

SONOMA COUNTY BOARD OF SUPERVISORS

EXHIBIT A

Final Conditions of Approval

Staff: Karin Theriault
Applicant: Phillip Danskin and Assocs.
Owner: [REDACTED]
Address: 6413, 6417 and 6415 Enterprise Road, Glen Ellen

Date: March 24, 2009
File No.: LLA08-0017
APN: 055-040-050, -051, -073

Project Description: Request for an expansion of an existing Agricultural Preserve 1-535 and a minor Lot Line Adjustment between three parcels of 5.01 acres, 22.95 acres, and 5 acres in size resulting in two parcels of 8.01 acres and 27.95 acres in size.

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 will determine if a public hearing is necessary and if additional fees are required.

NOTE: The Board of Supervisors decisions shall be final on the eleventh (11th) day after final Board of Supervisors action unless an appeal is taken.

NOTE: These conditions must be met and the application validated within 24 months (March 24, 2011) unless a request for an extension of time is received before the expiration date.

PLANNING:

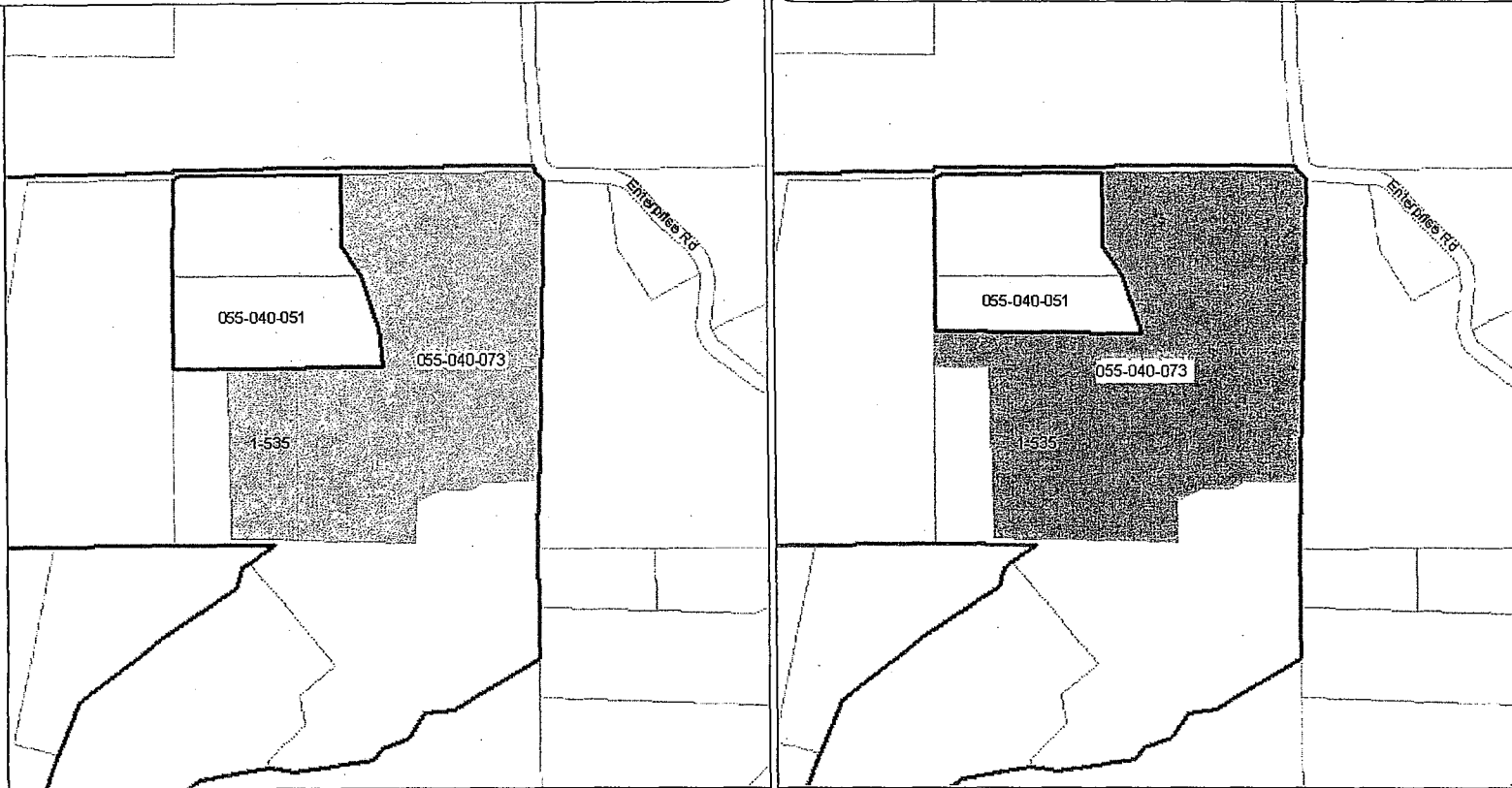
"The conditions below have been satisfied" BY _____ DATE _____

1. Submit verification to Permit and Resource Management Department (PRMD) that taxes and/or assessments, 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. A draft description, prepared by a licensed land surveyor or civil engineer authorized to practice land surveying, showing the combination of lots or transfer of property shall be submitted 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 Patrick and Faith Campbell Trust, et. al., as described by deed recorded under Document No. 98-086509, Sonoma County Records, (APN 055-040-051) with the [REDACTED] and [REDACTED] Trust as described by deed recorded under Document No. 2008-040279, Sooma County Records, (APN 055-040-073) and the combination of a portion of the Lands of Patrick and Faith Campbell Trust, et.al., as described by deed recorded under Document No. 99-086509, Sonoma County Records, (APN 055-040-051) with the Lands of Jeffrey G. Gibson, et. al., as described by deed recorded under Document No. 97-004884, Sonoma County Records, (APN 055-040-050). This deed is pursuant to LLA08-0017 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. 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.
4. 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."

5. 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.
6. Prior to recording the lot line grant deeds, the applicant shall submit a complete Williamson Act Contract amendment application and appropriate fees to mutually rescind and replace the existing Type I Williamson Act contract with a new Type I contract as a result of the Lot Line Adjustment.
7. The Project Planner shall not stamp for final approval the grant deed(s) to allow the Lot Line Adjustment to record, until the new Type I Williamson Act contract for resultant Lot B, prepared by the Office of County Counsel, has been signed and returned by the project applicants to the Office of County Counsel, and ready to be recorded by the Office of County Counsel.
8. 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.





**Previous Agricultural Preserve/
Williamson Act Contract Area**

**Approved Agricultural Preserve/
Williamson Act Contract Area**



1 inch equals 500 feet

Base Data

-  Agricultural Preserve Boundary (I-535)
-  Ag Preserve - Existing Subject Area
-  Ag Preserve - Proposed Subject Area
-  Parcel

Map Data and Maps are not to be used for any purpose other than that intended. This map is for informational purposes only and does not constitute a warranty or endorsement. The user assumes all responsibility for any use of the information provided on this map. The County of Santa Rosa does not warrant the accuracy of the information provided on this map. The County of Santa Rosa does not warrant the accuracy of the information provided on this map. The County of Santa Rosa does not warrant the accuracy of the information provided on this map.

Permit and Resource Management Department
Project Review Section

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1866 Fax (707) 565-1103

Previous and Approved Agricultural Preserve/Williamson Act Contract Map

#55
Resolution Number 09-0269

County of Sonoma
Santa Rosa, California

March 24, 2009
PLP08-0121 Karin Theriault

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, GRANTING THE REQUEST BY [REDACTED] AND [REDACTED] AND [REDACTED] FOR THE EXPANSION OF AN EXISTING AGRICULTURAL PRESERVE AND A LOT LINE ADJUSTMENT FOR PROPERTY LOCATED AT 6413, 6417 AND 6415 ENTERPRISE ROAD, GLEN ELLEN, APN 055-040-050, 055-040-051 AND 055-040-073

WHEREAS, the applicant(s), [REDACTED] and [REDACTED] and [REDACTED], filed an application with the Sonoma County Permit and Resource Management Department for the expansion of a Type I Agricultural Preserve and a minor Lot Line Adjustment between three parcels located at 6413, 6417 and 6415 Enterprise Road, Glen Ellen, APN 055-040-050, 055-040-051 and 055-040-073; Supervisorial District 1; and

WHEREAS, to facilitate a Lot Line Adjustment, Government Code § 51257 authorizes parties to a Williamson Act Contract or contracts to mutually 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, §15305(a) of Title 14 of the California Code of Regulations (CEQA Guidelines) provides that a minor Lot Line Adjustment is exempt from the California Environmental Quality Act; and Section 15317 of Title 14 provides that the establishment/expansion of Agricultural Preserve is exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the Board of Supervisors finds the inclusion of the subject property in a Type I Agricultural Preserve to be consistent with the Sonoma County General Plan and the applicable provisions of state law; and

WHEREAS, the applicant has provided evidence that the Lot Line Adjustment complies with County-adopted Rules and Regulations for Administration of Agricultural Preserves and that Parcel B will continue to qualify for a Type I Williamson Act Contract; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on March 24, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors makes the following findings consistent with Government Code 51200 et.seq. and Section 51257 for Type I Contracts for the project; and County-adopted Rules and Regulations for Administration of Agricultural Preserves.

1. The adjusted boundaries of resultant Parcel B would be restricted under the new contract for a term of at least 10 years.
2. There is no net decrease in the amount of the acreage restricted as Parcel B will remain under contract.

3. One hundred percent of the land under the original contract (22.95 acres) plus an additional 2 acres will be restricted under the new Type I contract upon approval of the application for rescission and simultaneous replacement of the current contract with one replacement contract for the resulting lot as required by the Conditions of Approval for the Lot Line Adjustment.
4. After the Lot Line Adjustment, the resultant Parcel B under a Type I Contract remains large enough (24.95 acres) to sustain its agricultural use (prime land). The resultant parcel will exceed the minimum acreage and minimum income requirement for a Type I Contract. For *prime* land under a Type I Williamson Act Contract, the minimum parcel size requirement is 10 acres with the minimum income requirement of \$200.00 gross per acre.
5. The Lot Line Adjustment does not compromise the long-term agricultural productivity of the parcels subject to contract. There is no change to the existing land use designation of DA (Diverse Agriculture). The parcel is and will continue to be used for vineyard.
6. The adjacent land is not located in a Williamson Act Contract.
7. The Lot Line Adjustment did 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. The Lot Line Adjustment improves the overall conformance for both parcels with the DA (Diverse Agriculture), B6 20/20 acre density zoning district.

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 Subdivision Map Act and the Williamson Act and grants the request for the Lot Line Adjustment subject to conditions as shown in Exhibit "A" for property located at 6413, 6417 and 6415 Enterprise Road, Glen Ellen, APN 055-040-050, 055-040-051 and 055-040-073.

BE IT FURTHER RESOLVED that the Board of Supervisors makes the following findings with respect to modification of Agricultural Preserve 1-535:

1. The modification and expansion of the Agricultural Preserve is consistent with the General Plan designation of the site DA (Diverse Agriculture), 10 acre density with each of the four parcels over 10 acres.
2. The modification and expansion of the existing Type I Agricultural Preserve allows for 2.5 acres of adjusted land to be included in a Type I Williamson Act Contract (Parcel B).
3. The land to be added to the preserve is prime agricultural land.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby finds that substantial evidence in the record before it supports the above findings and grants the request by Phillip Danskin to expand the Type I Agricultural Preserve 1-535 to allow additional lands to be placed under Williamson Act Contract.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is hereby instructed to record the Resolution and Agricultural Preserve Area map with the Office of the Sonoma County Recorder.

BE IT FURTHER RESOLVED that the Board of Supervisors finds that the project described in

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this Resolution is exempt from the requirements of the California Environmental Quality Act by virtue of Section 15305 Class 5 of Title 14, and Section 15317 of the California Code of Regulations (CEQA Guidelines) in that the project is the expansion of a Type I Agricultural Preserve 1-535 and a minor Lot Line Adjustment.

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 VOTE:

Brown: Aye

Kerns: Aye

Zane: Aye

Carrillo: Aye

Kelley: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

SO ORDERED.