

**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: Phone: Board Date:
 Scott Hunsperger (707) 565-2404 April 28, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Lot Line Adjustment; Gallo Glass Company and [REDACTED] LLA09-0003

REQUESTED BOARD ACTION:

Consider and approve the Resolution and Conditions of Approval for a minor Lot Line Adjustment as requested by the Gallo Glass Company and [REDACTED] for property located at 9015 and 8735 Westside Road, Healdsburg; APNs 110-200-002 and 110-230-034; 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):

None

Alternatives - Results of Non-Approval:

Applicant would not be able to adjust lot lines.

Background:

Introduction: 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. Lot A is under a Type II Williamson Act contract (Agricultural Preserve No. 2-286-72; recorded at Book 2608/Page 94) and Lot B is under a Type I Williamson Act Contract (Agricultural Preserve No.1-265; recorded Doc. No. 2004-154803). The project is consistent with all of the Williamson Act findings required under state law and staff recommends approval.

The property owners, Gallo Glass Company and [REDACTED] have requested a minor Lot Line Adjustment between two parcels of 453.7 acres and 21.9 acres in size, resulting in two modified parcels of 451.2 acres and 24.4 acres in size.

The bigger parcel, Lot A, is zoned LEA (Land Extensive Agriculture) B6-100 acre density, Z (Second Dwelling Unit Exclusion), F2 (Floodplain Combining District), VOH (Valley Oak Habitat). The LEA zoning district has a 20 acre minimum parcel size requirement and the minimum parcel size for a Type II Williamson Act Contract is 40 acres. The smaller parcel, Lot B, is zoned LIA (Land Intensive Agriculture) B6-60 acre density and is under a Type I Williamson Act Contract. The LIA zoning district also has a 20 acre minimum parcel size requirement and the minimum parcel size for a Type I Williamson Act Contract is 10 acres. The adjusted Lots A and B meet the minimum lot size for the LEA and LIA zoning districts and Williamson Act regulations. Consistent with Zoning Code requirements, the Lot Line Adjustment does not increase the overall subdivision potential of the lots.

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.

The purpose of the Lot Line Adjustment is to move the existing septic system that serves the single family dwelling on Lot B from Lot A to Lot B to remove the need for a septic easement. Resulting Lot A will continue to individually meet the 40 acre parcel size requirement and meet the minimum \$2.50 per gross acre per parcel minimum income requirement for a Type II contract according to the Landowner's Compliance Statement. Resulting Lot B will continue to individually meet the 10 acre parcel size requirement and meet the minimum \$200 per gross acre per parcel minimum income requirement for a Type I contract according to the Landowner's Compliance Statement.

Attachments:

- Draft Resolution
- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Lot Line Adjustment Site Plan

On File With Clerk: Landowner's Statement of Compliance with the Williamson Act

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: (Continued)

Required Findings: Gov. Code § 51257(a) states that to facilitate a Lot Line Adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the Board of Supervisors makes all seven of the findings noted below.

1. *The new contract or contracts would enforce and 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:

As a Condition of Approval and prior to allowing the grant deeds to record, the applicant is required to submit an application to rescind and replace the existing contracts with two, new contracts. The two resultant parcels would be placed under two, new Williamson Act contracts with a term of not less than 10 years.

2. *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:

The Lot Line Adjustment does not result in a net decrease of land under contract. All land currently under contract will continue to be restricted under the proposed new Type I and Type II contracts that are a condition of the Lot Line Adjustment.

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

Staff Comment:

All land under contract (100%) will remain under contract as a result of the Lot Line Adjustment.

4. *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:

After the Lot Line Adjustment the resulting parcels will continue to be large enough to sustain their agricultural use. The two parcels would be placed under a new Type I and Type II contract, requiring a 10 acre and 40 acre minimum parcel size respectively. The two parcels would continue to contain a commercially viable agricultural use, as follows:

| <u>Parcel</u> | <u>Resultant Parcel size</u> | <u>Planted acres/% planted</u> |
|---------------|------------------------------|--------------------------------|
| Lot A: | 451.2 acres | 218.67 acres / 48% |
| Lot B: | 24.4 acres | 11 acres / 45% |

5. *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.*

Background: (Continued)

Staff Comment:

The resulting parcel sizes of 451.2 acres (Lot A) and 24.4 acres (Lot B) allow each parcel to remain agriculturally productive. Each of the two resultant parcels will continue to contain a commercially viable agricultural operation (vineyards) and each of the subject parcels will continue to be under a Williamson Act contract.

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

Staff Comment:

The parcels involved in the Lot Line Adjustment will remain planted in vineyard (permanent crop) and will continue to be zoned in an agricultural zoning district (Land Intensive Agriculture and Land Extensive Agriculture). No change to adjacent land uses or zoning is anticipated.

7. *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 Comment:

The Lot Line Adjustment does not result in a greater number of developable parcels. The Lot Line Adjustment modifies property lines for two parcels with the end result of two parcels with no increase in development potential. All of the affected parcels have LIA 60 or LEA 100 acre density land use which prohibits further subdivision of the affected parcels.

As previously mentioned above, Conditions of Approval require that prior to recording the grant deeds for the Lot Line Adjustment, the applicant shall submit the appropriate application and filing fees to rescind and replace the current Type I Williamson Act contract with a new Type I contract on Lot B and the current Type II Williamson Act contract with a new Type II Williamson Act contract on Lot A to reflect the new lot configurations. This is typically a condition of the Lot Line Adjustment because the new legal descriptions of the resultant parcels are needed in order to prepare and record the new contracts. In addition, there will be a condition to rezone and amend the General Plan for the adjusted 2.5 acre portion going to Lot B that will eventually be included into the existing Type I Williamson Act Contract. The conditioned General Plan Amendments and Zone Changes are as follows: On resultant Lot B, the adjusted 2.5 acres will be amended from the LEA 100-acre density to the LIA 60-acre density land use designation and the same 2.5 acres will be rezoned from the LEA (Land Extensive Agriculture), B6-100 acre density to the LIA (Land Intensive Agriculture), B6-60 acre density zoning designation to ensure that the zoning district boundaries coincide with resultant property lines and to eliminate the split zoning and land use within the adjusted area.

Staff Recommendation: Approve the request for a Lot Line Adjustment and the Conditions of Approval which include the rescission and the replacement of the one, existing Type I Williamson Act contract and the one, existing Type II Williamson Act contract with one, new Type I Williamson Act contract and the one, new Type II Williamson Act contract for each adjusted parcel.