



## Legislation Text

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**File #:** 2021-1349, **Version:** 1

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Alison Hodgkin, (707) 565-1926

**Vote Requirement:** Majority

**Supervisorial District(s):** Fifth

**Title:**

**1:35 P.M.** -F. Korbel & Bros. Request for Expansion of Agricultural Preserve No. 1-379 and Replacement Land Conservation Contracts, 16590 & 16570 Main St. and 16661 Laughlin Rd., Guerneville (Permit Sonoma File No. AGP17-0021).

**Recommended Action:**

Hold a public hearing pursuant to Government Code Section 51230 and adopt a Resolution to expand Agricultural Preserve 1-379 by adding 1.5 acres and, approve the request to mutually rescind and replace a Prime (Type I) Land Conservation Act contract with two new Prime (Type I) Land Conservation contracts for crop agriculture on two legal parcels, 57.25-acres and 64.48-acres in size, located at 16590 & 16570 Main St. and 16661 Laughlin Rd., Guerneville; APNs 070-010-001, -037, and -041 ("Lot A") and 069-250-018 ("Northern Lot"), respectfully; Permit Sonoma File No. AGP17-0021; Supervisorial District 5. (Fifth District)

**Executive Summary:**

The County of Sonoma's Uniform Rules for Agricultural Preserves allow concurrent processing and approval of a request to expand an agricultural preserve and a request for new or replacement Land Conservation Contracts. When land under a Land Conservation Contract undergoes a lot line adjustment, a condition of approval of the lot line adjustment is obtaining replacement contract(s) consistent with the adjusted parcels' boundaries. In some cases, approval of replacement contracts requires expanding the underlying agricultural preserve to accommodate the changed parcel boundaries.

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. For land to qualify for a contract it must be located within a preserve and meet other requirements.

This is a combined request to approve an expansion of an existing Agricultural Preserve by adding 1.5 acres and to replace a Prime (Type I) Land Conservation Contract with two new prime contracts that correspond with new property line boundaries consistent with a previously approved Lot Line Adjustment (LLA17-0006). 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. As the requested action implements prior Board action as directed, staff recommends the Board of Supervisors approve the Agricultural Preserve Expansion and replacement contract request.

**Discussion:**

F. Korbel & Bros., a California Corporation, seeks approval of expansion of Agriculture Preserve 1-379 and two replacement Land Conservation Contracts for two separate legal parcels, 57.25-acres and 64.48-acres in size, partially located within Agricultural Preserve Area Number 1-379, to satisfy a Condition of Approval by a Board-approved Lot Line Adjustment processed on September 19, 2017 (LLA17-0006, Resolution No. 17-0345). This action would expand the Agricultural Preserve by 1.5 acres and replace the existing prime Land Conservation contract with two new prime Land Conservation contracts that correspond with the new property line boundaries.

**Site Characteristics:**

The affected parcels are located 0.25 miles north of Guerneville. Each parcel is primarily devoted to prime agricultural uses. "Lot A" is a 57.25-acre, single, legal lot comprised of three APNs (070-010-001, -041 and -037). Lot A contains 32.92 acres of vineyard, a barn and 24.27 acres of undesignated area. The "Northern Lot" is a 64.48-acre, single, legal lot comprised of one APN (069-250-018). The Northern Lot contains 32.84 acres of vineyard, a well, fuel shed, barn, and 31.56 acres of undesignated area. Both the 57.25-acre parcel and the 64.48-acre parcel are accessed via Laughlin Road and are surrounded by land zoned Land Intensive Agriculture (LIA), Agriculture and Residential (AR) and Resources and Rural Development (RRD).

Zoning for the 57.25-acre parcel ("Lot A") is LIA (Land Intensive Agriculture) B6-40 (40 acres per dwelling unit) and combining zones for Z (Accessory Unit Exclusion), F2 (Floodplain), LG/116 (Highway 116 Local Area Development Guidelines), RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), Scenic Resources (SR), and Valley Oak Habitat (VOH).

Zoning for the 64.48-acre parcel ("Northern Lot") is LIA (Land Intensive Agriculture) B6-40 (40 acres per dwelling unit) and combining zones for Z (Accessory Unit Exclusion), F2 (Floodplain), LG/116 (Highway 116 Local Area Development Guidelines), RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), (SR) Scenic Resources, and Valley Oak Habitat (VOH).

**Background:**

All 64.48 acres of the Northern Lot (APN 069-250-018) and a majority of Lot A (APNs 070-010-001 and 070-010-041; 55.75 acres) have been under a single prime (Type I) Land Conservation contract since March 1972 (contract recorded in Book 2608 Page 549). On September 19, 2017, the Board approved Lot Line Adjustment LLA17-0006, which enlarged Lot A by adding 1.5 acres (APN 070-010-037) of land zoned for AR (Agriculture Residential) with a General Plan designation for Rural Residential (RR). The LLA17-0006 Conditions of Approval required the landowner (1) file a technical Zone Change and General Plan Amendment application to rezone this 1.5 acres of land to LIA (Land Intensive Agriculture) and amend the General Plan Land Use Designation to Land Intensive Agriculture; and, (2) 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). On December 4, 2018, the Board adopted Resolution No. 18-0479, approving the technical Zone Change/General Amendment request for the 1.5 acres of land (filed under Permit Sonoma File No. PLP17-0019). One year later, on December 4, 2019, the Board adopted Ordinance No. 6252, implementing the Zone Change/General Amendment request authorized by Board Resolution No. 18-0479. The Lot Line Adjustment deed recorded on December 28, 2017 (OR#2017-100061) and the landowner has submitted an application to (1) expand Agricultural Preserve 1-379 to include the 1.5-acre portion of Lot A that is currently not under contract and, (2)

rescind and replace the Land Conservation Contract as required by the LLA17-0006 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 land at issue here is within and adjacent to established Preserve Number 1-379.

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.

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. The Northern Lot and a majority of Lot A are located within Agricultural Preserve Area 1-379. Lot A contains 1.5-acres that are currently located outside of, and adjacent to, Agricultural Preserve Area 1-379. This 1.5 acres of land is proposed to be added to Agricultural Preserve Area 1-379 to ensure the parcel boundaries of Lot A are conterminous with the contracted area. The subject 1.5 acres of land qualifies for inclusion in the Agricultural Preserve Area because: 1) following a public hearing, the resolution adopting the expansion of agricultural preserve 1-379 and associated Agricultural Preserve Map will be recorded pursuant to Government Code Section 51231, 2) existing preserve 1-379 contains over 100 contiguous acres of land and the addition of 1.5 acres further increases the size of the preserve and 3) the additional acreage is zoned Land Intensive Agriculture which is compatible with the agricultural use of the land and consistent with the General Plan designation of land within the existing preserve. Additionally, the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 13517 of the CEQA Guidelines.

Replacement Contracts:

To be considered for a replacement contract, land must be in a designated Agricultural Preserve, be a single legal parcel, be at least 10 acres in size, must devote at least 50 percent of the land to prime agricultural land uses, meet minimum income requirements and contain less than 5 acres of compatible uses for prime land. Both the Northern Lot and Lot A meet the criteria for replacement prime contracts. The Northern Lot and a majority of Lot A are located within existing Agricultural Preserve Area 1-379. The land proposed for the replacement contract on the Northern Lot (APN 069-250-018) is a single legal parcel, is 64.48 acres in size, contains 32.84 acres of vineyard (51%), exceeds the \$1,000 per planted acre minimum income requirement and contains 0.08 acres of compatible uses on prime land. The land proposed for the replacement contract on Lot A (APNs 070-010-001, -037, and -041) is a single, legal parcel, is 57.25 acres in size, contains 32.92 of vineyard (58%), exceeds the \$1,000 per planted acre minimum income requirement and contains 0.06 acres of compatible uses on prime land.

**Staff Recommendation:**

Staff recommends the Board approve the request because all the state and local requirements for expansion

of an Agricultural Preserve Area, approval of replacement Prime Land Conservation Act Contracts for the 57.25-acre and 64.48-acre parcels have been met, and the requested action implements prior Board action as directed.

**Strategic Plan:**

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

**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: Develop policies to maximize carbon sequestration and minimize loss of natural carbon sinks including old growth forests, the Laguna de Santa Rosa, and rangelands. Encourage agricultural and open space land management to maximize sequestration

**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 September 19, 2017, the Board approved a Lot Line Adjustment LLA17-0006 (Resolution No. 17-0345).
- c. On December 4, 2018, the Board adopted Resolution No. 18-0479, approving the technical Zone Change/General Amendment request for the 1.5 acres of Lot A (filed under Permit Sonoma File No. PLP17-0019).
- d. On December 4, 2019, the Board adopted Ordinance No. 6252, rezoning 1.5 acres of Lot A and amending the General Plan Land Use Designation for the same 1.5 acres.

**FISCAL SUMMARY**

N/A

**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, for the previously contracted land area. The addition of 1.5 acres of previously uncontracted land to the agricultural preserve, and placement of that 1.5 acres under a Land Conservation contractual restriction, will result in an additional reduction in tax assessment to the 1.5 acres only, as a result there is a minimal fiscal impact associated with the application. Land under a Land Conservation Contract is assessed at the lowest of the following valuations as determined by the Assessor: 75% of Proposition 13 value, current market value, or the value calculated for Land Conservation Contract restricted lands.

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

N/A

**Attachments:**

ATT 1: Board of Supervisors Resolution with Attachment A-Agricultural Preserve Map

ATT 2: Proposal Statement prepared by Jack Gardner

ATT 3: Lot Line Adjustment File No. LLA17-0006 Conditions of Approval

ATT 4: Assessor's Parcel Maps

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

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

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