



County of Sonoma

State of California

Date: July 9, 2019

Item Number: AGP17-0018

Resolution Number: _____

☐ 4/5 Vote Required

Resolution of the Board of Supervisors of the County Of Sonoma, State of California, Approving the Request by Zane Holdings, LLC To Rescind an Existing Non-Prime (Type II) Land Conservation Act Contract and Replace It With a Prime Land Conservation Act Contract and Authorize the Chair of the Board to Execute the new Land Conservation Act Contract and Land Conservation Plan, for the Prime Land Located at 9722 Dry Creek Road, Healdsburg; APN 139-060-033.

Whereas, the property owner Zane Holdings, LLC filed an application to rescind an existing Non-prime (Type II) Land Conservation Act Contract and replace it with a new Prime Land Conservation Act contract for vineyard land for the property located at 9722 Dry Creek Road, Healdsburg; APN 139-060-033; Supervisorial District No. 4; and,

Whereas, in 1972, the subject property was entered into a Non-prime (Type II) Land Conservation Act contract for grazing land (contract #72-055929); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA14-0025), Resolution No. 17-0086, required the landowner to file for a replacement contract to correspond with the new property line boundaries and agricultural use of the property; 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, 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) 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 hereby grants the request by Zane Holdings, LLC to mutually rescind and replace a Non-prime (Type II) Land Conservation Act contract with a prime Land Conservation Act contract for agricultural land on 38.98 acres within an existing Agricultural Preserve (2-475), and authorizes the Chair of the Board to sign the new prime Land Conservation Act Contract for APN 139-060-033. The Board makes the following specific findings concerning the requirements for a prime Land Conservation Act Contract ("Contract") in granting the request:

1. Land is within an Agricultural Preserve: The 38.98 acre parcel is located within established Agricultural Preserve Area Number 2-475.
2. Minimum 10-acre Parcel Size: The 38.98 acre parcel exceeds the minimum parcel size requirement for a prime Land Conservation Act Contract.
3. Agricultural Use Requirement: A minimum of 50% 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. However, under Rule 4.2(B)(2) in the Uniform Rules, for parcels less than 40 acres in size, but more than 12 acres in size, with 50% of the parcel devoted to a combination of agricultural and open space uses, the agricultural use component must be at least 10 acres planted in permanent crop. The parcel is 38.98 acres, with 14.93 acres planted in permanent crop (vineyard), and with 24 acres of qualifying open space, as described for fully below. 99% of the parcel is devoted to a combination of agricultural and open space uses, which exceeds the 50% 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 February 2015, a *Wildlife Habitat Study* was conducted on the site by Kjeldsen Biological Consulting. The purpose of the Wildlife Habitat Study was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Wildlife Habitat Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Kjeldsen Biological Consulting found the majority of the property is in open-space undisturbed natural habitat and that protection of this wildlife habitat area provides a variety of ecosystem services, including:

- Corridors for biological access to diverse essential ecosystem resources allowing seasonal movement and gene flow;

- Breeding and foraging habitat for local and migratory wildlife and avifauna;
- Preservation of diverse plant alliances and natural biota;
- Preservation of biological diversity;
- Protection of and preservation of portions of the watershed;
- Carbon sequestration;
- Improve air quality;
- Alter microclimate;
- Natural areas for nutrient recycling (decomposition) by bacteria and fungi that will support terrestrial and aquatic resources on site and off site;
- Soil development and retention;
- Ground water recharge of aquifers; and
- Retention of viewshed.

The attached Land Conservation Plan requires the landowner to implement management practices that will enhance and maintain the wildlife habitat values identified by Kjeldsen Biological Consulting.

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, but no response has been forthcoming. Based on the biological resource survey and Department of Fish and Wildlife's non-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 20+ acres of open space uses.

4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel (APN 139-060-033).
5. Minimum Income Requirement: For prime agricultural land, the minimum gross annual income requirement is \$1,000.00 per planted acre of permanent crop. For the past 4 years, the vineyard has generated an average income of \$64,000.00 per year which results in an average of \$4,300.00 per acre per year thus exceeding the required minimum income. There is no minimum income requirement for open space land.
6. 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 this parcel, the 5 acre threshold would apply and the area of compatible use (mobile home) is approximately .05 acres which is below the threshold.

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 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.