

Attachment A

Draft Resolution

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No.

Resolution of the Monterey County Board of Supervisors:

- a. Finding the project categorically exempt per California Environmental Quality Act Section 15305;
- b. Approving a Lot Line Adjustment between four (4) existing legal lots of record of 153.20, 1,848.11, 63.80 and 573.80 acres under Williamson Act Agricultural Preserve Land Conservation Contract No. 69-12 established by County Resolution No. 69-35-12, resulting in four (4) reconfigured lots consisting of 311.03 (Parcel A), 1,288.68 (Parcel B), 639.20 (Parcel C) and 399.99 (Parcel D) acres with no net decrease in acreage under the Williamson Act Contract;
- c. Authorizing the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and Echenique Ranch and Scheid Vineyards California Inc., reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- d. Directing the Clerk of the Board to record the new or amended Contract or Contracts subject to the submittal of the appropriate recording fees by the property owners of record.

(PLN160782/Echenique Ranch and Scheid Vineyards California Inc., 58211 Paris Valley Road, King City, South County Area Plan)

WHEREAS, an application was submitted for a Lot Line Adjustment between four (4) legal lots of record involving Assessor's Parcel Numbers 237-011-019-000 (portions of); 237-011-018-000; 237-091-004-000; 237-091-002-000; and 237-091-003-000 owned by Echenique Ranch and Scheid Vineyards California Inc. The legality of the four (4) subject parcels is based on a chain of deeds found in Planning File No. PLN160782; and

WHEREAS, the lots are subject to Williamson Act Agricultural Preserve Land Conservation Contract No. 69-12 (LCC No. 69-12) and will be reconfigured. The reconfigured lots will remain under Land Conservation Contract. The Lot Line Adjustment which will result in four (4) reconfigured separate lots totaling 2638.9 acres, will allow the continued utilization of the land by the property owners for commercial agricultural production; and,

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the Monterey County General Plan, the South County Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code) and the Subdivision Ordinance (Title 19 of the Monterey County Code), and Section 51257 of the California Government Code (Williamson Act), and current County Agricultural Preserve Policies or Procedures as evidenced below; and,

WHEREAS, California Government Code Section 51257 requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of land under Williamson Act Contract; and

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act); and

WHEREAS, the Board of Supervisors, having considered the application and the evidence related thereto, finds and declares that:

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, South County Area Plan, the Monterey County Zoning Ordinance (Title 21), the Monterey County Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance), and Section 51257 of the California Government Code (Williamson Act).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of this application. No conflicts between these documents and this application were found to exist. No communications were received during the course of review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.

- (b) The subject lots are located along Paris Valley Road, unincorporated King City. The existing configuration consists of:
- 153.20 acres (Lot 7- under a portion of APN 237-011-019-000);
 - 1,848.11 acres (Lot 6- under a portion of APN 237-011-019-000 and all of APN 237-011-018-000);
 - 63.80 acres (Parcel 3-under APN 237-091-004-000); and
 - 573.80 acres (Parcel 2- under APNs 237-091-002-000 and 237-091-003-000)

The proposed configuration consists of:

- 311.03 acres (Proposed Parcel A)
- 1,288.68 acres (Proposed Parcel B)
- 639.20 acres (Proposed Parcel C)
- 399.99 acres (Proposed Parcel D)

This adjustment transfers property from Echenique Ranch to Scheid Vineyards California Inc. The parcels are zoned Farmlands/40 acre minimum (“F/40”) and Permanent Grazing/40 acre minimum (“PG 40”) which allow for lot line adjustments. The reconfigured parcels will all be above the 40 acre minimum lot size requirements per the applicable zoning designations and will allow the property owners to efficiently sustain their agricultural operations. Therefore, the project is an allowed land use for this site.

- (c) The Lot Line Adjustment application was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff of the RMA-Planning Division or of the Agricultural Commissioner’s Office. No conditions were recommended by the Agricultural Commissioner’s Office.
- (e) The application, plans, and related support materials are found in Planning File No. PLN160782.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, South County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed lot line adjustment. Conditions recommended by RMA Planning have been incorporated.
 - (b) The Environmental Health Bureau (EHB) reviewed the application and determined that the proposed Lot Line Adjustment would not impact any septic systems on the associated parcels.
 - (c) See Finding 1, Evidence b.
 - (d) The application, plans, and related support materials found in Planning File No. PLN160782.

3. FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND PARCEL LEGALITY DETERMINATION - Pursuant to Section 19.09.025.B.1 of the Monterey County Subdivision Ordinance (Title 19), the Lot Line Adjustment is between two (or more) existing adjacent lots.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between four (4) existing adjacent lots.
 - (b) The application, plans, and related support materials found in Planning File No. PLN160782.

4. FINDING: NO NEW LOTS CREATED – Pursuant to the Monterey County Code (MCC) Section 19.09.025.B.2 (Title 19 – Subdivision Ordinance), a greater number of parcels or lots than originally existed will not be created as a result of the Lot Line Adjustment.

- EVIDENCE:**
- (a) The existing four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. No new lots will be created.
 - (b) The application, plans, and related support materials found in Planning File No. PLN160782.

5. FINDING: CONTIGUOUS LOTS OF RECORD – Pursuant to MCC Section 19.09.025.B.3 (Title 19 – Subdivision Ordinance), the parcels resulting

from the Lot Line Adjustment conform to the County Zoning and Building Ordinances and are contiguous parcels.

- EVIDENCE:** (a) The existing four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. No new lots will be created.
(b) See evidence in Finding 1, above.

6. **FINDING: California Environmental Quality Act (CEQA)** - The project is categorically exempt from environmental review.

- EVIDENCE:** (a) Guidelines for CEQA, California Code of Regulations, Title 14, Chapter 3, Section 15305(a) categorically exempts minor Lot Line Adjustments, side yard, and set back variances in areas with an average natural slope of less than 20% not resulting in the creation of any new parcel.
(b) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves, the making and renewing of Open Space Contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.
(c) Based on a review of the project plans, approval of the project would not result in any potentially adverse impacts. No additional development is proposed with this project.
(d) See preceding findings and related evidence.

7. **FINDING: PUBLIC NOTICE** - Public notice of the pending Lot Line Adjustment was provided pursuant to MCC Section 19.01.055, (Title 19 - Subdivisions).

EVIDENCE: Materials in Planning File No. PLN160782.

8. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's Zoning Ordinance (Title 21). No violations exist on the property.

EVIDENCE: Staff has reviewed Monterey County RMA - Planning Division and Building Services Division records and is not aware of any violations existing on the subject property.

9. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: See preceding findings #1, #2, #3, #4 and #5 and supporting evidence.

10. **FINDING: WILLIAMSON ACT – CONTRACTS** – Pursuant to California Government Code Section 51257(a)(1), the new or amended 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 (ten) years.

- EVIDENCE:** (a) The proposed amendment to Agricultural Preserve Land Conservation Contract No. 69-12, is applicable to the four (4) reconfigured lots.
(b) The term of the original Land Conservation Contract renews annually on each succeeding January 1. The new or amended Contract or Contracts for

the reconfigured parcels propose an initial term of 20 years which will also renew annually on each succeeding January 1.

- 11. FINDING: WILLIAMSON ACT – NO NET ACREAGE DECREASE** - Pursuant to California Government Code Section 51257(a)(2), there is no net decrease in the amount of the acreage restricted. In cases where two (2) lots 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 Contract or Contracts is at least as great as the aggregate acreage restricted by the rescinded Contract or Contracts.

EVIDENCE: (a) The Lot Line Adjustment will reconfigure the lots but will not result in a change in Contract boundaries or a net loss of acreage currently under Contract. Land Conservation Contract No. 69.12 contains a total of 2,638.9 acres. The proposed Lot Line Adjustment will retain all of the acreage under LCC No. 69-12. None of the property will be removed from LCC No. 69-12. No change in agricultural use of the land is proposed.

(b) The application, plans, and related support materials found in Planning File No. PLN160782.

- 12. FINDING: WILLIAMSON ACT – NEW CONTRACTS** - Pursuant to California Government Code Section 51257(a)(3), at least 90 percent of the land under the former Contract or Contracts remains under the new or amended Contract or Contracts.

EVIDENCE: (a) The proposed new or amended Contract or Contracts will continue to cover all of the acreage under the original Agricultural Preserve Land Conservation Contract No. 69-12. No decrease in acreage under Contract will result.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160782.

- 13. FINDING: WILLIAMSON ACT – SUSTAIN AGRICULTURAL USE** - Pursuant to California Government Code Section 51257(a)(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 Government Code Section 51222.

EVIDENCE: (a) Pursuant to California Government Code Section 51222 (Williamson Act), “agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.”

(c) County of Monterey Board of Supervisors Resolution No. 01-485 requires that agricultural preserves will not be considered unless the group of contiguous parcels included in the preserve contains 100 or more acres, or 40 or more acres if the Board finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area. The subject Lot Line Adjustment will retain the entirety of its 2,638.9 acres within the existing boundaries of Agricultural Preserve No. 69-12. There is no change to the exterior boundary of the existing agricultural preserve.

(d) The application plans, and related support materials found in Planning File No. PLN160782.

14. FINDING: WILLIAMSON ACT – LONG-TERM AGRICULTURAL PRODUCTIVITY - Pursuant to California Government Code Section 51257(a)(5), the Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a Contract or Contracts.

- EVIDENCE:** (a) The intent of the Lot Line Adjustment is to move land from Echenique Ranch to Scheid Vineyards California Inc. and keep the long term agricultural productivity of all the subject land.
- (b) No new development is proposed for the sites, which will continue to be used for agriculture.
- (c) The application plans, and related support materials found in Planning File No. PLN160782.

15. FINDING: WILLIAMSON ACT – ADJACENT AGRICULTURAL LAND USE - Pursuant to California Government Code Section 51257(a)(6), the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

- EVIDENCE:** (a) The subject parcels and surrounding area are designated as Farmlands and Permanent Grazing. The Lot Line Adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current configuration.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160782.

16. FINDING: WILLIAMSON ACT – NO NEW DEVELOPABLE PARCELS - Pursuant to California Government Code Section 51257(a)(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.

- EVIDENCE:** (a) The four (4) reconfigured lots do not result in a greater number of developable parcels than existed prior to the adjustment. See Finding 4.
- (b) The application, plans, and related support materials found in Planning File No. PLN160782.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby:

- a. Find the project categorically exempt per California Environmental Quality Act Section 15305;
- b. Approve a Lot Line Adjustment between four (4) existing legal lots of record of 153.20, 1,848.11, 63.80 and 573.80 acres under Williamson Act Agricultural Preserve Land Conservation Contract No. 69-12 established by County Resolution No. 69-35-12, resulting in four (4) reconfigured lots consisting of 311.03 (Parcel A), 1,288.68 (Parcel B), 639.20 (Parcel C) and 399.99 (Parcel D) acres with no net decrease in acreage under the Williamson Act Contract, in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference;
- c. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute a new or amended Land

Conservation Contract or Contracts for the reconfigured lots between the County and Echenique Ranch and Scheid Vineyards California Inc, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

- d. Direct the Clerk of the Board to record the new or amended Contract or Contracts subject to the submittal of the appropriate recording fees by the property owners of record.

PASSED AND ADOPTED this 20th day of June, 2017, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy