



## Legislation Text

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**File #:** 2022-1140, **Version:** 1

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Jennifer Faso, Planner III (707) 565-1683

**Vote Requirement:** Majority

**Supervisorial District(s):** First

**Title:**

ZPE20-0106 Beltane Inc. Grant Deed of Agricultural Easement and Covenant

**Recommended Action:**

Authorize the Chair of the Board of Supervisors to execute a Grant Deed of Agricultural Easement and Covenant to allow one detached farm family dwelling unit on the property located at 11775 Highway 12, Glen Ellen; APNs 053-040-024, -025, -035. (First District)

**Executive Summary:**

The Land Intensive Agriculture zoning district allows for one (1) detached Farm Family Dwelling unit per lot, provided that a Williamson Act contract is in effect. A Farm Family Dwelling unit is defined as an additional single-family dwelling incidental to the main dwelling in terms of size, location and architecture which is not leased, subleased, rented or sub-rented separately from the main dwelling nor divided by sale, and which is inhabited by a member of the farm operator's family. A Farm Family Dwelling is considered a compatible use as described in the County's Uniform Rules for Agricultural Preserves and Farmland Security Zones for Williamson Act contracted lands. Staff recommends Board approval of the request for the Farm Family Dwelling because all the zoning requirements for a Farm family dwelling have been met.

**Discussion:**

Beltane Inc., the landowner, seeks approval of a Zoning Permit to designate an existing residence as a Farm Family Dwelling Unit on a 104.52-acre agricultural property located at 11775 Hwy 12, Glen Ellen; APNs 053-040-024, -025, -035.

**Site Characteristics:**

The 105.82-acre property is accessed from Sonoma Highway, approximately 2 miles northwest of Glen Ellen. Residential uses of the property include one primary dwelling, a guest house, a proposed agricultural farmstay, and the proposed farm family dwelling. The Farm Family Dwelling is located near an existing tennis court on the southeastern portion of the property. The property contains an existing agricultural operation with approximately 25 acres of vineyard, 58.5 acres of grazing land, and 4 acres of orchards and produce. The subject property is split zoned LIA (Land Intensive Agriculture) B6-100 (100-acres per dwelling unit), with combining zone for Z (Accessory Unit Exclusion) and RRD (Resource and Rural Development) B6-100 (100-acres per dwelling unit), with combining zones for F2 (Flood Plain), HD (Historic District), LG/MTN

(Taylor/Sonoma/Mayacamas Design Guideline), RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), RC100/50 (Riparian Corridor with 100-foot and 50-foot setbacks), SR (Scenic Resources), and VOH (Valley Oak Habitat).

### **Farm Family Dwelling:**

The Sonoma County Zoning Code allows Farm Family Dwelling units on properties zoned LIA (Land Intensive Agriculture), provided that the standards under Section 26-24-160 (B) are met.

#### **Sec. 26-24-160 (B) Standards:**

1. A maximum of one (1) Farm Family Dwelling unit is allowed per lot.
2. LIA zone: Allowed only on a property with a Williamson Act contract.
3. LIA and LEA zones:
  - a. An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application.
  - b. A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the Farm Family Dwelling becomes a nonconforming residential use.

Staff finds the proposed request is consistent with the Zoning Code definition (Sec. 26-24-160 (A)) and standards for a Farm Family Dwelling as the existing residence proposed for the farm family dwelling is incidental to the existing primary residence and the farm family dwelling will be occupied by a member of the farm operator's family. Additionally, the request meets the Land Intensive Agriculture Zoning District requirements for a farm family dwelling as the property is subject to a Williamson Act contract and a Grant Deed of Agricultural Easement and Covenant (Farm Family Housing) has been prepared for the request. The easement will protect and preserve the resource value, agricultural viability, and productiveness of the property, and ensure that the property continues in agricultural use throughout the term of the easement and will cover the whole property.

### **Land Conservation (Williamson Act) Contract Compliance**

The property is currently subject to a Williamson Act contract for agricultural land, recorded under Book 2627, Page 675. In 2002, the property was adjusted by recorded Lot Line Adjustment File No. LLA01-0100. The Lot Line Adjustment conditions of approval required the landowner to rescind and replace the existing contract with a new contract that corresponds with the property line boundaries. Additionally, the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") limit the number and type of residential uses on contracted lands. To bring the property into compliance with the Uniform Rules and complete the LLA01-0100 conditions of approval, the landowners are 1) obtaining zoning permits to designate the agricultural farmstay and farm family dwelling uses and 2) rescinding and replacing the existing contract with a new contract that corresponds with the current property line boundaries. Permit Sonoma expects to approve the agricultural farmstay (File No. PLP20-0024) in 2022 and will return to the Board with the replacement contract request (File No. AGP03-0025) at a later date. Approval of the farm family dwelling unit will help bring the property into compliance with the Uniform Rules.

### **Staff Recommendation:**

Staff recommends the Board approve the request to authorize the Chair of the Board of Supervisors to execute a Grant Deed of Agricultural Easement and Covenant because all the zoning requirements for the Farm Family Dwelling are met and a Grant Deed of Agricultural Easement and Covenant (Farm Family Housing) has been prepared.

**Prior Board Actions:**

Not Applicable

**FISCAL SUMMARY**

Not Applicable

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

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

Not Applicable

**Attachments:**

Att 1 ZPE21-0106 Proposal Statement

Att 2 ZPE21-0106 Site Plan

**Related Items “On File” with the Clerk of the Board:**

ON FILE Original Grant Deed of Agricultural Easement and Covenant