

**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:  
 565-1903

Board Date:  
 August 11,  
 2009

Deadline for Board Action:

**AGENDA SHORT TITLE:**

Lot Line Adjustment: [REDACTED] Trust II and [REDACTED] LLA08-0052

**REQUESTED BOARD ACTION:**

Consider and approve the Resolution and Conditions of Approval for a Lot Line Adjustment as requested by [REDACTED] Trust II and [REDACTED] between two parcels located at 10900 Chemise Ridge Road and 10377 Chemise Road, Healdsburg, APN: 111-140-011, -013; and 111-030-012; 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.

**On File with Clerk:** Planning Application, Location Map, Lot Line Adjustment Site Plan, Assessor Parcel Maps

**Background:**

Introduction: Lot Line Adjustments are normally approved administratively by PRMD Project Planners or by the Project Review and Advisory Committee. This Lot Line Adjustment requires Board of Supervisors approval because the Government Code requires the legislative body to make certain findings when the property is under Williamson Act contract. Lot A is under a single Type II contract located in Type II Agricultural Preserve No. 2-314 recorded under Official Record No. 93-026361 in Sonoma County Official Records. Further discussion below indicates the Lot Line Adjustment is consistent with all of the Williamson Act findings required under state law and staff recommends approval.

The property owners, [REDACTED] Trust II and [REDACTED] have requested a minor Lot Line Adjustment between two parcels: Lot A (560 acres) and Lot B (183.41 acres), resulting in no change to parcel sizes. The two parcels consist of three Assessor Parcel Numbers: Lot A is under APN 111-140-011 and Lot B is under APN's 111-140-012, and -013. The purpose of the Lot Line Adjustment is to equally adjust one acre between the two parcels in order to legalize the setbacks of the existing residence (referred to as "cabin" on Site Plan) currently located on the property line boundary between the two parcels. The two subject parcels are held under separate ownership; therefore, the parcels are not subject to a merger even though a residence sits on the property line boundary.

The larger parcel, Lot A (560 acres), is zoned RRDWA (Resource and Rural Development/ Agricultural Preserve), B6-320 acre density, and is currently under a Type II Williamson Act Contract. The smaller parcel, Lot B (183.41 acres), is zoned RRD (Resource and Rural Development), B7 (Frozen Lot Size), and is not under a Williamson Act Contract. The RRDWA and RRD zoning districts have a 20 acre minimum parcel size requirement; however, the minimum parcel size for Lot A under a Type II Williamson Act Contract is 40 acres. The adjusted Lots A and B (560 acres and 183.41 acres, respectively) will continue to meet the minimum lot size for their respective zoning districts and Williamson Act regulations. Consistent with Zoning Code requirements, the Lot Line Adjustment does not create any new parcels and 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.

**Attachments:**

Draft Resolution  
EXHIBIT A: Draft Conditions of Approval

**On File With Clerk:** Planning Application, Location Map, Lot Line Adjustment Site Plan, Assessor Parcel Maps

**CLERK OF THE BOARD USE ONLY**

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

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\_\_\_\_\_  
\_\_\_\_\_

**Vote:**

**Background: (Continued)**

The purpose of the Lot Line Adjustment is to bring an existing residence (cabin) on Lot B into conformance with the setback requirements from property lines.

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 property owner of Lot A is required to submit an application to rescind and replace the existing Type II contract with a new contract in order for the adjusted parcel boundary lines to coincide with the contract's legal description. The replacement contract will have a 10-year term automatically renewing at the end of each year, unless a Notice of Non-Renewal is properly served and recorded.

*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. The Lot Line Adjustment involves Lot A which is under an existing contract. Lot B is not under an existing contract. The Lot Line Adjustment would adjust property lines between Lot A (560 acres) and Lot B (183.41 acres), but results in no change to parcel sizes. Since Lot A is currently under a Type II contract, conditions of approval require that before the Lot Line Adjustment grant deeds can be recorded, and upon approval of the required application; the existing contract on Lot A is required to be rescinded and simultaneously replaced with a new Type II contract in order for the legal description under the contract to coincide with the new property line boundaries as a result 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:

The proposed Lot Line Adjustment results in a total of one (1) acre being adjusted between Lot A and Lot B in order for an existing residence (cabin) to meet setbacks from property lines. Lot A is the only parcel under contract and is 560 acres in size. The Lot Line Adjustment proposes an equal exchange of one (1) acre between the two parcels. Nonetheless, with only one (1) acre being adjusted, more than 90% of Lot A will remain under 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:

After the Lot Line Adjustment, the parcel under an existing contract (Lot A) will not change its parcel size and will continue to be large enough to sustain its agricultural use. Based on the Landowners Compliance Statement completed and signed by the property owner of Lot A, Kenneth Wilson, the

**Background: (Continued)**

parcel is currently leased out for cattle grazing, generating an annual gross income of \$3,000 per year and \$5.30 per acre gross income. However, Mr. Wilson has submitted a Vineyard Permit (ACO08-0185) with the Agricultural Commissioners office to plant a portion of the parcel in vineyard.

*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:

The Lot Line Adjustment does not change the parcel size of Lot A and is minor in nature. It would not compromise the long term agricultural productivity of Lot A.

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

Staff comment:

Lot A will remain grazing land, will be planted in the future in vineyard, and will continue to be zoned in an agricultural zoning district RRDWA (Resources and Rural Development/Agricultural Preserve). The Lot Line Adjustment is minor in nature and will not result in removal of adjacent land from agricultural use.

*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 equally exchanges one (1) acre between the two parcels, but does not result in change to either parcels' acreage. Lot A is 560 acres with a zoning designation of RRDWA B6 - 320 acre density and does not have subdivision potential; and Lot B is 184.41 acres and zoned RRD B7 (Frozen Lot Size) and cannot be subdivided.

As mentioned above, Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the property owner for Lot A shall submit a complete application and current filing fees to rescind and replace the existing Type II Williamson Act contract with a new contract. This is typically required as a condition of a Lot Line Adjustment because the Lot Line Adjustment must first be recorded with the new legal description provided in order for the new contract to be prepared/recorded. In addition, the two parcels are in different zoning districts and densities. The Lot Line Adjustment cannot be approved if it creates split zoning on a parcel. Therefore, another condition of approval requires a complete General Plan amendment and zone change application covering the one (1) acre of land being adjusted because the two parcels are in different land use designations (Lot A: RRD 320 vs. Lot B: RRD 240) and different zoning districts (Lot A: RRDWA B6 320 acre density vs. Lot B: RRD B7).

Staff Recommendation: Approve the request for a Lot Line Adjustment as provided in the Resolution and Conditions of Approval which include the rescission and the replacement of the existing Type II Williamson Act contract on Lot A and the appropriate General Plan Amendments and Zone Changes to eliminate split zoning as a result of the Lot Line Adjustment.