



County of Sonoma

State of California

Date: December 14, 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 Kenneth D. Simoncini to 1) Expand Existing Agricultural Preserve Area (1-443) by Adding 22.04 Acres; and 2) Establish a New Land Conservation Act Contract and Attached Land Conservation Plan; and 3) Authorize the Chair to Execute the New Land Conservation Act Contract and Land Conservation Plan, for Prime Agricultural Land Located at 5697 Starr Road, Windsor; APN 066-230-089.

Whereas, a request has been made by Kenneth D. Simoncini, to expand Agricultural Preserve No. 1-443 and to authorize the Chair to approve a new Land Conservation Act Contract and attached Land Conservation Plan, for prime agricultural land located within that Agricultural Preserve, at 5697 Starr Road, Windsor; APN 066-230-089, Supervisorial District No. 4; 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, 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,

Whereas, the Board of Supervisors finds that the 22.04-acre parcel is currently located adjacent to Agricultural Preserve 1-443, and meets the requirements for a new Prime

(Type I) Land Conservation Act Contract and is suitable to be added the Preserve; and,

Whereas, consistent with the *Uniform Rules*, the Board of Supervisors may concurrently consider and approve both the enlargement of Agricultural Preserve 1-443 and the new Land Conservation Contract; and,

Whereas, the Board of Supervisors finds that the inclusion of the 22.04 acres, identified as APN 066-230-089, into Agricultural Preserve 1-443 is consistent with the Sonoma County General Plan and the applicable provisions of state law; and,

Whereas, the Board of Supervisors finds that the 22.04-acre parcel will meet the requirements for a new Prime (Type I) Land Conservation Act Contract, upon inclusion of the 22.04 acres into the Agricultural Preserve Area 1-443.

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.

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following specific findings concerning the requirements for enlargement of Agricultural Preserve 1-443:

1. Pursuant to Government Code Section 51231 and under the County's Uniform Rules (Uniform Rule 3.5.A) the Board of Supervisors may modify an existing Agricultural Preserve by a Resolution after a public hearing. Pursuant to Government code Section 51237, the Resolution and enlarged Agricultural Preserve Map (Attachment A to the Resolution) depicting the 22.04 acres added to the preserve area will be recorded.
2. Pursuant to Government Code Section 51234, enlargement of an Agricultural Preserve must be consistent with the General Plan. Also, the use of any land within an Agricultural Preserve must be restricted by zoning that is compatible with the agricultural or open space uses of the land within the preserve subject to Land Conservation contracts. Enlarging the existing Agricultural Preserve 1-443 is consistent with the General Plan because the land is devoted to an agricultural use consisting of vineyards, is designated as Diverse Agriculture under the General Plan, and the zoning is Diverse Agriculture which protects lands where soil, climate, and water conditions support farming. The enlargement of the existing Agricultural Preserve Area does not result in any loss of land under the Land Conservation Act program since 22.04 acres are being added.
3. Generally, an Agricultural Preserve must contain at least 100 contiguous acres of land unless the Board of Supervisors finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area and that such preserve is consistent with the General Plan and Zoning Code (Rule 3.3 A of the

Uniform Rules for Agricultural Preserves). The existing preserve, 1-443, is 210.3 acres in size. The addition of 22.04 acres further increases the size of the preserve.

4. The enlargement of Agricultural Preserve 1-443 can be considered concurrently with the application for a new contract and approved by one action.
5. Pursuant to Section 15317 of the CEQA Guidelines, the project is Categorically Exempt from CEQA.

Be It Further Resolved that the Board of Supervisors makes the following specific findings concerning the requirements for a new Prime (Type I) Land Conservation Act Contract ("Contract"):

- a. Land is within an Agricultural Preserve: Per Board approval, the 22.04-acre parcel will be located within Agricultural Preserve 1-443. The Board of Supervisors may approve an application for the alteration of an Agricultural Preserve concurrently with its approval of an application for a contract within the Preserve.
- b. Single Legal Parcel Requirement: The land proposed for the contract is comprised of a single legal parcel with the following Assessor's Parcel Number: 066-230-089.
- c. Minimum Parcel Size: The land must be at least 10 acres in size for a Prime Land Conservation Act Contract. The 22.04-acre parcel exceeds the 10-acre minimum parcel size for a new Prime Land Conservation (Williamson) Act Contract.
- d. Agricultural Use Requirement: Parcels under Prime (Type I) Land Conservation (Williamson) 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 is 22.04 acres in size, with 16.39 acres (74%) planted in vineyard, which exceeds the 50% threshold and has produced the required income (per finding e. below) for the last five years. Therefore, the land meets the definition of Prime Agricultural Land.

- e. Minimum Income Requirement: For vineyard land, the minimum income requirement is \$1,000.00 per planted acre gross total annual income. The vineyard averages \$160,842.00 per year, which results in an average of \$9,813.42 per acre per year, thus exceeding the required minimum income.
- f. 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 this parcel, the 15 percent (3.3 acres) threshold would apply. The compatible uses include a 0.65-acre building envelope which contains an existing garage, a well, and a water storage container. In the future, the property owner proposes to build a primary residence and an agricultural employee dwelling within the building envelope. The total compatible uses will occupy 2 percent (0.65 acres) of the property, thereby meeting the threshold under contract.

Be It Further Resolved that the Board of Supervisors hereby grants the request to enlarge Agricultural Preserve 1-443 by 22.04 acres as depicted on the map attached to this resolution as Attachment A.

Be It Further Resolved that the Board of Supervisors hereby grants the request by Kenneth D. Simoncini by approving a new Prime Land Conservation Act Contract and attached Land Conservation Plan, to restrict the 22.04-acre parcel located at 5697 Starr Road, Windsor; APN 066-230-089.

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 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associate 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 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.