



Monterey County

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

Board Report

Legistar File Number: 19-0917

December 10, 2019

Introduced: 11/25/2019

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

PLN130552 - PEDRAZZI

- a. Find that approving the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13, and accepting the Conservation and Scenic Easement Deed are Categorically Exempt per Section 15317 of the California Environmental Quality Act (CEQA) Guidelines;
- b. Approve the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 (established pursuant to Board of Supervisors Resolution No. 73-34-13 on January 23, 1973) to satisfy Condition No. 5 of Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552);
- c. Accept a Conservation and Scenic Easement Deed to satisfy Condition No. 12 of Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552);
- d. Authorize the Chair to execute the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13, and the Conservation and Scenic Easement Deed; and
- e. Direct the Clerk of the Board to submit the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 and the Conservation and Scenic Easement Deed to the County Recorder for recording with all applicable recording fees paid by the Applicant.

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per Section 15317 of the CEQA Guidelines

Project Location: 581 River Road, south of Parker and Corey Roads, Salinas, Toro Area Plan

RECOMMENDATION:

- a. Find that approving the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13, and accepting the Conservation and Scenic Easement Deed are Categorically Exempt per Section 15317 of the CEQA Guidelines;
- b. Approve the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 (established pursuant to Board of Supervisors Resolution No. 73-34-13 on January 23, 1973) to satisfy Condition No. 5 of Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552);
- c. Accept a Conservation and Scenic Easement Deed to satisfy Condition No. 12 of Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552);
- d. Authorize the Chair to execute the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13, and the Conservation and Scenic Easement Deed; and
- e. Direct the Clerk of the Board to submit the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 and the Conservation and Scenic Easement Deed to the County Recorder for recording with all applicable recording fees paid by the Applicant.

PROJECT INFORMATION:

Owners: Pedrazzi Et Al

Project Location: 581 River Road, south of Parker and Corey Roads, Salinas, Toro Area Plan

Assessor's Parcel Numbers: 139-083-002-000, 139-083-004-000, 139-084-003-000, and 139-084-008-000

Plan Area: Toro Area Plan

Flagged and Staked: Not Applicable - subdivision of agricultural land

SUMMARY:

Board approval of the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 (LCC No. 73-13) established pursuant to Board of Supervisors Resolution No. 73-34-13 on January 23, 1973 and the Conservation and Scenic Easement Deed will satisfy/clear two (2) conditions of approval required by the County pursuant to the Planning Commission's approval of the Pedrazzi Minor Subdivision (Planning Commission Resolution No. 15-002) approved on January 14, 2015. The 2019 Amendment to LCC No. 73-13 is necessary because the area of the property under LCC No. 73-13, which is west of River Road, will be subdivided into two (2) parcels or legal lots. The 2019 Amendment to LCC No. 73-13 would amend the existing Agricultural Preserve Land Conservation Contract No. 73-13 to reflect the boundaries of Parcels A and B which resulted from the Minor Subdivision approved pursuant to Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552/Pedrazzi et al). The Conservation and Scenic Easement Deed is required to protect environmentally sensitive resources (i.e., 34 acres of riparian forest habitat) located on two (2) other subdivided legal lots east of River Road and adjacent to the Salinas River.

DISCUSSION:

On January 14, 2015, the Monterey County Planning Commission approved a Minor Subdivision (Planning Commission Resolution No. 15-002; RMA-Planning File No. PLN130552/Pedrazzi et al; **Attachment F**) of a 940.3-acre agricultural property into six (6) parcels ranging in size from 44 to 395 acres. The County extended the expiration date of the Minor Subdivision from January 14, 2017 to January 14, 2020 to allow the applicant additional time to clear conditions of approval (Director of RMA-Planning Resolution No. 16-081; **Attachment G**). Approximately 537 acres of oak woodland and grassland (the Corey Ranch Hills area located west of River Road; proposed subdivision Parcels A and B) are under, and will remain under, Williamson Act contract (Agricultural Preserve Land Conservation Contract No. 73-13; **Attachment E**). Additionally, pursuant to General Plan Policy OS-5.22, approximately 34 acres of riparian forest habitat located within the 100-year floodplain of the Salinas River (portions of proposed subdivision Parcels E and F) will be placed under a Conservation and Scenic Easement Deed to restrict structural development and protect this sensitive biological resource.

The County required an Amendment to the existing Agricultural Preserve Land Conservation Contract No. 73-13 and a Conservation and Scenic Easement Deed as conditions of approval for the Minor Subdivision (Condition of Approval Nos. 5 and 12; **Attachment D**). The Applicant has submitted the necessary metes and bounds legal descriptions and maps showing Parcels A and B which will remain within the existing Agricultural Preserve Land Conservation Contract No. 73-13 as amended, as well as the general location of the Conservation and Scenic Easement on the proposed subdivision Parcels E and F (**Exhibit A of Attachment B, and Exhibit C of Attachment C**; respectively).

Condition No. 11 (Record of Survey) will be recorded after recordation of the 2019 Amendment to Agricultural Preserve Land Conservation Contract No. 73-13 and the Conservation and Scenic Easement Deed. The County Surveyor concurs with this sequencing. Recordation of the Record of Survey would also clear Condition No. 13 (Access Easement).

Board of Supervisors Resolution No. 01-468, Amending Procedure for the Creation of Agricultural Preserves and Contracts, Section 11.c. provides as follows:

Minimum size and gross income. Applications for establishment of an agricultural preserve, and/or Farmland Security Zone as applicable, will not be considered unless the parcel or group of contiguous parcels to be included in the preserve contains 100 or more acres and shall have had an annual gross income during three of the last five years from the production of animals and/or unprocessed agricultural plant products of not less than \$8,000.00, or in the case of recently improved lands, have a potential during the next succeeding year of producing a gross income of \$8,000.00 from the production of animals and/or unprocessed agricultural plant products, provided, however, the Board of Supervisors will consider establishing agricultural preserves and/or creating Farmland Security Zones as applicable, of less than 100 acres, but of 40 or more acres if it finds that smaller preserves and/or Farmland Security Zones as applicable, are necessary due to the unique characteristics of the agricultural enterprises in the area and that establishment of preserves and/or Farmland Security Zones of less than 100 acres is consistent with the general plan of the County.

On January 23, 1973, the Board of Supervisors approved Resolution No. 73-34-13 Establishing an Agricultural Preserve with Uniform Rules Including Compatible Uses (Document No. G07342, at Reel 830, Page 629) and Land Conservation Contract No. 73-13 (Document No. G07342, at Reel 830, Page 633) on file with the County Recorder, recorded on or about February 20, 1973 or on or about February 28, 1973 for the subject property (See Board Resolution No. 73-34-13, and Land Conservation Contract No. 73-13; **Attachment E**). The 2019 Amendment to the Agricultural Preserve and Land Conservation Contract No. 73-13 would amend the existing Agricultural Preserve and Land Conservation Contract No. 73-13 to reflect the boundaries of Parcels A and B which resulted from the Minor Subdivision approved pursuant to Planning Commission Resolution No. 15-002 (RMA-Planning File No. PLN130552/Pedrazzi et al). Said 2019 Amendment to the existing Agricultural Preserve (No. 73-13) and Land Conservation Contract No. 73-13 would still meet the minimum acreage requirement of 100 acres (142.40 and 394.43 acres for Parcels A and B, respectively) and the minimum income requirement of \$8,000.00 for three (3) of the past five (5) years for inclusion in the Williamson Act Program.

Therefore, staff recommends that the Board approve the 2019 Amendment to Agricultural Preserve (No. 73-13) and Land Conservation Contract No. 73-13, and accept the Conservation and Scenic Easement Deed, for execution by the Chair and recordation with the County Recorder subject to the submittal of the applicable recording fees by the Property Owner.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has prepared the 2019 Amendment to the Agricultural Preserve Land Conservation Contract No. 73-13. In addition, the Office of the County Counsel-Risk Management has approved the Conservation and Scenic Easement Deed as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY2019-2020 Adopted Budget within RMA-Planning's General Fund 001, Appropriation Unit RMA001. All costs associated with maintenance of the easement will be borne by the Applicant, not the County. The amendment to the Williamson Act Contract simply changes the lines to reflect the boundaries of Parcels A and B which resulted from the Minor Subdivision. The total land under Williamson Act Contract is not changing, so there are no fiscal changes.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- ✓ Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Joseph Sidor, Associate Planner, ext. 5262
Reviewed by: Brandon Swanson, Interim RMA Chief of Planning
Approved by: John M. Dugan, FAICP, Deputy Director of Land Use and Community Development

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

- Attachment A - Cover Memo to the Clerk of the Board
- Attachment B - 2019 Amendment to Land Conservation Contract No. 73-13, including:
 - Legal Descriptions and Maps for Parcels A and B
 - Compatible Uses
- Attachment C - Conservation and Scenic Easement Deed, including:
 - Property Legal Description
 - Planning Commission Resolution No. 15-002
 - Legal Descriptions and Maps for Easement Areas C-1 and C-2
- Attachment D - Condition Compliance Form
- Attachment E - BOS Resolution No. 73-34-13
- Attachment F - Planning Commission Resolution No. 15-002
- Attachment G - Director of RMA-Planning Resolution No. 16-081

The staff report and all attachments are also available for review on the RMA-Planning public website at the following link:

<http://www.co.monterey.ca.us/government/departments-i-z/resource-management-agency-rma-/planning>

cc: Front Counter Copy; Brandon Swanson, Acting RMA Chief of Planning; Craig Spencer, RMA Services Manager; Joseph Sidor, Project Planner; Agricultural Preservation Review Committee (Henry S. Gonzales, Agricultural Commissioner; Gregg MacFarlane, Sr. Agricultural Appraiser, Assessor's Office; Nadia Garcia, Planner, RMA-Planning; and Mary Grace Perry, Deputy County Counsel, Office of the County Counsel-Risk Management); Brian P. Briggs, Deputy County Counsel, Office of the County Counsel-Risk Management; Mark Blum, Applicant/Agent; James Cook, Referee, Monterey County Superior Court Case No. M-83258; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN130552