



County of Sonoma

State of California

Date:

Item Number: _____

Resolution Number: _____

LLA25-0019 Jen Chard



4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving a Lot Line Adjustment for Keith Kunde between four Legal Parcels with Conditions Requiring that two Existing Land Conservation (Williamson) Act Contracts be Rescinded and Replaced on Parcels A, B, and D and a New Contract be entered for Parcel C resulting in 4 Contracts to restrict all of the land located at 10747 and 10747 Hwy 12, 261 and 315 Kunde Estate Rd, Sonoma; APNs 051-160-039, 051-170-016, 051-170-017, 051-170-023, 051-170-026, 051-250-022, 051-250-023, 051-250-024, 051-250-028 and 051-250-029.

Whereas, Keith Kunde submitted a request for a Lot Line Adjustment between four parcels of 679.43 acres (Parcel A), 176.04 acres (Parcel B), 36.28 acres (Parcel C) and 87.03 acres (Parcel D) in size resulting in 4 parcels of 633.69 acres, 113.33 acres, 112.95 acres and 118.81 acres in size on prime agricultural land located 10747 and 10747 Hwy 12, 261 and 315 Kunde Estate Rd, Sonoma; APNs 051-160-039, 051-170-016, 051-170-017, 051-170-023, 051-170-026, 051-250-022, 051-250-023, 051-250-024, 051-250-028 and 051-250-029; split zoned RRD (Diverse Agriculture), B6 100 (100-acre density), LIA (Land Intensive Agriculture), B7 (Frozen Density), B6 100 (100-acre density), Z (Accessory Dwelling Unit Exclusion) with combining zones for LG/MTN (Local Guidelines for Taylor/Sonoma/Mayacamas Mountains), OAK (Oak Woodland), RC 50/50 (Riparian Corridor 50 ft setback), and SR (Scenic Landscape Unit, Community Separator) and VOH (Valley Oak Habitat).; Supervisorial District No. One; and

Whereas, the purpose of the Lot Line Adjustment is to realign property boundaries around existing vineyard configurations. Three lots (Parcels A, B, and D) are subject to Prime Land Conservation Act Contracts; 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 each into a new Contract or Contracts, resulting in all four (4) parcels under Land Conservation Contracts, if certain findings are made by the Board of Supervisors; and

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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 four legal parcels to create four parcels at 633.69+/- acres, 113.33+/- acres, 112.95+/- acres and 118.81+/- acres subject to the Conditions of Approval in Exhibit "A," attached here to which includes a condition to rescind and replace the existing Prime Land Conservation Act Contracts for Lots A, B, and D, and enter a new Contract for Lot C. 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 enforce and restrict the adjusted boundaries of the contracted parcels for an initial term for at least as long as the unexpired term of the rescinded contracts but for not less than 10 years.
- b. There is no net decrease in the amount of the acreage restricted by a contract. Three parcels are currently under contract and four of the parcels resulting from the Lot Line Adjustment will be under contracts.
- c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- d. All of the land under contract will remain under contract.
- e. At least 50 percent of each resulting parcel is in agricultural/open space use, as Parcel A is 633.69+/- acres in size and contains 470 acres of vineyard and open space, which is approximately 74% percent of the parcel; parcel B is 113.33 +/- acres in size and contains 65.5 acres of vineyard, which is

approximately 58% percent of the parcel; parcel C is 112.95+/- acres in size and contains 84.9 acres of vineyard, which is approximately 75% percent of the parcel; and parcel D is 118.81+/- acres in size and contains 79.2 acres of vineyard, which is approximately 67% percent of the parcel.

- f. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural operations, as defined in Section 51222. The parcels resulting from the Lot Line Adjustment will be 633.69+/- acres, 113.33+/- acres, 112.95+/- acres and 118.81+/- acres. The resulting 633.69 acre, 113.33 acre, 112.95 acre and 118.81 acre parcels will exceed the 10-acre minimum acreage requirement for Prime contracts and will exceed the minimum gross income requirement of \$1,000 per planted acre per year, as the parcels currently generate an annual average income of \$3,000 per planted acre of vineyard. All of the structures and landscaped areas are compatible uses, a single family home, farm worker housing, and agricultural structures, and will be located on the resulting 176.04 acre Parcel B. The area occupied by compatible uses is approximately 0.2 acres which is less than the 5-acre maximum established for compatible uses in the Uniform Rules.
- 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 to realign property boundaries around the existing vineyard blocks. The Lot Line Adjustment will not compromise other agricultural lands in the area under contract.
- h. The Lot Line Adjustment will not result in adjacent lands being removed from agriculture.
- 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. In the current configuration and at the designated density of 100 acres per dwelling unit, the 176.04 +/- acre, 36.28 +/- acre and 87.03 +/- acre parcels cannot be divided and the split zoned 679.43 +/- acre parcel could potentially be divided into four parcels. After the Lot Line Adjustment there will be three parcel of less than 200 +/- acres which will not be able to be divided and one split zoned parcel of 633.69 +/- acres that could potentially be divided into four parcels. Therefore, the Lot Line Adjustment results in the same number of developable parcels that existed prior to the adjustment. The Lot Line Adjustment is consistent with the General Plan.

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

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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.

Supervisors:

Hermosillo:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.