



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 3/25/2025

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick, Director (707) 565-2563 and Hannah Spencer, Supervising Planner (707) 565-1928

Vote Requirement: Majority

Supervisorial District(s): Second

Title:

10:35 A.M. - Permit Sonoma File No. MNS20-0002 Jackson Family Investments III, LLC Minor Subdivision at 3225 Bloomfield Road, Sebastopol.

Recommended Action:

Conduct a public hearing and adopt a Resolution to 1) adopt a Mitigated Negative Declaration, and 2) approve a Minor Subdivision of a 347+/- acre parcel subject to a Williamson Act Land Conservation Contract with Conditions of Approval for the property at 3225 Bloomfield Road, Sebastopol; APN: 025-100-043 (Second District) (Majority Vote Requirement)

Executive Summary:

This a request for a Minor Subdivision of a 347+/- acre property into two lots which would consist of the following: Lot 1 at 134+/- acres and Lot 2 at 213+/- acres in size. The subject property is currently subject to a Non-prime Land Conservation Act (Williamson Act) contract. This Minor Subdivision requires Board of Supervisors approval because of the existing Williamson Act contract.

A Mitigated Negative Declaration (MND) is proposed which finds that potential environmental impacts have been fully mitigated to less-than-significant levels accordance with Sections 15120 - 15132 of the California Environmental Quality Act (CEQA) guidelines. On January 16, 2025, the Project Review and Advisory Committee, who normally approve minor subdivision requests, reviewed the project and recommended the Board adopt the MND and approve the minor subdivision. The site is devoted to existing vineyard and open space uses and is developed with one residence and associated structures. No additional development is proposed at this time. The Minor Subdivision is consistent with all Land Conservation Act findings required by the County's Uniform Rules for Agricultural Preserves and under state law. Condition No. 6, in the Conditions of Approval, requires each of the newly created lots to be placed under new, individual Land Conservation Act contracts for prime agricultural land on Lot 1 and a combination of prime agricultural and open space land on Lot 2. The new contracts would continue to preserve vineyard and open space land.

Discussion:

Ray Carlson and Associates, on behalf of the property owner, Jackson Family Investments III, LLC, proposes to

subdivide a 347+/- acre parcel resulting in two lots, 134+/- acres in size (Lot 1) and 213 +/- acres in size (Lot 2), at 3225 Bloomfield Road in unincorporated Sebastopol. The project site is currently developed with a residence on proposed Lot 2 and vineyards on both Lot 1 and Lot 2. No new development is proposed at this time; however, foreseeable development include those agricultural and residential uses permitted by the Land Extensive Agriculture (LEA) zoning district within the designated building envelope on proposed Lot 1, such as one new single-family dwelling.

Project Site and Context

The project site is located within the Two Rock Quadrangle, approximately 2.8 miles south of the city of Sebastopol. The 347+/- acre site is devoted to vineyard and open-space and has been subject to a non-prime Williamson Act contract since 1971, recorded under Book 2516, Page 775. Currently, access is provided on the west side of the property via a private road that connects to Bloomfield Road, a county-maintained roadway. The property contains 178.17 acres of vineyards and associated agricultural infrastructure, one single-family residence, an unnamed tributary of Blucher Creek, grasslands, and oak woodlands. Proposed Lot 1 would be 134+/- acres in size and include 92.84 acres (69%) planted in vineyard. Lot 2 would be 213+/- acres in size and include 85.33 acres (40%) planted in vineyard and over 100 acres devoted to open space (46%).

The project site is located in Groundwater Availability Class 2, a major natural recharge area, outside of any priority groundwater basins. Sufficient water for future development would be provided by on-site wells. There is one United States Geological Survey-designated blue-line stream, an unnamed tributary of Blucher Creek, that runs north-south with a designated riparian corridor located on the property. No riparian vegetation will be removed as part of the proposed project.

The site is within a State Responsibility Area and the applicant has submitted an Exceptions of Standards to the Board of Forestry Fire Safety Regulations that demonstrates safe access for emergency vehicles concurrently with civilian evacuation and unobstructed traffic circulation in the event of a wildfire emergency as determined by the Sonoma County Fire Marshal. The Sonoma County Fire Marshal reviewed the proposed subdivision and, although an exemption from Cal Fire will be required, determined the proposed subdivision will not create a hazard for the area.

Zoning for the property is Land Extensive Agriculture with a 160-acre density (160-acres per dwelling unit), Accessory Unit Exclusion, Oak Woodland Combining District, Riparian Corridor with 50 foot setbacks, and Riparian Corridor with 100 foot and 50 foot setbacks at the far north end of the property. Minor Subdivisions are normally approved by the Project Review and Advisory Committee (PRAC); however, this Minor Subdivision requires Board of Supervisors approval due to the existing Williamson Act contract. Following approval of the minor subdivision, the applicant will be required, by Condition No. 6, to submit complete applications and fees to rescind the existing non-prime Land Conservation (Williamson) Act contract on the property and replace it with two new separate Prime and Hybrid Williamson Act contracts for each parcel resulting from the subdivision pursuant to Sonoma County's Uniform Rules for Agricultural Preserves (Uniform Rules).

Subdivision Map Act:

A subdivision must comply with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Specifically, the Tentative Map complies with Section 66474 of the Subdivision Map Act in that the project, as conditioned, and its design are consistent with the General Plan, the site is physically suitable for the development, the subdivision will not cause substantial environmental damage or injure fish or wildlife or their habitat, the subdivision is not likely to cause serious public health problems, and the design of the subdivision will not conflict with public easements.

Background:

In 1996, the County formerly recognized the parcel as a legal lot under file number ACC96-0186. On May 8, 2018, the Board of Supervisors approved a lot line adjustment between the subject property and an adjacent parcel under File No. LLA17-0015 expanding the parcel from 331+/- acres to 347+/- acres in size. The lot line adjustment subsequently recorded on October 24, 2018. In 2020, Ray Carlson and Associates submitted the application for the Minor Subdivision on behalf of the property owner, Jackson Family Investments III, LLC. Permit Sonoma prepared an initial study for the project and circulated an MND through the State Clearinghouse from March 17, 2023 through April 17, 2023. A revised MND was submitted through the State Clearinghouse and noticed for public review and comment from November 19, 2024 through December 19, 2024. On January 16, 2025, the Project Review Advisory Committee held a public hearing and recommended the Board of Supervisors adopt a MND and approve the minor subdivision subject to the Conditions of Approval.

Staff Analysis:

General Plan Consistency:

The project is consistent with the intent of the Land Extensive Agriculture (LEA) land use designation of the General Plan and meets the LEA designation criteria for the following reasons:

- The project is consistent with various objectives and policies of the General Plan Land Use Element, including Policies under LU-2.6, and GOAL OSRC-7 which calls to “Protect and enhance the County’s natural habitats and diverse plant and animal communities.”

- The project supports the goals and objectives of Riparian Corridor, Policy OSRC-8b: Streamside Conservation Areas Along Designated Riparian Corridors, Policy OSRC-8d: Uses within Streamside Conservation Areas, Policy LU-8a: Water Resources, and Policy OSRC-2e(3): Oak Trees.

- The proposed subdivision must continue to demonstrate conformance with General Plan Policy AR-8c of the Agricultural Resource Element and meet the findings set forth in Section 66474.4 (a) of the Map Act, and Government Code Sections pursuant to the Land Conservation Act, as explained below:

- o□ General Plan Policy AR- 8c states, “Subdivision of any Williamson Act contracted lands shall not result in any new parcel less than 10 acres in size for Type 1 preserves or 40 acres in size for Type 2 preserves, or the established minimum lot size, whichever is more restrictive.”

The Project will be consistent with Policy AR-8c in that the parcels will exceed the minimum parcels sizes of 10 acres for Type I (Prime) agriculture and 40 acres for Non-Prime, Type II, or hybrid contracts. The subdivision proposes 2 lots, 134+/- acres, and 213+/- acres.

In addition, the project does not create a conflict with the General Plan Policy for the Land Extensive Agriculture land use designation, as the proposed parcels will continue to be devoted to permitted agricultural and open space use with limited compatible residential uses.

Zoning Analysis:

The subdivision of 347+/- acres into 2 lots, each over 1.5 acres, is consistent with the General Plan land use designation of Land Extensive Agriculture 160 acres per dwelling unit density and is consistent with the Zoning Code designation of the Land Extensive Agriculture district’s 1.5-acre minimum parcel size. The project complies with the Land Extensive Agriculture 160 acres per dwelling unit density requirement.

Land Conservation Contract:

The project is also consistent with the Uniform Rules under the Land Conservation Act (Williamson Act) contract for prime agricultural and open space lands. A subdivision of land under a Land Conservation Act Contract can be approved provided the subdivided land conforms to the County Uniform Rules and meets the findings set forth in the State Subdivision Map Act, Section 66474.4.

Under the County Uniform Rules for Agricultural Preserves, Rule 10 requires a subdivision of land under a Land Conservation Contract meet the following criteria:

Rule 10.1 Subdivision of Contracted Land.

- A. *No land subject to a land conservation contract shall be subdivided unless the Board of Supervisors finds that:*

1. *The subdivision is consistent with the General Plan and Zoning Code.*

Staff analysis:

The subdivision creates two lots (134+/- acres, Lot 1; 213+/- acres, Lot 2), which is consistent with the Land Extensive Agriculture density allowance of 160 acres per dwelling unit and the zoning districts' minimum parcel size requirement of 1.5 acres.

2. *Each resulting parcel will separately qualify for a land conservation contract and be consistent with the requirements of the Land Conservation Act and these uniform rules.*

Staff analysis:

Currently the project site is under a Non-Prime Land Conservation Act contract. The two newly created lots will individually qualify for new a Prime and Hybrid contract because each parcel will exceed the minimum parcel size requirements and more than 50% of each parcel is devoted to qualifying agricultural and open space uses consisting of vineyard and wildlife habitat. The proposed lots are expected to individually meet the minimum annual income requirement for prime agricultural land as the vineyard currently generates an average of \$3,316 per planted acre which exceeds the Uniform Rules' minimum annual gross income of \$1,000 per planted acre. Additionally, compatible uses for each proposed parcel collectively do not exceed the 5-acre threshold for compatible uses.

3. *The subdivision and each resulting parcel will conform with the requirements of the Subdivision Map Act, including Government Code section 66474.4.*

Staff analysis:

A subdivision of land under a Land Conservation contract(s) must demonstrate it meets the findings set forth in Section 66474.4 (a) of the Map Act with the Board of Supervisors required by law to make the final decision. Section 66474.4 (a) states the following:

§ 66474.4. (a) "The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:

- (1) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7*

(commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.

(2) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).

(3) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

(4) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

Subsection (b) of said Section 66474.4 establishes the following presumptions for making these findings:

(1) For purposes of this section, land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (A) less than 10 acres in size in the case of prime agricultural land, or (B) less than 40 acres in size in the case of land that is not prime agricultural land.

(2) For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) at least 10 acres in size in the case of prime agricultural land, or (B) at least 40 acres in size in the case of land that is not prime agricultural land.”

Staff analysis:

For a subdivision of land under a Land Conservation Act contract, the local government must have a substantive basis for approving the application and map. It must do so on the basis of a specific and affirmative determination that each of the resulting parcels is large enough to sustain the agricultural uses to which it is restricted and must make a finding that the subdivision will not result in residential development of the resulting parcels, except where residential use will be incidental to the agricultural use of the land.

Under state law and the County’s Uniform Rules adopted by the Board of Supervisors in 2011, a parcel is presumed to be large enough to sustain its prime agricultural use if the land is at least 10 acres in size and its non-prime or open space use if the land is at least 40 acres in size.

The resulting two parcels will exceed the 10-acre and 40-acre minimum parcel size requirements and contain over 50% of each proposed parcel devoted to qualifying prime agricultural and open space uses. Proposed Lot 1 would be 134+/- acres in size and include 92.84 acres (69%) planted in vineyard. Proposed Lot 2 would be 213+/- acres in size and include 85.33 acres (40%) planted in vineyard and over 100 acres devoted to open space (46%). A Biological Assessment, prepared by Kjeldsen Biological Consulting (KBC) in July 2017, identifies

woodland, wetland, and riparian habitat types on Lot 2. In 2023, California Department of Fish and Wildlife determined that both lots contain wildlife habitat for special status species.

In addition, the future residential use of each parcel will be incidental to the agricultural and open space uses of the land because more than 50% of each resulting parcel will continue to be devoted to qualifying agricultural and open space uses. To limit encroachment of future residential uses onto existing vineyard and open space areas of the site, the subdivision map includes one building envelope for each lot. Therefore, no vineyard or sensitive wildlife habitat will be converted to residential use as a result of the subdivision. The Uniform Rules limit future development to compatible uses, including residential development, to a maximum of 15% of the total parcel size and not to exceed 5 acres, whichever is more restrictive. For this project, the 5-acre threshold applies. Anticipated future compatible uses and acreage for existing vineyard and open space land for each new parcel are described below.

- Lot 1 (134 +/- acres in size) proposes a building envelope 1.64 acres in size and a new driveway 0.63 acres in size. No vineyard would be removed to develop the parcel's driveway or building envelope. Parcel 1 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively amount to 2.77 acres and do not exceed the 5-acre threshold.
- Lot 2 (213 +/- acres in size) proposes a building envelope 3.29 acres in size which is already developed with a single-family residence. No vineyard would be removed as the parcel's building envelope and driveway already exist. Parcel 2 proposes a 0.5-acre standard septic area which will remain in vineyard production and is defined as a compatible use. Therefore, the compatible uses, collectively would amount to 3.79 acres and do not exceed the 5-acre threshold.

Rule 10.1 Subdivision of Contracted Land continued:

B. "The County shall require an owner of contracted land that has been or will be subdivided to apply, pursuant to Uniform Rule 9.0 of these uniform rules, for rescission of the existing contract and simultaneous replacement of that contract with a separate new contract for each qualifying parcel resulting from the subdivision. This requirement may be waived by the County if a notice of nonrenewal has been recorded for the contract restricting the land that has been or will be subdivided, and the phase out period has begun."

Staff analysis:

Condition of Approval No. 6 requires that prior to recording the Parcel Map, the applicant shall submit two complete applications for each of the resultant parcels to rescind and replace the Land Conservation Contracts with separate Prime and Hybrid Contracts for each resulting parcel. The contract on Lot 1 shall be replaced

with a new prime contract for vineyard land. The contract on Lot 2 shall be replaced with a new hybrid contract for a combination of vineyard and open space land.

California Environmental Review Act (CEQA)

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that the project is subject to the California Environmental Quality Act. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed. As a result of the Initial Study, it was determined that project impacts could be mitigated to a less than significant level therefore a Mitigated Negative Declaration (MND) is proposed for the project. All mitigation measures have been incorporated into the project conditions of approval. The MND was originally circulated through the State Clearinghouse and noticed for public review and comment from March 17, 2023 through April 17, 2023.

On April 13, 2023, Permit Sonoma received agency comments from California Department of Fish and Wildlife (CDFW) detailing concerns with potential impacts to sensitive biological resources on the project site. In response to CDFW comments received, Wiemeyer Ecological Services (WES) prepared a California tiger salamander habitat evaluation for the project. Following the submission of the additional biological assessment of the property, Permit Sonoma revised the MND to incorporate recommendations from CDFW and analyze habitat suitability for California tiger salamander. The MND was recirculated through the State Clearinghouse and noticed for public review and comment from November 19, 2024 through December 19, 2024. No further agency comments were received. After recirculating the MND, staff made minor administrative edits to Mitigation Measures BIO-1, 2, 5, and 6 to clarify the extent of the project site. PRAC's recommended findings and conditions for the project are provided under Attachment 1.

Public Comments:

During the Project Review Advisory Committee's consideration of the project, Permit Sonoma received no public comments.

Staff Recommendation:

Staff recommends the Board adopt the Mitigated Negative Declaration, approve the project, and find that:

- all Government Code Section 66474 findings are satisfied in connection with the proposed minor subdivision,
- the minor subdivision is consistent with the County's Uniform Rules,
- the minor subdivision will not result in any significant environmental effect,

- the proposed lots as depicted on the tentative map will continue to be devoted to qualifying agricultural uses.

The Conditions of Approval require that prior to recording the Parcel Map the property owner shall submit the appropriate applications and filing fees to rescind and replace the existing contract with one new Prime Land Conservation Act contract on Parcel 1 and one new Hybrid Contract for a combination of Prime and Open Space land on Parcel 2. Once the Parcel Map has been recorded, the County can proceed with the preparation of the new contracts and include the new legal descriptions for the two new parcels.

Strategic Plan:

N/A

Racial Equity:

N/A

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

No

Prior Board Actions:

12/13/2011: Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678)

07/31/2012: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 12-0379)

05/07/2013: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 13-0186)

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)

05/08/2018: Board approves Lot Line Adjustment File No. LLA17-0015 (Resolution No. 18-0165)

FISCAL SUMMARY

N/A

Narrative Explanation of Fiscal Impacts:

Agenda Date: 3/25/2025

Approval of the replacement Land Conservation Act Contracts means that the owner will pay reduced property taxes based upon the value of the agricultural and open space uses rather than the land value under Proposition 13. This reduces the County's share of property tax revenue for the subject parcel. Because the property is currently under a Land Conservation Act contract and is therefore already subject to reduced property tax assessment, the County of Sonoma Assessor estimates there will be no change in property assessment value, and therefore no fiscal impact associated with the application.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: MNS20-0002 Board of Supervisors Resolution with Attachment A Conditions of Approval

Attachment 2: MNS20-0002 Project Review Advisory Committee Record of Action, January 16, 2025

Attachment 3: MNS20-0002 Proposal Statement

Attachment 4: MNS20-0002 Tentative Map

Attachment 5: MNS20-0002 Assessor Parcel Map

Attachment 6: MNS20-0002 Revised Mitigation Negative Declaration and Attachments

Attachment 7: MNS20-0002 Staff Presentation

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

N/A