



County of Sonoma
State of California

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ATTEST: APR 05 2016

VERONICA A. FERGUSON, Clerk/Secretary
BY *Woodson*
DEPUTY CLERK/ASST SECRETARY

Date: April 5, 2016

Item Number: 3

Resolution Number: 16-0122

Melinda Grosch PLP15-0046

☐ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Granting The Request By Patricia And Robin Klaus For A Minor Lot Line Adjustment Between
Two Parcels Subject To Land Conservation Act Contracts For Property Located At 1002 Chileno
Valley Road, Petaluma; APN 020-010-010.**

Whereas, the applicants, Patricia and Robin Klaus, filed a Minor Lot Line Adjustment application with the Sonoma County Permit and Resource Management Department between two Administrative Certificate of Compliance parcels of 160 (Lot A) and 80 (Lot B) acres in size resulting in two parcels of 199 acres (Lot A) and 41 acres (Lot B) in size for property located at 1002 Chileno Valley Road, Petaluma; APN 020-010-010; Zoned LEA (Land Extensive Agriculture) 100-acre density with the RC 50/50 (Riparian Corridor) combining district; Supervisorial District No 2; 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 public meeting to review the request on April 5, 2016; and

Whereas, the purpose of the Lot Line Adjustment is to separate the property on the south side of Chileno Valley Road from the property on the north side.

Now, Therefore, Be It Resolved that the Board of Supervisors makes the following findings consistent with Government Code Section 51257:

- a. The new contract or contracts will enforce and restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract, but for not less than 10 years. A condition of

approval for the Lot Line Adjustment requires the rescission and replacement of the existing contract with two new Non-Prime contracts. The new contracts are for a term not less than 10 years, renewing automatically every January 1st. The rescission and replacement of the existing contracts will require a separate and subsequent Board action to be scheduled at a later date.

b. There is no net decrease in the amount of the acreage restricted by a Land Conservation Act Contract. The aggregate acreage of land under contract will remain the same after the Lot Line Adjustment as both resulting parcels will be subject to contracts.

c. All (100 percent) of the land under the former contract will be under the new contracts required as a Condition of Approval of the Lot Line Adjustment.

d. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. Non-Prime contracts require a minimum parcel size of 40 acres. After the Lot Line Adjustment Lot A will be 199 acres and Lot B will be 41 acres thus exceeding the minimum lot size, and will exceed the minimum gross income requirement of \$2,000 gross total income per farm and \$2.50 gross income per acre of production, and will continue to be large enough to sustain their respective agricultural use (horse breeding - 13.89 acres currently, cattle grazing - 140 acres currently, and olive orchard - 1 acre currently) with over 50% of each parcel used for grazing.

e. The Lot Line Adjustment does not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts. The purpose of the Lot Line Adjustment is to realign the property boundary with Chileno Valley Road so that agricultural operations may be conducted independently on each.

f. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use. The General Plan and Zoning Designations will remain the same and the parcels will continue to be used for agricultural purposes so the Lot Line Adjustment will not affect adjacent lands or their agriculture uses.

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 owners have provided documentation on the proposed use of each of the reconfigured parcels indicating that Lot A will remain primarily cattle grazing and will retain the horse breeding operation as well as the olive orchard, and some additional crops such as herbs and flowers and that Lot B will have a cattle operation complying with the *Uniform Rules*. In addition Lot A will continue to have several compatible uses as it is currently

developed with a single family dwelling and a barn and riding arena for a horse boarding and riding stable. Lot A also has several storage sheds for farm equipment and supplies, a small milk barn converted to an office for the farm and stable operations, and a hay storage barn; all considered as agricultural support services. Lot B is currently undeveloped. Once the parcels are reconfigured as a result of the Lot Line Adjustment, each parcel will be required to apply for replacement Land Conservation contracts and will again document how they comply with the *Uniform Rules*. If ownership changes for any of the parcels, each property owner must verify compliance with the Land Conservation Act and *Uniform Rules*.

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 above findings.

Be It Further 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 request by Patricia and Robin Klaus for the requested Minor Lot Line Adjustment subject to the Conditions of Approval in Attachment "A," attached hereto which includes a condition to rescind and replace the existing Land Conservation Contract.

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.

Supervisors:

Gorin: Aye Rabbitt: Aye Zane: Aye Gore: Aye Carrillo: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

So Ordered.

SONOMA COUNTY BOARD OF SUPERVISORS

Conditions of Approval

Staff:	Melinda Grosch	Date:	April 5, 2016
Applicant:	Patricia and Robin Klaus	File No.:	PLP15-0046
Owner:	Patricia and Robin Klaus	APN:	020-010-010
Address:	1002 Chileno Valley Road, Petaluma		

Project Description: Request for a minor Lot Line Adjustment between two Administrative Certificate of Compliance parcels of 160 acres and 80 acres in size resulting in two parcels of 199 acres and 41 acres in size. Both parcels are subject to a Land Conservation Act Contract.

NOTE: Amendments and changes to approved Lot Line Adjustment conditions may be considered by the Board of Supervisors at a later date if additional information justifies the changes and does not increase the intensity of use approved by the original approval. The Director of the Permit and Resource Management Department (PRMD) will determine if a public hearing is necessary and if additional fees are required.

1. Submit verification to Planning that taxes and/or assessments, which are a lien and termed as payable, are paid to the Treasurer-Tax Collector's Department on all parcels affected by the adjustment. The Treasurer-Tax Collector knows the amount of the tax due.
2. A draft description, prepared by a licensed land surveyor or civil engineer authorized to practice land surveying, showing the combination of lots or transfer of property shall be submitted to the County Surveyor for approval. The following note shall be placed on the deed or deeds. "The purpose of this deed is for a Lot Line Adjustment for the reconfiguration of the Lands of Klaus Family Investments Limited Partnership, an Arizona Limited Partnership as described by deed recorded under Document No.2006-025845, Sonoma County Records, APN 020-010-010 (ACC15-0027, Document No. 2015-072845 and ACC15-0028 , Document No. 2015-072846). This deed is pursuant to PLP15-0046 on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signatory hereto that the recordation of this deed extinguishes any underlying parcels or portions of parcels." It is the responsibility of the surveyor/engineer preparing the deeds to insure that the information contained within the combination note is correct. Note: The County Surveyor may modify the above described note.
3. After approval of the description by the County Surveyor, a grant deed or deeds shall be prepared.
4. A site plan map of the Lot Line Adjustment shall be prepared by a licensed surveyor or civil engineer and attached to the deed(s) to be recorded. The site plan shall be subject to the review and approval of the County Surveyor. The following note shall be placed on said plan: "THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. Any errors or omissions on this exhibit shall not affect the deed description."
5. Prior to recordation of the deeds an application to rescind and replace the existing Land Conservation (Williamson) Act Contract with two new contracts that conform to the reconfigured parcels shall be made.
6. The grant deeds shall be approved by the Project Review planner by stamping and signing the front of the grant deeds. The stamped deeds with site plan attached shall be recorded.
7. The property owners shall execute a Right-to-Farm Declaration on a form provided by PRMD to

be submitted before the Lot Line Adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved Lot Line Adjustment grant deed(s) to reflect the newly configured parcels.

8. This "At Cost" entitlement is not vested until all permit processing costs are paid in full. Additionally, no grading or building permits shall be issued until all permit processing costs are paid in full.