



County of Sonoma

State of California

Date: December 8, 2020

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving a Request by Tom Lynch on behalf of Andrew Martinez, Joseph Policarpo, and Samantha Polycarpo to Rescind One Existing Non-Prime Land Conservation Act Contract and Replace it with a New Hybrid Land Conservation Act Contract and Authorize the Chair of the Board to Execute the New Land Conservation Act Contract and Land Conservation Plan, for the Agricultural Property Located at 5410 Petaluma Hill Road, Healdsburg; APN 045-202-012.

Whereas, on November 12, 2019, Tom Lynch submitted a request on behalf of Andrew Martinez, Joseph Policarpo, and Samantha Polycarpo to 1) rescind one existing Non-Prime Land Conservation Act contract and replace it with a new Hybrid Land Conservation Act contract and 2) authorize the Chair of the Board to Execute the New Land Conservation Act Contract and Land Conservation Plan, for agricultural uses for the property located at 5410 Petaluma Hill Road, Healdsburg; APN 045-202-012; Supervisorial District No. 1; and

Whereas, on February 27, 1976 the parcel was entered into a Non-Prime Land Conservation Act contract for grazing land (Recorded Document No. 1976012202); and

Whereas, Tom Lynch, on behalf of Andrew Martinez, Joseph Policarpo, and Samantha Polycarpo, filed for a replacement contract to reflect the current combination of prime agricultural (vineyard) and non-prime (grazing) uses of the site and to bring the parcel in conformance with the Uniform Rules; and

Whereas, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and

Whereas, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the various uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Permit Sonoma Director to approve amendments to executed Land Conservation Plans.

Whereas, Sonoma County's Land Conservation Act program has four contract-types available: 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/or open space also with a 40-acre minimum; and,

Now, Therefore, Be It Resolved that the Board of Supervisors finds that the project is categorically exempt from the provisions of the California Environmental Quality Act Guidelines pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15317 (Open Space Contracts or Easements), which provides for the establishment of agricultural preserves, and the making and renewing of open space contracts under the Williamson Act. No exceptions listed under Section 15300.2 apply. There is no reasonable possibility that the project would have a significant effect on the environment.

Be It Further Resolved that the Board of Supervisors hereby grants the request by Tom Lynch, on behalf of Andrew Martinez, Joseph Policarpo, and Samantha Polycarpo, to mutually rescind one Non-Prime Land Conservation Act contract and replace it with a new Hybrid Land Conservation Act contract for agricultural land on a 40.37-acre parcel within existing Agricultural Preserve 2-382, located at 5410 Petaluma Hill Road, Healdsburg; APN 045-202-012. The Board makes the following specific findings concerning the requirements for a Hybrid Land Conservation Act Contract in granting the request:

1. Within an Agricultural Preserve: The entire parcel is located within Agricultural Preserve 2-382.
2. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel made up of Sonoma County Assessor's Parcel Number 045-202-012.
3. Minimum Parcel Size: The 40.37-acre parcel exceeds the 40-acre minimum parcel size for Hybrid Land Conservation Act contracts.
4. Minimum Income Requirement: For grazing land, the minimum gross annual income requirement is \$2000.00 per operation and \$2.50 per acre of production. Over the past five years, annual income from grazing has averaged \$7,300.00, exceeding the minimum requirement, and is expected to continue to meet or exceed income requirements.

For vineyard land, the minimum gross annual income requirement is \$1,000.00 per planted acre. The first grape harvest is anticipated to occur in 2021. The 2018 Sonoma County Crop Report lists the average value of premium wine grapes at \$2,818.00 per ton. Using an average of 4 tons per acre, the estimated annual income per acre would be \$11,272.00, which exceeds the \$1,000.00 per planted acre minimum requirement. The vineyard is currently leased to a third party for 15 percent of the total sale price of the grapes. Total annual income of 18.6 acres is estimated at \$209,659.00; 15 percent of that total is \$31,449.00 or \$1,691.00 per planted acre, which also exceeds the \$1,000.00 per planted acre minimum. Regardless of whether the vineyard is leased for a percentage, or grapes are sold

directly, the vineyard operation is expected to meet or exceed income requirements.

5. Agricultural Use Requirement: Unless a specific exception applies, parcels under Land Conservation Act contract must devote at least 50 percent of the land to qualifying agricultural land uses. Prime Agricultural Land is defined as land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the Uniform Rules minimum income requirements. Non-Prime Agricultural Land is defined as land in agricultural use other than Prime uses, including grazing, hay production, and row crops.

Existing qualifying agricultural uses on the parcel include 18.6 acres of Prime vineyard land (pinot noir and chardonnay) and 14 acres of Non-Prime grazing land for a total of 32.6 acres or 81 percent of the total parcel acreage, exceeding the 50 percent minimum.

6. Non-Agricultural Compatible Uses: Compatible uses of the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. The parcel is developed with compatible residential and accessory land uses, including a single-family dwelling, shop, several storage sheds, recreational vehicle garage, and non-structural residential uses on approximately 4.0 acres, which is less than and therefore complies with the 5-acre maximum.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Act Contract and attached Land Conservation Plan.

Be It Further Resolved that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2020 the associated Land Conservation Act Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder.

Be It Further Resolved, that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.