



# COUNTY OF SONOMA

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

## SUMMARY REPORT

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**Agenda Date:** 12/10/2024

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Tennis Wick, (707) 565-1925 / Derik Michaelson, (707) 565-3095

**Vote Requirement:** Majority

**Supervisorial District(s):** Second

**Title:**

1:45 P.M. - File No. AGP22-0013 Agricultural Preserve Expansion and Tresch Land Conservation Contract, 8495 Valley Ford Road, Petaluma

**Recommended Actions:**

Conduct a public hearing and adopt a Resolution to expand Agricultural Preserve 2-387 by adding 41.87 acres and authorize the Chair of the Board of Supervisors to sign a new Non-Prime Land Conservation (Williamson) Act Contract and Land Conservation Plan on the same 41.87-acre parcel located at 8495 Valley Ford Road, Petaluma, CA; APN 022-300-007; Permit Sonoma File No. AGP22-0013. (Second District)

**Executive Summary:**

Sonoma County's Land Conservation Act program has four contract-types: a) Prime contracts for crop agriculture with a 10-acre minimum parcel size requirement; b) Non-Prime contracts for grazing with a 40-acre minimum; c) Open Space contracts with a 40-acre minimum, and d) Hybrid contracts with a mix of agricultural and/or open space also with a 40-acre minimum.

This is a concurrent request to approve both an expansion of Agricultural Preserve 2-387, which is currently over 100+ acres in size, by an additional 41.87 acres and approve, and delegate authority to the Chair of the Board to execute, a new Non-Prime Land Conservation Act Contract for the same 41.87-acre grazing parcel to be located in that preserve. Land Conservation 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. Staff recommends the Board of Supervisors approve the Agricultural Preserve Expansion and new contract request.

**Discussion:**

Landowner Joseph E. Tresch seeks concurrent approval of a proposed expansion of Agricultural Preserve 2-387 by 41.87 acres, and approval of and delegation of authority to the Board Chair to sign a new Non-Prime Land Conservation Act Contract for the 41.87-acre parcel containing 40.92 acres of agricultural land currently in use for grazing. This action would expand Agricultural Preserve 2-387 by adding 41.87 acres to accommodate the proposed new contract's acreage and place the land under a new Land Conservation contract for grazing (aka Type II non-prime agricultural contract).

**Site Characteristics:**

The 41.87-acre property is located in the Petaluma Dairy Belt, approximately six miles west of the City of Petaluma. The site contains 40.92 acres of grazing land actively commercially grazed in support of an existing grazing operation. Supporting agricultural uses include five barns and three storage structures, all used directly in association with the existing grazing operation. Compatible use areas occupy 0.95 acres of the property and include a residence with detached garage.

Zoning for the subject property is LEA B6 160 (Land Extensive Agriculture with density requirement of 160 acres per dwelling unit), RC50/50 (Riparian Corridor with 50-foot setback); SR (Scenic Resource).

**Uniform Rules:**

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") the Board eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject land at issue here is adjacent to established Preserve Number 2-387. Also, as part of the update of the Uniform Rules, the County implemented a Land Conservation Plan which is incorporated into Land Conservation (Williamson) Act Contracts. Land Conservation Plans show locations for open space, agricultural, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of Permit Sonoma and recorded on title of the subject parcel.

Enlargement of the Agricultural Preserve:

To be considered for a contract, land must be in a designated Agricultural Preserve. The Board may contemporaneously consider adding the land to a designated Agricultural Preserve, and the land's qualification for a contract. The 41.87-acre subject parcel is currently not in an existing Agricultural Preserve. The parcel is proposed to be added to Agricultural Preserve Area number 2-387, which currently contains roughly 3,550 acres. The subject parcel is adjacent to and contiguous with the existing boundaries of the Preserve and qualifies for inclusion within the Agricultural Preserve Area for the reasons specified in Resolution Findings 1 through 4 (see Attachment 1), including that after the expansion the preserve will continue to contain than 100 contiguous acres in size overall. Additionally, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 13517 of the CEQA Guidelines

New Land Conservation (Williamson) Act Contract:

To be eligible for a new Non-Prime Williamson Act contract, the subject parcel must be located in an agricultural preserve (concurrent joint applications for preserve establishment and contract approval, like the present item, are allowed), be at least 40 acres in size, be devoted to an agricultural use, which 'devoted to' standard can be satisfied by having at least 50% of the total parcel in a combination of permanent and rotational crop uses and/or grazing land, , meet the minimum income requirements of the Williamson Act for the type of agricultural use, and meet the requirement that all non-agricultural uses be compatible with the agricultural use of the land. The subject parcel is 41.87 acres in size and has 40.92 acres of land currently used for grazing, which is well over the 50% threshold for ensuring that the land is dedicated to a commercial agricultural use. All non-agricultural uses, the residence and uses accessory to the residence, are listed as compatible uses in the County's Uniform Rules for Agricultural Preserves and collectively occupy no more than 0.95 acres, which is less than the allowed five acres or 15% of the parcel, whichever is less. The residential uses are considered compatible uses because they are listed in the Uniform Rules as compatible. All compatible uses are collectively e limited to five acres because five acres is less than 15% of 41.87 acres (6.28

acres), per the Uniform Rules. The qualifying agricultural use occupies 40.92 acres, or 97.8% of the 41.87-acre acre property. The agricultural operation based on past income from the grazing operation is projected to provide sufficient income to meet the minimum requirements under the Uniform Rules for grazing use and therefore qualifies for a Land Conservation Act contract for non-prime agricultural land.

Staff Recommendation

Staff recommends the Board of Supervisors approve the request because all of the state and local requirements for expansion of an Agricultural Preserve and approval of a Land Conservation Act Contract for Non-Prime agricultural land on the 41.87-acre parcel have been met. The resolution expanding the preserve will be recorded before the contract is recorded.

**Strategic Plan:**

Not Applicable

**Racial Equity:**

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

No

**Prior Board Actions:**

- A. 12/13/2011: Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678)
  - B. 07/31/2012: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 12-0379)
  - C. 05/07/2013: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 13-0186)
  - D. 12/20/2016: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 16-0485)
- 10/31/2017: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 17-0426) 11/07/2017: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 17-0438)

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

Approval of the Land Conservation Act Contract means that the owner will pay reduced property taxes based upon the value of the agricultural uses rather than the land value under Proposition 13. This reduces the County's share of property tax revenue for the subject parcel. For this particular contract, the Assessor estimates the property assessment value will be reduced by approximately \$1,447,258.00, which equates to approximately \$14,472.58 .00 in lost annual property tax revenue. Property taxes are generally 1% of assessed

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value under normal circumstances - meaning pursuant to Proposition 13. There are special provisions in the Tax Code for assessing properties restricted by Land Conservation contracts that ensures that the land will be assessed at the lowest of Proposition 13 value, 75% of Proposition 13 value, Land Conservation Act contract value (special Land Conservation Act valuation formula), or market value. Typically, the special Land Conservation Act value will be the lowest. Note that structures, including barns and residences, and the land reasonably occupied structures do not receive a reduction in valuation due to the presence of a Land Conservation Act contract.

**Staffing Impacts:**

Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

Attachment 1: Board of Supervisors Resolution

Attachment 2: Board of Supervisors Resolution Exhibit A-Agricultural Preserve Map

Attachment 3: Proposal Statement prepared by applicant

Attachment 4: Site Plan Exhibit

Attachment 5: Assessor's Parcel Map

Attachment 6: Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan)

Attachment 7: Staff Presentation

**Related Items "On File" with the Clerk of the Board:**

Not Applicable