

**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:
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Board Date:
 April 21, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Lot Line Adjustment; Alexander Mountain Farms, LLC; LLA09-0004

REQUESTED BOARD ACTION:

Consider and approve Resolution granting the request by Alexander Mountain Farms, LLC, for a Lot Line Adjustment between two parcels, 2.8 acres (Lot A) and 22.75 acres (Lot B) in size, resulting in two parcels with no change to parcel sizes, subject to Conditions of Approval requiring the rescission and replacement of an existing Williamson Act contract with a new contract on Lot B, for property located at 4300 and 4120 West Sausal Lane, Geyserville; APNs 131-210-025 and 131-210-030; Supervisorial District No. 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:

N/A

Background:

This is a request for a Lot Line Adjustment between two parcels, 2.8 acres (Lot A) and 22.75 acres (Lot B) in size, resulting in two parcels with no change to parcel size, subject to a Condition of Approval requiring the rescission and replacement of an existing Type I Williamson Act contract (Book 2606, Pg. 1) on Lot B with a new Type I contract. Lot B is currently under a contract with an adjacent parcel (APN: 131-210-031) owned by the same property owner, but this parcel is not part of the Lot Line Adjustment. Therefore, Conditions of Approval require that the existing Williamson Act contract be rescinded and replaced with either: a) a single contract that continues to include Lot B and APN 131-210-030, or b) two new contracts. Alexander Mountain Farms, LLC, owns both parcels involved in the Lot Line Adjustment. The proposal statement signifies the property owner agrees to rescind and replace the Type I contract on Lot B with a new contract to coincide with the new legal description of this parcel as a result of the Lot Line Adjustment.

The two parcels involved in the Lot Line Adjustment are comprised of two Assessor Parcel Numbers: Lot A (131-210-025) and Lot B (131-210-030). Lot A contains a residence. Lot B contains 11 acres, approximately, of vineyard, but no structures. The purpose of the Lot Line Adjustment is to adjust the existing residence from Lot A onto Lot B which contains the commercial vineyard. Percolation testing has been done to demonstrate that the adjusted, smaller area of 2.8 acres (Resultant Lot A) contains adequate sewage disposal area for a future residence. The Lot Line Adjustment was filed as Categorically Exempt from CEQA, which typically is approved administratively by PRMD staff. However, since Lot B is currently under Williamson Act contract, the Lot Line Adjustment must demonstrate it meets the required findings set forth in Section 51257 of the Government Code and be approved by the Board of Supervisors.

The General Plan land use designations for both parcels is Land Intensive Agriculture 20 acres per dwelling unit. The zoning district for both parcels is LIA (Land Intensive Agriculture) B6 20 acre density, Z (Second Unit Exclusion), SR (Scenic Resource). The existing Lot A currently is non-conforming to the density and minimum lot size requirement of 20 acres for the LIA zoning. The Lot Line Adjustment does not create any new parcels, does not result in an increase in overall subdivision potential, and does not create a new non-conforming situation; therefore, the Lot Line Adjustment appears consistent with the Zoning Code, provided the Board of Supervisors finds the proposal meets Section 51257 of the Government Code.

Attachments:

- Draft Resolution
- Exhibit A: Draft Conditions of Approval
- Exhibit B: Application and Project Description
- Exhibit C: Location Map
- Exhibit D: Lot Line Adjustment Map
- Exhibit E: Aerial Photos
- Exhibit F: APN Map

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: (Continued)

Issue 1: Williamson Act

Lot B of the Lot Line Adjustment is under an existing, Type I Williamson Act contract. Lot B is under a single contract with another parcel also owned by Alexander Mountain Farm, LLC, but considered a legally separate parcel because Lot A and Lot B of the Lot Line Adjustment were created as Lot 1 and designated remainder, respectively, under Parcel Map 2630, recorded in Book 164 of Maps, Page 2, on November 11, 1971. To facilitate a Lot Line Adjustment, Gov. Code § 51257 permits the contracting parties to mutually agree to rescind the existing contract or contracts and to simultaneously enter into a new contract or contracts if the following findings can be made:

- a. *The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.*

Staff Comment: This finding can be made because the property owner has agreed to the requirement of the Conditions of Approval for the Lot Line Adjustment to rescind and replace the existing Type I Williamson Act contract on Lot B (and the adjacent parcel, APN 131-210-031) with a new contract. Conditions of Approval give the property owner the options of (a) continuing to place Lot B and their adjacent parcel under a new single contract, or (b) placing Lot B and their adjacent parcel under two separate contracts. Lot B will continue to be 22.75 acres with 11 acres of existing vineyard. The land adjusted out of existing Lot B to form resultant Lot A contains existing woodlands and is not planted. The new contract on Lot B will restrict the adjusted boundaries of each parcel for not less than 10 years, renewing automatically every January 1st. At that time, the property owner may also file for a new, separate contract on their adjacent parcel (APN: 131-210-031) which is under the existing contract with Lot B, but not part of this Lot Line Adjustment.

- b. *There is no net decrease in the amount of the acreage restricted. In cases where two parcels 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 Comment: This finding can be made because the Lot Line Adjustment will not result in any decrease in the aggregate acreage of land under contract. The same amount of acreage currently under contract will remain under contract after the Lot Line Adjustment.

- c. *At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.*

Staff Comment: This finding can be made because the Lot Line Adjustment will not result in any decrease in the acreage of land under contract. Since Lot B and the property owner's adjacent parcel (APN: 131-210-031) are currently under a single Williamson Act contract totaling 54 acres, the adjusted area equals 5.1% of the total area; therefore, 94.90% of the original land under the contract will remain under contract.

- d. *After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.*

Staff Comment: This finding can be made because Lot B, the parcel under contract, will remain 22.75 acres in size, will continue to contain 11 acres of existing vineyard, and will continue to exceed the 10 acre minimum parcel size requirement for a Type I Williamson Act contract.

Background: (Continued)

e. 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 Comment: This finding can be made because the Lot Line Adjustment does not result in a decrease in the amount of land under Williamson Act contract because Conditions of Approval require that the contract for Lot B be rescinded and replaced with a new contract.

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

Staff Comment: As a result of the Lot Line Adjustment, Lot B, the parcel under contract, will continue to be restricted by Williamson Act contract and will continue to exceed the minimum parcel size requirement of 10 acres for a Type I contract to foster agricultural uses. Also, Lot A and Lot B will continue to be zoned LIA (Land Intensive Agriculture). The only effect on any adjacent land would be the adjacent parcel also owned by the applicants which is under an existing contract with Lot B. The applicants will decide whether to place Lot B and their adjacent parcel (APN 131-210-031) under two new, separate contracts or to have them remain under a single contract. In either case, these two parcels are considered legally separate because they were created separately. A Williamson Act contract does not legally merge parcels.

g. 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.

The Lot Line Adjustment does not result in a greater number of developable parcels. Under the General Plan land use designations listed above, neither parcel is eligible for a lot split before or after the Lot Line Adjustment. In addition, suitable septic area has been demonstrated on resultant Lot A (SEV08-0882 and SEV08-0883), and Lot B has an existing residence. Therefore before and after the Lot Line Adjustment, both Lot A and Lot B are developable. The Lot Line Adjustment application was referred to the Environmental Health Specialist of the Project Review Section who did not have any conditions, comments, or concerns.

In summary, Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the applicants shall submit the appropriate application(s) and filing fee(s) to rescind and replace the existing Type I Williamson Act contract on Lot B with a new contract in order for the new legal description of Lot B to coincide with the contract's legal description. At this time, the applicants may choose to place Lot B and their adjacent parcel (APN: 131-210-031) under separate contracts as allowed by the Lot Line Adjustment or keep them under a single contract as they currently exist. Therefore, staff recommends the Board find that all Government Code § 51257 findings are satisfied in connection with the proposed Lot Line Adjustment, and approve the proposed Lot Line Adjustment subject to the attached Conditions of Approval.