

*Before the Board of Supervisors
County of Monterey, State of California*

PLN200176 – AVILA & LABARERE

Resolution No. 24-139

Resolution of the Board of Supervisors of the County of Monterey:)

- a. Finding that the proposed Lot Line Adjustment,)
qualifies as a Class 5 Categorical Exemption per)
California Environmental Quality Act (CEQA))
Guidelines California Code of Regulations (CCR))
Section 15305, Minor Alterations in Land Use)
Limitations. (a) Minor lot line adjustments, side yard,)
and set back variances not resulting in the creation of)
any new parcel; and, there are no exceptions pursuant)
to CEQA Guidelines CCR Section 15300.2; and)
- b. Approving a Lot Line Adjustment of Williamson Act)
lands within Agricultural Preserve No. 72-1 and)
corresponding Land Conservation Contract No. 72-1)
as amended in 1990 between four legal lots of record)
consisting of; Parcel 1 - 636.8 acres (Assessor's)
Parcel Number 423-091-025-000), Parcel 2 - 211.9)
acres (Assessor's Parcel Number 423-091-038-000);)
Parcel 3 - 321.1 acres (Assessor's Parcel Number)
423-091-041-000) and Parcel 4 - 222.6 acres)
(Assessor's Parcel Number 424-081-012-000). The)
adjustment would result in four parcels consisting of;)
519.7 acres (Parcel A), 329 acres (Parcel B), 486.1)
acres (Parcel C) and 57.6 acres (Parcel D),)
respectively.)
- c. Authorizing the Chair to execute a new or amended)
Land Conservation Contract or Contracts in order to)
rescind a portion of the existing Land Conservation)
Contracts as applicable to the reconfigured lots only)
and simultaneously execute a new or amended Land)
Conservation Contract or Contracts for the)
reconfigured lots between the County and property)
owners reflecting the legal descriptions, current)
ownership interests and to incorporate any legislative)
changes to State Williamson Act provisions and)
current County Agricultural Preserve Policies or)
Procedures; and)
- d. Directing the Clerk of the Board to record the new or)
amended Land Conservation Contract or Contracts)
subject to the submittal of the appropriate recording)
fees from the property owners of record.)

(PLN200176/ AVILA & LABARERE 423-091-025-000,
423-091-038-000, 423-091-041-000 and 424-081-012-000)

RECITALS:

WHEREAS, an application for a Lot Line Adjustment between four lots of record consisting of; Parcel 1 - 636.8 acres (Assessor's Parcel Number 423-091-025-000), Parcel 2 - 211.9 acres (Assessor's Parcel Number 423-091-038-000), Parcel 3 - 321.1 acres (Assessor's Parcel Number 423-091-041-000) and Parcel 4 - 222.6 acres (Assessor's Parcel Number 424-081-012-000) owned by Sam Avila and Margaret J. Avila, as Trustees under Declaration of Trust dated August 16, 1989, and Albert Nicora, Successor of the Testamentary Trust of Joseph Labarere, deceased, was filed with the County in August 2020.

WHEREAS, the legality of the four (4) subject parcels is based on existing grant deeds: All of Section 28, Township and Portions of Sections 33, and 34 of Township 23 South, Range 10 East, and a portion of Section 3 of Township 24 South, Range 10 East. All with respect to Mount Diablo Base and Meridian in the unincorporated territory of the County of Monterey. File with the Monterey County Recorder's Office and Planning File No. PLN200176 and incorporated herein by this reference; and

WHEREAS, the parcels are subject to Agricultural Preserve Land Conservation Contract No. 72-1 (Document No. G06979, Reel 756, Page 435 - 451) established by the County by Resolution No. 72-33-1 dated February 29, 1972 as amended pursuant to the 1990 Amendment to Land Conservation Contract No. 72-1 recorded as Document No. 10449 at Reel 2473, Page 1039, recorded with the County Recorder on February 20, 1990 and will be reconfigured; and

WHEREAS, the applicant-owners report that the proposed Lot Line Adjustment has been submitted to comply with a Court Order on Petition To Authorize and Instruct Trustee Regarding Partition of Real Property dated October 16, 2019 in Monterey County Superior Court Case No. P19390. Lot Line Adjustments are often employed when the parties involved in a partition of real property matter want to separate their interests without selling the real property.

WHEREAS, these parcels currently contain vineyards and are subject to Williamson Act Agricultural Preserve No. 72-1 and corresponding Land Conservation Contract No. 72-1 (sometimes referred to as, "LCC No. 72-1"), established by the County of Monterey through Board of Supervisors Resolution No. 72-33-1, recorded as Document G 06979 at Reel 756, Page 435 and following, recorded with the County Recorder on February 29, 1972.

WHEREAS, on February 21, 1989, the Board of Supervisors approved an amendment to existing Agricultural Preserve No. 72-1 and LCC No. 72-1 which authorized an exchange of land and provided for removal of a 10.97 acre parcel and inclusion of an adjoining 16.40 acre parcel into Agricultural Preserve No. 72-1.

WHEREAS, following the Board's February 21, 1989 approval of the exchange of land, the 1990 Amendment to Land Conservation Contract No. 72-1 (sometimes referred to as "the 1990 Amendment") was prepared to amend Exhibit A to Land Conservation Contract No 72-1, to reflect the exchange of land as set forth in Exhibit A-I to the 1990 Amendment.

WHEREAS, the 1990 Amendment to Land Conservation Contract No. 72-1, was recorded with the Monterey County Recorder as Document No. 10449, at Reel 2473, Page 1039 and following, on February 10, 1990.

WHEREAS, the zoning for the parcels is either Permanent Grazing, 40-acre minimum (PG/40) Farmlands, 40-acre minimum (F/40) or both; and

WHEREAS, the Lot Line Adjustment will result in four reconfigured lots consisting of approximately of 519.7 acres (Parcel A), 329 acres (Parcel B), 486.1 acres (Parcel C) and 57.6 acres (Parcel D); and

WHEREAS, the lots contain vineyards, and the vineyard use is consistent with its zoning designations and compatible with the existing Williamson Act Contracts. There will be no net decrease in the amount of acreage restricted under a Williamson Act Contract and the vineyard use is proposed to continue. After the lot adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use; and

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the 2010 Monterey County General Plan, the South County Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code) and the Subdivision Ordinance (Title 19 of the Monterey County Code), as evidenced below; and,

WHEREAS, California Government Code Section 51257 requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of land under Williamson Act Contract and the request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act) as evidenced below; and

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with Board Resolution No. 00-462 (Resolution relating to the processing of Lot Line Adjustment affecting property under Agricultural Preserve Contract pursuant to the Williamson Act); and

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

1. FINDING: CONSISTENCY – The project, as described in Condition of Approval No. 1 and as conditioned, conforms to the policies, requirements, and standards of:

- 1) The 2010 Monterey County General Plan;
- 2) The South County Area Plan;
- 3) The Monterey County Zoning Ordinance (Title 21);
- 4) The Monterey County Subdivision Ordinance (Title –9 - Inland Subdivision Ordinance); and
- 5) 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 project 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 properties are located along Jolon Road south of Lockwood and northwest of Hwy 101 and Bradley, Bradley, South County Area Plan, South County Area Plan. Parcel-1 - 636.8 acres (Assessor's Parcel Number 423-091-025-000), Parcel-2 - 211.9 acres (Assessor's Parcel Number 423-091-038-000); Parcel-3 - 321.1 acres (Assessor's Parcel Number 423-091-041-000) and Parcel-4 - 222.6 acres (Assessor's Parcel Number 424-081-012-000). The adjustment would result in four parcels of: 519.7 acres (Parcel A), 329 acres (Parcel B), 486.1 acres (Parcel C) and 57.6 acres (Parcel D), respectively.
- (c) The purpose for the Lot Line Adjustment is to comply with a Court Order Petition To Authorize and Instruct Trustee Regarding Partition of Real Property dated October 16, 2019. The reconfiguration is consistent with the Board approved list of compatible uses and the applicable Williamson Act Contracts including LCC No. 72-1 as amended by the 1990 Amendment to LCC No. 72-1.
- (d) The property currently contains vineyards which is an allowed use of the property and is compatible with the existing Williamson Act Contracts. The vineyard use will continue on the property after the Lot Line Adjustment. There will be no net decrease in the amount of acreage restricted under a Williamson Act Contract. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222. The smallest lot created through the Lot Line Adjustment will be 57.6 acres. The uses are also compatible with Williamson Act Agricultural Preserve No. 72-1 and corresponding Land Conservation Contract No. 72-1, recorded as Document No. G06979, Reel 756, Page 435 – 451, established by the County No. 72-33-1, and with the 1990 Amendment to LCC No. 72-1 recorded as Document G 06979, at Reel 756, Page 435 and following, recorded with the County Recorder on February 29, 1972.
- (e) The four lots have a zoning designation of Permanent Grazing – 40-acre minimum (PG/40) and Farmland – 40-acre minimum (F/40). The proposed lot line configuration would result in four lots, with similar lot acres (40+ acres). The proposed Parcels A, B, C and D would meet the minimum parcel size requirement of 40 acres pursuant to Title 21 “Zoning” Chapter 21.34 “PG/40” Zoning District and the required lot configuration pursuant to Title 19 “Subdivisions,” Chapter 19.02.150 “Lot Line Adjustment.”
- (f) The existing mobile home and metal barn structures will be located within proposed Parcel B. As proposed both structures will meet the minimum setbacks from proposed property lines and all other development standards for the F/40 Zoning District.
- (g) The proposed Lot Line Adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses (General Plan Goal LU-1). The proposed

Lot Line Adjustment would: produce a superior lot configuration (Goal LU-1 item d); promote agriculture as a resource in this County (General Plan Goal LU-1 item f); better achieve the goals, policies, and objectives of the General Plan (General Plan Goal LU-1 item g); and facilitate routine and ongoing agricultural activities (General Plan Goal LU-1 item h). Parcel 1 (636.8 acres), Parcel 2 (211.9 acres), Parcel 3 (321.1 acres) and Parcel 4 (222.6 acres) will become Parcel A (519.7 acres), Parcel B (329 acres), Parcel C (486.1 acres), and Parcel D (57.6 acres), totaling 1,392.4 acres. All parcels are over the minimum requirement of 40 acres per the zoning designations of F/40 and PG/40. Staff has reviewed the proposed Lot Line Adjustment and determined that the findings required to approve the proposed Lot Line Adjustment of Williamson Act lands pursuant to Government Code Sections 51257 (a) and 66412(d) can be made in this case. The proposed Lot Line Adjustment is for agricultural purposes, will not create more parcels than currently exist, and the adjusted lots will continue to be large enough to sustain their agricultural use. The new or amended contract or contracts will enforceably restrict the adjusted boundaries of the four parcels 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. There will be no net decrease in the amount of the acreage restricted. At least 90 percent of the land under the former contract or contracts will remain under the new or amended contract or contracts. 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. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts. The Lot Line Adjustment will 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.

- (h) The project was referred to the Agricultural Advisory Committee (AAC) for review on February 25, 2021. The 2010 General Plan Policy AG-1.8 requires that all discretionary applications in lands designated for agricultural use be referred to the County's Agricultural Advisory Committee (AAC) for their review and recommendation to the decision-making body. The AAC recommended approval of the project by a vote of 8-0.
- (i) The project planner conducted a site inspection on January 24, 2024, to verify that the existing uses on the subject parcels conform to the proposed LLA site plan provided.
- (j) The application, plans, and related support materials found in Planning File No. PLN200176.

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: HCD - Planning Division, South Monterey County Fire Protection District, HCD- Environmental Services, HCD- Engineering Services, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable

for the proposed Lot Line Adjustment. Conditions have been incorporated accordingly.

- (b) An inactive well exists on Assessor's Parcel Number 151-011-058-000. The applicant has indicated their intention to retain the well for future use and provided documentation to the Environmental Health Bureau that the well meets the standards for an inactive well specified by California Well Standards Bulletin 74-90, California Department of Water Resources.
- (c) The application, plans, and related support materials found in Planning File No. PLN200176.
- (d) The Lot Line Adjustment would not result in any new developable parcels or an adjusted lot that is inconsistent with the general plan or with subject Agricultural Preserve Land Conservation Contracts (AGP) Contract No. 72-1 (Document No. G06979, Reel 756, Page 435 - 451).

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), the Lot Line Adjustment is between four existing adjacent lots.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between four existing adjacent lots.
 - (b) Parcel "1" (APN 423-091-025-000) containing approximately 636.8 acres, was recognized as a legal lot pursuant to an existing Grant Deed: All of Section 28 in Township 23 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Monterey, State of California, according to the official plat thereof.
 - (c) Parcel "2 and 3" (APN 423-091-038-000 and 423-091-041-000) containing approximately 211.9 acres and 321.1 acres, was recognized as a legal lot pursuant to an existing Grant Deed: East 1/2 of Section 33; North 1/2 of Section 34; and Northwest 1/4 of Section 36, all in Township 23 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Monterey, State of California, according to the official plat thereof.
 - (d) Parcel "4" (APN 424-081-012-000) containing approximately 222.6 acres, was recognized as a legal lot pursuant to an existing Grant Deed: All that portion of the North 1/2 of Section 3, Township 24 South, Range 10 East, Mount Diablo Base and Meridian, in the County of Monterey, State of California, lying Northerly of the Northerly boundary of the easement for highway purposes described in the deed from B. F. Porter Estate, a Corporation, to the State of California, dated February 13, 1943 and recorded on October 17, 1944 in Volume 848 Official Records of Monterey County at Page 255.
 - (e) The application, plans, and related support materials can be found in Planning File No. PLN200176.

4. FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND NO NEW LOTS CREATED – Pursuant to the Monterey County Code (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 four lots of record will be adjusted, resulting in four lots. The proposed Lot Line Adjustment would not result in more developable parcels and would not compromise the long-term agricultural productivity of the other parcels. Furthermore, no farmland will be taken out of production.
- (b) The application, plans, and related support materials found in Planning File No. PLN200176.

5. **FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND CONTIGUOUS LOTS OF RECORD** – Pursuant to MCC Section 19.09.025.B.3 of the Monterey County Subdivision Ordinance (Title 19), the parcels resulting from the Lot Line Adjustment conform to the County Zoning and Building Ordinances and are contiguous parcels.

- EVIDENCE:** (a) The application and plans for a Lot Line Adjustment found in Planning File No. PLN200176.
- (b) See evidence in Finding 1, above.

6. **FINDING: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)** – The project is categorically exempt from environmental review.

- EVIDENCE** a) Guidelines for CEQA, California Code of Regulations, Title 14, Chapter 3, Section 15305(a) categorically exempts Lot Line Adjustments, side yard, and setback 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 - Subdivisions).

EVIDENCE: Materials in Planning File No. PLN200176.

8. **FINDING: NO VIOLATION**– - The subject property was not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s Zoning Ordinance (Title 21).

- EVIDENCE:** (a) Staff has reviewed Monterey County HCD - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property prior to the submittal of the photos of the existing structures on site
- (b) The site photo identified an unpermitted 3,661 square foot agricultural commercial metal building on parcel Parcel B (423-091-038-000). The applicants had the option of demolishing the structure or obtain the proper entitlement. The applicants have since obtained a building permit

(22CP02729) and corrected the violation prior to commencing the Lot Line Adjustment application.

- (c) The project is now in compliance with all rules and regulations pertaining to the property.
- (d) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN200176.

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: See preceding FINDING NOS. 1, 2, 3, 4 and 5 and supporting evidence.

10. FINDING: WILLIAMSON ACT – CONTRACTS – Pursuant to California Government Code Section 51257(a)(1), the new or amended Contract or Contracts would enforceable 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 ten (10) years.

EVIDENCE: (a) The proposed Amendment to Agricultural Preserve No. 72-1 and corresponding Land Conservation Contract No. 72-001, recorded as Document No. G06979, Reel 756, Page 435 – 451, established pursuant to Board of Supervisors Resolution No. 68-56-16 dated February 29, 1972 as amended by the 1990 Amendment to LCC No. 72-1 recorded as recorded as Document G 06979 at Reel 756, Page 435 and following, recorded with the County Recorder on February 29, 1972 which shall be applicable to the four reconfigured lots will reflect the redistribution of 1,392.4 acres of land under Williamson Act Contract.

- (b) The term of the original Land Conservation Contracts renew annually on each succeeding January 1; the term of the new or amended Contract or Contracts shall be automatically renewed on January 1 and one (1) additional year shall be added automatically to the initial term unless notice of nonrenewal is given.

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. In cases where two (2) lots 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.

EVIDENCE: (a) The Lot Line Adjustment will reconfigure the lots with a net decrease of 117.10 acres (Parcel A) and equal net increase of 117.10 acres to (Parcel B). In addition, a net increase of 165 acres (Parcel C) and equal net decrease of 165 acres (Parcel D) Therefore, the Lot Line Adjustment would not result in a net decrease in the amount of the acreage restricted between the four (4) proposed lots (Parcel A, B, C and D).

- (b) Condition of Approval No. 5 shall require that a surveyor prepare legal descriptions for each newly configured parcel and submit them to HCD-Planning for review and approval for recordation with the Monterey County Recorder's Office as attachments to the Certificates of Compliance for the reconfigured parcels.
- (c) The application, plans, and related support materials found in Planning File No. PLN200176.

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 or Contracts will continue to cover at least 90 percent of the subject lots under Agricultural Preserve Land Conservation Contract No. 72-1.

- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN200176.

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 Government Code Section 51222.

EVIDENCE: (a) The proposed Lot Line Adjustment applicable to the four reconfigured parcels shall reflect the redistribution of 1,392.4 acres of land under Williamson Act Land Conservation Contracts.

- (b) Pursuant to California Government Code Section 51222 (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." The total acreage involved in the subject Lot Line Adjustment is 1,392.4 acres in total.
- (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. With the exception to the mobile home and metal barn, the subject Lot Line Adjustment will sustain the 1,392.4 acres as agricultural uses or agricultural accessory uses within Agricultural Preserve Land Conservation Contract Nos. 72-1.
- (d) The application plans, and related support materials found in Planning File No. PLN200176.

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 proposed lot configuration would produce a superior parcel configuration as it would not create a net decrease in agricultural acreage between the four parcels but will allow the vineyards operation within all four parcels. The proposal would facilitate the routine and ongoing agricultural activities. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County's agricultural industry. Policy AG-1.3 allows the proposed Lot Line Adjustments as it is exclusively intended for agricultural purposes.
- (b) The application plans, and related support materials found in Planning File No. PLN200176

- 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 subject parcels and surrounding area are designated as Permanent Grazing – 40-acre minimum (“PG/40”) and Farmland – 40-acre minimum (“F/40”). The Lot Line Adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current configuration.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN200176.

- 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, or an adjusted lot that is inconsistent with the general plan.

- EVIDENCE:** (a) The existing four reconfigured lots do not result in a greater number of developable parcels than existed prior to the adjustment. See Finding 4.
- (b) The application, plans, and related support materials found in Planning File No. PLN200176.

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

- a. Find that the proposed Lot Line Adjustment qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305. Minor Alterations in Land Use Limitations. (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel in accordance with the Subdivision Map Act and, there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2; and
- b. Approve a Lot Line Adjustment of Williamson Act lands within Agricultural Preserve No. 72-1 and corresponding Land Conservation Contract No. 72-1 as amended in 1990 between four legal lots of record consisting of 636.8 acres (Assessor's Parcel Number

423-091-025-000), 211.9 acres (Assessor's Parcel Number 423-091-038-000), 321.1 acres (Assessor's Parcel Number 423-091-041-000) and 222.6 acres (Assessor's Parcel Number 424-081-012-000) before the Lot Line Adjustment, resulting in four adjusted parcels consisting of; 519.7 acres (Parcel A), 329 acres (Parcel B), 486.1 acres (Parcel C) and 57.6 acres (Parcel D); and

- c. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contracts as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the property owners reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- d. Direct the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

In general conformance with the attached sketch and plans, and subject to the attached conditions all being attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED on this 23rd day of April 2024, by roll call vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams

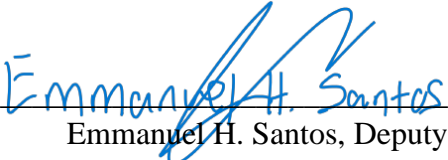
NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting on April 23, 2024.

REVISED Date: May 28, 2024
File ID: RES 24-065
Agenda Item No. 28

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy

County of Monterey HCD Planning

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

PLN200176

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN200176) is between four legal lots of record consisting of: Parcel 1 - 636.8 acres (Assessor's Parcel Number 423-091-025-000), Parcel 2 - 211.9 acres (Assessor's Parcel Number 423-091-038-000); Parcel 3 - 321.1 acres (Assessor's Parcel Number 423-091-041-000) and Parcel 4 - 222.6 acres (Assessor's Parcel Number 424-081-012-000). The adjustment would result in four parcels of: 519.7 acres (Parcel A), 329 acres (Parcel B), 486.1 acres (Parcel C) and 57.6 acres (Parcel D), respectively . The property is located at 101 South Highway 101, San Ardo & 72125 Jolon Road, Bradley, near Nacimiento Lake Drive. (Assessor's Parcel Numbers 423-091-025-000, 423-091-038-000, 423-091-041-000 & 424-081-012-000), South County 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 HCD - 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. (HCD- Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment (Resolution Number 24-139) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 423-091-025-000, 423-091-038-000, 423-091-041-000 & 424-081-012-000 on April 23, 2024. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD- Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD- Planning.

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

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. (County Counsel-Risk Management)

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 final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

4. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

5. LOT LINE ADJUSTMENT – RECORD DEEDS – CA Govt. Code §66412(d)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Following review and any corrections of the legal descriptions and plats:

1. Record the fully executed and acknowledged deed(s) to the adjustment parcels with the County Recorder.
2. Deliver a copy of the recorded deed(s) to the project planner.
3. Deliver the legal description and plat of each Certificate of Compliance to RMA-Planning for final processing, together with a check, payable to the "Monterey County".

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner(s)/Applicant(s) shall do the following:

1. Have a professional land surveyor prepare a legal description and plat with closure calculations. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN200176) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The legal description and plat shall comply with the Monterey County Recorder's guidelines as to form and content. Submit the draft legal descriptions, plats and closure calculations to the project planner and the County Surveyor for both of the following:

- a. Each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued.
- b. For the adjustment parcels, being all areas being conveyed by Owner(s) in conformance to the approved lot line adjustment.

i. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.

ii. The purpose of the deed shall be stated on the first page of the deed, as follows:

"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN200176. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall be deemed to reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

6. PD037 - WILLIAMSON ACT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The property owner shall enter into a new or amended Agricultural Preserve Land Conservation Contract or Contracts with the Board of Supervisors of the County of Monterey for the Lot Line Adjustment of Williamson Act lands deemed necessary by the Office of the County Counsel. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel, the property owners of record shall execute a new or amended contract or contracts to be prepared by the Office of the County Counsel, which shall be recorded after the recordation of the Certificates of Compliance and subject to the submittal of the appropriate recording fees by the property owners of record.

7. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to HCD-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 of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

8. FLOODPLAIN NOTICE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide a recorded floodplain notice for proposed Parcels B, C, & D 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." (HCD-Environmental Services)

Compliance or Monitoring Action to be Performed: The applicant shall submit a signed and notarized floodplain notice to HCD-Environmental Services for review and approval.

The notice shall be recorded concurrently with the final map.

EXISTING PARCELS

LOT LINE ADJUSTMENT MAP PLN 200176

BEING A LOT LINE ADJUSTMENT OF SECTION 28 AND PORTIONS OF SECTIONS 33, AND 34 OF TOWNSHIP 23 SOUTH, RANGE 10 EAST, AND A PORTION OF SECTION 3 OF TOWNSHIP 24 SOUTH, RANGE 10 EAST, ALL WITH RESPECT TO MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

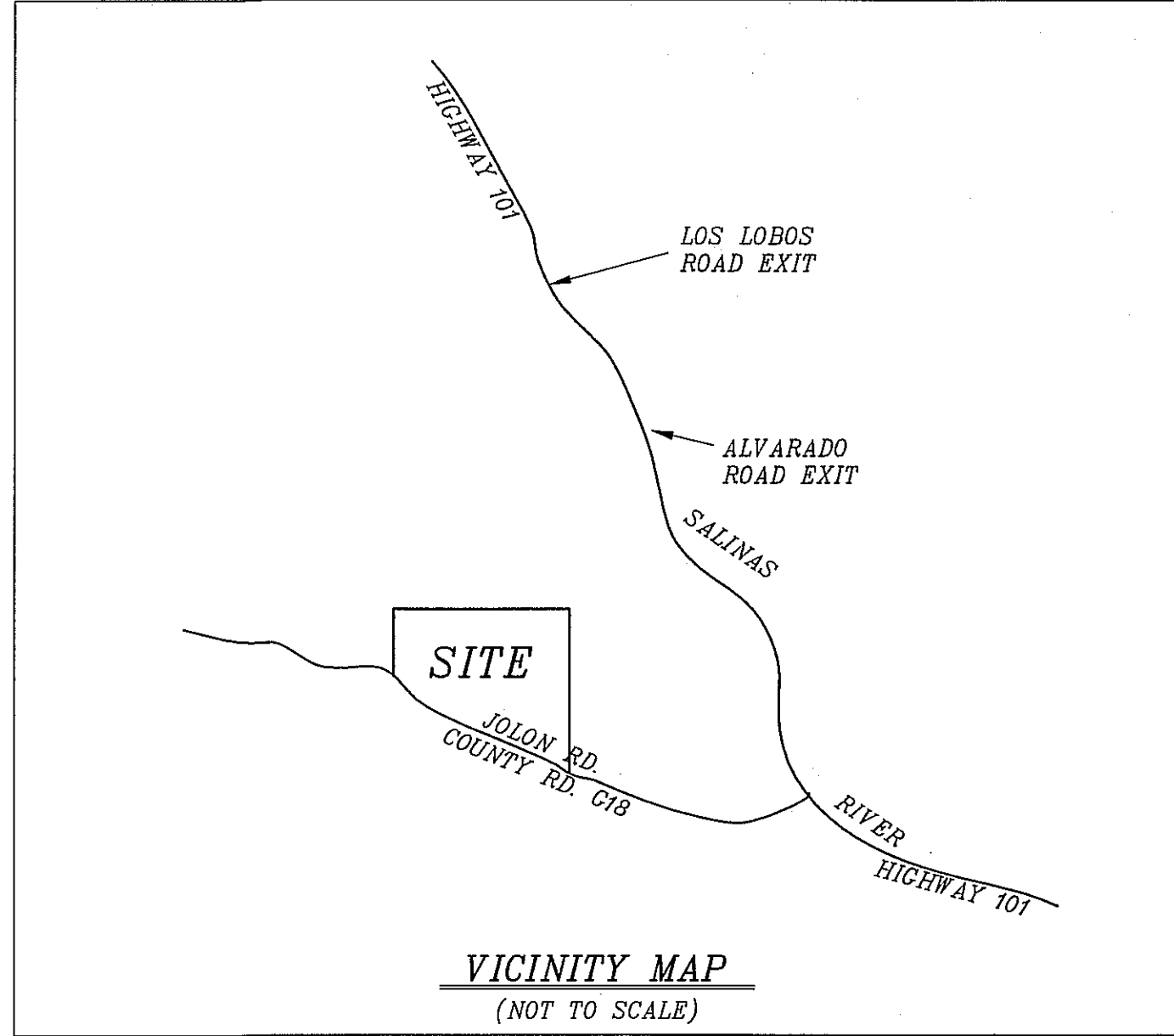
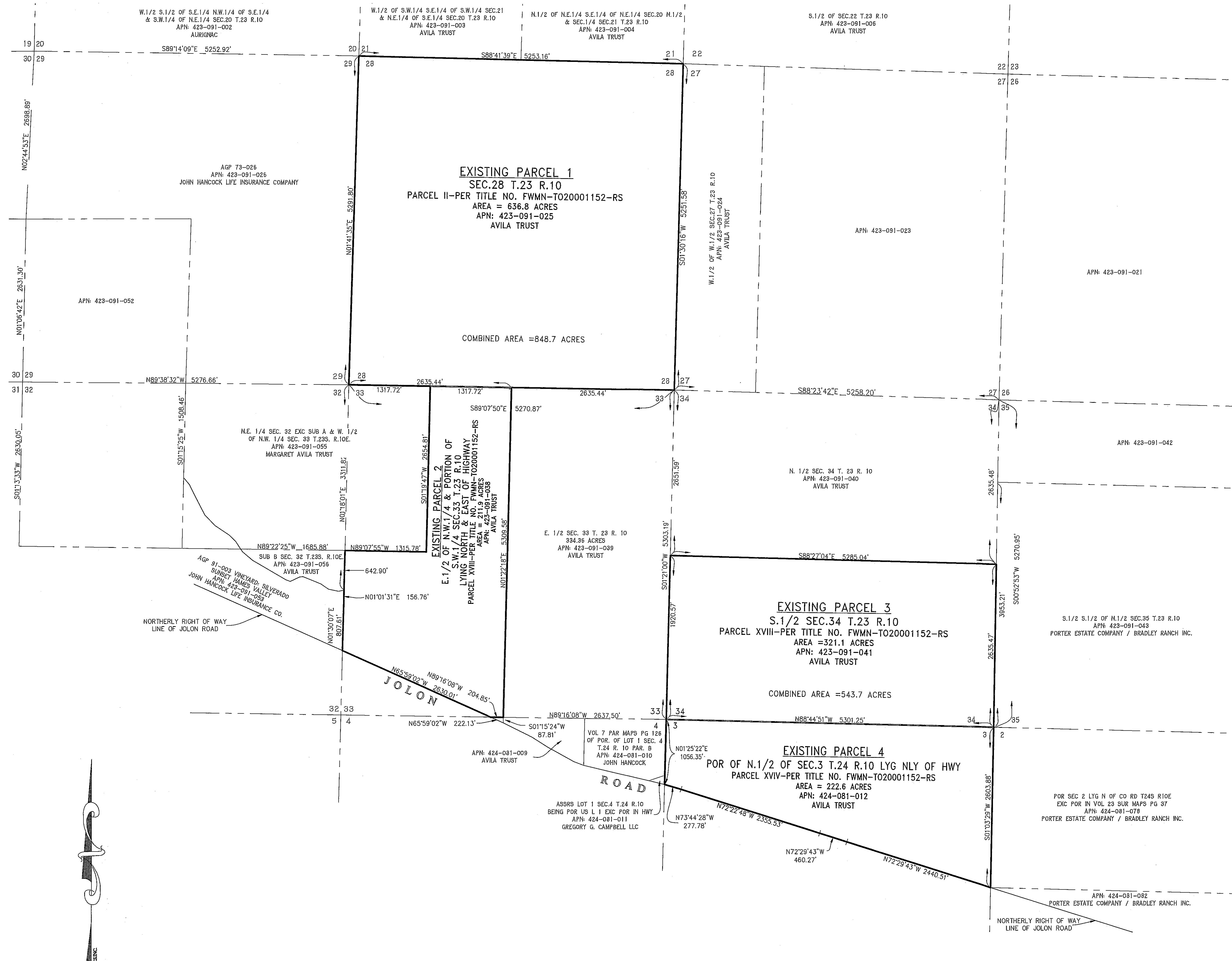
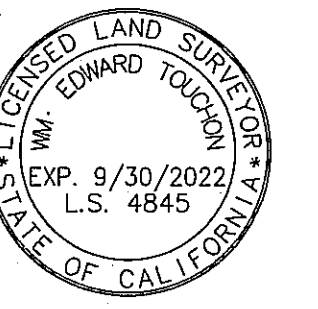
BASIS OF BEARINGS

THE "BASIS OF BEARINGS" FOR THIS MAP AND SURVEY IS GRID NORTH PER THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS 83-ZONE 4). THE MEAN CONVERGENCE ANGLE FOR THIS SITE IS -1'09"15". MULTIPLY DISTANCES SHOWN BY 0.99999980 TO OBTAIN GROUND DISTANCES.

OWNER'S STATEMENT

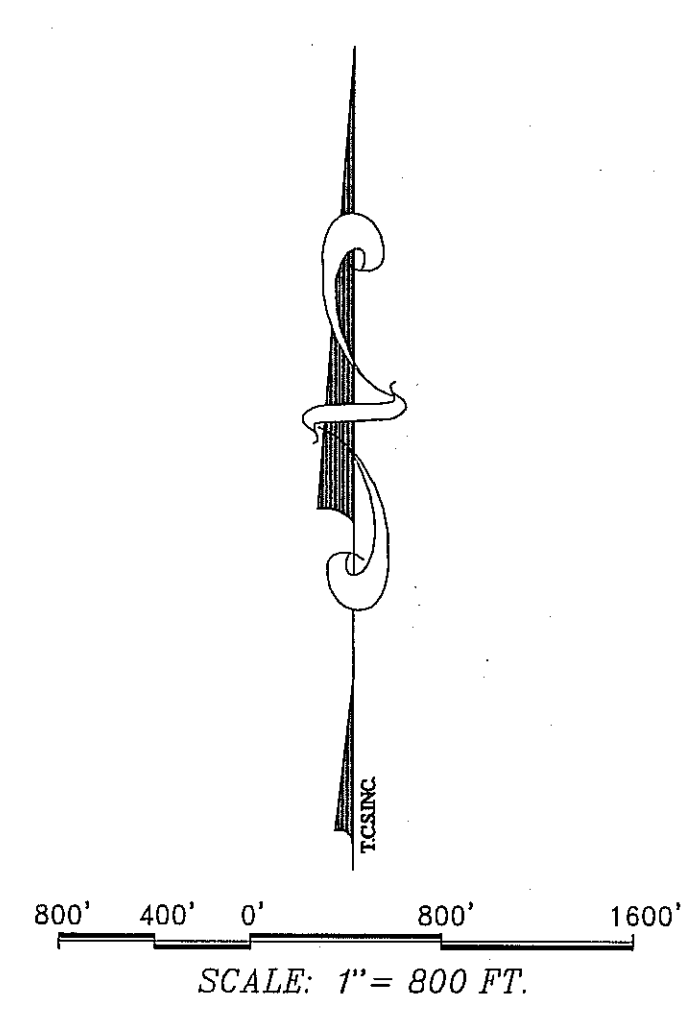
I HEREBY REQUEST APPROVAL OF THIS DIVISION OF REAL PROPERTY SHOWN ON THIS TENTATIVE MAP AND CERTIFY THAT I AM THE AUTHORIZED REPRESENTATIVE OF THE OWNERS AND THAT THIS MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Wm. E. Touchon 02-17-2021
WM. E. TOUCHON PLS 4845 DATE



PROPERTY OWNERS/REPRESENTATIVES

- MARGARET J. AVILA - TRUSTEE UNDER DECLARATION OF TRUST DATED 8/16/89 (1/2 INTEREST)
P.O. BOX 419
SAN ARDO, CA. 93450
 - MARK BLUM - REPRESENTATIVE
HORAN LLOYD - A PROFESSIONAL CORPORATION
26385 CARMEL RANCHO BLVD
CARMEL, CA. 93923
(831) 373-4131
MBLUM@HORANLEGAL.COM
 - ALBER J. NICORA - SUCCESSOR TRUSTEE OF THE TESTAMENTARY TRUST OF JOSEPH LABARERE, DECEASED (1/2 INTEREST)
26385 CARMEL RANCHO BLVD., CARMEL, CA. 93923
 - MARK BLUM - REPRESENTATIVE
HORAN LLOYD - A PROFESSIONAL CORPORATION
26385 CARMEL RANCHO BLVD
CARMEL, CA. 93923
(831) 373-4131
MBLUM@HORANLEGAL.COM
- NOTE: FOR SPECIFIC EXISTING OWNERSHIP INTERESTS OF THE VARIOUS PARCELS, PLEASE REFER TO THE PRELIMINARY TITLE REPORT - CHICAGO TITLE COMPANY NO. FWMN-T020001152-RS DATED MAY 27, 2020



PROPOSED PARCELS

LOT LINE ADJUSTMENT MAP PLN 200176

BEING A LOT LINE ADJUSTMENT OF SECTION 28 AND PORTIONS OF SECTIONS 33, AND 34 OF TOWNSHIP 23 SOUTH, RANGE 10 EAST, AND A PORTION OF SECTION 3 OF TOWNSHIP 24 SOUTH, RANGE 10 EAST, ALL WITH RESPECT TO MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

BASIS OF BEARINGS

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NOTES

- BOUNDARY SURVEY AND PORTION OF TOPOGRAPHIC SURVEY PERFORMED BY TWIN CITIES SURVEYING.
- FIELD SURVEY PERFORMED 03/2020. MAP PREPARED 07/2020.
- PRELIMINARY TITLE REPORT, CHICAGO TITLE COMPANY ORDER #FWM-1002000152-RS, DATED MAY 27, 2020
- BOUNDARY INFORMATION SHOWN IS BASED ON FOUND MONUMENTS AND RECORD DATA PER R.R. R2 & R3 BELOW
- ALL PARCELS INCLUDED IN THIS ADJUSTMENT ARE DESIGNATED AG-PRESERVE/VINEYARD/ORCHARD
- ALL LAND INCLUDED IN THIS APPLICATION IS PASTURE LAND OR VINEYARD WITH MINOR AGRICULTURAL DEVELOPMENT CONSISTENT WITH TYPICAL RANCHING OPERATIONS INCLUDING, BUT NOT LIMITED TO, RANCH ROADS, WELLS, FENCING, LIVESTOCK FEEDING STATIONS, AND VINEYARDS.
- THERE ARE NUMEROUS ACCESS POINTS TO THE PROPERTIES ALONG JOLON ROAD, COUNTY ROAD CIB. THE MAIN ACCESS IS FROM HEISNER ROAD AT ITS INTERSECTION WITH JOLON ROAD
- WATER SUPPLY AND SEPTIC SYSTEM APPROXIMATE LOCATIONS ARE INDICATED ON SHEET 3, DETAIL A.
- LOT LINE ADJUSTMENT DOES NOT AFFECT MINERAL RIGHTS.
- PARCELS OR PORTIONS OF PARCELS ARE UNDER WILLIAMSON ACT CONTRACT 72-01 PER REEL 765, PAGE 455, AND RENEWED CONTRACT 72-1 PER REEL 2473, PAGE 1039, OFFICIAL RECORDS OF THE COUNTY OF MONTEREY.



SCALE: 1" = 800 FT.

ACREAGE - EXISTING		ACREAGE - PROPOSED		ACREAGE - USAGE	
EXISTING PARCEL	EXISTING ACREAGE	PROPOSED PARCEL	NEW ACREAGE	EXISTING LAND USE	PROPOSED LAND USE
1-SEC 28	636.8 ACRES	A	519.7 ACRES	AG VINEYARD	AG
2-P.TN. SEC. 33	211.9 ACRES	B	329.0 ACRES	AG VINEYARD	AG VINEYARD
3-P.TN. SEC. 34	321.1 ACRES	C	486.1 ACRES	AG VINEYARD	AG VINEYARD
4-P.TN. SEC. 3	222.6 ACRES	D	57.6 ACRES	AG VINEYARD	AG VINEYARD
TOTAL: 1,392.4 ACRES		TOTAL: 1,392.4 ACRES			

APNs AFFECTED BY THIS MAP (4)
(SEE SHEET 1 FOR APN BOUNDARIES)

423-091-025
423-091-039
423-091-041
424-081-012

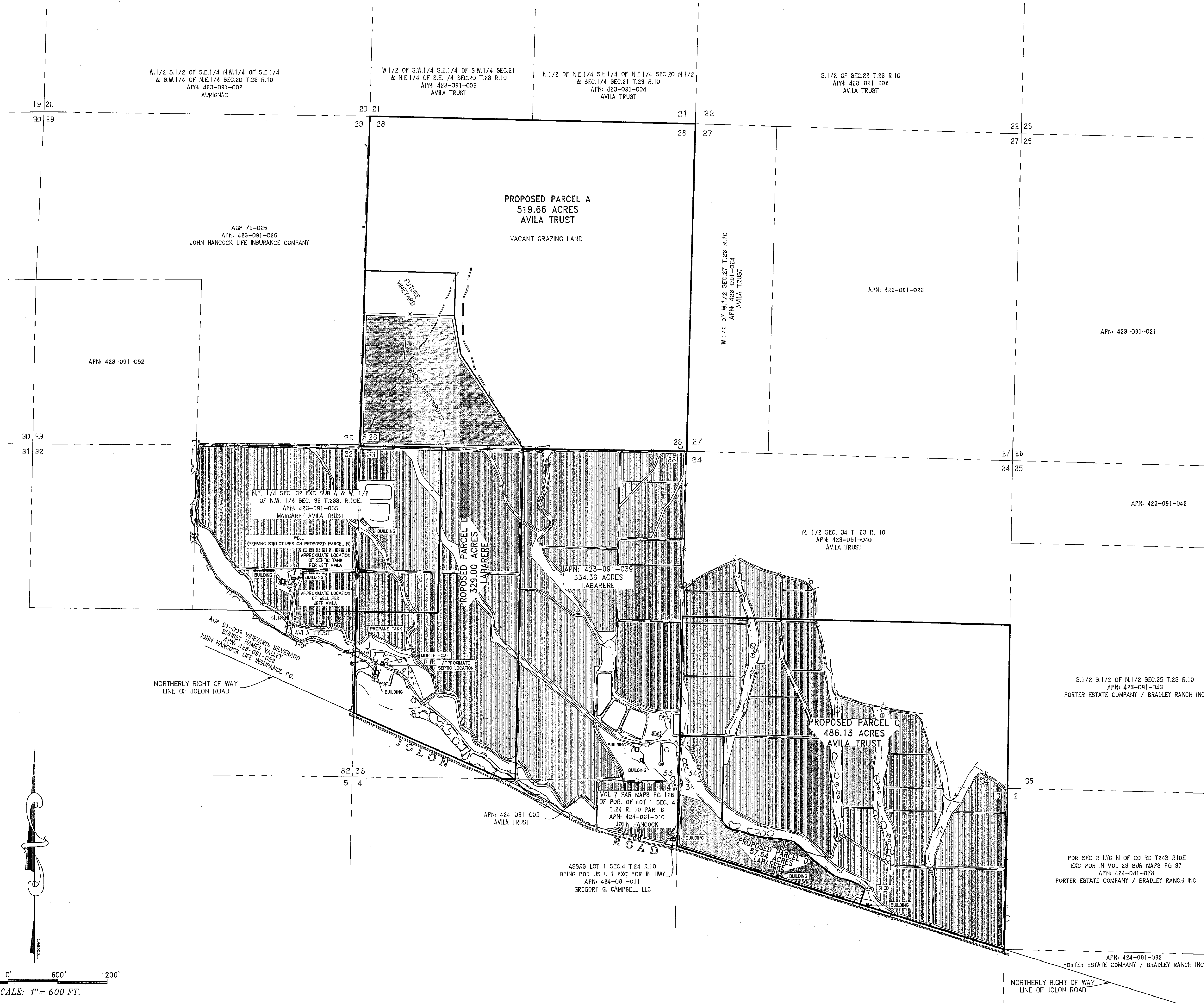
MAP PREPARED: JULY 24, 2020
MAP REVISED: FEBRUARY 10, 2021

TWIN CITIES SURVEYING, INC.
615-C S. MAIN STREET P.O. BOX 777
TEMPLETON, CALIFORNIA 93465-0777
(805) 434-1834
SHEET 2 OF 4 JUN 20027

TOPOGRAPHIC MAP

LOT LINE ADJUSTMENT MAP PLN 200176

BEING A LOT LINE ADJUSTMENT OF SECTION 28 AND PORTIONS OF SECTIONS 33, AND 34 OF TOWNSHIP 23 SOUTH, RANGE 10 EAST, AND A PORTION OF SECTION 3 OF TOWNSHIP 24 SOUTH, RANGE 10 EAST, ALL WITH RESPECT TO MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.



BASIS OF BEARINGS

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EXISTING STRUCTURES ON EXISTING PARCELS

- PARCEL 1**
APN: 423-091-025
NO STRUCTURES
- PARCEL 2**
APN: 423-091-038
SINGLE FAMILY DWELLING (1356 SQUARE FEET) [BUILDING PERMIT 010345]
METAL AGRICULTURE ACCESSORY BUILDING (3732 SQUARE FEET)
- PARCEL 3**
APN: 423-091-041
NO STRUCTURES
- PARCEL 4**
APN: 424-081-012
NO STRUCTURES

600' 300' 0' 600' 1200'
SCALE: 1" = 600 FT.

MAP PREPARED: JULY 24, 2020
MAP REVISED: FEBRUARY 10, 2021
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SHEET 3 OF 4 JN 20027

EASEMENTS PER PRELIMINARY TITLE REPORT

LOT LINE ADJUSTMENT MAP PLN 200176

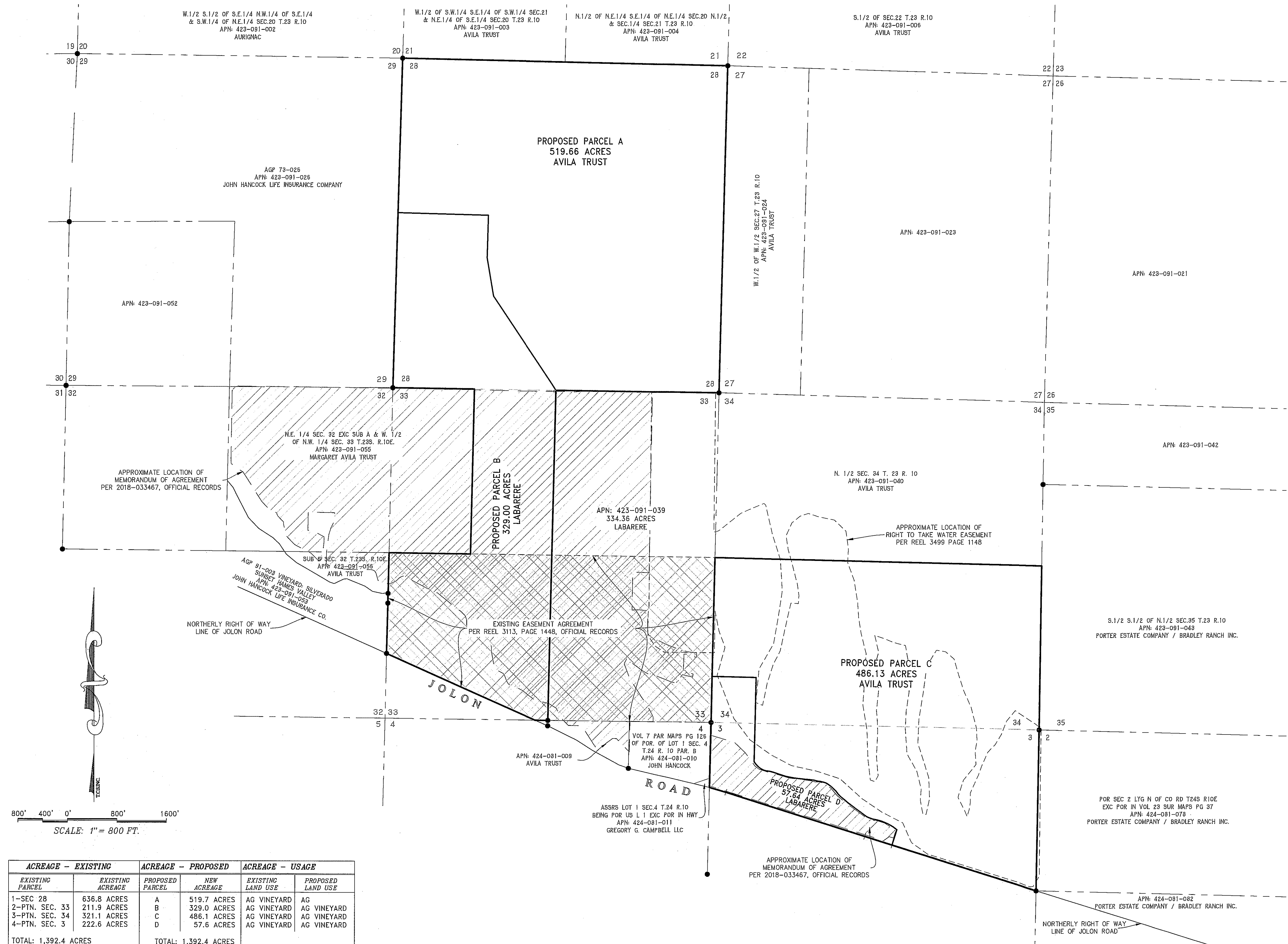
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ACREAGE - EXISTING		ACREAGE - PROPOSED		ACREAGE - USAGE	
EXISTING PARCEL	EXISTING ACREAGE	PROPOSED PARCEL	NEW ACREAGE	EXISTING LAND USE	PROPOSED LAND USE
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 423-091-039
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MAP PREPARED: JULY 24, 2020
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 SHEET 4 OF 4 JUN 20027