



County of Sonoma

State of California

Date: November 10, 2020

Item Number: _____

Resolution Number: _____

PLP15-0002 Derik Michaelson



4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request by Justin M. Faggioli, On Behalf Of Bruce B. Donnell, Trust, To Rescind an Existing Non-Prime Land Conservation Act Contract And Replace It With Two New Non-Prime Land Conservation Act Contracts, and One New Hybrid Land Conservation Act Contract and Authorize The Chair To Execute The Land Conservation Act Contracts And Land Conservation Plans For the Agricultural Land Located At 26650 Arnold Drive And 1000 Meadowlark Lane, Sonoma, Ca; APNs 142-111-004, 068-080-006 (Contract 1), 128-484-055, 142-111-005, 068-070-006 (Contract 2), and 142-111-006, 142-091-003, 142-091-004, and 128-451-010 (Contract 3).

Whereas, a request by Justin M. Faggioli has been made on behalf of property owner Bruce B. Donnell, Trust, to authorize the Chair to rescind an existing Non-Prime Land Conservation Act contract on 978 acres, and execute three replacement contracts and attached land conservation plans for Non-Prime agricultural use on separate legal lots of 306 acres and 301 acres, and for a combination of Prime and Non-Prime agricultural use on 371 acres, located at 26650 Arnold Drive And 1000 Meadowlark Lane, Sonoma, Ca; APNs 142-111-004, 068-080-006 (Contract 1), 128-484-055, 142-111-005, 068-070-006 (Contract 2), and 142-111-006, 142-091-003, 142-091-004, and 128-451-010 (Contract 3); Permit Sonoma File Nos. PLP15-0002 (AGP15-0006, AGP15-0007 and AGP15-0008); within Supervisorial District 1; and,

Whereas, the subject 978 acres were entered into a Non-prime (Type II) Land Conservation Contract for grazing land on February 16, 1972, under Book No. 2603, Page 126, in the Official Records of the Sonoma County Recorder;

Whereas, In 1986, The County issued Administrative Certificates of Compliance recognizing the subject properties as three separate legal parcels of 306 acres (Lot 8), 301 acres (Lot 9), and 371 acres (Lot 10); ACC File No. reference: ACC86-607, -608 and -609; and

Whereas, the applicant filed for three replacement Land Conservation contracts to correspond with the legal property boundaries of the ACC Lots identified as Lot 8

(ACC86-607), Lot 9 (ACC86-608), and Lot 10 (ACC86-609); 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, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the various 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; 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) 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 by Justin M. Faggioli on behalf of Bruce B. Donnell, Trust to mutually rescind and replace a single Non-prime Land Conservation Act contract with two new non-prime Land Conservation Act contracts and one new hybrid Land Conservation Act contract for agricultural land on three separate legal parcels comprising 978 acres, located within existing Agricultural Preserve 2-238; and authorizes the Chair of the Board to sign the new non-prime and hybrid Land Conservation Act Contracts for APNs 142-111-004, 068-080-006 (Contract 1), 128-484-055, 142-111-005, 068-070-006 (Contract 2), and 142-111-006, 142-091-003, 142-091-004, and 128-451-010 (Contract 3). The Board makes the following specific findings concerning the requirements for a hybrid Land Conservation Act Contract ("Contract") in granting the request::

- a. Existing Agricultural Preserve. The subject property is located within an existing agricultural preserve (Preserve No. 2-238) as required by the Uniform Rules.
- b. Single Legal Parcel. The lands proposed for contract replacement are each comprised of single legal parcels of 306 acres, 301 acres, and 371 acres, as

confirmed by deed description recorded under Document No. 2011033967, Sonoma County Records, and identified by Assessor's Parcel Numbers APNs 142-111-004, 068-080-006 (Contract 1), 128-484-055, 142-111-005, 068-070-006 (Contract 2), and 142-111-006, 142-091-003, 142-091-004, and 128-451-010 (Contract 3);

- c. Minimum Parcel Size: The minimum parcel size requirement for non-prime and hybrid contracts is 40 acres under the Uniform Rules. Each of the subject properties meet the 40 acre minimum parcel size requirement with a total of 306 acres for Contract 1, 301.00 acres for Contract 2, and 371.00 acres for Contract 3.
- d. Existing Agricultural Use. The Uniform Rules require that at least 50 percent of the property be in use for agricultural purposes, and for prime use of less than 40 acres, that a minimum of 10 planted acres be in production. The landowner currently devotes 100 percent of each property to qualifying agricultural uses meeting the 50 percent requirement, including cattle grazing on 306 acres, 301 acres, and 290 acres for Contracts 1, 2, and 3, respectively, and vineyard production on 81 acres for Contract 3;
- e. Minimum Income. The Uniform Rules set a minimum non-prime requirement of \$2,000.00 gross total income per farm operation and \$2.50 gross income per acre of production, and a minimum Prime use requirement of \$1,000 gross income per planted acre. Each parcel currently generates on an annual basis between \$2,175 and \$3,750.00 per grazing operation, and on the vineyard lands for Contract 3, over \$9,522 per planted acre of vineyard production meeting the total gross income requirements per farm operation and production acre for non-prime use for each contract, and per planted acre for prime use in contract 3;
- f. Compatible Uses. Non-agricultural uses on contracted land must be listed in the Uniform Rules as compatible uses which are limited to occupying no more than 15 percent of the total property, up to a maximum of five acres, excluding public roads, private access roads, and driveways. The subject lands are currently undeveloped and contain no existing buildings or other compatible uses other than those directly related to the current grazing and vineyard operations.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Justin M. Faggioli on behalf of Bruce B. Donnell, Trust to rescind and replace the original Non-Prime Land Conservation Act contract with two new Non-Prime Land Conservation Act contracts and attached Land Conservation Plans, to restrict 301.00 acres and 306.00 acres identified as APN 142-111-004, 068-080-006 (Contract 1), and 128-484-055, 142-111-005, 068-070-006 (Contract 2); and one new Hybrid Land Conservation Act contract and attached Land Conservation Plan, to restrict 371.00 acres identified as APN 142-111-006, 142-091-003, 142-091-004, and 128-451-010 (Contract 3).

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, 2020, this Resolution and the associated 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: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.