



County of Sonoma

State of California

Date: July 11, 2023

Item Number: _____

Resolution Number: _____

LLA21-0047 Derik Michaelson

Majority Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving a Lot Line Adjustment for Jade Mountain, LLC and Fanny and Laurent Elie Levy Between Three Legal Parcels with Conditions Requiring Existing Land Conservation (Williamson) Act Contract(s) Be Rescinded and Replaced with Three Contracts to Restrict all the Land Located within Agricultural Preserve 2-296 at 2000 and 2093 Hot Springs Road and 1410 Hiatt Road, Cloverdale; APNs 139-010-007 and -017, and 115-250-011, -015, -018, and -019;

Whereas, the applicant, Jade Mountain, LLC and Fanny and Laurent Elie Levy, filed a request for Lot Line Adjustment between three legal parcels totaling 628.24 acres and resulting in three legal parcels of the same combined acreage, including ±145.83 acres (Lot A), ±219.00 acres (Lot B), and ±263.41 acres (Lot C). The three parcels are within Agricultural Preserve 2-296 and under existing Land Conservation Act Contract 2841-520 and 2449-323 for nonprime use located at 2000 and 2093 Hot Springs Road and 1410 Hiatt Road, Cloverdale; APNs 139-010-007 and -017, and 115-250-011, -015, -018, and -019; Supervisorial District 4.

Whereas, the purpose of the Lot Line Adjustment is to align the legal boundaries of the three parcels with existing agricultural uses and site conditions, and as historically described for Lots B and C under Administrative Certificates of Compliance AC88-545.11 and AC88-545.13. All three parcels are subject to nonprime Land Conservation Act contracts.

Whereas, the General Plan Land Use classification for the three parcels is Resources and Rural Development, 160-acre density (RRD 160), with a 40-acre density (RRD 40) assigned to a 36.20-acre portion (APN 115-250-015) of Lot A.

Whereas, the zoning designation for the three parcels is Resources and Rural Development, 160-acre density (RRD B6 160), with a 40-acre density (RRD B6 40) zoning on a 36.20-acre portion (APN 115-250-015) of Lot A. The combining zoning district for all three parcels is Riparian Corridor, 50-foot setback (RC 50/50); and

Whereas, to facilitate a Lot Line Adjustment, Government Code Section 51257 authorizes parties to a Land Conservation Act Contract or Contracts to mutually agree to rescind the Contract or Contracts and simultaneously enter into a new Contract or Contracts, if certain findings are made by the Board of Supervisors; and

Whereas, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules) (Resolution No. 11-0678); and

Whereas, consistent with the Uniform Rules the Lot Line Adjustment has been reviewed for its compliance with those rules as well as the Subdivision Map Act and the Sonoma County Subdivision Ordinance; and

Whereas, the project has been evaluated pursuant to the California Environmental Quality Act and found to be exempt per Section 15305(a) of the CEQA Guidelines as the project is a minor alteration in land use; and

Now, Therefore, Be It Resolved, that the Board of Supervisors finds that the project is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15305(a) of Title 14 of the California Code of Regulations (CEQA Guidelines) which provides that minor alterations in land use limitations such as Lot Line Adjustments are exempt from the California Environmental Quality Act.

Be It Further Resolved that the Board of Supervisors hereby grants the request for a Lot Line Adjustment between three legal parcels totaling 628.24 acres and resulting in three legal parcels of ±145.83 acres, ±219.00 acres, and ±263.41 acres subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to rescind and replace the existing Land Conservation Act contract for each of the three subject parcels. The Board makes the following findings concerning Government Code Section 51257 requirements related to Land Conservation Act contracts in granting the request:

- a. The new contracts will enforceably restrict the adjusted boundaries of the three subject parcels for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years.
- b. There is no net decrease in the amount of the acreage restricted by a contract. The three parcels are currently under contract and all three parcels resulting from the Lot Line Adjustment will be under contracts.
- c. At least 90 percent of the land under the former contracts remains under the new contract. 100 percent of the land currently under contract for each parcel will remain under contract for each parcel.

- d. All the land under contract will remain under contract, including a combined total of ±628.24 acres comprising the three parcels.
- e. At least 50 percent of the resulting parcel is in agricultural use, including 100 percent of the ±628.24 acres currently comprising the three parcels and resulting from the Lot Line Adjustment.
- f. After the Lot Line Adjustment, each parcel of land subject to contract will be large enough to sustain its qualifying agricultural use, as defined in Section 51222. The resulting lot sizes exceed the 40-acre minimum acreage requirement for Nonprime and for Nonprime/Prime Hybrid contracts, including ±145.83 acres (Lot A), ±219.00 acres (Lot B), and ±263.41 (Lot C), and will continue to meet the minimum gross income requirement of \$2,000.00 per farm operation and \$2.50 per acre per year for the Nonprime grazing use on each parcel, and the \$1,000 per planted acre per year requirement for prime vineyard use on a 6.3-acre portion of Lot C.
- g. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to the contract or contracts. The Lot Line Adjustment is being undertaken to align parcel boundaries with existing agricultural uses. The Lot Line Adjustment does not affect lands outside the boundaries of the three existing parcels and will not compromise other agricultural lands in the area under contract.
- h. The Lot Line Adjustment would not result in adjacent lands being removed from agriculture. All existing agricultural land under contract will remain under contract as proposed.
- i. 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 will resolve an existing split density classification on Lot A and result in a contiguous 160-acre density (RRD 160) designation on all three parcels precluding any further subdivision potential.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract and Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

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Supervisors:

Gorin: Rabbitt: Gore: Hopkins: Coursey:
Ayes: Noes: Absent: Abstain:

So Ordered.