

ATTACHMENT B
DRAFT BOARD RESOLUTION

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

Resolution No.

- a. Approve a Lot Line Adjustment between)
three (3) legal lots of record under)
Farmland Security Zone Contract No. 12-)
010, established by County Resolution No.)
11-379, with no net decrease in acreage)
under Williamson Act Contract; and)
- b. Authorize the Chair to execute a new or)
amended Farmland Security Zone Contract)
in order to rescind a portion of the existing)
Contract as it applies to the reconfigured)
lots only and simultaneously execute a)
new or amended Contract or Contracts for)
the reconfigured lots between the County)
and Sea Mist Farms, LLC, reflecting the)
new legal descriptions, current ownership)
interests and to incorporate any legislative)
changes to State Williamson Act)
provisions and current County Williamson)
Act Program Policies or Procedures; and)
- c. Direct the Clerk of the Board to record the)
new or amended Contracts.)
(PLN110031/Sea Mist Farms LLC))
)
)

RECITALS

WHEREAS, an application was submitted for a Lot Line Adjustment between three (3) legal lots of record involving Assessor's Parcel Numbers 167-081-006-000, 137-151-006-000 & 137-151-007-000 in their entirety, as owned by Sea Mist Farms LLC. The legality of the three (3) subject parcels is based on a chain of deeds and Certificates of Compliance found in Planning File No. PLN110031; and,

WHEREAS, the lots are subject to Williamson Act Farmland Security Zone Contract No. 12-010 and will be reconfigured. They will remain under Farmland Security Zone Contract. The Lot Line Adjustment which will result in three (3) reconfigured separate lots totaling approximately 339.05 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 the property is consistent with policies of the Monterey County General Plan, the Toro & Central Salinas Valley Area Plans, 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 Farmland Security Zone Contract No. 12-010 as evidenced below:

FINDINGS AND EVIDENCE FOR APPROVAL OF LOT LINE ADJUSTMENT

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 (Lot Line Adjustment between three (3) lots of approximately 335.16, 2.31 and 1.58 acres to result in lots of approximately 306.73, 18.01 and 14.31 acres. All parcels (existing and proposed) are located within the boundaries of Williamson Act Farmland Security Zone Contract No. 12-010. The properties are located adjacent to and northeast of River Road, approximately 6.5 miles due southeast from the River Road intersection at Hwy 68. (Assessor's Parcel Numbers 167-081-006-000, 137-151-006-000 & 137-151-007-000), Toro & Central Salinas Valley Area Plans, and conform to the policies, requirements, and standards of the Monterey County General Plan, Toro Area Plan, Central Salinas Valley 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 adjacent to and northeast of River Road, approximately 6.5 miles due southeast from the River Road intersection at Hwy 68, within the Toro and Central Salinas Valley Area Plans. The subject Assessor's Parcels (167-081-006-000, 137-151-006-000 & 137-151-007-000) are approximately 339.05 acres in size. The parcels are zoned F/40, or "Farming/40-acre minimum," and F/40-D, or "Farming/40-acre minimum with Design Control Overlay," both of which zoning designations allows for Lot Line Adjustments. Though two (2) of the three (3) lots resulting from this Lot Line Adjustment do not meet the minimum building site of 40 acres pursuant to the zoning designations, this is not a change from the current configuration of two (2) lots of less than 40 acres and will result in the two (2) subject lots being in closer conformance to the 40-acre minimum size. The existing structures located on proposed "Lot 1" (agricultural support buildings) will continue to meet minimum setback requirements pursuant to Monterey County Inland Zoning Code – Title 21. Therefore, the project is an allowed land use for this site.
- (c) General Plan Policy LU-1.16 states:
 - Lot Line Adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the Lot Line Adjustment would:
 - a. accommodate legally constructed improvements which extend over a property line; or
 - b. facilitate the relocation of existing utilities, infrastructure, or public utility easements; or

- c. resolve a boundary issue between or among affected owners; or
- d. produce a superior parcel configuration; or
- e. reduce the non-conformity of existing legal lots of record; or
- f. promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. better achieve the goals, policies and objectives of the General Plan; or
- h. facilitate Routine and Ongoing Agricultural activities.

The proposed Lot Line Adjustment, including two (2) of three (3) subject parcels which do not conform to minimum parcel standards, is consistent with LU-1.16. Specifically, the Adjustment will produce superior parcel configurations for the purpose of access and ongoing agricultural activities (LU-1.16d.). The Adjustment will also reduce the degree of non-conformity of two (2) of the legal lots of record. The General Plan designations for the subject lots are “Farmlands 40-160 Ac Min” and “Rivers and Water Bodies.”

- (d) The Lot Line Adjustment application was not reviewed by the Agricultural Advisory Committee as no significant issues were identified by staff of the Agricultural Commissioner’s Office that would warrant Committee review.
- (e) The application plans, and related support materials found in Planning File No. PLN110031.

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, Monterey County Regional Fire Protection District, Public Works Department, 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. Conditions recommended have been incorporated.
 - (b) Staff conducted a site inspection on April 10, 2014 to verify that the site is suitable for this use.
 - (c) The application, plans, and related support materials found in Planning File No. PLN110031.

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) of the Monterey County Code (MCC), the Lot Line Adjustment is between two (2) (or more) existing adjacent lots.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between three (3) existing adjacent lots.
 - (b) Lot “1” (Assessor’s Parcel No. 167-081-006-000), containing approximately 335.16 acres, was recognized as a legal lot by Monterey County by a Certificate of Compliance (CC130057/ Document No. 201365815 on file with the County Recorder).

- (c) Lot “2” (Assessor’s Parcel No. 137-151-006-000), containing approximately 2.31 acres, was recognized as a legal lot by Monterey County by a Certificate of Compliance (CC090036/ Document No. 2009056137 on file with the County Recorder).
- (d) Lot “C” (Assessor’s Parcel No. 137-151-007-000), containing approximately 1.58 acres, was recognized as a legal lot by Monterey County by a Certificate of Compliance (CC090037 Document No. 2009056138 on file with the County Recorder).

4. FINDING: NO NEW LOTS CREATED – Pursuant to MCC Section 19.09.025.B.2 of the Monterey County Subdivision Ordinance (Title 19), 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 three (3) contiguous lots of record will be adjusted, resulting in three (3) contiguous lots of record. No new lots will be created.
(b) The application, plans, and related support materials found in Planning File No. PLN110031

5. FINDING: CONTIGUOUS LOTS OF RECORD – Pursuant to MCC Section 19.09.025.B.1 of the Monterey County Subdivision Ordinance (Title 19), the lots resulting from the Lot Line Adjustment will be contiguous parcels.

EVIDENCE: The application and plans for a Lot Line Adjustment found in Planning File No. PLN110031.

6. FINDING: CEQA (Exempt) - The project is categorically exempt from environmental review.

EVIDENCE: (a) Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines 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, Monterey County Subdivision Ordinance.

EVIDENCE: Materials in Planning File No. PLN110031.

8. FINDING: NO VIOLATIONS - The subject properties are 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. Zoning violation abatement costs, if any, have been paid.

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

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

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

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 years.

EVIDENCE: (a) The proposed amendment to Farmland Security Zone Contract No. 12-010, applicable to the three (3) reconfigured lots, will reflect the redistribution of acreage of land under Williamson Act Contract as illustrated in Table 2 (below). There will be no change to the exterior boundaries of Contract 12-010.

Redistribution of Acreage (Approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	NET ADJUSTMENT
EXISTING/PROPOSED LOT "1/A"	335.16	306.73	- 28.43
EXISTING/PROPOSED LOT "2/B"	2.31	18.01	+15.7
EXISTING/PROPOSED LOT "3/C"	1.58	14.31	+12.73

(b) The term of the original Farmland Security Zone 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.

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 the two Contracts. Contract No. 12-010 contains a total of approximately 604 acres. Contract No. 12-010 will retain a total of approximately 604 acres. None of the property will be removed from the Contract, and no change in agricultural use of the land is proposed.

(b) The application, plans, and related support materials found in Planning File No. PLN110031.

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 No. 12-010 will continue to cover all of the acreage under the original Contract No. 12-010. No decrease in acreage under Contract will result.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN110031.

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 Section 51222.

EVIDENCE: (a) The subject Contract, Farmland Security Zone Contract No. 12-010, applicable to the three (3) reconfigured lots to reflect the redistribution of approximately 339 acres of land under Williamson Act Contracts will result in Lot “A” at approximately 306.73 acres, Lot “B” at approximately 18.01 acres, and Lot “C” at approximately 14.31 acres.

- (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 the entirety of its 604 acres within the agricultural preserve.
- (d) The application plans, and related support materials found in Planning File No. PLN110031.

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 for the purpose of creating two (2) lots of greater functionality.
- (b) No new development is proposed for the three (3) reconfigured lots, which will continue to be used for agricultural purposes.
- (c) The application plans, and related support materials found in Planning File No. PLN110031.

- 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 Lot Line Adjustment will not affect current agricultural operations on the subject properties or on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current lot configurations.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN110031.

- 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.

- EVIDENCE:** (a) The three (3) reconfigured lots do not result in a greater number of developable lots than existed prior to the adjustment. See Finding 4.
- (b) The application, plans, and related support materials found in Planning File No. PLN110031.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT in order to facilitate the Lot Line Adjustment of Williamson Act Farmland Security Zone lands, the Board rescinds a portion of the existing Farmland Security Zone Contract No. 12-010, as applicable to the reconfigured lots, and authorizes the Chair to simultaneously execute new or amended Contracts, 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 lots and the execution of the new or amended Contract or Contracts by the property owners;

IT IS FURTHER RESOLVED that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign a new or amended Farmland Security Zone Contract or Contracts, to simultaneously rescind a portion of the existing Farmland Security Zone Contract No. 12-010 as applicable to the reconfigured parcels only, and to execute a new or amended Contract or Contracts, which shall be applicable to the reconfigured lots;

IT IS FURTHER RESOLVED that the new or amended Contract or Contracts shall reflect current ownership interests for the reconfigured parcels 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 or amended Contract or Contracts with the property owners;

IT IS FURTHER RESOLVED that the Clerk is directed to record said new or amended Contract or Contracts upon recordation of the Certificates of Compliance for said reconfigured parcels, completion of the legal description or descriptions, and execution by the Chair;

IT IS FURTHER RESOLVED that the Board of Supervisors does hereby approve said Lot Line Adjustment subject to the attached conditions and Proposed Lot Line Adjustment Map.

PASSED AND ADOPTED on this 3rd day of June, 2014, 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