



County of Sonoma
State of California

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ATTEST: AUG 16 2016

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

Date: August 16, 2016

Item Number: 8
Resolution Number: 16-0298

LLA15-0045 Melinda Grosch

☐ 4/5 Vote Required

Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Carla Hardy Et Al For A Lot Line Adjustment Between Four Legal Parcels Of 203.96 Acres (Lot A), 200.50 Acres (Lot B), 373.48 Acres (Lot C), And 18.04 Acres (Lot D), Resulting In Four Parcels Of 328.92 Acres (Lot A), 200.50 Acres (Lot B), 196.38 Acres (Lot C), And 70.18 Acres (Lot D) With All Parcels Subject To Land Conservation Act Contracts For Property Located At 4002 and 4472 Manor Lane, Petaluma; APN's 017-100-017, 017-090-009, And 017-100-016.

Whereas, the applicant, Carla Hardy et al, filed an application with the Sonoma County Permit and Resource Management Department for a Lot Line Adjustment between four legal parcels of 203.96 acres (Lot A), 200.50 acres (Lot B), 373.48 acres (Lot C), and 18.04 acres (Lot D), resulting in four parcels of 328.92 acres (Lot A), 200.50 acres (Lot B), 196.38 acres (Lot C), and 70.18 acres (Lot D), all subject to two Land Conservation Act Contracts for property located at 4002 and 4472 Manor Lane, Petaluma; APN's 017-100-017, 017-090-009, and 017-100-016; Zoned LEA (Land Extensive Agriculture) 60-acres/dwelling unit density with the combining designations: Z (Second Dwelling Unit Exclusion), RC 50/50 (Riparian Corridor 50'/50'), LG/MTN (Local Development Guidelines Taylor/Sonoma/Mayacama Mountain Guidelines), SR (Scenic Resources), and VOH (Valley Oak Habitat); 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 hearing on August 2, 2016 at which time all interested persons were given an opportunity to be heard; and

Whereas, the purpose of the Lot Line Adjustment is to adjust property lines to reconfigure the lots for estate purposes for the continued long term agricultural viability of the farm as grazing land. All lots are subject to Non-Prime Land Conservation Act Contracts; 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 makes the following findings consistent with Government Code Section 51257:

1. The replacement contracts would enforce and restrict the adjusted boundaries of the four 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.
2. There is no net decrease in the amount of the acreage restricted by a contract.
3. The Lot Line Adjustment results in 100 percent (100%) of the land under the original contracts remaining restricted under the four new Non-Prime Contracts required as a Condition of Approval for the Lot Line Adjustment.
4. After the Lot Line Adjustment, each of the resultant parcels will remain large enough to sustain its agricultural use (grazing operation). Resultant Lots A thru D will each exceed the 40-acre minimum acreage requirement for a non-prime contract and each will exceed the minimum gross income requirement of \$2,000 per farm operation for grazing land and will be devoted to agriculture with any non-agricultural uses to be compatible with the agricultural use.
5. The Lot Line Adjustment does not compromise the long-term agricultural productivity of the parcels subject to contract. The purpose of the Lot Line Adjustment is to reconfigure the lots for estate purposes to promote long term agricultural viability. Lots A thru D will continue to be in compliance with the Land Conservation Act because each parcel will be under a new Non-Prime Land Conservation Act Contract and well over 50% of each parcel will be used for cattle grazing with a gross income of at least \$2,000.00 each. The beef cattle operation will continue on Lot B and Lots A, C, and D will continue to be used to graze cattle, goats, dairy cows, and sheep. The other land uses consisting of a primary dwelling, and a Second Dwelling Unit on Lot B and two Primary Dwellings and an

Agricultural Employee Dwelling on Lot C occupy less than 5 acres on each of the lots. A condition of approval of the Lot Line Adjustment requires the applicant to obtain zoning permits to formally recognize the dwellings on Lots B and C as either Farm Family or Agricultural Employee Dwellings to ensure that they are "compatible uses" under the *Uniform Rules*.

6. The Lot Line Adjustment is minor in nature and will not result in the removal of adjacent land from agricultural use. The land use and zoning designations on all parcels will be Land Extensive Agriculture, 60 acres per dwelling unit.
7. The Lot Line Adjustment does not result in a greater number of developable parcels due to new Land Conservation Contracts and the General Plan and zoning designations. Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the property owner shall submit the appropriate applications and filing fees to rescind and replace the existing contracts with two new Non-Prime Land Conservation Act Contracts. Conditions of approval also require that prior to recordation of the Grant Deeds for the Lot Line Adjustment, the property owners shall submit the appropriate applications and filing fees to change the designation of the dwelling units on Lots B and C to ensure that they are compatible uses as defined in the *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 that the project described in this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15305 Class 5 of Title 14 of the California Code of Regulations (CEQA Guidelines) in that the project is a 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 Exhibit "A," attached hereto which includes a condition to rescind and replace the existing Non-Prime Land Conservation Act Contracts on Lots A, B, C, and D with individual contracts on resultant parcels A, B, C, and D.

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

Exhibit A to Resolution

Conditions of Approval

Date:	August 16, 2016	File No.:	LLA15-0045
Staff:	Melinda Grosch	APN:	017-100-017, 017-090-009, and 017-100-016;
Applicant:	Carla Hardy et al	Address:	4002 and 4472 Manor Lane, Petaluma
Owner:	C. Hardy 92, LP, a California Limited Partnership and Jerry and Marlene Stewart		

Project Description: Request for a Lot Line Adjustment between four legal parcels of 201.09 acres (Lot A), 200.50 acres (Lot B), 373.48 acres (Lot C), and 18.04 acres (Lot D), resulting in four parcels of 328.92 acres (Lot A), 200.50 acres (Lot B), 196.38 acres (Lot C), and 70.18 acres (Lot D) all subject to two Land Conservation Act Contracts.

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 will determine if a public hearing is necessary and if additional fees are required.

NOTE: These conditions must be met and the application validated within 24 months (August 2, 2018) unless a request for an extension of time is received before the expiration date.

To be Reviewed and Approved by the County Surveyor:

1. 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 a reconfiguration of the Lands of C. Hardy 92, LP, a California Limited Partnership, Document No. 2015095165, Sonoma County Records, APN 017-100-016 & -017 (ACC's: ACC15-0035, Document No. 2015093031, Sonoma County Records and ACC15-0036, Document No. 2015093032, Sonoma County Records). This deed is pursuant to LLA15-0045 on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signatories 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.
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 combination of a portion of the Lands of C. Hardy 92, LP, a California Limited Partnership, as described by deed recorded under Document No. Document No. 2015095165, Sonoma County Records, APN's 017-100-016 & -017 with the Lands of Jerry W. Stewart and Marlene V. Stewart, Trustees as described by deed recorded under Document No. 2012054793, Sonoma County Records, APN 017-090-009. This deed is pursuant to LLA15-0045 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. 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."

4. A minimum 25 foot access and public utility easement to 'Lot C' as shown on the Site Map submitted with the application shall be described as Parcel Two and included in the legal descriptions. The following note shall be included in the deed:

"SAID DEED IS MADE AND ACCEPTED SUBJECT TO THE FOLLOWING CONDITIONS:

PARCEL TWO easement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the grantor and grantee and that all specifications of the easement shall pertain to and run with the land. Said provision of the easement is a condition relative to approval of LLA15-0045 and may not be altered or eliminated without the express written consent of the Permit and Resource Management Department. The use of the area designated as a private access easement by the grantor shall be restricted from uses which are incompatible with proper use. This shall include structures, vehicular parking, any and all uses which would disrupt the use of said access easement. The easement shall include the rights of the grantee to do all things reasonably necessary to inspect, repair, and maintain said private access in a good and passable condition."

To Be Reviewed and Approved by the Project Review Health Specialist:

5. Water supply easements shall be described on the deeds and shall be shown on any exhibit that may accompany the deeds.

To be Reviewed and Approved by the Project Review Planner:

6. Submit verification to Permit and Resource Management Department that taxes, 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.
7. Any waterway setbacks, including but not limited to building setbacks, grading setbacks, riparian corridor setbacks or biotic resources setbacks, shall be shown and noted on the Site Plan listed in Condition #3 above.
8. Prior to the Permit and Resource Management Department stamping the grant deed(s) for the Lot Line Adjustment the property owner(s) shall execute a Right-to-Farm Declaration on a form provided by the Permit and Resource Management Department (PRMD) to be submitted before the Lot Line Adjustment is cleared by Permit and Resource Management Department for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the Permit and Resource Management Department approved Lot Line Adjustment grant deed(s) to reflect the newly configured parcels.
9. Prior to Permit and Resource Management Department stamping the grant deed(s) for the Lot Line Adjustment, the property owner of Lots A thru D shall submit all application materials and applicable filing fees to rescind and replace the existing Non-Prime Land Conservation Act Contracts with four new, Non-Prime Land Conservation Act Contracts on the resulting adjusted parcels. Once the Lot Line Adjustment grant deeds are recorded, Permit and Resource Management Department can proceed with processing the new contracts.
10. Prior to Permit and Resource Management Department stamping the grant deed(s) for the Lot

Line Adjustment, the property owners of Lots B and C shall submit all application materials and filing fees to designate the dwellings on each lot as a type of residence under the compatible uses of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (i.e. Primary Residence, Agricultural Employee Dwelling, or Farm Family Dwelling).

11. After approval of the deed description by the County Surveyor, a grant deed or deeds shall be prepared with all attachments such as the Site Plan listed in Condition #3 above a complete re-description of the lands resulting from ACC's (if required), etc.
12. Deeds of Trust agreements, which encumber only portions of accepted legal lots, are violations of the Subdivision Map Act; therefore, prior to the Permit and Resource Management Departments approval of the deeds for recordation, the applicant(s) shall submit either recorded documents or documents to be recorded concurrently with the Lot Line Adjustment deeds, showing that any Deed of Trust agreements on the subject properties will conform with the adjusted lot boundaries.
13. The packet containing all documents to be recorded shall be submitted to the Permit and Resource Management Department, Project Review for approval prior to recording. The approval will be noted by the planner placing a stamp on the front of the deeds to be recorded.
14. After approval by Project Review the grant deeds shall be recorded and a copy of the deed or deeds shall be submitted to the Permit and Resource Management Department.