



County of Sonoma

State of California

Date: December 8, 2020

Item Number: _____

Resolution Number: _____

☐ 4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by C. Hardy 92, LP, Jerry W. and Marlene V. Stewart Trust, and Pepperwood Vineyard, LLC, to Rescind Two Original Non-Prime Land Conservation Act Contracts and Replace with Three New Non-Prime Contracts and One New Prime Contract, and Authorize the Chair of the Board to Execute the New Replacement Contracts and Land Conservation Plans for the Agricultural Land Located at 4002, 4012, 4014, and 4472 Manor Lane, Petaluma; APNs 017-480-001, 017-480-004 and 017-480-005 (Contract 1), 017-480-002 and 017-480-003 (Contract 2), 017-480-006 (Contract 3), and 017-480-007 (Contract 4).

Whereas, a request has been made by Carla Hardy on behalf of the four Owner(s) in interest to authorize the Chair of the Board to mutually rescind and replace two existing Non-prime Land Conservation Act Contracts with three new Non-prime contracts for existing grazing lands on 328.92 acres (Lot A), 200.5 acres (Lot B) and 196.38 acres (Lot C), and one new Prime contract for existing vineyard land on 70.18 acres within Agricultural Preserve 2-411, located at 4002, 4012, 4014, and 4472 Manor Lane, Petaluma, Ca; APNs 017-480-001, 017-480-004 and 017-480-005 (Contract 1), 017-480-002 and 017-480-003 (Contract 2), 017-480-006 (Contract 3), and 017-480-007 (Contract 4); Supervisorial District No. 2; and

Whereas, in 1972 and in 2001, the subject properties were entered into Non-prime Land Conservation Act contracts for grazing land (Contract Nos. 2607-668 and 2001-172586); and

Whereas: a condition of the previously approved Lot Line Adjustment (LLA15-0045), Resolution No. 16-0298, required the landowner(s) to file for replacement contracts to 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), 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 PRMD 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 made by Carla Hardy on behalf of property owners C. Hardy 92, LP, Jerry W. and Marlene V. Stewart Trust, and Pepperwood Vineyard, LLC, to mutually rescind two original Non-prime Land Conservation Act contracts and replace them with three new Non-prime contracts on 328.92 acres (Contract 1), 200.5 acres (Contract 2), and 196.38 acres (Contract 3), and with one new Prime contract on 70.18 acres, and authorizes the Chair of the Board to execute the new replacement Contracts and Land Conservation plans on agricultural land under APNs 017-480-001, 017-480-004 and 017-480-005 (Contract 1), 017-480-002 and 017-480-003 (Contract 2), 017-480-006 (Contract 3), and 017-480-007 (Contract 4). The Board makes the following specific findings concerning the requirements for Non-prime and Prime Land Conservation Act Contracts ("Contract") in granting the request:

1. Agricultural Preserve: The subject 795.98 acres are located within established Agricultural Preserve Area Number 2-411.
2. Single Legal Parcel: Each of the lands proposed for contract replacement are comprised of single legal parcels identified by the following Assessor's Parcel Numbers: 017-480-001, 017-480-004 and 017-480-005 (328.92 acres – Contract 1), 017-480-002 and 017-480-003 (200.5 acres – Contract 2), 017-480-006 (196.38 acres – Contract 3), and 017-480-007 (70.18 acres – Contract 4).
3. Minimum Parcel Size: Each parcel under contract must be at least 40 acres in size for a Non-prime Land Conservation Act Contract, and at least 10 acres in size for a Prime contract. Each of the lands requested for Non-prime contract replacement meet the 40-acre minimum requirement for a Non-prime contract with parcel sizes of 328.92 acres (Contract 1), 200.5 acres (Contract 2), and 196.38 acres (Contract 3). The land requested for Prime contract replacement meets the 10-acre

minimum requirement for a Prime contract with a parcel size of 70.18 acres (Contract 4).

4. **Agricultural Use:** Parcels subject to Land Conservation Act Contracts must devote at least 50 percent of the land to a qualifying agricultural land use, including Prime, Non-prime, or Open Space uses, or a combination thereof. **Prime Agricultural Land** is defined as Land that is planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a nonbearing period of less than five years and meet the minimum income requirements. **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.

The landowners currently devote between 78 and 91 percent of each parcel to a qualifying Non-prime agricultural use exceeding the 50 percent threshold requirement, including cattle grazing on 284.12 acres (86.38%) for Contract 1, cattle grazing on 187.82 acres (91.3%) for Contract 2, and cattle grazing on 153.52 acres (78.17%) for Contract 3. The qualifying Prime use on the Contract 4 parcel of 70.18 acres supports 40.23 acres (57.32%) of planted vineyard production land and also meets the required contract qualifications with over 50 percent of the parcel devoted to a qualifying Prime agricultural use, and generating the required gross average annual income

Minimum Income Requirement: For grazing land, the minimum gross annual income requirement is \$2,000.00 per farm operation and \$2.50 per acre per year. Since 2016, the existing grazing operations have met the required income qualifications by generating an average gross annual income of between \$14,000 and \$20,000 and a gross per acre average annual income of between \$65 and \$130 for each non-prime parcel (Contracts 1, 2 and 3). Grazing leases established for each non-prime parcel are expected to continue generating the same average income amount on an annual basis. The existing vineyard operation on the Prime parcel (Contract 4) has met the required income qualifications generating an average gross annual income of \$68,391, and a gross per acre average annual income of \$1,700.

5. **Compatible Uses for Non-Prime and 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 each of the subject lands, the 5-acre threshold would apply. Each parcel contains less than one acre of compatible uses and is well within the required 5-acre threshold, including one residence, one agricultural employee unit, and two residential accessory structures on 0.11 acres (0.03%) for Contract 1; one residence, one agricultural employee unit, and two barn structures on 0.2 acres (0.10%) for Contract 2; one residence, one agricultural employee unit, and one workshop structure on 0.5 acres (0.03%) for Contract 3; and no (0.0%) buildings or other uses or improvements on the current vineyard parcel for Contract 4.

Be It Further Resolved that the Board of Supervisors authorizes the Chair of the

Board of Supervisors to execute the 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 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.