



County of Sonoma

State of California

Date: April 30, 2019

AGP15-0017 (PLP15-
Item Number: 0009)

Resolution Number: _____

☐ 4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Michelle and Peter Carter To Rescind An Existing Non-Prime (Type II) Land Conservation Act Contract And Replace It With A New Open Space (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 Open Space Land Located At 2476 Wright Ranch Lane, Healdsburg; APN 079-120-033, & -034.

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 Open Space (Type II) Land Conservation Act contract for open space land for property located at 2476 Wright Ranch Lane, Healdsburg; APN 079-120-033, & -034; Supervisorial District No. 4; and,

Whereas, in 1972, the subject property of 50.28 acres was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract #2603/905); 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, the former landowner submitted File No. PLP13-0050 to apply to rescind and replace the Land Conservation Act contract; and,

Whereas, prior to completing permit processing of File No. PLP13-0050, the Board approved Lot Line Adjustment LLA14-0057, which included the subject parcel; and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA14-0057) Resolution No. 15-0072, required the landowner to file for a replacement contract to correspond with the new property line boundaries; and,

Whereas, the former landowner submitted File No. PLP15-0009 to apply to rescind and replace the Land Conservation Act contract; and,

Whereas, the current landowner ceased the grazing operation and now manages the property as open space and wildlife habitat; 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 open space contract to satisfy conditions of approval of two-previously Board approved Lot Line Adjustment applications (LLA13-0047 and LLA14-0057); and,

Whereas, the Board of Supervisors finds that the 50.28 acre parcel will meet the requirements for a replacement Open Space Land Conservation Act Contract.

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following specific findings concerning the requirements for an Open Space Land Conservation Act Contract ("Contract"):

1. Land is within an Agricultural Preserve: The 50.28 acre parcel is located within established Agricultural Preserve Area Number 2-250. An expansion or modification to the Agricultural Preserve is not required under 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 50.28 acre parcel exceeds the minimum parcel size requirement.
3. Open Space 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. The 50.28 acre parcel is undeveloped with 44.98 acres (89%) of the land devoted to open space uses, thereby exceeding the minimum open space use threshold.

A wildlife habitat area is defined at Uniform Rule 2.0 as "land or water area designated by the Board of Supervisors, after consulting with and considering the

recommendation of the California Department of Fish and Game, as an area of importance for the protection or enhancement of the wildlife resources of the state. Wildlife habitat includes any land area designated in the General Plan as a biotic habitat area or riparian corridor.”

In April 2018, an *Open Space and Wildlife Habitat Assessment* (Assessment) was conducted on the site by wildlife biologist, Kim Fitts of Bio Consultants, LLC. The purpose of the Assessment was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Assessment concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Bio Consultants, LLC found the oak woodland landscape of the property contains essential resources for native wildlife and provides a significant visual benefit to the public. Specific qualities include:

- The occurrence of regenerating Sonoma County signature oak woodlands.
- The healthy oak woodlands contribute significantly to regional plan and animal richness and biodiversity.
- The riparian zone of Wright Creek facilitates wildlife movement for migration, dispersal, and growth and provides wildfire escape corridors.
- The site contains plant communities and habitat type, namely oak woodland and riparian habitat, which are rapidly disappearing from California.
- The plant communities of this site are in a healthy state, without substantial populations of invasive non-native plant species.
- The contiguous natural lands can support high profile wildlife species such as the mountain lion, badger, and black bear, which required large territories that are removed from human activity.
- The centralized location and connectivity with surrounding protected natural lands and watershed areas allow for movement among meta-populations, which is fundamental for genetically viable and healthy plant and wildlife populations.

The attached Open Space Land Conservation contract requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Bio Consultants, LLC.

The biological report was provided to the California Department of Fish and Wildlife (formerly Department of Fish and Game) along with a request for consultation and recommendation. On August 16, 2018, the Department of Fish and Wildlife responded by recommending the property be kept in intact open space. Based on the biological resource survey and Department of Fish and Wildlife’s response, staff recommends that the Board find sufficient evidence to support an open space designation for the subject parcel by approving the present contract based on the parcel’s nearly 45 acres of open space land.

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 Numbers: APN 079-120-023 and -034.

5. Compatible Uses for Open Space 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 is currently undeveloped and the landowner has designated 4.9 acres for a future compatible use area, thereby meeting the compatible use threshold under the contract.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Michelle and Peter Carter to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with an open space (Type II) Land Conservation Act contract for open space land on 50.28 acres within an existing Agricultural Preserve (2-250), and authorize the Chair of the Board to sign the new open space (Type II) Land Conservation Act Contract for APN 079-120-033, and -034.

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.