

Attachment B
Draft Board Resolution

Charles Martin
PLN070197

Board of Supervisors
June 19, 2012

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

Resolution No.

- a. Consider Adoption of Addendum to previously prepared Negative Declaration and Negative Declaration)
 - b. Approve the Combined Development Permit consisting of:)
 - (1) a Lot Line Adjustment of Williamson Act Lands)
consisting of the removal of 0.68 acres from two (2))
existing parcels under Williamson Act Farmland)
Security Zone (FSZ) and FSZ Contract No. 2007-005)
(APNs 216-013-025-000 and 216-013-022-000) to add)
to an existing 79.32 acre parcel (APN 216-013-019-000))
to create one (1) 80-acre parcel; and)
 - (2) a Lot Line Adjustment consisting of an equal exchange)
of approximately 0.86 acres between APN 216-013-024-)
000 and APN 216-013-019-000; and)
 - (3) a Minor Subdivision to divide the 80-acre parcel)
resulting from the adjustment into two (2) 40-acre)
parcels; and,)
 - (4) an amendment to Williamson Act FSZ and FSZ Contract)
No.2007-005.)
 - c. Authorize the Chair to execute a new or amended FSZ)
Contract or Contracts in order to rescind a portion of the)
existing FSZ Contract as it applies to the reconfigured lots)
only and simultaneously execute a new or amended FSZ)
Contract or Contracts for the reconfigured lots between the)
County and the Property Owners of Record, reflecting the)
new legal descriptions, and to incorporate any legislative)
changes to State Williamson Act provisions and current)
County FSZ Policies or Procedures; and)
 - d. Direct the Clerk of the Board to record the new or amended)
Contract or Contracts concurrently with the filing of the)
parcel map and/or the recordation of the Certificates of)
Compliance for the reconfigured Williamson Act parcels;)
and)
 - e. Adopt the resolution attached as Attachment "B" with the)
recommended findings and evidence and subject to the)
conditions of approval.)
- (PLN 070197/Charles E. and Judy A. Martin, Trustees of the)
Martin Living Trust U/D/T July 25, 2005, Leavens Ranches)
General Partnership, and Amaral Ranches General Partnership))

WHEREAS, An application for a Combined Development Permit was submitted including two (2) Lot Line Adjustments and a Minor Subdivision: (1) a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 0.68 acres from two (2) existing parcels under Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005 (APNs 216-013-025-000 and 216-013-022-000) to add to an existing 79.32 acre parcel (APN 216-013-019-

000) to create one 80-acre parcel; (2) a Lot Line Adjustment consisting of an equal exchange of approximately 0.86 acres between APN 216-013-024-000 and APN 216-013-019-000; (3) a Minor Subdivision to divide the 80-acre parcel resulting from the adjustment into two (2) 40-acre parcels; and, (4) an amendment to Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No.2007-005; and

WHEREAS, the two (2) existing parcels under Williamson Act FSZ are subject to FSZ Contract No. 2007-005 and will be reconfigured. Said parcels will remain under FSZ Contract No. 2007-005; and

WHEREAS, the two (2) Lot Line Adjustments will result in (4) reconfigured separate lots. Two (2) parcels (APNs 216-013-025-000 and 216-013-022-000) owned by Leavens Ranches General Partnership will continue utilization of the land for commercial agricultural production; and,

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustments of the subject property are consistent with policies of the Monterey County General Plan, the Central Salinas Valley Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code) and the Subdivision Ordinance (Title 19 of the Monterey County Code), and Section 51257 of the California Government Code, and Williamson Act FSZ Contract No. 2007-005 as evidenced below; and.

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

FINDINGS AND EVIDENCE FOR APROVAL

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Central Salinas Valley Area Plan, the Monterey County Zoning Ordinance (Title 21), the Monterey County Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance), and Section 51257 of the California Government Code (Williamson Act).

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of this application. No conflicts between these documents and this application were found to exist. No communications were received during the course of review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.
- (b) The subject lots are located on River Road, Soledad, Central Salinas Valley Area Plan. Parcel "1" is 41.5 acres in size (APN 216-013-025-000); Parcel "2" is 41.64 acres in size (APN 216-013-022-000); Parcel "4" is 40 acres in size (APN 216-013-024-000); and Parcel "A/B" is 79.32 acres in size (APN 216-013-019-000). The parcels are zoned F/40, or "Farm Land/40-acre minimum," which allows for lot line adjustments and Minor Subdivision. Therefore, the project is an allowed land use for this site.
- (c) The application for a Combined Development Permit for two (2) Lot Line Adjustments and a Minor Subdivision was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff of the Planning Department.
- (e) The application, plans, and related support materials found in Planning File No. PLN070197.

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: RMA - Planning Department, Gonzales Rural Fire Protection District, Public Works Department, Environmental Health Bureau, and Water Resources Agency. 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) Technical reports by outside consultants indicate that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared.

1. *Preliminary Archaeological Reconnaissance for APN 216-013-019-000* prepared by *Archaeological Consulting, Salinas California July 12, 2007.*

2. *“Preliminary Geologic & Soils Engineering Report and Percolation Testing for Lands of Martin”* prepared by *Landset Engineers Inc., Salinas California, January 2008.*

3. *Biological Survey for the Charles and Judy Martin Property, 31300, River Road, Soledad, California, 93960, APN 216-013-019-000, prepared by Ed Mercurio, Biological Consultant, May 30, 2008.*

(c) The application plans, and related support materials found in Planning File No. PLN070197.

3. **FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND PARCEL LEGALITY DETERMINATION** – The proposed Lot Line Adjustments are consistent with General Plan Policy LU-1.14, LU-1.15, LU-1.16 and Section 66412 of the California Government Code (Subdivision Map Act).

1. The lot line adjustments are between four or fewer adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustments;
3. The parcels resulting from the lot line adjustments conform to the County’s General Plan and zoning and building ordinances.

EVIDENCE: a) As shown on the project plans, the lot line adjustments will 1) adjust property lines between a 41.5 acre parcel (APN 216-013-025) and a 41.64 acre parcel (APN 216-013-022-000) owned by Leavens Ranches to add 0.68 acres to an existing 79.32 acre parcel (APN 216-013-019-000) owned by the Martin Trust and 2) allow for an equal exchange of 0.86 acres between a 40 acre parcel (APN 216-013-024-000) owned by Amaral Ranches and the 80.00 acre parcel (APN 216-013-019-000) resulting from the Leavens Ranches - Martin Trust Lot Line Adjustment. The lot line adjustments will not create a greater number of parcels than originally existed.

b) The lot line adjustments are between more than one (1) and four (4) or fewer existing adjacent parcels.

c) The lot line adjustments are consistent with General Plan Policy LU-1.15 which requires that lot lines that could compromise wells and septic systems not be approved. The Environmental Health Bureau has

reviewed this application for consistency with this policy and found the lot line adjustment consistent as reflected in the Project Referral form in the record (PLN070197).

- d) The proposed lot line adjustments are consistent with General Plan Policy LU-1.16 which requires conformance with all other General Plan policies, and zoning and building ordinances. The parcels are currently zoned Farmlands, 40 acre minimum (F/40) which allows uses that preserve agricultural operations. The parcels will result in parcels of 40 acres and greater and agricultural operations will continue on this site.
- e) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each lot is required per a standard condition of approval.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development as found in project File PLN070197.

4. **FINDING: CEQA (NEGATIVE DECLARATION)** - On the basis of the whole record before the Director of the Monterey County RMA-Planning Department, there is no substantial evidence that the proposed project as designed and conditioned, will have a significant effect on the environment. The Negative Declaration and the Addendum to the Negative Declaration reflect the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) Public Resources Code Section 21080 (c) and California Environmental Quality Act (CEQA) Guidelines Section 15063 (b) (2) require that the County prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.
 - (b) Monterey County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA-Planning Department and is hereby incorporated by reference (File No. PLN070197)
 - (c) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified environmental issues relative to Aesthetics, Agricultural Resources, Air Quality, Geology/Soils, Hydrology/Water Quality, Noise, Population/Housing, Public Services, Recreation; and Transportation/Traffic. Substantial evidence supports the conclusion that impact on these issues will be less than significant.
 - (d) A Negative Declaration was filed on April 24, 2009. The Negative Declaration was circulated for public review from April 24, 2009 to May 16, 2009. The Negative Declaration was adopted by the Director of Planning on May 20, 2009.
 - (e) For purposes of implementation of Section 753.5 of Title 14, California Code of Regulations, the project may cause changes to the resource listed under Section 753.5. Therefore, payment of the Department of Fish and Game fee is required.
 - (f) No comments on the Negative Declaration were received.

5. **FINDING: CEQA – ADDENDUM TO NEGATIVE DECLARATION** - An Addendum to the Negative Declaration (attached to the June 19, 2012 Staff Report to the Board of Supervisors) was prepared pursuant to the California Code of Regulations, Title 14, (CEQA Guidelines) Section 15164. The Addendum reflects the County's independent judgment and analysis. The Addendum to the Negative Declaration discusses minor technical changes or additions to the Negative Declaration and is an appropriate mechanism under CEQA for consideration of the project by the Board of Supervisors. None of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent Negative Declaration have occurred. Monterey County, as the CEQA Lead Agency, has determined that no Subsequent or Supplemental Negative Declaration is required pursuant to Public Resources Code Section 21166 or CEQA Guidelines Sections 15162, 15163, or 15164, as none of the conditions described in those Sections have occurred.

- EVIDENCE:**
- (a) The Addendum does not identify any significant change in circumstances that may have occurred in the vicinity of the project that would have resulted in significant changes to the environmental impacts identified in the Negative Declaration or that would have required changes to the approved project.
 - (b) Administrative record contained in the project file.
 - (a) The Addendum does not describe, indicate or propose any changes to the subject project that would require major revisions of the Negative Declaration due to new significant environmental effects or any substantial increase in the severity of previously identified impacts.
 - (c) The Addendum does not describe, indicate or propose any substantial changes with respect to the circumstances under which the project was considered by the Director of Planning that would require major revisions of the Negative Declaration due to new significant environmental effects or any substantial increase in the severity of any previously identified significant effects.
 - (d) The Addendum does not describe, indicate or propose any new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Negative Declaration was considered, that shows any of the following:
 - 1. That the project will have one or more significant effects not discussed in the Negative Declaration; or
 - 2. That any significant effects previously examined will be substantially more severe than shown in the Negative Declaration;
 - (e) The Addendum provides technical additions to the adopted Negative Declaration, discussing non substantive changes in circumstances, in relation to the original project approval, relating to the topic areas addressed in the Negative Declaration.
 - (f) Addendum to the Negative Declaration, dated June 7, 2012, attached to the June 19, 2012 Board of Supervisors staff report.
 - (g) Negative Declaration prepared for the project dated April 23, 2012.
 - (h) Monterey County Director of Planning Resolution No. 070197.

6. **FINDING: PUBLIC NOTICE** - Public notice of the pending Combined Development Permit was provided pursuant to Section 19.01.055, Title 19, Monterey County Code (Subdivisions).
EVIDENCE: Materials in Planning File No. PLN070197.
7. **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. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Staff has reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
8. **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: Preceding findings and supporting evidence.

WHEREAS, Section 51257 of the California Government Code requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of land under Williamson Act Contract;

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act). Specifically, the Board finds and declares that:

FINDINGS AND EVIDENCE TO ALLOW THE LOT LINE ADJUSTMENT OF PROPERTY FOR LANDS IN WILLIAMSON ACT

- 9.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 10 years.
- EVIDENCE:** (a) The proposed Lot Line Adjustment and amendment to the FSZ and FSZ Contract No. 2007-005, as applicable to the two (2) reconfigured lots, will reflect the reconfiguration of Parcel 1 from 41.5 acres (APN 216-013-025-000) to 41.1 acres and of Parcel 2 from 41.64 acres (APN 216-013-022-000) to 41.36 acres. The proposed Lot Line Adjustment will result in Parcel 1 at 41.1 acres and Parcel 2 at 41.36 acres under Williamson Act FSZ Contract, and create an 80 acre parcel for the Martin property (APN 216-013-019-000) as illustrated below:

Table 1 - Redistribution of Acreage (approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	DIFFERENCE	PERCENT CHANGE IN PARCEL SIZE
Parcel "1" *	41.5	41.1	-.40 acres	- 0.96%
Parcel "2" *	41.64	41.36	-.28 acres	- 0.67%
Martin Parcel	79.32	80	+.68 acres	N/A

Note: Parcels Noted with an asterisk * are under FSZ Contract No. 2007-005.

(b) The 20 year term of the original FSZ Contract renews annually on each succeeding January 1. The new or amended Contract or Contracts for the reconfigured parcels propose an initial term of 20 years which will also renew annually on each succeeding January 1.

- 10. FINDING: WILLIAMSON ACT – NO NET ACREAGE DECREASE** - Pursuant to California Government Code Section 51257(a) (2), there is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a Lot Line Adjustment are both subject to Contracts rescinded pursuant to this Section, this finding will be satisfied if the aggregate acreage of the land restricted by the new Contracts is at least as great as the aggregate acreage restricted by the rescinded Contracts.

EVIDENCE: (a) The lot line adjustment will reconfigure the lots but will not result in a significant change to the existing Contract boundaries and at least more than 90 percent of the land under the former Contract or Contracts will remain in the new or amended Contract or Contracts. The acreage of Parcel "1" (APN 216-013-025-000) will be decreased by 0.96 percent and the acreage of Parcel "2" (APN 216-013-022-000) will be decreased by 0.67 percent for a total of 1.63 percent net decrease. Only 0.68 acres will be removed from the Contract, and no change in agricultural use of the land is proposed. The remaining 82.46 acres will continue under FSZ Contract No.2007-005.

(b) The application, plans, and related support materials found in Planning File No. PLN070197.

- 11. FINDING: WILLIAMSON ACT – NEW CONTRACTS** - Pursuant to California Government Code Section 51257(a)(3), at least 90 percent of the land under the former Contract or Contracts remains under the new or amended Contract or Contracts.

EVIDENCE: (a) The proposed new or amended FSZ Contract will continue to cover 98.37 percent of the acreage under the original FSZ Contract No. 2007-005.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN070197.

12. **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) The proposed project will result in Parcel “1” at approximately 41.1 acres, Parcel “2” at approximately 41.36 acres under Williamson Act FSZ Contract and the Martin Trust Parcel will result in 80 acres (non-Williamson Act Land).
- (b) 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.”
- (c) County of Monterey Board of Supervisors Resolution No. 01-486 requires that Farmland Security Zones 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. The subject lot line adjustment will retain 98.37% of the land originally under the Farmland Security Zone Contract.
- (d) The application plans, and related support materials found in Planning File No. PLN070197.

13. **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 intent of the lot line adjustment is the creation of an 80 acre parcel for the Martin Trust property located south of the Leavens Ranches General Partnership property (which is under FSZ Contract No. 2007-005) in order to subdivide the 80 acres into two (2) 40 acre parcels (not in Williamson Act Contract).
- (b) No new development is proposed for the sites, which will continue to be used for agriculture.
- (c) The application plans, and related support materials found in Planning File No. PLN070197.

14. **FINDING: WILLIAMSON ACT – ADJACENT AGRICULTURAL LAND USE** - Pursuant to California Government Code Section 51257(a) (6), the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

- EVIDENCE:** (a) The subject parcels and surrounding area are designated as Farm Land. The lot line adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current configuration.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN070197.

15. 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 lots subject to FSZ Contract No. 2007-005 do not result in a greater number of developable parcels than existed prior to the adjustment. See Finding 3.

(b) The application, plans, and related support materials found in Planning File No. PLN070197.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Board:

Considered and adopted (1) the Addendum to the previously prepared Negative Declaration and (2) the Negative Declaration; and

IT IS FURTHER RESOLVED that in order to facilitate the lot line adjustment of Williamson Act Farmland Security Zone lands, the Board rescinds a portion of the existing FSZ Contract No. 2007-005, as applicable to the reconfigured lots, and authorizes the Chair to simultaneously execute a new or amended FSZ Contract or Contracts, which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the California Government Code (Williamson Act), pending receipt of new legal descriptions for the reconfigured lots and the execution of the new or amended Contract or Contracts between the County and the Property Owners of Record of the reconfigured Williamson Act FSZ lots; and

IT IS FURTHER RESOLVED that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign a new or amended FSZ Contract or Contracts, to simultaneously rescind a portion of the existing FSZ Contract No. 2007-005 as applicable to the reconfigured parcels only, and to execute a new or amended FSZ Contract or Contracts, which shall be applicable to the reconfigured Williamson Act FSZ lots; and

IT IS FURTHER RESOLVED that the new or amended FSZ Contract or Contracts shall reflect current ownership interests for the reconfigured Williamson Act FSZ parcels and shall incorporate any legislative changes to State Williamson Act provisions and current County Farmland Security Zone Policies or Procedures, and the Chair of the Board is authorized to sign the new or amended FSZ Contract or Contracts with the Property Owners of Record; and

IT IS FURTHER RESOLVED that the Clerk is directed to record said new or amended Contract or Contracts upon recordation of the Parcel Map, Certificates of Compliance, and Deeds, as applicable to the reconfigured Williamson Act FSZ lots, and completion of the legal description or descriptions, and execution by the Chair and the Property Owners of Record; and

IT IS FURTHER RESOLVED that the Board of Supervisors hereby approves said Lot Line Adjustments and Minor Subdivision subject to the attached conditions which are incorporated by this reference.

PASSED AND ADOPTED on this 19th day of June, 2012, upon motion of Supervisor _____,
seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Gail T. Borkowski, 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 ___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy