



Legislation Details (With Text)

File #: 2019-0485
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 4/2/2019 **In control:** Permit and Resource Management
On agenda: 4/30/2019 **Final action:**
Title: AGP18-0008 Land Conservation Act Contract Replacement; Kahlenberg
Sponsors: Permit and Resource Management
Indexes:
Attachments: 1. AGP18-0008 Summary Report.docx.pdf, 2. AGP18-0008 Draft Board of Supervisors Resolution, 3. AGP18-0008 Attachment A: Proposal Statement prepared by Applicant, 4. AGP18-0008 Attachment B: Site Plan, 5. AGP18-0008 Attachment C: Assessor's Parcel Map

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|-------------------------|--------|
| 4/30/2019 | 1 | Board of Supervisors | Approved as recommended | Pass |

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Hanna Spencer 565-1928

Vote Requirement: Majority

Supervisory District(s): 4

Title:

AGP18-0008 Land Conservation Act Contract Replacement; Kahlenberg

Recommended Actions:

Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a new Non-prime (Type II) contract for grazing on a 77.4 acre property located at 3171 Wright Ranch Ln., Healdsburg; APN 079-120-028; Permit Sonoma File No. AGP18-0008; Supervisorial District 4.

Executive Summary:

Sonoma County's Land Conservation Act program has four contract-types available: 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 open space also with a 40-acre minimum. This action is to replace a Non-prime (Type II) Land Conservation Contract with a new Non-prime (Type II) contract as a condition of a previously approved Lot Line Adjustment (LLA13-0047). The 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. This request is to replace a non-prime contract with a non-prime contract that corresponds with the new property line boundaries. An expansion or modification to the existing Agricultural Preserve area is not required with this request. Staff is recommending approval.

Discussion:

Timothy and Kathleen Kahlenberg seek approval of a replacement Land Conservation Contract for a 77.4 acre parcel located within Agricultural Preserve Area Number 2-250, as a condition of approval by a previously

Board-approved Lot Line Adjustment (LLA13-0047, Resolution No. 14-0140). This action would replace the existing non-prime Land Conservation contract with new non-prime Land Conservation contract that corresponds with the new property line boundaries.

Site Characteristics:

The project site is located in a rural hillside area located within the Franz Valley Area Plan, approximately 2 miles east of the Town of Windsor. The project site is developed with a barn and 40+ acres are used for grazing. The landowners are currently constructing a single family dwelling with an attached garage, a workshop, and a pool onsite. The project site is zoned RRD (Resources and Rural Development) B6-100 acre density, with combining districts RC100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), and RC200/50 (Riparian Corridor with 200-foot and 50-foot setbacks).

Background:

The subject parcel (Lot B) and three adjacent parcels (APNs 079-120-027 "Lot A", -029 & -030 "Lot C", -033 & -034 "Lot D") have been under a single Non-prime Land Conservation contract since 1976 (contract recorded under #3050/983). On April 15, 2014 the Board approved Lot Line Adjustment LLA13-0047 for the subject Lots A, B, C, and D. Recordation of Lot Line Adjustment grant deeds LLA13-0047 resulted in adding 37.4 acres of grazing and undesignated land to the subject site (Lot B). As part of the conditions of approval of LLA13-0047, the landowner was required to apply to rescind the existing Land Conservation Act contract and replace it with four new contracts for the reconfigured parcels in accordance with the Uniform Rules.

File No. PLP13-0050 was submitted by the former landowner of Lots A, B, C, and D to rescind and replace each lot's Land Conservation Act contract. Subsequently, ownership changed for each lot and the remaining balance for PLP13-0050 was insufficient for further processing. Therefore, Permit Sonoma required the new landowners of Lots A, B, C, and D to submit separate planning applications to rescind and replace the Land Conservation Act contract. Permit Sonoma is currently processing separate replacement contract applications for the other three parcels involved in LLA13-0047 with this request.

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 77.4 acre property is within the boundaries of established Agricultural Preserve Area Number 2-250, therefore a change to the Agricultural Preserve area is not required with this request.

Also, as part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is incorporated into a Land Conservation (Williamson) Act Contract. Land Conservation Plans show locations of various agricultural, open space, 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.

Staff Recommendation:

Staff recommends the Board approve the request to rescind and replace the existing Non-prime contract with a new non-prime contract for the agricultural use of the property because all of the state and local requirements for the replacement non-prime Land Conservation Act Contract for the 77.4 acre parcel within the existing Agricultural Preserve have been met.

Prior Board Actions:

- On April 15, 2014 the Board approved Lot Line Adjustment LLA13-0047 (Resolution No. 14-0140).
- On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).

FISCAL SUMMARY

| Expenditures | FY 18-19 Adopted | FY19-20 Projected | FY 20-21 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

Approval of the Land Conservation Act Contract means that the owner will pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County's share of property tax revenue for each parcel under a Land Conservation Act Contract. For this particular replacement contract, the Assessor estimates there will be no change in property assessment value.

| Staffing Impacts: | | | |
|---------------------------------|--|-------------------------------|-------------------------------|
| Position Title (Payroll) | Monthly Salary Range (A - I Step) | Additions (number) | Deletions (number) |
| | | | |
| | | | |
| | | | |

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Draft Board of Supervisors Resolution

Attachment A: Proposal Statement prepared by applicant

Attachment B: Site Plan

Attachment C: Assessor's Parcel Map

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).