



SUMMARY REPORT

Agenda Date: 3/25/2025

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick, Director and Joshua Miranda, Planner III 707-565-1948

Vote Requirement: Majority

Supervisory District(s): Fourth District

Title:

Permit Sonoma File No. LLA24-0007 Ascher Lot Line Adjustment, 11587 Brooks Road, Windsor

Recommended Action:

Adopt a Resolution approving a Lot Line Adjustment between two ACC (Administrative Certificate of Compliance) parcels and one legal parcel subject to Conditions of Approval and a Land Conservation Act Contract at 11587 Brooks Road, Windsor; APNs 086-090-005 and 086-190-003 (portions of). (Fourth District)

Executive Summary:

The proposed adjustment between the two ACC parcels and one legal parcel is consistent with the County's Uniform Rules for Agricultural Preserves and the Land Conservation Act and recommends approval of the Lot Line Adjustment to adjust between three parcels of 13 acres (Parcel A), 74.1 acres (Parcel B), and 53.7 acres (Parcel C) in size, resulting in three parcels of 43.7 acres, 41.3 acres, and 55.8 acres in size. Lot Line Adjustments on lands under a Land Conservation Contract require that the Board of Supervisors make findings of consistency with the Land Conservation Act requirements. The adjusted parcels meet the land use and density criteria of the General Plan and Lots A, B, and C will meet the required findings for Land Conservation Act Requirements. The property is subject to an existing Non-Prime Williamson Act contract, Ag Preserve 2-491-72, recorded under Book 2607, Page 69 of Sonoma County Records.

Discussion:

Adobe and Associates, Inc. seeks approval of a Lot Line Adjustment between three parcels (refer to Lot Line Adjustment Site Plan under Attachment 5). The legal parcels are identified as APN 086-090-005 (Lot A), APN 086-190-003 (Portion, Lot B), and APN 086-190-003 (Portion, Lot C). The current lot sizes are: 13+/- acres (Lot A), 74.1+/- acres (Lot B), and 53.7+/- acres (Lot C). The Lot Line Adjustment will result in parcels 43.7+/- acres (Lot A), 41.3+/- acres (Lot B), and 55.8+/- acres (Lot C). The Lot Line Adjustment is being requested to realign property boundaries in order to facilitate the property owner's estate planning.

In May 2024, Permit Sonoma approved two Administrative Certificates of Compliance (ACC), under Permit Sonoma File No. ENP24-0011, creating Lot Portions B and C. ACC's are issued by the County for properties that have been proven to be separate legal parcels, and only gives the owner the right to sell, lease or finance the parcel separately from other contiguous parcels held by the same owner. An ACC does not involve review of or guarantee the buildability of a parcel, nor does it exempt a parcel from the requirements of any deed

restriction, Federal, State, County, or local agency rules regulating the development or use of real property.

Zoning for parcel A is RRD (Resources and Rural Development) B6 60 (60 Acre Density) with a combining zone for RC50/50 (Riparian Corridor 50-foot setback).

Zoning for parcel B is RRD (Resources and Rural Development) B6 60 (60 Acre Density) with combining zones for G (Geologic Hazard Area), OAK (Oak woodland), RC50/50 (Riparian Corridor 50-foot setback), and SR (Scenic Resource).

Zoning for parcel C is RRD (Resources and Rural Development) B6 60 (60 Acre Density) with combining zones for G (Geologic Hazard Area), OAK (Oak woodland), RC50/50 (Riparian Corridor 50-foot setback), and SR (Scenic Resource).

A condition of approval requires that prior to recording the grant deeds, the owner must submit a complete application for a General Plan Amendment and Zone Change technical correction to align land use and zoning boundaries with the adjusted parcel boundaries.

Site Characteristics:

The project site includes three contiguous parcels under the same ownership, Bascher, LLC (Owner). The parcels are located at 11587 Brooks Road just outside the city boundaries of Windsor.

Parcel A is 13-acres in size and is subject to a Non-Prime (Type II) Land Conservation Contract approved by the Board in February 1972 and is devoted to agriculture. The existing development on this parcel includes a septic system and an access road.

Parcel B is 74.1-acres in size, is a portion of APN 086-190-003, and is subject to the same Non-Prime (Type II) Land Conservation Contract approved by the Board in February 1972 and is devoted to agriculture. Existing structures on parcel B include two single-family dwellings, two barns, two septic systems, and access driveway.

Parcel C is 53.7-acres in size, is a portion of APN 086-190-003, and is subject to the same Non-Prime (Type II) Land Conservation Contract approved by the Board in February 1972 and is devoted to agriculture. Existing structures on parcel C include a single-family dwelling, solar panels, water tank, and well.

After the Lot Line Adjustment, the Owner will seek approval for County rescission of the existing Land Conservation Contract and immediate replacement with new separate Land Conservation Contracts that will restrict the resulting adjusted parcels.

Resulting parcel A will be approximately 43.7-acres in size and contain 36 acres devoted to Open Space (82% of the parcel). Following the proposed adjustment Parcel A will contain 5 acres of compatible use area including a single-family dwelling, barn, septic system, miscellaneous residential accessory structures, and a pond.

Resulting parcel B will be approximately 41.3-acres in size and contain 38.7 acres devoted to Grazing (93% of the parcel). Following the proposed adjustment Parcel B will contain 5 acres of compatible use area including a single-family dwelling, barn, septic system, and access driveway.

Resulting parcel C will be approximately 55.8-acres in size and contain 51.1 acres devoted to Open Space (91% of the parcel). Following the proposed adjustment Parcel C will contain 5 acres in compatible structures including a single-family dwelling, septic system, solar system, and access driveway.

Land Conservation Act:

To facilitate a Lot Line Adjustment, Government Code Section 51257 permits the contracting parties to rescind the existing contract and simultaneously enter into a new contract if the required findings can be made.

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 a reduction of land under contract and the currently contracted Parcels A, B, and C, will individually meet the requirements for a contract after the adjustments because they will: (1) continue to be devoted to agriculture or open space with at least 50% of the parcels devoted to those uses; (2) meet agricultural income requirements (when applicable); (3) be included in an agricultural preserve; (4) will be comprised of a single legal parcel; and (5) all non-agricultural uses are compatible uses listed under the Count’s Uniform Rules and do not collectively exceed an area that is 15% of the parcel or 5-acres in size whichever is less.

All existing lots are currently under a Non-Prime (Type II) Land Conservation Act Contract. A condition of approval requires that prior to recording the grant deeds for the adjusted parcels, the owner shall apply to rescind the existing Land Conservation Act contract and replace it with new contracts for the reconfigured parcels in accordance with the Uniform Rules.

For Parcels A and C, the Owner, under a separate permit, will apply for a rescind and replace in order to convert from the existing Non-Prime (Type II) Land Conservation Act Contract to an Open Space Land Conservation Act Contract. The applicants have provided staff with a Biological Resource Assessment that found the resulting parcels qualify as “wildlife habitat area”, and will dedicate 36, and 51 acres respectively, to the open space use onsite. Each parcel will have 5 acres of designated Compatible Use area.

For Parcel B, the Owner will apply to rescind the existing Non-Prime (Type II) Land Conservation Act Contract and replace it with a new contract for the reconfigured parcel in accordance with the Uniform Rules.

Staff Recommendation:

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

Strategic Plan:

N/A

Racial Equity:

N/A

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

N/A

FISCAL SUMMARY

Not Applicable

Narrative Explanation of Fiscal Impacts:

None. The applicant pays for the costs of processing the application. There will be no new fiscal impacts as a result of this action.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1: LLA24-0007 Draft Board of Supervisors Resolution

Attachment 2: LLA24-0007 Conditions of Approval

Attachment 3: LLA24-0007 Proposal Statement prepared by Adobe and Associates, Inc.

Attachment 4: LLA24-0007 Assessor's Parcel Map

Attachment 5: LLA24-0007 Site Plan

Attachment 6: LLA24-0007 Recorded Williamson Act Contract

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

Not Applicable