



County of Sonoma

State of California

Date: October 05, 2021

Item Number: _____

Resolution Number: _____

LLA19-0009 Alison Hodgkin



4/5 Vote Required

Resolution of the Board of Supervisors of the County of Sonoma, State of California, Approving a Lot Line Adjustment for Mark Lyon Family Trust Between Two Legal Parcels with Conditions Requiring Agricultural Preserve 1-350 be Expanded by Two Acres to Include Lot B and the Existing Land Conservation (Williamson) Act Contract to be Rescinded and Replaced with Two New Contracts to Restrict Resulting Lots A and B for Land Located at 28021 and 28197 River Road, Cloverdale; APN's 116-280-008 and 117-060-004.

Whereas, BC Engineering Group, on behalf of the owner, Mark Lyon Family Trust, has filed a request for Lot Line Adjustment between two legal parcels of 122.15 acres (Lot A) and 2 acres (Lot B), resulting in two legal parcels of 101.74 acres and 22.41 acres, both within Supervisorial District No. 4, located at 28021 and 28197 River Road in Cloverdale, APN's 116-280-008 (Lot A), and 117-060-004 (Lot B); and

Whereas, the purpose of the Lot Line Adjustment is to allow the landowners to make improvements to the vineyard operation by constructing an agricultural barn to house vineyard equipment and materials. Both lots are held in common ownership; and

Whereas, APN 116-280-008 (Lot A) is subject to a Prime (Type I) Land Conservation Act Contract recorded under Book 2627 Page 688 (located in Agricultural Preserve 1-350) and is zoned LIA (Land Intensive Agriculture) B6 20-acre density with combining districts for Z (Accessory Unit Exclusion), F1 (Floodway), F2 (Floodplain), MR (Mineral Resources), VOH (Valley Oak Habitat), RC 200/100 (Riparian Corridor with 200-foot and 100-foot setbacks), RC 50/50 (Riparian Corridor with 50-foot and 50-foot setbacks) and SR (Scenic Resources); and

Whereas, APN 117-060-004 (Lot B) is not subject to a Land Conservation Act Contract and is zoned LIA B6 20, F2, SR and VOH; 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 two legal parcels resulting in two legal parcels of 101.74 acres (Lot A) and 22.41 acres (Lot B), subject to the Conditions of Approval in Exhibit "A," attached hereto which includes a condition to 1) expand Agricultural Preserve No. 1-350 by adding two acres to include existing Lot B, and 2) rescind and replace the existing Prime Land Conservation Act Contract with two new Prime Contracts for resulting Lots A and B. The Board makes the following findings concerning Government Code Section 51257 requirements related to Land Conservation Act contracts in granting the request:

- a. The two new contracts will enforce and restrict the adjusted boundaries of resulting Lots A and B 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.
- c. At least 90 percent of the land under the former contract or contract remains under the new contract or contract. All of the land under the former contract will remain under the two new contracts.
- d. After the Lot Line Adjustment each resulting parcel will exceed the minimum 50 percent threshold for agricultural use, as 83.52 of the 101.74 acres (82

percent) of resulting Lot A and 21.97 of the 22.41 acres (98 percent) of resulting Lot B will be planted in vineyard. Of the remaining 18.22 acres on resulting Lot A, 17.82 will be devoted to open space and 0.84 will be dedicated to accessory agricultural use. All of the remaining 0.44 acres on resulting Lot B will be devoted to open space. There are no non-agricultural uses onsite.

- e. After the Lot Line Adjustment, each resulting parcel will be subject to two new contracts, both of which will be large enough to sustain agricultural uses, as defined in Section 51222. The lots resulting from the Lot Line Adjustment will be 101.74 acres (Lot A) and 22.41 acres (Lot B) both of which exceed the 10-acre minimum acreage requirement for Prime contracts. Income from the vineyard operation fluctuates annually however, the average annual income over the last three years is \$905,978 per year which exceeds the annual income requirement of \$1,000 per planted acre per year.
- f. 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 to support the construction of a new agricultural equipment barn and create the potential for future farm-related housing on Lot B. The Lot Line Adjustment will not compromise other agricultural lands in the area under contract.
- g. The Lot Line Adjustment will not result in adjacent lands being removed from agriculture.
- h. 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 and at the designated density of 20 acres per dwelling unit, Lot A (122.15 acres) can potentially be divided into six parcels. After the Lot Line Adjustment, Lot A will be reduced by 20.41 acres, reducing development potential from six to five parcels. Existing Lot B is currently 2 acres and does not meet the minimum lot size requirement of 20 acres. After the Lot Line Adjustment, Lot B will be increased to 22.41 acres and would meet the minimum lot size requirement of 20 acres. Therefore, the development potential for Lots A and B is the same whether in the current or proposed adjusted configuration.

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.

Resolution #
Date: October 05, 2021
Page 4

Supervisors:

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

So Ordered.