

**COUNTY OF SONOMA  
AGENDA ITEM  
SUMMARY REPORT**

**Clerk of the Board Use Only**  
 Meeting Date \_\_\_\_\_ Held Until \_\_\_\_\_  
 Agenda Item No: \_\_\_\_\_ Agenda Item No: \_\_\_\_\_

Department: Permit and Resource Management  
Department

( ) 4/5 Vote Required

Contact:  
Sigrid Swedenborg

Phone:  
(707)565-1914

Board Date:  
April 7, 2009

Deadline for Board Action:

**AGENDA SHORT TITLE:**

Lot Line Adjustment: [REDACTED], PLP05-0111

**REQUESTED BOARD ACTION:**

Consider and approve the Resolution and Conditions of Approval for a Lot Line Adjustment, as requested by [REDACTED] between two parcels under a Type I Williamson Act Contract, 38.35 and 28.92 acres in size resulting in two parcels, 41.09 and 26.18 acres in size located at 27801 River Road, Cloverdale, APN 117-060-060 and -059; Supervisorial District 4.

**CURRENT FISCAL YEAR FINANCIAL IMPACT**

**EXPENDITURES**

**ADD'L FUNDS REQUIRING BOARD APPROVAL**

Estimated Cost \$

Contingencies \$  
(Fund Name: )

Amount Budgeted \$

Unanticipated Revenue \$  
(Source: )

Other Avail Approp \$  
(Explain below)

Other Transfer(s) \$  
(Source: )

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required):

Prior Board Action(s):

N/A

**Alternatives - Results of Non-Approval:**

Applicant would not be able to adjust the lot lines.

**Background:**

Lot Line Adjustments are normally approved administratively by PRMD or by the Project Review and Advisory Committee. This Lot Line Adjustment requires Board of Supervisors approval because the Subdivision Map Act requires the legislative body to make certain findings when the property is under Williamson Act Contract. Lots A and B of the subject Lot Line Adjustment were entered into a Type I Contract in 1979 in Agricultural Preserve No. 1-592, in Book 3522, Page 489 of Sonoma County Official Records. The project is consistent with all of the Williamson Act findings required under state law and staff recommends approval.

The owner of both properties [REDACTED] has requested a minor Lot Line Adjustment between two parcels 38.35 and 28.92 acres in size resulting in two parcels, 41.09 and 26.18 acres in size.

The two parcels are zoned LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Unit Exclusion), F1 (Floodway), F2 (Floodplain), BR (Biotic Resources), VOH (Valley Oak Habitat). The LIA zoning district has a 20 acre minimum parcel size requirement and the minimum parcel size for a Type I Williamson Act Contract is 10 acres. Both parcels are planted with vines and meet the minimum lot size for the zoning district and Williamson Act regulations. It has been determined that the Lot Line Adjustment is Categorically Exempt from CEQA because no parcel is being reduced by more than 30% or enlarged by more than 100%, and there has not been a previous Lot Line Adjustment in the last two years.

Each of the resultant parcels will continue to individually meet the 10 acre parcel size requirement and meet the \$200 per acre minimum income requirement for each parcel under a Type I contract. The vineyard use of the property produces more than \$200 per acre per parcel gross income.

The purpose of the Lot Line Adjustment is to facilitate the development of an underground process waste water system for a winery to be located on the larger parcel. The Use Permit (UPE04-0022) for the winery was approved by the Board of Zoning Adjustments on October 9, 2008. The Lot Line Adjustment is conditioned with a requirement that, prior to recording the Deed, application must be made to rescind and replace the existing Type I Williamson Act Contract with separate contracts for each of the resulting parcels.

**Attachments:**

- Draft Resolution
- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Vicinity Map
- EXHIBIT C: Site Plan
- EXHIBIT D: Aerial Photo

**On File With Clerk:**

**CLERK OF THE BOARD USE ONLY**

**Board Action** (If other than "Requested")

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**Vote:**

**Background: (Continued)**

CEQA: The project is exempt from CEQA under Section 15305, Minor Alterations in Land Use Limitations.

Required Williamson Act Findings:

1. *There is no net decrease in the amount of the acreage restricted. In cases where two parcels are involved in a Lot Line Adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.*

Staff Response: Currently, the entirety of the land consisting of Assessor's Parcels 117-060-060 and -059 is restricted by a Type I Williamson Act Contract. After the Lot Line Adjustment all of the land will continue to be under a Type I Williamson Act Contract.

2. *At least 90% of the land under the former contract or contracts remains under the new contract or contracts.*

Staff Response: All (100%) of the land under contract will continue to be under the Type I Contract.

3. *After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Gov. Code Section 5122.*

Staff Response: Both of the parcels will be more than 28 acres in size which is over the minimum parcel size for a Type I Williamson Act Contract. Both parcels will continue to be used to grow grapes. Each parcel will maintain earnings of \$200.00 per acre per year as required by the Type I Williamson Act Contract.

4. *The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.*

Staff Response: The change in parcel size will not affect the ability of the land to support and maintain agricultural uses that meet the minimum criteria for a Type I Williamson Act Contract. The Lot Line Adjustment will not impact other agricultural lands subject to contracts.

5. *The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.*

Staff Response: The Lot Line Adjustment will not result in the removal of adjacent land from agricultural uses.

6. *The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.*

Staff Response: The zoning has a 20 acre density, so enlarging one of the parcels to more than 40 acres could allow for an additional lot. The Lot Line Adjustment has been conditioned with a requirement that; "prior to recording the deed the applicant must submit a Zone Change application and any applicable fees to rezone the site to the B7 (Frozen Lot Size) district or other appropriate zoning districts to restrict the site from further subdivision potential. In the alternative, the applicant may reduce Lot 1 to less than 40 acres in size to eliminate the requirement to rezone to the B7 zoning district.

The proposed Lot Line Adjustment is consistent with the requirements of the County's Lot Line Adjustment regulations and the Subdivision Map Act. Therefore, staff recommends approval of the Lot Line Adjustment with conditions.