

ATTACHMENT B  
DRAFT BOARD RESOLUTION

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

**Resolution No.**

- a. Approve a Lot Line Adjustment between )  
three (3) legal lots of record under Land )  
Conservation Contract No. 93-002, )  
established by County Resolution No. 92- )  
35, with no net decrease in acreage under )  
Williamson Act Contract; and )
- b. Authorize the Chair to execute new or )  
amended Land Conservation Contract 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 Little Arthur Creek Land Co., )  
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 )
- c. Direct the Clerk of the Board to record the )  
new or amended Contracts. )  
(PLN130280/Little Arthur Creek Land )  
Co., LLC) )

**RECITALS**

WHEREAS, an application was submitted for a Lot Line Adjustment between three (3) legal lots of record involving Assessor's Parcel Number 423-173-003-000 in its entirety, as owned by Little Arthur Creek Land Co., LLC. The legality of the three (3) subject parcels is based on a chain of deeds and Certificates of Compliance found in Planning File No. PLN130280 and PLN130613; and,

WHEREAS, the lots are subject to Land Conservation Contract No. 93-002 (Williamson Act Agricultural Preserve) and will be reconfigured. They will remain under Land Conservation Act Contract. The Lot Line Adjustment which will result in three (3) reconfigured separate lots

totaling approximately 307.3 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 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 Land Conservation Contract No. 93-002 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 159.6, 142.1 and 5.6 acres to result in lots of approximately 102.4, 102.6 and 102.3 acres). All parcels (existing and proposed) are located within the boundaries of Williamson Act Agricultural Preserve Contract No. 93-002. The project also proposes the establishment of a 60-foot wide road and utility easement to serve all parcels. The property is located at 69210 Parkfield Coalinga Road, San Miguel (Assessor's Parcel Number 423-173-003-000), South County Area Plan.), and as conditioned, conforms 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 lots are located at 69210 Parkfield-Coalinga Road, San Miguel, approximately 1.75 miles due north from the unincorporated community of Parkfield, South County Area Plan. The subject Assessor's Parcel (423-173-003-000) is approximately 307.3 acres in size. The parcel is split-zoned F/160, or "Farmlands/160 acre minimum," and PG/160, or "Permanent Grazing/160 acre minimum." Both zoning designations allow for Lot Line Adjustments. Though the three (3) lots resulting from this Lot Line Adjustment do not meet the minimum building site of 160 acres pursuant to the zoning designations, this is not a change from the current configuration of three (3) lots of less than 160 acres. The existing structures located on proposed "Lot 1" (A single family dwelling and two agricultural support buildings) will continue to 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.

The proposed Lot Line Adjustment, between parcels that do not conform to minimum parcel standards, is consistent with LU-1.16. Specifically, the Adjustment will produce superior parcel configurations for the purpose of access (the shared access point to Parkfield-Coalinga Road provides the safest access point to the lots) and ongoing agricultural activities (LU-1.16d.). The Adjustment will also reduce the non-conformity of one of the legal lots of record (LU-1.16e.), and will result in three (3) equally-sized lots which meet the minimum size requirement to the greatest extent feasible and within the range of parcel sizes established in the General Plan. The General Plan designations for the subject lots are “Permanent Grazing 10-160 Ac Min” and “Farmland 40-160 Ac min.”

- (d) The Lot Line Adjustment application was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff of RMA-Planning 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. PLN130280.

**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, Cal-Fire (South County), RMA-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. Conditions recommended have been incorporated.

- (b) Staff conducted a site inspection on August 29, 2013 to verify that the site is suitable for this use.
- (c) The application, plans, and related support materials found in Planning File No. PLN130280.

**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 three (3) existing adjacent lots.
  - (b) Lot “A”, containing approximately 159.6 acres, was recognized as a legal lot by Monterey County by a Certificate of Compliance (CC070024/Recorder’s Document No. 2008060092).
  - (c) Lot “B”, containing approximately 142.1 acres, was recognized as a legal lot by Monterey County by a Certificate of Compliance (CC100045/Recorder’s Document No. 2012011840).
  - (d) Lot “C”, is a “remainder parcel” containing approximately 5.6 acres. It was originally recognized in 1912 when it was deeded to the County, from “J.E. Taylor” for the purpose of the creation of what is now known as Parkfield-Coalinga Road (Book 125, Deeds, pg. 384). It has subsequently been deeded in 1980 (Reel 1456, Page 49), and most recently in 2008 (County Document No. 2008082734). The lot is bordered on the south by current Lot “A” (CC100045), on the west by separately-owned parcel 423-173-001-000 (Alexandra, Santos) and on the north and east by parcel 423-161-087 (Varian Family, LLC) .

**4. FINDING: NO NEW LOTS CREATED** – Pursuant to 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) lots. No new lots will be created.
  - (b) The application, plans, and related support materials found in Planning File No. PLN130280

**5. FINDING: CONTIGUOUS LOTS OF RECORD** – Pursuant to 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. PLN130280.

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

**EVIDENCE:** (a) Section 15305(a) of the CEQA Guidelines 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 Section 19.01.055, Title 19, Monterey County Code (Subdivisions).

**EVIDENCE:** Materials in Planning File No. PLN130280.

**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. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** Staff has reviewed Monterey County RMA - Planning and RMA-Building Services 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:** 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 revision to Land Conservation Contract No. 93-002, applicable to the three (3) reconfigured lots, will reflect the redistribution of acreage of land under Williamson Act Contract as illustrated in the Table (below). There will be no change to the exterior boundaries of Contract 93-002.

Redistribution of Acreage (Approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	NET ADJUSTMENT
LOT "C/1"	5.6	102.4	+ 96.8
LOT "A/2"	159.6	102.6	-57.0
LOT "B/3"	142.1	102.3	-39.8

(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.

**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 two Contracts. Contract No. 93-002 contains a total of approximately 307.3 acres. Contract No. 93-002 will retain a total of approximately 307.3 acres. None of the property will be removed from the Contract, and no change in agricultural use of the land is proposed.

(b) The application, plans, and related support materials found in Planning File No. PLN130280.

**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 No. 93-002 will continue to cover all of the acreage under the original Contract No. 93-002. No decrease in acreage under Contract will result.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN130280.

**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 subject Contract, Land Conservation Act Contract No. 93-002, applicable to the three (3) reconfigured lots to reflect the redistribution of approximately 307.3 acres of land under Williamson Act Contracts will result in Lot “A” at approximately 102.6 acres, Lot “B” at approximately 102.3 acres, and Lot “C” at approximately 102.4 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.”
- (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 307 acres within the agricultural preserve.
- (d) The application plans, and related support materials found in Planning File No. PLN130280.

- 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 for the purpose of creating more functional lots, and for estate planning purposes.
- (b) No new development is proposed for the three (3) resultant lots, which will continue to be used for agricultural purposes.
- (c) The application plans, and related support materials found in Planning File No. PLN130280.

- 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 and 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. PLN130280.

- 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. PLN130280.

### **DECISION**

**NOW, THEREFORE, BE IT 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. 93-002, as applicable to the reconfigured lots, and authorizes the Chair to simultaneously execute new or amended Land Conservation Contract No. 93-002, which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the State of California Government Code (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured lots 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 new or amended Land Conservation Contract or Contracts, to simultaneously rescind a portion of the existing Land Conservation Contract No. 93-002 as applicable to the reconfigured parcels only, and to execute a new or amended Land Conservation Contract or Contracts, which shall be applicable to the reconfigured lots;

**IT IS FURTHER RESOLVED** that the new or amended Land Conservation Contract or Contracts shall reflect current 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;

**IT IS FURTHER RESOLVED** that the Clerk is directed to record said new or amended Contract or Contracts upon completion of the legal description or descriptions, recordation of the Certificates of Compliance and execution by the Chair;

**IT IS FURTHER RESOLVED** that the Board of Supervisors does hereby approve said Lot Line Adjustment subject to the attached Conditions Of Approval and Proposed Lot Line Adjustment Map.

PASSED AND ADOPTED on this 3<sup>rd</sup> day of December, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

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

By \_\_\_\_\_  
Deputy