

Resolution Number

County of Sonoma
Santa Rosa, California

September 1, 2009
AGP08-0028 Melinda Grosch

Resolution of the Board of Supervisors, County of Sonoma, State of California, Granting the Request by [REDACTED] to Rescind an Existing Type II Williamson Act Contract for Agricultural Purposes and Replace it with a Type II Williamson Act Contract for Open Space Purposes and Authorizing the Chair of the Board of Supervisors to Sign a Type II Williamson Act Contract for Property Located at 5665 Burnside Road, Sebastopol, APN 076-170-003 and 027-040-014.

WHEREAS, the applicant, [REDACTED], filed an application with the Sonoma County Permit and Resource Management Department to rescind an existing Type II Williamson Act Contract for agricultural purposes and replace it with a Type II Williamson Act Contract for open space purposes for 45 +/- acres located at 5665 Burnside Road, Sebastopol, APN 076-170-003 and 027-040-014; Zoned LEA (Land Extensive Agriculture), B6-60 acre density, J (Mobile Home Exclusion), Z (Second Unit Exclusion), SR (Scenic Resources), BR (Biotic Resources); Supervisorial District No. 5; and

WHEREAS, Section 15317 of Title 14 of the California Code of Regulations provides that establishment of an Williamson Act Contract to maintain open space is exempt from the California Environmental Quality Act; and

WHEREAS, the Board of Supervisors finds the inclusion of the subject property in an Agricultural Preserve to be consistent with the Sonoma County General Plan and the applicable provisions of state law; and

WHEREAS, the applicant proposes to restore the headwaters of the Atascadero Creek by stabilizing banks, removing non-native vegetation, and replanting with native species.

WHEREAS, the applicant will have to maintain the land in a natural state once it is restored for as long as the land is under a Williamson Act Contract thus ensuring that the Atascadero Creek headwaters are preserved.

WHEREAS, agricultural uses will not be allowed beyond the six acres planned for cultivation as a commercial herb garden. Only a single family dwelling and several out buildings related to the agricultural use are allowed thus limiting the amount of the parcel devoted to non-open space uses.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors grants the request by [REDACTED] and hereby declares that the existing Type II Williamson Act Contract for agricultural purposes is hereby rescinded and replaced with a new Type II Williamson Act Contract for open space purposes and shall include those lands which are described on the tax rolls of the County of Sonoma by the above referenced Assessor's Parcel Numbers.

BE IT FURTHER RESOLVED that the Type II contract shall include the following provisions for the enhancement and protection of wildlife:

OWNER shall, using OWNER'S best efforts, promptly and diligently undertake the following tasks:

- a. Establish the Himalayan blackberry eradication program and start control methods immediately. The three primary removal methods are: goat herd grazing, mowing, and cutting followed by herbicide treatment. During the goat herd grazing phase, areas that are prone to erosion shall be fenced to prevent damage by the goats;
- b. Once Himalayan blackberries have been brought under control, restoration work should begin. Restoration of riparian forests will involve multiple planting seasons to ensure diversity in the ages of the trees planted;
- c. Avoid cutting of oak trees and retain dead or dying oaks to enhance wildlife resources;
- d. Refrain from installing any fences on the property that interfere with wildlife movement; the exception being fencing to prevent goats from entering areas prone to erosion;
- f. Refrain from any "Deer Fencing" on the property except around the area that will be retained under agricultural cultivation (approximately 6 acres).

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.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Chair of the Board of Supervisors to sign a Type II Williamson Act Open Space Contract.

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 the establishment of a Williamson Act Contract for the preservation of open space.

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 Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

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SUPERVISORS VOTE:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
	Ayes:	Noes:	Absent:	Abstain:

SO ORDERED.