



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 25-095

June 24, 2025

Introduced: 6/5/2025

Current Status: Agenda Ready

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Matter Type: BoS Resolution

PLN210158 - PEDRAZZI

Public hearing to consider adoption of a Resolution:

- a. Adopting a Mitigated Negative Declaration (State Clearinghouse No. 2025040702) pursuant to California Code of Regulations (CCR) Section 15074 of the California Environmental Quality Act (CEQA) Guidelines;
- b. Approving a Standard Subdivision Tentative Map to allow division of a 378.19-acre parcel and 38.54-acre parcel under a Williamson Act Agricultural Preserve Land Conservation Contract No. 73-12, and a 5.76-acre parcel not under a Williamson Act Contract into six parcels ranging in size from Parcel A consisting of 11.08 acres, Parcel B consisting of 42.52 acres, Parcel C consisting of 69.30 acres, Parcel D consisting of 88.27 acres, consisting of Parcel E of 40.04 acres and Remainder Parcel F consisting of 174.49 acres, respectively;
- c. Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan;
- d. Authorizing the Chair of the Board to execute a new or amended Agricultural Preserve Land Conservation Contract amending Land Conservation Contract No. 73-12 (established pursuant to Board of Supervisors Resolution No. 73-34-12) to reflect the newly reconfigured Williamson Act Parcels A through F, and simultaneously execute a new or amended Agricultural Preserve Land Conservation Contract, reflecting the new legal description and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- e. Directing the Clerk of the Board to record the new or amended Land Conservation Contract subject to the submittal of corresponding recording fees by the property owners of record.

(Agricultural Subdivision - PLN210158/1990 Agnes Pedrazzi Revocable Trust u/d/t dated April 6, 1990, and 1993 Pedrazzi Revocable Trust u/d/t dated December 3, 1993, 800 and 808 River Road, Salinas, (Assessor's Parcel Numbers: 167-031-003-000, 416-461-037-000, and 416-441-015-000), Toro Area Plan, Agricultural Winery Corridor Plan)

PROJECT INFORMATION:

Project Locations: 800 and 808 River Road, Salinas

APNs: 167-031-003-000, 416-461-037-000, and 416-441-015-000

Agent: Joel Panzer

Plan Area: Toro Area Plan, Agricultural Winery Corridor Plan

Flagged and Staked: N/A

CEQA Action: Adopt a Mitigated Negative Declaration (State Clearinghouse No. 2025040702) pursuant to California Code of Regulations (CCR) Section 15074 of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

- a. Adopt a Mitigated Negative Declaration (State Clearinghouse No. 2025040702) pursuant to California Code of Regulations (CCR) Section 15074 of the California Environmental Quality Act (CEQA) Guidelines;
- b. Approve a Standard Subdivision Tentative Map to allow division of a 378.19-acre parcel and 38.54-acre parcel under Williamson Act Agricultural Preserve Land Conservation Contract No. 73-12, and a 5.76-acre parcel not under contract into six parcels ranging in size from Parcel A consisting of 11.08 acres, Parcel B consisting of 42.52 acres, Parcel C consisting of 69.30 acres, Parcel D consisting of 88.27 acres, Parcel E consisting of 40.04 acres and Remainder Parcel F consisting of 174.49 acres, respectively;
- c. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan;
- d. Authorize the Chair of the Board to execute a new or amended Agricultural Preserve Land Conservation Contract amending Land Conservation Contract No. 73-12 (established pursuant to Board of Supervisors Resolution No. 73-34-12) to reflect the newly reconfigured Williamson Act Parcels A through F, and simultaneously execute a new or amended Agricultural Preserve Land Conservation Contract, reflecting the new legal description and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- e. Direct the Clerk of the Board to record the new or amended Land Conservation Contract subject to the submittal of corresponding recording fees by the property owners of record.

SUMMARY/DISCUSSION:

The proposed project is for a Standard Subdivision Tentative Map to allow division of a 378.19-acre parcel and 38.54-acre parcel under Williamson Act Agricultural Preserve Land Conservation Contract No. 73-12, and a 5.76-acre parcel not under a Williamson Act Contract into six parcels ranging in size from Parcel A consisting of 11.08 acres, Parcel B consisting of 42.52 acres, Parcel C consisting of 69.30 acres, Parcel D consisting of 88.27 acres, Parcel E consisting of 40.04 acres and Remainder Parcel F consisting of 174.49 acres, respectively. Two of the existing parcels (Assessor's Parcel Numbers 167-031-003-000 and 416-441-015-000) are currently under Agricultural Preserve Land Conservation Contract No. 73-12, which was established in 1973 pursuant to Board of Supervisors Resolution No. 73-34-12 (**Attachment E**).

All parcels are proposed to remain under an amended Williamson Act Agricultural Preserve and Land Conservation Contract with the inclusion of the 5.76 acres (Assessor's Parcel Number 416-461-037-000) that was not included in the original Williamson Act Agricultural Preserve and Land Conservation Contract. The lands proposed for subdivision were court-ordered to be subdivided on March 29, 2013. The Court Order resulted from a judicial partition action filed by one of the property owners. The subject property, comprised of ranchlands, farmlands, and potential farmlands, was ordered to be subdivided in response to the judicial partition action (**Attachment G**). The sole purpose of the partition and this proposed subdivision is to separate ownership of the lands. The Court's Order does not contemplate nor authorize an application by the court-appointed Referee for any change in existing use or intensification of existing use. Should any of the property owners desire to change or intensify uses in the future, they would need to independently apply for the appropriate entitlement(s) to allow development incidental to the agricultural use of the property

following completion of the proposed subdivision.

The parcels are zoned Permanent Grazing with a 40-acre minimum and Farmland 40-acre minimum with a Design Control and Visually Sensitive overlays or “F/40-D, PG/40-D, and PG/40-VS,” which allow agricultural uses/development, and subdivision with a minimum lot size of 40 acres. The area under contract is proposed to be subdivided into six lots, ranging in size from 40.04 to 174.49 acres, with one non-conforming 11.08-acre parcel. The development standards for the Agricultural and Winery Corridor Plan (AWCP) Policy 3.5 provide an exception to subdivide lots (minimum 5 acres) from a legal non-conforming lot not meeting the minimum lot size for the land use designation. For example, a 10-acre lot with a 40-acre minimum designation, may be allowed based on substantial evidence that this action would: 1) reduce the number of conforming agricultural lots from being subdivided; 2) limit development in a manner to retain the rural character of the corridor; and 3) result in the development of the lot (or lots) in conformance with allowable uses identified in the AWCP.

To facilitate this Standard Subdivision Tentative Map of Williamson Act Lands, Government Code Section 66474.4 (c) provides as follows:

(c) A legislative body may approve a subdivision with parcels smaller than those specified in this section if the legislative body makes either of the following findings:

- 1) The parcels can nevertheless sustain an agricultural use permitted under the contract or easement or are subject to a written agreement for joint management pursuant to Section 51230.1 and the parcels that are jointly managed total at least 10 acres in size in the case of prime agricultural land or 40 acres in size in the case of land that is not prime agricultural land.
- 2) One of the parcels contains a residence and is subject to Section 428 of the Revenue and Taxation Code; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least 10 years; and the remaining parcels shown on the map are at least 10 acres in size if the land is prime agricultural land, or at least 40 acres in size if the land is not prime agricultural land.

Pursuant to Government Code Section 66474.4 (c)(2), the project meets the second finding because the existing development has been on the property since 1889 which exceeds the 5-year minimum requirement, the landowner has owned the parcels well over 10-years, and the remaining parcels shown on the proposed subdivision map are 40 acres or more.

Furthermore, pursuant to Government Code Section 66474.4 (d) regarding subdivision of Williamson Act land, no other homesite parcels as described in paragraph (2) of subdivision (c) may be created on any remaining parcels under contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (Commencing with Section 51200) of Division of 1 of Title 5) for at least 10 years following the creation of a homesite parcel pursuant to this section.

Staff’s analysis of the applicable Government Code Sections, Subdivision Map Act, and the AWCP Policies led to the requirement for Parcels A through F to be deed restricted from further development of homesites for the next 10 years pursuant to Government Code Section 66474.4(c)(2). The

following Mitigation Measures have been made Conditions of Approval to reduce project impacts to a level of *less-than-significant*:

Condition of Approval No. 6, Mitigation Measure No. 1 - Deed Restriction for Parcel A (Agricultural Wine Corridor Plan Consistency): Pursuant to the 2010 Monterey County General Plan and AWCP Policy 3.5, subsequent development on the 11.08-acre Parcel A shall be in conformance with allowable uses identified within the AWCP. The Owner/Applicant shall record a deed restriction as a condition of project approval stating the following: "Future development of the 11.08-acre Parcel A shall conform to the Agricultural and Wine Corridor Plan development policies and plans in conjunction with meeting proper permitting requirements from HCD-Planning."

Condition of Approval No. 7, Mitigation Measure No. 2 - Deed Restriction for Homesites on Parcels B through F: Pursuant to Government Code Section 66474.4 (d), no other homesite parcels may be created on any remaining parcels under Williamson Act Contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (Commencing with Section 51200) of Division of 1 of Title 5) for at least 10 years following the creation of a homesite parcel pursuant to this section. The Owner/Applicant shall record a deed restriction as a condition of project approval stating the following: "Future development on Parcels B through F shall be restricted for the next 10 years after recordation of the Pedrazzi Subdivision Final Map pursuant to GC §66474.4(c)(2)."

Subdivision of Williamson Act land is required to comply with the County-adopted Rules and Regulations for the Administration of Agricultural Preserves Board of Supervisors Resolution No. 03-383 - Procedures for Agricultural Preserves (**Attachment F**) if the following can be demonstrated:

- i. Each parcel will be devoted to a qualifying agricultural use;
- ii. Each parcel has a history of being used primarily for the commercial agricultural production of food or fiber for three of the past five years;
- iii. Each parcel will meet the minimum parcel size of 100 acres or the minimum lot size;
- iv. The property must generate at least \$8,000 annually in agricultural gross income during three of the past five years or recently improved land must have the potential for generating \$8,000 of gross income during the next succeeding year;
- v. Each parcel will remain under a Williamson Act Contract and comply with the restrictions to agricultural and compatible uses;
- vi. No land would be removed from the Williamson Act Program; and
- vii. If within one mile of a city, that City has not or will not protest the preserve or contract.

Staff's analysis of the proposed Agricultural Subdivision was reviewed for Compliance with County-adopted Rules and Regulations for the Administration of Agricultural Preserves:

- i. Agricultural Use. The applicant proposes to continue the existing agricultural (i.e., cattle grazing) use of the property, and no new structural development is proposed as part of this Agricultural Subdivision. On August 24, 2023, the project was reviewed by the AAC and was unanimously recommended for approval as proposed.
- ii. History of Commercial Agricultural Production. For the past 52 years, the applicant has owned and maintained a cattle grazing operation since the Agricultural Preserve Contract (No. 73-12) was established in 1973. Therefore, the applicant has satisfied the requirement of having a history of commercial agricultural production for three out of the past five years.

- iii. Minimum Lot Size per Contract. Pursuant to Board of Supervisors Resolution (No. 03-383), minimum lot size requirements to establish an agricultural preserve shall be a parcel or a group of contiguous parcels totaling 100 acres or greater. The total amount of acreage under the existing Agricultural Preserve Contract (No. 73-12) is approximately 417 acres, which exceeds the minimum lot size requirement of 100 acres per contract. With approval of this project, an additional 5.76 acres will be added to the Agricultural Preserve and corresponding amended Land Conservation Contract for a total of approximately 423 acres under the new or amended Contract.
- iv. Income Requirement. The proposed parcels under contract shall be large enough to meet the minimum income requirement of \$8,000 annually for the type of soil and contract. Non-prime agricultural land is presumed to be in parcels large enough to sustain its agricultural use if the land is at least 40 acres (California Government Code Section 66474.4). On June 2, 2025, staff contacted the Assessor's Office to confirm that the Agricultural Property Statement (form 571-A) for Agricultural Preserve Land Conservation Contract No. 73-12 continues to meet the minimum income requirements. Therefore, all six proposed parcels totaling 423 acres would be capable of remaining economically viable agricultural units under the new or amended contract.
- v. Remain under Williamson Act Contract with Compatible Uses. The project does not involve changes in land use or cancellation of the existing contract (Agricultural Preserve Land Conservation Contract No. 73-12). All existing structures and land uses are incidental to the agricultural use of the land. Condition No. 5 has been applied to require the applicant to amend the current Williamson Act Contract upon approval of the proposed Subdivision. Additionally, the 5.76-parcel (up from the road near Parcel F, not currently in the Williamson Act contract that covers the rest of the property) shall be, as a condition of approval, included/added to the existing contract.
- vi. Removal of Land from Contract. No land currently under contract (Agricultural Preserve Land Conservation Contract No. 73-12) is proposed for removal from the Williamson Act Program as part of this application. However, the 5.76 acres (Assessor's Parcel Number 416-461-037-000) will be added to the new or amended Williamson Act Contract as a result of this project.
- vii. Within One Mile of a City. The project site is located off of River Road, approximately five and a half miles southeast of the City of Salinas, and seven miles northwest of the City of Gonzales. Therefore, the existing contract as well as the new or amended contract will not conflict with an established City boundary.

Therefore, the Agricultural Subdivision, as conditioned and mitigated, would not conflict with the existing zoning for agricultural use or the Williamson Act Contract (**Attachment A**).

ENVIRONMENTAL REVIEW

Pursuant to Public Resources Code Section 21083, CCR Section 15063(a), and CCR Section 15063(b)(2) of the CEQA Guidelines, the County of Monterey as the Lead Agency completed an environmental review to determine if the project may have a significant effect on the environment. The County prepared an Initial Study and draft Mitigated Negative Declaration (IS/MND) for this project (**Attachment H**). The MND was filed with the County Clerk on April 14, 2025, and circulated for public review and comment from April 14 to May 14, 2025, with the State Clearinghouse (SCH), a

division of the Governor's Office of Land Use and Climate Innovation, which coordinates the State-level review of Environmental Documents prepared Pursuant to CEQA (State Clearinghouse No. 2025040702).

The County identified potentially significant impacts to agricultural and forest resources. The IS and draft MND recommended two Mitigation Measures that would reduce the identified impacts to a level of *less-than-significant*.

Condition No. 6 provides as follows:

Future development of the 11.08-acre Parcel A shall conform to the Agricultural and Wine Corridor Plan development policies and plans in conjunction with meeting proper permitting requirements from HCD-Planning.

Condition No. 7. provides as follows:

Future development on Parcels B through F shall be restricted for the next 10 years after recordation of the Pedrazzi Subdivision Final Map pursuant to Government Code Section 66474.4 (c)(2).

Mitigation Measures Nos. 1 and 2 (Condition Nos. 6 and 7) would reduce the potentially significant impacts to agricultural and forest resources by restricting all six parcels from future development for at least the next 10 years. Since the property is under a Williamson Act Contract, the contract will automatically renew every January 1st, which adds an additional year to the 20-year term of the Contract unless a notice of nonrenewal is initiated by the County or by the property owners of record. If notice of non-renewal is initiated by the County or the property owners of record, the property would remain subject to the new or amended Land Conservation Contract for another 19 years.

The County received one comment on the IS and draft MND during the public review period from the Health Department, Environmental Health Bureau (EHB) in support of the project. County staff reviewed the comment received based on the specific circumstances of this project and determined that said comment does not alter the conclusions in the IS. Recirculation of the IS/MND was not warranted pursuant to CCR Section 15073.5.a. and CCR Section 15073.5.b. of the CEQA Guidelines.

All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made Conditions of Approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with County of Monterey regulations which is designed to ensure compliance during project implementation and is hereby incorporated by this reference. The applicant shall enter into an "Agreement to Implement a Mitigation and Monitoring and Reporting Plan" as a condition of project approval (**Attachment A**).

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau

Monterey County Regional Fire Protection District
Agricultural Commissioner's Office
Office of the County Counsel

The Office of the County Counsel shall prepare a new or amended contract reflecting the changes to the existing Agricultural Preserve and Land Conservation Contract No. 73-12 as it applies to the reconfigured Williamson Act parcels. Housing and Community Development (HCD-Planning), the County Surveyor, and the Assessor's Office will review the legal descriptions for accuracy upon receipt from the Applicant/s.

The proposed project was reviewed by the Agricultural Advisory Committee (AAC) on August 24, 2023. The AAC unanimously recommended approval of the project without concerns by a vote of 8-0 with 3 members absent (**Attachment C**). Additionally, the project was reviewed by the Toro Land Use Advisory Committee (LUAC) on October 23, 2023. The LUAC unanimously recommended approval of the project without concerns by a vote of 6-0 with 2 members absent (**Attachment D**).

FINANCING:

Funding for staff time associated with this project is included in the Adopted Budget for FY2024-25, Appropriation Unit HCD002, Unit 8543.

Prepared by: Kayla Nelson, Associate Planner, x6408

Reviewed by: Kellie Morgantini, Senior Planner, Housing and Community Development

Approved by: Craig Spencer, Director of Housing and Community Development

This report was reviewed by Mary Grace Perry, Deputy County Counsel, Office of the County Counsel.

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution; including

- Recommended Conditions of Approval
- Exhibit 2 - Vesting Tentative Map

Attachment B - Vicinity Map

Attachment C - Agricultural Advisory Committee Minutes (August 24, 2023)

Attachment D - Toro Land Use Advisory Committee Minutes (October 23, 2023)

Attachment E - Agricultural Preserve Contract No. 73-12 (Board of Supervisors
Resolution No. 73-34-12)

Attachment F - Board Resolution No. 03-383 - Procedures for Agricultural Preserves

Attachment G - Monterey County Superior Court Ordered Partition Case No. M-83258

Attachment H - Public Reviewed Draft Initial Study/Mitigated Negative Declaration
(IS/MND)

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Agricultural Commissioner's

Office; Kayla Nelson, Planner; Craig Spencer, Director of Housing and Community Development; Agricultural Preservation Review Committee - Gregg Macfarlane, Assistant Assessor-Valuation, Assessor-Recorder's Office, Nadia Ochoa, Management Analyst, Agricultural Commissioner's Office, Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; 1990 Agnes Pedrazzi Revocable Trust u/d/t dated April 6, 1990, and 1993 Pedrazzi Revocable Trust u/d/t dated December 3, 1993, Property Owners; Joel Panzer, Agent; Michael Cling, Legal Representative; Lee Marcum, Interested Party; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN210158