



SUMMARY REPORT

Agenda Date: 12/6/2022

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Blake Hillegas, Supervising Planner (707) 565-1392

Vote Requirement: Majority

Supervisorial District(s): First

Title:

AGP19-0001; Rescind and Replace Land Conservation Contract for Kenwood-BPSC Hunt Club LLC

Recommended Actions:

Adopt a Resolution to mutually to rescind an existing Non-Prime (Type II) Land Conservation Act Contract and replace it with a Non-Prime (Type II) Land Conservation Act Contract and authorize the Chair of the Board to execute Certificate of Rescission and the New Land Conservation Act Contract and Land Conservation Plan, for affecting the Agricultural Land Located at 6600 Noble Road; APN's 068-220-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014.

Executive Summary:

In 2018, the landowner obtained approval for a lot line adjustment (LLA15-0037) between two legal parcels, the larger of which is restricted by a Land Conservation Act (Williamson Act) contract recorded in 1977, which has continuously restricted the property, in order to separate an approved hunt clubhouse and sporting clay shooting range (PLP15-0060) from an existing hay farm. This action is to replace a Non-prime (Type II) Land Conservation Contract with a new non-prime contract that corresponds with new property line boundaries of the hay farm and agricultural use consistent with the approved Lot Line Adjustment. The new contract will more accurately reflect the current agricultural operation in compliance with the Land Conservation Act Program. An expansion or modification to the existing Agricultural Preserve area is not required. Staff recommends the Board of Supervisors approve the rescind and replace contract request.

Discussion:

Kenwood-BPSC LLC seeks approval of a replacement Land Conservation Act Contract for an 825.6-acre parcel located within Agricultural Preserve Area Number 2-345, and concurrent rescission of an existing Land Conservation Contract, to satisfy a Condition of Approval of a Board-approved Lot Line Adjustment (LLA15-0037/PLP15-0060, Resolution No. 18-0150), which requires that the owners file for a replacement contract on the 825.6 acre adjusted parcel to correspond with the new property line boundaries. The new contracted parcel would reflect the current hay crop agricultural use of the property, while an approved hunting clubhouse and sporting clay shooting range would no longer be located on the contracted parcel. The new contract would remove approximately 79.5 acres of agricultural land currently under contract and add approximately 79.5 acres of agricultural land to the replacement contract.

Site Characteristics:

The 825.6-acre replacement contract site includes multiple APNs which comprise a single lot. The property is accessed from Noble Road, which is located on the north side of Highway 37, approximately 1 mile east of the Highway 121 junction. The replacement contract site contains approximately 785.8 acres of hay land and two well houses. The remainder of the site is devoted to 38.7 acres of undesignated wetland sloughs, and 1.1 acres of farm roads as a compatible use. The property is leased for commercial hay production and is also utilized for recreational pheasant hunting by the landowner who operates a hunting club, a dog kennel, sporting clay shooting range, and demonstration fishing pond on an adjoining property to be removed from contract. The replacement contract site is designated and zoned as Land Extensive Agriculture.

Background:

The 978.5-acre Kenwood-BPSC Hunt Club property consists of two legal parcels formerly owned by Glenn Yenni & Sons Inc. Except for the 152.9 acres of wetland sloughs meandering through the property, 825.6 acres have been under a single non-prime Land Conservation contract since 1977 (contract #77-093492). On April 25, 2018, the Board approved Lot Line Adjustment LLA15-0037/PLP15-0060 for the two legal parcels and made required findings pursuant to Government Code Section to facilitate the lot line adjustment by mutually rescinding the existing contract and simultaneously replacing it with a new contract to reflect the adjusted parcel boundaries. The lot line adjustment transferred 152.9 acres of wetland sloughs and hay land (former Lot B) to the adjoining hay fields (Lot A) and transferred 152.9 acres from former Lot A (farm complex and hay) to the new lot B containing the farm complex and hunt club facilities, such that 825.6 acres of land would remain under contract. Of the 825.6-acre lot A, 785.8 acres would remain in hay production and comply with local and state land conservation requirements. The Conditions of Approval for LLA15-0037/PLP15-0060 require that the landowner rescind the existing Land Conservation Act contract and replace it with a new contract for the reconfigured parcels in accordance with the Uniform Rules.

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 property is within Agricultural Preserve Area Number 2-345.

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.

Sonoma County's Land Conservation Act program has four contract types: a) Prime contracts for permanent

crop agriculture with a 10-acre minimum parcel size requirement; b) Non-Prime contracts for grazing and non-permanent row crop production 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 with a 40-acre minimum. Land Conservation 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 Recommendation:

Staff recommends the Board approve the request to rescind and replace the existing non-prime contract with a new non-prime contract on 825.6 acres because all of the state and local requirements for the replacement contract are met.

Prior Board Actions:

- 12/13/2011: Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).
- 04/25/2018: On April 25, 2018, the Board approved a Lot Line Adjustment LLA15-0037/PLP15-0060, (Resolution No. 18-0150)

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 a portion of the subject contract parcel. The County Assessor estimates there will be no change in assessed value for 745.9 acres remaining under contract. However, the County Assessor estimates a reduce assessed value of approximately \$ 33,570 dollars for the 79.5 acres of non-contracted land being placed under contract. This does not account for 79.5 acres currently under contract that will be no longer be under contract and will be reassessed at a higher rate after the new contract is recorded. Therefore, the overall fiscal impact is anticipated to be minimal, if any.

Staffing Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

- Att 1 Board of Supervisors Resolution
- Att 2 Proposal Statement
- Att 3 Land Conservation Site Plan
- Att 4 Assessor's Parcel Map
- Att 5 Board of Supervisors Approval Resolution (LLA15-0037/PLP15-0060)

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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 Site Plan).