



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 Alfa Partners LLC to Rescind an Existing Prime
(Type I) Land Conservation Act Contract and Replace it with a New Open
Space 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 2050 Redwood Hill
Road, Santa Rosa; APN 079-100-019, -020, and -033.**

Whereas, Alfa Partners LLC submitted a request to rescind an existing Prime (Type I) Land Conservation Act Contract and replace it with a new Open Space Land Conservation Act contract for open space land located at 2050 Redwood Hill Road, Santa Rosa; APN 079-100-019, -020, and -033; Supervisorial District No. 1; and

Whereas, in 1995 the subject 60.03 acre property was entered into a Prime (Type I) Land Conservation Act contract for vineyard land (contract #1995-0016479); and

Whereas, in 1996 Permit Sonoma administratively approved LLA96-0116 for the subject site. Since recordation of the lot line adjustment, ownership has changed and the majority of the property has been maintained in qualifying open space uses.

Whereas, Alfa Partners LLC filed for a replacement contract that corresponds with the property line boundaries created by LLA96-0116 and current open space use of the site; 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 a Prime (Type I) Land Conservation Act contract with an Open Space Land Conservation Act contract for open space land on a 60.03-acre parcel within existing Agricultural Preserve 1-260, located at 2050 Redwood Hill Road, Santa Rosa; APN 079-100-019, -020, and -033. The Board makes the following findings concerning the requirements for the Open Space Land Conservation Act contract in granting the request:

1. Within an Agricultural Preserve: The 60.03 acre parcel is within Agricultural Preserve 1-260.
2. Single Legal Parcel Requirement: The land proposed for contract comprises a single legal parcel with the following Assessor's Parcel Numbers: APN 079-100-019, -020, and -033.
3. Minimum Parcel Size: The 60.03-acre parcel exceeds the 40-acre minimum parcel size to be considered for an Open Space Land Conservation (Williamson) Act Contracts.
4. Open Space Use Requirement: Parcels under Open Space Land Conservation (Williamson) Act Contracts must devote at least 50 percent of the land to qualifying open space uses. Open Space Land means the land is used or maintained in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide habitat for wildlife, or for the solar evaporation of seawater in the course of salt production, if the land is within any of the following: a scenic highway corridor; a wildlife habitat area, a saltpond, a managed wetland area; a submerged area; or an area enrolled in the USDA Conservation Reserve Program of Conservation Reserve Enhancement Program.

The parcel is 60.03 acres, with 55.3 acres (92%) devoted to a wildlife habitat area 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 January 2019, an *Open Space and Wildlife Habitat Assessment* (“Open Space Assessment”) was conducted on the site by Kjeldsen Biological Consulting. The purpose of the Open Space Assessment was to evaluate the project site for its qualification as an Open Space Land Conservation Act contract. The Open Space Assessment concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Kjeldsen Biological Consulting found the property contains significant wildlife habitat (forage and cover), Forest or Woodland Alliances, a small area of Chaparral and Semi-natural Herbaceous Grassland plant communities. Although the majority of the property was burned by the Tubbs Lane Fire of 2017, Kjeldsen Biological Consulting expects the oaks, madrone, bay, and Douglas-fir trees will survive over time by stump sprouts and seedling growth. The property’s open space values include diverse vegetation types, wildlife corridors and portions of unfenced perimeter, remoteness, essential resources for native wildlife, significant visual benefit to the public, and location within the watershed of Mark West Springs Creek.

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 Open Space Assessment 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 55+ acres of open space uses.

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 developed with a 1-acre leach field and a 1.3 acre vineyard. The landowner plans to rebuild the residence and barn, and construct a new guest house within a 0.5 acre area. The parcel’s total compatible uses will amount to 2.8 acres, 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 and 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 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.