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#9  
Resolution Number 09-0237

ATTEST: **MAR 24 2009**

County of Sonoma  
Santa Rosa, California

ROBERT DEIS, Clerk of the Board of Supervisors  
of the State of California, in & for the County of  
Sonoma

March 24, 2009  
PLP07-0090

Traci Tesconi

BY Woodson DEPUTY

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY  
OF SONOMA, STATE OF CALIFORNIA, GRANTING THE  
REQUEST BY J WINE COMPANY, LP/THOMAS N. JORDAN, JR.  
AND SANDRA VELASCO, FOR A MINOR LOT LINE  
ADJUSTMENT FOR PROPERTY LOCATED AT 9887, 10054,  
9882 EASTSIDE ROAD AND 1820 WINDSOR ROAD, WINDSOR;  
APN's 066-300-054, -055, -056, AND -057.

WHEREAS, the applicant(s), J Wine Company, LP/Thomas N. Jordan, Jr. and Sandra Velasco, filed an application with the Sonoma County Permit and Resource Management Department for: 1) a Minor Subdivision of 132 acres creating two lots of 20.1 acres and 20.79 acres in size, and a designated remainder of 40 acres in size, and 2) a Lot Line Adjustment between four parcels of 70.2 acres, 22.8 acres, 20.1 acres (proposed Lot 2 of the subdivision), and 20.79 acres (proposed Lot 1 of the subdivision), resulting in four parcels of 24.6 acres, 67.8 acres, 22.8 acres, and 20.7 acres in size; Zoning LIA (Land Intensive Agriculture), B6-60 acre density, Z (Second Dwelling Unit Exclusion), F2 (Floodplain Combining District), VOH (Valley Oak Habitat), and RRD (Resources and Rural Development), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat); APN's 066-300-054, -055, -056, and -057; Supervisorial District No. 4; and

WHEREAS, the Minor Subdivision does not involve land under a Williamson Act contract, and thereby is not subject to Section 66474.4(a) of the Subdivision Map Act and does not require the Board of Supervisors review or approval; and

WHEREAS, at its regularly scheduled meeting on January 15, 2009, the Project Review and Advisory Committee approved the Minor Subdivision portion of the project; and

WHEREAS, the Lot Line Adjustment involves a parcel under an existing Williamson Act contract, and is, therefore, subject to Section 51257 of the Government Code requiring review and approval by the Board of Supervisors; and

WHEREAS, to facilitate a Lot Line Adjustment, Government Code § 51257 authorizes parties to a Williamson Act contract or contracts to mutually agree to 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 minor Lot Line Adjustments are exempt from the California Environmental Quality Act; and

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

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors makes the following findings consistent with Government Code §51257:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years. The property owners have agreed to the requirement of the conditions of approval for the Lot Line Adjustment to rescind and replace one existing Type I contract on Lot B and to place Lot D under a new contract.
2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a Lot Line Adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts. The Lot Line Adjustment does not result in a net decrease of land under contract because the mitigation measures include the requirement to place Lot D (20.7 acres) into a Type I Williamson Act contract in exchange for taking 2.4 acres out of Lot B (contracted parcel). Therefore the Lot Line Adjustment will result in an increase of 18.3 acres of land under a Williamson Act contract.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts because the Lot Line Adjustment will not result in any decrease in the acreage of land under contract. Lot B is currently 70.2 acres, approximately 2.4 acres will be adjusted out of this parcel and added to non-contracted land. This calculates to a decrease of 4%; therefore, 90% of the original land under contract will remain under contract. In addition, Lot D (20.7 acres) which contains an existing vineyard, will also be placed under a new contract as a result of the Lot Line Adjustment which increases the overall land under contract by 20.7 acres. The land that is being taken out of Lot B is not under cultivation.
4. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. After the Lot Line Adjustment, Lot B (the only lot currently under contract), will be 67.8 acres in size and planted entirely in vineyard; therefore, Lot B will continue to exceed the minimum parcel size requirement (10 acres) for a Type I contract (prime) and will continue to be planted in vines.

As proposed, Lot D (20.7 acres in size with 5.21 acres planted in Pinot Noir grapes) will be placed under a new Type I Williamson Act contract located within an established Agriculture Preserve Area (1-368). According to the applicant's viticulturist, the remaining land of Lot D is either too steep or contains existing oak woodlands. Therefore, even though the parcel does not meet the rule that at least 50% of the parcel is planted, it appears the applicants have demonstrated that for Lot D the remaining land is not plantable, consistent with the County's interim guidelines.

5. The Lot Line Adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts. Lot B, the only parcel under contract, will continue to contain a commercially viable agricultural operation (vineyard) and will continue to be under a Williamson Act contract. Also, to facilitate the Lot Line Adjustment, Lot D (20.7 acres) will be placed under a Williamson Act contract located within an established Agricultural Preserve Area (1-368); therefore, no modification of the Agricultural Preserve area is required.
6. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use. Those parcels involved in the Lot Line Adjustment that are currently

planted in vineyard will continue to be planted in a permanent crop (vineyard).

7. The Lot Line Adjustment does 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.

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; and

BE IT FURTHER RESOLVED that the Board of Supervisors grants approval of the Lot Line Adjustment request by J Wine Company, LP/Thomas N. Jordan, Jr. and Sandra Velasco, for the subject minor Lot Line Adjustment with Conditions of Approval which requires the rescission and replacement of an existing Type I Williamson Act contract with two new Type I contracts on two of the resulting parcels located within an established Agricultural Preserve Area (1-368) for property located at 9887, 10054, and 9882 Eastside Road, and 1820 Windsor River Road, Windsor; APN's 066-300-054, -055, -056, and -057.

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.

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.