



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 6/6/2023

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Derik Michaelson (707) 565-3095

Vote Requirement: Majority

Supervisory District(s): 1

Title:

File No. AGP18-0018 - Land Conservation Act Contract, Vella Properties, LLC, 21828 Arnold Drive, Sonoma; APNs 128-391-028 and -029.

Recommended Action:

Adopt a Resolution to mutually rescind one existing Prime Land Conservation Act contract on 38.06 acres and replace it with one new Prime Land Conservation Act contract on 42.58 acres located at 21828 Arnold Drive, Sonoma; APNs 128-391-028 and 128-391-029; Permit Sonoma File No. PLP18-0018 (First District).

Executive Summary:

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. 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) Nonprime 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 open space also with a 40-acre minimum.

This action rescinds the existing Prime contract on 38.06 acres and establishes a new Prime contract on 42.58 acres. The additional 4.52 acres (APN 128-391-028) is a legal portion of the property that was previously withdrawn from the contract. Vineyard production on 35.96 acres is the Prime agricultural use. The returning 4.52 acres contains the existing residence and various compatible uses. The remaining 2.1 acres is undesignated.

Discussion:

The Owner(s) in interest seek approval of one replacement Land Conservation Contract for Prime agricultural use on 42.58 acres within Agricultural Preserve Area Number 1-240. The land is comprised of a single legal parcel identified by Assessor's Parcel Numbers 128-391-028 and 128-391-029. The General Plan land use and base zoning designation for the property is Land Intensive Agriculture (LIA) with a density requirement of 40 acres per dwelling unit.

The existing property conditions meet the County's Uniform Rules for approval of a new Prime contract. At 42.58 acres in size, the property meets the 10-acre minimum requirement. With 35.96 acres of the property currently in vineyard production the applicant exceeds the 50 percent minimum requirement for devoting land

to a qualifying Prime agricultural use. The applicant verifies an average income per gross acre of \$1,040.00 for the existing vineyard operation and meets the \$1,000 per gross acre minimum income requirement.

Additionally, the 4.52 acres of land returning under contract accounts for 10.6 percent of the total property area and contains compatible uses consistent with the requirements of the Uniform Rules, which allow 15 percent of the total land up to maximum of five acres for compatible uses. The existing compatible uses include a 2,000-square-foot single-family residence and various detached accessory structures, including an 1,800-square-foot carport, two barns totaling 21,000 square feet, a 3,100 square-foot workshop, and two storage buildings totaling 15,350 square feet.

Background:

In 1972, the entire 42.58 parcel was entered into a Prime Land Conservation Act contract for agricultural production (Contract No. 2607-679) located within Agricultural Preserve 1-240. In 2013, the County issued a notice of non-renewal withdrawing 4.52 acres of land from the original contract. The County initiated nonrenewal under the mistaken supposition that the acreage was a legally separate parcel and ineligible to remain under contract due to its substandard size and that only one legal parcel could be bound by a single contract. Current title documentation describes the acreage as a legal portion of the subject property and not a separate legal parcel.

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 execute a land conservation contract for any qualifying agricultural or open space land within an established Preserve. The subject property is located within the boundaries of Agricultural Preserve 1-240.

Additionally, the County requires incorporation of a Land Conservation Plan for new contracts. Land Conservation Plans show the parcel boundaries and interior locations for corresponding open space, agricultural, permitted, and compatible uses on contracted lands. The Uniform Rules grant the Permit Sonoma Director the authority to approve subsequent changes to the Land Conservation Plan. Such changes must be recorded on the property title.

Staff Recommendation:

Staff recommends the Board approve the request to rescind the existing Prime contract and replace it with a new Prime contract on 42.58 acres within Agricultural Preserve 1-240 because the replacement contract as requested meets all current State and local requirements and authorize the Chair to execute the contract.

Strategic Plan:

Not Applicable

Prior Board Actions:

- a. On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).
- b. In 2013, the Board initiated a notice of nonrenewal to withdraw 4.52 acres from Contract No. 2607-679 for not meeting parcel size requirements.

FISCAL SUMMARY

Not Applicable

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. 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):

Not Applicable

Attachments:

- Att 1 AGP18-0018 Board of Supervisors Resolution
- Att 2 AGP18-0018 Land Conservation Contract, Vella Properties LLC (signed)
- Att 3 AGP18-0018 Land Conservation Site Plan

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

None