



## Legislation Text

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**File #:** 2023-0598, **Version:** 1

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Jen Chard, (707) 565-2336

**Vote Requirement:** Majority

**Supervisorial District(s):** Second

**Title:**

**1:45 PM** -File No. AGP19-0004 Spring Hill New Land Conservation Contract; 2750 Spring Hill Road, Petaluma

**Recommended Action:**

To conduct a public hearing and adopt a Resolution to expand Agricultural Preserve 2-496 by adding 108.97 acres and approve a new Non-Prime Land Conservation (Williamson) Act Contract and Land Conservation Plan on the same 108.97-acre parcel, for a grazing property located at 2750 Spring Hill Road, Petaluma; APN 022-280-008 and, to authorize the Chair to execute the contract. (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
- 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 108.97 acres and, to execute a new Non-prime Land Conservation Act Contract for the same 108.97-acre parcel. 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.

**Discussion:**

Robert J. McClure and Ruth H. McClure, trustees of the Robert J. McClure and Ruth H. McClure revocable intervivos trust, seeks approval of an expansion of Agricultural Preserve 2-496 and a new Non-prime Land Conservation Act Contract for the 108.97-acre parcel, containing approximately 105 acres of grazing land. This action would expand Agricultural Preserve 2-496 by adding 108.97 acres and place the same 108.97 acres under a new non-prime Land Conservation contract for vineyard.

**Site Characteristics:**

The project site is accessed via Spring Hill Road off Western Ave., approximately 2.94 miles west of Western Ave and the city of Petaluma. The project site contains approximately 105 acres for grazing, a house, a barn and three ponds.

Zoning for the property is Land Extensive Agriculture with no subdivision potential, accessory dwelling unit exclusionary zone and combining zones for Riparian Corridor with 50-foot and 100-foot setbacks.

**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 land at issue here is adjacent to established Preserve 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.

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 108.97-acre subject parcel is currently not in an existing Agricultural Preserve. The parcel is proposed to be added to Agricultural Preserve Area number 2-496 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 Non-Prime Williamson Act contract, the subject parcel must be at least 40 acres in size, have 50% of the total parcel dedicated to grazing land, and once in a designated Agricultural Preserve, meet the minimum income requirements of the Williamson Act. The subject parcel is 108.97 acres in size and has 105 acres of land devoted to a commercial grazing operation. The grazing operation is projected to provide sufficient income to meet the minimum requirements and therefore qualifies for a Land Conservation Act contract for non-prime agricultural land.

**Staff Recommendation:**

Staff recommends the Board approve the request because all the state and local requirements for expansion of an Agricultural Preserve Area and approval of a new Non-prime Land Conservation Act Contract for the 108.97-acre parcel have been met.

**Strategic Plan:**

Not Applicable

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

- 12/13/2011: Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678)
- 07/31/2012: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 12-0379)
- 05/07/2013: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 13-0186)
- 12/20/2016: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 16-0485)
- 10/31/2017: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 17-0426)
- 11/07/2017: Board amends the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 17-0438)

**FISCAL SUMMARY**

Not Applicable

**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. For this particular contract, the Assessor estimates the property assessment value will be reduced by approximately \$352,399. Property taxes are generally 1.1% of assessed value.

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

Not Applicable

**Attachments:**

- ATT 1: AGP19-0004 Board of Supervisors Resolution
- ATT 2: AGP19-0004 Board of Supervisors Resolution Exhibit A - Agricultural Preserve Map
- ATT 3: AGP19-0004 Proposal Statement Prepared by Applicant
- ATT 4: AGP19-0004 Site Plan
- ATT 5: AGP19-0004 Assessor's Parcel Map
- ATT 6: AGP19-0004 Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plan) - executed by property owners and encumbrance holders.

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

Not Applicable