

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

In the matter of the application of:

**O P MURPHY PRODUCE CO INC AND GILL DAVID L & SUSAN TRS ET AL
(PLN180428)**

RESOLUTION NO. 21-364

Resolution by the Monterey County Board of Supervisors:

1. Find the Lot Line Adjustment and Variance qualify for a Category 5 exemption as a minor alteration in land use limitations pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
2. Approve a Lot Line Adjustment between two (2) lots, Lot 1 (Assessor's Parcel Number 257-041-012-000) consisting of 27.045 acres, and Lot 2 (Assessor's Parcel Number 257-041-025-000) consisting of 292.23 acres resulting in adjusted Lot 1 consisting of 10.843 acres and adjusted Lot 2 consisting of 308.434 acres;
3. Approve a Variance to allow 14.45% building coverage in exceedance of the five percent (5%) maximum allowed on the adjusted Lot 1 due to existing development on Lot 1
4. Authorize the Chair of the Board to execute a new or amended Farmland Security Zone Contract to add 16.204 acres to Farmland Security Zone Contract No. 2011-015 between the County and the property owners of record, 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
5. Direct the Clerk of the Board to file the Lot Line Adjustment Map with the County Recorder for recording with all applicable recording fees paid by the property owners of record in conformance with the attached Lot Line Adjustment map and subject to the conditions of approval.

CEQA Action: Categorical Exemption per Section 15305(a) of the CEQA Guidelines

Project Location: 31450 Highway 101, Gonzales, Central Salinas Valley Area Plan (APN: 257-041-012-000 and 257-041-025-000)

The O P Murphy + Gill et al application (PLN180428) came on for a public hearing before the Monterey County Board of Supervisors on October 19, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors finds and decides as follows:

FINDINGS

- 1. FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the policies of the 2010 Monterey County General Plan and Central Salinas Valley Area Plan and the requirements of the subdivision ordinance and zoning ordinance (Title 19 and 21, respectively).
- EVIDENCE:**
- a) O P MURPHY PRODUCE CO. INC. AND GILL TRUST, pursuant to Monterey County Code Section 19.09.005, propose a lot line adjustment between two (2) legal lots of record, consisting of transferring approximately 16.204 acres from Lot 1 (Assessor’s Parcel Number 257-041-012-000; approximately 27.045 acres before the adjustment) to Lot 2 (Assessor’s Parcel Number 257-041-025-000; approximately 292.23 acres before the adjustment), resulting in two (2) parcels of approximately 10.843 acres (adjusted Lot 1) and approximately 308.434 acres (adjusted Lot 2). Lot 2 is subject to Williamson Act Contract (Farmland Security Zone Contract No. 2011-015) established pursuant to Board of Supervisors Resolution No. 2010-318.
 - b) The Lot Line Adjustment does not include any changes to the existing land/agricultural uses or any development of structures. The proposed Lot Line Adjustment is configured to create a larger agricultural parcel for row crops on Parcel 2.
 - c) The proposed Lot Line Adjustment will transfer 16.204 acres from Parcel 1 to Parcel 2 which is subject to Farmland Security Zone Contract No. 2011-015. The amended Farmland Security Zone Contract will increase the existing 292.23 acres under contract by 16.204 acres for a total of 308.434 acres under contract. If the proposed Lot Line Adjustment of Williamson Act Lands is approved, changes to the tax roll for the subject property will take place on the property tax lien date, January 1, following the date the amended contract is recorded to reflect the reconfigured parcels. An amended contract will be prepared by the Office of the County Counsel to add 16.204 acres to reconfigured Parcel 2 within existing Farmland Security Zone Contract No. 2011-015.
 - d) During the course of review of the application, the project has been reviewed for consistency with text, policies, and regulations in the:
 - 2010 Monterey County General Plan;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance (Title 21); and
 - Monterey County Subdivision Ordinance (Title 19).
 - e) 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 the documents.

- f) Lot Legality. Lot 1 (APN: 257-041-012-000) is identified in Record of Survey Vol 7, Page 30 as a portion of Lot 5 of the Rancho San Vicente, recorded on 31 July 1969. Lot 2 (Assessor's Parcel Number 257-041-025-000) is identified as a result of the subdivision approved by the Monterey County Chief of Planning Services in Resolution No. 980120 on 16 September 1998, recorded on 26 February 2001. Therefore, the County recognizes the subject properties as two separate legal lots of record.
- g) Subdivision Map Act Consistency. Pursuant to Section 66412(d) of the Subdivision Map Act (SMA), Lot Line Adjustment involving four or fewer adjoining parcels are exempt from Subdivision Map Act requirements provided a greater number of parcels than previously existed is not being created. This project includes an adjustment between two legal lots and will not result in a greater number of parcels.
- h) Review of Development Standards – Lot Size/Density. The parcels are both zoned Farmland (F/40). The development standards for minimum lot size is 40 acres as identified in Monterey County Code (MCC) Section 21.30.060.A, which identifies a minimum building site is forty (40) acres. The smaller lot (Lot 1) contains 27.048 acres and is legal non-conforming as to the minimum 40 acres. The reduction in the smaller lot size to 10.843 acres would increase the parcel's non-conformity as to size. Pursuant to General Plan Policy LU-1.16, a lot line adjustment between or among lots that maintain a legal non-conforming lot size may be allowed when the lot line adjustment would result in a superior lot configuration or when it would facilitate routine and ongoing agricultural activities. This lot line adjustment would promote the current agricultural operations on properties by increasing and consolidating area used for row crop production while separating row crops from the tomato packing plant. Therefore, reduction in size of Lot 1 is consistent with the General Plan.
- i) Review of Development Standards – Site Coverage. Pursuant to MCC Section 21.32.060.D, Farmland zoning districts building coverage maximum allowed is five (5) percent. Existing building coverage of Lot 1 is currently 5.8% which is greater than the maximum 5% allowed in the Farmland zone. The proposed lot line adjustment would decrease the size of Lot 1 from 27.85 acres to 10.843 acres. Since building lot size is the denominator in building coverage calculations, the lot coverage would increase as the property size decreases. The result of the Lot Line Adjustment would be 10.843 acre lot with 68,240 square feet of structural coverage which results in a lot coverage of 14.45%. This application includes a variance to allow 14.45% building coverage on adjusted Lot 1. This project would promote agricultural operations by increasing the size of Lot 2 with prime agricultural soils and clustering and maintaining the agricultural support facility on the smaller Lot 1 adjacent to the Highway consistent with Goals A-1 and A-2 of the 2010 General Plan.
- j) Agricultural Advisory Committee (AAC). The project was reviewed by the AAC on December 5, 2019, as required by Monterey County General Plan Policy AG-1.8 because it involves a development project on lands designated for agricultural use that requires a discretionary permit. The

Committee voted unanimously to recommend approval of the project as proposed.

- k) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

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, Gonzalez Rural Fire District, HCD-Development Services, HCD-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) No technical reports were required to review this application.
 - c) Access to the parcel exists along Highway 101 and will remain as the access to both adjusted parcels.
 - d) No physical changes are proposed on the properties and the existing uses will continue to be served by the services and facilities.
 - e) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood 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, Gonzales Rural Fire Protection District, HCD-Development Services, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies found that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood and no conditions were recommended.
 - b) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

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 Monterey County HCD - Planning and Building Services Department records and is not aware of any violations existing on the subject property.

- b) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

5. FINDING: ENVIRONMENTAL REVIEW (Categorically Exempt): The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (Category 5) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes to land use or density.
 - b) The proposed project is a lot line adjustment and a variance on relatively flat farmland resulting in no change to land use or density. Therefore, the project qualifies for the Category 5 exemption.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is not located in a sensitive environment; would not cause cumulative impacts or significant impact on the environment; would not damage scenic or historical resources; and is not registered on the Cortese List as a Superfund cleanup site.
 - d) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

6. FINDING: LOT LINE ADJUSTMENT – Section 66412(d) of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) allow a lot line adjustment that meets the following standards:

1. The lot line adjustment is between four or fewer existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conform to the County’s general plan, any applicable specific plan and zoning and building ordinances.

As proposed, the project meets these standards.

- EVIDENCE:**
- a) Both of the subject properties are in conformance with Monterey County Code for allowed uses in the Farmland (F) zone. The larger subject property is in active crop production. The smaller subject property is developed with an existing tomato packing facility and in active row crop production.
 - b) The lot line adjustment between two existing adjoining parcels located at 31450 Highway 101 in Gonzalez will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - c) Upon approval of a variance for exceeding 5% building coverage on adjusted Lot 1, the proposed lot line adjustment will be consistent with the General Plan and the Monterey County Zoning Ordinance (Title 21).
 - d) The proposed Lot Line Adjustment does not interfere with the existing

tomato packing structure on Lot 1 and access, which will remain unchanged.

- e) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the property boundary changes, a Certificate of Compliance for each adjusted lot is required per a standard condition of approval.
- f) The adjustment will not affect any existing access and/or farm roads, domestic water wells, septic facilities, or other utilities.
- g) The application, project map, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN180428.

7. FINDING: WILLIAMSON ACT – CONTRACTS – Pursuant to California Government Code Section 51257(a)(1), the new or amended Contract or Contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded Contract or Contracts, but for not less than ten (10) years.

- EVIDENCE:**
- a) Lot 2 of 292.23 acres (APN 257-041-025-000) is under the existing Williamson Act contract (Farmland Security Zone Contract No. 2011-015) for a twenty-year agreement that began effectively January 1, 2011. That contract renews annually until a notice of nonrenewal is filed. No notice of nonrenewal has been filed for this contract to date.
 - b) An amended Williamson Act contract that reflects the proposed new lot configuration (308.434 acres) will be recorded on the property and the terms and length of that contract will remain the same.

8. FINDING: VARIANCE (SPECIAL CIRCUMSTANCES) – Because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zoning classification.

- EVIDENCE:**
- a) The property has a zoning designation of Farmland, 40 acres per unit (F/40). A 68,240 square foot tomato packing facility exists on Lot 1 of the Lot Line Adjustment map. Agricultural supportive facilities (such as tomato packing) are an allowed use in the F zone. In its current configuration, the 27.048 acre lot maintains a building site coverage of 5.8% which is over the maximum allowed coverage of 5% in the Farmland zone. Lot 1 is proposed to be reduced in size by approximately 16 acres (10.843 acres after adjustment). No change is proposed to structures or use at the site. Because building site coverage is a factor of lot size, the reduction in the size of Lot 1 will increase the percentage of that lot covered with existing buildings to 14.48%. Special circumstances exist in this case because Lot 1 is, and will continue to be undersized for the zoning district (under 40 acres), and because of the underlying agricultural uses which include the existing agricultural support facility and approximately 300 acres of productive farmlands.
 - b) The tomato packing facility on Lot 1 has been an agricultural support use

since 1974, prior to the Title 21 Zoning Code adoption. Given the historic use of Lot 1 with the tomato packing plant which would not change, requiring an increase in the parcel size or demolition of a portion of the existing structure to conform with coverage requirements would not be consistent with agricultural policies of the 2010 General Plan which support and encourage agricultural uses and support facilities.

- c) Requiring the strict application of 5% building coverage would require eliminating or significantly reducing the historic use on the parcel, which is a special circumstance unique to the subject 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 PLN180428.

9. FINDING: VARIANCE (SPECIAL PRIVILEGES) – The variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) Lot 1 is subject to the same limitations as other properties in the vicinity zoned Farmland. The County has approved Variances to other Farmland zoned properties where lots are undersized and the application of the 5% lot coverage limitation would significantly limit development on the site. In addition, the tomato packing facility has existed at the site since prior to the adoption of the current coverage standards. No physical development is proposed but rather the project involves a change to the parcel configuration and lot size and the proposed change will result in a configuration that is superior to the existing configuration as it would accommodate two different underlying agricultural uses. All Variances are considered on a case-by-case basis and issuance of this variance does not constitute a grant of special privileges given the unique circumstances.
 - b) 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 PLN180428.

10. FINDING: VARIANCE (AUTHORIZED USE) – The variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- a) The property has a zoning designation of Farmland (F).
- b) The tomato packing facility supports agricultural activity.
Pursuant to Section 21.30.050.I of Title 21, agricultural support uses are allowed in the F zoning designation with issuance of an administrative permit in each case. In this case, issuance of an administrative permit in accordance with the zoning code is preempted by operation of the existing tomato packing facility since 1974.
- c) 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 PLN180428.

11. **FINDING:** **WILLIAMSON ACT – NO NET ACREAGE DECREASE** - Pursuant to California Government Code Section 51257(a)(2), there is no net decrease in the amount of the acreage restricted.
- EVIDENCE:** a) The acreage restricted on Lot 2 would be increased from 292.23 acres to 308.434 acres.
- b) A condition of approval is applied 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.
12. **FINDINGS:** **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:** One hundred percent (100%) of Lot 2 (292.23 acres) under the former contract will remain, and increase to 308.434 acres under the amended contract.
13. **FINDING:** **WILLIAMSON ACT – SUSTAIN AGRICULTURAL USE** - Pursuant to California Government Code Section 51257(a)(4), after the Lot Line Adjustment, the parcels of land subject to Contract will be large enough to sustain their agricultural use, as defined in Section 51222.
- EVIDENCE:** The area restricted will increase in size and remain large enough to sustain agricultural use.
14. **FINDINGS:** **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:** Adjustment would accommodate absorbing the additional 16.204 acres from Lot 1 into the existing Williamson Act contract which would support long-term agricultural productivity across the newly adjusted Lot 2 (308.434 acres).
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:** The 16.204 acres from Lot 1 to be adjusted is in agricultural use and will continue productivity when integrated with the 292.23-acre parcel (Lot 2) that is also in active agricultural use. Lot 1 (the lot on which the tomato packing facility is located) is not under a Williamson Act contract. The agricultural use of that property will not change.
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:

Two (2) existing lots proposed for adjustment will result in two (2) lots after the adjustment. The lot being adjusted for reduction does not have a Williamson Act contract and will be less than minimum parcel size of 40 acres. The smaller parcel (Lot 1) is developed with an existing tomato packing facility that has been in operation since 1974 and will remain as the use on the adjusted smaller lot, while the larger parcel (Lot 2) will remain and increase in productive agricultural use. Therefore, the project is consistent with the General Plan. A Variance to the lot coverage resulting from the Lot Line Adjustment is proposed to address zoning consistency.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors of the County of Monterey does hereby:

1. Find the Lot Line Adjustment and Variance qualify for a Category 5 exemption as a minor alteration in land use limitations pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
2. Approve a Lot Line Adjustment between two (2) lots, Lot 1 (Assessor's Parcel Number 257-041-012-000) consisting of 27.045 acres, and Lot 2 (Assessor's Parcel Number 257-041-025-000) consisting of 292.23 acres resulting in adjusted Lot 1 consisting of 10.843 acres and adjusted Lot 2 consisting of 308.434 acres;
3. Approve a Variance to allow 14.45% building coverage in exceedance of the five percent (5%) maximum allowed on the adjusted Lot 1 due to existing development on Lot 1.
4. Authorize the Chair of the Board to execute a new or amended Farmland Security Zone Contract to add 16.204 acres to Farmland Security Zone Contract No. 2011-015 between the County and the property owners of record, 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;
5. Direct the Clerk of the Board to record the new or amended Farmland Security Zone Contract subject to the submittal of the appropriate recording fees by the property owners of record; and
6. Direct the Clerk of the Board to file the Lot Line Adjustment Map with the County Recorder for recording with all applicable recording fees paid by the property owners of record, in conformance with the attached Lot Line Adjustment map and subject to the conditions of approval, both being attached hereto and incorporated by this reference.

PASSED AND ADOPTED on this 19th day of October 2021, by roll call vote:

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

NOES: None


ABSENT: None

(Government Code 54953)

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 October 19, 2021.

Dated: November 5, 2021
File ID: RES 21-180
Agenda Item No.: 26

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



Julian Lorenzana, Deputy

NOTES

1. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

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

PLN180428

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment and Variance (PLN180428) allow the following: 1) adjustment of Lot 1 (Assessor's Parcel Number 257-041-012-000) of 27.045 acres and Lot 2 (Assessor's Parcel Number 257-041-025-000) of 292.23 acres resulting in adjusted Lot 1 (Assessor's Parcel Number 257-041-012-000) of 10.843 acres and adjusted Lot 2 (Assessor's Parcel Number 257-041-025-000) of 308.434 acres; and 2) building coverage of 14.45% on the adjusted Lot 1 in exceedance of the 5% maximum allowed. The properties are located at 31450 Highway 101 (Assessor's Parcel Numbers 257-041-012-000 & 257-041-025-000), Greater Salinas Valley 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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment and Variance was approved by the Board of Supervisors (Resolution Number 21-364) as recommended for approval by the Planning Commission (Resolution Number 21-030) for Assessor's Parcel Numbers 257-041-012-000 & 257-041-025-000 on 19 October 2021. The permit was granted subject to six (6) 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 Certificates of Compliance. (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. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-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 with the Assessor's Office.

4. PDSP001 - LOT LINE ADJUSTMENT - RECORD DEEDS (CA Govt. Code §66412(d))

Responsible Department: RMA-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 with the County Recorder the fully executed and acknowledged deed(s) to the adjustment parcels.
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 HCD-Planning for final processing, together with a check, payable to the 'Monterey County'.

Compliance or Monitoring Action to be Performed: Prior to 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. (PLN180428) 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. Draft deeds for all adjustment parcels 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 Granter 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, PLN180428. 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. Any configuration of said subject parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for the purpose of sale, lease or financing, whether immediate or future."

PLEASE NOTE: Applicant(s)/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.

5. PDSP002 - WILLIAMSON ACT - AMEND CONTRACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant/Owner shall enter into a new or amended Williamson Act contract (Farmland Security Zone Contract No. 2011-015) which shall be prepared by the Office of the County Counsel to include the addition of 16.204 acres into adjusted Lot 2 for a total of 308.434 acres resulting from the lot line adjustment between APNs 257-041-012-000 & 257-041-025-000.
(HCD-Planning)

Compliance or Monitoring Action to be Performed: Following recordation of the grant deeds and Certificates of Compliance for the adjusted parcels resulting from the lot line adjustment (PLN180428), applicant/owner shall enter into a new or amended Williamson Act contract (Farmland Security Zone Contract No. 2011-015) to reflect the addition of 16.204 acres into adjusted Lot 2 for a total of 308.434 acres.

6. 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. (Office of the County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of the Office of the 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 the 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 the County Counsel-Risk Management

SUMMARY TABLE:
 TOTAL NUMBER OF PARCELS: 2
 LOT 1 BEFORE ADJUSTMENT: 27.048 ACRES
 LOT 1 AFTER ADJUSTMENT: 10.843 ACRES
 LOT 2 BEFORE ADJUSTMENT: 292.229 ACRES
 LOT 2 AFTER ADJUSTMENT: 308.434 ACRES
 LAND USE DESIGNATION: EXISTING AND PROPOSED

PROPOSED USES:
 BUILDING AREAS: EXISTING
 OPEN SPACE: EXISTING
 STREETS: NONE

PROPOSED WASTEWATER/SEWAGE:
 EXISTING

PROPOSED WATER SUPPLY LOCATION:
 EXISTING

DRAINAGE, EXISTING AND PROPOSED:
 EXISTING

SURVEY SITE COORDINATES:
 N: 2,062,500
 E: 5,856,700
 ZONE: IV
 DATUM: NAD 1983

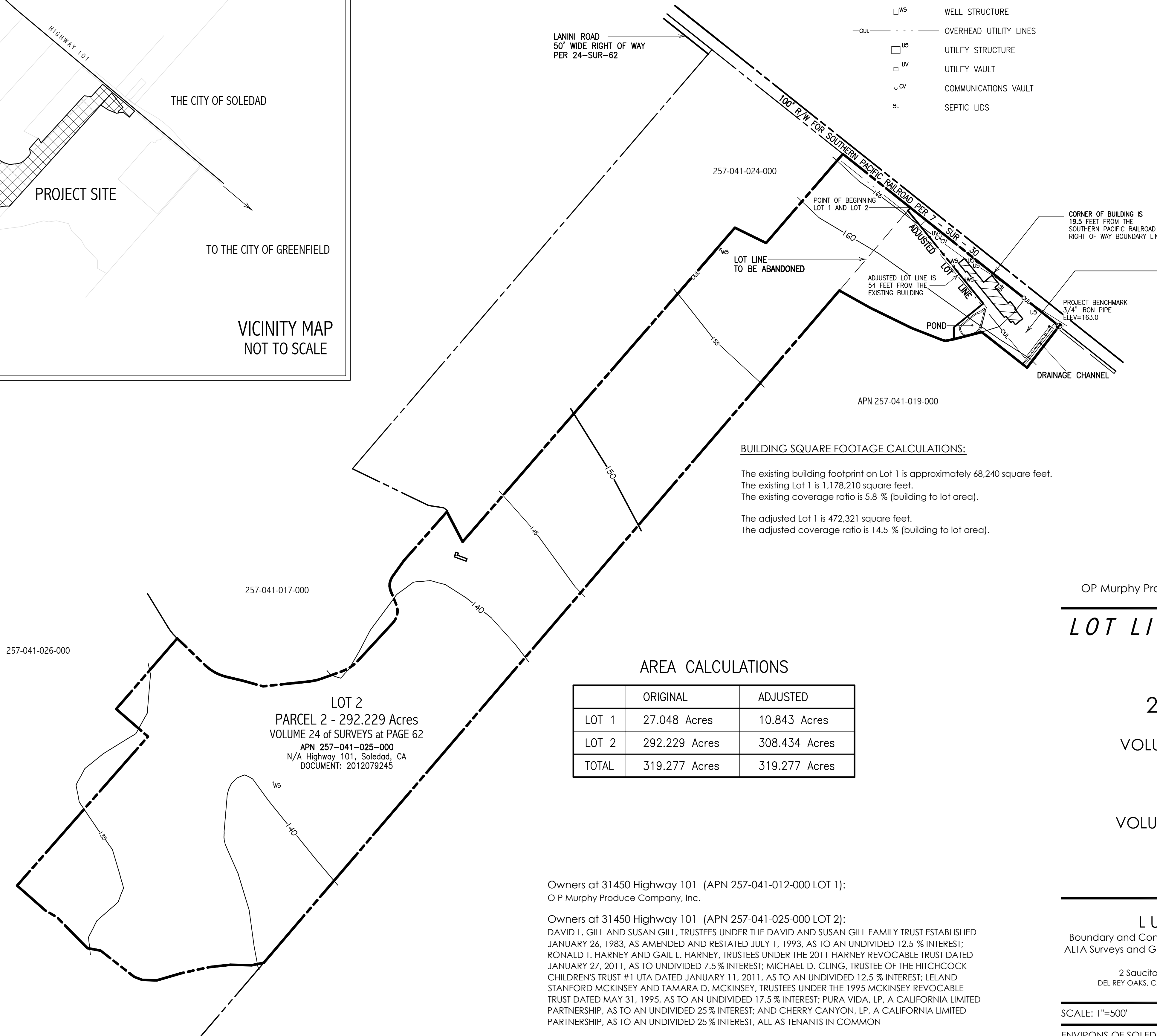
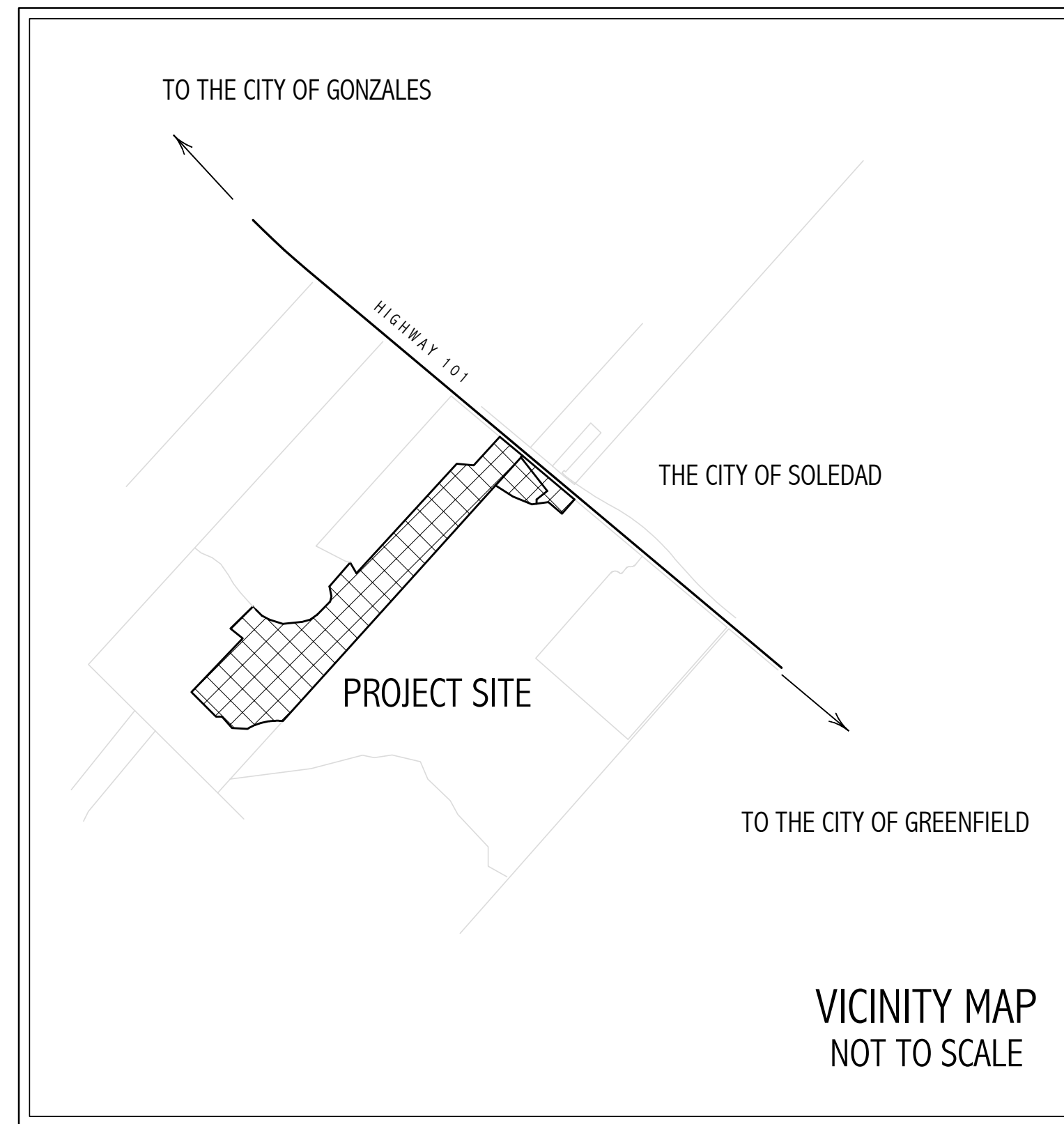
- NOTES:**
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS. A RECORD OF SURVEY IS CURRENTLY IN THE SUBMITTAL PROCESS WITH THE COUNTY SURVEYOR.
 - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
 - DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 - THE BUILDING FOOTPRINT ON LOT 1 IS SHOWN AS ONE CONTINUOUS FOOTPRINT PER CLIENT'S REQUEST.
 - ONLY THE OVERHEAD UTILITY LINES CONSIDERED TO BE MAIN LINES HAVE BEEN SHOWN.
 - NO WATER SUPPLY STRUCTURES WERE OBSERVED.

BASIS OF BEARINGS:
 THE BEARING OF SOUTH 51°29' EAST AS SHOWN ON THE MAP FILED IN VOLUME 7 OF SURVEYS AT PAGE 30, AS FOUND MONUMENTED AND SHOWN HEREON IS THE BASIS OF BEARINGS FOR THIS SURVEY.

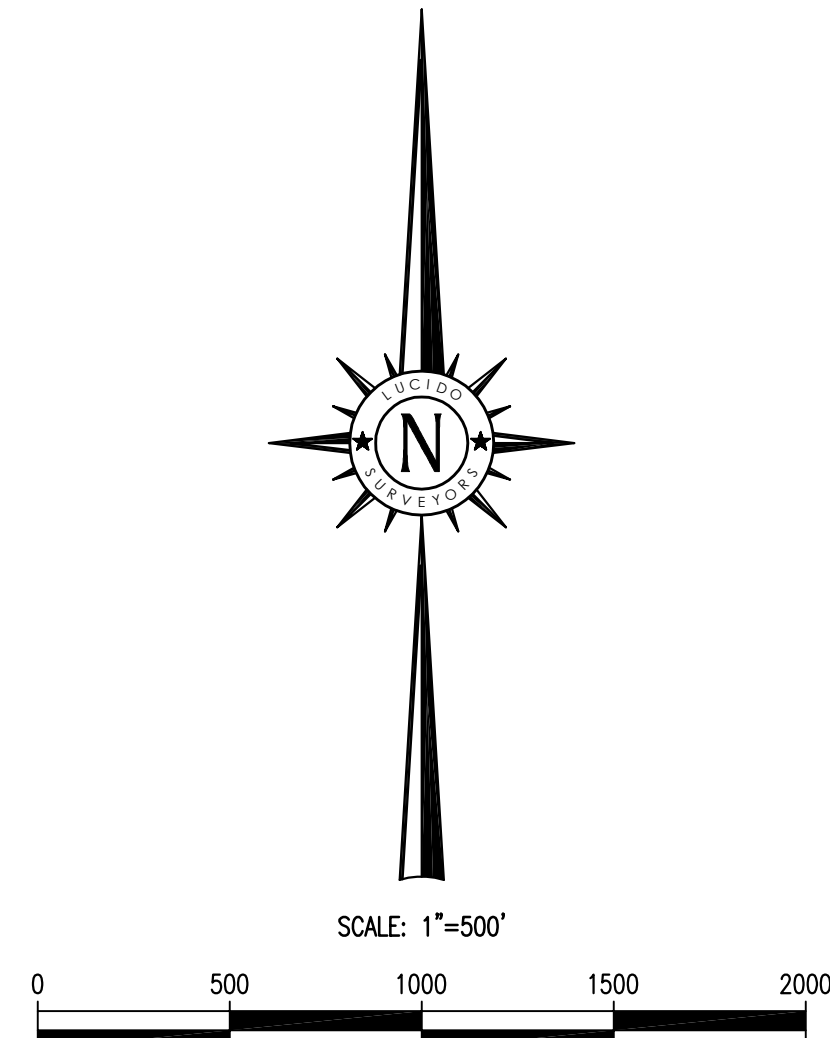
ZONING DESIGNATION:
 Fairlands (F) 40 Ac. Min.

BENCHMARK:
 ELEVATIONS FOR THIS SURVEY ARE BASED ON AN ASSUMED DATUM. AN ELEVATION OF 163.00 HAS BEEN ASSIGNED TO A 3/4" IRON PIPE FOUND BURIED APPROXIMATELY ONE FOOT DEEP AT THE MOST EASTERLY CORNER OF LOT 1 AS SHOWN HEREON.

SURVEYOR'S STATEMENT
 THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF Joe. P. Murphy IN MAY, JUNE, AND JULY OF 2019.



- LEGEND:**
- RECORD BOUNDARY
 - - - RECORD RIGHT OF WAY
 - - - RECORD LOT LINE
 - ◆ PROJECT BENCHMARK
 - - - EXISTING LINE TO BE ADJUSTED
 - 150- CONTOUR (MAJOR)
 - 155- CONTOUR (MINOR)
 - APPROXIMATE BUILDING FOOTPRINT
 - WS WELL STRUCTURE
 - US UTILITY STRUCTURE
 - UV UTILITY VAULT
 - CV COMMUNICATIONS VAULT
 - SL SEPTIC LIDS
 - - - OVERHEAD UTILITY LINES



BUILDING SQUARE FOOTAGE CALCULATIONS:

The existing building footprint on Lot 1 is approximately 68,240 square feet.
 The existing Lot 1 is 1,178,210 square feet.
 The existing coverage ratio is 5.8 % (building to lot area).

The adjusted Lot 1 is 472,321 square feet.
 The adjusted coverage ratio is 14.5 % (building to lot area).

AREA CALCULATIONS

	ORIGINAL	ADJUSTED
LOT 1	27.048 Acres	10.843 Acres
LOT 2	292.229 Acres	308.434 Acres
TOTAL	319.277 Acres	319.277 Acres

Owners at 31450 Highway 101 (APN 257-041-012-000 LOT 1):
 O P Murphy Produce Company, Inc.

Owners at 31450 Highway 101 (APN 257-041-025-000 LOT 2):
 DAVID L. GILL AND SUSAN GILL, TRUSTEES UNDER THE DAVID AND SUSAN GILL FAMILY TRUST ESTABLISHED JANUARY 26, 1983, AS AMENDED AND RESTATED JULY 1, 1993, AS TO AN UNDIVIDED 12.5 % INTEREST; RONALD T. HARNEY AND GAIL L. HARNEY, TRUSTEES UNDER THE 2011 HARNEY REVOCABLE TRUST DATED JANUARY 27, 2011, AS TO UNDIVIDED 7.5 % INTEREST; MICHAEL D. CLING, TRUSTEE OF THE HITCHCOCK CHILDREN'S TRUST #1 UTA DATED JANUARY 11, 2011, AS TO AN UNDIVIDED 12.5 % INTEREST; LELAND STANFORD MCKINSEY AND TAMARA D. MCKINSEY, TRUSTEES UNDER THE 1995 MCKINSEY REVOCABLE TRUST DATED MAY 31, 1995, AS TO AN UNDIVIDED 17.5 % INTEREST; PURA VIDA, LP, A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 25 % INTEREST; AND CHERRY CANYON, LP, A CALIFORNIA LIMITED PARTNERSHIP, AS TO AN UNDIVIDED 25 % INTEREST, ALL AS TENANTS IN COMMON

OP Murphy Produce Co Inc and Gill David and Susan TRS Et Al

LOT LINE ADJUSTMENT MAP

IN THE COUNTY OF MONTEREY
 PLN 180428
 BETWEEN
27.048 Acres Parcel
 AS SHOWN IN
 VOLUME 7 of SURVEYS at PAGE 30
 AND
PARCEL 2
 AS SHOWN IN
 VOLUME 24 of SURVEYS at PAGE 62
 Records of Monterey County
 PREPARED FOR
Joe. P. Murphy

BY
LUCIDO SURVEYORS
 Boundary and Construction Surveys · Topographic and Planimetric Mapping
 ALTA Surveys and GIS Database Management · Land Planning and Consulting

2 Saucito Avenue
 DEL REY OAKS, CALIFORNIA 93940 info@lucidosurveyors.com
 (831) 620-5032

SCALE: 1"=500' PROJECT No. 2257 SEPTEMBER 2019
 ENVIRONS OF SOLEDAD COUNTY OF MONTEREY STATE OF CALIFORNIA

SUMMARY TABLE:
 TOTAL NUMBER OF PARCELS: 2
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 LOT 1 AFTER ADJUSTMENT: 10.843 ACRES
 LOT 2 BEFORE ADJUSTMENT: 292.229 ACRES
 LOT 2 AFTER ADJUSTMENT: 308.434 ACRES
 LAND USE DESIGNATION: EXISTING AND PROPOSED

PROPOSED USES:
 BUILDING AREAS: EXISTING
 OPEN SPACE: EXISTING
 STREETS: NONE

PROPOSED WASTEWATER/SEWAGE:
 EXISTING

PROPOSED WATER SUPPLY LOCATION:
 EXISTING

DRAINAGE, EXISTING AND PROPOSED:
 EXISTING

SURVEY SITE COORDINATES:
 N: 2,062,500
 E: 5,856,700
 ZONE: IV
 DATUM: NAD 1983

- NOTES:**
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 - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
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BASIS OF BEARINGS:
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ZONING DESIGNATION:
 Farmlands ("F") 40 Ac. Min.

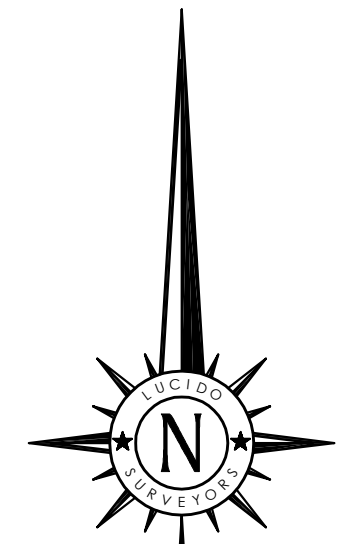
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Aerial Photo:
 This aerial photo is captured from a Google Earth image, dated 2018.

LEGEND:
 - - - - - RECORD BOUNDARY
 - - - - - RECORD RIGHT OF WAY
 - - - - - RECORD LOT LINE
 - - - - - EXISTING LINE TO BE ADJUSTED



SCALE: 1"=500'
 0 500 1000 1500 2000



AREA CALCULATIONS

	ORIGINAL	ADJUSTED
LOT 1	27.048 Acres	10.843 Acres
LOT 2	292.229 Acres	308.434 Acres
TOTAL	319.277 Acres	319.277 Acres

LOT 2
 PARCEL 2 - 292.229 Acres
 VOLUME 24 of SURVEYS at PAGE 62
 APN 257-041-025-000
 N/A Highway 101, Soledad, CA
 DOCUMENT: 2012079245

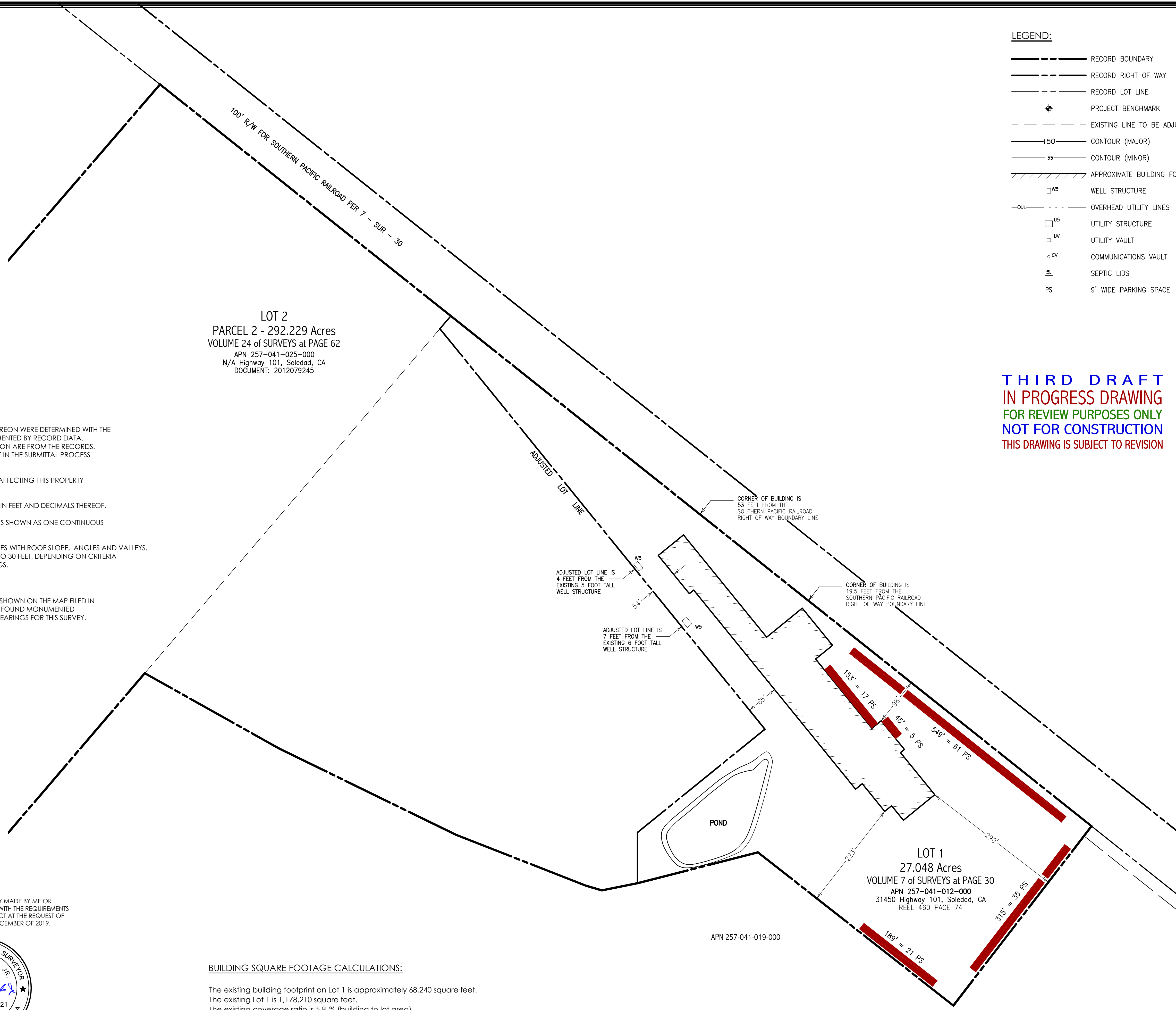
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OP Murphy Produce Co Inc and Gill David and Susasn TRS Et Al

AERIAL PHOTO OVERLAY
 IN THE COUNTY OF MONTEREY
 PLN 180428
 BETWEEN
27.048 Acres Parcel
 AS SHOWN IN
 VOLUME 7 of SURVEYS at PAGE 30
 AND
PARCEL 2
 AS SHOWN IN
 VOLUME 24 of SURVEYS at PAGE 62
 Records of Monterey County
 PREPARED FOR
Joe. P. Murphy

BY
LUCIDO SURVEYORS
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SCALE: 1"=500' PROJECT No. 2257 SEPTEMBER 2019
 ENVIRONS OF SOLEDAD COUNTY OF MONTEREY STATE OF CALIFORNIA



LOT 2
 PARCEL 2 - 292.229 Acres
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 APN 257-041-025-000
 N/A Highway 101, Soledad, CA
 DOCUMENT: 2012079245

LEGEND:

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- RECORD RIGHT OF WAY
- RECORD LOT LINE
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- WS WELL STRUCTURE
- OU--- OVERHEAD UTILITY LINES
- US UTILITY STRUCTURE
- UV UTILITY VAULT
- OV COMMUNICATIONS VAULT
- SL SEPTIC LIDS
- PS 9' WIDE PARKING SPACE



SCALE: 1"=100'



**THIRD DRAFT
 IN PROGRESS DRAWING
 FOR REVIEW PURPOSES ONLY
 NOT FOR CONSTRUCTION
 THIS DRAWING IS SUBJECT TO REVISION**

NOTES:

1. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS. A RECORD OF SURVEY IS CURRENTLY IN THE SUBMITTAL PROCESS WITH THE COUNTY SURVEYOR.
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4. THE BUILDING FOOTPRINT ON LOT 1 IS SHOWN AS ONE CONTINUOUS FOOTPRINT PER CLIENT'S REQUEST.
5. HEIGHT OF BUILDING ON LOT 1 VARIES WITH ROOF SLOPE, ANGLES AND VALLEYS. THE HEIGHT RANGES FROM 15 FEET TO 30 FEET, DEPENDING ON CRITERIA USED FOR DETERMINING SUCH THINGS.

BASIS OF BEARINGS:

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 The adjusted coverage ratio is 14.5 % (building to lot area).

**SITE PLAN
 FOR
 PARKING COUNTS
 AND
 BUILDING HEIGHT
 AND
 BUILDING SETBACKS**

LOT LINE ADJUSTMENT MAP

IN THE COUNTY OF MONTEREY
 PLN 180428
 BETWEEN

27.048 Acres Parcel

AS SHOWN IN
 VOLUME 7 of SURVEYS at PAGE 30
 AND

PARCEL 2

AS SHOWN IN
 VOLUME 24 of SURVEYS at PAGE 62

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PREPARED FOR
 Joe. P. Murphy

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ENVIRONS OF SOLEDAD COUNTY OF MONTEREY STATE OF CALIFORNIA