

**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:
 Traci Tesconi

Phone:
 (707) 565-1903

Board Date:
 July 14, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Lot Line Adjustment; Seghesio Farm Inc. [REDACTED] and [REDACTED] and JEP Company; LLA09-0011

REQUESTED BOARD ACTION:

Consider and approve Resolution granting the request by Seghesio Farm Inc. [REDACTED] and [REDACTED] and JEP Company, for a Lot Line Adjustment between two parcels, 88.62 acres (Lot A) and 88.11 acres (Lot B) in size, resulting in two parcels 103.17 acres and 73.56 acres in size, subject to Conditions of Approval requiring the enlargement of existing Agricultural Preserve Area 1-467 and the rescission and replacement of an existing Williamson Act Contract with a new contract on Lot A, and to include that portion of land under APN 118-080-009, for property located at 24050 and 23700 Geyserville Avenue, Geyserville; APNs 118-080-003, -007, -009, -010, -013; and 140-200-002; 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

On File With Clerk: LLA Application and Proposal Statement, Lot Line Adjustment Map, Vicinity Map, APN Maps

Background:

This is a request for a Lot Line Adjustment between two parcels, 88.62 acres (Lot A) and 88.11 acres (Lot B) in size, resulting in two parcels 103.17 acres and 73.56 acres in size. The two parcels involved in the Lot Line Adjustment are comprised of six Assessor Parcel Numbers: Lot A (118-080-007,-009,-010) and Lot B (118-080-003,-013, and 140-200-002). Lot A is fully planted in vineyard, except for the year-round farm worker housing unit site, approved under ZPE00-0041). Lot B is fully planted in vineyard, except for the home site containing a single family residence and barn. The purpose of the Lot Line Adjustment is to adjust 14.55 acres of vineyard from Lot B to Lot A. The residence and barn will remain on Lot B. The Lot Line Adjustment approval is subject to a Condition of Approval requiring the enlargement of an existing Agricultural Preserve Area 1-467 and the rescission and replacement of an existing Type I Williamson Act Contract (Book 2606, Page 708) with a new contract on Lot A, and to include that portion of land under APN 118-080-009.

Even though the lands described under Lot A are considered one legal lot of record, the existing Williamson Act Contract (Book 2606, Page 708; recorded in 1972) does not include APN 118-080-009. Contracts must include whole, legal parcels; therefore, a recommended condition of approval is to correct the existing contract to include the portion of the legal parcel under APN 118-080-009. As a result of the Lot Line Adjustment, the new contract for Lot A will be increased by approximately 37 acres. The expansion of the contracted area requires the Agricultural Preserve Area 1-467 to be enlarged by approximately 37 acres because the land adjusted into Lot A and APN 118-080-009 are not currently located within the Agricultural Preserve Area, but are adjacent to the boundary. The legal description of the new contract will coincide with the new legal description of this parcel as a result of the Lot Line Adjustment.

The Lot Line Adjustment was filed as Categorical Exempt from CEQA, which typically is approved administratively by PRMD staff. However, since Lot A 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.

Attachments:

Draft Resolution
Exhibit A: Draft Conditions of Approval

On File With Clerk:

LLA Application and Proposal Statement, Lot Line Adjustment Map, Vicinity Map, APN Maps

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background: (Continued)

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, F1 (Floodway), F2 (Secondary Floodplain) Z (Second Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat). Both existing lots and resultant lot sizes will continue to conform to the LIA, 20 acre zoning density and 20 acre minimum parcel size requirement.

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.

Portions of Lot A (except APN 118-080-009) are under an existing Type I Williamson Act Contract. 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:

1. *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 Conditions of Approval for the Lot Line Adjustment require the original contract to be rescinded and replaced with a new Type I Williamson Act Contract on all of resultant Lot A, including the newly adjusted land and the land under APN 118-080-009. The new contract on Lot A will restrict the adjusted boundaries of each parcel for not less than 10 years, renewing automatically every January 1st.

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: 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 land under contract will increase by approximately 37 acres.

3. *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. Therefore, 100% of Lot A will remain under the new contract, plus 37 additional acres of land are being added to the new contract.

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: This finding can be made because Lot A, the parcel under contract, will be increased from 88.62 acres to 103.17 acres in size, and will continue to be fully planted in vineyard except for the year-round farm worker housing unit site approved under ZPE00-0041. Lot A will continue to exceed the 10 acre minimum parcel size requirement for a Type I Williamson Act Contract.

Background: (Continued)

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.

Staff Comment: This finding can be made because the Lot Line Adjustment increases the amount of land under contract. The land being adjusted is currently planted in vineyard.

6. 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 A, 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), and continue to be planted in a permanent crop (vineyard).

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. Under the General Plan land use designations for both parcels (Land Intensive Agricultural, 20 acre density), the Lot Line Adjustment to adjust 14.55 acres from Lot B to Lot A does not result in an increase in overall subdivision potential. Both parcels have demonstrated they are developable in their current configurations because both are developed with a residential-type use: Lot A contains a farm worker housing unit, and Lot B contains a single family residence. As a condition of approval, PRMD requires verification that the existing septic system on Lot B meets the minimum five-foot setback requirement from the newly adjusted property line boundary.

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 A with a new contract to include APN 118-080-009 and the adjusted land, in order for the contract to include the whole legal parcel under Lot A and for the new legal description of Lot A to coincide with the contract's legal description.

Staff Recommendation:

Staff recommends the Board of Supervisors 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.