



Legislation Text

File #: 2019-1903, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Katrina Braehmer, (707) 565-1903

Vote Requirement: Majority

Supervisory District(s): Second

Title:

LLA19-0005 Pikachu II Lot Line Adjustment

Recommended Action:

Adopt a Resolution approving a Lot Line Adjustment between three legal parcels subject to Conditions of Approval and Land Conservation Act Contracts at 545, 750, and 1000 Sonoma Mountain Road, Petaluma; APN 136-220-004, 136-220-008, -009, -016, -017, -018, and 136-160-011. (Second District)

Executive Summary:

Staff has determined that the adjusted parcels are consistent with the County's Uniform Rules for Agricultural Preserves and the Land Conservation Act and recommends approval of the Lot Line Adjustment to create three parcels of 271.37+/- acres, 354.87+/- acres, and 157.31+/- acres. Lot Line Adjustments on lands under a Land Conservation Contract require that the Board of Supervisors make findings of consistency with the Land Conservation Act requirements. The adjusted parcels meet all of the required findings and will enhance the agricultural operations as noted in the attached resolution.

Discussion:

Pikachu II, LLC seeks approval of a Lot Line Adjustment between three parcels (refer to Lot Line Adjustment Site Plan under Attachment 4). The legal parcels are identified as 136-220-004 (Parcel A), 136-220-008, -009, -016, -017, and -018 (Parcel B), and 136-160-011 (Parcel C). The current lot sizes are: 81.57+/- acres (Parcel A), 568.41+/- acres (Parcel B), and 133.67+/- acres. The Lot Line Adjustment will result in three parcels, 271.37+/- acres, 354.87+/- acres, and 157.31+/- acres in size. The Lot Line Adjustment is being requested to reconfigure the parcels for new cattle grazing leases.

Site Characteristics:

The affected parcels are 3.5 miles northeast of Petaluma on Sonoma Mountain Road. Parcel A is developed with 3.15 acres of vineyard, a barn, and a well, and the remaining land is devoted to grazing. Parcel B is developed with a primary dwelling unit and garage, guest house, caretaker's residence, 3.22 acres of vineyard, a well pump house, and several agricultural accessory structures. The remaining land is devoted to grazing. A condition of approval requires that the caretaker's unit be designated as an Agricultural Employee or a Farm Family dwelling to remain in compliance with the Uniform Rules. After the adjustment, Parcel A will encompass the 3.22 acres of vineyard and one of the agricultural accessory structures on Parcel B. Parcel C is currently undeveloped grazing land and will remain as such after the adjustment.

Parcel A is split zoned LEA (Land Extensive Agriculture) B6 60 acre density / RRD (Resources and Rural Development) B6 40 acre density, Z (Accessory Dwelling Unit Exclusion) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) RC 50/50 (Riparian Corridor 50-foot setback for residential and agricultural uses) SR (Scenic Resources). Parcel B is split zoned LEA (Land Extensive Agriculture) B6 80 acre density / RRD (Resources and Rural Development) B6 40 acre density / DA (Diverse Agriculture) B6 80 acre density, Z (Accessory Dwelling Unit Exclusion) G (Geologic Hazard Area) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) RC 50/50 (Riparian Corridor 50-foot setback for residential and agricultural uses) SR (Scenic Resources). Parcel C is zoned DA (Diverse Agriculture) B6 40 acre density, Z (Accessory Dwelling Unit Exclusion) G (Geologic Hazard Area) LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains) SR (Scenic Resources).

A condition of approval requires that prior to recording the grant deeds, the owner must submit a complete application for a General Plan Amendment and Zone Change technical correction to align land use and zoning boundaries with the adjusted parcel boundaries.

Background:

In 1972, the Board of Supervisors authorized a Land Conservation Contract for then APN 136-220-003. In 1987, the Project Review Advisory Committee approved a Lot Line Adjustment, file number LLA87-786, for the addition of 182+/- acres to APN 136-220-003, resulting in Parcel B's current configuration. The Board of Supervisors subsequently approved the inclusion of 182+/- acres into Agricultural Preserve 2-411 and an amendment to Parcel B's Land Conservation Contract.

In 1974, the Board of Supervisors authorized a Land Conservation Contract for then APN 136-160-010. In 1984, the County recognized APN 136-160-010 as two separate legal lots under file numbers ACC161 and ACC162, resulting in Parcel C's current configuration as APN 136-160-011.

Land Conservation Act:

State regulations for Land Conservation Contracts and the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) require that the amount of land under contract after a Lot Line Adjustment remain the same as it was before the Lot Line Adjustment and that the adjusted parcels continue to meet all the requirements for a contract. The proposed Lot Line Adjustment will not result in a reduction of land under contract and each parcel individually meets the requirements for a contract as all three lots will continue to be dedicated to agriculture with at least 50% of each parcel devoted to a commercial grazing operation. Staff has determined the Lot Line Adjustment can meet all of the required findings as described in the attached Resolution.

Parcels B and C are currently under separate Non-Prime (Type II) Land Conservation Act contracts, and Parcel A is not currently subject to a contract. To facilitate a Lot Line Adjustment, Government Code Section 51257 permits the contracting parties to rescind the existing contracts and simultaneously enter into new contracts if the required findings can be made. A condition of approval requires that prior to recording the grant deeds for the adjusted parcels, the owners shall apply to: 1) rescind the existing Non-Prime (Type II) contracts for Parcels B and C and replace them with new Non-Prime (Type II) contracts for the reconfigured parcels, and 2) simultaneously expand Agricultural Preserve 2-411 to include resulting Parcel A and enter into a new Hybrid contract for a combination of Non-Prime and Prime agricultural uses, in accordance with the Uniform Rules.

Staff Recommendation:

Staff recommends the Board approve the request because all the state and local requirements for the Lot Line Adjustment can be met.

Prior Board Actions:

December 13, 2011; Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).

FISCAL SUMMARY

N/A

Narrative Explanation of Fiscal Impacts:

The applicant pays for the costs of processing the application. However, as conditioned for approval, the property owners for each resulting parcel must apply for separate Land Conservation Act Contracts. Approval of a Land Conservation Act contract means that property owners pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This reduces the County's share of property tax revenue for the subject parcel. 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.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

ATT 1: Draft Board of Supervisors Resolution

ATT 2: Proposal Statement prepared by the applicant's representative

ATT 3: Assessor's Parcel Map

ATT 4: Lot Line Adjustment Site Plan

ATT 5: Conditions of Approval

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

None