



County of Sonoma

State of California

Date: December 10, 2024

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by NAC Tallgrass, 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 700 Bonneau Road, Sonoma; APN 142-101-011.

Whereas, a request has been made by NAC Tallgrass, LLC, to authorize the Chair of the Board to rescind an existing Non-prime (Type II) Land Conservation Contract and replace it with a new Prime (Type I) Land Conservation Act Contract and attached Land Conservation Plan, for prime agricultural land located within Agricultural Preserve No. 2-238, at 700 Bonneau Road, Sonoma; APN 142-101-011, Supervisorial District No. 1; and,

Whereas, in 1972, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract recorded under Book 2603, Page 126); and,

Whereas, NAC Tallgrass, LLC filed for a replacement contract for family estate planning purposes and to reflect the agricultural use of the site; 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 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 NAC Tallgrass, 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 131.86 acres within an existing Agricultural Preserve (2-238), and authorizes the Chair of the Board to sign the new prime Land Conservation Act Contract for APN 142-101-011. 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 131.86-acre parcel is located within Agricultural Preserve Area No. 2-238.
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: 142-101-011.
3. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation Act Contract. The 131.86-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 Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to a qualifying prime agricultural land use. 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 131.86-acres in size, with 69.77 acres (53%) 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

averages \$710,565.00 per year which results in an average of \$10,298.00 per acre per year thus exceeding the required minimum income.

6. Compatible Uses for Prime Land: 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 5-acre threshold would apply. The property contains .10+/- acres in accessory agricultural uses consisting of a well and power poles. The remaining 52+/- acres of land is undesignated land consisting of grassland. The parcel does not contain any residential or other non-agricultural compatible uses, 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, 2024, the associate Land Conservation Act Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder, if the contract is timely executed by the property owner and any lien holders have subordinated their interests in the property.

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: Coursey: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.