



County of Sonoma

State of California

Date: October 8, 2019

Item Number: AGP18-0014

Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma Approving a Request by FN Land, LLC, to 1) Expand Existing Agricultural Preserve Area (1-505) by Adding 21.51 Acres; and 2) Establish a New Land Conservation Act Contract and Attached Land Conservation Plan on the Added Land; and 3) Authorize the Chair to Execute the New Land Conservation Act Contract and Land Conservation Plan, for Prime Agricultural Land Located at 520 Graton Road, Sebastopol; APN 130-090-025.

Whereas, FN Land, LLC, submitted a request to expand Agricultural Preserve No. 1-505 by adding an adjacent 21.51-acre parcel, and approve a new Land Conservation Act Contract and attached Land Conservation Plan on the expanded area on prime agricultural land at 9520 Graton Road, Sebastopol; APN 130-090-025, Supervisorial District No. 5; 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*, the Contract includes a Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Permit Sonoma Director to approve amendments to executed Land Conservation Plans; and

Whereas, the 21.51 acre parcel is adjacent to Agricultural Preserve 1-505, and meets the requirements for a new Prime (Type 1 Land Conservation Act Contract and is suitable to be added the Preserve; and

Whereas, consistent with the *Uniform Rules*, the Board of Supervisors may concurrently consider and approve both the enlargement of Agricultural Preserve 1-505 and a new Land Conservation Contract; and,

Now, Therefore, Be It Resolved that the Board of Supervisors finds that the project 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 to enlarge Agricultural Preserve 1-505 by 21.51 acres as depicted on the map attached to this resolution as Attachment A, pursuant to the following specific findings concerning the requirements for enlargement of Agricultural Preserve 1-505:

1. The 21.51-acre parcel will meet the requirements for a new Prime (Type I) Land Conservation Act Contract, when included in Agricultural Preserve Area 1-505.
2. 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 21.51 acres added to the preserve area will be recorded.
3. 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 1-505 is consistent with the General Plan because the land is devoted to an agricultural use consisting of vineyards, is designated as Diverse Agriculture under the General Plan, and the zoning is DA (Diverse Agriculture) which restricts land to agricultural production activities and compatible uses. The enlargement of the existing Agricultural Preserve Area does not result in any loss of land under the Land Conservation Act program since 21.51 acres is being added.
4. Generally, an Agricultural Preserve must contain at least 100 contiguous acres of land, unless the Board of Supervisors grants an exception consistent with state law. The existing Agricultural Preserve 1-505, is 57.38 acres. The addition of 21.51 acres further increases the size of the preserve.

Be It Further Resolved that the Board of Supervisors approves a new Prime Land Conservation Act Contract and attached Land Conservation Plan for a 21.51 acre parcel at 9520 Graton Road, Sebastopol; APN 130-090-02, pursuant to the following findings concerning the requirements for a new Prime (Type I) Land Conservation Act Contract ("Contract"):

- a. Within an Agricultural Preserve: Following the Board's concurrent approval to add the 21.51 acre parcel to Agricultural Preserve 1-505, the expansion land will be located within a Preserve and is therefore eligible for Williamson Act contract consideration.
- b. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Number: 130-090-025.

- c. Minimum Parcel Size: The 21.51 acre parcel exceeds the 10-acre minimum parcel size to be considered for a 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 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. The parcel is 21.51 acres in size, with 17.55 acres (82%) in vineyard which exceeds the 50% threshold and has produced the required income for the last five years. Therefore the land meets the definition of Prime/Non-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 averages \$248,305.00 per year which results in an average of \$14,148.00 per acre per year thus exceeding the required minimum income.
- f. Compatible Uses for 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. For this parcel, the 15% threshold would apply. The parcel does not contain any residential or other non-agricultural compatible uses, thereby meeting the threshold under the contract.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Act Contract with the attached Land Conservation Plan.

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.