



## Legislation Text

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**File #:** 2019-1095, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Derik Michaelson (707) 565-3095

**Vote Requirement:** Majority

**Supervisory District(s):** First

**Title:**

Lot Line Adjustment of three parcels under Land Conservation Act Contracts; Moring Star Ranch, LLC, Paul Buckley and David Philips LLA17-0072

**Recommended Action:**

Adopt a Resolution approving a Lot Line Adjustment of three parcels subject to Land Conservation Act Contracts located at 116 Mary-Paige Lane, 100 Mary-Paige Lane, and 121 Mary-Paige Lane, Santa Rosa; APNs 049-020-026 (Lot A), -027 (Lot B), and -029 (Lot C).

**Executive Summary:**

This request requires Board of Supervisors approval because it affects the boundaries of three legal parcels subject to an existing Land Conservation Act Contract (No. 2012-099969) within Agricultural Preserve 1-485. The contracted parcels are described on the submitted site plan as Lots A, B and C. (Attachment B). The County's Uniform Rules for Agricultural Preserves require that the Board of Supervisors make specific findings of consistency with the Land Conservation Act requirements for Lot Line Adjustments affecting contracted parcels. Staff confirms the adjusted parcels satisfy all requirements of the Land Conservation Act and Uniform Rules and recommends the Board of Supervisors make the required findings under Government Code section 51257 for approval of the proposed Lot Line Adjustment. The adjusted parcels meet the required findings and will enhance the agricultural operations as noted in the attached resolution.

**Discussion:**

Project Description

This is a request for a Lot Line Adjustment among three parcels, 40.09 acres, 40.02 acres, and 41.82 acres in size, resulting in three parcels, 41.65 acres, 40.09 acres and 40.19 acres in size. The proposed adjustment will bring into alignment existing property lines with current agricultural uses and improvements already established on the affected parcels.

The subject parcels were legally created by Parcel Map No.92-166, and are currently under a single Type I (Prime) Land Conservation Act Contract (No. 2012-099969) within Agricultural Preserve No. 1-485. The legally separate parcels each independently qualify for a new contract, including one new Prime contract on 41.65 acres, and two new Non-Prime contracts on 40.09 acres and 40.19 acres. Lot A meets the qualifications for a new Type I (prime) contract. Resultant Lots B and C each qualify for new individual Type II (Non-Prime) contracts.

Resultant Lot A at 41.65 acres in size will devote 34.3 acres of Prime vineyard land to continued agricultural use producing a gross annual income of \$17,700 per planted acre. Resultant 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 to 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. Resultant 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 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

#### General Plan and Zoning

The three parcels are designated Land Intensive agriculture (LIA B6 40/40) with an allowable density of 40 acres per unit and a minimum lot size requirement of 40 acres. The resultant lot configurations meet the 40 acre minimum lot size requirement and the 40 acres per dwelling unit density requirements of the General Plan and Zoning Ordinance. The Lot Line Adjustment neither increases subdivision potential nor makes any undevelopable portion of land developable for both parcels.

#### Land Conservation Act

A requirement of the State regulations for Land Conservation and the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules) is that the amount of land under contract after a Lot Line Adjustment must remain the same as it was before the Lot Line Adjustment. The Lot Line Adjustment will not result in a reduction of land under contract but a net transfer of 1.63 acres to bring into alignment existing property lines with current agricultural uses and improvements already established between the three contracted parcels.

To facilitate a Lot Line Adjustment, Government Code Section 51257 permits the contracting parties to rescind the existing contract or contracts and simultaneously enter into new contracts, if the required findings can be made. Staff confirms the Lot Line Adjustment meets the required findings as described in the Resolution. A recommended condition of approval requires that the property owners of the resulting Lots A, B, and C must apply to rescind and replace their current contract with new contracts to ensure the legal descriptions attached to each contract coincide with the resultant property line boundaries, as required by the Uniform Rules.

#### Staff Recommendation

Staff recommends the Board find the project consistent with Government Code Section 51257 and approve the proposed Lot Line Adjustment subject to the attached Conditions of Approval. The Conditions require that the property owner of each of the three contracted parcels rescind and replace the existing Land Conservation Act contracts with new contracts, as a result of the Lot Line Adjustment

#### **Prior Board Actions:**

Not applicable

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY19-20 Projected</b>	<b>FY 20-21 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			

<b>Total Expenditures</b>	<b>N/A</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>N/A</b>		

**Narrative Explanation of Fiscal Impacts:**

Approval of the Lot Line Adjustment has no fiscal impact. However, as conditioned, the property owners for each respective parcel must apply for separate Land Conservation Act Contracts. The contracts allow property owners to pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County's share of property tax revenue for each parcel under a Land Conservation Act Contract. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and value of the agricultural crop, and is determined annually by the Assessor's office. Because the requested contracts are replacing existing contracts, the fiscal effects of this change are expected to be minimal.

**Narrative Explanation of Staffing Impacts (If Required):**

Not applicable

**Attachments:**

Draft Board of Supervisors Resolution with Exhibit A Conditions of Approval

Attachment A: Proposal Statement

Attachment B: Lot Line Adjustment Site Plan

**Related Items "On File" with the Clerk of the Board:**

None.