



# 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 F. Korbel & Bros., a California Corporation, to 1) Expand Existing Agricultural Preserve Area (1-379) by Adding 1.5 Acres; and 2) to Rescind an Existing Prime (Type I) Land Conservation Act Contract and Replace It With Two Prime (Type I) 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 Agricultural Land on Two Separate Legal Parcels Located at 16590 & 16570 Main St and 16661 Laughlin Rd, Guerneville; APNs 070-010-001, 070-010-037, and 070-010-041; 069-250-018**

**Whereas**, a request has been made by F. Korbel & Bros., a California Corporation, to expand Agricultural Preserve No. 1-379 and authorize the Chair of the Board to rescind an existing Prime (Type I) Land Conservation Act Contract and replace it with two new Prime (Type I) Land Conservation Act contracts for agricultural uses on two separate legal parcels located at 16590 & 16570 Main St and 16661 Laughlin Rd, Guerneville; APNs 070-010-001, 070-010-037, and 070-010-041 ("Lot A"); 069-250-018 ("Northern Lot"), respectfully; Supervisorial District No. 5; and,

**Whereas**, in 1972, the subject properties were entered into a single Prime (Type I) Land Conservation Act contract for vineyard land (contract recorded under Book 2608 Page 549); and,

**Whereas**, a condition of the previously approved Lot Line Adjustment (LLA17-0006), Board Resolution No. 17-0345, required the landowner to file for two replacement contracts to correspond with the new property line boundaries; and,

**Whereas**, the Lot Line Adjustment deed recorded on December 28, 2017 (OR#2017-100061), which resulted in "Lot A", a 57.25-acre single legal lot comprised of three APNs (070-010-001, 070-010-041, and 070-010-037), and the "Northern Lot", a 64.48-acre single legal lot comprised of one APN (069-250-018); and,

**Whereas**, as a result of the Lot Line Adjustment, 1.5-acres of non-contracted land was

added to “Lot A”. This 1.5-acres of land is identified as APN 070-010-037; 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,

**Whereas**, the Board of Supervisors finds that the 1.5-acre portion of “Lot A” (identified as APN 070-010-037) is currently located adjacent to Agricultural Preserve No. 1-379, and meets the requirements for a new Prime (type I) Land Conservation Act contract and is suitable to be added to the Preserve; and,

**Whereas**, consistent with the *Uniform Rules*, the Board of Supervisors may concurrently consider and approve both the enlargement of Agricultural Preserve Area 1-379 and the new Land Conservation Contract; and,

**Whereas**, the Board of Supervisors finds that the inclusion of the 1.5-acre portion of “Lot A” (identified as APN 070-010-037) into Agricultural Preserve Area 1-379 is consistent with the Sonoma County General Plan and the applicable provisions of state law; and

**Whereas**, the Board of Supervisors finds that entirety of “Lot A” (APNs 070-010-001, 070-010-041, and 070-010-037) will meet the requirements for a new Prime (Type I) Land Conservation Act Contract, upon inclusion of the 1.5-acres (identified as APN 070-010-037) into the Agricultural Preserve Area 1-379.

**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 1-379:

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 1.5 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 1-379 is consistent with the General Plan because the land is devoted to an agricultural use consisting of vineyards, is designated as Land Intensive Agriculture 40 acre under the General Plan, and the zoning is Land Intensive Agriculture B6-40 (40 acres per dwelling unit) which enhances and protects lands "best suited for permanent agricultural use and capable of relatively high 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 1.5 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, 1-379, is 120 acres in size. The addition of 1.5 acres further increases the size of the preserve and is adjacent to the existing lands in the preserve.
4. The enlargement of Agricultural Preserve 1-379 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 F. Korbel & Bros., a California Corporation, to mutually rescind and replace a Prime (Type I) Land Conservation Act contract with two prime Land Conservation Act contracts for agricultural land on two separate legal parcels, 57.25-acres and 64.48-acres in size, within an existing Agricultural Preserve (1-379), and authorizes the Chair of the Board to sign the new prime Land Conservation Act Contracts for APNs 070-010-001, 070-010-037, 070-010-041 ("Lot A") and 069-250-018 ("Northern Lot"). The Board makes the

following specific findings concerning the requirements for Prime Land Conservation Act Contracts ("Contracts") in granting the request:

- a. Land is within an Agricultural Preserve: The 64.48-acre parcel ("Northern Lot") is within established Agricultural Preserve 1-379. Per Board approval, the entire 57.25-acre acre parcel ("Lot A") will be located within Agricultural Preserve 1-379. 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 each contract is comprised of a single legal parcel with the following Assessor's Parcel Numbers: 070-010-001, 070-010-037, 070-010-041 (57.25-acre parcel, "Lot A") and 069-250-018 (64.48-acre parcel, "Northern Lot").
- c. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation (Williamson) Act Contract. Both the 57.25-acre parcel ("Lot A") and the 64.48-acre parcel ("Northern Lot") exceed the 10-acre minimum parcel size for a new Prime Land Conservation (Williamson) Act Contract.
- d. Agricultural Use Requirement: Parcels under Prime (Type I) Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to prime agricultural land uses. Prime Agricultural Land is defined as land that is planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements. The 57.25-acre parcel ("Lot A") contains 32.92 acres of vineyard (58%) and the 64.48-acre parcel ("Northern Lot") contains 32.84 acres of vineyard (51%). Each parcel exceeds the 50% agricultural use threshold and has produced the required income (per finding e. below) for the last five years. Therefore, the land meets the definition of 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 on the 57.25-acre parcel averages \$757,440.00 per year which results in an average of \$23,008.00 per acre per year thus exceeding the required minimum income. The vineyard on the 64.48-acre parcel averages \$914,724.00 per year which results in an average of \$27,853.00 per acre per year thus exceeding the required minimum income. Both parcels are expected to continue meeting minimum annual income requirements.
- f. 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 both parcels, the 5-acre threshold would apply. The 64.48-acre parcel contains accessory agricultural support structures

such as a well, fuel shed and barn, comprising 0.08 acres – which is below the 5-acre compatible use threshold. The 57.25-acre parcel contains a barn, comprising 0.06 acres, which is also below the 5-acre compatible use threshold.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request to enlarge Agricultural Preserve Area 1-379 by 1.5 acres as depicted on the map attached to this resolution as Attachment A.

**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 following items in the following order: (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associated 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.**