



County of Sonoma

State of California

Date: March 16, 2021

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 WKM Properties LLC, et al to Rescind an Existing Prime (Type I) Land Conservation Act Contract and Replace It With two Prime (Type I) Land Conservation Act Contracts and Authorize the Chair of the Board to Execute the Two New Land Conservation Act Contracts and Land Conservation Plans, for Agricultural Land on Two Separate Legal Parcels Located at 18875 Hassett Ln., Geyserville; APNs 091-010-020 and 091-010-021.

Whereas, a request has been made by WKM Properties LLC, et al to authorize the Chair of the Board to rescind an existing Prime (Type I) Land Conservation Act Contract and replace it with two new Prime (Type I) Land Conservation Act contracts for agricultural land on two separate legal parcels located at 18875 Hassett Ln., Geyserville; APNs 091-010-020 and 091-010-021; Supervisorial District No. 4; and,

Whereas, in 1972, the subject parcels were entered into a single Prime (Type I) Land Conservation Act contract for vineyard land (contract recorded under Book 2608 Page 107); and,

Whereas, a condition of the previously approved Lot Line Adjustment (LLA19-0003), Board Resolution No. 20-0155, required the landowner to file for two 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 by WKM Properties LLC, et al to mutually rescind and replace a Prime (Type I) Land Conservation Act contract with two prime Land Conservation Act contracts for agricultural land on two separate legal parcels, 13.11 acres in size and 64.59 acres in size, within an existing Agricultural Preserve (1-307), and authorizes the Chair of the Board to sign the new prime Land Conservation Act Contracts for APNs 091-010-020 and 091-010-021. The Board makes the following specific findings concerning the requirements for Prime Land Conservation Act Contracts ("Contracts") in granting the request:

1. Land is within an Agricultural Preserve: The 13.11 acre and 64.59-acre parcel are located within established Agricultural Preserve Area Number 1-307.
2. Single Legal Parcel Requirement: The land proposed for each contract is comprised of a single legal parcel with the following Assessor's Parcel Numbers: 091-010-020 (13.11 acre parcel) and 091-010-021 (64.59 acre parcel).
3. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation Act Contract. Both the 13.11-acre parcel and the 64.59-acre parcel exceed the 10-acre minimum parcel size for new Prime Land Conservation Act Contracts.
4. Agricultural Use Requirement: Parcels under Prime (Type I) Land Conservation 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 13.11-acre parcel contains 8.87 acres planted in vineyard (67%) and the 64.59-acre parcel contains 55.51 acres in vineyard (85%). Each parcel exceeds the 50% threshold and has

produced the required income (per finding 5. below) for the last five years. Therefore, the land meets the definition of Prime Agricultural Land.

5. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard on the 13.11-acre parcel averages \$28,542.00 per year, which results in an average of \$3,217.00 per acre per year. The vineyard on the 64.59-acre parcel averages \$177,634.00 per year, which results in an average of \$3,200.00 per acre per year. Thus, each parcel exceeds the required minimum annual income threshold of \$1,000.00 per planted acre.
6. Compatible Uses for 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 the 13.11-acre parcel, the 15% threshold would apply whereas the 5-acre threshold applies to the 64.59-acre parcel. The 13.11-acre parcel contains a single family dwelling, a farm family dwelling unit, a well, sheds and barn comprising a total of 0.41 acres of compatible uses- which below the 1.9-acre (15%) compatible use threshold. The 64.59-acre 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 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, 2021 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:	Rabbitt:	Coursey:	Gore:	Hopkins:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.