



Monterey County

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Board Order

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

Adopted Resolution No. 15-085 to:

- a. Approve a Lot Line Adjustment between three (3) existing legal lots of record under an existing Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP No. 69-29) consisting of Parcel 1 (318.79 acres), Parcel 2 (250.90 acres) and Parcel 3 (35.60 acres). The Lot Line Adjustment would result in three (3) parcels: Parcel A (449.65 acres), Parcel B (40 acres) and Parcel C (115.64 acres);
- b. 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 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 of Record, 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
- c. Direct the Clerk of the Board to record the new or amended Contract or Contracts for the reconfigured lots after the Certificates of Compliance for the reconfigured lots have been recorded and recording fees for said new or amended Contract or Contracts have been submitted by the Property Owners of Record.

(Lot Line Adjustment - PLN120819 /Long Valley Partners, LP, a California limited partnership, located at 58103 Cattlemen Road and Pine Valley Road, San Ardo [Assessor's Parcel Numbers: 421-0161-001, 002, 046, 047, and 421-141-004-000], South County Area Plan)

PASSED AND ADOPTED on this 7th day of April 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
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 77 for the meeting on April 7, 2015.

Dated: April 8, 2015
File ID: RES 15-031

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

By Denise Hamesch
Deputy

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

Resolution No. 15-085

- a. Approve a Lot Line Adjustment between)
 three (3) legal lots of record under an)
 existing Williamson Act Agricultural)
 Preserve and Land Conservation Contract)
 No. 69-29 (AgP No. 69-29) consisting of)
 Parcel 1 (318.79 acres), Parcel 2 (250.90)
 acres) and Parcel 3 (35.60 acres). The Lot)
 Line Adjustment would result in three (3))
 parcels: Parcel A (449.65 acres), Parcel B)
 (40 acres) and Parcel C (115.64 acres); and)
- b. Authorize the Chair to execute a new or)
 amended Land Conservation Contract or)
 Contracts in order to rescind a portion of)
 the existing Contract as it applies to the)
 reconfigured lots only and simultaneously)
 execute a new or amended Contract or)
 Contracts for the reconfigured lots)
 between the County and Property Owners)
 of Record, reflecting the new legal)
 descriptions, current ownership interests)
 and to incorporate any legislative changes)
 to State Williamson Act provisions and)
 current County Williamson Act Program)
 Policies or Procedures; and)
- c. Direct the Clerk of the Board to record the)
 new or amended Contract or Contracts for)
 the reconfigured lots after the Certificates)
 of Compliance for the reconfigured lots)
 have been recorded and recording fees for)
 said new or amended Contract or)
 Contracts have been submitted by the)
 Property Owners of Record.....)
 (Lot Line Adjustment - PLN120817/ Long)
 Valley Partners, LP, a California limited)
 partnership, located at 58103 Cattlemen)
 Road and Pine Valley Road, San Ardo)
 [Assessor's Parcel Numbers: 421-0161-)
 001, 421-161-002, 421-161-046, 421-161-)
 047, and 421-141-004-000], South County)
 Area Plan))

RECITALS

WHEREAS, an application was submitted for a Lot Line Adjustment between three (3) legal lots of record involving Assessor's Parcel Numbers 421-161-001, 421-161-002, 421-161-046, 421-161-047, and 421-141-004 in their entireties, as owned by Long Valley Partners, LP, a California limited partnership. The legality of the three (3) subject parcels is based on a chain of patents and deeds on file with the County Recorder; and,

WHEREAS, the existing lots of record are subject to Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP No. 69-29) and will be reconfigured. They will remain under Agricultural Preserve and Land Conservation Contract. The Lot Line Adjustment which will result in three (3) reconfigured separate lots totaling approximately 605.29 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 the property is consistent with policies of the Monterey County General Plan, the South County 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 Agricultural Preserve and Land Conservation Contract No. 69-29 as evidenced below:

FINDINGS AND EVIDENCE FOR APPROVAL OF LOT LINE ADJUSTMENT

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 Lot Line Adjustment between three (3) lots of approximately 318.79, 250.90 and 35.60 acres to result in lots of approximately 449.65, 40 and 115.64 acres. All parcels (existing and proposed) are located within the boundaries of Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP No. 69-29). The properties are located at 58103 Cattlemen Road and Pine Valley Road, San Ardo (Assessor's Parcel Numbers 421-161-001, 421-161-002, 421-161-046, 421-161-047, and 421-141-004), South County Area Plan, and conform to the policies, requirements, and standards of the Monterey County General Plan, South County 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 Assessor's Parcels (421-161-001, 421-161-002, 421-161-046, 421-161-047, and 421-141-004) are approximately 605.29 acres in size. The parcels are zoned F/40, or "Farming/40-acre minimum", which allows for Lot Line Adjustments. Two (2) of the three (3) existing lots meet the minimum building site of 40 acres pursuant to the zoning designation; after the completion of this lot line adjustment all three (3) lots will meet the minimum building site of 40 acres pursuant to the zoning designation.

All existing structures (agricultural support buildings) will meet minimum setback requirements pursuant to Monterey County Inland Zoning Code – Title 21. Therefore, the project is an allowed land use for this site.

(c) General Plan Policy LU-1.16 states:

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 a 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.
- d) The proposed Lot Line Adjustment will separate the farmable land from a forty acre building site. The proposed Lot Line Adjustment will adjust existing lots lines such that existing structures will be located on one (1) 40 acre parcel (Parcel B) and the other two (2) parcels consisting of 449.65 acres (Parcel A) and 115.64 acres (Parcel B) will be composed of prime agricultural land without structures; therefore, leaving Parcel A and C free for agricultural operations.
- e) Parcel 3 is 35.60 acres, which is less than the 40 acre minimum building site of the Farmlands zoning district. With the approval of this Lot Line Adjustment all three (3) parcels will meet the minimum lot size as required by the zoning district.
- f) The proposed Lot Line Adjustment was considered by the Agricultural Advisory Committee (AAC) on August 22, 2013. The AAC recommended that the Board approve the Lot Line Adjustment as proposed.
- (g) The application plans, and related support materials found in Planning File No. PLN120819.

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, Cal-Fire: South County, 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) Staff conducted a site inspection on December 17, 2012 to verify that the site is suitable for this use.
- (c) The application, plans, and related support materials found in Planning File No. PLN120819.

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) of the Monterey County Code (MCC), the Lot Line Adjustment is between two (2) (or more) existing adjacent lots.

- EVIDENCE:**
- (a) The subject Lot Line Adjustment is between three (3) existing adjacent lots.
 - (b) Lot "1" (Assessor's Parcel Nos. 421-161-001 and 421-161-002), containing approximately 318.79 acres, was recognized as a legal lot by Monterey County through a patent from the State of California to W.H. Kennedy, recorded August 29, 1986 in Volume 1, Page 3 of Patents, on file with the Monterey County Recorder.
 - (c) Lot "2" (Assessor's Parcel Nos. 421-161-046 and 421-161-047), containing approximately 250.90 acres, was recognized as a legal lot by Monterey County through a patent from the State of California recorded August 12, 1882 in Volume B, Page 236, of Patents, on file with the Monterey County Recorder.
 - (d) Lot "3" (Assessor's Parcel No. 421-141-004), containing approximately 35.60 acres, was recognized as a legal lot by Monterey County through a patent from the USA to Meyer Brandenstein recorded February 1, 1897 in Volume G of Patents, Page 421, on file with the Monterey County Recorder.

4. FINDING: NO NEW LOTS CREATED – Pursuant to MCC Section 19.09.025.B.2 of the Monterey County Subdivision Ordinance (Title 19), 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 three (3) contiguous lots of record will be adjusted, resulting in three (3) contiguous lots of record. No new lots will be created.
 - (b) The application, plans, and related support materials found in Planning File No. PLN120819.

5. FINDING: CONTIGUOUS LOTS OF RECORD – Pursuant to MCC Section 19.09.025.B.1 of the Monterey County Subdivision Ordinance (Title 19), the lots resulting from the Lot Line Adjustment will be contiguous parcels.

EVIDENCE: The application and plans for a Lot Line Adjustment found in Planning File No. PLN120819.

6. FINDING: CEQA (Exempt) - The project is categorically exempt from environmental review.

EVIDENCE: (a) Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines categorically exempts minor alterations in land use limitations in areas with an average natural slope of less than 20% which do not result

in any changes in land use or density, including minor lot line adjustments not resulting in the creation of any new parcel.

- (b) The proposed Lot Line Adjustment will result in three (3) parcels: Parcel A (449.65 acres), Parcel B (40 acres) and Parcel C (115.64 acres). The adjustments will not result in changes to existing land use or density. The three (3) parcels mostly consist of fairly level land used for agricultural operations. The average slopes are less than 20%.
- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on December 17, 2012.
- (d) 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.
- (e) 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.
- (f) 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, Monterey County Subdivision Ordinance.

EVIDENCE: Materials in Planning File No. PLN120819.

8. FINDING: NO VIOLATIONS - The subject properties are 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 properties.

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: 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

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 years.

EVIDENCE: (a) The proposed amendment to Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP No. 69-29), applicable to the three (3) reconfigured lots, will reflect the redistribution of acreage of land under Williamson Act Contract as illustrated in Table 2 (below). There will be no change to the exterior boundaries of AgP No. 69-29.

Redistribution of Acreage (Approximate)

Existing Parcel	Existing Acreage	Proposed Parcel - Acreage	Change
Parcel 1	318.79	Parcel A - 449.65	+130.86
Parcel 2	250.90	Parcel B - 40	-210.90
Parcel 3	35.60	Parcel C -115.64	+80.04
Total	605.29	605.29	

(b) The term of the original Agricultural Preserve and Land Conservation Contract renews annually on each succeeding January 1. The new or amended Contract or Contracts for the reconfigured parcels proposes 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.

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 the Contract. AgP No. 69-29 contains a total of approximately +/- 605.29 acres. The proposed revision to Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-29 will reflect the proposed lot line reconfiguration to the same total of +/-605.29 acres. None of the property will be removed from the Ag P. No. 69-29. No change in agricultural use of the land is proposed.

(b) The application, plans, and related support materials found in Planning File No. PLN120819.

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 will continue to cover all of the acreage under the original Contract No. 69-29. No decrease in acreage under Contract will result. The new or amended Contract or Contracts for the reconfigured parcels will have an initial term of 20 years which will renew annually on each succeeding January first.

- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN120819.

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 will result in Parcel “A” at approximately 449.65 acres, Parcel “B” at approximately 40 acres, and Parcel “C” at approximately 115.64 acres. The reconfigured parcels shall be subject to a new or amended Contract or Contracts within Agricultural Preserve and Land Conservation Contract No. 69-29 as amended herein.
- (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. 01-485 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 605.29 acres within the agricultural preserve.
- (d) The application plans, and related support materials found in Planning File No. PLN120819.

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) A Lot Line Adjustment between three (3) existing legal lots of record is being requested in order to isolate the farmable land from a forty acre building site. The proposed Lot Line Adjustment will adjust existing lot lines to relocate an existing dwelling structure from Parcel 1 to proposed Parcel B; therefore, leaving proposed Parcel A and C free for agricultural operations.
- (b) No new development is proposed for the three (3) reconfigured lots, which will continue to be used for agricultural purposes.
- (c) The application plans, and related support materials found in Planning File No. PLN120819.

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 Lot Line Adjustment will not affect current agricultural operations on the subject properties or on adjacent properties. No physical development

is proposed. The adjustment would not allow any uses that could not also occur under the current lot configurations.

- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN120819.

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.

- EVIDENCE:** (a) The three (3) reconfigured lots do not result in a greater number of developable lots than existed prior to the adjustment. See Finding 4.
 (b) The application, plans, and related support materials found in Planning File No. PLN120819.

DECISION

NOW, THEREFORE, BE IT RESOLVED THAT in order to facilitate the Lot Line Adjustment of Williamson Act lands, the Board rescinds a portion of the existing Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP No. 69-29), as applicable to the reconfigured lots, and authorizes the Chair to simultaneously execute a new or amended Contract or Contracts, which shall be applicable to the reconfigured parcels, consistent with California Government Code Section 51257 (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured lots and the execution of a new or amended Contract or Contracts by and between the Property Owners of Record and the County; and

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

- a. Approve a Lot Line Adjustment between three (3) existing legal lots of record under a Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-29 (AgP 69-29) consisting of Parcel 1 (318.79 acres), Parcel 2 (250.90 acres) and Parcel 3 (35.60 acres). The Lot Line Adjustment would result in three (3) parcels: Parcel A (449.65 acres), Parcel B (40 acres) and Parcel C (115.64 acres);
- b. 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 lots between the County and the Property Owners of Record, 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
- c. Direct the Clerk of the Board to record the new or amended Contract or Contracts for the reconfigured lots after the Certificates of Compliance for the reconfigured lots have been recorded and recording fees for said new or amended Contract or Contracts have been submitted by the Property Owners of Record.

PASSED AND ADOPTED upon motion of Supervisor Parker, seconded by Supervisor Armenta carried this 7th day of April 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter
 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 77 for the meeting on April 7, 2015.

Dated: April 8, 2015
File Number: RES 15-031

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

By Denise Hancock
Deputy