



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 10/14/2025

To: The Board of Supervisors of Sonoma County

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Scott Orr Interim Director, (707) 565-1754, Joshua Miranda Supervising Planner, (707) 565-1948

Vote Requirement: Majority

Supervisory District(s): Second

Title:

Appeal of a Board of Zoning Adjustment's Decision adopting a Mitigated Negative Declaration and approving a Use Permit and two Zoning Permits, subject to conditions of approval, to allow a new Farm Retail Operation, Agricultural Processing, and Agricultural Promotional Events for property located at 4485 D Street, Petaluma; Permit Sonoma File No. PLP24-0012 (UPE21-0064, ZPE24-0113, ZPE24-0114).

Recommended Action:

Hold a public hearing and adopt a Resolution denying the appeal, adopting a Mitigated Negative Declaration, and upholding the Sonoma County Board of Zoning Adjustment's decision to approve the project subject to revised Conditions of Approval.

Executive Summary:

On February 2, 2022, the applicants, Mario and Katherine Ghilotti, submitted applications for two Zoning Permits and a Use Permit to establish Villa Vanto Farms, with Permit Sonoma. The application was to resolve violation (VBU21-0581, VBU21-0642, VGR21-0060, VBU22-0129, and VPL22-0111) for construction and grading without permits, and unpermitted events on the 56.76-acre parcel subject to a Williamson Act (Land Conservation Contract) at 4485 D Street, Petaluma.

On April 24, 2025, the Board of Zoning Adjustments (BZA), after a continued hearing and by a 4-0-1-0 vote, adopted a Mitigated Negative Declaration mitigating all potential environmental impacts to a less than significant level, and approved two Zoning Permits to allow for agricultural processing, farm retail sales, and a Use Permit to allow up to 12 agricultural promotional events.

On May 2, 2025, the appellant, Kathleen LaVigna on behalf of Protect San Antonio Valley, filed a timely appeal of the BZA decision to approve the revised Use Permit and two Zoning Permits. Issues raised in the appeal include: 1) The scale and purpose of the agricultural promotional events; 2) Williamson Act Contract Violations; 3) Enforcement Concerns; and 4) precedence related to other use permits. The project Conditions of Approval and the mitigation measures in the Mitigated Negative Declaration (MND) address these concerns.

Discussion:

Board of Zoning Adjustments Project Description Summary

The project, PLP24-0012, was approved by the BZA for Zoning Permit (ZPE24-0114) for farm retail sales, Zoning Permit (ZPE24-0113) for small-scale agricultural processing of 8.42-acres of lavender grown onsite, and a Use Permit (UPE21-0064) to allow twelve (12) agricultural promotional event days per year for a limited term of five years, subject to Use Permit renewal. The 5-year term would begin with the first agricultural promotional event which shall not occur until the lavender crops have been planted and have matured to a harvest-ready state, the grazing has commenced, and the olive trees have been planted. A maximum of three (3) 200-person events, three (3) 150-person events, three (3) 100-person events, and three (3) 50-person events, are permitted to promote the lavender agricultural processing operation and other products cultivated and raised on site. An existing two-story 5,020 gross square foot agricultural barn structure will be used to accommodate a 3,575 square foot lavender processing area, a 215 square foot farm retail sales area, two restrooms, and 95 square feet of accessory storage area. A 690 square foot area of the second floor of the barn will continue to be used as a private office for the owner, and an adjacent 85 square foot area will be a bathroom. Project construction activities include the construction of a 2,000+/- foot-long new access road leading from D Street to the agricultural barn and 90 parking spaces in mowed and gravel areas with 10 new paved parking spaces including five ADA parking spaces near the barn site.

The original application request included a higher number (28) of agricultural promotional activities than what was approved by the Board of Zoning Adjustments on April 24, 2025.

1. Zoning Permit for Small Scale Agricultural Processing

The applicants propose a small-scale agricultural processing operation for processing of lavender grown onsite into various products. Most of the harvested lavender crops will be distilled into essential oils and hydrosol (similar to lavender water) within the existing agricultural barn structure. The applicant is also proposing to utilize the distilled lavender to create perfumes and offer custom perfume scent development onsite. The remaining lavender will be dried and sold in its natural state for culinary and other uses.

The essential oil and hydrosol will then be processed, packaged, and stored within the structure to be sold. The barn structure will also serve as storage for farm equipment, and machinery need for maintain the property.

The small-scale processing will be seasonal, with two harvests a year. Up to four employees will assist in the processing activities. The first harvest will take place in the early spring and the second harvest will take place in in the fall. Processing of crops will take place between the hours of 8:00 AM and 4:00 PM daily.

The processing machinery will be used for several months each harvest season.

2. Zoning Permit for Farm Retail Sales

The applicant proposes farm retail sales, that would occur within a 215 square foot portion of the existing barn. The products grown, processed, marketed, and packaged, including the lavender oil, hydrosol, sachets, bundles, bath salts, and olive oil on site will be for sale in this area. The farm retail operation will have up to two dedicated employees. Retail services will be open to the public by appointment only daily from 10:00 AM until 6:00 PM, seven days a week.

3. Use Permit for Agricultural Promotional Events

The Board of Zoning Adjustments approved up to 12 annual agricultural promotional events per year to promote their farm products as described above. A maximum of three (3) 200-person events, three (3) 150-person events, three (3) 100-person events and three (3) 50-person events, are permitted with this Use Permit. The proposed events will include the use or sale of products and be used to educate customers and event attendees about the farm's products produced onsite, and about the practices implemented onsite. All event guests will be required to purchase Villa Vanto products (at a ratio of at least one product per guest) and other local agricultural products. All events will include the opportunity to purchase Villa Vanto and other local products individually, and on a subscription basis during the agricultural promotional events. Agricultural promotional events are planned to take place outdoors at the adjacent areas to the barn and inside the barn.

Event Season and Hours of Operation:

Events are proposed to be year-round, occurring mostly on weekends, with few taking place during weekdays. Events are proposed to start no earlier than 11:00 AM and end no later than 10:00 PM. Events will range in attendee size from 50 to 200 participants, as described above.

Promotional Products Used and Showcased at Events:

The farm retail sales area located inside the agricultural barn will include a display space to market products made from crops grown on-site during events. Additionally, Villa Vanto products will be showcased and used for the events. The agricultural products produced on site include dried lavender, hydrosol, sachets, bath salts, essential oils, custom herbal perfume scents, olive products, and honey.

Music:

Live and amplified music is proposed within the barn only. Music will end by 10:00 PM for all events. The noise level during events is proposed to adhere to the limits set forth in Table NE-2 in the Sonoma County General Plan Noise Element.

Access and Parking:

The subject property is 3 miles west of downtown Petaluma and is developed with an existing driveway. An additional access road is proposed to serve the project site and parking proposed onsite. Utilizing the required onsite parking to event guest ratio from the Winery Events Ordinance, 1 parking space for every 2.5 guests with 1 parking spot per employee. The revised project requires 80 parking spaces for the largest 200 guest event, with 10 spaces for event employees. Five parking spots, and an additional five ADA parking space will be provided adjacent to the barn. The remaining parking spaces are in a designated compacted rock area with perimeter fencing and a graded, leveled, and mowed pasture providing up to 80 additional spaces. In total there will be up to 90 parking spaces available onsite.

Food Preparation:

Meals will be served during events. All meals will be prepared by caterers offsite and delivered to the site ready to plate. The barn is not proposed to be equipped with a catering kitchen facility; therefore, caterers will use catering warming trays and similar techniques onsite. Offsite preparation of meals will include preparation and cooking of Villa Vanto farm products provided in advance to caterers.

Restrooms:

Portable restrooms will be provided for guests attending promotional events. At least one accessible restroom

will be provided for all events. The accessible restroom will have an accessible path of travel to the facility and fixtures which meet requirements for access by the disabled. Regular operation of the Farm Retail and Agricultural Processing facilities will be served by permanent restroom facilities within the agricultural barn structure which in turn is served by the septic system. The existing onsite septic system will not be used for events.

Site Characteristics

The project is located at 4485 D Street, Petaluma, within the southwestern unincorporated area of Sonoma County, approximately 0.8 miles north of the Sonoma/Marin County line and 0.8 mile south of the City of Petaluma. The project area is rural and located within the Petaluma Dairy Belt Area Plan boundaries.

The project site is pastureland with steep terrain, grass covered rolling hills, scattered oak tree stands, and a northerly flowing ephemeral creek drainage originating from an onsite pond and pond spillway. Current agricultural operations include 10 acres devoted to a beef cattle grazing operation, 8.5 acres of pastureland devoted to brood mares, and associated livestock infrastructure (fencing, corrals, water troughs).

The property is developed with an existing single-family dwelling, two barns, and is served by a private onsite wastewater treatment system (septic system) and well. An existing ranch road leads from D Street to the 5,020 square foot two-story barn that is proposed to be used for small-scale agricultural processing, farm retail, and event uses. Surrounding the agricultural processing barn are existing lawn and patio areas proposed to be used for the events.

Since 2002, the property has been subject to a Land Conservation (Williamson Act) contract for non-prime agricultural uses, which include land used for grazing, hay production, rotational crops such as seasonal or year-round row crops, ornamental trees or flowers, and dry farming. Williamson Act contracts assist in the preservation of agricultural and open space lands throughout Sonoma County. In exchange for retaining land in agriculture and/or open space, the landowner receives reduced property taxes. Condition of approval number #105, Exhibit C, states that compliance with the Williamson Act must be documented with Permit Sonoma prior to the issuance of any development permits including building, septic, grading permits. Additionally, condition of approval #96, Exhibit C, states the first agricultural promotional event shall not occur until the lavender crops have been planted and have matured to a harvest-ready state, the grazing has commenced, and the olive trees are planted.

General Plan Land Use and Zoning

The General Plan Land Use Designation of the parcel is Land Extensive Agriculture with 60 acres per dwelling unit density (LEA 60). The site is also designated Land Extensive Agriculture by the Sonoma County Zoning Code.

Surrounding Land Use and Zoning

This area is largely rural, located in the hills west of Petaluma. Surrounding parcels to the subject site are zoned Land Extensive Agriculture, with a low residential density of 60 acres per dwelling unit (LEA-60). Surrounding parcels include single family dwelling units, accessory structures, and some agricultural structures and uses. Nearby properties are subject to Land Conservation (Williamson Act) Contracts.

Hearing History and Prior BZA Action

On February 27, 2025, the Board of Zoning Adjustments (BZA) held a public hearing on PLP24-0012 for the original application request to allow for agricultural support and visitor serving uses in an existing 5,020 square foot barn, including:

- 1) a Zoning Permit to allow a 215 square foot farm retail sales facility, operating with 2 employees, open to the public by appointment only from 10:00 AM to 6:00 PM, seven days a week;
- 2) a Zoning Permit to allow a 3,575 square foot small-scale agricultural processing facility to process lavender grown onsite into various products including essential oils, and hydrosol, and perfumes, operating daily with up to 4 employees from 8:00 AM to 4:00 PM; and
- 3) a Use Permit to allow 28 annual agricultural promotional events ranging in size from 40 - 200 attendees, between the hours of 11:00 AM and 10:00 PM, with amplified music limited to indoors only. Proposed construction included legalizing grading and building modifications and developing a new access road, bridge, and 10 parking spaces near the barn. The BZA continued the item to a date uncertain, allowing time for the applicant to review and revise the application in accordance with the following direction:

- Utilize and provide forecasted agricultural production numbers to justify the number of events in relation to the proposed scale of the agricultural operation, and
- Provide detailed civil drawings for the proposed landscaping and designated parking areas.

Additionally, the BZA requested staff revise Condition of Approval 111, under “EXHIBIT ‘C’ DRAFT Use Permit Conditions of Approval - Agricultural Promotional Events” (Attachment 4) to ensure events last no longer than one day.

On April 24, 2025, the BZA considered a revised application and modified draft conditions of approval, for a Use Permit and two Zoning Permits subject to conditions of approval:

- 1) a Zoning Permit to allow a 215 square foot farm retail sales facility, operating with 2 employees, open to the public by appointment only from 10:00 AM to 6:00 PM, seven days a week;
- 2) a Zoning Permit to allow a 3,575 sq. ft. small-scale agricultural processing facility to process lavender grown onsite into various products including essential oils, and hydrosol, and perfumes, operating daily with up to 4 employees from 8:00 AM to 4:00 PM; and
- 3) a Use Permit to allow 22 annual agricultural promotional events ranging in size from 40 - 200 attendees, between the hours of 11:00 AM and 10:00 PM, with amplified music limited to indoors only. Construction proposed included legalizing grading and building modifications and developing a new access road, bridge, and 10 parking spaces near the barn with onsite event parking for up to 90 vehicles to be provided in a graded and mowed pasture.

During the April 24, 2025, hearing the BZA heard and received all relevant testimony and evidence presented orally and in writing regarding the project and approved and revised project characteristics:

- 1) a Zoning Permit to allow the farm retail sales in an existing 215 square foot portion of the agricultural barn structure operating with 2 employees, open to the public by appointment only, from 10:00 AM until 6:00 PM;
- 2) a Zoning Permit for a small-scale agricultural processing facility to process lavender grown onsite into various products including essential oils, and hydrosol, and perfumes, operating daily with up to 4 employees between 8:00 AM and 4:00 PM; and
- 3) a Use Permit to allow 12 annual agricultural promotional events held in the existing barn and outside near the barn to promote the lavender agricultural processing and other products produced on site, for a limited term of five years, subject to renewal through an application to modify the a Use Permit to extend the term.

The 5-year period would begin with the first agricultural promotional event which shall not occur until the lavender crops have been planted and have matured to a harvest-ready state, the grazing has commenced, and the olive trees have been planted. In order to ensure that the lavender crops have been planted and have matured to a harvest-ready state, the grazing has commenced, and the olive trees have been planted, the revised conditions of approval require the applicant/ project operator to submit evidence, to County staff , at least 90 days prior to the first event. A maximum of three (3) 200-person events, three (3) 150-person events, three (3) 100-person events and three (3) 50-person events, are permitted with this Use Permit, including live and amplified music (held indoors only), and will occur year-round, primarily weekend days between 11:00 AM and 10:00 PM. A two-story agricultural barn structure, 5,020 gross square feet in size, will be used to accommodate the 3,575 square foot lavender processing area, the 215 square foot farm retail sales area, two permanent restrooms, and 95 square feet of accessory storage area. A 690 square foot area on the second floor of the barn will continue to be used as a private office space and restroom for the landowner/operator. Project construction activities will include a new driveway entrance, a 2,000-foot-long driveway leading from D Street to the agricultural barn, new bridge over an unnamed stream, and new parking areas.

The revised project description with up to 12 agricultural promotional events was approved on a majority vote, 4-0-1-0 vote. Four Commissioners voted in favor of the application, with one commissioner absent.

On May 2, 2025, the appellant filed a timely appeal (Attachment 5) of the BZA approval of the revised Use Permit and two Zoning Permits. Issues raised in the appeal: 1) The scale and purpose of the agricultural promotional events; 2) Williamson Act Contract Violations; 3) Enforcement Concerns; and 4) precedence on other use permits.

Project History Table

Date	Project Event/Milestone
Aug. 2021	Code violations for construction and grading without permits
Feb. 2, 2022	Application Submitted
Mar. 2022	Code violations for unpermitted conversion of agricultural barn to event center

Mar. 11, 2022	Referral to prominent agencies
Mar. 15, 2022	Early Neighborhood Notification
Mar. 25, 2022	Application Determined Incomplete
May 31, 2022	Events cease; associated violation record closed
Nov. 22, 2022	Application Complete for Processing
Jul. 5, 2024 - Aug. 5, 2024	Mitigated Negative Declaration (MND) circulated for public review
Dec. 2, 2024	Notice of BZA Hearing
Dec. 9, 2024	Notice of Cancelled BZA Hearing
Dec. 12, 2024	BZA continued item to date and time uncertain
Jan. 13, 2025	Notice of rescheduled BZA Hearing
Jan. 21, 2025	Notice of Cancelled BZA Hearing
Jan. 23, 2025	BZA continued item to date and time uncertain after Feb 13, 2025
Feb. 27, 2025	BZA Hearing on original proposal
April 24, 2025	BZA Hearing and approval of revised project
May 2, 2025	Timely appeal filed
Sep. 16, 2025	Scheduled Board of Supervisors appeal hearing

Items raised in the Appeal Letter

1. The scale and purpose of the agricultural promotional events

The appeal states that the scale and purpose of the reduced agricultural promotional events are out of scale with the agriculture proposed onsite and that the number, frequency, and primary purpose of the proposed events fail to meet the criteria for permitted uses in the LEA zoning district as “secondary and incidental”.

Staff Analysis

The project site has a Sonoma County General Plan Land Use Designation of Land Extensive Agriculture (LEA) with a density of 60 acres per dwelling unit. The project does not result in changes to density or parcel sizes. The General Plan identifies the following uses as Permitted Uses in the LEA Land Use Designation: agricultural production, agricultural support uses, and associated visitor serving uses as provided in the Agricultural Resources Element. All uses on agriculturally zoned parcels are subject to policies within the Agricultural Resources Element of the General Plan to ensure agricultural compatibility and that agriculture remains the primary use.

The proposed lavender farming, olive orchards, and sheep grazing activities fall under *agricultural crop production uses*. The proposed small scale agricultural processing and farm retail uses are considered *agricultural support uses*; and agricultural promotional events are considered *visitor serving uses*.

Staff finds the project is consistent with Agricultural Resource Element, specifically, Policies AR-1a, AR-5b, AR-

5g, AR-6a, AR-6d and AR-6f. Policy AR-1a which encourage the permitting of a wide variety of processing and marketing activities of County grown products. Policies AR-6a and AR-6d require that visitor serving uses only promote or sell products grown and produced in the local area and that the visitor serving uses are secondary and incidental to local agricultural production.

The proposed project is conditioned to only process, sell, and promote products from the local area. An existing barn will be used to accommodate the farm retail, processing, and event uses. Approximately 49 acres (or 86%) of the property will remain in agricultural production with lavender, olive trees, and sheep grazing. The diverse agricultural operation will consist of 76 head of sheep grazing on approximately 35 acres, lavender production on 8.4 acres, and olive tree production on 5.8 acres. The new agricultural uses would collectively occupy 49.2 acres, or 86% of the 56.76-acre property, and are consistent with Non-Prime Agricultural uses allowed by the Williamson Act Contract.

The applicant's agricultural promotional event proposal includes selling a minimum of one Villa Vanto farm product per event guest. Guests would also be allowed to purchase local agricultural products individually and by subscription during events. All events would be hosted by the landowner or farm operator, as standard project conditions of approval prohibit third party rentals for event use. Additionally, the landowner is required to maintain compliance with the Williamson Act contract which under the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) requires events be directly related to agricultural education or the promotion or sale of agricultural products produced on the contract land; provided that no event lasts longer than two consecutive days, there are no overnight accommodations, and there is no permanent structure dedicated to event use. The permanent structure to be used for events will also be used for agricultural processing and farm retail sales.

Policy AR-5b: Consider allowing the processing of non viticultural agricultural products where the processing is demonstrated to support projected or new agricultural production, provided that the processing use is proportional to the new production on site or in the local area.*

Policy AR-6f states that local concentrations of visitor serving and recreational uses, and agricultural support uses, even if related to surrounding agricultural activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided.

Staff determined the proposed project would not constitute a detrimental concentration of visitor serving uses as the project would not result in joint road access conflicts or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis. A traffic study was provided by W-Trans and accepted by Sonoma County Public Infrastructure and conditions of approval were provided to ensure this project remains in compliance with the traffic study findings.

Additionally, the project will not be detrimental to the rural character of the area as the proposed uses will not result in significant traffic, visual, noise, or water impacts. The project site borders D Street and is surrounded by lands devoted to grazing and rural residential development. The rural character of the property will be maintained as there are no new structures proposed, 86% of the 56-acre property will be devoted to agricultural production, and construction of the new access road would result in minimal loss of grazing land. Project conditions of approval require all exterior lighting installed on the existing barn be converted to be

dark-sky compliant. The project will not require the extension of sewer or water and is primarily surrounded by agricultural lands. Noise resulting from construction and operations of the farm retail, small scale agricultural processing and event uses is expected to meet General Plan noise standards at the property lines and the project has been conditioned to limit all amplified sound to inside the barn. The proposed use will not impact the agricultural viability of surrounding parcels.

For the above reasons, the appellant's arguments that the project's event uses are not agricultural or are not secondary and incidental to agricultural use in terms of size or scope, lack merit and do not support granting the appeal.

2. Williamson Act Contract Violations

The appellant contends that there is a Williamson Act Contract violation, in that the buildings large size, luxury finishes indicate that the primary use is an event center which constitutes a material breach of the Williamson Act.

Staff Analysis

Staff finds the property will achieve compliance with its Williamson Act contract and the Uniform Rules, as summarized below, and that the project itself will not create a breach or material breach of the Williamson Act contract. The project is conditioned to demonstrate overall compliance with the recorded Williamson Act contract prior to operations of agricultural promotional activities.

The project site is 56 acres in size and is subject to a Non-Prime Land Conservation (Williamson) Act contract, recorded under Document No. 2002-206762. Non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year-round row crops, ornamental trees or flowers, and dry farming. The property will be converted from a 10-acre cattle grazing operation to the following non-prime agricultural uses: 76 head of sheep grazing on 35 acres, lavender production on 8.4 acres, and olive orchard on 5.88 acres. A total of 49 acres (or 86%) will be maintained in qualifying agricultural uses and thereby exceed the Uniform Rules' minimum agricultural use threshold of 50% of the property.

Pursuant to Uniform Rule Table 4-2 (Annual Income Requirements), non-prime contracted land is required to meet \$2,000 gross total income per farm operation and \$2.50 gross income per acre of production. The Villa Vanto Farm agricultural operation is projected to provide sufficient income for non-prime agricultural land, as follows:

- Villa Vanto Farm's current agricultural operation generates an average of \$4,000 per year and approximately \$81.00 per acre of production.
- Villa Vanto Farm's diverse farming operation is projected to generate an average of \$319,824.00 per year and approximately \$6,527.00 per acre of production: \$6,840 from sheep, \$39,984 from olive oil, and \$273,000 from lavender products.

The Sonoma County Uniform Rules Rule 8.3 (Compatible Uses - Agricultural Contracted Land). allows for one single family dwelling, agricultural housing, agricultural processing, sale, marketing, and special events (see list

below), provided that all compatible uses on the property collectively occupy no more than 15% of the contracted land as a whole, or 5 acres, whichever is less, excluding public roads, private access roads, and driveways. Note, accessory agricultural uses and structures (including structures used for storage, cleaning, and packaging agricultural commodities, storing equipment; irrigation infrastructure; and fencing, paddocks, etc.) are identified under Rule 7.2B. and are not counted toward the maximum compatible use threshold.

For this property, the 5-acre threshold applies. The existing residential uses combined with the proposed farm retail, small ag processing facility, processing barn septic system, parking area, and outdoor landscaped areas, collectively occupy approximately 2.4 acres, which is less than the maximum 5-acre allowed under contract. All proposed uses of the property are reflected in the Table below.

Uniform Rule 8.3B “Compatible Uses” (not an exhaustive list):

- A single-family dwelling occupied by the landowner or farm operator.
- Residential accessory uses and structures including private garage, workshop, patios, decks, gazebos, and similar structures.
- Processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.
- Sale and marketing of agricultural commodities in their natural state or beyond, including winery tasting rooms, promotional activities, marketing accommodations, farmer’s markets, stands for the sampling and sale of agricultural products, livestock auction or sale yards, and related signage.
- Wells, septic systems, and wastewater treatment ponds necessary for agricultural support uses.
- Special events, when directly related to agricultural education or the promotion or sale of agricultural commodities and products produced on the contracted land, provided that: the events last no longer than two consecutive days and do not provide overnight accommodations; and no permanent structure dedicated to the events is constructed or maintained on the contracted land.

Land Use	Existing or Proposed	Contract Use Category	Approximate Acreage
Sheep Grazing, 76 head	Proposed	Ag Production	32.08
Fenced grazing pasture	Existing	Ag Production	2.42
Lavender Crop	Proposed	Ag Production	8.42
Olive Trees	Proposed	Ag Production	5.88
Agricultural Barn, Corrals	Existing	Ag Accessory	0.10
Primary Dwelling (future ag employee dwelling), Landscaping, Driveway	Existing	Compatible Use	0.15
Future Primary Dwelling, associated uses	Proposed	Compatible Use	0.25
Processing Barn, Landscaping, Gravel Parking Area	Existing	Compatible Use	1.5
Unimproved Event Parking	Proposed	Compatible Use	0.5
Secondary Access Road, Bridge	Proposed	Undesignated	1.5

Access Road	Existing	Undesignated	0.5
Pond, riparian and forested areas	Existing	Undesignated	3.46
Totals	-	-	-
Total Ag Production Uses	-	-	48.8
Total Ag Accessory Uses	-	-	0.10
Total Compatible Uses	-	-	2.4
Total Undesignated Uses	-	-	5.46

Williamson Act Contract Enforcement:

Uniform Rule 11 (Contract Compliance and Enforcement) states: “Prior to issuance of any permit for development or use of contracted land, other than qualifying agricultural or open space uses, the landowner shall obtain clearance from Permit Sonoma that the contracted land is in compliance with the land conservation contract, and that the proposed development or use will comply with the contract and these uniform rules.” Therefore, Permit Sonoma cannot take action on any application for a new structure or use on a parcel restricted by a Williamson Act Contract until sufficient evidence is presented to the County that the proposed new use or structure is consistent with the Contract.

The Project, if approved, would allow the landowner to legalize unpermitted structural modifications made to the barn, including changing the building occupancy to allow for use by employees, processing, the public, and events; and cure potential issues with non-compliance with the contract by adding more agricultural use of the property to meet the 50% threshold required under the Uniform Rules for Agricultural Preserves. If the project is denied, the landowner would still be required to bring the property into compliance with the Williamson Act Contract and Uniform Rules, and address building and grading violations, however, changing the occupancy of the barn for commercial use, for example, would not be permitted.

Project Does not Create a Breach or Material Breach of Existing Williamson Act Contract:

Under the Williamson Act, a breach of a Williamson Act contract is material only if, on or after 2004, commercial, industrial, or residential buildings collectively exceeding 2,500 square feet are constructed that violate the terms of the Williamson Act contract, which incorporates state law and local rule requirements, and where the structures are not related to an agricultural use or compatible use. (Gov. Code 51250). Here, the building is an agricultural barn proposed for agricultural processing, storage, and limited agricultural promotional events, all of which are allowed under the County’s Williamson Act program, as they are related to agricultural or compatible use. The agricultural barn building and its use as proposed under the use permit is allowed by the contract, state law, and local Uniform Rules, and is neither a breach nor a material breach. The County’s Uniform Rules for Agricultural Preserves are incorporated into all contracts and implement the Williamson Act (aka Land Conservation Act) by establishing procedures and eligibility requirements to which each participating landowner must adhere in order to receive a reduction in tax assessment, and to stay in

compliance. The uniform rules, which list allowable uses for contracted land, do not authorize any development on contracted land that is not otherwise permitted by the underlying zoning and any applicable use permits. The uniform rules may be more restrictive than the underlying zoning. However, the uniform rules do not supersede the County's land use requirements contained in the General Plan and Zoning Code, nor obviate the need for permits or to comply with permits and their conditions of approval. If an owner is out of compliance with their Williamson Act contract, and fails to come into compliance, the County may seek various remedies, including initiating non-renewal of the contract, which leads to termination of the contract at the conclusion of its non-renewed ten- year term. However, the County historically has recognized that agricultural use of land includes reasonable periods of fallow or other transition periods between changing crops or types of agricultural uses. Here, the project is conditioned to demonstrate overall compliance with the recorded Williamson Act contract prior to development permit being issued onsite and operations of agricultural promotional activities. For these reasons, the appellant's argument that the project itself creates a breach or material breach is not meritorious and does not support denial of the requested permit.

3. Enforcement Concerns

The appellant contends that there are Use Permit enforcement concerns.

Staff Analysis

During the April 24, 2025 BZA hearing, concerns regarding enforcement were stated during the public comment period, and further stated in the appeal. In response to the concerns raised during the public hearing, the BZA reduced the number of allowed events and types of event activities and added several conditions of approval to address concerns of Use Permit enforcement:

Condition 96. *"Twelve (12) agricultural promotional event days per year for a limited term of five years, which may be subject to Use Permit renewal. The 5-year period begins with the first ag promotional event which shall not occur until the lavender crops have been planted and have matured to a harvest-ready state, the grazing has commenced, and the olive trees are planted. A maximum of three (3) 200-person events, three (3) 150-person events, three (3) 100-person events and three (3) 50-person events, are permitted with this Use Permit."*

Condition 98. *"No more than 2 event days per month, and no more than 2 events in a 7-day period are permitted."*

These added conditions of approval by the BZA were intended to reduce the number of agricultural promotional events and the number of attendees that the project site would carry, while also providing staff and the public the opportunity to revisit how the events were being conducted after a 5-year period since the start of operations. This built in review further allows staff to ensure that the property is adhering to the conditions of approval set forth by the BZA.

Additionally, the following conditions were incorporated into staff's recommended conditions of approval:

Condition 3. *"This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that*

the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code."

Condition 118. *"The days and hours for events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long established uses and establish reasonable costs for managing the program."*

Condition 119. *"Annual Report. After commencement of event activities, the owner/operator shall submit a report each year to PRMD by January 15th describing the number of agricultural promotional events that occurred during the previous year, the day, date, time, and duration of each event, the number of persons attending each event, the purpose of each event, and any other information required by the director. The annual report shall also include the proposed events for the coming year."*

Permit Sonoma uses a complaint driven reporting and enforcement system that the project would remain subject to if valid complaints were received and verified. These additional standard conditions of approval give staff the ability to investigate and revoke the use permit if it is found the project is not in compliance with any of the conditions of approval. In addition to Permit Sonoma Code Enforcement reporting, the applicants are required to by Condition 118 and 119 to submit annual reports for the events being conducted each year. This will ensure that the applicants are complying with the agricultural promotional events conditions of approval on a yearly basis.

For the above reasons, the appellant's argument that the appeal should be granted, and that permit should not be issued, because of fears that it will not be complied with or that it will not be enforced, are not a basis to deny the permit or uphold the appeal. As a result, the appeal should be denied and the permit issuance upheld.

4. Precedence on other use permits.

The appellant contends that the BZA decision is precedent setting for other landowners to violate County and State Law.

Staff Analysis

Sonoma County has a long history of permitting agricultural promotional events at local farms and wineries. These types of events are a marketing tool that promote the agricultural products grown or processed onsite, as allowed by the General Plan Agriculture Resource Element and Zoning Code. In 2023, the Board of Supervisors adopted a Winery Events Ordinance which includes criteria for agricultural promotional events held at wineries and wine tasting rooms only; however, this ordinance only applies to wineries and wine tasting rooms, not other types of agricultural operations, such as the Villa Vanto farms project. Therefore,

Permit Sonoma considers promotional activities held on other agricultural lands under Section 26-06-030(C), Unlisted Land Uses, which allows the Permit Sonoma Director to determine that the proposed use is equivalent to a permitted or conditionally permitted use and may therefore be treated in the same manner with respect to development standards, permits required, and all applicable requirements of the development code.

Permit Sonoma has determined that the Villa Vanto Farms agricultural promotional events request can be considered equivalent to uses described in the Winery Events Ordinance (SCC Section 26-18-260) . The LEA zoning designation for the site allows visitor serving uses for promoting local agricultural products subject to a Use Permit. The sizing of the proposed events has been evaluated similar to a winery events request, which include factors specific to the site and surrounding uses, including, but not limited to, septic capacity, available water supply, emergency access, availability of on-site parking, noise attenuation, increased risk of harm to people or property as a result of hazards, and the potential for negative cumulative effects related to noise, traffic, and water supplies. Additionally, staff finds the proposed events are consistent with the operating standards applicable to winery events, including standards for hours of operation, third party rentals, parking, food service, traffic management, and noise. The proposed project conditions of approval require the events remain consistent with the General Plan policies in that the events are required to serve and promote local agricultural products in the farm retail area and during events.

Given the County's long history of permitting agricultural promotional events at local farms and wineries, a precedent for these application types has been established. After review from the BZA it has been determined that the approved project, as modified, and conditioned during the BZA hearing, is consistent with allowable and previously permitted uses within the County.

Environmental Analysis

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that the project is subject to the California Environmental Quality Act. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed.

As a result of the Initial Study, it was determined that project impacts could be mitigated to a less than significant level, and a Mitigated Negative Declaration was drafted for the project. Staff published the Mitigated Negative Declaration (MND) for public review and comment from July 5, 2024 through August 5, 2024. Agency comments were received from California Department of Conservation (DOC) , State Water Resources Control Board (WRCB), and the California Department of Fish and Wildlife (CDFW) (Attachment 8). The MND was revised on November 18, 2024, for technical clarity and to address agency comments provided by California Department of Conservation (DOC), State Water Resources Control Board (WRCB), and the California Department of Fish and Wildlife (CDFW). Revisions are limited to minor updates to the project description, a minor revision to mitigation measure BIO-11, and clarifying staff's analysis under Section 2. Agriculture and Forest Resources, Section 4. Biological Resources, and Section 10. Hydrology and Water Quality. Revisions made to the MND are pursuant to CEQA Guidelines Section 15073.5 (c)(1) and (4) as the revisions include replacing mitigation measures with equally effective measures and updating the project description to clarify the entitlements associated with the project. In accordance with CEQA Guidelines Section 15073.5, public recirculation of the MND was not required.

The MND finds that potential environmental impacts have been fully mitigated to less than-significant levels. Mitigation measures for these potential impacts are detailed in the Mitigated Negative Declaration and have been incorporated into the conditions of approval.

On April 8, 2025, Staff revised the MND to reflect the project description updates provided by the applicant in response to the BZA's request from the February 27, 2025 hearing. In accordance with CEQA Guidelines Section 15073.5, public recirculation of the Mitigated Negative Declaration is not required. The project description revisions to the Mitigated Negative Declaration do not constitute a "substantial revision" of the ISMND, as defined by CEQA Guidelines Section 15073.5(b), because no new impacts were identified and the County found that no new mitigation measures were required.

With the reduction in events, estimated traffic counts and water consumption were reduced. See Section 10 Hydrology and Water Quality and Section 17 Transportation of the revised MND (Attachment 2). No new mitigation measures were required as a result of the project description update. Pursuant to CEQA Guidelines Section 15073.5 (c) (4), revisions to the MND included updating the project description for the reduced scope and clarifying project characteristics in response to comments received from the Board of Zoning Adjustments during the February 27, 2025 Public Hearing.

Staff Recommendation

Staff recommends the Board of Supervisors deny the appeal, adopt the revised Mitigated Negative Declaration, and uphold the Board of Zoning Adjustments decision to approve the project subject to the revised Conditions of Approval.

Strategic Plan:

N/A

Racial Equity:

N/A

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

None

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

None. This is an at-cost project application with costs paid by the applicant.

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

ATT 1 Board of Supervisors Appeal Resolution with Exhibit A, B, C, and D Conditions of Approval
ATT 2 Revised Mitigated Negative Declaration, April 8, 2025

Agenda Date: 10/14/2025

ATT 3.1 Huffman-Broadway Group, INC. January 2024, Biological and Regulatory Constraints
ATT 3.2 W-Trans. December 12, 2022. Transportation Impact Study for the Villa Vanto Farm Project
ATT 3.4 Sonoma County Permit and Resource Management Department Noise Guidelines
ATT 4 Board of Zoning Adjustments Resolution No. 25-06 with Exhibit A, B, C, and D Conditions of Approval
ATT 5 Appeal Letter, dated May 5, 2025
ATT 6 Proposal Statement
ATT 7 Site and Floor Plan
ATT 8 MND agency and public comments
ATT 9 DOC Response Letter
ATT 10 Applicant response to public and agency comments
ATT 11 General Plan Ag Policies
ATT 12 Forecasted Agricultural Production Numbers
ATT 13 Updated Parking and Landscaping Plans
ATT 14 Public Comment
ATT 15 PLP24-0012 Recorded Williamson Act Contract
ATT 16 April 24, 2025 BZA Minutes
ATT 17 Staff Presentation BOS Appeal of PLP24-0012

Related Items “On File” with the Clerk of the Board:

None