



# County of Sonoma

## State of California

Date: November 15, 2022

Item Number: 2022-

Resolution Number: \_\_\_\_\_

☐ Majority Vote Required

**Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by Kenwood-BPSC Hunt Club LLC to Rescind an Existing Non-Prime (Type II) Land Conservation Act Contract and Replace It with a Non-Prime (Type II) 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 6600 Noble Road; APN's 068-220-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011.**

**Whereas**, a request has been made by Kenwood-BPSC Hunt Club 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 Non-prime (Type II) Land Conservation Act contract for agricultural uses for the property located at 6600 Noble Road; APN's 068-220-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011; Supervisorial District No. 1; and,

**Whereas**, in 1977, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for hay production land (contract #77-093492); and,

**Whereas**, a condition of the previously approved Hunting Club (PLP15-0066 and approved Lot Line Adjustment (LLA15-0037), Resolution No. 18-0150, required the landowner to file for a replacement contract to correspond with the new property line boundaries; and,

**Whereas**, Kenwood-BPSC Hunt Club LLC filed for a replacement contract to match the adjusted lot lines, which reflect adding 152.9 acres of riparian corridor and adjoining hay land to the contracted parcel while placing the private hunt club house, sporting clay course, and accessory structures on 152.9 acres of non-contracted land; 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 Kenwood-BPSC Hunt Club LLC to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a Non-prime (Type II) Land Conservation Act contract for agricultural land on 825.6 acres within an existing Agricultural Preserve (2-345), and authorizes the Chair of the Board to sign the new Non-prime (Type II) Land Conservation Act Contract for APN's 068-220-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011. The Board makes the following specific findings concerning the requirements for a Land Conservation Act Contract ("Contract") in granting the request:

1. Land is within an Agricultural Preserve: The 825.6 acre parcel is located within established Agricultural Preserve Area Number 2-345.
2. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Numbers: 068-220-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, and -011.
3. Minimum Parcel Size: The land must be at least 40 acres in size for a Non-prime Land Conservation Act Contract. The 825.6 acre parcel exceeds the 40-acre minimum parcel size for a new replacement Non-prime Land Conservation (Williamson) Act Contract.
4. Agricultural Use Requirement: Parcels under Non-prime (Type II) Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to non-prime agricultural land uses. 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 825.6 acres in size, with approximately 785.8 acres planted in hay, which exceeds the 50% threshold and has produced the required income for the last five years. Therefore, the land meets the definition of Non-prime Agricultural Land.

Minimum Income Requirement: For hay land, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Since 1977, the grazing operation has generated an average gross income of \$144,000 per year, while per acre gross annual income has been \$174. The grazing operation is expected to continue generating an average gross income of \$144,000 per year.

5. Compatible Uses for Non-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 5-acre threshold would apply. 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, 2021 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:                      Coursey:                      Gore:                      Hopkins:                      Rabbitt:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**