DATE: December 13, 2011 at 2:10 p.m.

TO: Board of Supervisors

FROM: Scott Hunsperger, Project Planner

SUBJECT: Hearing to consider enlargement of an existing Agricultural Preserve Area and rescind and replace an existing Type I Williamson Act Contract with two new contracts; PLP10-0032; Silverado Sonoma Vineyards; Supervisorial District 4.

Action Requested of the Board of Supervisors:

Your Board is requested to conduct a public hearing to enlarge an existing Agricultural Preserve Area (1-232) by adding 6.02 acres; rescind and replace an existing Type I Williamson Act Contract with two new Type I Contracts on two parcels of 12.02 acres and 121.04 acres in size, and authorize the Chair of the Board of Supervisors to sign the new contracts to satisfy Conditions of Approval for a previously approved Lot Line Adjustment (LLA09-0047).

The project is Categorically Exempt pursuant to Section 15317 Class 17 of Title 14 under the California Environmental Quality Act.

At the conclusion of the hearing your Board may approve the enlargement of the Agricultural Preserve Area Map (1-232) and approve the rescission and replacement of one existing contract with two Type I Williamson Act Contracts as recommended by staff.

Prior Actions:

On February 2, 2010, the Board of Supervisors approved a Lot Line Adjustment (LLA09-0047) between three parcels of 1.02 acres (Lot A), 127.04 acres (Lot B) and 15.5 acres (Lot C), resulting in three adjusted parcels of 12.02 acres (Lot A), 121.04 acres (Lot B), and 10.5 acres (Lot C) (Resolution No. 10-0089). Lot C is not currently subject to a Williamson Act Contract and not part of this application. With the previous approval, the Board of Supervisors determined that the Lot Line Adjustment met all the required findings under Section 51257 of the Government Code. Resulting Lot A contains 11 acres of existing vineyard which is under a Williamson Act contract (the original 1.02 acre portion of Lot A is not under contract). The purpose of the Lot Line Adjustment was to include more land into an Agriculture Preserve and place resulting Lots A and B in individual Williamson Act Contracts. A majority of resulting Parcels A and B are planted in existing vineyard. A Lot Line Adjustment can be approved between contracted and non contracted land provided there is no net decrease of land under contract. In this case, an additional 6.02 acres would be placed under contract as required by the Conditions of Approval. On October 4, 2011, the Lot Line Adjustment deed recorded (OR#2011-084859).
Location, Zoning and Project Description:

Lot A, 2543 Laughlin Road, Santa Rosa is comprised of APN’s 059-220-030 and -031. Lot B, 2521 Laughlin Road, Santa Rosa, is comprised of APN’s 059-220-032 and -033. The parcels are approximately 1,400 feet from the intersection of Laughlin Road and River Road, northwest of Santa Rosa. Both subject parcels each contain two Assessor Parcel Numbers because the Assessor’s office assigned them in order to reflect the different tax rate for the portions that are not presently subject to Williamson Act Contracts. All parcels are zoned LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Unit Exclusion), VOH (Valley Oak Habitat) district.

The previously approved Lot Line Adjustment included a Condition of Approval requiring the existing Type I Contract be rescinded and replaced with two new contracts in order for each of the two adjusted parcels to be under its own individual Williamson Act Contract. The original 1.02 acre, Lot A, and a 5.0 acre portion of Lot B were not in a Williamson Act Contract or included in the existing Agricultural Preserve Area (1-232) boundaries. For that reason, Agricultural Preserve Area (1-232) must be enlarged to include the 6.02 acres to allow resulting Lots A and B to be placed under two new, Type I contracts. The project also includes the request to authorize the Chair of the Board of Supervisors to sign the two new Type I Contracts.

ANALYSIS

State Law Requirements:

The enlargement of an Agricultural Preserve includes certain procedural requirements, listed as follows:

1. Pursuant to Government Code Section 51230 the Board of Supervisors may only modify a preserve by a Resolution and after a public hearing. Therefore, consistent with these requirements a public hearing is being held and if approved, consistent with Government Code Section 51237, the Resolution, along with the approved and enlarged Agricultural Preserve Area map (1-232) depicting the 6.02 acres added to the preserve area will be recorded with the County Recorder’s Office. In the Resolution and transmittal, PRMD has requested the Clerk of the Board to simultaneously record the adopted Resolution and approved Agricultural Preserve Map (1-232), as modified.

2. Pursuant to Government Code Section 51233, a minimum of two weeks prior to this hearing, a public hearing notice was sent to the Local Agency Formation Commission Office. No cities are located within one mile of the preserve boundary; therefore, no hearing notice was required to be sent to any nearby city.

3. Pursuant to Government Code Section 51234, PRMD has determined that enlarging the existing Agricultural Preserve Area (1-232) is consistent with the General Plan because the land to be added to the preserve area has a Land Intensive Agriculture land use and zoning designations, with a majority of the parcel planted in existing vineyard, and thereby the land is devoted to agriculture.

4. Pursuant to Government Code Section 51234, the Board of Supervisors has determined that enlarging the existing Agricultural Preserve Area (1-232) is consistent with the General Plan because the land added to the preserve area is under the Land Intensive Agriculture land use
and zoning designation, is planted with an existing vineyard, and is devoted to a commercial agricultural use.

5. The two subject parcels continue to exceed the 10-acre minimum parcel size requirement and the minimum of $200 per acre gross income requirement for a Type I Contract. A majority (over 50%) of the two parcels are planted in existing vineyard.

6. The modification of the existing Agricultural Preserve Area is allowed to be considered concurrently with the application for replacement contracts. Therefore, under one action, the Board of Supervisors can approve the enlargement of Agricultural Preserve Area (1-232) and approve the two replacement contracts within the preserve.

Type I Contract Qualifications:

The two adjusted parcels continue to exceed the 10-acre minimum parcel size requirement and the minimum of $200 per acre gross income requirement for a Type I Contract. Lot A is 12.02 acres, with approximately 11 acres planted with existing vineyard, and a single family residence with. Lot B is 121.04 acres, with approximately 106 acres of existing vineyards and contains two single family residences with accessory buildings. The parcels have generated on average an income of $8,895.00 per acre gross income on the total 116.7 acres planted in grapes. The parcels continue to be devoted to a commercial agricultural use, with over 50% of both parcels planted in existing vineyard.

STAFF RECOMMENDATION

Staff recommends the Board of Supervisors approve the request.

List of Attachments:
Draft Board of Supervisors Resolution
EXHIBIT A: Existing and Proposed Agricultural Preserve Area Map
EXHIBIT B: Current Assessor Parcel Map Page
EXHIBIT C: Approved Lot Line Adjustment Site Plan

Separate Attachment for the Board of Supervisors and On File with the Clerk: None.