



County of Sonoma

State of California

Date: November 16, 2021

Item Number: _____

Resolution Number: _____

AGP19-0013 · Eduardo Hernández



4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving the Request by Thomas Kurrikoff and Lynn Schweinfurth, to Rescind a Non-Prime (Type II) Land Conservation Contract and Replace with an Open Space Land Conservation Contract at a 153.54± acres parcel located at 3525 Sweetwater Springs Road, Healdsburg; APN 110-200-021.

Whereas, a request has been made by the property owners **Thomas Kurrikoff and Lynn Schweinfurth** (“Owners”) to authorize the Chair of the Board to rescind an existing Non-Prime (Type II) Land Conservation Act Contract and replace it with an Open Space Land Conservation Act Contract for a property located at 3525 Sweetwater Springs Road, Healdsburg; APN 110-200-021; Supervisorial District No. 4; and

Whereas, the County previously entered into a Non-Prime (Type II) Land Conservation Act Contract with Owners' predecessors in interest, which recorded on February 14, 1972, and is identified by Instrument Number 1972057032, in the Official Records of the Sonoma County Recorder; and

Whereas, on April 24, 2010, the County entered into a new Non-Prime Land Conservation Contract with Owners' predecessors in interest, which rescinded and replaced the Original Contract when the land was subdivided into two (2) separate parcels, and which recorded on May 20, 2010, and is identified by Instrument Number 2010041934, in the Official Records of the Sonoma County Recorder; 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, on November 7, 2017, the Uniform Rules were amended (Resolution No. 17-0438); 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 open space use 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. This action is to replace the Non-Prime Land Conservation Contract with an Open Space contract; and

Whereas, the Board of Supervisors finds that the 153.54± acres parcel will meet the requirements for a replacement Open Space Land Conservation Act Contract; and

Now, Therefore, Be It Resolved, that the Board of Supervisors makes the following specific findings concerning the requirements for a new Open Space Land Conservation Act Contract ("Contract"):

1. Land is within an Agricultural Preserve: The land is located within established Agricultural Preserve Number 2-286.
2. Minimum Parcel Size: The parcel must be at least 40 acres in size for an Open Space Land Conservation Act Contract. The parcel exceeds the minimum parcel size requirement as it is 153.54± acres.
3. Agricultural Use Requirement: A minimum of 50 percent of the land is required to be continuously used or maintained for agricultural, open space, or a combination of agricultural and open space uses. Here, 148.54± acres of the 153.54± acres parcel will be devoted to open space as a wildlife habitat, which represents over 96 percent of the parcel.

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."

On February 6, 2019, a *Biological Resources Survey* was performed on the subject site by Sol Ecology, Inc. The purpose of the assessment was to evaluate the site for its qualification as an Open Space Land Conservation Act contract. The Study concludes the property presents the open space qualities and wildlife resources consistent with an Open Space contract. Specifically, Sol Ecology, Inc. found 152.71± acres of open space land is undisturbed natural

habitat and that protection of this habitat area provides a variety of ecosystem services, including:

- Cleansing of air and water;
- Renewing soil fertility;
- Slowing sediment runoff;
- Treating wastes;
- Maintaining biological diversity; and
- Providing aesthetic.

The attached Land Conservation Plan requires the landowners to implement best management practices (BMPs) that will enhance and maintain the wildlife habitat values identified by Sol Ecology Inc., these BMPs are:

- Monitoring the status of non-native, invasive plant species using an integrated weed management approach for the species;
- Development of a reseeding plan in the event of a catastrophic event such as fire;
- Road maintenance or upgrades;
- Debris removal and cleanup;
- Hazard tree removal;
- Water quality monitoring during construction and/or maintenance activities; and
- Fencing and/or signage to prevent trespassing.

The biological report 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. However, based on the biological resource survey, staff recommends that the Board find sufficient evidence to support an open space designation for the subject parcel by approving the new contract based on the parcel's 148+ acres of open space uses.

4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel with the following Assessor's Parcel Number (APN): 110-200-021.
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 undisturbed with the exception of 0.8 acres of a paved driveway, which represents "undesignated area." In the future, the property owners plan to develop with residential

structures and a septic area, of 4.05 and 0.15 acres respectively. These areas would total 5 acres or less of compatible uses, which is about 3.25 percent of the parcel; therefore it will not exceed the compatible use threshold.

Be It Further Resolved, that the Board of Supervisors hereby grants the request by Thomas Kurrikoff and Lynn Schweinfurth to mutually rescind and replace a Non-Prime (Type II) Land Conservation Act contract with an Open Space Land Conservation Act contract on 153.54± acres within an existing Agricultural Preserve (2-286), and authorize the Chair of the Board to sign the new Open Space Land Conservation Act Contract for APN 110-200-021.

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 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associated 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 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) in that the project is within an established Agricultural Preserve and is a replacement of a Land Conservation Act Contract.

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.