



## Legislation Text

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**File #:** 2021-0376, **Version:** 1

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**To:** The Board of Supervisors

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

**Staff Name and Phone Number:** Katrina Braehmer, Planner II (707) 565-1903

**Vote Requirement:** Majority

**Supervisory District(s):** Second

**Title:**

**8:30 A.M.** -File No. PLP20-0016 Pikachu II, LLC - Expansion of Agricultural Preserve with New and Replacement Land Conservation Contracts at 1000, 750, and 545 Sonoma Mountain Road, Petaluma

**Recommended Action:**

Hold a public hearing and adopt a Resolution to (1) expand Agricultural Preserve 2-411 by adding 81.47 acres, (2) approve a new Hybrid Land Conservation Act Contract for vineyard and grazing land on 272.90 acres, and, (3) mutually rescind and replace two Non-prime (Type II) Land Conservation Act contracts with two new Non-prime (Type II) Land Conservation contracts for grazing land on 354.74 acres and 156.37 acres located at 1000, 750, and 545 Sonoma Mountain Road, Petaluma; APNs 136-220-004, 136-220-008, 136-220-021, 136-220-020, 136-160-011 and 136-220-019; Permit Sonoma File No. PLP20-0016 (AGP20-0009, AGP20-0010, and AGP20-0011) (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 is a combined request to approve an expansion of an existing Agricultural Preserve by adding 81.47 acres and execute a new Hybrid Land Conservation Act Contract for a mix of prime and non-prime agricultural uses; and to replace two Non-prime Land Conservation Act Contracts with two new Non-Prime contracts. The three contracts are to correspond with new property line boundaries and current agricultural uses consistent with a previously approved Lot Line Adjustment (LLA19-0005). 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. Staff recommends the Board of Supervisors approve the Agricultural Preserve Expansion and new contract request, and the rescind and replace contract requests.

**Discussion:**

Kimberly Pfendler, on behalf of Pikachu II, LLC, seeks approval of expansion of Agricultural Preserve 2-411 and a new Hybrid Land Conservation Contract for a 272.90 acre parcel (Parcel A), and replacement Land Conservation Contracts for a 354.74 acre parcel and 156.37 acre parcel (Parcels B and C) located within Agricultural Preserve Area 2-411 to satisfy a Condition of Approval by a Board-approved Lot Line Adjustment processed on January 14, 2020 (LLA19-0005, Resolution No. 20-0021). As a result of the previous Lot Line

Adjustment, 191.43 acres of Parcel A is currently within Agricultural Preserve 2-411, and 81.47 acres is not. This action would expand the Agricultural Preserve by 81.47 acres and execute a new Hybrid Land Conservation Contract for a mix of prime and non-prime agricultural uses, and replace two existing Non-Prime Land Conservation contracts with two Non-Prime Land Conservation contracts that correspond with the new property boundaries, and the current agricultural uses of each property.

**Site Characteristics:** The project sites are located along Sonoma Mountain Road, 3.5 miles northeast of the City of Petaluma. Lichau and Lynch Creeks run northeast across the properties. Parcel A contains 6.27 acres planted in vineyard and is developed with a storage building, a barn, and a well. The remaining land is devoted to grazing. Parcel B is developed with a primary single-family dwelling and garage, guest house, an agricultural employee dwelling, a well pump house, two equipment storage buildings, one horse and one pole barn, a tennis court, and a corral. The remaining land is devoted to grazing. Parcel C is undeveloped grazing land. Each parcel meets the compatible use requirements of the Uniform Rules.

As a result of the previous Lot Line Adjustment, Parcels A and C are currently split-zoned. Parcel A is split zoned LEA (Land Extensive Agriculture) B6 60 acre density / RRD (Resources and Rural Development) B6 40 acre density / DA (Diverse Agriculture) B6 80 acre density Z (Accessory Dwelling Unit Exclusion) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) RC 50/50 (Riparian Corridor 50-foot setback for residential and agricultural uses) SR (Scenic Resources). Parcel B is LEA (Land Extensive Agriculture) B6 80 acre density Z (Accessory Dwelling Unit Exclusion), G (Geologic Hazard Area) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) RC 50/50 (Riparian Corridor 50-foot setback for residential and agricultural uses) SR (Scenic Resources). Parcel C is split-zoned DA (Diverse Agriculture) B6 40 acre density / DA B6 80 acre density / LEA (Land Extensive Agriculture) B6 80 acre density Z (Accessory Dwelling Unit Exclusion), G (Geologic Hazard Area) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) SR (Scenic Resources).

An application for a General Plan Amendment and Zone Change technical correction to align land use and zoning boundaries with the adjusted parcel boundaries has been submitted to Permit Sonoma as required by the Lot Line Adjustment conditions of approval and will be processed with the next round of technical corrections. After the technical correction, Parcel A's base zoning will be DA (Diverse Agriculture) B6 60 acre density and Parcel C's base zoning will be DA (Diverse Agriculture) B6 40 acre density, with no change to each parcel's combining districts. Parcel B's zoning will not change.

### **Background:**

In 1972, the Board of Supervisors authorized a Land Conservation Contract for then APN 136-220-003. In 1987, the Project Review Advisory Committee approved a Lot Line Adjustment, file number LLA87-786, for the addition of 182+/- acres to APN 136-220-003, resulting in Parcel B's configuration immediately prior to Lot Line Adjustment LLA19-0005. The Board of Supervisors subsequently approved the inclusion of 182+/- acres into Agricultural Preserve 2-411 and an amendment to Parcel B's Land Conservation Contract.

In 1974, the Board of Supervisors authorized a Land Conservation Contract for then APN 136-160-010. In 1984, the County recognized APN 136-160-010 as two separate legal lots under file numbers ACC161 and ACC162, resulting in Parcel C's configuration immediately prior to Lot Line Adjustment LLA19-0005 as APN 136-160-011.

On January 14, 2020 the Board approved Lot Line Adjustment LLA19-0005 for the three subject parcels. The Lot Line Adjustment enlarged Parcel A by 191+/- acres, reduced Parcel B by 193+/- acres, and enlarged Parcel C by 22+/- acres. The Conditions of Approval for LLA19-0005 require that the landowners enter into a new contract for Parcel A, and rescind the existing contracts encumbering Parcels B and C, and replace them with two new contracts for the reconfigured parcels in accordance with the Uniform Rules (refer to Attachment 4).

#### **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.

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.

#### Enlargement of the Agricultural Preserve:

To be considered for a contract, land must be in a designated Agricultural Preserve. The Board may conterminously consider adding the land to a designated Agricultural Preserve, and its qualification for a contract. Of the 272.90 acre Parcel A, 81.47 acres are currently not in an existing Agricultural Preserve. The parcel is proposed to be added to Agricultural Preserve Area number 2-411 to ensure the parcel boundaries are conterminous with the contracted area. The subject parcel qualifies for inclusion in the Agricultural Preserve Area for the reasons specified in Resolution Findings 1 through 4 (see Attachment 1). Additionally, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 13517 of the CEQA Guidelines.

#### New Land Conservation (Williamson) Act Contract:

To be eligible for a new Hybrid Williamson Act contract, the subject parcel must be at least 40 acres in size, have 50% of the total parcel dedicated to a combination of permanent crop uses, grazing land, or open space uses, and once in a designated Agricultural Preserve, meet the minimum income requirements of the

Williamson Act. The subject parcel is 272.90 acres in size, and has 6.37 acres of land planted as vineyards, and the remaining acreage is devoted to a commercial grazing operation. The vineyard and grazing operations are projected to provide sufficient income to meet the minimum requirements and therefore qualify for a Land Conservation Act contract for Hybrid agricultural uses.

**Staff Recommendation:**

Staff recommends the Board approve the request because all of the state and local requirements for expansion of an Agricultural Preserve, and for approval of new and replacement Land Conservation Act Contracts for the 272.90 acres, 354.54 acres, and 156.37 acres have been met.

**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 January 14, 2020, the Board approved a Lot Line Adjustment LLA19-0005 (Resolution No. 20-0021)

**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 two of the three properties (Parcels B and C) are currently under Land Conservation Act contracts and are therefore already subject to reduced property tax assessment, the County of Sonoma Assessor estimates there will be no change in property assessment value. For the new contract on Parcel A, the Assessor estimates the property assessment value will be reduced by \$1,505,088. Property taxes are generally 1.1% of assessed value.

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

N/A

**Attachments:**

ATT 1 PLP20-0016 Draft Board of Supervisors Resolution with Attachment A - Agricultural Preserve Map  
ATT 2 PLP20-0016 Proposal Statement prepared by applicant's representative  
ATT 3a PLP20-0016 Parcel A Site Plan  
ATT 3b PLP20-0016 Parcel B Site Plan  
ATT 3c PLP20-0016 Parcel C Site Plan  
ATT 4 PLP20-0016 Lot Line Adjustment File No. LLA19-0005 Conditions of Approval  
ATT 5 PLP20-0016 Assessor's Parcel Maps

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

Land Conservation Act Contracts with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).