



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 7/11/2023

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Derik Michaelson, (707) 565-3095

**Vote Requirement:** Majority

**Supervisorial District(s):** Four

**Title:**

File No. LLA21-0047, Lot Line Adjustment; Jade Mountain, LLC and Fanny and Laurent Elie Levy; 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.

**Recommended Action:**

Adopt a Resolution approving a Lot Line Adjustment between three legal parcels subject to Conditions of Approval and Land Conservation Act contract replacement 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.

**Executive Summary:**

Staff has determined the adjusted parcels are consistent with the County's Uniform Rules for Agricultural Preserves and the Land Conservation Act and recommends approval of the Lot Line Adjustment request to modify the interior boundaries of three contiguous legal parcels totaling 628.24 acres within Agricultural Preserve No. 2-296, including  $\pm 145.83$  acres (Lot A),  $\pm 219.00$  acres (Lot B), and  $\pm 263.41$  acres (Lot C). Lot Line Adjustments on lands under a Land Conservation contract require the Board of Supervisors make findings of consistency with the Land Conservation Act requirements pursuant to Government Code section 51257. The adjusted parcels meet all the required findings. The attached resolution (Attachment A) provides the supported findings for lot line adjustment approval and for consistency of the adjusted parcels with the Land Conservation Act and Uniform Rules. The purpose of the LLA request is to align the boundaries of the legal parcels with existing agricultural uses and will enhance the existing agricultural operations.

**Discussion:**

Landowners Jade Mountain, LLC and Fanny and Laurent Elie Levy seek Lot Line Adjustment approval between three contiguous legal parcels. The submitted site plan (Attachment B) identifies the parcels as Lot A, B, and C. The three legal parcels are identified by Assessor's Parcel Numbers (APN) as 139-010-017 and 115-250-015 (Lot A), 139-010-007 and a portion of 115-250-019 (Lot B), and a portion of 115-250-019, 115-250-011, and 115-250-018 (Lot C). The Lot line adjustment proposes to bring into alignment the legal parcel boundaries with existing agricultural uses. The existing lot sizes are:  $\pm 171.83$  (Lot A) acres,  $\pm 204.00$  (Lot B) acres, and  $\pm 252.41$  (Lot C) acres. The Lot Line Adjustment distributes from Lot A, a total of 26 acres between Lot B and Lot C, including  $\pm 15$  acres to Lot B, and  $\pm 11$  acres to Lot C. The resulting parcel sizes are:  $\pm 145.83$  (Lot A) acres,  $\pm 219.00$  (Lot B) acres, and  $\pm 263.41$  (Lot C) acres.

The General Plan Land Use and Base Zoning for the three parcels is RRD 160 (Resources and Rural Development

160-acre density), with a 36.2-acre portion (APN 115-250-015) of Lot A containing a split density designation, RRD 40 (40-acre density). The combining zone for all parcels is RC 50/50 (Riparian Corridor, 50-foot setback).

The Lot Line Adjustment resolves the split density situation by incorporating and dissolving the RRD 40 portion of land into the adjacent RRD 160 designations of Lot C and the larger remainder of Lot A, resulting in a contiguous RRD 160 designation across all three parcels. Submittal of a general plan amendment and zone change request is required as a condition of approval for the lot line adjustment to dissolve the RRD 40 portions of land transferring to Lot C and remaining on Lot A.

**Background:**

The project site includes three contiguous legal parcels encompassing 628.24 acres within Agricultural Preserve No. 2-296. The parcels are situated along the upper elevations of the *Red Mountain* range above Cloverdale, approximately 0.3 miles west of the southerly town limits and approximately 2.3 miles east of Lake Sonoma.

*Existing Contracts and Agricultural use:*

The County entered into Land Conservation Act contracts for nonprime (grazing) use on the lands associated with Lot A in 1974, recorded in Book 2841, Page 520 (DN N85515) of the Sonoma County Records, and on the lands associated with Lot B and Lot C in 1970, recorded in Book 2449, Page 323 (DN L55267) of the Sonoma County Records. The three parcels continue to be in use for grazing and contain no existing structures. In addition to grazing, Lot C supports an existing vineyard operation encompassing a 6.3-acre portion of its total acreage. The lot line adjustment does not affect the size or operational characteristics of the vineyard use.

*Legal Parcel Status:*

The chain of title indicates that Document Number (DN) 2022-053928 (Lands of Levy) contains at least two separate legal parcels, one of which is Lot A, being described under Parcel Three of DN 2022-053928. This parcel was separately conveyed under DN 1993-084411. Parcels One and Two of DN 2022-053928 were separately conveyed under DN 1993-084414 and are not a part of this proposed LLA. The legal parcel status of Lot B and Lot C are documented under Administrative Certificates of Compliance, ACC 88-545.11 (DN 1990-0115053) and ACC 88-545.13 (DN 1990-0115055).

*Land Conservation Act:*

State regulations for Land Conservation Contracts and the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) require that the amount of land under contract after a Lot Line Adjustment remain the same as it was before the Lot Line Adjustment and that the adjusted parcels continue to meet all the requirements for a contract. The proposed Lot Line Adjustment will not result in any reduction of land currently under contract and 100 percent of the land for each of the three parcels will remain under contract and devoted to agricultural use. Staff has determined the Lot Line Adjustment can meet all of the required findings as described in the attached Resolution.

To facilitate a Lot Line Adjustment, Government Code Section 51257 permits the contracting parties to rescind the existing contract and simultaneously enter into new contract(s) if the required findings can be made. A condition of approval requires that prior to recording the grant deeds for the adjusted parcels, the owner apply to rescind the existing Land Conservation Act contract and replace it with a new Land Conservation Act contract for each parcel currently under contract in accordance with the Uniform Rules.

**Staff Recommendation:**

Staff recommends the Board approve the request because all the state and local requirements for the Lot Line Adjustment can be met.

**Prior Board Actions:**

December 13, 2011: Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).

**FISCAL SUMMARY**

Not Applicable

**Narrative Explanation of Fiscal Impacts:**

The applicant pays for the costs of processing the application to rescind and replace a Land Conservation Act Contract. Approval of a Land Conservation Act Contract means that the owner will pay reduced property taxes based upon the value of the agricultural uses rather than the land value under Proposition 13. This reduces the County's share of property tax revenue for the subject parcel. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and value of the agricultural crop and is determined annually by the Assessor's office.

**Narrative Explanation of Staffing Impacts (If Required):**

Not Applicable

**Attachments:**

- Att 1a Board of Supervisors Resolution
- Att 1b Conditions of Approval
- Att 2 Proposal Statement
- Att 3 Assessor's Parcel Maps
- Att 4 Lot Line Adjustment Site Plan

**Related Items "On File" with the Clerk of the Board:**

Not Applicable