



Monterey County

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Board Order

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

Approved Resolution No. 12-368 to:

- a. Approve a Lot Line Adjustment between two existing legal lots of record under Williamson Act Contract (AGP 73-34A) consisting of the removal of 47.8 acres from an existing 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and the addition of 47.8 acres to an existing 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The lot line adjustment would result in two (2) parcels of 141.2 acres (Parcel C) and 275 acres (Parcel D);
- b. Authorize the Chair to execute a 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 a new or amended Land Conservation Contract 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 concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels (Lot Line Adjustment - PLN110335/ Floyd Lester Patterson III and Dawn Patterson, Successor Trustees of the 1991 Patterson Irrevocable Trust dated October 13, 2006, Janelle J. Kelly, Barbara E. Koester, Pamela R. Davis, Floyd Lester Patterson III and Floyd Lester Patterson, located at 69461 Bradley-Lockwood Road, Lockwood [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and 423-071-006-000], South County 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: 12-1049

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. 12-368)
Resolution of the Monterey County Board of)
Supervisors:)
a. Approving a Lot Line Adjustment between two)
existing legal lots of record under Williamson)
Act Contract (AGP 73-34A) consisting of the)
removal of 47.8 acres from an existing 322.8)
acre parcel [Assessor's Parcel Numbers: 423-)
061-035-000, 423-061-036-000, 423-061-038-)
000, and portion of 423-071-006-000 (Parcel D)])
and the addition of 47.8 acres to an existing 93.4)
acre parcel [Assessor's Parcel Number: 423-071-)
006-000 (Parcel C)]. The Lot Line Adjustment)
would result in two (2) parcels of 141.2 acres)
(Parcel C) and 275 acres (Parcel D);)
b. Authorizing the Chair to execute a 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 a new or amended Land Conservation)
Contract 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. Directing 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.)
(PLN110335/Floyd Lester Patterson III and Dawn)
Patterson, Successor Trustees of the 1991 Patterson)
Irrevocable Trust dated October 13, 2006, Janelle J.)
Kelly, Barbara E. Koester, Pamela R. Davis, Floyd)
Lester Patterson III and Floyd Lester Patterson)

FINDINGS

- 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 / South County 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 69461 Bradley-Lockwood Road, Lockwood, (Assessor's Parcel Numbers: 423-071-035-000, 423-061-036-000, 423-061-038-000, and 423-071-006-000), South County Area Plan. The parcel is zoned "F/40" (Farmlands, 40 acre per unit) and "RG/40" (Rural Grazing, 40 acre per unit), which principally allows uses and development in support of agricultural operations. The proposed Lot Line Adjustment will not impact agricultural operations.
- c) The project was not referred to the South County Land Use Advisory Committee (LUAC) for review as no significant issues were identified by the Planning Department staff.
- 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 PLN110335.

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, Public Works, 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. Recommended conditions have been incorporated.
 - b) Staff conducted a site inspection on July 27, 2011 to verify that the site is suitable for this use.
 - c) 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 PLN110335.

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 was reviewed by the following departments and agencies: RMA - Planning Department, South County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources

Agency. The respective departments/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 by existing well and septic systems. The project does not propose any alterations to the existing ranch, dwellings or existing well or septic systems.
- c) Preceding findings and supporting evidence for PLN110335.

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 on July 27, 2011 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 PLN110335.

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 Lot Line Adjustments on land with an average slope of less than 20%, which do not result in changes in the land use or density.
 - b) The proposed Lot Line Adjustment will allow Parcel D (322.8 acres) to give 47.8 acres to Parcel C (93.4 acres), resulting in a 141.2 acre parcel (Parcel C) and a 275 acre parcel (Parcel D). The adjustments will not result in changes to existing land use or density.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on July 27, 2011.
 - d) The project will not impact resources listed in Section 15300.2 of the CEQA Guidelines (Exemptions).
 - e) See preceding and following findings and supporting evidence.

6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code state 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;

- EVIDENCE:**
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.
 - a) The parcels are zoned Farmlands, 40 acres per unit (F/40) and Rural Grazing, 40 acres per unit (RG/40).
 - b) The project area has a total of 416.2 acres consisting of a 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and a 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)].
 - c) The Lot Line Adjustment is between more than one and less than four existing adjacent parcels. The result of the Lot Line Adjustment between two legal lots of record are a 141.2 acre parcel (Parcel C) and a 275 acre parcel (Parcel D), which still total the existing amount of 416.2 acres.
 - d) The Lot Line Adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
 - e) 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 rules and regulations pertaining to the use of the property. No violations exist on the property. The adjustment will not change the land use, nor will the adjustment create non-conforming structures.
 - f) 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.
 - g) The project planner conducted a site inspection on July 27, 2011 to verify that the project would not conflict with zoning or building ordinances.
 - h) 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 PLN110336.

7. **FINDING:** **WILLIAMSON ACT CONTRACT - LOT LINE ADJUSTMENT** – California Government Code Section 51257 states that Lot Line Adjustments to land under Williamson Act contract may be granted based upon the following findings:
1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years;
 2. There is no net decrease in the amount of the acreage restricted. In case where two parcels involved in a Lot Line Adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land

- restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts;
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts;
 4. After the Lot Line Adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 5. The Lot Line Adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 6. The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.
 7. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

- EVIDENCE:**
- a) The parcels are zoned Farmlands, 40 acres per unit (F/40) and Rural Grazing, 40 acres per unit (RG/40). Both parcels are within Williamson Act Agricultural Preserve per Land Conservation Act Contract No. 73-34A, owned by Floyd Lester Patterson III and Dawn Patterson, Successor Trustees of the 1991 Patterson Irrevocable Trust dated October 13, 2006, Janelle J. Kelly, Barbara E. Koester, Pamela R. Davis, Floyd Lester Patterson III and Floyd Lester Patterson
 - b) The project area has a total of 416.2 acres consisting of a 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and a 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The Lot Line Adjustment will result in a 141.2 acre parcel (Parcel C) and a 275 acre parcel (Parcel D).
 - c) The proposed amendment to Williamson Act Agricultural Preserve and Land Conservation Contract No. 73-34A will reflect the proposed lot line reconfiguration to the total of 416.2 acres. The term of the original Land Conservation Contract renews annually on each succeeding first day of January. The new or amended Contract or Contracts for the reconfigured parcels propose an initial term of 20 years (73-34A) which will also renew annually on each succeeding first day of January.
 - d) No net decrease in the amount of acreage under Contract will result from the proposed adjustment. All of the land under the former Contract will be retained under the new or amended Contract. There will be no change in the agricultural operations currently on the properties. Therefore, the proposed Lot Line Adjustment will not compromise the long-term agricultural productivity of the lots. No additional developable parcels or lots will be created as a result of the newly reconfigured lots.
 - e) The Lot Line Adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed.
 - f) 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 PLN110336.

DECISION

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

- a. Approve a Lot Line Adjustment between two existing legal lots of record under Williamson Act Contract (AGP 73-34A) consisting of the removal of 47.8 acres from an existing 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and the addition of 47.8 acres to an existing 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The Lot Line Adjustment would result in two (2) parcels of 141.2 acres (Parcel C) and 275 acres (Parcel D);
- b. Authorize the Chair to execute a 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 a new or amended Land Conservation Contract 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 concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

PASSED AND ADOPTED upon motion of Supervisor Salinas, seconded by Supervisor Armenta, subject to the attached conditions of approval, Lot Line Adjustment map, and site map 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: 12-1049

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

By Denise Hancock
Deputy