PLANNING COMMISSION AUGUST 2, 2018
STAFF REPORT- AGRICULTURAL PRESERVE A_2018-0001

SUMMARY

OWNER:	EAGLE CREEK PACIFIC, LLC C/O: UBS AGRIVEST, LLC 1920 TIENDA DR STE 204 LODI, CA 95242
APPLICANT:	ERIK C. ROGET, VICE PRESIDENT 1920 TIENDA DR STE 204 LODI, CA 95242
REQUEST:	Creation of a new 80± acre Williamson Act contract on two separate 40± acre parcels.
LOCATION:	On the north side of Hwy. 128, 0.75± miles from its intersection with Hwy. 253, located at 13989 Hwy. 128, Boonville (APNs: 029-060-15, 16, 029-070-25, 029-080-01, 029-100-11, 029-120-13 & 029-620-11).
TOTAL ACREAGE:	80± Acres
GENERAL PLAN:	AG 40 (Agriculture, 40 acre minimum)
ZONING:	AG 40 (Agriculture, 40 acre minimum)
SUPERVISORIAL DISTRICT:	5
ENVIRONMENTAL DETERMINATION:	Categorically Exempt - Class 17
RECOMMENDATION:	The Planning Commission recommends that the Board of Supervisors, by resolution, establish a new agricutural preserve and Williamson Act contract.
STAFF PLANNER:	Russell Ford

BACKGROUND

PROJECT DESCRIPTION: Eagle Creek Pacific, LLC currently owns 80± acres of Agriculture (AG) zoned vineyard in Anderson Valley, immediately north of the town of Boonville. Historical imagery indicates that the property has been in agricultural use since at least 1993 as both orchard and wine grape vineyard. The applicant requests the creation of a single Williamson Act contract over the property for the benefit of the vineyard. The application materials show that there is an existing AG pond and 2 small residences on the parcel, the most recent having been constructed in 1960. No additional structures are proposed at this time.

APPLICANT'S STATEMENT: Eagle Creek Pacific, LLC would like to enroll 80.00 acres in the Agricultural Preserve. The property consists of 48.50 acres of planted vineyard with the balance of 31.50 acres of support land. The support land consists of farm roads, farmstead areas, reservoirs, creeks and excess unplantable acres. There are 2 houses on the property, being 960 square feet and 520 square feet in size. The vineyard is planted to Pinot Noir and Chardonnay varieties, of various ages planted from 1991 to 2017. The property has been and will continue to be a working vineyard. The grapes are sold to various wineries who then convert the grapes into bottled wine to be sold through vast retail markets. Before the property was planted into wine grapes, it was a working apple farm.

RELATED APPLICATIONS:

- Certificate of Compliance CC_1989-0042 recognized 6 existing lots in the area of the project site
- General Plan Amendment GP_1991-0017 and Rezone R_1991-0014 changed the General Plan and Zoning classifications from Rangeland (RL) to Agriculture (AG)
- Boundary Line Adjustment B_1993-0048 reconfigured some of the previous certificates into the current property configuration

SITE CHARACTERISTICS: Located adjacent to the town of Boonville in Anderson Valley, the property reaches from Anderson Creek along its west edge to the foothills of the valley at its east. The site is predominantly flat, presenting 0-14° slopes over 90% of the site, increasing to 30°+ as you reach the foothills. The sites soils are comprised of Pinole Loam (2 to 9% slopes) and Boontling Loam (2 to 9% slopes) among the terrace area, and Yorkville-Squawrock-Witherell complex at the foothills. Both the Pinole Loam and Boontling Loam are indicated for use in production of wine grapes and apples, per the *Soil Survey of Mendocino County, Western Part* (2002), and few limitations affect their production on these soils.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Agriculture 40	Agriculture 40	40± acres	Agricultural
EAST	Rangeland 160	Rangeland 160	35± acres	Rangeland
SOUTH	Rangeland 160	Rangeland160	35± acres	Agricultural
WEST	Rural Community	Rural Community	1± acres	Residential

PUBLIC SERVICES:

Access: State Highway 128 (via private drive)
Fire District: Anderson Valley Community Services District
Water District: None
Sewer District: None
School District: Anderson Valley Unified

AGENCY COMMENTS: On March 6th, 2018 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT
Resource Lands Protection Committee	None	Reviewed by RLPC on 4/18. No objections to the project were noted.
Airport Land Use Commission	None	No Comment
Mendocino County Building Division	None	No Comment
Department of Transportation	None	No Comment
Forestry Advisor	None	No Comment

KEY ISSUES

1. General Plan and Zoning Consistency: The proposed project, establishing a Williamson Act contract of 80± acres to be used for vineyard is consistent with pertinent agricultural goals and polices of the General Plan as follows:

Policy RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and

quality of life and food security of the county by maintain extensive agricultural land areas and limiting incompatible uses.

Policy RM-100: Maintain extensive agricultural land areas and limit incompatible uses.

Policy RM-101: The County supports policies and programs to maintain and enhance the viability of agricultural operations and retention of agricultural land.

Policy RM-110: Consistent with State funding, encourage the creation and renewal of Williamson Act contracts on eligible lands.

2. Agricultural Preserve Regulations: As indicated on aerial imagery, the property has been used as a vineyard for at least 20 years and is currently used for production of Pinot Noir and Chardonnay grapes. The intent is to continue the vineyard use of the property consistent with the requirements for a Williamson Act contract.

Under the revised Agricultural Preserve and Williamson Act Contract Policies and Procedures, adopted October 6, 2015 and amended March 21, 2017, lands designated as "Prime Agricultural Land" must be at least 10 acres. This site meets that requirement at 80± acres. Table 5-2 of the revised policies (Annual Income Requirements) requires not less than $1,000 per planted acre for Prime Agricultural Land, which includes Vines and Bushes. Per the application, approximately 48.50 acres of the subject parcel are currently planted with vines, requiring a minimum of $48,500 to qualify. The applicant has submitted financial tables from 2017 indicating total sales of $456,082, easily meeting that threshold.

Based upon the expected production of the soil types, combined with the history of the agricultural use of the subject property, staff finds that the property meets the criteria for establishment of a Williamson Act contract under Section 22.08 of the Mendocino County Code.

3. Environmental Protection: The project has been found to be exempt from the California Environmental Quality Act (CEQA) per Section 15317 of the CEQA guidelines (Class 17), which exempts "the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act…" Therefore, no further environmental consideration is necessary.

RECOMMENDATION

The Planning Commission recommends approval of A_2018-0001 to the Board of Supervisors, making the following findings, consistent with the General Plan and Mendocino County Code Section 22.08:

Environmental Findings: This project is categorically exempt from CEQA review per Section 15317 of the CEQA Guidelines (Class 17).

Agricultural Preserve Findings: The lands referenced in this Staff Report are currently zoned AG. Per Section 4.2(a) of the Revised Policies and Procedures, only lands zoned Agriculture (AG), Rangeland (RL), or Forestland (FL) are eligible to qualify as Agricultural Preserves. Furthermore, as there is currently no process in place to establish an Agricultural Preserve as a separate and distinct restriction from a that of a Williamson Act contract, all lands zoned AG and RL are considered de facto Agricultural Preserves and thus eligible for contract.

Williamson Act Findings: The proposed Williamson Act contract is consistent with requirements as specified in the Revised Policies and Procedures with regard to lot size, agricultural use type, accessory development and income threshold.

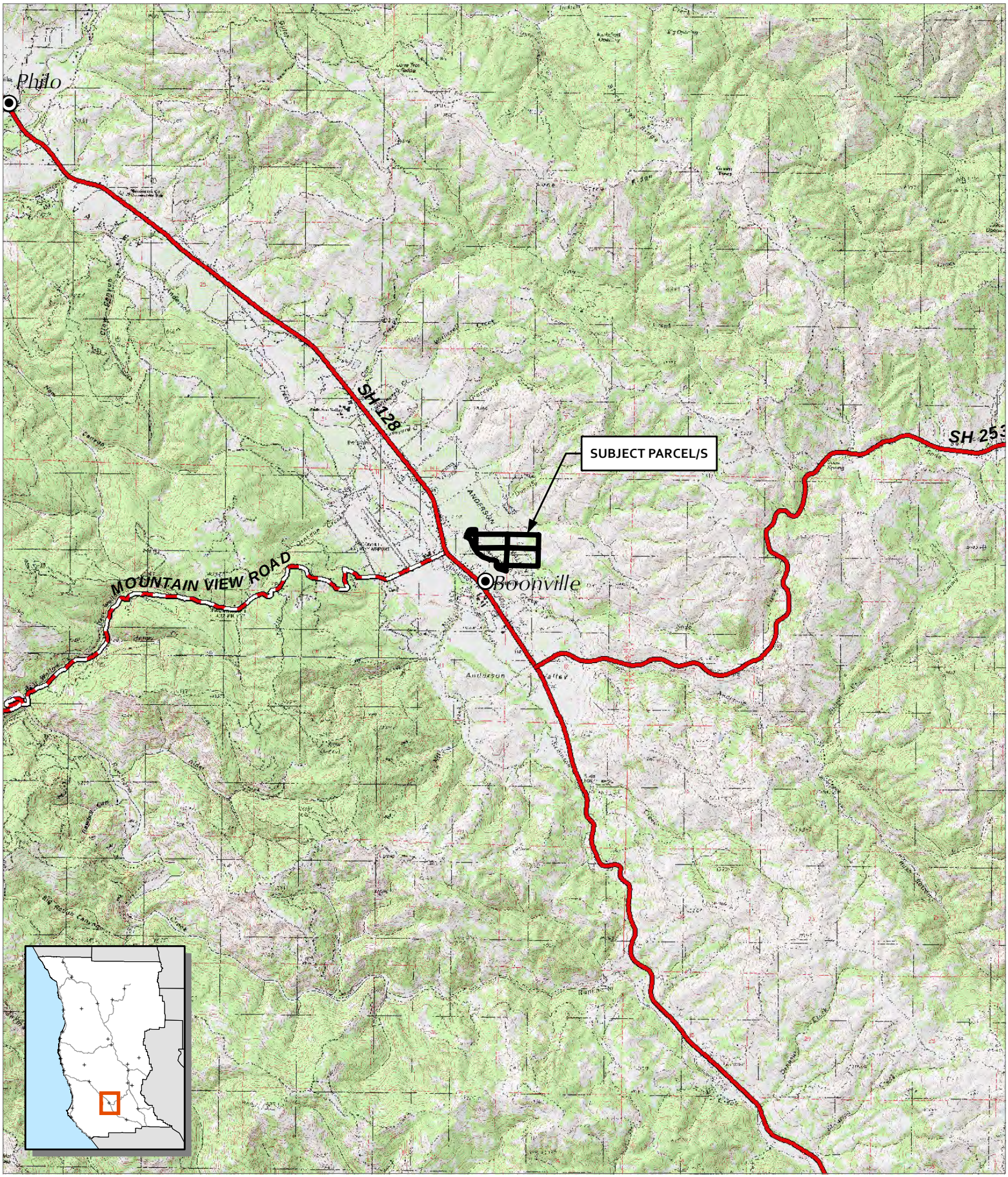
DATE

RUSSELL FORD
PLANNER III

Appeal Period: 10 Days
Appeal Fee: $1,616.00

ATTACHMENTS:

A. Location Map
B. Topographic Map
C. Aerial Imagery
D. Zoning Classifications
E. General Plan Classifications
F. Adjacent Parcels
G. Fire Hazard Zones
H. Flood Hazard Zones
I. Important Farmland
J. Airport Zones
K. Slope
L. Soils
M. Williamson Act



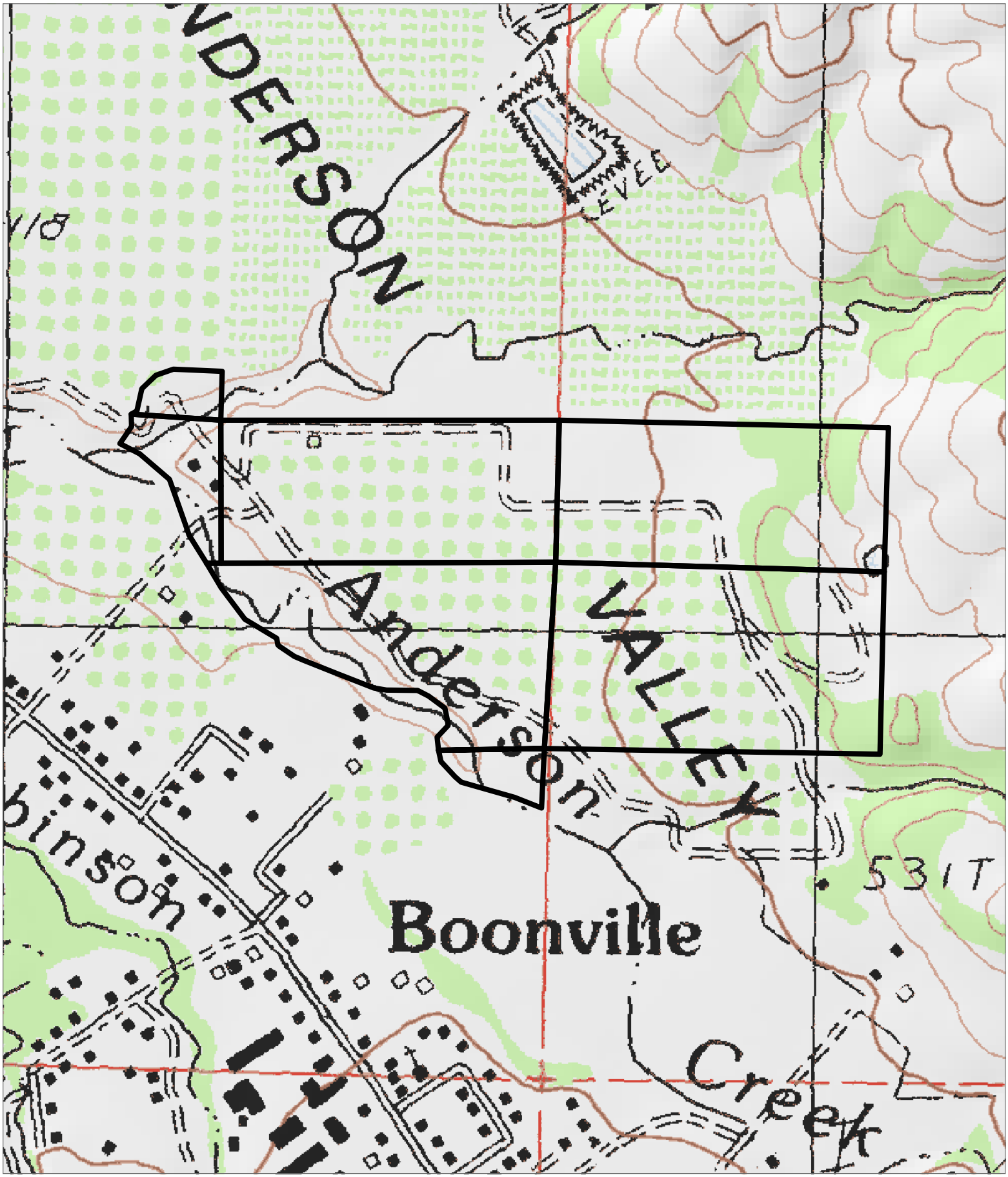
CASE: A 2018-0001
OWNER: Eagle Creek Pacific, LLC
APN: 029-060-15, ET AL
APLCT: Erik C. Roget
AGENT:
ADDRESS: 13989 Hwy. 128, Boonville

Major Towns & Places
Highways
Major Roads

0 2,550 5,100 Feet
0 0.5 1 Miles
1:63,360

LOCATION MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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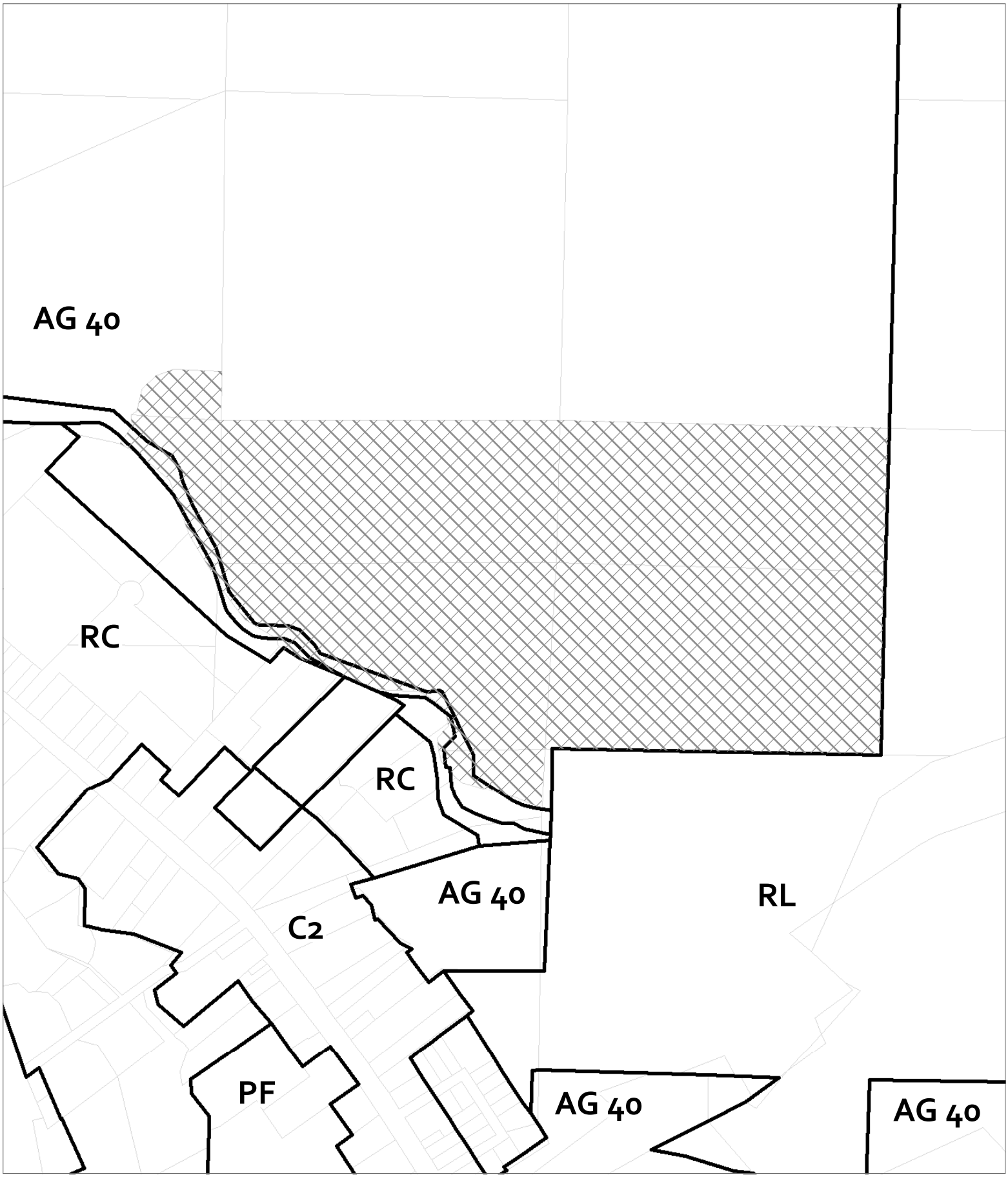
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Named Rivers
Highways
Public Roads
Private Roads
Driveways/Unnamed Roads

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

AERIAL IMAGERY

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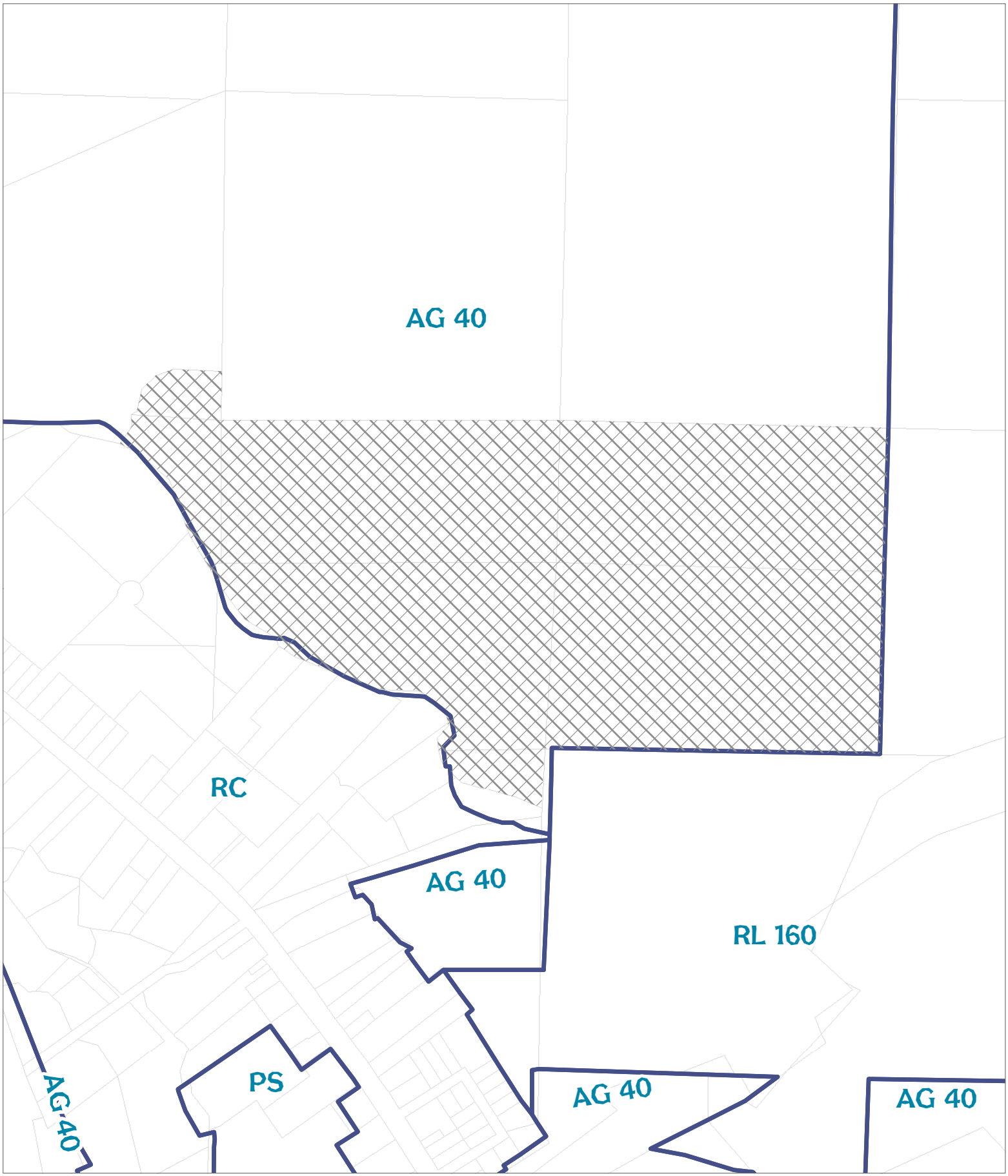
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0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

Zoning Districts

ZONING DISPLAY MAP

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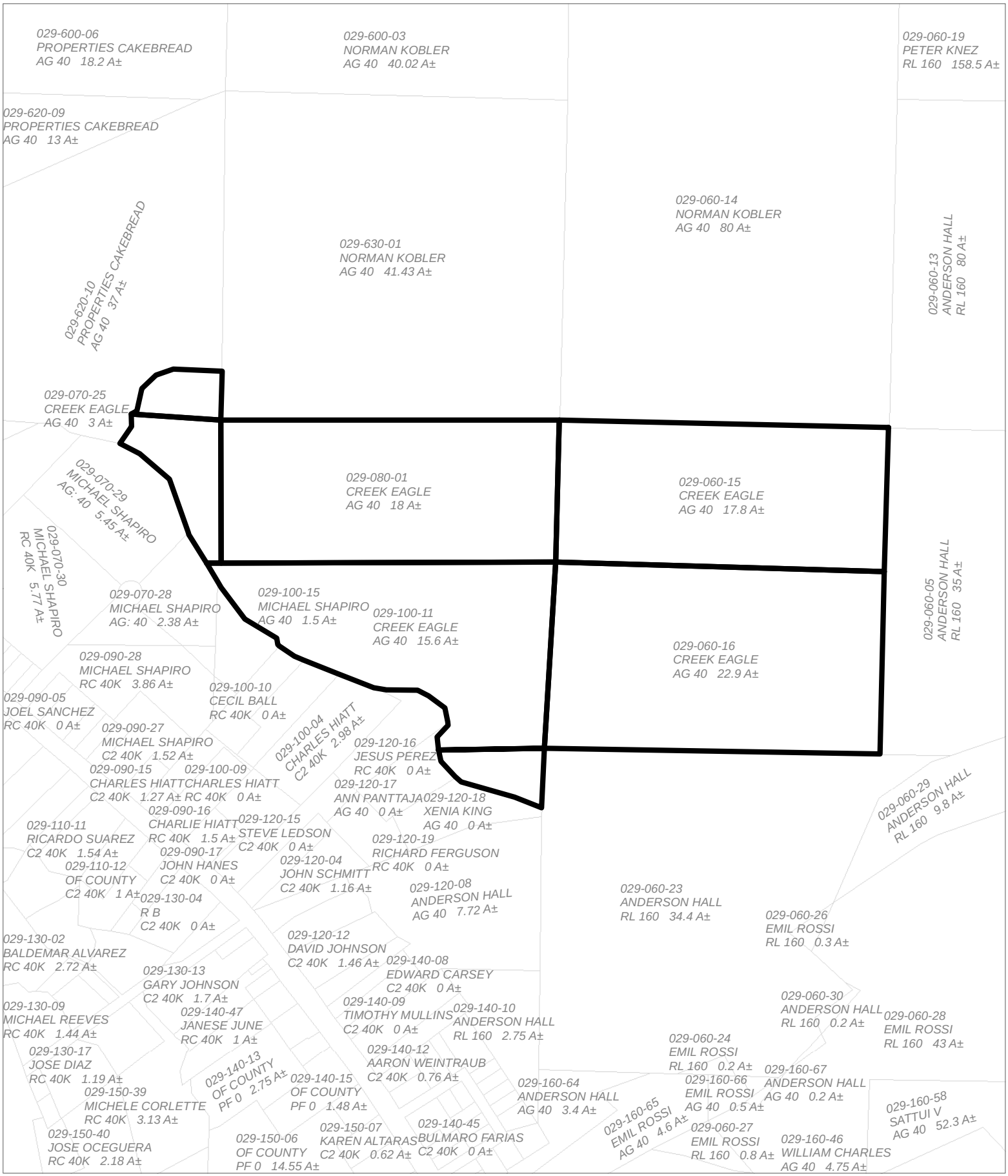
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General Plan Classes

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

GENERAL PLAN CLASSIFICATIONS

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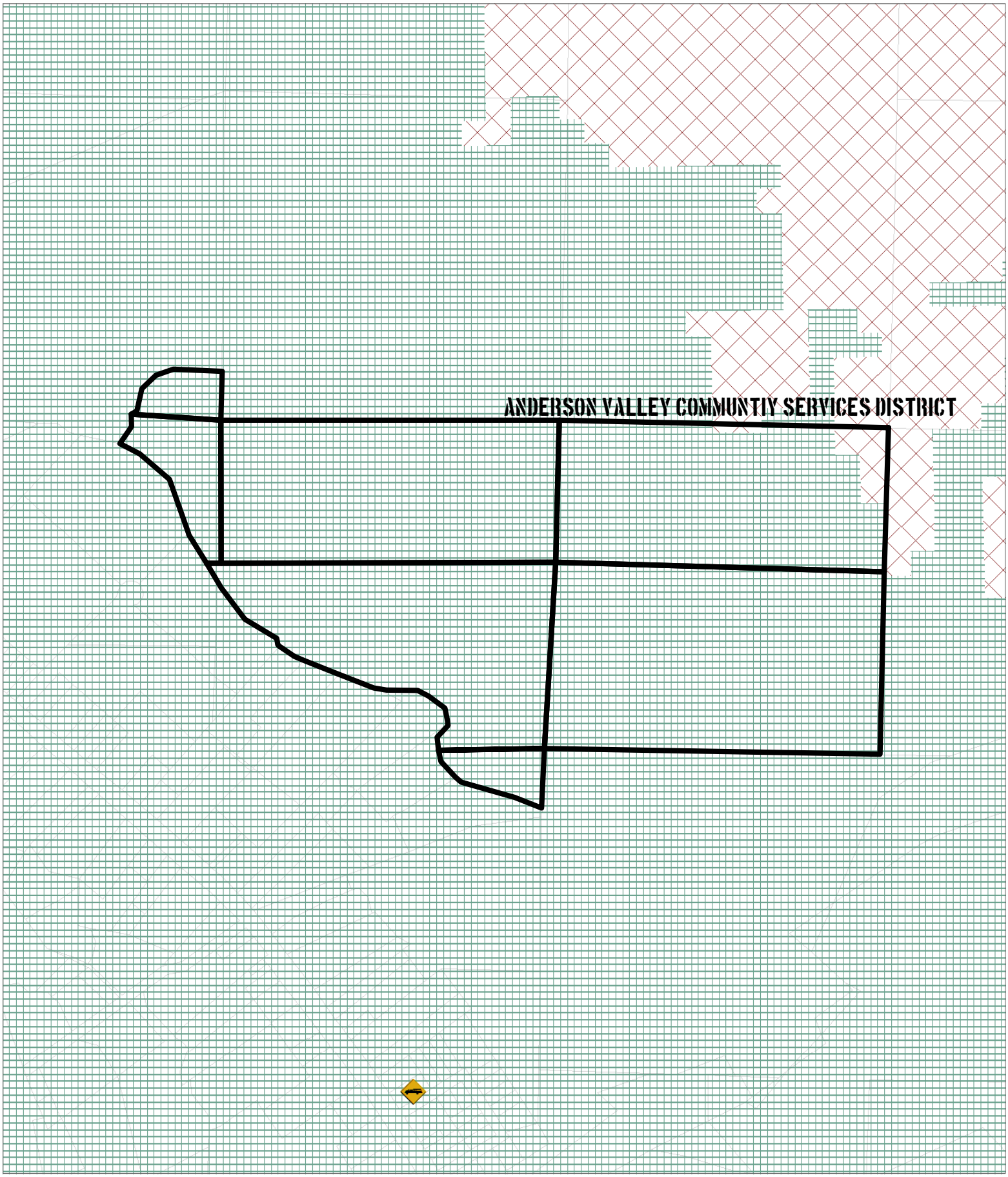


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0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

ADJACENT PARCELS

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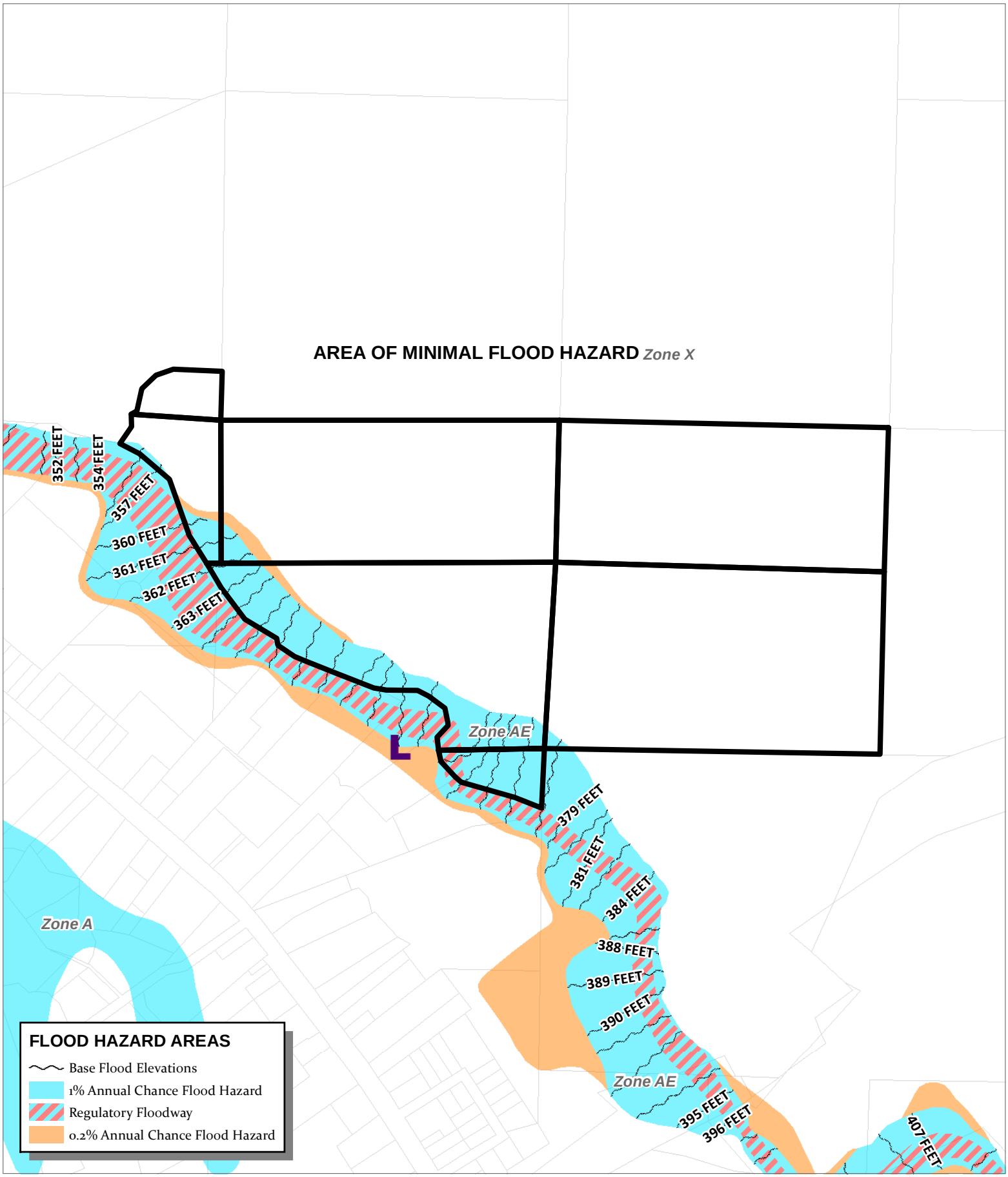
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Fire Stations
County Fire Districts
High Fire Hazard
Moderate Fire Hazard

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

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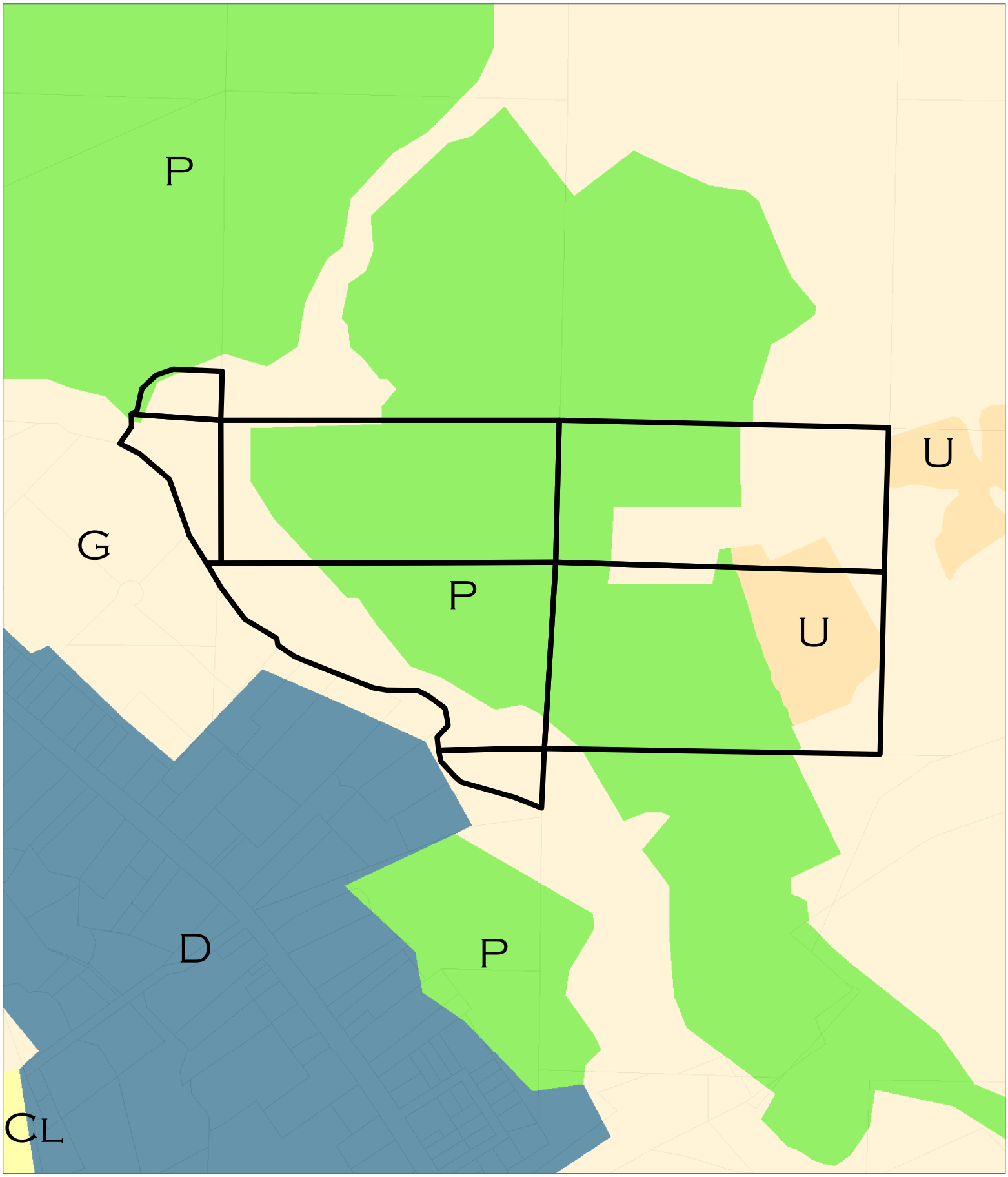
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L LOMA Letters

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

FEMA FLOOD ZONE
NFIP MAPS, JULY 18th, 2017

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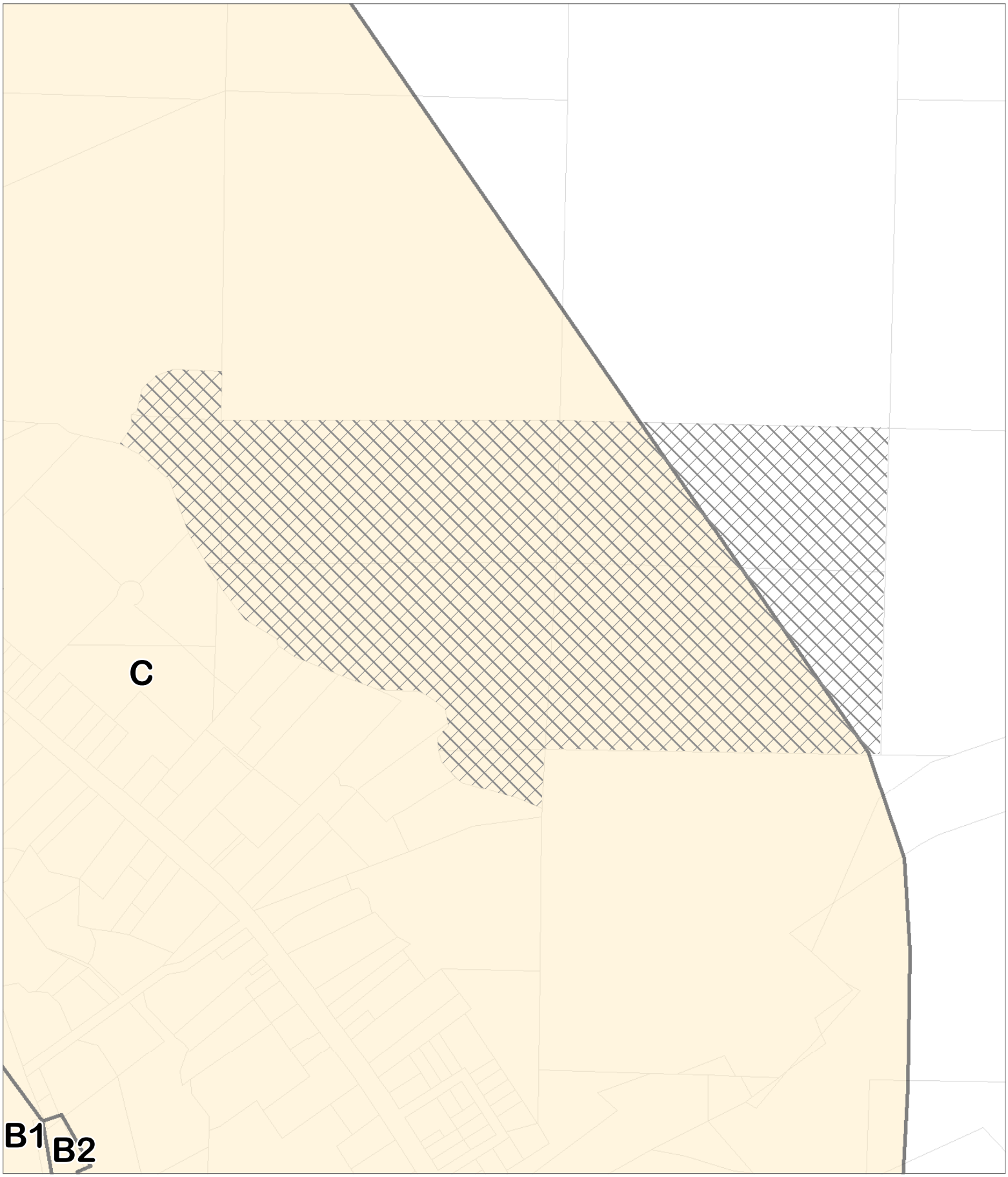
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Confined Animal Ag (Cl)
Urban & Built-Up Land (D)
Grazing Land (G)
Prime Farmland (P)
Unique Farmland (U)

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

IMPORTANT FARMLAND

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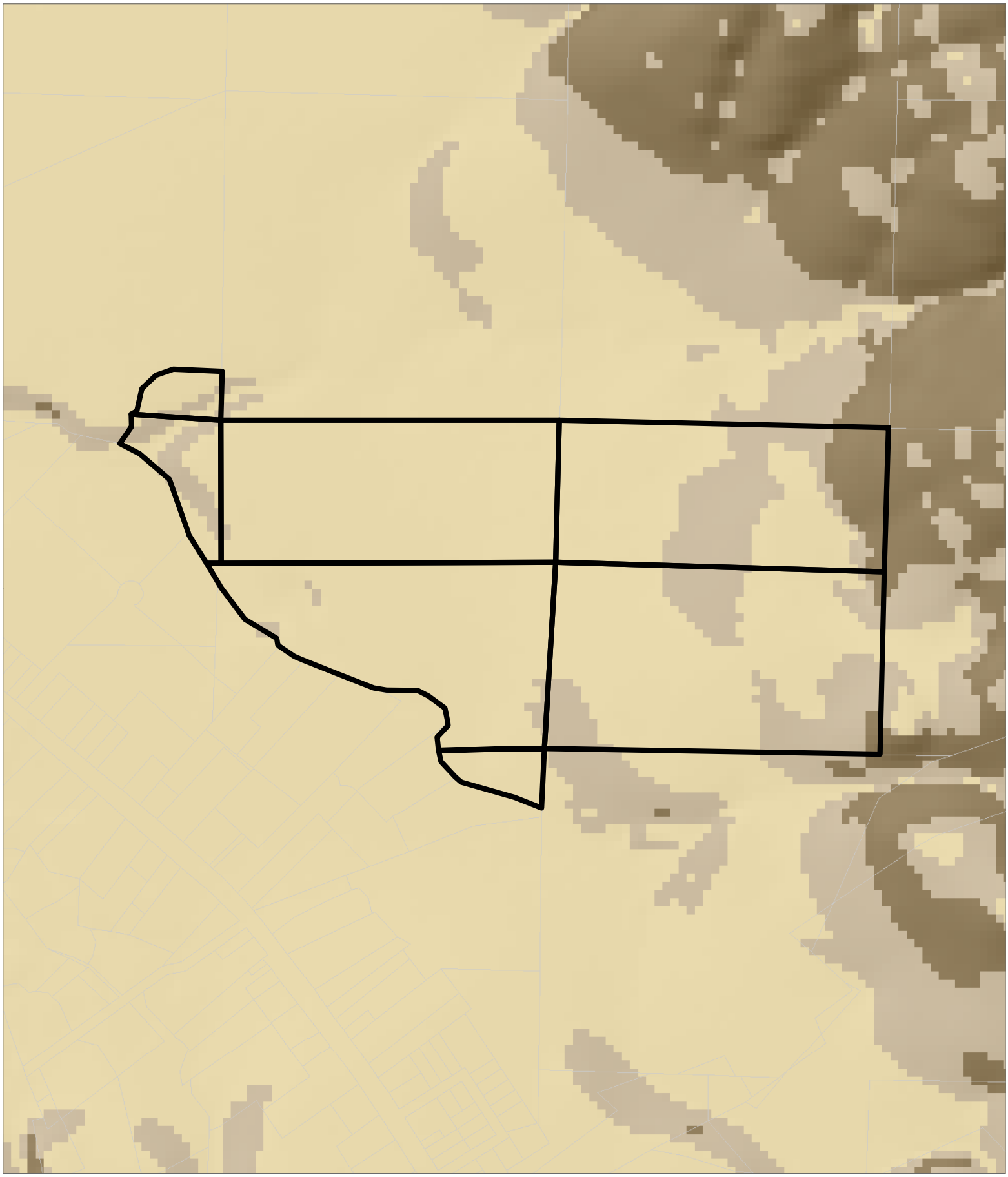


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0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

AIRPORT ZONES

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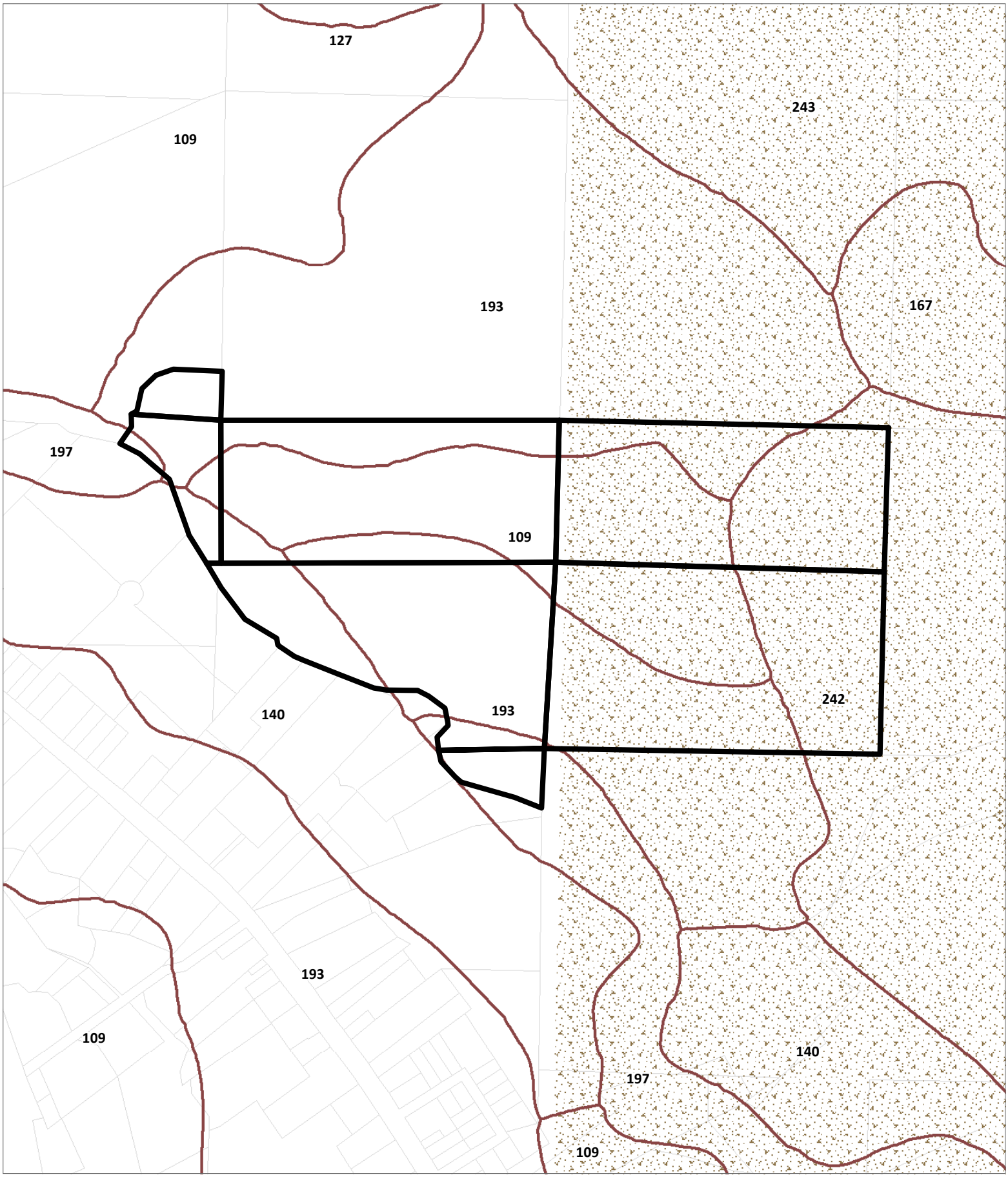
0° - 14°
15° - 32°
33° - 72°

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

N W E S

ESTIMATED SLOPE

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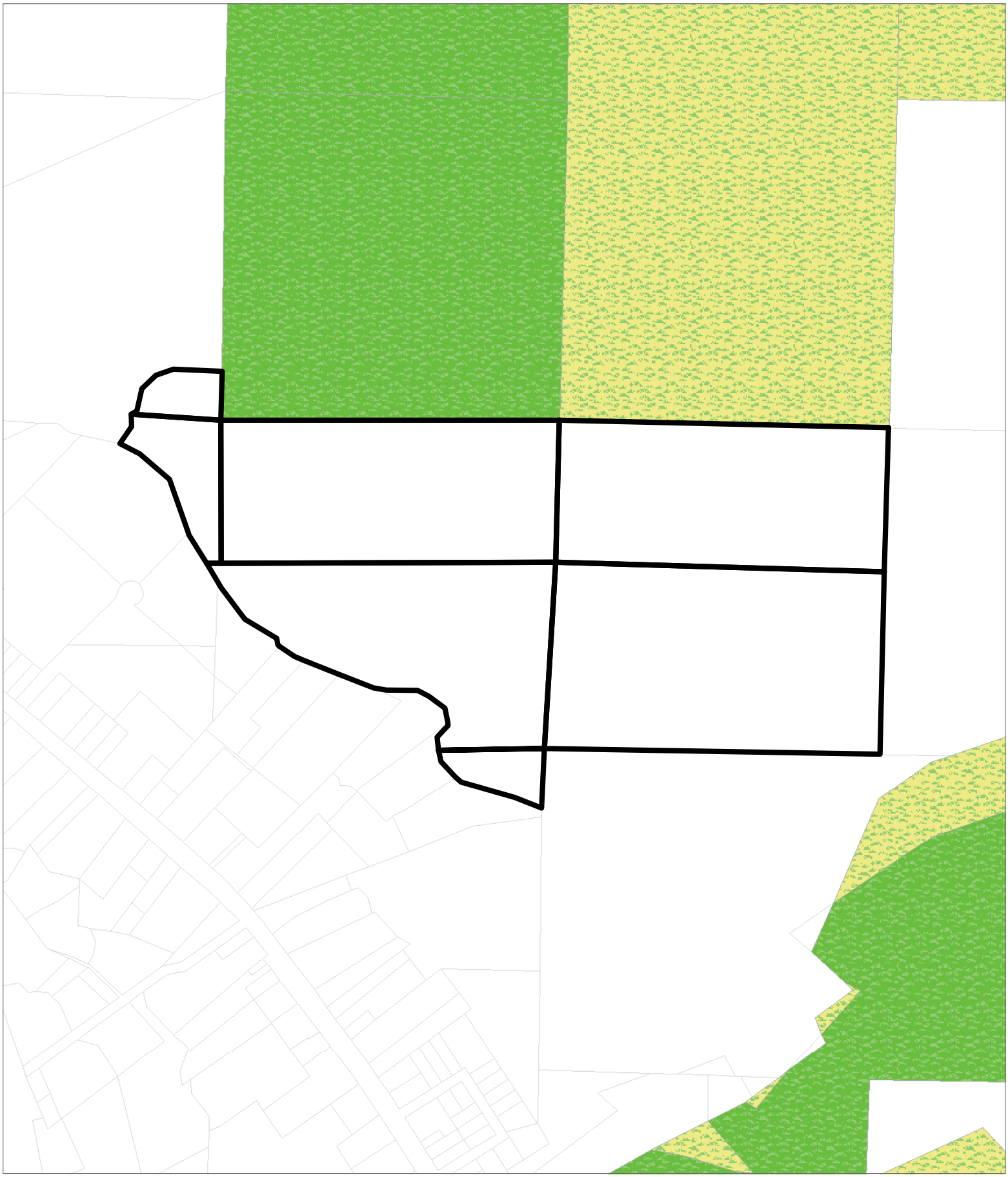
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Western Soil Classes
Naturally Occurring Asbestos
Ultramafic Rock

0 250 500 Feet
0 0.0425 0.085 Miles
1:6,000

LOCAL SOILS

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Williamson Act 2016
Prime Ag 2016
Non-Prime Ag 2016

0 250 500 Feet
0 0.0425 0.085 Miles
N W E S
1:6,000

LANDS IN WILLIAMSON ACT CONTRACTS

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