



County of Sonoma

State of California

Date: October 4, 2022

Item Number: _____

Resolution Number: _____

LLA21-0039 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 Allen Greig Shepard, Stephen N Shaffer and Lisa Shepard as Co-Trustees under the will of Irving Shepard, Between Four Legal Parcels with Conditions Requiring Agricultural Preserve 2-457 be Expanded by 2.06 Acres to Include Parcel C and the Existing Land Conservation (Williamson) Act Contracts to be Rescinded and Replaced with Three New Contracts to Restrict Resulting Parcels A, B and C, and Parcel D remaining unencumbered by the Williamson Act, for Land Located at 2600, 2610 and 2496 London Ranch Road, Glen Ellen; APN's 054-050-037, 054-050-033, 054-050-039 and 054-050-023.

Whereas, Adobe Associates, Inc., on behalf of the landowners, Allen Greig Shepard, Stephen N Shaffer and Lisa Shepard as Co-Trustees under the will of Irving Shepard (owners of Parcels A and B), Allen Greig Shepard and Constance Sharpe (owners of Parcel C), and Margaret A. Wallach Trust (as amended) (60%) and Michael T. Harrington Trust (as amended) (40%) (owners of Parcel D); has filed a request for Lot Line Adjustment between four legal parcels of 151.24 acres (Parcel A), 11.32 acres (Parcel B), 2.06 acres (Parcel C) and 5 acres (Parcel D), resulting in four legal parcels of 72.8+/- acres (proposed Parcel A), 62.8+/- acres (proposed Parcel B), 29.6+/- acres (proposed Parcel C) and 5+/- acres (proposed Parcel D), all within Supervisorial District No. 1, located at 2600, 2610, and 2496 London Ranch Road, Glen Ellen; APN's 054-050-037 (Parcel A), 054-050-033 (Parcel B), 054-050-039 (Parcel C) and 054-050-023 (Parcel D); and

Whereas, the Lot Line Adjustment is being requested for family estate planning purposes and to align property boundary lines with existing vineyard rows; and

Whereas, APN 054-050-037 (Parcel A) is subject to a Prime (Type I) Land Conservation Act Contract recorded under Document No. 2018-087246 (located in Agricultural Preserve 2-457) and is zoned LIA (Land Intensive Agriculture) B7 (frozen lot size-restricted from further subdivision) with combining districts for LG/MTN (Local

Guidelines Taylor/Sonoma/Mayacamas Mountains), RC 50/25 (Riparian Corridor with 50-foot and 25-foot setbacks) and SR (Scenic Resources); and

Whereas, APN 054-050-033 (Parcel B) is subject to a Non-Prime (Type II) Land Conservation Contract recorded under Book 2841 Page 412 which is currently under a County-initiated phase out due to substandard parcel size for a non-prime contract; and

Whereas, APN 054-050-039 (Parcel C) is not subject to a Land Conservation Act Contract and is zoned LIA B7, LG/MTN and SR; and

Whereas, APN 054-050-023 (Parcel D) is not subject to a Land Conservation Act Contract and is zoned LIA B6 60 (60-acre density), LG/MTN and SR; 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 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 (CEQA) and found to be exempt per Section 15305(a) of Title 14 of the California Code of Regulations (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 CEQA by virtue of Section 15305(a) of the 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 resulting in four legal parcels of 72.80+/- acres (Parcel A), 62.8+/- acres (Parcel B), 29.6+/- acres (Parcel C) and 5+/- acres (Parcel D), subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to 1) expand Agricultural Preserve No. 2-457 by adding 2.209 acres to include existing Parcel C (2.06 acres) and a portion of existing Lot D (0.149 acres); and 2) rescind and replace the existing Prime and Non-Prime Land Conservation Act Contracts on Parcels A and B with three, new Prime

Contracts for resulting Parcels A, B and C. Resulting Parcel D will remain unencumbered by a Land Conservation Contract. The Board makes the following findings concerning Government Code Section 51257 requirements related to Land Conservation Act contracts in granting the request:

- a. The three new contracts will enforce and restrict the adjusted boundaries of resulting Parcels A, B and C 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. Existing Parcels A and B are currently under contract and the resulting Parcels A, B, and C will be under new contracts, thereby increasing the overall acreage of contracted land from 162.56 acres to 165+/- acres.
- c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts. All of the land under the former contract will remain under the three new contracts.
- d. After the Lot Line Adjustment Parcels A, B and C will exceed the minimum 50 percent threshold for agricultural use, as Parcel A will be 72.8 acres in size and contain 61 acres planted in vineyard (84% of the parcel), Parcel B will be 62.8 acres in size and contain 44.5 acres planted in vineyard (71% of the parcel), and Parcel C will be 29.6 acres and contain 19.4 acres planted in vineyard (66% of the parcel).
- e. The replacement contract on resulting Parcel B will be updated to a Prime (Type I) Land Conservation Act Contract to reflect the current agricultural use of the land.
- f. After the Lot Line Adjustment, Parcels A, B, and C will be subject to new contracts and will be large enough to sustain their agricultural uses, as defined in Section 51222. Parcel D will remain unencumbered by a Land Conservation Contract. Resulting Parcels A, B and C will exceed the 10-acre minimum acreage requirement for Prime contracts as Parcel A will be 72.8 acres, Parcel B will be 62.8 acres, and Parcel C will be 29.6 acres. The agricultural operations will exceed the minimum gross income requirement of \$1,000.00 per planted acre per year, as the parcels currently generate an annual income of \$8,000.00+/- per planted acre of vineyard. Parcel A does not contain any compatible uses or other non-agricultural uses. The area occupied by compatible uses on Parcel B is approximately 0.9 acres (farmworker residence) and 2.0 acres (primary residence) on Parcel C, which is less than the 5-acre maximum established per parcel for compatible uses in the Uniform Rules. All other uses on Parcels B and C are agricultural accessory uses and undesignated land.

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- g. The Lot Line Adjustment will not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to the contract or contracts. The Lot Line Adjustment is being undertaken for family estate planning purposes and to align property boundary lines with existing vineyard rows. 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, Parcels A, B and C are frozen lots restricted from further subdivision and Parcel D will not be increased and will remain at the 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:

Gorin:

Rabbitt:

Coursey:

Hopkins:

Gore:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.