

County Of Sonoma Agenda Item Summary Report

Clerk of the Board Use Only
 Meeting Date Held Until
 / / / /
 Agenda Item No: Agenda Item No:
 _____ _____

Department: Sonoma County Permit and Resource Management Department

4/5 Vote Not Required

Contact:
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Phone:
(707) 565-2404

Board Date:
November 3, 2009

Deadline for Board Action:

AGENDA SHORT TITLE: Grant Deed of Agricultural Easement & Covenant: [REDACTED], File No. ZPE09-0278.

REQUESTED BOARD ACTION: Authorize the Chair of the Board of Supervisors to execute the attached deed and covenant to allow one detached farm family dwelling unit on a 184.34-acre parcel located at 1434 Bay Hill Road, Bodega Bay, APN 103-060-022, Supervisorial District 5.

CURRENT FISCAL YEAR FINANCIAL IMPACT - None.

Explanation (if required): None.

Prior Board Action: None.

Alternatives – Results of Non-Approval: Applicant will not be able to establish a farm family dwelling unit.

Background:

The property owner, [REDACTED] and [REDACTED] have requested a Zoning Permit to construct a new residence as the Farm Family dwelling unit on the subject parcel in order to house the children of the property owners. The parcel is 184.34 acres in size and has approximately 50 cattle and 20 goats that graze on the property. The parcel is currently subject to a Type II Williamson Act Contract and is in compliance with the Contract as shown in the Landowner's Statement of Compliance (Exhibit A). The average income of the farm operation is \$16.27 per gross acre, well above the minimum requirement of \$2.50 per gross acre.

The project site is zoned LEA (Land Intensive Agriculture), B6-160 acre density, Z (Second Dwelling Unit Exclusion). A portion of the property is located within the Coastal Zoning Jurisdiction but the proposed project is located outside of this area. Under Section 26-06-010 (h)(2) of the Zoning Ordinance, the parcel is allowed one farm family unit provided it meets the following requirements:

- (1) 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; and
- (2) 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 shall become a non-conforming residential use.

Comment:

The property owner has signed and notarized the Agricultural Easement and Covenant agreement prepared by the Office of County Counsel and agreed to its terms. The property has acknowledged the provision of the Agricultural Easement and Covenant agreement that in the event the agricultural use is terminated, the farm family dwelling unit becomes a non-conforming residential unit. If approved by the Board of Supervisors, the Clerk of the Board has been directed to record the document.

The Zoning Ordinance provides the following definition:

"Farm family dwelling means 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."

Comment:

As proposed, the Farm Family dwelling is consistent with the definition because the proposed unit would be smaller (2,468 square feet) than the proposed primary residence (3,122 square feet) on the subject parcel, is located close to the primary residence and to the existing farm complex, and will house a member of the farm operator's family. The parcel cannot be subdivided under the current General Plan land use and zoning density.

The proposed farm family unit proposal is permitted under the Land Extensive Agriculture zoning district and appears consistent with General Plan and Zoning Ordinance criteria. Therefore, staff recommends approval of the request.

Attachments:
Exhibit A: Farm Family Residence Affidavit

On File With Clerk: Original Grant Deed of Agricultural Easement and Covenant.

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: