

RESOLUTION NO. 20-116

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING THE RESCISSION OF THE EXISTING WILLIAMSON ACT CONTRACTS AND SIMULTANEOUS REPLACEMENT OF TWO NEW CONTRACTS FOR THE LANDS OF RAWAH VINEYARDS, LLC AND ANDERSON VINEYARDS, INC. (RE 2019-0002)

WHEREAS, the applicant, Rawah Vineyards, LLC filed an application with the Mendocino County Department of Planning and Building Services to rescind and re-enter the existing Williamson Act contract numbers 152 and 975 in the community of Philo on the north side of State Route 128, 0.35± miles east of its intersection with Nash Mill Road (private) at 4741 Highway 128, Philo, and which areas are described in Exhibits "A" and "B"; APNs 026-295-10, 026-295-37, 026-330-06, 026-330-44, 026-294-14 (the "Project"), and;

WHEREAS, Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts pursuant to Mendocino County Code section 22.08.010, which provide that that no property shall be incorporated into an agricultural preserve unless the Board of Supervisors finds that the property meets the eligibility qualifications established by the such Policies and Procedures; and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 17; and

WHEREAS, in accordance with applicable provisions of law, the Board of Supervisors held a public hearing on, September 1, 2020 at which time the Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Project and all interested persons were given an opportunity to hear and be heard regarding the project; and

WHEREAS, at the Board of Supervisors hearing on September 1, 2020, all interested persons were given an opportunity to be heard regarding the Project, and the Board of Supervisors did hear and make its recommendation to the Board of Supervisors on the Project; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Board of Supervisors regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Board of Supervisors, based on the evidence in the record before it, makes the following findings regarding project RE_2019-0002:

1. The Board of Supervisors finds that the Project is consistent with the property's General Plan land use designation of RL (Rangeland) and with applicable goals and policies of the General Plan.
2. The Board of Supervisors finds that the Project is consistent with the property's zoning district of RL (Rangeland) and is in conformance with Mendocino County Code Chapter 20.052.
3. The Board of Supervisors finds that the Project satisfies the eligibility requirement criteria set forth in Section 5.2 of the Policies and Procedures for Agricultural Preserves and Williamson Act Contracts; and
4. The Board of Supervisors finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15317 (Class 17 Exemption).
5. The Board of Supervisors hereby approves the rescission of the existing Williamson Act contracts applicable to the lands described in Exhibits "A" and "B", attached hereto and

incorporated herein by this reference, and approves the simultaneous re-entry into new contracts in a form approved by the Mendocino County Counsel, and that the owners shall cause to be recorded with the County Recorder's Office one (1) map per contract, written legal descriptions for each and contracts for the preserve in accordance with the established procedures of the County Recorder's Office.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor McCowen, and carried this 1st day of September, 2020, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams
NOES: None.
ABSENT: None.

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M CURTIS
County Counsel

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Attachments: Exhibit A
Exhibit B

EXHIBIT A

LANDS OF RAWAH VINEYARDS, LLC

All that real property situated in the County of Mendocino, State of California, more particularly described as follows:

TRACT ONE:

The southwest quarter of Section 35, Township 15 North, Range 15 West, Mount Diablo Meridian.

EXCEPTING THEREFROM the following:

1st: All that portion of the southwest quarter of Section 35, Township 15 North, Range 15 West, Mount Diablo Meridian that lies northerly and westerly of the following described line:

COMMENCING at a ½" iron pipe marking the southwest corner of said Section 35, as shown on the Record of Survey map recorded in Map Case 2, Drawer 6, Page 16, Mendocino County Records, from which a ½" iron pipe marking the west quarter corner of said Section 35 bears North 01° 02' 04" East, 2622 .93 feet (record = 2623.60 feet); thence along the west line of said Section 35, North 01° 02' 04" East, 1305.81 feet to the **POINT OF BEGINNING** of this line description; thence leaving said west line, North 90° 00' 00" East, 9 .77 feet to a fence corner; thence along an existing wire fence North 88° 58' 10" East, 102.95 feet; thence South 88° 43' 19" East, 412.34 feet; thence North 88° 44' 43" East, 82 .29 feet; thence South 88° 53' 57" East, 299 .57 feet; thence South 89° 44' 41" East, 542 .08 feet; thence North 87° 13' 07" East, 22 .44 feet; thence North 46° 51' 45" East, 101.74 feet; thence North 45° 05' 17" East, 66 .70 feet; thence North 13° 02' 40" East, 187 .22 feet; thence North 14° 51' 15" East, 88 .30 feet; thence North 13° 40' 15" East, 473.76 feet; thence North 13° 37' 44" East, 348.53 feet; thence North 13° 01' 03" East, 140 feet, more or less, to a point on the north line of the said southwest quarter of Section 35 and being the end of this line description.

2nd: That portion conveyed to John Gossman by deed dated January 16, 1873, recorded February 27, 1873 in Book 8 of Deeds at Page 125, Mendocino County Records.

3rd: That portion conveyed to Albert Gossman by deed dated January 9, 1902, recorded January 22, 1902, in Book 85 of Deeds at page 223, Mendocino County Records.

Portions of AP 026-295-10 & 37

TRACT TWO:

COMMENCING at the northwest corner of Section 2, Township 14 North, Range 15 West, Mount Diablo Base and Meridian, running thence East along the township line to Gossman's fence to a redwood stake marked "X", 56 rods; thence Southwesterly along the northwest side of fence to the section line and to redwood stake marked "X", 63 rods and 4 feet; thence North along the section line 34 rods and 2½ feet to the Place of Beginning.

AP 026-330-06

EXHIBIT B

LANDS OF ANDERSON VINEYARDS, INC.

All that real property situated in the County of Mendocino, State of California, more particularly described as follows:

TRACT ONE:

The southeast quarter of the southeast quarter of Section 34, Township 15 North, Range 15 West, Mount Diablo Meridian.

AP 026-294-14

TRACT TWO:

All that portion of the southwest quarter of Section 35, Township 15 North, Range 15 West, Mount Diablo Meridian that lies northerly and westerly of the following described line:

COMMENCING at a 1/2" iron pipe marking the southwest corner of said Section 35, as shown on the Record of Survey map recorded in Map Case 2, Drawer 6, Page 16, Mendocino County Records, from which a 1/2" iron pipe marking the west quarter corner of said Section 35 bears North 01°02'04" East, 2622.93 feet (record = 2623.60 feet); thence along the west line of said Section 35, North 01°02'04" East, 1305.81 feet to the **POINT OF BEGINNING** of this line description; thence leaving said west line, North 90°00'00" East, 9.77 feet to a fence corner; thence along an existing wire fence North 88°58'10" East, 102.95 feet; thence South 88°43'19" East, 412.34 feet; thence North 88°44'43" East, 82.29 feet; thence South 88°53'57" East, 299.57 feet; thence South 89°44'41" East, 542.08 feet; thence North 87°13'07" East, 22.44 feet; thence North 46°51'45" East, 101.74 feet; thence North 45°05'17" East, 66.70 feet; thence North 13°02'40" East, 187.22 feet; thence North 14°51'15" East, 88.30 feet; thence North 13°40'15" East, 473.76 feet; thence North 13°37'44" East, 348.53 feet; thence North 13°01'03" East, 140 feet, more or less, to a point on the north line of the said southwest quarter of Section 35 and being the end of this line description.

Portions of AP 026-295-10 & 37

TRACT THREE:

That portion of Lots 1 and 2 of Section 3, Township 14 North, Range 15 West, Mount Diablo Meridian, lying northerly and easterly of the north line of California State Highway #128, and that portion of the southeast quarter of the northeast quarter of said Section 3 lying northerly and easterly of California State Highway #128 and lying northerly of Philander More or Lazy Creek.

EXCEPTING therefrom the following:

1st: That portion conveyed by Margaret Holmes to John Grossman, by deed dated July 21, 1884, recorded July 25, 1884 in Book 33 of Deeds, Page 356, Mendocino County Records.

2nd: That portion conveyed in the deed executed by Alma Maddux et al to William K. Maddux et ux, dated September 5, 1967, recorded September 6, 1967 in Volume 747 of Official Records, Page 545, Mendocino County Records.

3rd: That portion conveyed in the deed executed by Blyde A. Perkins and Alice R. Perkins to Aldah H. Rooks, dated January 18, 1972, recorded March 24, 1972, in Book 882, Official Records, Page 502, Mendocino County Records.

4th: That portion of Lot 2 of said Section 3 described as follows:

BEGINNING at a 1/2 inch iron pipe marking the most westerly point of PARCEL ONE as described in the Rooks deed recorded in Book 882, Official Records, Page 502, Mendocino County Records, said point being on the northerly right of way line of State Highway 128; thence along the northwesterly line of said PARCEL ONE, North 48°23'14" East, 300.32 feet to a 1/2 inch iron pipe; thence leaving said northwesterly line, North 53°51'00" West, 433.47 feet; thence South 36°09'00" West, 283.50 feet to a point on the northerly right of way line of State Highway 128; thence along

said right of way line South 53°51'00" East, 330.50 feet to a CHC monument; thence South 36°09'00" West, 1000 feet; thence South 53°51'00" East, 39.31 feet to the Point of Beginning.

AP 026-330-44

TRACT FOUR:

A portion of Parcel 3 as shown on the Parcel Map of Minor Subdivision Number 34-77 recorded November 5, 1979 in Map Case 2, Drawer 35, Page 48, Mendocino County Records described as follows:

BEGINNING at the southwest corner of said Parcel 3; thence along the west line of said Parcel 3 North 00°25'07" East, 28075 feet; thence leaving said west line North 88°40'38" East, 429.56 feet; thence North 09°01'12" East, 24555 feet; thence North 44°29'31" West, 203.45 feet; thence North 31°25'33" West, 100.76 feet; thence North 63°27'48" West, 52.10 feet; thence North 01°48'54" West, 351.18 feet; thence North 25°58'49" East, 118.80 feet; thence South 81°55'06" East, 132.09 feet; thence South 83°52'22" East, 7929 feet; thence South 77°42'05" East, 6891 feet; thence South 74°59'19" East, 77.74 feet; thence South 50°12'19" East, 52.60 feet; thence South 20°59'14" East, 79.22 feet; thence South 48°51'08" East, 4365 feet; thence South 72°20'50" East, 52.91 feet; thence North 69°29'21" East, 106.62 feet; thence South 74°32'50" East, 13746 feet; thence North 57°22'39" East, 11479 feet; thence North 90°00'00" East, 21126 feet to the east line of said Parcel 3; thence along said east line South 00°15'48" West, 1064.46 feet to the southeast corner of said Parcel 3; thence along the south line of said Parcel 3 North 89°41'23" West, 1315.48 feet to the Point of Beginning.

Portion of AP 026-295-37