



County of Sonoma

State of California

Date: December 6, 2022

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by Bell Sonoma LLC to Rescind an Existing Non-Prime (Type II) Land Conservation Act Contract and Replace It with a Prime (Type I) 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 Land Located at 6981 Trenton Healdsburg Road, Forestville; APN 066-280-004.

Whereas, a request has been made by Bell Sonoma, LLC, to authorize the Chair of the Board to rescind an existing Non-prime (Type II) Land Conservation Act Contract and replace it with a new Prime (Type I) Land Conservation Act contract for agricultural uses for the property located at 6981 Trenton Healdsburg Road, Forestville; APN 066-280-004; Supervisorial District No. 5; and,

Whereas, in 1972, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract #72-058314); and,

Whereas, due to parcel size, the non-prime contract was no longer in conformance with the Uniform Rules. As a part of the adoption of the Uniform Rules (Resolution #11-0678) the subject property was included in a County initiated phase out. The Notice of Non-Renewal was filed in 2013 (document #2013073828); and,

Whereas, Bell Sonoma LLC filed for a replacement contract to reflect the current agricultural 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), which requires that Land Conservation Plans are incorporated into Land Conservation Contracts; 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 Director of PRMD to approve amendments to executed Land Conservation Plans; and,

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 open space also with a 40-acre minimum; and,

Now, Therefore, Be It Resolved, that the Board of Supervisors finds that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15317 Class 17 of Title 14 of the California Code of Regulations (CEQA Guidelines) which provides that executing a new Land Conservation Act Contract is exempt from the California Environmental Quality Act.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Bell Sonoma, LLC to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a prime Land Conservation Act contract for agricultural land on 30 acres within an existing Agricultural Preserve (2-497), and authorizes the Chair of the Board to sign the new prime Land Conservation Act Contract for APN 066-280-004. The Board makes the following specific findings concerning the requirements for a hybrid Land Conservation Act Contract ("Contract") in granting the request:

1. Land is within an Agricultural Preserve: The 30 acre parcel is located within established Agricultural Preserve Area Number 2-497.
2. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Number: 066-280-004.
3. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation Act Contract. The 30 acre parcel exceeds the 10-acre minimum parcel size for a new Prime Land Conservation (Williamson) Act Contract.
4. Agricultural Use Requirement: Parcels under Prime (Type I) Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to prime 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 meets the minimum income requirements. The parcel is 30 acres in size, with 15.44 acres (51%) planted in vineyard which exceeds the 50% threshold and has produced the required income for the last five years. Therefore, the land meets the definition of Prime Agricultural Land.
5. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard was planted in May of 2020 and has not yielded a crop. The 2021 Sonoma County Crop Report for Pinot Noir and Chardonnay varieties (the

varietals planted on the subject property) are valued at \$13,346 and \$10,049 per acre, respectively. Therefore, the vineyard operation is expected to exceed the minimum gross annual requirement of \$1,000.00 per planted acre.

6. Compatible Uses for Prime: 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. For this parcel, the 15% threshold would apply. The parcel contains a primary dwelling and associated residential improvements which collectively occupy 1.2 acres, or 0.04% of the property, thereby meeting the threshold under the contract.

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, 2022 the associate 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:	Rabbit:	Coursey:	Hopkins:	Gore:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.