



SUMMARY REPORT

Agenda Date: 5/21/2024

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Hannah Spencer, Supervising Planner (707) 565-1928

Vote Requirement: Majority

Supervisorial District(s): Second

Title:

(TIME CERTAIN) - File No. AGP20-0007 Jabez Land & Cattle Company, LLC Land Conservation Contract, 3641 Middle Two Rock Rd, Petaluma

Recommended Actions:

Conduct a Public Hearing and Adopt a Resolution to expand Agricultural Preserve 2-420 by adding 260.8 acres and, authorize the Chair to sign a new Hybrid Land Conservation (Williamson) Act Contract and Land Conservation Plan on the same 260.8-acre parcel for a combination of vineyard, hay production, and pastureland located at 3641 Middle Two Rock Rd, Petaluma; APN 022-220-020; PRMD File No. AGP20-0007 (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 combined request to approve an expansion of an existing Agricultural Preserve by adding 260.8 acres and, to execute a new Hybrid Land Conservation Act Contract for the same 260.8-acre parcel. 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 hold a public hearing to consider approving the Agricultural Preserve Expansion and new contract request.

Discussion:

Jabez Land & Cattle Company, LLC seeks approval of an expansion of Agricultural Preserve 2-420 and a new Hybrid Land Conservation Act Contract for the 260.8-acre parcel containing 15 acres planted in vineyard, 105 acres in hay production, and a commercial horse breeding consisting of an annual breeding operation of 15-20 brood mares with 110 acres devoted to pastureland. This action would expand Agricultural Preserve 2-420 by adding 260.8 acres and place the same 260.8 acres under a new hybrid Land Conservation contract for vineyard, hay production, and pastureland.

Site Characteristics:

The property is located in the Petaluma Dairy Belt, approximately 4 miles west of the City of Petaluma. The

site contains 15 acres planted in a commercial vineyard, 105 acres in commercial hay production, and a commercial horse breeding consisting of an annual breeding operation of 15-20 brood mares with 110 acres devoted to pastureland. Agricultural accessory uses include four barns and three stock ponds. Compatible use areas occupy five acres of the property and include a residence occupied by the landowner, a well, a shop building, commercial horse boarding, and three horse riding arenas. The remaining 25 acres of the property is undesignated land consisting of aquatic features, forested areas, rock outcroppings and ridges. A seasonal tributary to Laguna Lake runs along the western property line.

Zoning for the subject property is Land Extensive Agriculture (allowed density: 100 acres per dwelling) and combining zones for Accessory Unit Exclusion, Riparian Corridor with 50-foot and 100-foot setbacks.

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 2-420.

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 conterminously consider adding the land to a designated Agricultural Preserve, and its qualification for a contract. The 260.8-acre subject parcel is currently not in an existing Agricultural Preserve. The parcel is proposed to be added to Agricultural Preserve Area number 2-420 to ensure the parcel boundaries are conterminous with the contracted area. The subject parcel qualifies for inclusion in the Agricultural Preserve Area for the reasons specified in Resolution Findings 1 through 4 (see Attachment 1). Additionally, the project is Categorical 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 Hybrid Williamson Act contract, the subject parcel must be at least 40 acres in size, be devoted to an agricultural use, which can be satisfied by having at least 50% of the total parcel dedicated to a combination of permanent and rotational crop uses and/or grazing land, and once in a designated Agricultural Preserve, meet the minimum income requirements of the Williamson Act. The subject parcel is 260.8 acres in

size and has 120 acres of land planted in a combination of commercial vineyard and commercial hay production, and commercial horse breeding consisting of an annual breeding operation of 15-20 brood mares with 110 acres of land devoted to pastureland.. All non-agricultural uses are listed as compatible uses in the County's Uniform Rules for Agricultural Preserves and collectively occupy no more than 5 acres. The residential uses and horse related facilities that are not associated with the breeding operation, such as the commercial horse boarding and training operation, are considered compatible uses and limited to five acres. The qualifying agricultural uses collectively occupy 230 acres, or 88% of the 260.8 acre property. The agricultural operation is projected to provide sufficient income to meet the minimum requirements and therefore qualifies for a Land Conservation Act contract for a prime and non-prime agricultural land.

Staff Recommendation:

Staff recommends the Board approve the request because all the state and local requirements for expansion of an Agricultural Preserve Area and approval of a new Hybrid Land Conservation Act Contract for a combination of prime and non-prime agricultural land on the 260.8-acre parcel have been met.

Strategic Plan:

NA

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)
- E. 10/31/2017: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 17-0426)
- F. 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 \$2,513,747.00, which equates to approximately \$27,650.00 in lost annual property tax revenue. Property taxes are generally 1.1% of assessed

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value.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

ATT 1: AGP20-0007 Board of Supervisors Resolution

ATT 2: AGP20-0007 Board of Supervisors Resolution Exhibit A-Agricultural Preserve Map

ATT 3: AGP20-0007 Proposal Statement prepared by applicant

ATT 4: AGP20-0007 Site Plan

ATT 5 AGP20-0007 Assessor's Parcel Map

ATT 6: AGP20-0007 Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan)

ATT 7: AGP20-0007 Staff Presentation

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

NA