



## Legislation Text

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**File #:** 2022-0406, **Version:** 1

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Hannah Spencer, Supervising Planner (707) 565-1928

**Vote Requirement:** Majority

**Supervisory District(s):** First

**Title:**

File No. LLA21-0058 Lang Family Trust and Sonoma County Regional Parks Lot Line Adjustment, 3000 and 4000 Porter Creek Road, Santa Rosa

**Recommended Action:**

Adopt a Resolution approving a Lot Line Adjustment between two parcels subject to Conditions of Approval and a Land Conservation Act Contract at 3000 and 4000 Porter Creek Road, Santa Rosa; APNs 028-060-062, 028-070-036, and 028-070-032. (First 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 adjust two parcels resulting in a 4.5-acre addition to the Mark West Creek Regional Park & Open Space Preserve. The Lang Family Trust and Sonoma County Regional Parks request to adjust their property line boundaries by reducing the Lang Family Trust's 201.63-acre parcel to a 197.13-acre parcel and increasing Sonoma County Regional Park's 284.91-acre parcel to a 289.41 acre parcel. The purpose of the Lot Line Adjustment is to satisfy requirements to carry out a Conservation Easement Amendment on the Lang - Guttman and Lang - Safari West Conservation Easements, which was approved by the Board of Supervisors on July 13, 2021 (Resolution No. 21-0272). 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 the land use and density criteria of the General Plan and all of the required findings for Land Conservation Act Requirements.

**Discussion:**

Lang Family Trust and Sonoma County Regional Parks seek approval of a Lot Line Adjustment between two separate legal parcels identified as APN 028-060-062 and 028-070-036 (Parcel A - Portion of Mark West Creek Regional Park & Open Space Preserve) and APN 028-070-032 (Parcel B - Lang Family Trust). The current parcel sizes are: 284.91+/- acres (Parcel A) and 201.63+/- acres (Parcel B). The Lot Line Adjustment will result in two parcels, 289.41+/- acres (Parcel A) and 197.13+/- acres (Parcel B) in size. The Lot Line Adjustment is being requested to satisfy requirements to carry out a Conservation Easement Amendment on the Lang - Guttman and Lang - Safari West Conservation Easements, and will add 4.5 acres to Mark West Creek Regional Park & Open Space Preserve.

Zoning for Parcel A is Resources and Rural Development (allowed density: 100 acres per dwelling unit) and

combining zones for Riparian Corridor with 50-foot setbacks, Riparian Corridor with 200-foot and 50-foot setbacks, Valley Oak Habitat, and Scenic Resources.

Zoning for Parcel B is: Resources and Rural Development (allowed density: 100 acres per dwelling unit) and combining zones for Riparian Corridor with 50-foot setbacks, Riparian Corridor with 200-foot and 50-foot setbacks, and Scenic Resources.

#### **Site Characteristics:**

The affected parcels are situated south of Porter Creek Road, approximately one half mile east of the historic Mark West Springs Lodge in the unincorporated area of northeastern Santa Rosa.

Parcel A is a County-owned property operated as part of the Mark West Creek Regional Park & Open Space Preserve and is protected by a Conservation Easement that protects scenic and natural resources, habitat connectivity and recreational and educational resources. Parcel A is subject to a non-prime Land Conservation contract (currently in phase-out) and is also encumbered with a Recreation Conservation Covenant that requires the property owner to use, operate and maintain the property as a public park and open space preserve in perpetuity, available to the public for low-intensity outdoor public recreation and educational uses in a manner consistent with the Conservation Easement. The County-owned Parcel A is developed with a gravel road and network of secondary dirt roads. Parcel B is a private property owned by the Lang Family Trust and is developed with a single-family dwelling, paved access roads, and agricultural infrastructure that support a cattle grazing operation. Parcel B is not currently subject to a Land Conservation contract. The subject 4.5 acres of land to be conveyed from Parcel B to Parcel A contains open space uses, including oak woodland and grassland habitat.

#### **Background:**

In 2002, the Sonoma County Agricultural Preservation and Open Space District ("District") acquired a conservation easement over Parcel A to protect the open space, natural, and scenic values. The District then purchased Parcel A from the McCulloughs in 2009 and transferred the property to Sonoma County Regional Parks in 2018 and now holds a Conservation Easement over this property and other adjacent properties that comprise Mark West Creek Regional Park & Open Space Preserve.

This Lot Line Adjustment is being carried out to satisfy requirements to carry out a necessary Amendment to the Land - Safari West and Lang - Guttman Conservation Easements, which was approved by the Board on July 13, 2021 (Resolution No. 21-0272).

#### **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 as resulting Parcel A will meet the requirements for an open space replacement contract and will continue to be devoted to qualifying open space with at least 50% of the parcel devoted to open space uses. Staff has determined the Lot Line Adjustment can meet all of the required findings as described in the attached Resolution.

Parcel A is currently subject to a Non-Prime (Type II) Land Conservation Act Contract that will expire on December 31, 2027. To facilitate a Lot Line Adjustment, Government Code Section 51257 permits the contracting party to rescind the existing contract and simultaneously enter into a new contract if the required findings can be made. Parcel B is not currently subject to a Land Conservation Act. As a result, a condition of approval requires that prior to recording the grant deeds for the adjusted parcels, Sonoma County Regional Parks apply to simultaneously 1) expand Agricultural Preserve No. 2-260 to include the 4.5 acres added to Parcel A, and 2) rescind the existing contract and enter into a new contract for reconfigured Parcel A in accordance with the Uniform Rules. To reflect the current open space use of the parcel, the replacement contract will be updated to an Open Space Land Conservation Act Contract.

**Staff Recommendation:**

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

**Strategic Plan:**

N/A

**Prior Board Actions:**

- A. April 23, 2002; Board approves a conservation easement over Parcel A, formerly known as McCullough Ranch (Resolution No. 02-0434).
- B. August 18, 2009; Board approves fee acquisition of the McCullough Ranch (Resolution No. 09-0790).
- C. December 13, 2011; Board approves the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).
- D. October 9, 2018; Board approves transferring the Sonoma County Agricultural Preservation and Open Space District-owned properties comprising the Mark West Creek Regional Park & Open Space Preserve to Sonoma County Regional Parks (Resolution No. 18-0407).
- E. July 13, 2021; Board approves to amend the Lang - Guttman and Lang - Safari West Conservation Easements (Resolution No. 21-0272 and 21-0273).

**FISCAL SUMMARY**

N/A

**Narrative Explanation of Fiscal Impacts:**

None. The applicant pays for the costs of processing the application. There will be no new fiscal impacts as a result of this action.

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

N/A

**Attachments:**

- Att 1. LLA21-0058 Draft Board of Supervisors Resolution
- Att 1A. LLA21-0058 Attachment A-Conditions of Approval
- Att 2. LLA21-0058 Assessor's Parcel Maps
- Att 3. LLA21-0058 Lot Line Adjustment Site Plan

**Related Items “On File” with the Clerk of the Board:**

N/A