



## Legislation Text

---

**File #:** 2021-1332, **Version:** 1

---

**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Scott Hunsperger 565-1908

**Vote Requirement:** Majority

**Supervisory District(s):** Second

**Title:**

File No. PLP21-0012 Mahoney Family Replacement Land Conservation Contracts, 2455 Middle Two Rock Road and 2730 Spring Hill Road, Petaluma

**Recommended Action:**

Adopt a Resolution to mutually rescind and replace a single Non-Prime (Type II) Land Conservation Act contract with two new Non-Prime (Type II) Land Conservation contracts for grazing land on two properties, 114-acres and 266-acres in size, located at 2455 Middle Two Rock Rd. and 2730 Spring Hill Rd.; APNs 021-160-049 and 022-280-010; respectfully, Permit Sonoma File No. PLP21-0012; Supervisory District 2. (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 is to replace a single Non-Prime (Type II) Land Conservation Contract with two new non-prime contracts that correspond with new property line boundaries consistent with a previously approved Lot Line Adjustment (LLA21-0022). 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. An expansion or modification to the existing Agricultural Preserve area is not required. As the requested action implements prior Board action as directed, and meets all requirements of the Uniform Rules for non-prime contracts, staff recommends Board approval of the rescind and replacement contract request.

**Discussion:**

Steven J. LaFranchi and Associates, on behalf of the Mahoney Family, seek approval of two replacement Land Conservation Contracts for two separate legal parcels, 114-acres and 266-acres in size, located within Agricultural Preserve Area Number 2-496, to satisfy a Condition of Approval by a Board-approved Lot Line Adjustment processed on August 17, 2021 (LLA21-0022, Resolution No. 21-0318). This action would replace the existing non-prime Land Conservation contract with two new non-prime Land Conservation contracts that correspond with the new property line boundaries.

**Site Characteristics:**

The affected parcels are located 2 miles west of the City of Petaluma, within the Petaluma Dairy Belt Area

Plan. Each parcel is devoted to a commercial beef cattle grazing operation and contains a well, agricultural ponds and springs. The 114-acre parcel (APN 021-160-049) is accessed via Middle Two Rock Road and abuts land zoned Diverse Agriculture (DA) to the north and smaller Agriculture Residential (AR) parcels to the east. The 266-acre parcel (APN 022-280-010) is accessed via Spring Hill Road and is surrounded by agricultural lands zoned Land Extensive Agriculture (LEA). Zoning for the subject parcels is LEA (Land Extensive Agriculture) B6-100 (100 acres per dwelling unit) and combining zones for Z (Accessory Unit Exclusion), and RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks).

**Background:**

The subject parcels identified as APN 021-160-049 and 022-280-010 (formerly APN 021-160-008 and 022-280-007, respectfully) have been under a single non-prime Land Conservation contract since 1999 (contract recorded under OR#1999-158349). On August 17, 2021, the Board approved Lot Line Adjustment LLA21-0022 for the two parcels. Following recordation of the Lot Line Adjustment, the Conditions of Approval for LLA21-0022 require that the landowner rescind the existing Land Conservation Act contract and replace it with two new contracts for the reconfigured parcels in accordance with the Uniform Rules (refer to Attachment 5). The Lot Line Adjustment deed recorded on August 25, 2021 (OR#2021-096122) and the landowner has signed the replacement Land Conservation Contracts as required by the LLA21-0022 Conditions of Approval.

**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 an agricultural or open space contract in any established Preserve. The subject property is within Agricultural Preserve Area Number 2-496.

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 and replace the existing non-prime contract with two new Non-Prime contracts because the requested action implements prior Board action as directed and all of the state and local requirements for the replacement request on the 114-acre and 266-acre parcels within the existing Agricultural Preserve have been met.

**Strategic Plan:**

Not applicable.

**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 17, 2021, the Board approved a Lot Line Adjustment LLA21-0022 (Resolution No. 21-0318)

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>
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 Contracts 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 properties are currently under a Land Conservation Act contract and are therefore already subject to reduced property tax assessment, the County of Sonoma Assessor estimates there will be no change in property assessment values, and therefore no fiscal impact associated with the application.

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

N/A

**Attachments:**

ATT 1: Draft Board of Supervisors Resolution  
ATT 2: Proposal Statement prepared by applicant  
ATT 3: Site Plan for 114-acre parcel  
ATT 4: Site Plan for 266-acre parcel  
ATT 5: Lot Line Adjustment File No. LLA21-0022 Conditions of Approval  
ATT 6: Assessor's Parcel Maps

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

Land Conservation Act Contract (114-acre parcel) with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).

Land Conservation Act Contract (266-acre parcel) with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan).