



County of Sonoma

State of California

Date: June 12, 2023

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 Robert J. McClure and Ruth H. McClure, trustees of the Robert J. McClure and Ruth H. McClure revocable intervivos trust to 1) Expand Existing Agricultural Preserve Area (2-496) by Adding 41.34 Acres; and 2) Establish a New Land Conservation Act Contract and Attached Land Conservation Plan; and 3) Authorize the Chair to Execute the New Land Conservation Act Contract and Land Conservation Plan, for Non-prime Agricultural Land Located at 2860 Spring Hill Road; APN 022-280-009.

Whereas, a request has been made by Robert J. McClure and Ruth H. McClure, trustees of the Robert J. McClure and Ruth H. McClure revocable intervivos trust, to expand Agricultural Preserve No. 2-496 and to authorize the Chair to approve a new Land Conservation Act Contract and attached Land Conservation Plan, for non-prime agricultural land located within that Agricultural Preserve, at 2860 Spring Hill Road, Petaluma; APN 022-280-009, Supervisorial District No. 2; 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 the 41.34 acre parcel is currently located adjacent to Agricultural Preserve 2-496, is suitable to be added to the Preserve and when so added will meet the requirements for a new Non-prime (Type II) Land Conservation Act Contract; and,

Whereas, consistent with the *Uniform Rules*, the Board of Supervisors may concurrently consider and approve both the enlargement of Agricultural Preserve 2-496 and the new Land Conservation Contract; and,

Whereas, the Board of Supervisors finds that the inclusion of the 41.34 acres, identified as **APN 022-280-009**, into Agricultural Preserve 2-496 is consistent with the Sonoma County General Plan and the applicable provisions of state law; and

Whereas, the Board of Supervisors finds that the 41.34 acre parcel will meet all requirements for a new Non-prime (Type II) Land Conservation Act Contract, upon inclusion of the 41.34 acres into the Agricultural Preserve Area 2-496.

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 establishing agricultural preserves and executing or renewing 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 2-496:

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 (Exhibit A to the Resolution) depicting the 41.34 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 2-496 is consistent with the General Plan because the land is devoted to an agricultural use consisting of grazing, is designated as Land Extensive Agricultural under the General Plan, and the zoning is Land Extensive Agricultural which protects lands best suited for permanent agricultural use and capable of relatively low production per acre of land. The enlargement of the existing Agricultural Preserve Area does not result in any loss of land under the Land Conservation Act program since 41.34 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, 2-496, is 621 acres in size. The addition of 41.34 acres further increases the size of the preserve.
4. The enlargement of Agricultural Preserve 2-496 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 makes the following specific findings concerning the requirements for a new Non-prime (Type II) Land Conservation Act Contract (“Contract”):

- a. Land is within an Agricultural Preserve: Per Board approval, the 41.34 acre parcel will be located within Agricultural Preserve 2-496. 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 Number: 022-280-009.
- c. Minimum Parcel Size: The land must be at least 40 acres in size for a Non-prime Land Conservation Act Contract. The 41.34 acre parcel exceeds the 40-acre minimum parcel size for a new Non-prime Land Conservation (Williamson) Act Contract.
- d. 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 41.34 acres in size, with 41.34 acres (100%) 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/Non-prime Agricultural Land.

- e. Minimum Income Requirement: For grazing land, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Since 2019, the grazing operation has generated an average gross income of \$8,200 per year, while per acre gross annual income has been \$200. The grazing operation is expected to continue generating an average gross income of \$8,200 per year.

- f. 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 hereby grants the request to enlarge Agricultural Preserve 2-496 by 41.34 acres as depicted on the map attached to this resolution as Exhibit A.

Be It Further Resolved that the Board of Supervisors hereby grants the request by Robert J. McClure and Ruth H. McClure, trustees of the Robert J. McClure and Ruth H. McClure revocable intervivos trust by approving a new Non-Prime Land Conservation Act Contract and attached Land Conservation Plan, to restrict the 41.34 acre parcel located at 2860 Spring Hill Road, Petaluma; APN 022-280-009.

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, 2023 (1) this Resolution and Exhibit 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.