



# County of Monterey

Item No.

## Board Report

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

Legistar File Number: RES 24-144

August 13, 2024

Introduced: 8/1/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

### **PLN220367 - CV VISTA FARMS, LLC AND D'ARRIGO BROTHERS COMPANY OF CALIFORNIA**

Public hearing to consider adoption of a Resolution:

a. Finding that the minor Lot Line Adjustment qualifies for a Class 5 Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Section 15305 and that the establishment of agricultural preserves (farmland security zones) and the making and renewing of open space contracts under the Williamson Act qualifies for a Class 17 Categorical Exemption pursuant to CCR Section 15317, and there are no exceptions pursuant to CCR Section 15300.2;

b. Approving a Lot Line Adjustment between two legal lots of record with a pre Lot Line Adjustment area of 288.65 acres (area under Williamson Act Contract) (Parcel 1) and 12.13 acres (area not currently under Williamson Act) (Parcel 2), and a post Lot Line Adjustment configuration consisting of two lots containing 278.87 acres (Parcel A) and 21.91 acres (Parcel B), with resulting Parcel A to remain under a new or amended Williamson Act Farmland Security Zone Contract and subject to the attached Lot Line Adjustment Map and Conditions of Approval;

c. Authorizing the Chair of the Board to execute a new or amended Farmland Security Zone Contract rescinding a portion of the existing Farmland Security Zone Contract No. 00-011 (Board of Supervisors Resolution No. 99-451) to reflect the newly reconfigured Williamson Act Parcel A, and simultaneously execute a new or amended Farmland Security Zone Contract between the County and D'Arrigo Brothers Company of California, reflecting the new legal description and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies or Procedures; and

d. Directing the Clerk of the Board to record the new or amended contract subject to the submittal of corresponding recording fees by the property owners of record.

(Lot Line Adjustment - PLN220367/CV VISTA FARMS, LLC AND D'ARRIGO BROTHERS COMPANY OF CALIFORNIA, 2100 Harris Court, Salinas, (Assessor's Parcel Number: 177-011-010-000), Greater Salinas Area Plan, and 221 River Road, Salinas, (Assessor's Parcel Number: 139-011-003-000), Toro Area Plan)

#### PROJECT INFORMATION:

**Project Locations:** 2100 Harris Court and 221 River Road, Salinas

**APNs:** 177-011-010-000 and 139-011-003-000

**Agent:** Philip Pearman

**Plan Area:** Greater Salinas Area Plan and Toro Area Plan

**Flagged and Staked:** N/A

**CEQA Action:** Find the project Categorical Exempt pursuant to CEQA Guidelines Sections

15305 and 15317

RECOMMENDATION:

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

- a. Finding that the minor Lot Line Adjustment qualifies for a Class 5 Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305 and that the establishment of agricultural preserves (farmland security zones) and the making and renewing of open space contracts under the Williamson Act qualifies for a Class 17 Categorical Exemption pursuant to CCR Section 15317, and there are no exceptions pursuant to CCR Section 15300.2;
- b. Approving a Lot Line Adjustment between two legal lots of record with a pre Lot Line Adjustment area of 288.65 acres (area under Williamson Act Contract) (Parcel 1) and 12.13 acres (area not currently under Williamson Act) (Parcel 2), and a post Lot Line Adjustment configuration consisting of two lots containing 278.87 acres (Parcel A) and 21.91 acres (Parcel B), with resulting Parcel A to remain under a new or amended Williamson Act Farmland Security Zone Contract and subject to the attached Lot Line Adjustment Map and Conditions of Approval;
- c. Authorizing the Chair of the Board to execute a new or amended Farmland Security Zone Contract rescinding a portion of the existing Farmland Security Zone Contract No. 00-011 (Board of Supervisors Resolution No. 99-451) to reflect the newly reconfigured parcels, and simultaneously execute a new or amended Farmland Security Zone Contract between the County and D'Arrigo Brothers Company of California, reflecting the new legal description and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies or Procedures; and
- d. Directing the Clerk of the Board to record the new or amended contract subject to the submittal of corresponding recording fees by the property owners of record.

SUMMARY/DISCUSSION:

The proposed Lot Line Adjustment will reconfigure Parcel 1 (288.65 acres; under Williamson Act Contract) and Parcel 2 (12.13 acres), resulting in two (2) lots containing 278.87 acres (Parcel A) and 21.91 acres (Parcel B). The subject properties consist of prime farmland, farmland of statewide importance, and unique farmland. Parcel 1 (288.65 acres) is under Farmland Security Zone Contract No. 00-011 established in 1999 per Board of Supervisors' Resolution No. 99-451 (**Attachment E**).

To facilitate a Lot Line Adjustment of Williamson Act Lands, Government Code Section 51257 provides as follows:

51257.

(a) To facilitate a Lot Line Adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new 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.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two

parcels 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.

(3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

(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.

(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.

(6) The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

(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.

(b) Nothing in this section shall limit the authority of the Board or Council to enact additional conditions or restrictions on lot line adjustments.

(c) Only one new contract may be entered into pursuant to this section with respect to a given parcel, prior to January 1, 2004.

(Emphasis added. Amended by Stats. 2012, Ch. 128, Sec. 1. [AB 2680]. Effective January 1, 2013.)

On December 12, 2000, pursuant to Board of Supervisors Resolution No. 00-462, the Board found and declared that:

...as long as Government Code Section 51257 remains in effect, no proposed Lot Line Adjustment involving land under agricultural preserve contract pursuant to the Williamson Act shall be approved unless all of the findings enumerated in Section 51257 are made by the Board of Supervisors with respect to the agricultural preserve parcels proposed to be adjusted. (Emphasis added.) (Board Resolution No. 00-462). (**Attachment F**).

California Government Code Section 51257 (a) requires that to facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract provided the board finds all of the elements listed in Government Code Section 51257 (a)(1) through Section 51257 (a)(7). Proposed findings pursuant to Government Code Section 51257 are included in **Attachment A** - Draft Resolution and summarized below.

Pursuant to Government Code Section 51257 (a)(1), Parcel A will be subject to a new or amended Farmland Security Zone contract which will enforceably restrict the adjusted boundaries of Parcel A for an initial term for at least as long as the unexpired term of the rescinded contract.

Government Code Section 51257(a)(2) requires that there is no net decrease in the amount of the acreage restricted. However, following the adjustment of existing Parcel 1 (288.65 acres under Williamson Act Contract), resulting Parcel A will consist of 278.87 acres which will remain under contract. The proposed Lot Line Adjustment will result in a 9.78 acre (3 percent) decrease in the

amount of acreage restricted pursuant to Farmland Security Zone Contract No. 00-011. While the proposed Lot Line Adjustment will result in a nominal (3 percent) decrease in the amount of acreage restricted, the proposed Lot Line Adjustment meets the criteria set forth in Government Code Section 51257 (a)(3) discussed below.

Pursuant to Government Code Section 51257 (a)(3), Lot Line Adjustments involving land under Williamson Act Contract must meet the finding that 90 percent of the originally contracted acreage remains under the new contract. After the Lot Line Adjustment, at least 90 percent of the land under the former contract will remain under the new or amended contract. Parcel A will be required to keep 278.87 acres under the new or amended Williamson Act Farmland Security Zone Contract. Therefore, the project meets the finding required per Government Code Section 51257(a)(3) because adjusted Parcel A, consisting of 278.87 acres, will retain 97 percent of the originally contracted acreage under the new or amended Farmland Security Zone Contract.

Pursuant to Government Code Section 51257(a)(4), adjusted Parcel A which will remain subject to Farmland Security Zone Contract No. 00-011 as amended, and will be large enough to sustain agricultural use, as defined in Government Code Section 51222 which provides as indicated below:

51222. The Legislature further declares that it is in the public interest for local officials and landowners to retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, 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 proposed Lot Line Adjustment will reconfigure existing Parcel 1 (288.65 acres under Williamson Act Contract) and Parcel 2 (12.13 acres), resulting in two (2) lots containing 278.87 acres (Parcel A) and 21.91 acres (Parcel B). The subject properties consist of prime farmland, farmland of statewide importance, and unique farmland. Reconfigured Parcel A (278.87 acres) will be large enough to sustain agricultural use as defined in Government Code Section 51222.

Pursuant to Government Code Section 51257(a)(5), the Lot Line Adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts. Both parcels are actively farmed and have no structures on them. Pursuant to Government Code Section 51257(a)(6), the Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use. CV Vista Farms, LLC, has historically grown strawberries within the designated floodplain of the D'Arrigo Brothers Company of California property and intends to continue their farming operation. The purpose of the proposed Lot Line Adjustment is to move the existing property line of Parcel 1 resulting in a transfer of acreage to Parcel 2 to be consistent with current farming operations.

Pursuant to Government Code Section 51257(a)(7), 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. The purpose of the Lot Line Adjustment is to move the existing

property line of Parcel 1 resulting in a transfer of acreage to Parcel 2 to be consistent with current farming operations. As noted on the Lot Line Adjustment Map, portions of the two parcels lie within the floodplain of the Salinas River which bisects Parcel 1 (**Attachment A, Exhibit 2**).

The area of land dedicated for transfer under the proposed Lot Line Adjustment is entirely within the 100-year floodplain. According to the 2010 Monterey County General Plan Policy S-2.2,

Uses such as agriculture, passive to low-intensity recreation, and open space/conservation are the most acceptable land uses in the 100-year floodplain to lessen the potential for loss of life, injury, property damage, and economic and social dislocations to the maximum extent feasible.

Both parcels are actively farmed and have no structures on them. The applicant, CV Vista Farms, LLC has historically grown strawberries within the designated floodplain of the D'Arrigo Brothers Company of California property and intends to continue their farming operation.

2010 Monterey County General Plan Policy LU-1.16 provides that 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:

- (c) resolve a boundary issue between or among affected owners,
- (e) reduce the non-conformity of existing legal lots of record,
- (g) better achieve the goals, policies and objectives of the General Plan and,
- (h) facilitate Routine and Ongoing Agricultural activities.

D'Arrigo Brothers Company of California has allowed CV Vista Farms, LLC to grow strawberries on 9.78 acres of land adjacent to the Salinas River which is in the Floodway Zone "AE" according to the Flood Insurance Rate Map Community Panel (No. 06053C0360G) dated April 2, 2009. The proposed Lot Line Adjustment would resolve a boundary issue between D'Arrigo Brothers Company of California and CV Vista Farms, LLC farming operations (LU-1.16(c)) and reduce the non-conformity of Parcel 2 at 12.13 acres which is less than the 40-acre minimum (LU-1.16(e)). Increasing the size of Parcel 2 helps better achieve the goals, policies, and objectives of the General Plan (LU-1.16(g)) as well as facilitate routine and ongoing agricultural activities (LU-1.16(h)). Therefore, the project is an allowed land use for this site. No additional development is proposed with this Lot Line Adjustment.

**OTHER AGENCY INVOLVEMENT:**

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

Environmental Health Bureau  
Monterey County Regional Fire Protection District  
Toro Land Use Advisory Committee  
Agricultural Advisory Committee  
Agricultural Commissioner's Office

The Office of the County Counsel shall prepare a new or amended contract reflecting the changes to existing Farmland Security Zone Contract No. 00-011 as it applies to the reconfigured Williamson Act parcel. The Department of Housing and Community Development (HCD-Planning), the County Surveyor, and the Assessor's Office will review the legal descriptions for accuracy upon receipt from the Applicants.

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

FINANCING:

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

Prepared by: Kayla Nelson, Associate Planner, x6408

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

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

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

Attachment A - Draft Resolution; including

- Exhibit 1 - Recommended Conditions of Approval
- Exhibit 2 - Lot Line Adjustment Map

Attachment B - Vicinity Map

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

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

Attachment E - Farmland Security Zone Contract No. 00-011 (Board of Supervisors Resolution No. 99-451)

Attachment F - Board Resolution No. 00-462

cc: Front Counter Copy; Monterey County Regional Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Agricultural Commissioner's Office; Kayla Nelson, Planner; Craig Spencer, Director of Housing and Community Development; Agricultural Preservation Review Committee - Gregg Macfarlane, Assistant Assessor-Valuation, Assessor-Recorder's Office, Nadia Ochoa, Management Analyst, Agricultural Commissioner's Office, Mary Grace Perry, Deputy County Counsel, Office of the County Counsel; CV Vista Farms, LLC and D'Arrigo Brothers Company of California, Property Owners; Philip Pearman, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN220367

