



## Legislation Text

---

**File #:** 2021-1175, **Version:** 1

---

**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Eduardo Hernández, (707) 565-1735

**Vote Requirement:** Majority

**Supervisorial District(s):** Fourth

**Title:**

AGP19-0013 Land Conservation Act Contract Replacement; Thomas Kurrikoff and Lynn Schweinfurth

**Recommended Action:**

Adopt a Resolution to mutually rescind and replace a Non-Prime (Type II) Land Conservation Act contract with an Open Space Land Conservation Act contract on a 153.54± acres property located at 3525 Sweetwater Springs Road, Healdsburg; APN 110-200-021; Permit Sonoma File No. AGP19-0013; Supervisorial District No. 4. (Fourth District)

**Executive Summary:**

This action is to replace a Non-Prime (Type II) Land Conservation Contract with an Open Space contract to reflect the current use 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 non-prime contract to an open space contract. Staff recommends approval of the request to replace the 153.54± acres Non-Prime land conservation contract with an open space contract of the same acreage.

**Discussion:**

Thomas Kurrikoff and Lynn Schweinfurth seek approval of a replacement Land Conservation Contract for a 153.54± acres parcel located within Agricultural Preserve Area Number 2-286. This action would replace the existing non-prime Land Conservation contract with an open space Land Conservation contract that corresponds with the current open space use of the site.

**Site Characteristics:**

The project site is located in the hills above Porter Creek, about three miles north of Forest Hills and four miles southwest of the city of Healdsburg. The project site is accessed via Sweetwater Springs Road and Westside Road, off of Highway 101. The site is dissected northwest to southeast by Sweetwater Springs Road and Porter Creek, and Sweetwater Ranch Road and Press Creek runs adjacent to the eastern property line. The property is currently developed only with a paved driveway which accounts for approximately 0.8 acres of disturbance. The remaining 152.74 acres of the site is covered in oak woodlands, forest, grasslands, riparian and biotic habitat. The project site is zoned RRD (Resources and Rural Development) B6-160-acre density, with combining district RC50/50 (Riparian Corridor with 50-foot setbacks).

**Background:**

The subject parcel has been under a Non-Prime Land Conservation contract since 1972 (contract #1972057032). The current landowners have reevaluated the use of the site and their desire is to develop it with a single-family residence and maintain it in open space. Development on land under a Land Conservation Contract requires a Land Conservation Act consistency determination. Therefore, the property owners are requesting to replace the Non-Prime Land Conservation contract with an Open Space contract to reflect the current open space use of the site and bring the parcel into conformance with the County's Uniform Rules.

On February 6, 2019, Sol Ecology Inc. conducted a *Biological Resources Survey* (refer to Attachment C) on the site. The survey assessed the project site for its qualification as an Open Space Land Conservation Act contract. The assessment confirmed that the property contains the open space qualities and wildlife resources required to be consistent with an Open Space Land Conservation contract. The Land Conservation Plan (refer to Attachment B) requires the landowners to implement best management practices (BMPs) that will enhance and maintain the wildlife habitat values identified by Sol Ecology Inc.

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 any qualifying agricultural or open space land within any established Preserve. The subject 153.54± acres property is within the boundaries of established Agricultural Preserve Area Number 2-286, therefore a change to the Agricultural Preserve area is not required.

The property qualifies for an Open Space contract since it complies with the Uniform Rules for the definition of the use, agricultural preserves standards, eligibility of land for contract, and compatible uses.

An Open Space use is defined under Uniform Rule 2.1, as:

*"...the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production for commercial purposes, if the land is within any of the following:*

- 1. A scenic highway corridor.*
- 2. A wildlife habitat area.*
- 3. A saltpond.*
- 4. A managed wetland area.*
- 5. A submerged area.*
- 6. An area enrolled in the United States Department of Agriculture Conservation Reserve Program or Conservation Reserve Enhancement Program."*

The proposed type of Open Space use for the site is 2, a 'wildlife habitat.' Its definition under the Uniform Rules is as follows:

*"...a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat area shall include any land area designated in the General Plan as a biotic habitat area or riparian corridor."*

The site provides for a wildlife habitat area per the previously mentioned Biological Resources Survey (Attachment C). Consultation was made with the California Department of Fish and Wildlife, and on

November 24, 2020, a “no comments” response was provided to Staff.

The project complies with Uniform Rule 3.0 for Agricultural Preserves standards, as the property is within an existing preserve, which is not proposed to be modified.

This property also complies with Uniform Rule 4.0 for Contract Land Eligibility, as the minimum parcel size of 40 acres for an Open Space contract is met by the project site acreage of 153.54±, the minimum of 50 percent of the land maintained for an open space is exceeded by over 96 percent, and there is no annual income requirement.

The project site will also comply with Uniform Rule 8.0 for Compatible and Incompatible Uses. The property will not exceed the 15% or 5 acres limits for compatible uses, as only approximately 4.2 acres which represent about 2.73% of the property is planned to be developed with compatible uses. A driveway, which is excluded from said limits per this uniform rule, is estimated to occupy about 0.8 acres of the site. The non-wildlife habitat uses proposed at this site are one residence and its septic system, both deemed compatible per Uniform Rule 8.5.A. No other uses are proposed, therefore no incompatible uses per Uniform Rule 8.6 will take place.

Additionally, 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.

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.

**Strategic Plan:**

This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective through the continuous land preservation at this location through a different contract type that would protect the natural condition of the site.

**Pillar:** Climate Action and Resiliency

**Goal:** Goal 5: Maximize opportunities for mitigation of climate change and adaptation through land conservation work and land use policies

**Objective:** Objective 2: Encourage agricultural and open space land management to maximize sequestration.

**Staff Recommendation:**

Staff recommends the Board approve the request to rescind and replace the existing Non-Prime (Type II) contract with a new Open Space contract because all state and local requirements for the replacement Land Conservation Act Contract for the 153.54 acres parcel within the existing Agricultural Preserve have been met per this report.

**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**

**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.

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

N/A

**Attachments:**

Att 1 Board of Supervisors Resolution

Att 2 Proposal Statement prepared by applicant

Att 3 Land Conservation Contract Site Plan

Att 4 Biological Resources Report prepared by Sol Ecology, Inc., dated February 15, 2020

Att 5 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).