



January 15, 2021

Sonoma County Board of Supervisors
575 Administration, Room 100A
Santa Rosa, CA 95403
cc Tennis Wick, County Counsel

RE: Conversion of farmland to visitor-serving commercial zoning

Honorable Chair Hopkins and Board Members,

The County is initiating an EIR for a project proposed by Jackson LLC, composed of a hotel and a winery on River Road and a residential subdivision in Wikiupⁱ. The hotel portion of the project proposes a zoning change, which would convert farmland to a much more intense land use and zoning, and requires a General Plan Amendment.

The concerns in this letter relate only to the hotel component of the overall project. We strongly believe approval of the hotel component would set a harmful precedent for converting more farmland to visitor-serving commercial zoning.

We endorse Permit Sonoma's position that the proposed rezoning of agricultural land to commercial zoning allowing hotels is inconsistent with the General Plan's goals to preserve ag land. Permit Sonoma staff have gone on record that they cannot support the proposed rezoning. For example, on October 7, 2020, Permit Sonoma stated:

The General Plan underscores the value of agricultural enterprises in Sonoma County as expressed through its various goals, objectives, and policies prescribing protection of agricultural lands and support for agricultural production. The applicant's proposal to redesignate LIA land to Recreation and Visitor Serving Commercial (RVSC) to allow for the development of a 50-guest room inn and related facilities is in conflict with a number of policies and inconsistent with the Plan's principal goals to preserve agricultural land.

The applicant must seek rezoning because the hotel component is not allowed under the land's current Land Intensive Agriculture (LIA) zoning. While the General Plan allows certain visitor-serving uses to promote agricultural products on ag-zoned lands, Policy AR-6d specifically prohibits hotels.ⁱⁱ

In addition, the General Plan states that amendments to designate land as visitor-serving commercial zoning must meet eight criteria. Importantly, criteria (8) specifically prohibits rezoning ag land with USDA Class I, II, III, and IV soils for recreational and visitor-serving usesⁱⁱⁱ. A technical study shows the

hotel site contains both Class III and IV soils; thus, it is ineligible for consideration of rezoning from ag to commercial^{iv}.

Even if such a conversion were not specifically prohibited by the General Plan, spot zoning any isolated parcel, whether ag or not, requires a clear public benefit. Spot rezoning prime ag land to hotel commercial use requires an even greater “overriding public benefit,” according to Policy LU-9d.^v

Adding a luxury hotel with restaurant, events, spa, fitness center and swimming pools in the middle of an agricultural area does not meet the test for an “overriding public benefit.”

For public benefit, the applicant proposes, as an inducement for the housing development project, a donation of land in Wikiup for a public park, if a third party can be found to own, develop and maintain the park and complete stream restoration. It has been difficult to find agencies or entities willing to assume such financial responsibility. But in any event, park land for ag land is not an “overriding public benefit.” It violates the General Plan, turns the overall goal of city-centered development on its head, and encourages sprawl and more density on protected ag land. Approval would encourage more such conversions, eroding our agriculture future and rural character.

Other “benefits” (stream protection and designs to minimize water use at the winery and hotel sites) are necessary mitigations to offset impacts to Mark West Creek from the overall project.^{vi} They are not an “overriding public benefit” sufficient to justify such a questionable and precedent-setting rezoning request.

Sonoma County has overwhelmingly voted for multiple initiatives to protect our precious open space and ag lands – urban growth boundaries, community separators, and tax increases to purchase land and development rights. Yet Sonoma County continues to lose incrementally more farmland every year through conversions to urban development.^{vii} Rezoning this parcel of prime farmland to commercial zoning flies in the face of the will of the people and the carefully-designed protections in our zoning code and General Plan to prevent such conversions.

It is important to promote Sonoma County’s agriculture and sustainable practices. To that end, LIA land can accommodate wineries, wine tasting, organic gardens, educational events, farm retail and more, to support ag tourism. But hotels belong elsewhere. There are over 300 parcels in the unincorporated areas of the County, and many more within the cities, with zoning that allows hotels or resorts. And with nearly 500 wineries, most located in agricultural areas, there are more than ample existing venues to showcase Sonoma County’s agricultural bounty and heritage.

Given the significant inconsistencies with and outright prohibitions in the General Plan relating to the hotel proposal, even consideration of such a proposal undermines the spirit and intent of the protections Sonoma County voters have put in place to prevent sprawl and protect open space, and it crosses a red line for Sonoma County residents and environmental groups. We respectfully request that before any further effort and resources are expended, the Board send a clear message that the hotel portion of the project is not likely to result in approval.

Thank you for considering our comments. Please see endnotes for further details.

Sincerely,

Sierra Club - Greenbelt Alliance - Sonoma County Conservation Action

Preserve Rural Sonoma County - Wine and Water Watch - Forest Unlimited - Petaluma River Council

ⁱ PLP20-0007, Jackson Family Investments III LLC, 5001 Carriage Ln., 4245, 4255, 4265 & 4275 River Rd., Santa Rosa 3351, 3400, & 3851 Slusser Rd., Windsor

ⁱⁱ General Plan Agricultural Resource Element **Policy AR-6d:**

Follow these guidelines for approval of visitor serving uses in agricultural areas:

- (1) The use promotes and markets only agricultural products grown or processed in the local area.
- (2) The use is compatible with and secondary and incidental to agricultural production activities in the area.
- (3) The use will not require the extension of sewer and water.
- (4) The use is compatible with existing uses in the area.

(5) Hotels, motels, resorts, and similar lodging are not allowed. [emphasis added]

(6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.

(7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts. *

ⁱⁱⁱ General Plan Land Use Element **Policy for Recreation and Visitor Serving Commercial Areas Designation Criteria** [page LU-61]

Amendments to add this designation must meet all of the following:

- (1) The proposed amendment must be consistent with General Plan Goals, Objectives, and Policies of the Land Use Element pertaining to protection of agricultural lands,
- (2) Potential uses of the site are likely to be compatible with adjacent uses and the character of the area, (3) The amendment avoids a detrimental concentration of agricultural support, visitor serving, and recreational uses as defined in Policies AR-5g and AR-6f of the Agricultural Resources Element,
- (4) In the event that the amendment is proposed on land designated RRD, LIA, LEA, or DA the primary use will generate Transient Occupancy Tax (TOT) that is eligible for County appropriation for affordable housing,
- (5) The site shall not be located on land under a Williamson Act or Super-Williamson Act contract,
- (6) Traffic generated by potential use of the site can be accommodated within the Level of Service objectives and road standards of the Circulation and Transit Element,
- (7) The amendment would not result in the loss of affordable housing or conflict with Goals, Objectives, and Policies of the Housing Element, and

(8) Potential uses of the site would be compatible with nearby agricultural operations and would not occur on land that is either used for agriculture or is Class I, II, III, or IV (USDA) Soils. An amendment could be considered on agricultural land with Class V, VI, VII, or VIII (USDA) Soils. [emphasis added]

^{iv} **USDA Natural Resources Conservation Service Custom Soils Report**, December 18, 2020

^v General Plan Land Use Element **Policy LU-9d**:

Deny General Plan amendments that convert lands outside of designated Urban Service Areas with Class I, II, or III soils (USDA) to an urban or rural residential, commercial, industrial, or public/quasi-public category unless all of the following criteria, in addition to the designation criteria for the applicable land use category, are met:

- (1) The land use proposed for conversion is not in an agricultural production area and will not adversely affect agricultural operations,
- (2) The supply of vacant or underutilized potential land for the requested use is insufficient to meet projected demand,
- (3) No areas with other soil classes are available for non-resource uses in the planning area, and
- (4) An overriding public benefit will result from the proposed use.** [emphasis added]

^{vi} **JFW Administrative Draft EIR**– For Internal Review and Deliberation Page 3.10 – 24 indicates that impacts to ground water levels and stream flow will be reduced due to on-site ground water recharge and rain water harvesting.

^{vii} Across Sonoma County, the amount of productive farmland and grazing land continues to fall while urban land uses increase. Between 2000 and 2012, the acreage of farmland decreased by 8 percent while urban increased 7 percent. [Source: Vital Lands Initiative, March 2018 draft.] Between 2014 and 2016, 200 acres of farm and grazing land was converted to urban and built-up land in Sonoma County. [CA Department of Conservation, 2018]. A total of more than 50,000 acres of all types of ag land were converted to urban or other uses since 1984. Of that, about 31,000 was ag land of local importance. [CA Department of Conservation. 2014 Appendix B]