Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By The Donum Estate To Rescind And Replace A Type II Williamson Act Contract With Two New Type II Williamson Act Contracts On Two Parcels; And Authorize The Chair Of The Board Of Supervisors To Sign Two New Type II Contracts To Satisfy Conditions Of Approval For A Previously Approved Minor Subdivision (MNS09-0013) On Property Located At 24520 Ramal Road, Sonoma; APN's 135-081-018, 135-081-019, 135-081-017, 135-081-020.

Whereas, the applicant, The Donum Estate filed an application to rescind and replace an existing Type II Williamson Act contract with two new Type II contracts on two parcels, 71.65 acres and 145.83 acres in size, and authorize the Chair of the Board of Supervisors to sign two new Type II contracts to satisfy conditions of approval for a previously approved Minor Subdivision (MNS09-0013); on property located at 24520 Ramal Road, Sonoma; APN's 135-081-018, 135-081-019, 135-081-017, 135-081-020; Supervisorial District 1; and

Whereas, on June 22, 2010, the Board of Supervisors approved by Resolution No. 10-0518 a Minor Subdivision (MNS09-0013) creating the two parcels, 71.65 acres and 145.83 acres in size. The Minor Subdivision was approved as it was determined the subdivision complies with Section 66474.4 of the Subdivision Map Act pertaining to land under an existing California Land Conservation contract, referred to as a Williamson Act Contract, because (1) the resulting parcels would be large enough to sustain continued agricultural use, (2) each parcel meets or exceeds the minimum lot size, (3) each parcel meets or exceeds the minimum income requirements for a commercial agricultural operation, and (4) the subdivision would not result in residential development that is not incidental to the agricultural operation; and

Whereas, a Condition of Approval for Minor Subdivision MNS09-0013 required rescission of the existing Type II Williamson Act Contract and replacement with two new contracts reflecting the two new parcels created by the Minor Subdivision; and

Whereas, Section 15317 Class 17 of the California Code of Regulations provides that the renewing of Williamson Act Contracts are exempt from the California Environmental Quality Act; and

Whereas, the applicant has provided evidence that the two parcels will be devoted to agricultural use and will continue to comply with the Williamson Act, and with the acreage and income requirements of the County-adopted Rules and Regulations for Administration of Agricultural Preserves because both parcels will be over 40 acres in size and produce an income of over $2000 total gross income per farm operation and over $2.50 per acre gross income requirements as required for a Type II Williamson Act Contract; and
Whereas, in accordance with the provisions of law, the Board held a public hearing on December 13, 2011, at which time all interested persons were given an opportunity to be heard, and

Whereas, the Board of Supervisors finds the inclusion of the subject properties in separate Williamson Act Contracts to be consistent with the Sonoma County General Plan and the applicable provisions of state law; and

Now, Therefore, Be It Resolved, the Board of Supervisors finds that the above recitals are true and correct.

Now, Therefore, Be It Further Resolved, that the Board of Supervisors makes the following findings consistent with County-adopted Rules and Regulations for Administration of Agricultural Preserves and Williamson Act requirements for two new Type II Williamson Act Contracts for each parcel:

1. Both parcels continue to be devoted to an agricultural use and the non agricultural uses are considered compatible uses with the continued agricultural use of the land.

2. Both parcels continue to meet the acreage and income requirement for an individual Type II Williamson Act contract.

3. Both parcels are located within an established Agricultural Preserve; therefore, an alteration to the existing Agricultural Preserve Area (2-346) is not required.

4. The rescission and replacement of the existing Williamson Act contract with two new contracts only applies to the two subject parcels. An adjacent parcel under different ownership, but originally placed under the same Williamson Act contract as the subject parcels will remain under the original Williamson Act contract (2-346; 2516/602).

Be It Further Resolved that the Board of Supervisors hereby grants the request by The Donum Estate to mutually rescind an existing Type II Williamson Act Contract and simultaneously replace it with two new Type II Williamson Act Contracts on two parcels 71.65 acres and 145.83 acres in size, and authorizes the Chair of the Board to sign the new Williamson Act Contracts; and

Be It Further Resolved that the Clerk of the Board of Supervisors is hereby instructed to record this Resolution with the Office of the Sonoma County Recorder; and

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 establishment of Williamson Act Contracts; and

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. These documents may be found at the office of the
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Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Brown: Rabbitt: Zane: McGuire: Carrillo:  
Ayes: Noes: Absent: Abstain:

So Ordered.