

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

In the matter of the application of:

**CV VISTA FARMS, LLC AND D'ARRIGO BROTHERS COMPANY OF CALIFORNIA
(PLN220367)**

RESOLUTION NO. 24-272

Resolution of the Monterey County Board of Supervisors to:

- 1) Find 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;
- 2) Approve 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;
- 3) Authorize 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, 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

- 4) Direct 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.

[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]

The CV VISTA FARMS, LLC AND D'ARRIGO BROTHERS COMPANY OF CALIFORNIA application (PLN220367) came on for a public hearing before the Board of Supervisors of the County of Monterey on August 13, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors of the County of Monterey finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE:
 - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Toro Area Plan;
 - Monterey County Subdivision Ordinance (Title 19); and
 - Monterey County Zoning Ordinance (Title 21).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The project includes a Lot Line Adjustment between two legal lots of record, including:
 - Parcel 1; 288.65 acres; (Assessor's Parcel Number: 177-011-010-000 under Williamson Act Contract No. 00-011); and
 - Parcel 2; 12.13 acres (Assessor's Parcel Number: 139-011-003-000) which is not currently under Williamson Act Contract.After this Lot Line Adjustment, the resulting lots will include:
 - Parcel A; 278.87 acres under a new or amended Williamson Act Contract; and

- Parcel B; 21.91 acres.
- c) Lot Legality. The subject Parcel 1 (Assessor's Parcel Number: 177-011-010-000) was issued a Certificate of Compliance in 2010 being recorded as Document No. 2010076382 in the Official Records of Monterey County. Subject Parcel 2 was separately deeded as a 15.87 acre parcel in 1949 as recorded in Volume 1149 of Official Records, at Page 426; the parcel was reduced to its current configuration following the conveyance of a road-widening parcel to the County in 1964; therefore, Parcel 2 is a legally created parcel per Section 19.02.255(C) of the Monterey County Code.
- d) Allowed Use. The properties are located at 2100 Harris Court, Salinas (Assessor's Parcel Number: 177-011-010-000 – Parcel 1) within the Greater Salinas Area Plan and 221 River Road, Salinas (Assessor's Parcel Number: 139-011-003-000 – Parcel 2) within the Toro Area Plan. Parcel 1 is currently zoned Farmland, 40 acres per unit or “F/40”. Parcel 2 is zoned Farmland, 40 acres per unit with a Design Control overlay district or “F/40-D”. Both lots are farmed with row crops which is a principally permitted use in the Farmland Zoning District. There are no structures on either lot. Parcel 1 is farmed by D’Arrigo Brothers Company of California. Portions of Parcel 1 and all of Parcel 2 are farmed by CV Vista Farms, LLC. This project will adjust the boundaries between the two properties such that D’Arrigo Brothers Company of California operations will be entirely within adjusted Parcel A and CV Vista Farms, LLC operations will be entirely within adjusted Parcel B.

Under the F/40 zoning, the minimum lot size is 40 acres. Existing Parcel 2 contains 12.13 acres which is non-conforming to the current minimum lot sizes in the zoning district. As proposed, Parcel 2 will be adjusted to include 21.91 acres (Parcel B) which reduces the non-conformity with the minimum lot size.

The 2010 Monterey County 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: 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. 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 (*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.

- e) Visual Sensitivity. The project is located in an area of visual sensitivity along River Road according to the Toro Scenic Highway Corridors and Visual Sensitivity Map (Figure 16). The project does not propose to build any new structures as part of this application.
- f) Flood Hazards. The subject parcels are located within a 100-year floodplain according to the Flood Insurance Rate Map (No. 06053C0360G) dated April 2, 2009. See Finding No. 3, Evidence “c”.
- g) Agricultural and Winery Corridor Plan (AWCP). Both parcels are located within the Central/Arroyo Seco/River Road segment of the AWCP. Parcel 1 is currently under Williamson Act Contract (No. 00-011) which would allow the continued agricultural use under an amended contract. Parcel 2 is not subject to a Williamson Act Contract and does not propose to enter into a contract at this time. Additionally, both parcels are not proposing to add any wine-related activities with this Lot Line Adjustment application.
- h) Agricultural Advisory Committee (AAC) Review. On August 24, 2023, the project was referred to the AAC pursuant to 2010 General Plan Policy AG-1.8. The committee members unanimously recommended approval of the project without any conditions by a vote of 8-0 with 3 members absent.
- i) Toro Land Use Advisory Committee (LUAC) Review. The project was referred to the Toro Land Use Advisory Committee pursuant to Board of Supervisors adopted LUAC Guidelines on October 23, 2023. The committee members unanimously recommended approval of the project without any changes by a vote of 6-0 with 2 members absent.
- j) The project planner conducted a site inspection on February 13, 2024, to verify that the project on the subject parcel conforms to the plans listed above.
- k) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey Department of Housing and Community Development (HCD-Planning) are found in HCD-Planning Project File No. PLN220367.

2. FINDING: **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, Environmental Health Bureau, Monterey County Regional Fire Protection District, and the Agricultural Commissioner’s Office. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations. There has been no

indication from these departments/agencies that the site is not suitable for the proposed development. The conditions recommended by the reviewing agencies have been incorporated into this permit.

- b) Staff conducted a site inspection on February 13, 2024, to verify that the site is suitable for this use.
- c) The application, project plans, and related support materials submitted by the project applicant to the County of Monterey HCD-Planning are found in Project File No. PLN220367.

3. 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:**
- a) The project was reviewed by HCD-Planning, Environmental Health Bureau, Monterey County Regional Fire Protection District and the Agricultural Commissioner’s Office. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) This Lot Line Adjustment will not change any physical conditions at the site or in the vicinity.
 - c) The Salinas River bisects the two properties. The area of land dedicated for transfer under the proposed Lot Line Adjustment is entirely within a 100-year floodplain. According to 2010 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.

The applicant, CV Vista Farms, has historically grown strawberries within the designated floodplain and intends to continue their farming operation. Therefore, agricultural activities are an appropriate land use.

- d) Staff conducted a site inspection on February 13, 2024 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File No. PLN220367.

4. FINDING: NO VIOLATIONS – The subject property is 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.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on February 13, 2024, and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File No. PLN220367.

5. **FINDING:** **LOT LINE ADJUSTMENT** - The adjustment of the parcels is consistent with Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance – Inland) of the Monterey County Code.

- EVIDENCE:**
- a) The parcels both have a base zoning designation of Farmland, 40 acres per unit or “F/40.” A Design Control overlay district “D” district, applies to the land south of the Salinas River (Parcel B). See Finding 1, Evidence “b” and “c”.
 - b) The LLA will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted, resulting in two contiguous legal parcels of record.
 - c) The LLA is consistent with Title 21 (Zoning Ordinance) of the Monterey County Code and County staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, and no violations exist on the property (see Finding Nos. 1, 2, and 4).
 - d) As an exclusion to the Subdivision Map Act, the Lot Line Adjustment does not require the recordation of a map. To appropriately document the boundary changes, the Owner/Applicant shall record a deed for the respective parcels to reflect the adjustment (Condition No. 3) and a Certificate of Compliance for each new lot shall be filed (Condition No. 4).
 - e) 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 PLN220367.

6. **FINDING:** **CEQA (Exempt)** – The project is a Lot Line Adjustment, which is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- f) California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305 (a) categorically exempts minor Lot Line Adjustments that do not result in the creation of any new parcels. Additionally, the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act qualify for a Class 17 Categorical Exemption pursuant to CEQA Guidelines CCR Section 15317.
 - g) The subject application for a Lot Line Adjustment is minor in nature and will not result in the creation of any new parcels. See Finding No. 5.

- h) None of the exceptions under CEQA Guidelines CCR Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, or development that would result in a cumulative significant impact. No structural development is proposed as part of this project.
- i) No adverse environmental effects were identified during staff review of the development application during a site visit on February 13, 2024.
- j) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File No. PLN220367.

7. FINDING: WILLIAMSON ACT – CONTRACTS – Pursuant to California Government Code Section 51257(a)(1), the new contract 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 term of the original Farmland Security Zone Contract (Contract No. 00-011) is 20 years which renews annually on each succeeding January 1. The new or amended contract will have an initial term of 20 years, which also will renew annually on each succeeding January 1.

8. FINDING: WILLIAMSON ACT – NO NET ACREAGE DECREASE – . 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. Consequently, there will be a minor net decrease in the amount of acreage restricted pursuant to Farmland Security Zone Contract No. 00-01 as amended pursuant to this approval. 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 in Finding 9.

EVIDENCE: a) The total acreage of the affected reconfigured parcel under the agricultural preserve contract, which is the subject of the proposed Lot Line Adjustment, is approximately 288.65 acres and is currently owned by the D'Arrigo Brothers Company of California. The Lot Line Adjustment will reconfigure the parcel but will not result in a net loss of acreage below 90 percent of land currently under contract. See Finding No. 9 below.

b) The application, plans, and related support materials are found in Planning File No. PLN220367.

9. **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.

- EVIDENCE:**
- a) The total acreage currently under Farmland Security Zone Contract No. 00-011 is 288.65 acres (Parcel 1). Ten percent of 288.65 acres is 28.865 acres. As proposed, the contract for Parcel 1 will be rescinded and simultaneously a new/amended contract will be entered into for 278.87 acres (Parcel A). There would be a net reduction in acreage under contract of 9.78 acres which is less than a 10 percent reduction. More than 90 percent of the acreage currently under contract will remain under the new or amended contract. The proposed new or amended Farmland Security Zone Contract will continue to cover 278.87 acres under the original Farmland Security Zone Contract No. 00-011 which equals 97 percent.
 - b) The application, plans, and related support materials are found in Planning File No. PLN220367.

10. **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) 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.

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. The proposed Lot Line Adjustment will reduce the acreage under contract by 3 percent.

- b) County of Monterey Board of Supervisors Resolution No. 01-485 as amended per Board of Supervisors Resolution No. 03-373 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. Farmland Security Zone Contract No. 00-011 covers 288.65 acres. Approximately 9.78 acres will be coming out of contract. However, 278.87 acres will remain subject to Farmland Security Zone Contract No. 00-011 as amended by this approval.

- c) The application, plans, and related support materials are found in Planning File No. PLN220367.

11. 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 amended contract will cover over 278 acres that are currently in agricultural production. There will be no change in the area used for agricultural production on both sites as a result of this Lot Line Adjustment and agricultural production on both parcels will continue. See also, Finding No. 10 and supporting Evidence above.
 - b) The application, plans, and related support materials are found in Planning File No. PLN220367.

12. 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 are designated as “F/40” Farmlands, with a minimum building site of 40 acres. The Lot Line Adjustment will not affect current agricultural uses on the subject properties or on adjacent properties. This project will adjust the boundaries between the two properties such that D’Arrigo Brothers Company of California operations will be entirely within adjusted Parcel A and CV Vista Farms, LLC operations will be entirely within adjusted Parcel B. The boundary change accommodates an existing condition and no physical change in the agricultural use or production is anticipated and no physical development is being proposed. The adjustment would not allow any uses that could not also occur under the current configuration.
 - b) See Finding No. 5 (Lot Line Adjustment).
 - c) The application, plans, and related support materials are found in Planning File No. PLN220367.

13. 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 two (2) reconfigured parcels do not result in a greater number of developable parcels than existed prior to the adjustment. 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 in order to be consistent with current farming operations within a floodplain.

- b) See Finding No. 5 (Lot Line Adjustment).
- c) The application, plans, and related support materials are found in Planning File No. PLN220367.

14. FINDING:

WILLIAMSON ACT – CONTRACT RESCISSION AND

AMENDMENT – 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).

EVIDENCE:

- a) The Lot Line Adjustment will rescind 9.78 acres of land under Williamson Act Contract No. 00-011 (Board of Supervisors Resolution No. 99-451) while simultaneously placing 278.87 acres (97 percent) of land under the Farmland Security Zone Contract No. 00-011 as amended.
- b) See Findings and Evidence No. 7 through No. 13 above.
- c) The application, plans, and related support materials found in Planning File No. PLN220367.

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment of Williamson Act Lands, the Board of Supervisors hereby:

- a. Finds 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. Approves 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. Authorizes 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. Directs 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 BROS COMPANY, 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).

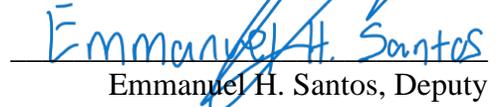
PASSED AND ADOPTED on this 13th day of August 2024, by roll call vote:

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 August 13, 2024.

Dated: August 16, 2024
File ID: RES 24-144
Agenda Item No. 21

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


Emmanuel H. Santos, Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

County of Monterey HCD Planning

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

PLN220367

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN220367) allows a Lot Line Adjustment between two (2) legal lots of record: 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), with at least 90 percent of land under the former Contract remaining under the amended Williamson Act Contract. The properties are located at 2100 Harris Court and 221 River Road, Salinas, (Assessor's Parcel Numbers: 177-011-010-000 and 139-011-003-000), Greater Salinas Area Plan and Toro 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 ongoing 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 _____) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers: 177-011-010-000 and 139-011-003-000 on August 13, 2024. The permit was granted subject to 7 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. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

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)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN220367) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN220367) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. 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.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. 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, PLN220367. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall 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.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

4. 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.

5. 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.

6. 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.

7. 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

