



## Legislation Text

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**File #:** 2019-0077, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Hannah Spencer 565-1928

**Vote Requirement:** Majority

**Supervisorial District(s):** Fourth District

### **Title:**

Land Conservation Act Contract Replacement; Collier Falls Vineyard, LLC

### **Recommended Actions:**

Adopt a Resolution to mutually rescind and replace a Prime (Type I) Land Conservation Act contract with a hybrid Land Conservation Act contract for vineyard and open space on a 97.82 acre property located at 9931 W. Dry Creek Rd., Healdsburg; APN 139-120-004; Permit Sonoma File No. AGP18-0031. (Fourth District)

### **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 Prime (Type I) Land Conservation Contract with a hybrid contract to reflect the current uses of the property. 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 change from a prime contract to a hybrid contract. Staff is recommending approval.

### **Discussion:**

Collier Falls Vineyard, LLC seeks approval of a replacement Land Conservation Contract for a 97.82 acre parcel located within Agricultural Preserve Area Number 1-312. This action would replace the existing prime Land Conservation contract with a hybrid Land Conservation contract that corresponds with the current combination of agricultural and open space uses of the site.

### **Site Characteristics:**

The project site is located in the hills above Dry Creek Valley, about a mile southeast of Warm Springs Dam and seven miles northwest of the city of Healdsburg. The project site is accessed from West Dry Creek Road and contains a single family dwelling, a barn, and approximately 22 acres of vineyard. The remaining 63 acres of the site is covered in oak and fir woodlands, shrubland and chaparral. An unnamed seasonal stream flows through the western portion of the site and eventually into Dry Creek, a tributary to the Russian River. The

project site is zoned RRD (Resources and Rural Development) B6-100 acre density, with combining districts RC50/50 (Riparian Corridor with 50-foot setbacks), and SR (Scenic Resources).

**Background:**

The subject parcel has been under a Prime Land Conservation contract since 1990 (contract #90-18952). The contract was approved with the understanding that the landowner would continue expanding the original 10-acre vineyard to cover at least 50-percent of the parcel in order to qualify for the prime contract. Due to site constraints including soils, topography, and access, the vineyard was only expanded to cover 22-percent of the parcel. The remainder of the parcel has since been maintained in qualifying open space uses. Therefore, the current landowner is requesting to replace the Prime Land Conservation contract with a hybrid contract to reflect the current combination of agricultural and open space uses of the site and bring the parcel into conformance with the County's Uniform Rules.

In October 2018, Kjeldsen Biological Consulting conducted an *Open Space and Wildlife Habitat Assessment* on the site by (refer to Attachment C). The purpose of Wildlife Habitat Assessment was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Assessment concludes the property presents the open space qualities and wildlife resources consistent with an Open Space Land Conservation contract. The Land Conservation Plan (refer to Exhibit B) requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

**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 97.82 acre property is within the boundaries of established Agricultural Preserve Area Number 1-312, therefore a change to the Agricultural Preserve area is not required.

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 Prime contract with a new hybrid contract for the combination of agricultural and open space uses because all of the state and local requirements for the replacement hybrid Land Conservation Act Contract for the 97.82 acre parcel within the

existing Agricultural Preserve have been met.

**Prior Board Actions:**

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			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**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.

<b>Staffing Impacts:</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

Draft Board of Supervisors Resolution

Attachment A: Proposal Statement prepared by applicant

Attachment B: Site Plan

Attachment C: Wildlife Habitat Study prepared by Kjeldsen Biological Consulting, dated October 2018

Attachment D: 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).