



# Monterey County

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## Board Report

Legistar File Number: RES 19-126

October 01, 2019

**Introduced:** 9/16/2019

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** BoS Resolution

### **PLN180238 - (CAHOON, KEITH ET AL)**

Consider a Lot Line Adjustment between two (2) legal lots of record of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively. The adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract.

**Proposed California Environmental Quality Act (CEQA) Action:** Categorically Exempt per CEQA Guidelines California Code of Regulations (CCR) Section 15305 (Minor alterations in land use limitations)

**Project Location:** 38900 East Carmel Valley Rd, Carmel Valley (Cachagua Area Plan)

### RECOMMENDATION:

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

- a. Finding that the project is a Lot Line Adjustment not resulting in a new parcel, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
- b. Approving a Lot Line Adjustment between two (2) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 75-6) of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively, with no net decrease in acreage under the Williamson Act Contract;
- c. Authorizing the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the property owners reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- d. Directing the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

### PROJECT INFORMATION:

**APN:** 418-301-011-000 (for both lots of record)

**Zoning:** PG/160 and PG/160-D

**Plan Area:** Cachagua Area Plan

**Property Owner(s):** Keith Cahoon and JoAnn Flores

SUMMARY:

In August of 2018, the subject application for a Lot Line Adjustment that involves two (2) existing grazing parcels under the ownership of Keith Cahoon and JoAnn Flores and under one parcel number (see Project Information above) was filed with the County. See *Attachment B* for Vicinity Map. The existing and proposed configuration are as follows:

Before Adjustment:

Parcel I: 40 Acres  
Parcel II: 189 Acres  
= 229 ACRES TOTAL

After Adjustment:

Adjusted Parcel I: 49.36 Acres  
Adjusted Parcel II: 179.64 Acres  
= 229 ACRES TOTAL

The lot line adjustment is to improve ranching efficiency as the two existing parcels straddle Carmel Valley Road. Carmel Valley Road currently bisects the property lines of these legal lots near Milepost 29. With the lot line adjustment, Adjusted Parcel I (49.36 acres) would be located entirely to the east of Carmel Valley Road, while Adjusted Parcel II (179.64 acres) would be located entirely west of Carmel Valley Road. See *Attachment A, Exhibit 2- Lot Line Adjustment Map*. The lot line adjustment would better facilitate the sale of the smaller parcel- Adjusted Parcel I at 49.36 acres, to a neighboring agricultural family- the Boekenoogens.

Both the Boekenoogen and Cahoon Ranches have operated in Carmel Valley for at least five generations. Both ranches will continue to use the reconfigured parcels for livestock grazing. The proposed lot line adjustment would consolidate the land holdings of the two ranches consistent with Carmel Valley Road and in doing so, minimize livestock crossings of Carmel Valley Road, reduce fencing and overall improve the operations of both ranches.

The subject parcels currently under the ownership of Cahoon are under Land Conservation Contract (LCC) No. 75-6 established pursuant to Board Resolution No. 75-28-6, Document No. G 06156, recorded at Reel 962, Page 181. See *Attachment C*. The neighboring Boekenoogen parcel, which is owned by Boekenoogen Partners is under LCC No. 75-19 established pursuant to Board Resolution No. 75-28-19, Document No. G 06149, recorded at Reel 962, Page 92. See *Attachment D*. Having the neighboring Boekenoogen property under a land conservation contract facilitates the purchase by Boekenoogen of Adjusted Parcel I (49.36 acres) because no decrease of land under Williamson Act contract will occur and agricultural operations would continue.

The zoning for the subject lot line adjustment parcels is Permanent Grazing, 160 acre-minimum (PG/160) and Permanent Grazing, 160 acre minimum- Design Control (Design Control along Carmel Valley Road portion of the properties). The grazing use of the properties is consistent with the PG/160 zoning designation and compatible with the existing Williamson Act contract.

DISCUSSION

*Findings for Smaller Parcel Legal Non-Conforming:*

The adjusted parcels are subject to the 2010 Monterey County General Plan. Goal LU-1 of the General Plan promotes “*appropriate and orderly growth and development while protecting desirable existing land uses*”. Under this goal, *Policy LU-1.16* states 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:

- a. Accommodate legally constructed improvements which extend over a property line; or
- b. Facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. Resolve boundary issue between or among affected owners; or
- d. Produce a superior parcel configuration; or
- e. Reduce the non-conformity of existing legal lots of record; or
- f. Promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. Better achieve the goals, policies and objectives of the General Plan; or
- h. Facilitate Routine and Ongoing Agricultural activities.

Parcel I at 40 acres will become Adjusted Parcel I at 49.36 acres, both sizes under the minimum parcel size requirement of 160 acres per the zoning designation of PG/160. Nevertheless, with the proposed lot line adjustment, the parcel size increases by 9.36 acres, making it more conforming as to size. Furthermore, the proposed lot line adjustment would result in reconfigured parcels that would in fact promote appropriate and orderly growth and development while protecting desirable land uses (Goal LU-1). The proposed Lot Line Adjustment would: produce a superior lot configuration (item d); promote resource conservation as agriculture is a resource in this County (item f); better achieve the goals, policies, and objectives of the General Plan (item g); and facilitate routine and ongoing agricultural activities (item h).

*Williamson Act LLA Findings:*

The proposed Lot Line Adjustment meets the findings required per Government Code Section 51257, which are mirrored in Board of Supervisors Resolution No. 00-462 adopted December 4, 2000 (*Attachment E - A Resolution of the Monterey County Board of Supervisors Relating to the Processing of Lot Line Adjustments Affecting Property Under Agricultural Preserve Contract Pursuant to the Williamson Act*) on file with the Clerk of the Board.

Government Code Section 51257 provides as follows,

(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.

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

*Conclusion:* The proposed Lot Line Adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses (General Plan Goal LU-1). The proposed Lot Line Adjustment would: produce a superior lot configuration (Goal LU-1 item d); promote agriculture as a resource in this County (General Plan Goal LU-1 item f); better achieve the goals, policies, and objectives of the General Plan (General Plan Goal LU-1 item g); and facilitate routine and ongoing agricultural activities (General Plan Goal LU-1 item h).

All required findings relating to the processing of Lot Line Adjustments affecting property under Agricultural Preserve Contract pursuant to the Williamson Act are included in *Attachment A - Proposed Resolution*.

OTHER AGENCY INVOLVEMENT:

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

Cachagua Fire Protection District  
Environmental Health Bureau  
RMA-Public Works

RMA- Environmental Services

Agricultural Advisory Committee: On April 25, 2019, the Agricultural Advisory Committee considered this project and unanimously recommended approval of the project, as presented, with a vote of 9-0 with one (1) recusal and one (1) absence.

FINANCING:

Funding for staff time associated with this project is included in the FY 2019-20 Adopted Budget for RMA-Planning, Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:




The Board of Supervisors FY 2015-16 Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration).
- Create better paying jobs, reduce poverty and increase the revenue base through business expansion while adding to the economic vitality of the County (Economic Development).

RMA has Key Performance Measures to implement the Board's Strategic Initiatives by improving the permit process. Maintaining parcels under Williamson Act Farmland Security Zone and Land Conservation Contracts will ensure the protection of land designated for farming and permanent grazing and further the economic vitality of Monterey County. This action also represents effective and timely response to our RMA customers.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director 

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

Attachment A - Proposed Resolution with:

- Conditions of Approval
- Lot Line Adjustment Map

Attachment B - Vicinity Map

Attachment C - Williamson Act Agricultural Preserve LCC No. 75-6

Attachment D - Williamson Act Agricultural Preserve LCC No. 75-19

Attachment E - Resolution for Processing of Lot Line Adjustments

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, Planning Services Manager; Nadia Garcia, Project Planner; Alec J. Arago, Esq., The Law Office of Aengus L. Jeffers, Agent; Mary Grace Perry, Deputy County Counsel; Nicole E. Fowler, Mo. Co. EHB; Gregg

MacFarlane, Senior Agricultural Appraiser; Henry S. Gonzales, Agricultural Commissioner; Property Owners - Keith Cahoon and JoAnn Flores; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180238.