



County of Sonoma

State of California

Date: November 8, 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 Hogan Land Services to Rescind an Existing Prime (Type I) Land Conservation Act Contract and Replace It With Three New Contracts for Three Legal Parcels, Resulting in One New Prime Contract for Vineyard Land (Lot A) and Two New Hybrid Land Conservation Act Contracts for a Combination of Grazing and Vineyard Land (Lots B and C); and, Authorize the Chair of the Board to Execute the New Land Conservation Act Contracts and Land Conservation Plans, for the Agricultural Land Located at 116, 100 and 121 Mary Paige Lane, Santa Rosa, CA 95404; APNs 049-020-037, -036 and -038 (Lots A, B and C, respectively).

Whereas, a request has been made Hogan Land Services, the applicant, to authorize the Chair of the Board to rescind an existing Prime (Type I) Land Conservation Act Contract and replace it with three new contracts- one new Prime and two new Hybrid Land Conservation Act contracts (for Lot A and Lots B and C, respectively) for agricultural uses for the properties located at 116, 100 and 121 Mary Paige Lane, Santa Rosa, CA 95404 (Lots A, B and C, respectively); APN 049-020-037, -036 and -038 (Lots A, B and C, respectively). Supervisorial District No. 1; and,

Whereas, in 1971, the subject properties were entered into a Prime (Type I) Land Conservation Act contract for prime agricultural land (Book 2516, Page 822); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA17-0072), Resolution No. 19-0301, required the landowners to file for 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 Hogan Land Services to 1) mutually rescind and replace a Prime (Type I) Land Conservation Act contract with one prime and two hybrid Land Conservation Act contracts (for Lot A and Lots B and C, respectively) for agricultural land on 121.93 aggregate acres (41.65 acres (Lot A), 40.09 acres (Lot B) and 40.19 acres Lot C)) within an existing Agricultural Preserve (2-393), and 2) authorize the Chair of the Board to sign one new prime and two new hybrid Land Conservation Act Contracts (for Lot A and Lots B and C, respectively) for APN 049-020-037, -036 and -038 (Lots A, B and C, respectively). 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 41.65 (Lot A), 40.09 (Lot B) and 40.19 acre parcels (Lot C) are located within established Agricultural Preserve Area Number 2-393.
2. Single Legal Parcel Requirement: The lands proposed for the contracts are comprised of three single legal parcels with the following Assessor's Parcel Numbers: 049-020-037 (Lot A), 049-020-036 (Lot B), and 049-020-038 (Lot C).
3. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Contract and 40 acres in size for a Hybrid Land Conservation Act Contract. The 41.65, 40.09 and 40.19 acre parcels (Lots A, B and C, respectively) exceed the 10-acre/40-acre minimum parcel size for one new Prime and two new Hybrid Land Conservation (Williamson) Act Contracts.
4. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyards on each property are leased, with Lot A averaging \$4,428 per acre per year, Lot B averaging \$2,000 per acre per year, and Lot C averaging \$4,800 per acre per year, thus exceeding the required minimum income for prime vineyard land.

For grazing land, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Over the past three years, the grazing operation on Lot B has generated an average gross income of \$3,000 per year and \$150 per acre. The grazing operation on Lot C has generated an average gross income of \$4,496 per year over, while per acre gross annual income has been \$180. Therefore, the grazing operations on Lot B and Lot C individually meet minimum gross annual income requirements.

5. Agricultural Use Requirement: Parcels under Prime and Hybrid Land Conservation (Williamson) Act Contracts for prime agricultural uses and a combination of prime and non-prime agricultural uses must devote at least 50 percent of the land to qualifying prime and non-prime agricultural 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.
 - a. Lot A is 41.65 acres in size, with 35.46 acres (85%) planted in vineyard which exceeds the 50% agricultural use threshold and has produced the required income for the last five years. Therefore, the land meets the definition of Prime Land.
 - b. Lot B is 40.09 acres in size, with 5 acres (12%) planted in vineyard and 20 acres (50%) devoted to grazing which exceeds the 50% agricultural use 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.
 - c. Lot C is 40.19 acres in size, with 10 acres (25%) planted in vineyard and 25 acres (62%) devoted to grazing which exceeds the 50% agricultural use 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.
6. Compatible Uses for Prime and 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. The 5-acre threshold applies to Lots A, B, and C.
 - a. Lot A contains an agricultural shed which occupies less than 0.02 acres. There are no other compatible uses developed on the property. The remaining 6.17 acres is undesignated land.
 - b. Lot B contains a residence (0.03 acre), shed (0.01 acre), and barn (0.05 acre), septic and water tank (0.09) which collectively amounts to 0.13 acres of the property. The remaining 14.96 acres is undesignated land.

- c. Lot C contains a residence (0.11 acre), two barns (0.14 acre), and septic area (0.05 acre) which collectively amounts to 0.30 acres of the property. The remaining 4.89 acres is undesignated land.

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, 2022.

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 Contracts and Land Conservation Plans. 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: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.