Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Robert Mauritson Et Al For A Minor Lot Line Adjustment Between Three Parcels Of 74.4 Acres, 39.3 Acres, And 29.6 Acres In Size Resulting In Three Parcels Of 57.8 Acres, 41.4 Acres, And 44.1 Acres In Size With All Parcels Subject To Land Conservation Act Contracts For Property Located At 11560 Chalk Hill Road, Healdsburg; APN: 079-120-024, -025, -030, and -031.

WHEREAS, the applicant, Robert Mauritson et al, filed a Minor Lot Line Adjustment application with the Sonoma County Permit and Resource Management Department between three parcels of 74.4 acres, 39.3 acres, and 29.6 acres in size resulting in three parcels of 57.8 acres, 41.4 acres, and 44.1 acres in size with all parcels subject to a Land Conservation Act Contract for property located at 11560 Chalk Hill Road, Healdsburg; APN: 079-120-024, -025, -030, and -031; Zoned RRD (Resources and Rural Development), B6-100 acre density; Supervisorial District No 4; and

WHEREAS, the purpose of the Lot Line Adjustment is to adjust property lines to reconfigure the lots for better fit the general topography for all the lots. All lots are subject to non-prime (Type II) 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requires that the Board of Supervisors make certain findings before existing Land Conservation Act Contracts may be rescinded and replaced to facilitate a Lot Line Adjustment.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the adjusted boundaries of the four parcels for an initial term for at least as long as the unexpired term of the two rescinded contracts but for not less than 10 years.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 three new Non-Prime (Type II) contracts required as a Condition of Approval for the Lot Line Adjustment.

4. After the Lot Line Adjustment, each of the resultant parcels (Lots A, B, and C) will remain large enough to sustain its agricultural use (grazing operation). Resultant Lots A, B, and C 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 better fit the general topography for all the lots.

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 both parcels will remain as Resources and Rural Development, 100 acres per dwelling unit. The parcels will have the same subdivision potential before and after the Lot Line Adjustment.

7. Conditions of Approval require that prior to recording the Grant Deeds for the Lot Line Adjustment, the property owner of Lots A, B, and C shall submit the appropriate applications and filing fees to rescind and replace the existing contracts with three new non-prime (Type II) Land Conservation Act Contracts as applicable. Once the Lot Line Adjustment grant deeds are recorded, then the County can proceed with preparation of the three new contracts, and include the new legal descriptions for each parcel.

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 minor Lot Line Adjustment.

Now, Therefore, Be It 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 (Type II) Land Conservation Act Contracts on Lots A, B, and C.

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:

Rabbitt: Zane: Gore: Carrillo: Gorin:

Ayes: Noes: Absent: Abstain:

So Ordered.
SONOMA COUNTY BOARD OF SUPERVISORS
Attachment A to Resolution

Conditions of Approval

Date: March 3, 2015                        File No.: LLA14-0057
Staff: Scott Hunsperger                     APN: 079-120-024, -025, -030, and -031
Applicant: Robert Mauritson et al          Address: 11560 Chalk Hill Road, Healdsburg
Owner: Same

Project Description: Request for a Minor Lot Line Adjustment between three parcels (four APN's) of 74.4 acres, 39.3 acres, and 29.6 acres in size resulting in three parcels of 57.8 acres, 41.4 acres, and 44.1 acres in size with all parcels subject to a Land Conservation Act Contract.

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 (PRMD) 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 (March 3, 2017) unless a request for an extension of time is received before the expiration date.

PLANNING:

1. Submit verification to PRMD 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.

2. Submit a draft description of the parcel(s) being transferred 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 Mauritson et al. as described by deed recorded under Document No. 2014-069229, Sonoma County Records, APN 079-120-030 and -031, with the Lands of Mauritson et al. as described by Certificate of Compliance recorded under Document No. 2009-088895, Sonoma County Records, APN 079-120-024, with the Lands of Mauritson et al. as described by Certificate of Compliance recorded under Document No. 2009-088896, Sonoma County Records, APN 079-120-025. This deed is pursuant to an application for a Lot Line Adjustment (LLA14-0057) on file in the office of the Sonoma County Permit and Resource Management Department. It is the express intent of the signators 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. Deed of Trust agreements, which encumber only portions of accepted legal lots, are violations of the Subdivision Map Act; therefore, prior to PRMD approval of the deed for recordation, the applicant 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.

4. After approval of the deed description by the County Surveyor, a grant deed or deeds shall be prepared and submitted to PRMD for approval prior to recording.
5. The property owner(s) shall execute a Right-to-Farm Declaration on a form provided by PRMD to be submitted before the Lot Line Adjustment is cleared by PRMD for recordation. The Right-to-Farm Declaration shall be recorded concurrently with the PRMD approved Lot Line Adjustment grant deed(s) to reflect the newly configured parcels.

6. 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.”

7. Prior to PRMD stamping the grant deed(s) for the Lot Line Adjustment, the property owner of Lot A, B, and C shall submit all application materials and applicable filing fees to rescind and replace the existing non-prime Type II Williamson Act Contract with three new, non-prime Type II Land Conservation Act Contracts on the resulting adjusted parcels. Once the Lot Line Adjustment grant deeds are recorded, PRMD can proceed with processing the new contracts.

8. A minimum 20 foot access and public utility easement to ‘Lot A’ 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 LLA13-0047 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.”

9. The legal descriptions for the proposed Lot Line Adjustments between APNs 079-120-024, -025, -030, and -031 shall describe the areas being adjusted between parcels.

10. Provide by means of a (topographic) Plot Plan drawn to a 1”=20’ scale, that proposed Lots 1, 2, and 3 contain sufficient area to accommodate a one-bedroom private sewage disposal system and a 200% unencumbered future reserve area. If the parcel is not served by public water, the plan shall include the location of any existing and potential domestic well site(s). Location of neighboring wells and septic systems within 150 feet of the proposed lots must be shown, as well as existing and proposed driveways, grading cuts, and drainage ways. The plan is to be provided by a registered Civil Engineer or Environmental Health Specialist. This demonstration may be modified or waived by the District Specialist if the consultant can clearly demonstrate that adequate primary and reserve area is available.

11. Drinking water sources, with a production rate of at least 1 gallon per minute of water per dwelling unit, on proposed lots 1, 2, and 3 must be provided to Project Review, Health.