

Attachment A  
September 25, 2007  
Board of Supervisors  
Resolution No. 07-340

Michael and Vicky Wing  
PLN110514

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

**Resolution No.: 07-340**

- a. Approve findings, evidence and conditions )  
to facilitate a Lot Line Adjustment between )  
three separate, contiguous legal lots of record )  
owned by Michael and Vicky Wing; )  
b. Authorize the Chair of the Board to )  
execute an amended Williamson Act Land )  
Conservation Contract, rescinding a portion )  
of Land Conservation Contract No. 04-007 )  
for Michael and Vicky Wing, which reflects )  
the reconfigured parcels, and simultaneously )  
execute a new Land Conservation Contract )  
(No. 04-007A) between the County of )  
Monterey and Michael and Vicky Wing, to )  
incorporate the new legal descriptions, based )  
on the reconfigured parcels, to reflect )  
ownership interests and to incorporate any )  
legislative changes to State Williamson Act )  
provisions and current County Agricultural )  
Preserve Policies and Procedures. )

**WHEREAS**, an application was submitted for a Lot Line Adjustment between three (3) separate lots of record (Assessor Parcel Numbers 420-161-016 [Parcel 2], 420-016-033, [Parcel 1] and a portion of 420-161-035 [Parcels 1 and 3]), South County Area, overlapping Monterey and Fresno Counties. The legality of the three subject parcels are based on either patents from the United States of America or by conveyance. These descriptions are found in RMA-Planning Department file no. PLN050620 (WING) and incorporated into this report by reference.

**WHEREAS**, the Michael and Vicky Wing parcels subject to Land Conservation Contract No. 04-007, (Williamson Act Agricultural Preserve) will be reconfigured, and will continue to remain under contract. The Lot Line Adjustment will result in three reconfigured separate parcels totaling 230.27 +/- acres, allowing the continued agricultural utilization of the land by the Michael and Vicky Wing ownership;

**WHEREAS**, the Board of Supervisors finds that the proposed Lot Line Adjustment of property owned by Michael and Vicky Wing is consistent with policies of the Monterey County General Plan, the South County Area Plan, regulations in the Zoning and Subdivision Ordinance (Title 21 and Title 19 of the Monterey County Code), Section 51257 of the California Government Code (Williamson Act), and Land Conservation Contract No. 04-007 as evidenced below;

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

## RECOMMENDED FINDINGS AND EVIDENCE

**1. FINDING: CONSISTENCY AND SITE SUITABILITY** – The Wing Lot Line Adjustment and amendment to an existing Williamson Act Contract, as described in condition #1, and as conditioned, conforms to the Plans, Policies, requirements and standards of the Monterey County General Plan, South County Area Plan, Subdivision Ordinance (Title 19), Monterey County Zoning Ordinance (Title 21) and Section 51257 of the California Government Code (Williamson Act). The properties are located at 73000 Highway 198 (Long Valley Road), fronting on and southerly of Highway 198, overlapping the boundary between Monterey and Fresno Counties (Assessor's Parcel Numbers 420-161-016-000, 420-016-033-000 and a portion of 420-161-035-000) in the South County Plan Area. As State of California political subdivisions, both Monterey and Fresno counties are party to property-tax assessment agreements that identify parcels overlapping county jurisdictional boundaries and divide between them proportionally which properties shall be subject to assessed property taxes by which jurisdiction. In the case of the subject parcels, the entire Wing property is assessed by Monterey County, including those portions of said property that are within Fresno County, specifically those portions of proposed Lots 2A and 3A in Fresno County.

The site is suitable for the proposed use. The parcels are zoned "PG/40" (Permanent Grazing, minimum building site of 40 acres) and "F/40" (Farmlands, minimum building site of 40 acres). The subject properties are in compliance with all rules and regulations pertaining to zoning uses and meet the minimum site development standards of other applicable provisions of Title 21, and therefore suitable for the proposed development.

**EVIDENCE:**(a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the application. No conflicts between the above documents and the application are found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

(b) Goal No. 4 of the General Plan seeks to preserve and enhance agricultural lands. The resulting Lot Line Adjustment is consistent with this Goal and will not alter the continued agricultural use if ever leased or sold separately. No new development is proposed. The intent of the Lot Line Adjustment is to allow all three lots to share areas in the lower Farmland zoning district meadow areas off State Highway 198 (Long Valley Road) rather than continue to be distinguished by their respective topography. Therefore, the lot reconfiguration will enhance the agriculture use of the parcels by each sharing the more flat and fertile Farmland soils with greater access to State Highway 198 and

remain large enough to sustain a commercial agricultural use if leased or sold separately.

(c) The following agencies have reviewed the project: the Monterey County Planning and Building Inspection Department, the Monterey County Water Resources Agency, the Monterey County Public Works Department, the Monterey County Division of Environmental Health, and the California Department of Forestry and Fire Protection. There has been no indication from these agencies that the site is not suitable. Based on the project description, materials in the file, and comments by the above agencies, there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the project.

(d) *Fresno County Parcels Adjacent to Monterey County*, (maps) found in the Monterey County Assessor's Office, showing division of properties to be assessed in the respective jurisdictions.

(e) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

**2. FINDING: PARCEL LEGALITY** - The Lot Line Adjustment is between two (2) existing adjacent legal lots of record.

**EVIDENCE:** (a) The legality of the three subject parcels are based on the following: *Parcel 1* created as a separate parcel by patent from the United States of America, recorded June 13, 1897 in Book G of Patents at Page 442; *Parcel 2* created as a separate parcel by patent from the United States of America, filed for record July 25, 1882 in Book B Patents, Page 262; *Parcel 3*, created as a separate parcel by transfer of conveyance on April 1, 1968 in Reel 551 at Page 224. These descriptions are found in RMA-Planning Department file no. PLN050620 (WING) and incorporated into this report by reference.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

**3. FINDING: CONFORMING PARCELS** - The parcels resulting from the Lot Line Adjustment conform to Title 21.

**EVIDENCE:**(a) The proposed Lot Line Adjustment is consistent with the lot area and setback requirements for parcels with the "PG/40" and "F/40" zoning designation. Existing Parcel 1 is developed with a single family residence, a mobile home, and three barns. (The 12,500 square foot parcel off of Highway 198 zoned for Light Commercial uses with a bar and restaurant, Assessor's Parcel Number 420-161-010-000 found within Assessor's Parcel Number 420-161-035-000, is not a part of this lot line adjustment nor assessed property under Williamson Act contract). This Lot Line Adjustment will not cause the identified structures to become nonconforming in terms of zoning regulations.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

4. **FINDING: CONTIGUOUS LOTS OF RECORD** - The Lot Line Adjustment is between three existing contiguous lots of record.

**EVIDENCE:**The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

5. **FINDING: NO NEW LOTS CREATED** -A greater number of parcels than originally existed will not be created as a result of the Lot Line adjustment.

**EVIDENCE:**(a) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

(b) See evidence for Finding 2 above.

6. **FINDING: CEQA (Exempt)** - The proposed project will not have a significant environmental impact.

**EVIDENCE:**(a) Section 15305(a) of the CEQA Guidelines categorically exempts minor Lot Line Adjustments from environmental review.

(b) Section 15317 of the CEQA Guidelines categorically exempts projects that involve the establishment of agricultural preserves.

(c) Based on review of the project plans, staff has determined that approval of the project would not result in any potentially adverse impacts. No additional development is proposed with this project. Any future development of the reconfigured parcels shall be limited to allowed "compatible uses" as found in Exhibit B of the amended Land Conservation Agreement no. 04-007A; in particular, residential development shall be limited to single family dwellings when shown to be incidental to the agricultural use of the land for the residence of the owner, the family of the owner, the lessee of the land, the family of the lessee, persons employed by the owner or lessee, and the family of employee or lessee. (Condition no. 3)

7. **FINDING: PUBLIC NOTICE** - Public notice of the pending Lot Line Adjustment was provided pursuant to Section 19.09, Title 19, Monterey County Code (Subdivisions).

**EVIDENCE:**Materials in the project file.

8. **FINDING: HEALTH & SAFETY** - The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**EVIDENCE:**Preceding findings and supporting evidence.

**WHEREAS**, Section 51257 of the California Government Code requires that certain findings be made by the Board of Supervisors to facilitate lot line adjustments of land under Williamson Act contract;

**WHEREAS**, the Board of Supervisors further finds that the Wing request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act). Specifically, the Board finds and declares the following:

**FINDINGS AND EVIDENCE TO ALLOW THE LOT LINE ADJUSTMENT  
OF PROPERTY FOR LANDS IN WILLIAMSON ACT**

**9. FINDING:** The proposed contract, Land Conservation Contract No. 04—007A, applicable to the three (3) reconfigured parcels, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the partially rescinded contract.

**EVIDENCE:** The term of the original Land Conservation Contract No. 04-007 was for an initial period of 20 years, which renews annually on each succeeding January 1. The new contracts for the reconfigured parcels, propose an initial term of 20 years, which also renews annually on each succeeding January 1.

**10. FINDING:** The Lot Line Adjustment will not cause a net decrease in the amount of the acreage restricted under the current contracts.

**EVIDENCE:** (a) The total acreage under the agricultural preserve contracts, that is the subject of the proposed Lot Line Adjustment, is approximately 230.27 +/- acres and is currently owned by Michael and Vicky Wing. The Lot Line Adjustment will reconfigure a portion of the three parcels, but will not result in a net loss of acreage currently under contract.

(b) Section 51257 states that in cases where three parcels involved in a lot line adjustment are subject to a contract to be rescinded, this finding will be satisfied if the aggregate acreage of the land restricted by the new contract is at least as great as the aggregate acreage restricted by the rescinded contract.

(c) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

**11. FINDING:** At least 100 percent of the land under the former contract or contracts remains under the new contract or contracts.

**EVIDENCE:** The new proposed Contract No. 04-007A will continue to cover all of the acreage under the original Contract No. 04-007.

**12. FINDING:** The reconfigured parcels will be large enough to continue to sustain their agricultural use.

- EVIDENCE:**(a) The reconfigured parcels will consist of 121.27 +/- acres with an estimated 83.7 plantable acres (proposed Parcel 1A); 69 acres with an estimated 18.0 plantable acres (proposed Parcel 2A), and 40 acres with an estimated 19.3 plantable acres (proposed Parcel 3A). Other portions of the respective parcels can continue to be used for grazing. The reconfigured parcels are considered large enough to sustain their agricultural use if leased or sold separately.
- (b) Pursuant to Section 51222 of the California Government Code (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 230.27 +/- acres in agricultural preserve.
- (d) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

**13. FINDING:** The reconfigured parcels will 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 allow all three lots to share areas in the lower Farmland designated meadow areas off State Highway 198 (Long Valley Road) rather than continue to be distinguished by their respective topography. Therefore, the lot reconfiguration will enhance the agriculture use of the parcels by each sharing the more flat and fertile Farmland zoning district soils with greater access to State Highway 198 and remain large enough to sustain a commercial agricultural use if leased or sold separately.
- (b) No new development is proposed for the sites, which will continue to be used for agriculture. Any future new development shall be limited to allowed "compatible uses" as found in Exhibit B of Land Conservation Agreement no. 04-007 as described under evidence for Finding 6 above and placed as condition of approval no. 3 (see Exhibit B) in order not to constitute breaches of contract under Government Code Section 51250 (Laird Bill AB 1492).
- (c) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

**14. FINDING:** The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

**EVIDENCE:** The subject parcels are designated as Permanent Grazing and Farmland as well as adjacent lands with minimum building sites of 40 acres. The Lot Line Adjustment will enhance current agricultural operations on the subject properties and on adjacent properties by reconfiguring all three parcels so that they better share in both the more productive Farmland zoning district soils and Permanent Grazing designated land uses.

**15. FINDING:** 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 County's General Plan.

**EVIDENCE:** (a) Even though the three reconfigured parcels will front on Highway 198 for more direct access, they provide more land on each proposed parcel for future cultivation. The combination of easier access, parcel size (a 121.27 +/- acre parcel [Lot 1A], a 69 acre parcel [Lot 2A], and a 40 acre parcel [Lot 3A]) with shared cultivation of level Farmlands, will enhance greater commercial agricultural operations and not result in a greater number of developable parcels than existed prior to the adjustment.

(b) Any future development of the reconfigured parcels shall be limited to allowed "compatible uses" as found in Exhibit B of the amended Land Conservation Agreement no. 04-007A (Condition no. 3)

(c) The application and plans for a Lot Line Adjustment found in the project file no. PLN050620.

## DECISION

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment of agricultural preserve lands, the Board rescinds a portion of the existing Land Conservation Contract No. 04-007 as it applies to the reconfigured parcels, and simultaneously executes new Land Conservation Contract No. 04-007A, which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the State of California Government Code (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured parcels and the execution of the contract by the property owners;

IT IS FURTHER RESOLVED that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign new or amended Land Conservation Contract No. 04-007A to simultaneously rescind a portion of the existing Land Conservation Contract No 04-007 as applicable to the reconfigured parcels only, and to execute new Land Conservation Contract No. 04-007A, which shall be applicable to the reconfigured parcels;

IT IS FURTHER RESOLVED that the new or amended Land Conservation Contracts shall reflect present ownership interests and, shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures, and the Chair of the Board is authorized to sign the new Land Conservation Contracts with the property owners, subject to the attached Conditions of Approval;



IT IS FURTHER RESOLVED that the Record of Survey or Deed and Legal Descriptions shall be reviewed for accuracy by County Staff of the RMA- Planning Department, the County Surveyor, and the Assessor's Office, prior to recordation of the new or amended Land Conservation Contract or Contracts;

IT IS FURTHER RESOLVED that the Clerk is directed to record said new or amended Contract or Contracts upon recordation of the Record of Survey or Deed, completion of the legal description or descriptions, and execution by the Chair.

IT IS FURTHER RESOLVED that the Board of Supervisors hereby approves said Lot Line Adjustment, subject to the attached conditions.


PASSED AND ADOPTED on this 25th of September, 2007 upon motion of Supervisor Salinas, seconded by Supervisor Armenta, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, and Potter  
NOES: None  
ABSENT: Supervisor Smith

I, Lew C. Baumann, 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 Minute Book 73, for a meeting on September 25, 2007.

Dated: September 25, 2007

Lew C. Baumann, Clerk of the Board of Supervisors,  
County of Monterey, State of California.

By   
Darlene Drain, Deputy