



County of Sonoma

State of California

Date: December 14, 2021

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 Steven J. LaFranchi and Associates to Rescind an Existing Non-Prime (Type II) Land Conservation Act Contract and Replace It With two Non-Prime (Type II) Land Conservation Act Contracts and Authorize the Chair of the Board to Execute the Two New Land Conservation Act Contracts and Land Conservation Plans, for Grazing Land on Two Separate Legal Parcels Located at 2455 Middle Two Rock Road and 2730 Spring Hill Road, Petaluma; APNs 021-160-049 and 022-280-010.

Whereas, a request has been made by Steven J. LaFranchi and Associates, on behalf of the Mahoney Family, to authorize the Chair of the Board to rescind an existing Non-Prime (Type II) Land Conservation Act Contract and replace it with two new Non-Prime (Type II) Land Conservation Act contracts for grazing land on two separate legal parcels located at 2455 Middle Two Rock Road and 2730 Spring Hill Road, Petaluma; APNs 021-160-049 and 022-280-010; Supervisorial District No. 2; and,

Whereas, in 1999, the subject parcels were entered into a single Non-Prime (Type II) Land Conservation Act contract for grazing land (contract recorded under Instrument No. 1999-158349); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA21-0022), Board Resolution No. 21-0318, required the landowner to file for two replacement contracts 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), 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 Steven J. LaFranchi and Associates to mutually rescind and replace a Non-Prime (Type II) Land Conservation Act contract with two non-prime Land Conservation Act contracts for agricultural land on two separate legal parcels, 114-acres and 266-acres in size, within an existing Agricultural Preserve (2-496), and authorizes the Chair of the Board to sign the new non-prime Land Conservation Act Contracts for APNs 021-160-049 and 022-280-010. The Board makes the following specific findings concerning the requirements for Prime Land Conservation Act Contracts ("Contracts") in granting the request:

1. Land is within an Agricultural Preserve: The 114-acre parcel and 266-acre parcel are located within established Agricultural Preserve Area Number 2-496.
2. Single Legal Parcel Requirement: The land proposed for each contract is comprised of a single legal parcel with the following Assessor's Parcel Numbers: 021-160-049 (114-acre parcel) and 022-280-010 (266-acre parcel).
3. Minimum Parcel Size: The land must be at least 40 acres in size for a Non-Prime Land Conservation Act Contract. Both the 114-acre parcel and the 266-acre parcel exceed the 40-acre minimum parcel size for new Non-Prime Land Conservation Act Contracts.
4. Agricultural Use Requirement: Parcels under Non-Prime (Type II) Land Conservation 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 114-acre parcel contains 111 acres of grazing land (97%) and the 266-acre parcel contains 261 acres of grazing land (98%). Each

parcel exceeds the 50% agricultural use threshold and has produced the required income (per finding 5. below) for the last five years. Therefore, the land meets the definition of Non-Prime Agricultural Land.

5. 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 2016, the beef cattle grazing operation on the 114-acre parcel has generated an average gross income of \$11,357.00 per year, while per acre gross annual income has been \$103.00. The beef cattle grazing operation on the 266-acre parcel has generated an average gross income of \$23,834.00 per year, while per acre gross income has been \$88.00. Both parcels are expected to continue meeting minimum annual income requirements.
6. Compatible Uses for 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. Neither lot is developed with residential structures or other non-agricultural uses. The existing wells, agricultural ponds, and springs serve the agricultural operation and are permitted agricultural accessory uses which do not count towards the 5-acre / 15 percent compatible use threshold established in the Uniform Rules. Therefore, both parcels comply with the compatible use thresholds.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Act Contracts and attached Land Conservation Plans.

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 Contracts and attached Land Conservation Plans 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: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

So Ordered.