



County of Sonoma

State of California

Date: March 25, 2025

Item Number: _____

Resolution Number: _____

LLA24-0007 Joshua Miranda



4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving a Lot Line Adjustment for Bascher, LLC Between two ACC Parcels, and one legal parcel with Conditions of Approval requiring that the Applicant apply to Rescind the Existing Land Conservation Act Contract and Replace it with Contracts to restrict the resulting Parcels, for land located at 11587 Brooks Road, Windsor; APNs 086-090-005 and 086-190-003 (portions of).

Whereas, Adobe and Associates, on behalf of the landowners, Bascher, LLC, submitted a request for a Lot Line Adjustment between three parcels 13+/- acres (Lot A), 74.1+/- acres (Lot B), and 53.7+/- acres (Lot C) in size resulting in parcels 43.8+/- acres (Lot A), 42.8+/- acres (Lot B), and 54.2+/- acres (Lot C) all within Supervisorial District No. 4, located at 11587 Brooks Road, Windsor; APNs 086-090-005 (Lot A) and 086-190-003 (Lots B and C, portions of); and

Whereas, the purpose of the Lot Line Adjustment is to facilitate the property owners estate planning.; and

Whereas, 086-090-005 (Lot A) is subject to a Non-Prime (Type II) Land Conservation Contract recorded under Book 2607, Page 69 of Sonoma County Records (located in Agricultural Preserve 2-491) and is zoned RRD (Resources and Rural Development) B6 60 (60 Acre Density), RC50/50 (Riparian Corridor 50-foot setback).; and

Whereas, APN 086-190-003 (Portion, Lot B) is subject to a Non-Prime (Type II) Land Conservation Act Contract recorded under Book 2607, Page 69 of Sonoma County Records (located in Agricultural Preserve 2-491) and is zoned RRD (Resources and Rural Development) B6 60 (60 Acre Density), G (Geologic Hazard Area) OAK (Oak woodland) RC50/50 (Riparian Corridor 50-foot setback) SR (Scenic Resource).; and

Whereas, APN 086-190-003 (Portion, Lot C) is subject to a Non-Prime (Type II) Land Conservation Act Contract recorded under Book 2607, Page 69 of Sonoma County Records (located in Agricultural Preserve 2-491) and is zoned RRD (Resources and Rural

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Development) B6 60 (60 Acre Density), G (Geologic Hazard Area) OAK (Oak woodland) RC50/50 (Riparian Corridor 50-foot setback) SR (Scenic Resource).

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 parcels 13+/- acres (Lot A), 74.1+/- acres (Lot B), and 53.7+/- acres (Lot C) in size resulting in parcels 43.8+/- acres (Lot A), 42.8+/- acres (Lot B), and 54.2+/- acres (Lot C), subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to 1) rescind and replace the existing Non-Prime Land Conservation Act Contract , and replace with three new Contracts for all resulting 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 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. All existing parcels are currently under contract and the resulting parcels will be under new contracts, as a result there is no decrease in size as the total acreage under contract before and after the lot line adjustment will be 140.8 acres.

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- c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts because 140.8 acres of the former contract will remain under the new contracts, which is 100 %.
- d. After the Lot Line Adjustment all resulting parcels will exceed the minimum 50 percent threshold for agricultural/open space use, as Parcel A will be 43.8-acres in size and contain 36-acres dedicated to wildlife habitat area (82% of the parcel); Parcel B will be 42.8 acres in size, and contain 38.7-acres dedicated to goat and sheep grazing operation (90% of the parcel); Parcel C will be 54.2 acres and contain 51.1 acres dedicated to wildlife habitat area (94% of the parcel);
- e. The replacement contracts will be updated to Non-prime (Type II) and Open Space Land Conservation Act Contracts to reflect the current agricultural and open space use of each parcel.
- f. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural or open space use, as defined in Section 51222. The lots resulting from the Lot Line Adjustment will be 43.8 +/- acres, 42.8 +/- acres and 54.2 +/- acres. The resulting 43.8 acre, 42.8 acre and 54.2 acre parcels will exceed the 40-acre minimum acreage requirement for Non-prime or Open Space contracts and will exceed the minimum gross income requirement (when applicable) of \$2,000.00 per farm operation and \$2.50 per acre per year. Since 2023, the grazing operation has generated an average gross income of \$2,045 per year, while per acre gross annual income has been \$52.84. The area occupied by compatible uses is approximately 5 acres, on each of the resulting lots, which is less than the 5-acre/15% maximum established for compatible uses in the Uniform Rules.
- g. The Lot Line Adjustment would not compromise the long-term agricultural productivity or open space use of the parcels or other agricultural or open space lands subject to the contract or contracts. The Lot Line Adjustment is being undertaken for estate planning. The Lot Line Adjustment will not compromise other agricultural or open space 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. The proposed configuration of the lot line adjustment; will result in Parcel A becoming more conforming to the RRD development standards, Parcel B decreases in size to assist Parcel A in

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becoming compliant while remaining compliant, and Parcel C will increase slightly but remain compliant. All while allowing for each parcel to comply with the existing designated density of 60 acres per dwelling unit. 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 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.