



## Legislation Details (With Text)

**File #:** 2020-1168

**Type:** Consent Calendar Item **Status:** Agenda Ready

**File created:** 11/4/2020 **In control:** Permit and Resource Management

**On agenda:** 12/8/2020 **Final action:**

**Title:** File No. PLP18-0014, C. Hardy 92, LP, Jerry W. and Marlene V. Stewart TR ET AL, and Pepperwood Vineyard, LLC Land Conservation Act contracts, Manor Lane, Petaluma.

**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. PLP18-0014 BOS Summary.pdf, 2. Att 1. PLP18-0014 - DRAFT BOS Resolution.pdf, 3. Att 2. PLP18-0014 - Proposal Statement.pdf, 4. Att 3. PLP18-0014 - LLA Conditions (LLA15-0045).pdf, 5. Att 4a. PLP18-0014 - CONTRACT 1 (AGP18-0002).pdf, 6. Att 4b. PLP18-0014 - CONTRACT 2 (AGP18-0003).pdf, 7. Att 4c. PLP18-0014 - CONTRACT 3 (AGP18-0004).pdf, 8. Att 4d. PLP18-0014 - CONTRACT 4 (AGP18-0005).pdf, 9. Att 5. PLP18-0014 - Assessor's Map.pdf

Date	Ver.	Action By	Action	Result
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**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):** Second

**Title:**  
File No. PLP18-0014, C. Hardy 92, LP, Jerry W. and Marlene V. Stewart TR ET AL, and Pepperwood Vineyard, LLC Land Conservation Act contracts, Manor Lane, Petaluma.

### Recommended Action:

Adopt a Resolution to simultaneously rescind two Non-prime Land Conservation Act contracts and replace them with three new Non-prime Land Conservation Act contracts on 328.92 acres 200.5 and 196.38 acres, and one new Prime Land Conservation Act contract on 70.18 acres located at 4002, 4012, 4014, and 4472 Manor Lane, Petaluma; APNs 017-480-001, 017-480-002, 017-480-003, 017-480-004, 017-480-005, 017-480-006 and 017-480-007; Permit Sonoma File No. PLP18-0014. (Second 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; and d) Hybrid contracts with a mix of agricultural and open space also with a 40-acre minimum. This action would replace two existing Non-prime Land Conservation Contracts with three new Non-prime contracts, and one new Prime contract that correspond with the new property line boundaries of a previously approved Lot Line Adjustment (LLA15-0045). 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.

**Discussion:**

The Owner(s) in interest seek approval of a replacement Land Conservation Contract for four separate legal parcels of 328.92 acres, 200.5 acres, 196.38 acres and 70.18 acres, to satisfy a Condition of Approval from the August 16, 2016, Board-approved Lot Line Adjustment (LLA15-0045, Resolution No. 16-0298), which requires that the owners file for individual replacement contracts on each of the four adjusted parcels to correspond with the new property line boundaries.

**Site Characteristics:**

The subject 795.9 acres are located within established Agricultural Preserve Area Number 2-411. The lands are comprised of four separate legal parcels identified by the following Assessor's Parcel Numbers: 017-480-001, 017-480-004 and 017-480-005 (Contract 1), 017-480-002 and 017-480-003 (Contract 2), 017-480-006 (Contract 3), and 017-480-007 (Contract 4) exceed the 40-acre minimum parcel size requirement for a Non-prime Land Conservation Act Contract, and the 10-acre minimum requirement for a qualifying Prime Contract. The three Non-prime parcels of 328.92 acres, 200.5 acres, and 196.38 acres support cattle grazing on 284.12 acres (86.38%), 187.82 acres (91.3%) and 153.52 acres (78.17%), meeting the requirements of the County's Uniform Rules with over 50 percent of each property devoted to a qualifying Non-prime agricultural use. The Prime use parcel of 70.18 acres supports 40.23 acres (57.32%) of planted vineyard production land, also meeting the County's requirements with over 50 percent of the parcel devoted to a qualifying Prime agricultural use.

The current grazing operations generate on average a gross annual income of between \$14,000 and \$20,000 for each parcel, and a gross per acre income of between \$65 and \$130 per year. The existing vineyard operation generates an average gross annual income of \$68,391, and a gross per acre income of \$1,700 per year. Each operation meets the minimum income requirements of the Uniform Rules.

Additionally, each parcel contains less than one acre of compatible uses, including one residence and two residential accessory structures on 0.11 acres (0.03%) for Contract 1, one residence, one agricultural employee unit, and two barn structures on 0.2 acres (0.10%) for Contract 2, and one residence, one agricultural employee unit, and one workshop structure on 0.5 acres (0.03%) for Contract 3. The existing vineyard parcel contains no additional uses, buildings or other improvements (0.0%) for Contract 4. Therefore each parcel meets the compatible use requirements of the Uniform Rules.

**Background:**

In 1972 and in 2001, the subject properties were entered into Non-prime Land Conservation Act contracts for grazing land (Contract Nos. 2607-668 and 2001-172586) located within Agricultural Preserve Area Number 2-411. In 2016, the Board of Supervisors approved Lot Line Adjustment (LLA15-0045), Resolution No. 16-0298, with a condition requiring that landowner to file for replacement contracts to correspond with the new property line boundaries.

The General Plan land use and base zoning designations for the contract parcels include Land Extensive Agriculture (LEA) with a density requirement of 60 acres per dwelling unit. Combining zones include Z (Accessory Unit Exclusion), RC 50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), LG/MTN (Local Guidelines for Taylor/Sonoma/Mayacamas Mountains), SR (Scenic Resources); Combining zones for G (Geologic Hazard Area) and VOH (Valley Oak Habitat) additionally apply for lands proposed under replacement Contract 1 and Contract 2.

**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 2-411.

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.

**Staff Recommendation:**

Staff recommends the Board approve the request to rescind two existing Non-prime contracts and replace them with three new Non-prime contracts on 328.92 acres, 200.5 acres and 196.38 acres, and with one new Prime contract on 70.18 acres located within an existing Agricultural Preserve because the requested replacement contracts meet all current State and local requirements.

**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. On August 16, 2016, the Board approved a Lot Line Adjustment LLA15-0045, Resolution No. 16-0298.

**FISCAL SUMMARY****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):**

N/A

**Attachments:**

- ATT 1: PLP18-0014 - Draft Board of Supervisors Resolution
- ATT 2: PLP18-0014 - Proposal Statement
- ATT 3: PLP18-0014 - LLA Conditions (LLA15-0045)
- ATT 4a: PLP18-0014 - CONTRACT 1 (AGP18-0002)
- ATT 4b: PLP18-0014 - CONTRACT 2 (AGP18-0003)
- ATT 4c: PLP18-0014 - CONTRACT 3 (AGP18-0004)
- ATT 4d: PLP18-0014 - CONTRACT 4 (AGP18-0005)

ATT 5: PLP18-0014 - 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), for each contract.