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**PLANNING COMMISSION** **SEPTEMBER 17, 2015**  
**STAFF REPORT - AGRICULTURAL PRESERVE** **A\_2015-0002**

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**OWNER:** JONATHAN & KATRINA FREY  
14000 TOMKI RD  
REDWOOD VALLEY, CA 95470

**APPLICANT:** FREY VINYARDS, LTD  
14000 TOMKI RD  
REDWOOD VALLEY, CA 95470

**AGENT:** JAMES BARRETT  
PO BOX 1448  
UKIAH, CA 95482

**PROJECT COORDINATOR:** JOHN SPEKA

**REQUEST:** Agricultural Preserve to place 72± acres into 2 separate contracts under a single ownership on non-contiguous parcels of approximately 40 and 32 acres, respectively.

**RECOMMENDATION:** Recommend approval to the Board of Supervisors, finding the request to be consistent with the General Plan and Mendocino County Code Section 22.08.

**LOCATION:** Two non-contiguous parcels, 1.5± and 2.5± miles northwest of Redwood Valley, located on both sides of West Road (CR 237), 1.25± and 0.25± miles, respectively, from their intersections with East Road (CR 230). Located at 11700, 10501, and 10451 West Road; APN's 160-040-24, 161-040-03, and 160-160-11.

**TOTAL ACREAGE:** 72± acres

**GENERAL PLAN:** AG40

**ZONING:** AG:40

**SUPERVISORIAL DISTRICT:** 1

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, Class 17

**PROJECT DESCRIPTION:** The applicant requests that the property be placed into a single Agricultural Preserve with two separate contracts on non-contiguous parcels of 40 and 32 acres, respectively. According to the application material, the two properties have individual histories of grape production dating back to at least 2006 in the case of the 40 acre northerly parcel and vineyards planted "about 25 years ago" on the southerly 32 acre parcel. The current property owner continues to utilize the two parcels primarily for vineyard uses, although other row crops are also planted on each. The only existing structures on the properties are individual sheds housing irrigation pumps and filters on each of the parcels.

**APPLICANT'S STATEMENT:** The following information was included with the application materials submitted for the project:

*Frey Vineyards conducts agricultural operations on 12 properties it owns and leases in Redwood Valley and Potter Valley in Mendocino County, primarily growing grapes and producing wine but also growing grains, hay, and a variety of other crops and raising livestock.*

*As part of its agricultural operations Frey Vineyards grows grapes and other crops on its properties at 11700 West Road and 10451 West Road, Redwood Valley, CA 95470.*

*North Parcel-*

*The 11700 West Road property is a 40 acre parcel, APN 160-040-10, including 31 acres of vineyards and small plantings of walnuts, pomegranates and row crops. There is a 19 acre-foot reservoir with drip and overhead irrigation installed. The pumps and irrigation filters are sheltered by a shed roof, with no other structures currently on the property. An agricultural water hookup from the Redwood Valley County Water District supplies water to charge the reservoir. Grain crops are rotated in interplantings within the vineyards, and it is planned to interplant with other crops. Frey Vineyards had purchased fruit from the old vineyards on the property before purchasing the property in 2006, and after the purchase the old vineyards were removed and planted to 11 acres of cabernet, 12 acres of pinot noir, 7 acres of chardonnay, and 1 acre of tannat, with yields in 2014 of 57.9 tons of cabernet, 4.76 tons of pinot noir, 19.96 tons of chardonnay, and 7.3 tons of tannat.*

*South Parcel-*

*The 10541 West Road property is a 32 acre parcel, portions of APN 161-040-03 and 160-160-11, including 25.5 acres of vineyards. There is a reservoir with drip and overhead irrigation installed and reservoir and diversion rights registered with the State Water Resources Control Board, application # 24725, Permit # 17241 and License # 11963. The property also has an agricultural water hookup from the Redwood Valley County Water District that supplies water to charge the reservoir. The pumps and irrigation filters are sheltered by a shed roof, with no other structures currently on the property. It is planned to add other crops around and to interplant with the vineyard. Frey Vineyards had purchased fruit from the vineyards on the property before purchasing the property in 2014. The vineyards were planted about 25 years ago by the former manager, and consist of 15.5 acres of zinfandel, 6 acres of petite sirah, and 4 acres of cabernet, with yields in 2014 of 46.6 tons of zinfandel, 22.3 tons of petite sirah, and 7.03 tons of cabernet.*

**RELATED APPLICATIONS:** On December 8, 1977, the Zoning Administrator approved Use Permit #U 134-77 allowing for a mobile home to be used as an "agricultural employee/caretaker" for a period of 5 years. An appeal to the decision was denied by the Board of Supervisors on January 23, 1978. The permit was renewed by the Zoning Administrator on February 10, 1983, for a one year period, expiring on March 3, 1984.

On April 15, 2013, Boundary Line Adjustment #B 25-2012 was issued a Completion Certificate reconfiguring portions of the northernmost property of the subject request.

On August 15, 2014, Certificate of Compliance #CC 5-2014 was recorded recognizing the southernmost property of the subject request, Assessor's Parcel Number 160-040-11, as a "stand alone" parcel.

On June 1, 2015, Boundary Line Adjustment #B 2014-0027 was issued a Completion Certificate reconfiguring portions of the southernmost property of the subject request.

**PROJECT SETTING:** The project area is comprised of two non-contiguous parcels, approximately 1.5 and 2.5 miles northwest of Redwood Valley, located on both sides of West Road, 1.25 and 0.25+/- miles, respectively, from their intersections with East Road. Land located to the north of the northernmost parcel lies within an agricultural preserve, as does land located to the east (separated by the Russian River) of the southernmost parcel. Surrounding properties are used for a mix of agriculture and residential development.

**SITE CHARACTERISTICS:** The properties consist of various soils identified on the Soil Survey Map issued by the United States Department of Agriculture, Soil Conservation Service. These types include Hopland-Witherell-Squawrock complex, Ponnobie loam, and Talmage very gravelly sandy loam (northern parcel), and Pinole gravelly loam and Russian loam (southern parcel). According to the Soil Survey, these types of soils are either suitable or best used for a variety of uses including vineyards, orchards, hay and pasture, and homesite development.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	AG40 and RR5	AG 40 and RR 5	1 - 20 +/- ac	Residential
<b>EAST</b>	AG40	AG 40	5 - 20 +/- ac	Residential/Agricultural
<b>SOUTH</b>	AG40 and RR5	AG 40 and RR 5	2 - 20 +/- ac	Residential/Agricultural
<b>WEST</b>	RMR40 and RR5	UR 40 and RR 5	0.5 - 40 +/- ac	Residential

**SERVICES:**

Access: WEST RD  
 Fire District: REDWOOD VALLEY-CALPELLA FD  
 Water District: REDWOOD VALLEY CWD  
 Sewer District: NONE  
 School District: UKIAH UNIFIED

**REFERRAL AGENCY COMMENTS:**

Agency comments relevant to this application are listed within the Issues Section of this report and are noted within the Conditions of Approval. Otherwise, most of the reviewing agencies had no comment regarding the proposed project.

REFERRAL AGENCIES	NOT RETURNED	"NO COMMENT"	COMMENTS
Planning	X		
Assessor	X		
Farm Advisor		X	
Agriculture Commissioner	X		
Resource Lands Committee			X
Department of Conservation	X		
Military Air Space	X		

**KEY ISSUES:**

**Key Issue #1 General Plan and Zoning Consistency:** The proposed project, creating an agricultural preserve containing approximately 72 acres to be used primarily for vineyard, is consistent with the pertinent agricultural goals and policies of the General Plan as follows:

*Resource Management Goal 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 maintaining extensive agricultural land areas and limiting incompatible uses.*

*Agriculture Resources Policies*

*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.*

**Key Issue #2- Agricultural Preserve Regulations:** According to the application material, both of the subject properties have been used for vineyard and other orchard and row crops since at least 2006, in the case of the north parcel, and the early 1990s, in the case of the southern parcel, through the present. The properties are currently used for several varieties of grape production. Overall, the intent is to continue the vineyard uses of the property consistent with requirements for an agricultural preserve.

The northernmost parcel (APN 160-040-24) is “split zoned” and includes a small portion at the northwest corner that lies within an Upland Residential (UR) Zoning District. County Code requires property to be zoned Agricultural (AG), Range Land (RL) or Forest Land (FL) to be eligible for an agricultural preserve. The noted portion of the property is not proposed for inclusion within the agricultural preserve. The rest of “split zoned” property is zoned AG and is therefore eligible.

County Code Section 22.08.020 states that agricultural preserves shall consist of no less than 100 acres and that “in order to meet this requirement, two or more parcels may be combined if they are contiguous or if they are in common ownership.” The Code also provides for preserves of less than 100 acres “if the Board of Supervisors 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...” While separate contracts would be needed for each of the proposed properties, the combination of the two parcels would still only total approximately 72 acres for the overall agricultural preserve area. Findings would therefore be required to be made by the Board that the “substandard” preserve is necessary based on its unique characteristics.

New and revised Policies and Procedures to be considered by the Board of Supervisors in August (subsequent to the writing of this report), will no longer allow for non-contiguous parcels to be considered under one agricultural preserve, regardless of their common ownership. Comments were received on July 22, 2015, from the County Resource Lands Protection Committee (RLPC) recommending that the separated parcels be viewed as separate agricultural preserves of approximately 40 and 32 acres, respectively, in order to conform to new policies which are expected to be adopted by the time the subject preserve and corresponding contracts are initiated on January 1, 2016. The same findings would still need to be made by the Board that the less than 100 acre agricultural preserves are “necessary due to unique characteristics,” albeit, based on the recommendation, it would now entail individual findings for two individual preserves of 40 and 32 acres.

California Government Code Section 51222 states that “agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is ...at least 10 acres in size in the case of prime agricultural land.” Thus, the agricultural preserves (approximately 40 and 32 acres in size) would meet the minimum size criteria of the Williamson Act. Given the smaller sizes of the parcels in this region

of the County and their respective histories as established productive vineyards, findings required by County Code can be made with respect to the unique characteristics of the proposed agricultural preserves. Given the above information, staff recommends that the properties be placed into two separate agricultural preserves.

Comments were not received from either the California Department of Conservation Division of Land Resources Protection (DLRP).

Information provided in the USDA Soils Survey Map includes vineyard and orchard uses as among the suitable activities on the soils of the subject properties. 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 Agricultural Preserve status under Section 22.08 of the Mendocino County Code.

**Key Issue #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 2015-0002 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:** Two individual agricultural preserves, comprised of approximately 40 and 32 acres, respectively, are necessary due to unique characteristics of the agricultural enterprises in the area. Given the smaller sizes of the parcels in this region of the County and their respective histories as established productive vineyards, findings required by County Code can be made with respect to the unique characteristics of the proposed agricultural preserves. In addition, the two proposed agricultural preserves are consistent with the General Plan with respect to Resource Management Goals discussed above under “Key Issue #1- General Plan and Zoning Consistency.”

**Williamson Act Findings:** California Government Code Section 51222 states that “agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is ...at least 10 acres in size in the case of prime agricultural land.” County Code Section 22.08.021(C) defines prime agricultural land as including “[l]and planted with fruit or nut-bearing trees, vines, bushes or crops... which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200.00) per acre.” The proposed agricultural preserves are approximately 40 and 32 acres in size and expected to exceed the minimum levels of production. Therefore, they are consistent with County and State requirements of the Williamson Act with respect to qualifying acreages and agricultural uses.

JS/at  
July 31, 2015  
Categorically Exempt

**ATTACHMENTS:**

- A. Location
- B. Aerial Map (north)
- C. Aerial Map (south)
- D. Zoning Map (north)
- E. Zoning Map (south)