



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 12/6/2022

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Jen Chard, Planner I, (707) 565-2336

Vote Requirement: Majority

Supervisorial District(s): First

Title:

1:50 P.M. File No. AGP03-0025 Beltane Ranch Land Conservation Contract; 11775 Highway 12, Glen Ellen

Recommended Action:

To conduct a public hearing and adopt a Resolution to expand Agricultural Preserve 2-336 by adding 1.30 acres and approve a new Hybrid Land Conservation (Williamson) Act Contract and Land Conservation Plan on a 105.82 acre parcel for vineyard, orchard, and grazing land located at 11775 Highway 12, Glen Ellen; APNs 053-040-035, 053-040-025 and 053-040-024; PRMD File No. AGP03-0025. (First 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
- d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum

This is a combined request to approve an expansion of an existing Agricultural Preserve by adding 1.30 acres and, to execute a new Hybrid Land Conservation Act Contract for a 105.82-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 approve the Agricultural Preserve Expansion and new contract request.

Discussion:

Beltane, Inc. seeks approval of an expansion of Agricultural Preserve 2-336 and a new Hybrid Land Conservation Act Contract for the 105.82 acre parcel, containing 25 acres of vineyard, 3.7 acres of orchard, and 33 acres of grazing. This action would expand Agricultural Preserve 2-336 by adding 1.3 acres and place the entire 105.82 acre parcel under a new Hybrid Land Conservation contract for vineyard, orchard, and grazing.

Site Characteristics:

The project site is located along Highway 12 and Nuns Canyon Road, approximately 6.6 miles northwest of the City of Sonoma and four miles southeast of the City of Santa Rosa. The project site contains approximately 25

acres of vineyard, 3.7 acres of orchard, 33 acres of grazing and 4.7 acres of compatible uses. Compatible uses include one primary dwelling and a guest house occupied by a landowner, an agricultural farmstay occupied by a landowner or farm operator, and a farm family dwelling occupied by a family member of the landowner or farm operator. The remainder of the site is undesignated mixed oak woodlands. Calabazas Creek, a tributary that feeds Sonoma Creek, runs along the eastern property line of the site.

Background:

In 2002, the property was adjusted by recorded Lot Line Adjustment File No. LLA01-0100. The Lot Line Adjustment conditions of approval required the landowner to rescind and replace the existing contract with a new contract that corresponds with the property line boundaries. Additionally, the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (“Uniform Rules”) limit the number and type of residential uses on contracted lands. To bring the property into compliance with the Uniform Rules’ requirements for compatible uses and complete the LLA01-0100 conditions of approval, Permit Sonoma required the landowners to 1) obtain zoning permits to designate the agricultural farmstay and farm family dwelling uses and 2) rescind and replacing the existing contract with a new contract that corresponds with the current property line boundaries. Permit Sonoma recently approved the landowner’s Zoning Permit request (File No. ZPE22-0210) to convert an existing legally established residence (formerly a Bed & Breakfast Inn) to an Agricultural Farmstay with 5 bedrooms and a maximum of 10 guests, consistent with the standards of the Zoning Code and Uniform Rules. On November 8, 2022, the Board approved the landowner’s Zoning Permit request (File No. ZPE20-0106) to convert an existing residence to a Farm Family Dwelling and executed a Grant Deed of Agricultural Easement and Covenant on the property. The Grant Deed of Agricultural Easement and Covenant recorded on November 9, 2022, under O.R. No. 2022-073321.

The subject property is split zoned LIA (Land Intensive Agriculture) B6-100 (100-acres per dwelling unit), with combining zone for Z (Accessory Unit Exclusion) and RRD (Resource and Rural Development) B6-100 (100-acres per dwelling unit), with combining zones for F2 (Flood Plain), HD (Historic District), LG/MTN (Taylor/Sonoma/Mayacamas Design Guideline), RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), RC100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), and VOH (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, allowing the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject land at issue here is partially within and adjacent to established Preserve Number 2-336.

Also, as part of the 2011 update of the Uniform Rules, the County implemented a requirement for 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 concurrently consider adding the land to a designated Agricultural Preserve, and its qualification for a contract. Currently 104.52 acres of the subject parcel is in existing Agricultural Preserve number 2-336. The remaining 1.30 acres of the subject parcel are adjacent to and proposed to be added to Agricultural Preserve Area number 2-336 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 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 Hybrid Williamson Act contract, the subject parcel must be at least 40 acres in size, have 50% of the total parcel dedicated to qualifying agricultural and/or open space uses, be located in a designated Agricultural Preserve, meet the Uniform Rules' minimum income requirements for agricultural operations, and comply with the Uniform Rules' limits on compatible uses. The Uniform Rules require all non-agricultural uses on the property be listed as a compatible use and occupy no more than 15 percent or 5 acres of the total parcel size, whichever is less. The subject parcel is 105.82 acres in size, and has 25 acres of land planted as vineyards, a 3.7 acre orchard, and 33 acres devoted to a commercial grazing operation, which collectively amounts to 61.7 acres (or 58% the property). The hybrid agricultural operation is projected to provide sufficient income to meet the minimum requirements and the residential uses and agricultural farmstay are listed as compatible uses, occupying 4.7 acres (4% of the property). Therefore qualifies for a Land Conservation Act contract for hybrid 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 the 105.82 acre parcel have been met.

Strategic Plan:

N/A

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

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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)
11/08/2022: Board executes a Grant Deed of Agricultural Easement and Covenant for Farm Family Housing, File No. ZPE20-0106

FISCAL SUMMARY

N/A

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 \$305,310. Property taxes are generally 1.1% of assessed value.

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Att 1 Draft Board of Supervisors Resolution with Attachment A: Agricultural Preserve Map
Att 2 Proposal Statement prepared by applicant
Att 3 Site Plan
Att 4 Assessor's Parcel Map
Att 5 Main PowerPoint Presentation

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

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