



# COUNTY OF SONOMA

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

## SUMMARY REPORT

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**Agenda Date:** 11/28/2023

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Joshua Miranda, Planner II (707) 565-1948

**Vote Requirement:** Majority

**Supervisorial District(s):** Fourth

**Title:**

File No. ZPE23-0062 D.D. Phillips Partners, LLC Grant Deed of Agricultural Easement and Covenant to allow one detached farm family dwelling unit on property located at 5796 Dry Creek Rd., Healdsburg.

**Recommended Action:**

Accept and authorize the Chair of the Board of Supervisors to execute, and Permit Sonoma to record, a Grant Deed of Agricultural Easement and Covenant to allow one detached farm family dwelling unit on the property located at 5796 Dry Creek Rd., Healdsburg, APN: 090-230-049, Permit Sonoma File No. ZPE23-0062 (Fourth District)

**Executive Summary:**

The Land Intensive Agriculture zoning district allows for one (1) detached farm family dwelling unit per lot, provided that a Williamson Act contract is in effect. A farm family dwelling unit is defined as an additional single-family dwelling incidental to the main dwelling in terms of size, location and architecture which is not leased, subleased, rented or sub-rented separately from the main dwelling nor divided by sale, and which is inhabited by a member of the farm operator's family. A farm family dwelling is considered a compatible use as described in the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones for Williamson Act contracted lands. Staff recommends your Board accept and authorize the Chair of the Board of Supervisors to execute, and Permit Sonoma to record, the offered Grant Deed of Agricultural Easement and Covenant to allow one detached farm family dwelling unit on the property, because upon recordation, all zoning requirements for a Farm family Dwelling will have been met.

**Discussion:**

D. D. Phillips Partners LLC, the landowner, seeks approval of a Zoning Permit to construct a new 1,408 square foot Farm Family Dwelling Unit on a 17.88-acre vineyard property located at 5796 Dry Creek Rd., Healdsburg; APN 090-230-049. The farm family dwelling will be occupied by a member of the farm operator's family.

**Site Characteristics:**

The 17.88-acre property is accessed from Dry Creek Road, approximately 5 miles northwest of the City of Healdsburg. The Farm Family Dwelling is proposed to be established adjacent to the near the existing 1,800 square foot primary residence. Other structures on site include an existing agricultural building, and agricultural residence (permitted by UP-5552) located on the northern portion of the property. Approximately 16.1 acres of the 17.88-acre property is planted with vineyard. Zoning for the site is LIA (Land Intensive Agriculture) B6-20 (20 acres per dwelling unit) and combining zones for Z (Accessory Unit Exclusion), SR

(Scenic Resources), and VOH (Valley Oak Habitat). The property has been subject to a multi-parcel Land Conservation (Williamson Act) Contract since 1972 (contract recorded under Book 2608, Page 138) and is currently in compliance with the contract.

**Farm Family Dwelling:**

The Sonoma County Zoning Code allows Farm Family Dwelling units on properties zoned LIA (Land Intensive Agriculture), provided that the standards under Section 26-24-160 (B) are met.

**Sec. 26-24-160 (B) Standards:**

1. A maximum of one (1) Farm Family Dwelling unit is allowed per lot.
2. LIA zone: Allowed only on a property with a Williamson Act contract.
3. LIA and LEA zones:
  - a. An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application.
  - b. A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the Farm Family Dwelling becomes a nonconforming residential use.

Staff finds the proposed request is consistent with the Zoning Code definition (Sec. 26-24-160 (A)) and standards for a farm family dwelling as the 1,408 square foot residence proposed for the farm family dwelling is incidental to the existing 1,800 square foot primary residence, the farm family dwelling will be occupied by a member of the farm operator’s family, and the farm family dwelling will not be leased, subleased, rented or sub-rented separately from the primary residence nor divided by sale. A Grant Deed of Agricultural Easement and Covenant (Farm Family Housing) has been prepared for the request and the easement will protect and preserve the resource value, agricultural viability, and productiveness of the property, and ensure that the property continues in agricultural use throughout the term of the easement and will cover the whole property.

**Land Conservation (Williamson Act) Contract Compliance:**

The property is currently subject to a Williamson Act contract for agricultural land, recorded under Book 2608, Page 138. The Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (“Uniform Rules”) require at least 50% of the property acreage is devoted to a qualifying agricultural land use and that all existing and proposed development complies with the compatible uses allowed under contract. Staff finds that 90% of the property is currently devoted to vineyard production and that the new farm family dwelling unit will be located near an existing primary residence in a building complex that contains an agricultural employee dwelling (permitted under UP-5552) and agricultural structures which collectively, occupy approximately 0.8 acres, or 4% of the property. Construction of the farm family dwelling will not result in removal of vineyard. For these reasons, staff finds the property complies with its Williamson Act contract and adding a new farm family dwelling is consistent with the Uniform Rules.

**Staff Recommendation:**

Staff recommends the Board approve the request to accept and authorize the Chair of the Board of Supervisors to execute a Grant Deed of Agricultural Easement and Covenant because all zoning requirements for the easement, covenant, and farm family dwelling are met and a Grant Deed of Agricultural Easement and Covenant (Farm Family Housing) has been prepared, which is included at Attachment 3.

**Strategic Plan:**  
Not Applicable

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**  
No

**Prior Board Actions:**  
Not Applicable

**FISCAL SUMMARY**  
Not Applicable

**Narrative Explanation of Fiscal Impacts:**  
Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**  
Not Applicable

**Attachments:**  
ATT 1: ZPE23-0062 Proposal Statement  
ATT 2: ZPE23-0062 Site Plan  
ATT 3: ZPE23-0062 Ag Easement and Covenant Farm Family Housing With  
Exhibit A

**Related Items "On File" with the Clerk of the Board:**  
Not Applicable