, valley oaks, inappropriate soils, etc. the rule-of-thumb would be to ensure that 50% of the usable land is devoted to agriculture. For the subject property the applicant has planted at least 50% of the usable land and has prepared the remaining usable land for planting. The marginal lands may also be planted but it remains to be seen whether the prescribed treatment will yield results.

- 5. Non-agricultural uses of the property are compatible with the Williamson Act as defined in the County Regulations for Type I Contracts and the Principles of Compatibility established by Government Code Section 51238.1:

The parcel is currently developed with a single family residence and an accessory building. A new winery was approved under Use Permit UPE04-0113. The tasting room is located in a building that was originally constructed as a guest house. The new winery has not been built and may ultimately be located in the area with soils that are currently not suitable for planting due to their high magnesium and serpentine properties. These improvements encumber less than five acres of land. The Rules and Regulations for Administration of Agricultural Preserve, adopted in 1970 by the Board of Supervisors, under item #8, permit one family dwelling, a guest house, and accessory buildings of all kinds, when located upon farms and occupied or used by the owner or person engaged in the operation and maintenance of the farm. The existing on-site single family residence is occupied by the owner of the property. Wineries are considered agricultural processing facilities that are "permitted" agricultural uses in the Rules and Regulations for Administration of the Type A-I Agricultural Preserves. Furthermore, the previously approved tasting room is also considered a permitted accessory use appurtenant to the winery use.

Government Code Section 51238.1 reads in part:

51238.1.(a) Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

Attachments:

Draft Resolution

On File With Clerk: Planning Application, Supplemental Questionnaire, Income Statement, APN Map, Soil Analysis

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: Continued

(1) *The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.*

(2) *The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.*

(3) *The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility a board or council shall consider the impacts on noncontracted lands in the agricultural preserve or preserves.*

(b) A board or council may include in its compatible use rules or ordinance conditional uses which, without conditions or mitigations, would not be in compliance with this section. These conditional uses shall conform to the principles of compatibility set forth in subdivision (a) or, for nonprime lands only, satisfy the requirements of subdivision (c).

The winery and tasting room do not compromise the long-term productive agricultural capability of the property as the tasting room is occupying land that is a rock outcropping and is located in an existing building. The winery will either be located adjacent to the tasting room or on the area with soils that are currently incapable of being planted if the soil amendment regimen does not improve soils enough that they can be planted. The winery and tasting room will not displace any agricultural uses as the planned locations are not currently planted and are unsuitable for planting. Adjacent agricultural uses will be unaffected by the winery and tasting room. These are common uses associated with vineyard lands throughout Sonoma County and generate a considerable amount of income for Sonoma County vineyards strengthening the commitment to maintain lands under vineyard cultivation.

6. The parcel meets the minimum income generation standards of \$200 per acre, per year:

As shown on the submitted Income Statement, the subject parcel's vineyard operation is projected to exceed the minimum income requirement of \$200.00 per acre gross annual income with earnings averaging \$1,166 gross income per acre from five +/- acres of vineyard. However, when the additional four acres of planned vineyard start to produce, the income level is expected to increase. Average time to production for newly planted vineyards is three to five years.

Therefore staff recommends approval of a Type I Williamson Act Contract on the subject parcel.