

COUNTY OF SONOMA BOARD OF SUPERVISORS
Exhibit A

Draft Conditions of Approval

Time:	N/A	Date:	October 6, 2009
Staff:	Traci Tesconi	File No.:	LLA05-0071
Applicant:	Diamond W Ranch	APN:	022-300-008(Ptn), 022-210-005, -008, 022-320-003, 027-250-007, -008
Owner:	Diamond W Ranch		
Address:	9420 and 9421 Valley Ford Road, Petaluma		

Project Description: Request for a one-year extension of time for a previously approved major Lot Line Adjustment among four parcels 285.10 acres, 1.30 acres, 26.6 acres and 525 acres resulting in four parcels 243.10 acres, 41.60 acres, 40.1 acres, and 513 acres in size (all parcels are under Type II Williamson Act contract). The project involves six parcel numbers.

NOTE: Amendments and changes to approved Lot Line Adjustment conditions may be considered by PRAC 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: These conditions must be met and the application validated within 12 months (September 25, 2010).

PLANNING:

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

1. Submit verification to Planning 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 reconfiguration of the Lands of Margaret Wilson Family, LTD., PTP., as described by deed recorded under Document No. 1997-064017, Sonoma County Records, (APN 022-300-008 and 022-310-005) with the Lands of Kenneth A. Wilson and Clairette Wilson Trust as described by deed recorded under Document No. 1993-09410, Sonoma County Records, (APN 022-310-008, 027-250-007, 022-320-003, and 027-250-008). This deed is pursuant to LLA05-0071 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 by the County Surveyor, a grant deed or deeds shall be prepared and submitted to the Planning Division for approval prior to recording. An approval stamp will be placed on the face of the grant deed or deeds.
4. After approval by Planning the grant deeds shall be recorded and a copy of the deed or deeds shall be submitted to the Permit and Resource Management Department.
5. 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."

6. Deed of Trust agreements which encumber only portions of accepted legal lots are violations of the Subdivision Map Act. Therefore, prior to Planning 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.
7. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,993.00 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,043.00 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
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.
9. The property owner(s) have the option of submitting a request to interrupt the phase-out, and request to rescind and replace the existing Type II Williamson Act contract with a new contract(s) prior to recording the grand deed(s) under Section 51257 of the Government Code.
10. The following note shall be placed on the grant deeds: "If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated."
11. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

PRAC ACTION ON AUGUST 2, 2007: Dave Caldwell moved to recommend to the Board of Supervisors approval of the Lot Line Adjustment under Williamson Act with modified conditions. Seconded by Jon Tracy and passed on a 7-0-0-0 vote.