



## Legislation Details (With Text)

**File #:** 2023-0543

**Type:** Consent Calendar Item **Status:** Passed

**File created:** 4/19/2023 **In control:** Permit and Resource Management

**On agenda:** 5/23/2023 **Final action:** 5/23/2023

**Title:** Adoption of a Resolution for File Number MNS14-0007 Klein Foods, Inc. Grant Deed of Protective Easement for 590 Pleasant Avenue, Santa Rosa

**Sponsors:** Permit and Resource Management

**Indexes:**

**Attachments:** 1. MNS14-0007 Summary Report.pdf, 2. Att 1 MNS14-0007 Approved Tentative Map.pdf, 3. Att 2 MNS14-0007 PRAC Final Conditions of Approval.pdf, 4. Att 3 MNS14-0007 Resolution .pdf, 5. Att 4 MNS14-0007 Resolution Attachment A Grant Deed of Protective Easement.pdf

Date	Ver.	Action By	Action	Result
5/23/2023	1	Board of Supervisors	Approved as recommended	Pass

**To:** The Board of Supervisors of Sonoma County  
**Department or Agency Name(s):** Permit Sonoma  
**Staff Name and Phone Number:** Joshua Miranda, (707) 565-1948  
**Vote Requirement:** Majority  
**Supervisory District(s):** Fourth

**Title:**  
Adoption of a Resolution for File Number MNS14-0007 Klein Foods, Inc. Grant Deed of Protective Easement for 590 Pleasant Avenue, Santa Rosa

**Recommended Action:**

Adopt a Resolution authorizing the Chair of the Board of Supervisors to execute a Grant Deed of Protective Easement in connection with a previously approved Minor Subdivision for property located at 590 Pleasant Avenue, Santa Rosa, APN 163-180-013; Permit Sonoma File No. MNS14-0007; Supervisorial District 4. (Fourth District)

**Executive Summary:**

The Sonoma County General Plan and Zoning Code include provisions to allow agricultural parcels to be clustered to maximize their size and usefulness for agriculture while allowing smaller parcels that provide for residential uses. A Grant Deed of Protective Easement is required for configurations which take advantage of this provision. The Easement must be signed by both the County and the property owners. On January 7, 2016 the Project Review and Advisory Committee (PRAC) approved Minor Subdivision File No. MNS14-0007 to subdivide an approximate 49-acre parcel into a relatively large lot ( $\pm 40$  acres) for agricultural uses and a smaller lot ( $\pm 7$  acres) for residential use (see Tentative Map and Conditions of Approval under Attachments 1 and 2). As a result, the attached Grant Deed of Protective Easement has been signed by the property owner and now needs to be signed by the Chair of the Board of Supervisors (see Protective Easement under Attachment 3). This action satisfies the requirements of MNS14-0007 Condition of Approval #46.

**Discussion:**

**Background:**

On January 7, 2016, PRAC adopted a Mitigated Negative Declaration and approved Klein Foods Inc. request to subdivide a 49-acre parcel into a  $\pm$ 40-acre parcel (Lot 1) and a  $\pm$ 7-acre parcel (Lot 2). The approved Tentative Map is subject to Conditions of Approval which must be met by June 7, 2023, unless a request for an extension of time is received before the expiration date. The Tentative Map currently qualifies for 2 additional one-year extensions.

The Minor Subdivision File No. MNS14-0007 was approved to create two parcels that will conform to existing boundary lines of the respective Diverse Agriculture and Land Intensive Agriculture General Plan Designations on the split zoned and split land use parcel. Previously, the Board of Supervisors approved the subject property for a Minor Subdivision, Zone Change, and General Plan Amendment under File No. PLP04-0015 (Board Reso. #04-005, Ordinance No. 5482). Ordinance No. 5482 split zoned the property Land Intensive Agriculture/Diverse Agriculture, however the associated 2004-approved subdivision map expired. The 2016-approved subdivision map (File No. MNS14-0007) is similar to the original expired map and follows the General Plan land use and Zoning boundaries established by Ordinance No. 5482.

Resulting Lot 1 is devoted to vineyard, contains a workshop, and is within the Land Intensive Agriculture land use and zoning designation. Resulting Lot 2 contains a single-family residence, a well, residential accessory buildings, vineyard, and is within the Diverse Agriculture land use and zoning designation.

**Protective Easement:**

The minimum parcel size in the Diverse Agriculture (DA) Zoning District is 10-acres. Section 26-16-30(B)(4)(c) of the Zoning Code permits the creation of smaller lots where it would further General Plan goals, objectives, and policies, meet General Plan criteria, and where a larger lot remains and is placed under a Grant Deed of Protective Easement. The 7-acre resulting Lot 2 of MNS14-0007 does not meet the DA Zoning District's 10-acre minimum parcel size. Therefore, to satisfy the requirements of Section 26-16-030 (B)(4)(c), Condition of Approval #46 requires the landowner to record a permanent Agricultural Easement (Grant Deed of Protective Easement) on resulting Lot 1, concurrent with the recording of the Parcel Map.

The project meets the General Plan goals, objectives, and policies as outlined in the attached resolution. The applicants have agreed to enter a Grant Deed of Protective Easement for resulting Lot 1 that will maintain the agricultural use in perpetuity. None of the affected parcels are encumbered by a Land Conservation (Williamson) Act Contract. The Protective Agricultural Easement allows only certain new structures such as a single-family dwelling, an agricultural employee dwelling, and/or a farm family dwelling. In addition, the easement will allow the parcel to be used for all types of agriculture and the development of water sources to serve allowed uses. All uses allowed are still subject to the rules and regulations of the current and any future zoning designations which apply or may be applied to the property.

**Site Characteristics:**

The project site is located 0.5 miles east of the town of Windsor and within the upper most northeastern portion of the Windsor/Larkfield/Santa Rosa Community Separator. The property is accessed via Pleasant Avenue and is developed with a single-family residence, several residential accessory buildings, a well, a workshop, and contains approximately 40 acres of vineyard. The existing property is split zoned DA (Diverse Agriculture) B6 20 (20-acre density) and LIA (Land Intensive Agriculture) B6 20 (20-acre density), with combining zones for G (Geologic Hazard Area), SR (Scenic Resources), and VOH (Valley Oak Habitat). After recordation of the Parcel Map, resulting Lot 1 will be zoned DA B6 20 with combining zones for G, SR, and

VOH; and resulting Lot 2 will be zoned LIA B6 20 with combining zones for G, SR, and VOH.

**Staff Recommendation:**

Staff recommends the Board authorize the Chair of the Board to execute the Grant Deed of Protective Easement prepared in connection with the previously approved Minor Subdivision.

**Strategic Plan:**

Not Applicable

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

On April 27, 2004, the Board of Supervisors approved File No. PLP04-0015 and adopted Ordinance No. 5482.

**FISCAL SUMMARY**

Not Applicable

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

Att 1: MNS14-0007 Approved Tentative Map

Att 2: MNS14-0007 PRAC Final Conditions of Approval

Att 3: MNS14-0007 Resolution

Att 4: MNS14-0007 Resolution Attachment A Grant Deed of Protective Easement

**Related Items “On File” with the Clerk of the Board:**

Original Grant Deed of Protective Easement for Chair of the Board of Supervisors to Sign