



SUMMARY REPORT

Agenda Date: 12/10/2024

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick, Director and Jen Chard, Planner III 707-565-2336

Vote Requirement: Majority

Supervisorial District(s): Fourth

Title:

1:35 P.M. - File No. AGP23-0010 Jensen Gros Balthazard Contract, 1576 Dry Creek Road, Healdsburg

Recommended Actions:

Conduct a public hearing and adopt a Resolution to concurrently (1) expand Agricultural Preserve 1-321 by adding 12.51 acres and, (2) approve and delegate authority to the Chair to execute a new Prime Land Conservation (Williamson) Act Contract and Land Conservation Plan for the 12.51-acre parcel, a vineyard property, located at 1576 Dry Creek Road, Healdsburg; APN 089-030-017; Permit Sonoma File No. AGP23-0010. (Fourth 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 both approve an expansion of an existing Agricultural Preserve by adding 12.51 acres and, also to approve and authorize the Chair of the Board to execute a new Prime Land Conservation Act Contract for the 12.51-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 use, the landowner receives reduced property taxes. Staff recommends the Board of Supervisors approve the Agricultural Preserve Expansion and new contract request, as all requirements for preserve expansion and a new contract have been met.

Discussion:

Philip Jensen and Simone Katherine Gros-Balthazard, husband and wife, concurrently seek approval of their request to expand Agricultural Preserve 1-321 and for a new Prime Land Conservation Act Contract for their 12.51-acre parcel, containing 10 acres of vineyard. This action would expand Agricultural Preserve 1-321 by adding 12.51 acres and place the same 12.51 acres under a new prime Land Conservation contract based on commercial vineyard as a prime agricultural use.

Site Characteristics:

The project site is accessed via Dry Creek Road, approximately 1.22 miles west of the city of Healdsburg. The

project site contains approximately 10 acres of vineyard, a single-family dwelling, a barn, and Farm Family housing. Zoning for the property is Land Intensive Agriculture with 20-acre density, accessory dwelling unit exclusion and combining zones for Oak Woodland, Riparian Corridor 50 ft and 100 ft setback, Scenic Resource and Valley Oak Habitat.

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 1-321.

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 first be in a designated Agricultural Preserve. However, the Board may concurrently consider adding the land to a designated Agricultural Preserve, and its qualification for a contract. The 12.51-acre subject parcel is currently not in an existing Agricultural Preserve. The parcel is proposed to be added to Agricultural Preserve Area number 1-321 to ensure the parcel boundaries are conterminous with the contracted area. The land qualifies for inclusion in the Agricultural Preserve Area for the reasons specified in Resolution Findings 1 through 4 (see Attachment 1).

New Land Conservation (Williamson) Act Contract:

To be eligible for a new Prime (Type I) Williamson Act contract, the subject single legal parcel must be (1) located within an established Agricultural Preserve; (2) at least 10 acres in size; (3) be devoted to an agricultural use which means have 50% of the total parcel dedicated to permanent crop uses, except that a parcel between 10 and 12 acres in size must be a minimum of 6 acres planted in a permanent crop to qualify; (4) meet minimum income requirements contained in the County's Uniform Rules for Agricultural Preserves for the type of agricultural use; and (5) non-agricultural uses of the property qualify as compatible uses under the County's Uniform Rules. The subject parcel is 12.51 acres in size, therefore at least 50% of the total parcel must be dedicated to permanent crop uses. The subject parcel has 10 acres of land planted as vineyards, which meets these requirements. The vineyard is projected to provide sufficient income to meet the minimum requirements. For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard averages \$73,000 per year which results in an average of \$7,300 per acre per year thus exceeding the required minimum income. Other uses are compatible because Compatible uses of

the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For this parcel, the 15% threshold would apply. The parcel is developed with a single-family dwelling, agricultural support barn and a farm family dwelling unit, which collectively occupy 0.51 acres, which is 6.3 percent of the parcel. . For these reasons, the parcel qualifies for a Land Conservation Act contract for prime agricultural land.

CEQA

The project including the Agricultural Preserve expansion and new contract are Categorical Exempt from the California Environmental Quality Act (CEQA) per Section 13517 of the CEQA Guidelines.

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 Prime Land Conservation Act Contract for the 12.51-acre parcel have been met. As part of the Board’s action the Clerk would be directed to record first the expansion of the Agricultural Preserve Map, and second the new contract, both before the end of 2024.

Strategic Plan:

This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Climate Action and Resiliency

Goal: Goal 5: Maximize opportunities for mitigation of climate change and adaptation through land conservation work and land use policies

Objective: Objective 2: Expand outreach and education on vegetation management and provide additional resources to landowners to help mitigate fire risk.

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)

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- 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 \$679,889. Property taxes are generally 1.1% of assessed value.

Staffing Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: AGP23-0010 Board of Supervisors Resolution

Attachment 2: Exhibit A to the Resolution - Agricultural Preserve Map

Attachment 3: AGP23-0010 Proposal Statement prepared by applicant

Attachment 4: AGP23-0010 Site Plan

Attachment 5: AGP23-0010 Assessor's Parcel Map

Attachment 6: AGP23-0010 Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan)

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

N/A