



# 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 Beltane, Inc. to 1) Expand Existing Agricultural Preserve Area (2-336) by Adding 1.30 Acres; and 2) Rescind an Existing Land Conservation Act Contract and Replace it with a New Hybrid Land Conservation Act Contract for a Combination of Prime and Non-Prime Agricultural Land and 3) Authorize the Chair of the Board to Execute the New Land Conservation Act Contract and Land Conservation Plan, for Agricultural Land Located at 11775 Highway 12, Glen Ellen; APNs 053-040-035, 053-040-025 and 053-040-024.**

**Whereas**, a request has been made by Beltane, Inc., to expand Agricultural Preserve No. 2-336 and to authorize the Chair of the Board to rescind an existing Non-Prime Land Conservation Act Contract and replace it with a new Hybrid Land Conservation Act Contract for a combination of Prime and Non-Prime agricultural land located within that Agricultural Preserve, at 11775 Highway 12, Glen Ellen; APNs 053-040-035, 053-040-025 and 053-040-024, 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 2627 Page 675); and,

**Whereas**, a condition of the previously approved Lot Line Adjustment (LLA01-0100), required the landowner to file for a replacement contract to correspond with the new property line boundaries; 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,

**Whereas,** the Board of Supervisors finds that 104.52 acres of the 105.82 acre parcel is currently located in Agricultural Preserve 2-336. The remaining 1.30 acres is adjacent to the same Agricultural Preserve, and meets the requirements for a new Hybrid Land Conservation Act Contract and is suitable to be added the Preserve; and,

**Whereas,** consistent with the *Uniform Rules*, the Board of Supervisors may concurrently consider and approve both the enlargement of Agricultural Preserve 2-336 and the new Land Conservation Contract; and,

**Whereas,** the Board of Supervisors finds that the inclusion of the 1.30 acres, identified as APNs 053-040-025 and 053-040-024, into Agricultural Preserve 2-336 is consistent with the Sonoma County General Plan and the applicable provisions of state law; and

**Whereas,** the Board of Supervisors finds that the entire 105.82 acre parcel will meet the requirements for a new Hybrid Land Conservation Act Contract, upon inclusion of the 1.30 acres into the Agricultural Preserve Area 2-336.

**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.

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following specific findings concerning the requirements for enlargement of Agricultural Preserve 2-336:

1. Pursuant to Government Code Section 51231 and under the County's Uniform Rules (Uniform Rule 3.5.A) the Board of Supervisors may modify an existing Agricultural Preserve by a Resolution after a public hearing. Pursuant to Government code Section 51237, the Resolution and enlarged Agricultural Preserve Map (Attachment A to the Resolution) depicting the 1.30 acres added to the preserve area will be recorded.
2. Pursuant to Government Code Section 51234, enlargement of an Agricultural Preserve must be consistent with the General Plan. Also, the use of any land within an Agricultural Preserve must be restricted by zoning that is compatible with the agricultural or open space uses of the land within the preserve subject to Land Conservation contracts. Enlarging the existing Agricultural Preserve 2-336 is

consistent with the General Plan because the land is devoted to an agricultural use consisting of vineyards, orchards and grazing, is designated as Land Intensive Agriculture (LIA) and Resource and Rural Development (RRD) under the General Plan, and the zoning is Land Intensive Agriculture (LIA) and Resource and Rural Development (RRD) which protects lands best suited for permanent agricultural use and capable of relatively high production per acre of land and agricultural production activities not subject to the agricultural resources element of the general plan. The enlargement of the existing Agricultural Preserve Area does not result in any loss of land under the Land Conservation Act program since 1.30 acres is being added.

3. Generally, an Agricultural Preserve must contain at least 100 contiguous acres of land unless the Board of Supervisors finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area and that such preserve is consistent with the General Plan and Zoning Code (Rule 3.3 A of the Uniform Rules for Agricultural Preserves). The existing preserve, 2-336, is 104.52 acres in size. The addition of 1.30 acres further increases the size of the preserve.
4. The enlargement of Agricultural Preserve 2-336 can be considered concurrently with the application for a new contract and approved by one action.
5. Pursuant to Section 15317 of the CEQA Guidelines, the project is Categorically Exempt from CEQA.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request by Beltane Inc. to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a hybrid Land Conservation Act contract for a combination of prime and non-prime agricultural land on 105.82 acres within an existing Agricultural Preserve (2-336), and authorizes the Chair of the Board to sign the new hybrid Land Conservation Act Contract for APNs 053-040-035, 053-040-025 and 053-040-024. The Board makes the following specific findings concerning the requirements for a new Hybrid Land Conservation Act Contract ("Contract") in granting the request:

- a. Land is within an Agricultural Preserve: 104.52 acres of the 105.82 acre parcel is currently located in Agricultural Preserve 2-336. Per Board approval, the remaining 1.30 acres will be located within Agricultural Preserve 2-336. The Board of Supervisors may approve an application for the alteration of an Agricultural Preserve concurrently with its approval of an application for a contract within the Preserve.
- b. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Numbers: 053-040-035, 053-040-025 and 053-040-024.
- c. Minimum Parcel Size: The land must be at least 40 acres in size for a Hybrid Land Conservation Act Contract. The 105.82 acre parcel exceeds the 40-acre minimum parcel size for a new Hybrid Land Conservation (Williamson) Act Contract.

- d. Agricultural Use Requirement: Parcels under Hybrid Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to a combination of two or more prime agricultural, non-prime agricultural or open space 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. Non-prime Agricultural Land is defined as land used for grazing, hay production, rotational crops such as seasonal or year round row crops, ornamental trees or flowers, and dry farming and meets the minimum income requirements.

The parcel is 105.82 acres in size, with 25 acres (24%) planted in vineyard, 3.7 acres (3%) planted in orchard and other various row crops and 33 acres (31%) devoted to grazing which exceeds the 50% threshold and has produced the required income for the last five years. Therefore the land meets the definition of Prime and Non-prime Agricultural Land.

- e. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard averages \$81,435 per year which results in an average of \$3,257 per acre per year thus exceeding the required minimum income. For other row crops, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The orchard and other various row crops averages \$13,608 per year which results in an average of \$3,678 per acre per year thus exceeding the required minimum income. For grazing land, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Since 2016, the grazing operation has generated an average gross income of \$5,285 per year, while per acre gross annual income has been \$114.70. The grazing operation is expected to continue generating an average gross income of \$5,285 per year.
- f. Compatible Uses for Prime and Non-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 parcel contains one primary dwelling, a guest house, an agricultural farmstay and a farm family dwelling. All compatible uses are limited to 4.7 acres, thereby meeting the threshold under the contract.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request to enlarge Agricultural Preserve 2-336 by 1.30 acres as depicted on the map attached to this resolution as Attachment A.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request by Beltane LLC by approving a new Hybrid Land Conservation Act Contract and attached Land Conservation Plan, to restrict the 105.82 acre parcel located at 11775 Highway 12, Glen Ellen; APNs 053-040-035, 053-040-025 and 053-040-024.

**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 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) 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.**

## Existing Agricultural Preserve Area

## Proposed Agricultural Preserve Area

