



# County of Sonoma

## State of California

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Date: August 18, 2020

Item Number: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

LLA19-0012 Derik Michaelson

4/5 Vote Required

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**Resolution of the Board of Supervisors of the County of Sonoma, State of California, Granting Olympic Sun, LLC Approving a Lot Line Adjustment Between Two Legal Parcels with Conditions Requiring that an Existing Land Conservation (Williamson) Act Contract is Rescinded and Replaced with a New Contract to restrict Resulting Lot A, land located at 4202 and 4343 Stage Gulch Road, Sonoma; APN's 142-051-039, -040, -041, -042, -043 and 142-051-032.**

**Whereas**, the applicant, Olympic Sun, LLC, has filed a request for Lot Line Adjustment between two legal parcels of 140.25 acres (Lot A) and 34.29 acres (Lot B), resulting in two legal contiguous parcels of the same acreage, with resultant Lot A subject to a Land Conservation Act Contract for Prime agricultural use on 140.25 acres, and resultant Lot B an uncontracted parcel containing an existing rock quarry use on 34.29 acres, both within Agricultural Preserve 1-239, located at 4202 and 4343 Stage Gulch Road in Sonoma, APN's 142-051-039, -040, -041, -042, -043 (Lot A), and 142-051-032 (Lot B); Zoned LEA (Land Extensive Agriculture) B6 100-acre density with combining districts for Z (Accessory Unit Exclusion), G (Geologic Hazard), MR (Mineral Resources), RC50/25 (Riparian Corridor with 50-foot and 25-foot setbacks), and SR (Scenic Resources); Supervisorial District No. 1 and 2; and,

**Whereas**, the purpose of the Lot Line Adjustment is to align the legal boundaries of two parcels with existing agricultural and non-agricultural uses on 174.54 acres, of which resultant Lot A is subject in whole to a Land Conservation Act Contract for Prime agricultural use; and

**Whereas**, on July 21, 2009, the Board of Supervisors approved a Notice of Partial Non-Renewal of the Land Conservation Act contract for existing Lot A (Resolution No. 09-0669). As of January 1, 2020, a 34.69 +/- acre portion (quarry site) of Lot A is no longer subject to the Land Conservation Act contract (Notice of Partial Non-renewal recorded under OR# 2009-081779). The remaining 105.56 +/- acres of Lot A is encumbered by a Land Conservation Act for prime agricultural land (Contract recorded under OR# 2008-102118).

**Whereas**, on August 18, 2009, the landowner filed a Notice of Non-renewal of

the Land Conservation Act contract for existing Lot B (34.29 +/- acres). As of January 1, 2020, Lot B is no longer subject to the Land Conservation contract (Notice of Non-renewal recorded under OR# 2009-081778).

**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 two legal parcels resulting in two legal parcels of 140.25 +/- acres and 34.29 +/- acres subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to rescind and replace the existing Prime Land Conservation Act Contract for Lot A. 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 contract will enforceably restrict the adjusted boundaries of resulting Lot A for an initial term 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 lot line adjustment increases the 105.56 acres subject to contract by an additional 34.69 acres, thereby restoring the amount of restricted land back to its original (pre-partial nonrenewal) size of 140.25 acres, and comprised in whole of qualifying Prime agricultural use, subject to

- a new Prime contract;
- c. At least 90 percent of the land under the former contract or contract remains under the new contract or contract. Currently, 105.56 acres of Lot A is subject to a Land Conservation contract. The lot line adjustment will add 34.69 acres for prime agricultural use to the 105.56 acres of contracted land, resulting in 132.8 percent (140.25 acres) of the land under the former contract remaining under the new contract.
  - d. All of the land under contract will remain under contract.
  - e. At least 50 percent of the resulting parcel is in agricultural use, as Lot A is 140.25 acres in size and contains 86.6 acres of vineyard, which is approximately 61 percent of the parcel.
  - f. After the Lot Line Adjustment, the parcel of land subject to contract will be large enough to sustain its agricultural use, as defined in Section 51222. Resultant Lot A exceeds 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. Resulting Lot A contains 86.6 acres of qualifying prime agricultural land and 53.65 acres of undesignated land.
  - 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 and non-agricultural use. The Lot Line Adjustment 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.
  - 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 resulting parcels are the same size as currently existing and the current LEA (Land Extensive Agriculture) land use and zoning designation for each lot contains a 100 acre density requirement which precludes further subdivision; and

**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

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100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:

Rabbitt:

Zane:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**