



County of Sonoma

State of California

Date: July 23, 2019

Item Number: _____

Resolution Number: _____

Derik Michaelson; LLA 17-0072



4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Granting Morning Star Ranch, LLC, Paul Buckley and David Phillips, Approval for a Minor Lot Line Adjustment Amongst Three Parcels Under a Single Type I (Prime) Land Conservation Act Contract, for Property Located at 100, 116 and 121 Mary-Paige Lane, Santa Rosa, APN's 049-020-026, -027, and -029.

Whereas, the applicant, Morning Star Ranch, LLC and Paul Buckley, David Phillips, filed an application with the Sonoma County Permit and Resource Management Department for a Lot Line Adjustment amongst three parcels of 40.09 acres, 40.02 acres, and 41.82 acres, resulting in three parcels of 41.65 acres, 40.09 acres and 40.19 acres. The three parcels are currently within Agricultural Preserve 1-485 and under a Type I (prime) Land Conservation Act Contract (Official Record No. 2012099969), and located at 100, 116 and 121 Mary-Paige Lane, Santa Rosa, APN's 049-020-026, -027, and -029; and

Whereas, the subject lots are zoned LIA B6 40/40 (Land Intensive Agriculture) with a 40 acre density and a 40 acre minimum lot size requirement, and combining districts of SR (Scenic Resource, Landscape Unit) and Z (Second Unit Exclusion); Supervisorial District No. First; and

Whereas, to facilitate a Lot Line Adjustment, Government Code Section 51257, authorizes parties to a Land Conservation Contract or Contracts to mutually rescind the Contract or Contracts and simultaneously enter into a new Contract or Contracts; 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, in accordance with the provisions of law, the Board of Supervisors held a duly noticed public hearing on July 23, 2019, considered all material in the public record, at which time all interested persons were given an opportunity to be heard; and

Whereas, the purpose of the Lot Line Adjustment is to align existing property lines with current agricultural boundaries and existing site improvements; and

Whereas, Government Code Section 51257 requires that the Board of Supervisors make certain findings before existing Land Conservation Act Contracts may be rescinded and replaced to facilitate a Lot Line Adjustment.

Now, Therefore, Be It Resolved that the Board of Supervisors finds the requested action described in this Resolution is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 Class 5 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is a minor Lot Line Adjustment.

Be It Further Resolved that the Board of Supervisors hereby grants the requested Lot Line Adjustment subject to the Conditions of Approval in Attachment "A," attached hereto which includes a condition to rescind and replace existing Land Conservation Contracts on Lots A, B, and C. The Board of Supervisors grants the Lot Line Adjustment upon the following findings consistent with Government Code Section 51257:

- a. The new contracts will 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. A condition of approval for the Lot Line Adjustment requires the applicant submit an application for rescission and replacement of the existing contract with three new contracts for resultant Lots A, B, and C. Each new contract will restrict the resultant lot for not less than 10 years, renewing automatically every December 31st. The rescission and replacement of the existing contracts with new contracts is a condition of approval for the lot line adjustment and requires a separate and subsequent Board action at a later time;
- b. There is no net decrease in the amount of the restricted acreage resulting from the lot line adjustment. The aggregate acreage of contracted land resulting from the proposed lot line adjustment includes the same aggregate acreage of land currently restricted under the contract(s) to be rescinded, including a total of 121.76 acres, and each parcel currently under contract will subsequently enter into new contracts of equivalent acreage, including one new Prime contract on 41.65 acres, and two new Non-Prime contracts on 40.02 acres and 40.09 acres;
- c. The Lot Line Adjustment results in 100 percent of the land currently restricted under the existing contract(s) remaining as restricted land

proposed under the contracts, including a total of 121.76 acres, as required as a the Condition of Approval for the Lot Line Adjustment;

- d. After the Lot Line Adjustment, each contracted parcel of land will be large enough to sustain its agricultural use as defined in Government Code Section 51222, which presumes a parcel of at least ten acres in the case of Prime land and or 40 acres in the case of Non-Prime land is large enough to sustain its agricultural use. Resultant Lots A, B, and C will each exceed the required minimum parcel size to remain eligible for replacement of its existing Land Conservation Act contract with a new contract, including for Lot A, one Prime contract on 41.65 acres, and for Lots B and C, two new Non-Prime contracts on lands of 40.02 acres and 40.09 acres.
- e. The Lot Line Adjustment will not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts because each resulting parcel in this case will remain devoted to a qualifying agricultural use with more than 50 percent of each lot dedicated to either vineyard production or a combination of vineyard production , and each will be eligible for replacement of its existing Land Conservation Act contract with a new contract under the Uniform Rules:
 - i. Lot A. Resulting Lot A at 41.65 acres in size will devote 34.3 acres (82%) of Prime vineyard land to continued agricultural use producing a gross annual income of \$17,700 per planted vineyard acre. Resulting Lot A will continue to be located in a designated agricultural preserve. Other uses of the parcel, including a shed structure, are compatible uses under the Uniform Rules and do not collectively exceed 5 acres or 15% of Lot A, whichever is less. For these reasons, Lot A is expected to meet the qualifications for a new Type I (prime) contract.
 - ii. Lot B. Resulting Lot B at 40.09 acres in size will devote 5.4 acres of Prime vineyard land and 19.7 acres of Non-Prime grazing land totaling 25.1 acres (63%) for continued agricultural use producing a gross annual income of \$12,000 per planted vineyard acre, \$2,001 per grazing operation, and \$101 per grazing production acre. Resulting Lot B will continue to be located in a designated agricultural preserve. Other uses of the parcel – a residence and office, are compatible uses under the Uniform Rules and do not collectively exceed 5 acres or 15% of Lot B, whichever is less. For these reasons, Lot B is expected to meet the qualifications for a new Type II (non-prime) contract.
 - iii. Resulting Lot C at 40.19 acres in size will devote 8.9 acres of Prime

vineyard land and 21.5 of non-prime grazing land totaling 30.4 acres (76%) for to continued agricultural use producing a gross annual income of \$16,500 per planted vineyard acre, \$2,001 per grazing operation, and \$93 per grazing production acre. Resulting Lot C will continue to be located in a designated agricultural preserve. Other uses of the parcel – a residence, barn, and shop, are compatible uses under the Uniform Rules and do not collectively exceed 5 acres or 15% of Lot C, whichever is less. For these reasons, Lot C is expected to meet the qualifications for a new Type II (non-prime) contract.

- f. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use, as the adjustment facilitates the transfer of less than two acres of existing vineyard land from one contiguous property to another for continued agricultural use.
- g. 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 current LIA (Land Intensive Agriculture) land use and zoning designations for each parcel will remain as existing and include a 40 acre per unit density requirement and a 40 acre minimum lot size limitation which precludes any further development potential for the subject parcels; and
- h. Conditions of Approval require that prior to recording Grant Deeds for the Lot Line Adjustment, property owners of Lots A, B, and C shall submit appropriate applications and filing fees to rescind and replace the existing contract with three new Land Conservation Act Contracts as applicable. Once the Lot Line Adjustment grant deeds are recorded, the County can proceed with preparation of the new contracts, and include the new legal descriptions for each parcel.

Be It Further Resolved that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings, and further finds that the Lot Line Adjustment meets the requirements of the Subdivision Map Act and the Land Conservation Act.

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. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

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Supervisors:

Gorin:	Zane:	Gore:	Hopkins:	Rabbitt:
Ayes:	Noes:	Absent:	Abstain:	

So Ordered.