



County of Sonoma

State of California

Date: April 30, 2019

Item Number: AGP18-0008

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Timothy and Kathleen Kahlenberg 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 And Authorize The Chair Of The Board To Execute The New Land Conservation Act Contract And Land Conservation Plan, For Grazing Land Located At 3171 Wright Ranch Lane, Healdsburg; APN 079-120-028.

Whereas, a request has been made by the property owner 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 grazing land for property located at 3171 Wright Ranch Lane, Healdsburg; APN 079-120-028; Supervisorial District No. 4; and,

Whereas, in 1976, the subject property of 77.4 acres was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract recorded under #3050/983); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA13-0047), Resolution No. 14-0140, required the landowner to file for a replacement contract 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); 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 agricultural and/or open space 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 Permit Sonoma 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. This action is to replace a Non-prime Land Conservation Contract with a new non-prime contract; and,

Whereas, the Board of Supervisors finds that the 77.4 acre parcel will meet the requirements for a replacement non-prime Land Conservation Act Contract for grazing.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following specific findings concerning the requirements for a non-prime (Type II) Land Conservation Act Contract ("Contract"):

1. Land is within an Agricultural Preserve: The 77.4 acre parcel is located within established Agricultural Preserve Area Number 2-250. An expansion or modification of the Agricultural Preserve is not required with this request.
2. Minimum Parcel Size: The land must be at least 40 acres in size for a non-prime Land Conservation Act Contract. The 77.4 acre parcel exceeds the minimum parcel size requirement.
3. Agricultural Use Requirement: A minimum of 50 percent of the land is required to be continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses. Non-prime agricultural land includes land used for grazing, hay production, rotational crops such as seasonal or year round row crops, ornamental trees or flowers, and dry farming. Here, the parcel is 77.4 acres with 40 acres (51%) devoted to a cattle grazing operation. Therefore, the parcel meets the definition of non-prime agricultural land and exceeds the 50% threshold for agricultural uses.
4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel with the following Assessor's Parcel Number: APN 079-120-028.
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 2017, the grazing operation has generated an average gross income of \$3,102.00 per year, while per acre gross annual income has been \$77.55. The grazing operation is expected to continue generating an average gross income of \$3,102.00 per year.
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. For this parcel, the 5 acre threshold would apply. The parcel contains a barn with a single family dwelling, garage, workshop, and a pool currently under construction. The total compatible use area consists of

approximately 0.15 acres and therefore does not exceed the compatible use threshold under the contract.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Timothy and Kathleen Kahlenberg 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 grazing land on 77.4 acres within an existing Agricultural Preserve (2-250), and authorize the Chair of the Board to sign the new non-prime (Type II) Land Conservation Act Contract for APN 079-120-028.

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, 2019 (1) this Resolution and Attachment 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 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) in that the project is within an established Agricultural Preserve and is a replacement of a Land Conservation Act Contract.

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:

Zane:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.