



County of Sonoma

State of California

Date: October 15, 2019

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma Approving a Request by Dennis and Gayleen Maas to Rescind two Existing Non-Prime (Type II) Land Conservation Act Contracts and Replace Them With Three New Non-Prime (Type II) Land Conservation Act Contracts For Three Separate Legal Parcels and Authorize the Chair of the Board to Execute the New Land Conservation Act Contracts and Land Conservation Plans, for Non-Prime Agricultural Land Located at 7606 Valley Ford Road, Petaluma; APN 022-050-009, -015, -016, -017.

Whereas, Dennis and Gayleen Maas submitted a request to rescind two existing Non-prime (Type II) Land Conservation Act Contracts and replace them with three new Non-prime (Type II) Land Conservation Act contracts for agricultural uses on three separate legal parcels located at 7606 Valley Ford Road, Petaluma; APN 022-050-009 and 022-050-015 (Lot A), APN 022-050-016 (Lot B), and APN 022-050-017 (Lot C); Supervisorial District No. 2; and

Whereas, in 1971 and 1974 the properties were entered into Non-prime (Type II) Land Conservation Act contracts for grazing land (recorded under Book 2516 Sonoma County Records, Page 479 and Book 2841 Sonoma County Records, Page 367); and

Whereas, a Board-approved Resolution No. 16-0122 (for LLA13-0035) requires Permit Sonoma to process the landowner's application for three replacement contracts that 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*, 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

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 new Land Conservation Act Contracts is exempt from the California Environmental Quality Act.

Be It Further Resolved, that the Board of Supervisors hereby grants the request to mutually rescind and replace two Non-prime (Type II) Land Conservation Act contracts with three non-prime Land Conservation Act contracts for agricultural land on a 76.54-acre parcel (lot A), a 41.61-acre parcel (Lot B), and a 73.18-acre parcel (Lot C) within existing Agricultural Preserves 2-388 and 2-252, located at 7606 Valley Ford Road, Petaluma; APN 022-050-009 and 022-050-015 (Lot A), APN 022-050-016 (Lot B), and APN 022-050-017 (Lot C). The Board makes the following findings concerning the requirements for non-prime Land Conservation Act Contracts in granting the request:

1. Within an Agricultural Preserve: Lot A is within Agricultural Preserve 2-388 and 2-252. Lot B and Lot C are within Agricultural Preserve 2-252.
2. Single Legal Parcel Requirement: The land proposed for the three contracts comprises three separate legal parcels with the following Assessor's Parcel Number: APN 022-050-009 and 022-050-015 (Lot A), APN 022-050-016 (Lot B), and APN 022-050-017 (Lot C).
3. Minimum Parcel Size: The 76.54-acre, 41.61-acre, and 73.18-acre parcels each exceed the 40-acre minimum parcel size for new Non-prime Land Conservation (Williamson) Act Contracts.
4. Agricultural Use Requirement: Parcels under Non-prime (Type II) Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to non-prime agricultural land uses. 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. Lot A is 76.54 acres in size, with 68.54 acres (89%) devoted to grazing and cropland. Lot B is 41.61 acres in size with 38.92 acres (93%) devoted to grazing. Lot C is 73.18 acres in size with 69.27 acres (94%) devoted to grazing. Each Lot exceeds the 50% threshold and has produced the required income for the last five years. Therefore the land meets the definition of Non-prime Agricultural Land.
5. Minimum Income Requirement: For grazing and cropland, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Since 2015, the grazing operation on Lot A has generated an average gross income of \$10,000 per year, while per acre gross annual income has been \$275. The cropland operation on Lot A has generated an average gross income of \$18,500 per year, while per acre gross annual income has been \$572. Since 2015, the grazing operations on Lot B and Lot C each have generated an average gross income of \$10,000 per year, while per acre gross annual income for Lot B has been \$257 and Lot C has been \$144.

6. Compatible Uses for 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. For Lots A, B, and C, the 5-acre threshold would apply. Lot A contains 4.24 acres of land occupied by compatible uses (residence, barns, sheds) and Lot C contains 1.78 acres of land occupied by compatible uses (pond). Lot B does not contain any residential or other non-agricultural compatible uses. Therefore, each Lot meets the compatible use threshold under the contract.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the three 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, 2019 the associate Land Conservation Act Contracts and attached Land Conservation Plans 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.