



Legislation Text

File #: 2019-0473, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Hannah spencer 565-1928

Vote Requirement: Majority

Supervisory District(s): 4

Title:

Land Conservation Act Contract Replacement; Carter

Recommended Actions:

Adopt a Resolution to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a new Open Space contract on a 50.28 acre property located at 2476 Wright Ranch Ln., Healdsburg; APN 079-120-033, -034; Permit Sonoma File No. AGP15-0017 (part of PLP15-0009); 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 Open Space contract to meet conditions of two previously approved Lot Line Adjustments (LLA13-0047 and LLA14-0057). 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 an open space contract that corresponds with the new property line boundaries and current uses of the site. An expansion or modification to the existing Agricultural Preserve area is not required with this request. Staff is recommending approval.

Discussion:

Michelle and Peter Carter seek approval of a replacement Land Conservation Contract for a 50.28 acre parcel located within Agricultural Preserve Area Number 2-250, as a condition of approval by two previously Board-approved Lot Line Adjustments (LLA13-0047, Resolution No. 14-0140; and LLA14-0057, Resolution No. 15-0072). This action would replace the existing non-prime Land Conservation contract with a new Open Space Land Conservation contract that corresponds with the new property line boundaries and reflects the current use of the site.

Site Characteristics:

The project site is located in a rural hillside area within the Franz Valley Area Plan, approximately 2 miles east of the Town of Windsor. The southern portion of the property is bisected by Wright Creek, a designated

seasonal riparian corridor that eventually feeds into Windsor Creek. The property is primarily covered in northern oak woodlands with scattered patches of grassland and redwood forest. There are no structures onsite and fencing from the former grazing operation has been removed. The landowner manages the site as open space and plans to build a single family dwelling with associated accessory structures in the near future. The project site is comprised of two Assessor Parcel Numbers (APN 079-120-033, & -034) but is one legal parcel of record. Zoning for the site is LIA (Land Intensive Agriculture) B6-100 acre density, with combining districts Z (Accessory Unit Exclusion), 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 D) has been under a Non-prime Land Conservation contract for grazing since 1972 (contract #2603/905). In 2014, Lot D was reconfigured by LLA13-0047 and again, in 2016, by LLA14-0057. Details on lot line adjustment history are provided below. As part of the conditions of approval for each lot line adjustment, the landowner was required to apply to rescind the existing Land Conservation Act contract and replace it with new contracts for the reconfigured parcels. Since recordation of the Lot Line Adjustment grant deeds for LLA13-0047 and LLA14-0057, ownership and land use of Lot D has changed. The current owners, Michelle and Peter Carter, purchased the property in October 2017 and now manage the site as open space and wildlife habitat. To satisfy the conditions of approval for both LLA13-0047 and LLA14-0057, the Carters request to replace the existing non-prime contract for grazing with a new open space contract that corresponds with the new property lines and open space use of the site.

In April 2018, an *Open Space and Wildlife Habitat Assessment* (Assessment) was conducted on the site by wildlife biologist, Kim Fitts of Bio Consultants, LLC (refer to Attachment C). The purpose of the Assessment was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Assessment concludes the property presents the open space qualities and wildlife resources consistent with an Open Space Land Conservation contract. The Assessment includes recommendations for management practices that will enhance and maintain the land as open space and wildlife habitat which are included in the new Open Space Land Conservation contract under Exhibit B. Additionally, the Department of Fish and Wildlife responded to Permit Sonoma's request for consultation and recommendation by recommending the property be kept in intact open space.

Lot Line Adjustment Details:

On April 15, 2014 the Board approved Lot Line Adjustment LLA13-0047 for the subject parcel (Lot D) and three adjacent parcels to the east which are under a separate Land Conservation contract (contract #3050/983). Lot Line Adjustment LLA13-0047 involved four legal parcels of record: Lot A (APN 079-120-027); Lot B (APN 079-120-028); Lot C (APN 079-120-029, -030); and Lot D (subject parcel, APN 079-120-034, -033). Recordation of Lot Line Adjustment grant deeds for LLA13-0047 resulted in reducing Lot D from 80 acres to 74.45 acres in size.

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. The former landowner of Lots A, B, C, and D submitted File No. PLP13-0050 to rescind and replace each lot's Land Conservation Act contract.

On March 3, 2015, while PLP13-0050 was still being processed, the Board approved Lot Line Adjustment LLA14-0057 for Lot D and two adjacent parcels located to the west. The three parcels involved in Lot Line Adjustment LLA14-0057 are under the same Land Conservation contract (contract #2603/905) and include: Lot 1 (subject parcel, "Lot D"); Lot 2 (APN 079-120-036); and Lot 3 (APN 079-120-037). Recordation of Lot Line Adjustment grant deeds for LLA14-0057 resulted in reducing Lot D from 74.45 acres to 50.28 acres in size. As required by conditions of approval of LLA14-0057, the former landowner of Lots 1 (subject parcel), 2, and 3 submitted File No. PLP15-0009 to rescind and replace each lot's Land Conservation Act contract.

Overall, the two lot line adjustment projects required the landowner(s) to rescind and replace the Land Conservation contracts for six adjusted parcels. This action will complete the last replacement contract required by LLA14-0057, as well as a portion of the conditions of approval of LLA13-0047. Permit Sonoma is currently processing replacement contract applications for the remaining three parcels involved in LLA13-0047.

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 50.28 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 open space contract for the open space uses of the property because all of the state and local requirements for the replacement open space Land Conservation Act Contract for the 50.28 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 March 3, 2015 the Board approved Lot Line Adjustment LLA14-0057 (Resolution No. 15-0072).
- 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):

Attachments:

Draft Board of Supervisors Resolution

Attachment A: Proposal Statement prepared by applicant

Attachment B: Site Plan

Attachment C: Open Space and Wildlife Habitat Assessment, April 2018

Attachment D: Assessor's Parcel Map

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

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