



Monterey County Board of Supervisors

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Salinas, CA 93901
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Board Order

Resolution No. 17-168

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

Adopted Resolution No. 17-168:

- a. Finding the project categorically exempt per California Environmental Quality Act Section 15305;
- b. Approving a Lot Line Adjustment between four (4) existing legal lots of record under Williamson Act Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101 established by County Resolution Nos. 72-33-44, 69-35-9, and 68-56-101 as amended by Resolution No. 79-32, respectively, and resulting in four (4) reconfigured lots consisting of 126.18, 120.01, 343.98, and 161.73 acres with no net decrease in acreage under Williamson Act Contracts;
- c. Authorizing the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of the existing Land Conservation Contracts 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 both San Bernabe Vineyards, LLC and Loma Del Rio Vineyards LLC, reflecting the new legal descriptions, 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 Contracts subject to the collection of the appropriate recording fees from the property owners by the Resource Management Agency-Planning Division.

PASSED AND ADOPTED this 16th day of May 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

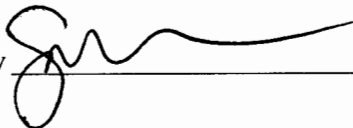
NOES: None

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 80 for the meeting May 16, 2017.

Dated: June 15, 2017
File ID: RES 17-059

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

By  Deputy

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

**San Bernabe Vineyards LLC and
Loma Del Rio Vineyards, LLC (PLN150490)**

Resolution No. 17-168

Resolution of the Monterey County Board of Supervisors:

- a. Finding the project categorically exempt per California Environmental Quality Act Section 15305;
- b. Approving a Lot Line Adjustment between four (4) existing legal lots of record under Williamson Act Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101 established by County Resolution Nos. 72-33-44, 69-35-9, and 68-56-101 as amended by Resolution No. 79-32, respectively, and resulting in four (4) reconfigured lots consisting of 126.18, 120.01, 343.98, and 161.73 acres with no net decrease in acreage under Williamson Act Contracts;
- c. Authorizing the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and both San Bernabe Vineyards, LLC and Loma Del Rio Vineyards LLC, reflecting the new legal descriptions, 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 Contract or Contracts subject to the collection of the appropriate recording fees from the property owners by the Resource Management Agency-Planning Division.

(PLN150490/San Bernabe Vineyards, LLC/ Loma Del Rio Vineyards, LLC, Oasis Road, King City, Central Salinas Valley Area Plan)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between four (4) legal lots of record involving Assessor’s Parcel Numbers 231-072-003 and 231-072-005 owned by San Bernabe Vineyards, LLC, and Assessor’s Parcel Numbers 231-072-004 and 421-111-073 owned by Loma Del Rio Vineyards, LLC. The legality of the four (4) subject parcels is based on a chain of deeds found in Planning File No. PLN150490; and

WHEREAS, the lots are subject to Williamson Act Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101 and will be reconfigured. They will remain under Land Conservation Contract. The Lot Line Adjustment which will result in four (4) reconfigured separate lots totaling 751.9 acres, will allow the continued utilization of the land by the property owners 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 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 (Williamson Act), and current County Agricultural Preserve Policies or Procedures as evidenced below; and,

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

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); and

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

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, 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 along Oasis Road, unincorporated King City, (Assessors' Parcel Numbers 231-072-003-000, 231-072-004-000, 231-072-005-000, and 421-111-073-000), Central Salinas Valley Area Plan. The current configuration consists of approximately 123.63 acres (APN 231-072-003 known as "Lot 15"), 122.64 acres (APN 231-072-004 known as "Lot 16"), 340.40 acres (APN 231-072-005 known "Lot 17"), and 165.24 acres (APN 421-111-073 known as "Lot A"). This adjustment moves 2.63 acres from Lot 16 and 3.51 acres from Lot A, owned by Loma Del Rio Vineyards, LLC; and adds 2.56 acres to Lot 15 and 3.59 acres to Lot 17, owned by San Bernabe Vineyards, LLC. The purpose of the Lot Line Adjustment is to move 6.14 acres from the Loma Del Rio Vineyard to the San Bernabe Vineyard. The Lot

Line Adjustment will result in four (4) lots of 126.18 (Lot 15), 120.01 acres (Lot 16), 343.98 acres (Lot 17), and 161.73 acres (Lot A). The parcels are zoned "F/40" Farmlands/40 acre minimum, which allows for lot line adjustments. Therefore, the project is an allowed land use for this site.

- (c) The Lot Line Adjustment application was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff of the Planning Department or of the Agricultural Commissioner's Office. No conditions were recommended by the Agricultural Commissioner's Office.
- (e) The application, plans, and related support materials found in Planning File No. PLN150490.

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, South County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Parks 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 lot line adjustment. Conditions recommended by RMA Planning have been incorporated.
 - (b) The Environmental Health Bureau (EHB) reviewed the application and determined that the proposed lot line adjustment would not impact any septic systems on the associated parcels.
 - (c) The Drinking Water Protection Services (DWPS) of EHB verified that the lot line adjustment would not create any additional water systems.
 - (d) The application, plans, and related support materials found in Planning File No. PLN150490.

3. FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND PARCEL LEGALITY DETERMINATION - Pursuant to Section 19.09.025.B.1 of the Monterey County Subdivision Ordinance (Title 19), the Lot Line Adjustment is between two (or more) existing adjacent lots.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between four (4) existing adjacent lots.
 - (b) Lot "15" containing approximately 123.63 acres, was recognized as a legal lot pursuant to Record of Survey (PC95031) recorded with the Monterey County Recorder (Vol 20 Survey Maps page 82).
 - (c) Lot "16" containing approximately 122.64 acres, was recognized as a legal lot pursuant to Record of Survey (PC95031) recorded with the Monterey County Recorder (Vol 20 Survey Maps page 82).
 - (d) Lot "17" containing approximately 340.40 acres, was recognized as a legal lot pursuant to Record of Survey (PC95031) recorded with the Monterey County Recorder (Vol 20 Survey Maps page 82).

- (e) Lot "A" containing approximately 165.24 acres, was recognized as a legal lot pursuant to Record of Survey (PC95031) recorded with the Monterey County Recorder (Vol 20 Survey Maps page 82).
- (f) The application, plans, and related support materials found in Planning File No. PLN150490.

4. FINDING: NO NEW LOTS CREATED – Pursuant to the Monterey County Code (MCC) Section 19.09.025.B.2 (Title 19 – Subdivision Ordinance), a greater number of parcels or lots than originally existed will not be created as a result of the lot line adjustment.

- EVIDENCE:**
- (a) The existing four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. No new lots will be created.
 - (b) The application, plans, and related support materials found in Planning File No. PLN150490.

5. FINDING: CONTIGUOUS LOTS OF RECORD – Pursuant to MCC Section 19.09.025.B.3 (Title 19 – Subdivision Ordinance), the parcels resulting from the Lot Line Adjustment conform to the County Zoning and Building Ordinances and are contiguous parcels.

- EVIDENCE:**
- (a) The existing four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. No new lots will be created.
 - (b) See evidence in Finding 1, above.

6. FINDING: California Environmental Quality Act (CEQA) - The project is categorically exempt from environmental review.

- EVIDENCE:**
- (a) Guidelines for CEQA, California Code of Regulations, Title 14, Chapter 3, Section 15305(a) categorically exempts minor Lot Line Adjustments, side yard, and set back variances in areas with an average natural slope of less than 20% not resulting in the creation of any new parcel.
 - (b) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves, the making and renewing of Open Space Contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.
 - (c) Based on a review of the project plans, approval of the project would not result in any potentially adverse impacts. No additional development is proposed with this project.
 - (d) See preceding findings and related evidence.

7. FINDING: PUBLIC NOTICE - Public notice of the pending Lot Line Adjustment was provided pursuant to MCC Section 19.01.055, (Title 19 - Subdivisions).

EVIDENCE: Materials in Planning File No. PLN150490.

8. 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 (Title 21). No violations exist on the property.

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.

9. 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: See preceding findings #1, #2, #3, #4 and #5 and supporting evidence.

10. 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 (ten) years.

EVIDENCE: (a) The proposed amendment to Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101, applicable to the four (4) reconfigured lots, will reflect the redistribution of 6.14 acres of land under Williamson Act Contract as illustrated in Table 1 (below)

Table 1. Redistribution of Acreage (approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	DIFFERENCE
LOT "15"	123.63	126.18	+2.56
LOT "16"	122.64	120.01	- 2.63
LOT "17"	340.40	343.98	+3.59
LOT "A"	165.24	161.73	- 3.51
TOTAL	751.91	751.91	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 parcels propose an initial term of 20 years which will also renew annually on each succeeding January 1.

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. In cases where two (2) 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 Contract or Contracts is at least as great as the aggregate acreage restricted by the rescinded Contract or Contracts.

EVIDENCE: (a) The Lot Line Adjustment will reconfigure the lots but will not result in a change in Contract boundaries or a net loss of acreage currently under

Contract. Land Conservation Contract Nos. 72-44, 69-9, and 68-101 contains a total of 751.91 acres. Land Conservation Contract Nos. 72-44, 69-9, and 68-101 will retain a total of 751.91 acres. None of the property will be removed from the Contract. No change in agricultural use of the land is proposed. The Lot Line Adjustment is to allow a 6.14 acres tract of land to encompass an existing vineyard on site.

- (b) The application, plans, and related support materials found in Planning File No. PLN150490.

12. 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 Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101. No decrease in acreage under Contract will result.

- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN150490.

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: (a) The proposed Lot Line Adjustment applicable to the four (4) reconfigured parcels to reflect the redistribution of 246.27 acres of land under Williamson Act Contract will result in Lot “15” at approximately 126.18 acres, Lot “16” at approximately 120.01 acres, Lot “17” at approximately 343.98 acres, and Lot “A” at approximately 161.73 acres.

- (b) Pursuant to California Government Code Section 51222 (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. 01-485 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 subject Lot Line Adjustment will retain the entirety of its 751.91 acres within the existing boundaries of Agricultural Preserve Nos. 72-44, 69-9, and 68-101. There is no change to the exterior boundary of the existing agricultural preserves.
- (d) The application plans, and related support materials found in Planning File No. PLN150490.

14. 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 move 6.14 acres from the Loma Del Rio Vineyard to the San Bernabe Vineyard.
(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. PLN150490.

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:** (a) The subject parcels and surrounding area are designated as Farmlands. 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. PLN150490.

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:** (a) The four (4) reconfigured lots do not result in a greater number of developable parcels than existed prior to the adjustment. See Finding 4.
(b) The application, plans, and related support materials found in Planning File No. PLN150490.

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

- a. Find the project categorically exempt per California Environmental Quality Act Section 15305;
- b. Approve a Lot Line Adjustment between four (4) existing legal lots of record under Williamson Act Agricultural Preserve Land Conservation Contract Nos. 72-44, 69-9, and 68-101 established by County Resolution Nos. 72-33-44, 69-35-9, and 68-56-101 as amended by Resolution No. 79-32, respectively, and resulting in four (4) lots of record of 126.18, 120.01, 343.98, and 161.73 acres with no net decrease in acreage under Williamson Act Contracts, in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference;
- c. Authorize the Chair to execute new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and

both San Bernabe Vineyards, LLC and Loma Del Rio Vineyards LLC, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

- d. Direct the Clerk of the Board to record the new or amended Contract or Contracts subject to the collection of the appropriate recording fees from the property owners by the Resource Management Agency-Planning Division.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried this 16th day of May 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

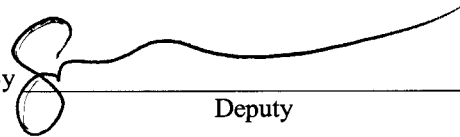
NOES: None

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 80 for the meeting on May 16, 2017.

Dated: June 15, 2017
File Number: RES 17-059

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

By  _____
Deputy