



Monterey County

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Board Order

General Agenda Item: 12-1067

File Number: 12-1067

Upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried by those members present, the Board of Supervisors hereby:

Continued from November 6, 2012.

- a. Approved a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserves per Land Conservation Contract No. 73-032.A.2, owned by Harkins Road Building Limited Partnership;
- b. Authorized the Chair to execute new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, 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
- c. Directed the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN090248 / Harkins Road Building Limited Partnership, 32501 & 33155 Gloria Road, Gonzales, Central Salinas Valley Area Plan)

PASSED AND ADOPTED on this 4th day of December 2012, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter, and Parker

NOES: None

ABSENT: None

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 76 for the meeting on December 4, 2012

Dated: December 17, 2012
File Number: 12-1067

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

By Denise Hancock
Deputy

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

Resolution No. 12-362

- a. Approving a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor’s Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor’s Parcel Number 223-042-008-000) from 525.12 aces to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserves per Land Conservation Contract No. 73-032.A.2, (Assessor’s Parcel Nos. 223-042-022-000 and 223-042-025-000), owned by Harkins Road Building Limited Partnership; and
b. Authorizing the Chair to execute new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contracts as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contracts for the reconfigured lots between the County and the Property Owners of Record, 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
c. Directing the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.....
(Lot Line Adjustment - PLN090248 / Harkins Road Building Limited Partnership, 32501 & 33155 Gloria Road, Gonzales, Central Salinas Valley Area Plan)

RECITALS

WHEREAS, Parcel B is within Williamson Act Agricultural Preserves per Land Conservation Contract No. 73-032.A.2, (Assessor’s Parcel Number 223-042-022-000 and 223-042-025-000), owned by Harkins Road Building Limited Partnership. The subject lot line adjustment is between two contiguous parcels known as Parcel A and Parcel B. Parcel B (Assessor’s Parcel Number

223-042-022-000 and 223-042-025-000) will increase from 30.76 acres to 30.91 acres and Parcel A (Assessor's Parcel Number 223-042-008-000) will be decreased from 525.12 acres to 524.97 acres; and

WHEREAS, the Lot Line Adjustment will result in two (2) reconfigured separate parcels totaling 555.88 acres, and will allow the continued utilization of the land under contract by the property owner of Parcel B for commercial agricultural production; and

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the Monterey County General Plan, the Central Salinas 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 (Williamson Act), and Land Conservation Contract No. 73-032.A.2 as evidenced below; and

WHEREAS, the Board of Supervisors declares that:

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;
 - Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);
 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 property is located at 32501 & 33155 Gloria Road, Gonzales (Assessor's Parcel Number 223-042-022-000, 223-042-025-000 and 223-042-008-000), Central Salinas Valley Area Plan. The parcels are zoned F/40, which allows lot line adjustments. Therefore, the project is an allowed land use for this site. No development is proposed.
 - c) The subject Lot Line Adjustment of Williamson Act Lands will increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres.
 - d) The Lot Line Adjustment involves two (2) existing lots of record totaling 555.88 acres. According to the California Department of Conservation Farmland Mapping and Monitoring Program, Parcel B (Assessor's Parcel Number 223-042-022-000, 223-042-025-000) is designated as "Other Land", "Grazing Land" and "Prime Farmlands". Parcel A (Assessor's Parcel Number 223-042-008-000) is designated "Prime Farmland" and "Farmlands of Statewide Importance".
 - e) The project planner conducted a site inspection in March 2012 to verify

that the project on the subject parcel conforms to the plans listed above.

- f) The project was not referred to a Land Use Advisory Committee (LUAC) as no LUAC exists for this area.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090248.

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, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, Parks Department and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
 - b) Staff did not identify any potential impacts to resources or traffic as no change in land use is proposed or expected as a result of this application. The property is an existing vineyard operation including accessory uses.
 - c) Staff conducted a site inspection in March 2012 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090248.

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 has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, Parks Department and Water Resources Agency. 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) Necessary public facilities are available. Water is provided by private wells and waste water by private septic systems permitted by the Environmental Health Department.
 - c) Preceding findings and supporting evidence for PLN090248.

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 RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection in March 2012 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090248.
5. **FINDING:** **CEQA (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 (a), 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 in land use density, including minor lot line adjustments.
 - b) The lot line adjustment will adjust two (2) parcels totaling 555.88 acres with average slopes of less than 20%. Parcel B contains an agricultural processing facility. The subject lot line adjustment will align the existing property line with an existing fence.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit in March 2012.
 - d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090248.
6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:
- 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 conforms to the

- County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The subject parcel identified as Assessor's Parcel Number 223-042-022-000 and 223-042-025-000 (Parcel B) was created as a 17.77 acre lot by a minor subdivision (Planning File Number MS-78-85) recorded at Volume 13, Parcel Maps Page 53 on April 26, 1979. The subject parcel identified as Assessor's Parcel Number 223-042-008-000 (Parcel A) was created prior to 1972 and is a legal lot of record.
 - b) The lot line adjustment is between two existing adjoining parcels. The Lot Line Adjustment will increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres.
 - c) The lot line adjustment will not create a greater number of parcels than originally existed. Two (2) contiguous parcels of record will be adjusted and two (2) contiguous parcels of record will result. No new parcels will be created.
 - d) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property (see Finding 4). The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all of the rules and regulations pertaining to the use of the property.
 - e) Parcel B is zoned Farmlands 40 acres minimum. Parcel B is less than 40 acres and is non-conforming with regard to minimum lot size. By increasing the lot size of Parcel B from 30.76 acres to 30.91 acres, the parcel will be more conforming to minimum lot size and density of 40 acres.
 - f) General Plan policy LU 1.16 states in part that Lot line adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if they facilitate Routine and Ongoing Agricultural activities or reduce the non-conformity of existing legal lots of record. In this case, Parcel B has an existing agricultural processing facility and Parcel A is cultivated in vineyards. By increasing the size of Parcel B, a non-conforming parcel is being made more conforming.
 - g) 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 new lot is required per a standard condition of approval.
 - h) Necessary public facilities are available. Once adjusted, both properties will continue to have existing wells. The Environmental Health Bureau has reviewed the project respective to well and septic facilities and identified no issues. The existing utilities will not be affected by the lot line adjustment.

FINDINGS AND EVIDENCE TO APPROVE A LOT LINE ADJUSTMENT OF
WILLIAMSON ACT LANDS

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.
- a) The proposed revision to Williamson Act Agricultural Preserve Land Conservation Contract 73-032.A.2 is applicable to Parcel B and will reflect the redistribution of 0.15 acres of land as follows:

Table 1. Redistribution of Acreage			
	Existing Acreage	Proposed Acreage	Difference
Parcel A	525.12	524.97	0.15
Parcel B	30.76	30.91	-0.15
Total:	555.88	555.88	0

- b) The term of the original Land Conservation Contract renews annually on each succeeding January 1. The new or amended contract or contracts for the reconfigured parcel, proposes an initial term of 20 years, which also renews annually on each succeeding January 1.

8. **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 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.

- EVIDENCE:**
- a) The Lot Line Adjustment which will increase Parcel B (Assessor’s Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres. The contract will increase the amount of acreage under contract from 30.76 acres to 30.91 acres.
- b) The application, plans, and related support materials found in Planning File No. PLN090248.

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 or contracts.

- EVIDENCE:**
- a) The proposed new or amended contract or contracts will continue to cover all of the acreage under the original contract. No decrease in acreage under Contract will result.
- b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN090248.

10. **FINDING: WILLIAMSON ACT – SUSTAIN AGRICULTUAL 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

- EVIDENCE:**
- a) Williamson Act Agricultural Preserve Land Conservation Contract No. 73-032.A.2, includes 30.76 acres. The proposed Contract on Parcel B will cover 30.91 acres.
 - 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.” Parcel B as amended will extend to cover 30.91 acres. Proposed Parcel B is consistent with Government Code Section 51222.
 - c) 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. The existing parcel contains an agricultural processing facility and a larger facility is not necessary to accommodate the existing use. The subject Lot Line Adjustment will retain the entirety of Parcel B at 30.91 acres in agricultural preserve. The existing contract covers 30.76 acres.
 - d) The application, plans, and related support materials found in Planning File No. PLN090248.

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 intent of the Lot Line Adjustment is to align an existing fence to the respective property lines. Parcel B has an existing agricultural processing facility that was recently upgraded from storage and processing facilities (Planning File No. PLN120312) to include refrigerated vegetable processing and warehouse room in addition to circulation improvements. The agricultural processing facility is existing and no new changes to the existing agricultural use are proposed.
 - b) The application, plans, and related support materials found in Planning File No. PLN090248.

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 Farmlands, minimum building site of 40 acres. The Lot Line Adjustment will not affect current agricultural operations on the subject properties or on adjacent properties. Parcel A is a vineyard operation, while Parcel B is an

agricultural processing plant. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current configuration.

- b) The application, plans, and related support materials found in Planning File No. PLN090248.
- c) See Finding 6.

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. Parcel B is developed as an agricultural processing facility.
 - b) See Finding No. 6.
 - c) The application, plans, and related support materials found in Planning File No. PLN090248.

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment of Agricultural Preserve lands, the Board rescinds a portion of the existing Land Conservation Contract No. 73-032.A.2 as it applies to the reconfigured parcels, and authorizes the Chair to simultaneously execute new or amended Land Conservation Contract, which shall be applicable to the reconfigured parcels, consistent with California Government Code Section 51257 of the Williamson Act, pending receipt of new legal descriptions for the proposed reconfigured parcel and the execution of the new or amended Contract or Contracts by the property owners;

IT IS FURTHER RESOLVED that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign a new or amended Land Conservation Contract or Contracts, to simultaneously rescind a portion of the existing Land Conservation Contract No. 73-032.A.2 as applicable to the reconfigured parcels only, and to execute a new or amended Land Conservation Contract or Contracts with the property owners of record which shall be applicable to the reconfigured Williamson Act parcel;

IT IS FURTHER RESOLVED that the new or amended Land Conservation contract or contracts shall reflect present ownership interests for the reconfigured parcels and shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures, and the Chair of the Board is authorized to sign the new or amended Land Conservation Contract or Contracts with the property owners of record;

IT IS FURTHER RESOLVED that the Clerk is directed to record said new or amended Contract or Contracts 1) upon recordation of the Certificates of Compliance for the reconfigured parcels, 2) completion of the legal description or descriptions for the reconfigured parcels which shall be subject to the review and approval of the RMA Planning Department and Department of Public Works, and 3) execution of said Contract or Contracts by the Chair and property owners of record;

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

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

1. Approve a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserve No. 73-032 per Land Conservation Contract No. 73-032.A.2, owned by Harkins Road Building Limited Partnership; and
2. Authorize 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 or Contracts as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured Williamson parcel between the County and the Property Owners of Record, reflecting the new legal descriptions for the reconfigured parcels, current ownership interests and, to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
3. Direct the Clerk of the Board to record the new or amended Contract or Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcel.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Armenta and carried this 4th day of December 2012, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Potter and Parker
NOES: None
ABSENT: None

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 76 for the meeting on December 4, 2012

Dated: December 17, 2012
File Number: 12-1067

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

By Denise Hancock
Deputy