

# 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 Not Required**

**Contact:**  
Scott Hunsperger

**Phone:**  
(707) 565-2404

**Board Date:**  
9/29/2009

**Deadline for Board Action:**  
9/29/2009

**AGENDA SHORT TITLE:** Lot Line Adjustment; LLA09-0015, Broken Hill 1, LLC.

**REQUESTED BOARD ACTION:** Consider and approve Resolution and Conditions of Approval for a minor Lot Line Adjustment as requested by Broken Hill 1 LLC for property located at 4605 Westside Road, Healdsburg; APN 110-110-001; Supervisorial District 4.

**CURRENT FISCAL YEAR FINANCIAL IMPACT - None.**

**Explanation (if required):** None.

**Prior Board Action:** 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. Lots A and B are subject to a Type I Williamson Act contract (Agricultural Preserve No. 1-274-76; recorded at Book 3051/Page 19). The project is consistent with all of the Williamson Act findings required under state law and staff recommends approval.

The property owners, Broken Hill 1 LLC, have requested a minor Lot Line Adjustment between two Administrative Certificate of Compliance parcels of 40.3 acres and 6.1 acres in size, resulting in two modified parcels of 26.2 acres and 20.2 acres in size. The purpose of the Lot Line Adjustment is to adjust the parcels to be more equal in size and still meet the minimum size standards for the LIA (Land Intensive Agriculture) zoning district and Type I Williamson Act Contracts. Also, the existing barn and single family dwelling are now on the separate ACC parcels and will be located on the same parcel as a result of the Lot Line Adjustment.

Both parcels are zoned LIA (Land Intensive Agriculture) B6-40 acre density, Z (Second Dwelling Unit Exclusion), F2 (Floodplain Combining District), SR (Scenic Resource), 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. The adjusted Lots A and B meet the minimum lot size for the LIA zoning district and Williamson Act regulations. Consistent with Zoning Code requirements, the Lot Line Adjustment does not increase the overall subdivision potential of the lots due to the 40 acre density designation.

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.

Resulting Lots A and 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. The land remains devoted to agricultural use and all non-agricultural uses are compatible with the agricultural use.

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 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 (vineyards). The two parcels would each be placed a under new Type I contract, requiring a 10 acre minimum parcel size respectively. The two parcels would continue to contain a commercially viable agricultural use, as follows:

Parcel	Resultant Parcel size	Planted acres/% planted
Lot A:	26.2 acres	approximately 25 acres / 95%
Lot B:	20.2 acres	approximately 16 acres / 80%

- 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 resulting parcel sizes of 26.2 acres (Lot A) and 20.2 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 vineyards (permanent crop) and will continue to be zoned in an agricultural zoning district (Land Intensive 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 40 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 two new Type I contracts 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.

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 with two, new Type I Williamson Act contracts for each adjusted parcel.

**Attachments:**

Draft Resolution

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Assessor's Parcel Map

EXHIBIT C: Lot Line Adjustment Site Plan.

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

**CLERK OF THE BOARD USE ONLY**

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

**Vote:**