

Attachment B

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

RESOLUTION NO. 14-_____)
 Resolution of the Monterey County Board of)
 Supervisors:)
 a. Approving a Lot Line Adjustment between two)
 existing legal lots of record under a Williamson)
 Act contract (FSZ 2014-003) consisting of)
 Parcel 1 (45.9 acres) and Parcel 2 (523.4 acres).)
 The lot line adjustment would result in two (2))
 parcels: Parcel 1 (385.1 acres) and Parcel 2)
 (184.2 acres);)
 b. Authorizing the Chair to execute a new or)
 amended Land Conservation Contract and/or)
 Farmland Security Zone Contract or Contracts as)
 applicable in order to rescind the existing Land)
 Conservation Contract and/or Farmland Security)
 Zone Contract as applicable to the reconfigured)
 lots only and simultaneously execute a new or)
 amended Land Conservation and/or Farmland)
 Security Zone Contract for the reconfigured lots)
 between the County and the Property Owners of)
 Record, reflecting the new legal descriptions,)
 current ownership interests, and to incorporate)
 any legislative changes to State Williamson Act)
 provisions and current County Williamson Act)
 Policies or Procedures; and)
 c. Directing the Clerk of the Board to record the)
 new or amended Contract or Contracts)
 concurrently with the recordation of the)
 Certificates of Compliance for the reconfigured)
 Williamson Act parcels.)
 (Lot Line Adjustment – PLN140327/ Michael D.)
 Cling, Trustee of the Hitchcock Children’s Trust #1)
 UTA Dated January 11, 2011 and David L. Gill and)
 Susan Gill, Trustees of the David and Susan Gill)
 Family Trust established 1/26/1983, as Amended,)
 near the intersection of US Highway 101 and)
 Arroyo Seco Road, Soledad, [Assessor’s Parcel)
 Numbers: 183-011-014-000 and 257-101-014-000],)
 Central Salinas Valley Area Plan))

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate

for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);

No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located near the intersection of US Highway 101 and Arroyo Seco Road, Soledad (Assessor's Parcel Numbers: 183-011-014-000 and 257-101-014-000), Central Salinas Valley Area Plan. The parcels are zoned "F/40" (Farmlands, 40 acre per unit), which principally allows uses and development in support of agricultural operations. The proposed lot line adjustment will not impact agricultural operations.
- c) The project was not referred to the Agricultural Advisory Committee for review. Based on early reviews of the project by the advisory committee, the lot line adjustment did not raise significant issues to require a formal meeting.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN140327.

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, Mission Soledad Rural Fire Protection District, RMA - Public Works, 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 development. Recommended conditions have been incorporated.
- b) Staff conducted a site inspection on June 16, 2014 to verify that the site is suitable for this use.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN140327.

3. **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:**
- a) The project was reviewed by the following departments and agencies: RMA - Planning Department, Mission Soledad Rural Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are available by existing well and septic systems. The project does not propose any alterations to the existing ranch, dwellings or existing well or septic systems.
 - c) Preceding findings and supporting evidence for PLN140327.

4. **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. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on June 16, 2014 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN140327.

5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor lot line adjustments on land with an average slope of less than 20%, which do not result in changes in the land use or density.
 - b) The proposed lot line adjustment will result in two (2) parcels: Parcel 1 (385.1 acres) and Parcel 2 (184.2 acres). The adjustments will not result in changes to existing land use or density. The two parcels consist mostly of fairly level land used for agricultural uses. The rest of the property contains riparian vegetation that surrounds the Salinas River. In total, the average slopes are less than 20%.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 16, 2014.
 - d) The project will not impact resources listed in Section 15300.2 of the CEQA Guidelines (Exemptions).
 - e) See preceding and following findings and supporting evidence.

6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

- 1. The lot line adjustment is between four or fewer existing adjoining

parcels;

2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conforms to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The parcels are zoned Farmlands, 40 acre per unit (F/40).
 - b) The project area has a total of 536.3 acres consisting of a 45.9 acre parcel [Assessor's Parcel Numbers: 257-101-014-000 (Parcel 1)] and a 523.4 acre parcel [Assessor's Parcel Number: 183-011-014-000 (Parcel 2)].
 - c) The lot line adjustment is between more than one and less than four existing adjacent parcels. The result of the lot line adjustment between two legal lots of record are a 385.1 acre parcel (Parcel 1) and a 184.2 acre parcel (Parcel 2), which still total the existing amount of 569.3 acres.
 - d) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. The adjustment will not change the land use, nor will the adjustment create non-conforming structures.
 - f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
 - g) The project planner conducted a site inspection on June 16, 2014 to verify that the project would not conflict with zoning or building ordinances.
 - h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN140327.

7. **FINDING:** **WILLIAMSON ACT CONTRACT - LOT LINE ADJUSTMENT** – California Government Code Section 51257 states that lot line adjustments to land under Williamson Act contract may be granted based upon the following findings:

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;
2. There is no net decrease in the amount of the acreage restricted. In case 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;
- 3. At least 90 percent of the land under the former contract or contracts remains under the new contract of contracts;
- 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.
- 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.
- 6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- 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 parcels are zoned Farmlands, 40 acre per unit (F/40). Both parcels are under a Williamson Act Farmland Security Zone Contract No. 2014-003, owned by Michael D. Cling, Trustee of the Hitchcock Children's Trust #1 UTA Dated January 11, 2011 and David L. Gill and Susan Gill, Trustees of the David and Susan Gill Family Trust established 1/26/1983, as Amended.
 - b) The project area has a total of 569.3 acres consisting of a 45.9 acre parcel [Assessor's Parcel Numbers: 257-101-014-000 (Parcel 1)] and a 523.4 acre parcel [Assessor's Parcel Number: 183-011-014-000 (Parcel 2)]. The lot line adjustment will result in a 385.1 acre parcel (Parcel 1) and a 184.2 acre parcel (Parcel 2). The adjustment will allow Parcel 1 to maintain at least 60 acres of long-term agricultural productivity to remain consistent with the provision of the Williamson Act Contract, and allow Parcel 2 to provide 100% long-term agricultural productivity, which meets the Farmland Security Zone provisions.
 - c) The proposed revision to Farmland Security Zone Contract No. FSZ 2014-003 will reflect the proposed lot line reconfiguration to the total of 523.4 acres. The term of the original Farmland Security Zone Contract renews annually on each succeeding first of January. The new or amended Contract or Contracts for the reconfigured parcels shall propose an initial term of 20 years which will also renew annually on each succeeding first of January.
 - d) No net decrease in the amount of acreage under Contract will result from the proposed adjustment. All of the land under the former Contract will be retained under the new or amended Contract. There will be no change in the agricultural operations currently on the properties; therefore, the new or amended Contract will not compromise the long-term agricultural productivity of the lots. No additional developable parcels or lots will be created as a result of the newly reconfigured lots.
 - e) The Lot Line Adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN140327.

DECISION

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

- a. Approve a Lot Line Adjustment between two existing legal lots of record under a Williamson Act contract (FSZ 2014-003) consisting of Parcel 1 (45.9 acres) and Parcel 2 (523.4 acres). The lot line adjustment would result in two (2) parcels: Parcel 1 (385.1 acres) and Parcel 2 (184.2 acres);
- b. Authorize the Chair to execute a new or amended Land Conservation Contract and/or Farmland Security Zone Contract or Contracts as applicable in order to rescind the existing Land Conservation Contract and/or Farmland Security Zone Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation and/or Farmland Security Zone Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests, and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies or Procedures; and
- c. Direct the Clerk of the Board to record the new or amended Contract or Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels, subject to the attached Conditions of Approval and Lot Line Adjustment Plan.

PASSED AND ADOPTED this 4th day of November, 2014 upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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 Supervisor 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

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN140327

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This permit (PLN140327) allows a Lot Line Adjustment between two existing legal lots of record under a Williamson Act contract (FSZ 2014-003) consisting of Parcel 1 (45.9 acres) and Parcel 2 (523.4 acres). The lot line adjustment would result in two (2) parcels: Parcel 1 (385.1 acres) and Parcel 2 (184.2 acres). The property is located near the intersection of US Highway 101 and Arroyo Seco Road, Soledad (Assessor's Parcel Numbers 183-011-014-000 and 257-101-014-000), Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment (Resolution Number ***) was approved by the Board of Supervisors for Assessor's Parcel Numbers 183-011-014-000 and 257-101-014-000 on _____. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

5. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant and/or Property Owners of Record of the reconfigured Williamson Act parcels as applicable shall enter into any new or amended Agricultural Preserve (AGP) Land Conservation and/or Farmland Security Zone Contract or Contracts with the Board of Supervisors for the lot line adjustment of property under Williamson Act contract deemed necessary by County Counsel.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The new or amended Agricultural Preserve (AGP) Land Conservation and/or Farmland Security Zone Contracts or Contracts shall be prepared by the Office of County Counsel, subject to preparation of the legal descriptions by the Owner/Applicant / Surveyor for the reconfigured Williamson Act parcels, and review of said legal descriptions by RMA-Planning and RMA-Public Works staff. Said new or amended AGP and/or Farmland Security Zone Contract or Contracts shall be recorded concurrently with the recordation of the Certificates of Compliance for the Williamson Act parcels.

6. WR033 - FLOODPLAIN NOTICE - LL

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a recorded floodplain notice for the newly aligned parcels, stating: "The property is located within or partially within a Special Flood Hazard Area and may be subject to building and/or land use restrictions." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Submit a signed and notarized floodplain notice to the Water Resources Agency for review and approval.

A copy of the standard notice (Floodplain Notice B) can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us.

The notice shall be recorded concurrently with the certificates of compliance.

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