



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution No. 19-004

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

PLN150063 - (Lot Line Adjustment involving two lots of record) Kathryn A. Emery, Trustee of the Emery Family Trust u/d/d March 22, 2004; Michelle Urquidez, Trustee of the Urquidez Family Trust u/d/d May 5, 2010; Marilyn L. Saake and William J. Saake, as Trustees of the Saake Family Trust dated June 25, 1997; Christopher M. Powers; Andrew J. Powers; Timothy S. Powers; Katherine A. Dulik; Amy Perusse; Matthew C. Powers; and Marilyn L. Saake and Mathew Powers, as Successor Co-Trustees of the Ersilia L. Binsacca Living Trust u/d/d October 29, 1990.

Conducted a Public hearing and adopted Resolution No. 19-004 for approval of a Lot Line Adjustment between two (2) legal lots of record (one [1] of which is under a Williamson Act contract) of approximately 143.67 acres (Existing Parcel A) and of 0.29 acres (Existing Parcel B), resulting in two (2) legal lots of record of the same sizes: 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B), a proposed 5-foot wide easement for water line and a 50 foot by 50 foot well easement. The resultant parcels will not have a decrease in acreage under the Williamson Act Contract.

Propose California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15305 (Minor alterations in land use limitations)

Project Location: 35625 and 35495 Fort Romie Road, Soledad, Central Salinas Valley Area Plan.

PASSED AND ADOPTED on this 15th day of January 2019, by the following vote, to wit:

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

NOES: None

ABSENT: None

I, Valerie Ralph, 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 81 for the meeting January 15, 2019.

Dated: January 18, 2019
File ID: RES 18-172

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Joel G. Pablo, Deputy

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

Resolution No. 19-004

Kathryn A. Emery, Trustee of the Emery Family Trust u/d/d March 22, 2004; Michelle Urquidez, Trustee of the Urquidez Family Trust u/d/d May 5, 2010; Marilyn L. Saake and William J. Saake, as Trustees of the Saake Family Trust dated June 25, 1997; Christopher M. Powers; Andrew J. Powers; Timothy S. Powers; Katherine A. Dulik; Amy Perusse; Matthew C. Powers; and Marilyn L. Saake and Mathew Powers, as Successor Co-Trustees of the Ersilia L. Binsacca Living Trust u/d/d October 29, 1990. (PLN150063)

Resolution No. 19-004

- Resolution of the Monterey County Board of Supervisors:)
- a. Finding that the project is a Lot Line Adjustment not)
 - resulting in a new parcel, which qualifies as a Class 5)
 - Categorical Exemption per California Environmental)
 - Quality Act (CEQA) Guidelines Section 15305(a),)
 - and there are no exceptions pursuant to CEQA)
 - Guidelines Section 15300.2;)
- b. Approving a Lot Line Adjustment between two (2))
 - existing legal lots of record of approximately 143.67)
 - acres (Existing Parcel A- under Williamson Act)
 - Agricultural Preserve Land Conservation Contract)
 - No. 72-40) and 0.29 acres (Existing Parcel B))
 - resulting in two (2) reconfigured lots consisting of)
 - approximately 143.67 acres (Proposed Parcel A) and)
 - 0.29 acres (Proposed Parcel B) with no net decrease)
 - in acreage under the Williamson Act Contract; a)
 - proposed 5-foot wide easement for water line and a)
 - 50 foot by 50 foot well easement;)
- c. 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 lot (Parcel A) only and)
 - simultaneously execute a new or amended Land)
 - Conservation Contract for the reconfigured lots)
 - between the County and the property owners)
 - 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)
- d. Directing the Clerk of the Board to record the new or)
 - amended Land Conservation Contract subject to the)
 - submittal of the appropriate recording fees from the)
 - property owners of record.)
- PLN150063/ 165-071-002-000 and 165-071-003-000;)
- 35625 and 35495 Fort Romie Road, Soledad, Central Salinas)
- Valley Area Plan.....)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between two (2) legal lots of record involving Parcel A (APN 165-071-002) and Parcel B (APN 165-071-003) owned by Kathryn A. Emery, Trustee of the Emery Family Trust u/d/d March 22, 2004; Michelle Urquidez, Trustee of the Urquidez Family Trust u/d/d May 5, 2010; Marilyn L. Saake and William J. Saake, as Trustees of the Saake Family Trust dated June 25, 1997; Christopher M. Powers; Andrew J. Powers; Timothy S. Powers; Katherine A. Dulik; Amy Perusse; Matthew C. Powers; and Marilyn L. Saake and Mathew Powers, as Successor Co-Trustees of the Ersilia L. Binsacca Living Trust u/d/d October 29, 1990, hereinafter called "Owner", and

WHEREAS, the legality of the two (2) subject parcels is based on a chain of deeds on file with the County Recorder and found in Planning File No. PLN150063 and incorporated herein by this reference; and

WHEREAS, one (1) of the two (2) parcels, APN 165-071-002 (143.67 acre parcel) is subject to Agricultural Preserve Land Conservation Contract No. 72-40 established by County Board of Supervisors Resolution No. 72-33-40 and will be reconfigured; and

WHEREAS, the Lot Line Adjustment which will result in two (2) reconfigured lots consisting of approximately 143.67 acres (Parcel A) and 0.29 acres (Parcel B) with no net decrease in acreage under the Williamson Act Contract; and

WHEREAS, the Lot Line Adjustment will allow the continued operation of commercial agricultural production which is consistent with the applicable Williamson Act Agricultural Preserve Land Conservation Contract No. 72-40 for the respective parcel, and Board approved compatible uses; and,

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the 2010 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 further finds that the request for a Lot Line Adjustment is consistent with Board Resolution No. 00-462 (Resolution relating to the processing of Lot Line Adjustment affecting property under Agricultural Preserve Contract pursuant to the 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 2010 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 at 35625 and 35495 Fort Romie Road, Soledad, Central Salinas Valley Area Plan, in unincorporated County of Monterey outside the City of Soledad. The two (2) parcel's current configuration consists of approximately 143.67 acres (APN 165-071-002-Existing Parcel A) and 0.29 acres (APN 165-071-003- Existing Parcel B). The project will result in two (2) reconfigured parcels of 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B).
 - (c) The property owners have requested this lot line adjustment to move the 0.29- acre parcel from its current location which is at the intersection of Fort Romie Road and Private No. Two Road to the middle of what is now Existing Parcel A, immediately fronting Fort Romie Road. The purpose of this lot line adjustment is to settle the family estate. The lot line adjustment will result in two (2) lots of record of the same sizes from the original sizes: a 143.67 acre parcel (Proposed Parcel A) and 0.29 acre parcel (Proposed Parcel B).
 - (d) Existing Parcel A is approximately 143.67 acres in commercial agricultural production consisting of a row crop operation, and subject to Williamson Act Land Conservation Contract No. 72-40 since 1972. Parcel A has a single-family residence, garage, two (2) barns and several small sheds. These structures are situated on the south end of the property fronting on Fort Romie Road. Arroyo Seco Creek and the Salinas River traverses this 143.67-acre parcel on the north end of the property. Existing Parcel B is a 0.29- acre residential parcel located at the intersection of Fort Romie Road and Private No. Two Road Parcel B has a single family residence and two (2) sheds. Parcel B is too small to sustain agriculture and it is not under a Williamson Act contract.
 - (e) For the most part, the proposed parcels would have the same layout: Proposed Parcel A, the 143.67-acre parcel would continue the row crop operation and would have a single family residence, barns, garage and multiple sheds. The existing Williamson Act contract would contain the same amount of land. The 0.29-acre parcel (Proposed Parcel B), would shift from the corner of the property to the middle of the property immediately fronting on Fort Romie Road to encompass the residence, garage and sheds located at the center of the property. Those sheds that would straddle over the new property lines for Proposed Parcel B would be demolished. Condition No. 6 has been added requiring the demolition of these structures, prior to recording the certificates of compliance.
 - (f) Currently, Existing Parcel A meets the minimum lot size requirement of the zoning district, while Existing Parcel B does not. Both parcels share the zoning designation of Farmlands, 40-acre minimum lot size or F/40. Existing Parcel A is

143.67 acres while Existing Parcel B is 0.29 acres. Existing Parcel B is under the minimum size requirement of the zoning district; therefore, Existing Parcel B is a legal non-conforming parcel. Parcel B is also legal non-conforming as to lot coverage as the maximum allowed lot coverage is five percent (5%) in the Farmlands zoning district and the existing lot coverage is 19.31 percent.

- (g) The proposed lot line configuration would result in adjusted Parcel A being 143.67 acres and adjusted Parcel B being 0.29 acres, same sizes as in the original configuration. Adjusted Parcel A would continue to meet minimum lot size requirements. Adjusted Parcel B would continue with its non-conformity to the designated zoning minimum lot size requirement of 40 acres and of the maximum allowed lot coverage of five percent (5%). The proposed lot coverage would continue to be 19.31 percent. However, for adjusted Parcel B, not meeting the minimum lot size requirement is a benefit in promoting the conservation of agricultural resources because this would allow adjusted Parcel A to remain 143.67 acres. See subsequent evidence.
- (h) The parcels are subject to the 2010 Monterey County General Plan. Goal LU-1 of the General Plan promotes “*appropriate and orderly growth and development while protecting desirable existing land uses*”. Under this goal, *Policy LU-1.16* states that 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 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.
- (i) The existing and proposed configuration of Parcel A conforms to minimum lot size standards, while the existing and proposed configuration of Parcel B does not. Requiring that the applicant reconfigure the parcels resulting in two (2) parcels of 40 acres or more would be detrimental to the agricultural operation of Parcel A. If Parcel B increases its size to a 40-acre minimum, it would have the potential of having more non-agriculture development on the property since the five percent (5%) lot coverage limitation would be taken from the 40 acres, as opposed to the 0.29 acres. At 0.29 acres and shifting this land area to the existing residential development located at the middle of existing Parcel A, Proposed Parcel B would be maxed out in lot coverage. No more non-agricultural development would be allowed, unless a Variance is secured and the strict findings for a Variance are made. The existing homes are located close to the existing roads which provides minimal disruption of the existing agricultural operation. The proposal would facilitate the routine and ongoing agricultural activities of the agricultural operation. Policies LU-1.7 and AG-1.7 “strongly

encourage” the clustering of development in order to promote the vitality of the agricultural operations. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan in order to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County’s agricultural industry.

- (j) The proposed lot line adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses (Goal LU-1). The proposed lot line adjustment would: produce a superior lot configuration; promote resource conservation as agricultural is a resource in this County; better achieve the goals, policies, and objectives of the General Plan; and facilitate routine and ongoing agricultural activities. Although proposed Parcel B will not meet the F/40, 40-acre minimum standard, the result would promote conservation of agricultural resources by allowing the land on Parcel A (143.67), which is subject to an existing Williamson Act contract, to continue the existing commercial agricultural production consisting of a row crop operation.
- (k) The application, plans, and related support materials found in Planning File No. PLN150063.

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 Division, Mission Soledad Fire Protection District, RMA-Public Works, Water Resources Agency and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed Lot Line Adjustment. Conditions have been incorporated accordingly.
- (b) The application, plans, and related support materials found in Planning File No. PLN150063.
 - (c) The Lot Line Adjustment would not result in any new developable parcels or an adjusted lot that is inconsistent with the general plan or with subject Agricultural Preserve Land Conservation Contract No. 72-40.

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 (2) or more existing adjacent lots.

- EVIDENCE:** (a) The subject Lot Line Adjustment is between two (2) existing adjacent lots.
- (b) The application, plans, and related support materials can be found in Planning File No. PLN150063.

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 two (2) contiguous lots of record will be adjusted, resulting in two (2) lots. The proposed Lot Line Adjustment would not result in more developable parcels and would not compromise the long-term agricultural productivity of

existing and proposed Parcel A. Furthermore, no farmland will be taken out of production.

- (b) The application, plans, and related support materials found in Planning File No. PLN150063.

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 application and plans for a Lot Line Adjustment found in Planning File No. PLN150063.

- (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 Lot Line Adjustments, side yard, and setback 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. PLN150063.

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 Division and Building Services Division 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 ten (10) years.

EVIDENCE: (a) The proposed amendments to Agricultural Preserve Land Conservation Contract No. 72-40, recorded as Reel 756, Pages 378-384, with the Monterey County Recorder on February 29, 1972, which shall be applicable to Proposed Parcel A.

(b) The term of the original Land Conservation Contract renews annually on each succeeding January 1; the term of the new or amended Contract or Contracts shall be automatically renewed on January 1 and one (1) additional year shall be added automatically to the initial term unless notice of nonrenewal is given.

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 net loss of acreage currently under Contract. Therefore, the Lot Line Adjustment would not result in a net decrease in the amount of the acreage restricted.

(b) A condition of approval shall require that a surveyor prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval for recordation with the Monterey County Recorder's office as attachments to the Certificates of Compliance for the reconfigured parcels.

(c) The application, plans, and related support materials found in Planning File No. PLN150063.

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 at least 90 percent of the subject lots under Agricultural Preserve Land Conservation Contract No. 72-40.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN150063.

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 two (2) reconfigured parcels shall reflect the redistribution of 143.67 acres of land under Williamson Act Land Conservation Contract.

- (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.” The total acreage involved in the subject Lot Line Adjustment is 143.96 acres in total and 143.67 acres of this sum is currently under a Contract.
- (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 all of the 143.67 acres in farmland production within Agricultural Preserve Land Conservation Contract No. (Ag Preserve No. 72-40).
- (d) The application plans, and related support materials found in Planning File No. PLN150063.

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 purpose for the Lot Line Adjustment is for estate planning reasons and to keep the larger 143.67 acres parcel currently under an Agricultural Preserve Contract in agricultural production. The proposed Lot Line Adjustment is a compatible use pursuant to the Board approved list of compatible uses and consistent with Agricultural Preserve and Land Conservation Contract No. 72-40. The resultant parcels would allow the property owners to efficiently sustain their agricultural operation.

(b) The application plans, and related support materials found in Planning File No. PLN150063.

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 – 40 acre minimum (“F/40”). 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. PLN150063.

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 two (2) 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. PLN150063.

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

- a. Find that the project is a Lot Line Adjustment not resulting in a new parcel, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
- b. Approve a Lot Line Adjustment between two (2) existing legal lots of record of approximately 143.67 acres (Existing Parcel A- under Williamson Act Agricultural Preserve Land Conservation Contract No. 72-40) and 0.29 acres (Existing Parcel B) resulting in two (2) reconfigured lots consisting of approximately 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B) with no net decrease in acreage under the Williamson Act Contract; a proposed 5-foot wide easement for water line and a 50 foot by 50 foot well easement;
- c. 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 lot (Parcel A) only and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lots between the County and the property owners 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
- d. Direct the Clerk of the Board to record the new or amended Land Conservation Contract subject to the submittal of the appropriate recording fees from the property owners of record.

In general conformance with the attached sketch and plans, and subject to the attached conditions all being attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED on this 15th day of January 2019, by the following vote, to wit:

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

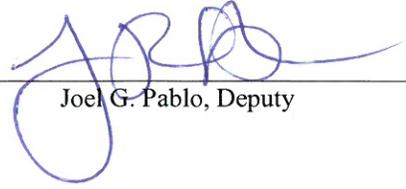
NOES: None

ABSENT: None

I, Valerie Ralph, 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 81 for the meeting January 15, 2019.

Dated: January 18, 2019
File ID: RES 18-172

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California



Joel G. Pablo, Deputy

Monterey County RMA Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150063

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN150063) allows an adjustment between two (2) lots of record of 143.67 acres (Existing Parcel A- APN 165-071-002-000) and 0.29 acres (Existing Parcel B- APN 165-071-003-000). The project will result in two (2) reconfigured parcels of 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B), a proposed 5 foot wide easement for water line and a 50 foot by 50 foot well easement. The resultant parcels will not have a decrease in acreage under the Williamson Act Contract. The parcels are located at 35625 and 35495 Fort Romie Road, Soledad, Central Salinas Valley Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment (Resolution Number 19-004) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers 165-071-002-000 and 165-071-003-000 on January 15, 2019. The permit was granted subject to seven (7) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

5. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner shall enter into a new or amended Agricultural Preserve Land Conservation Contract or Contracts with the Board of Supervisors of the County of Monterey for the Lot Line Adjustment of Williamson Act lands deemed necessary by the Office of the County Counsel. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel, the property owners of record shall execute a new or amended contract or contracts to be prepared by the Office of the County Counsel, which shall be recorded after the recordation of the Certificates of Compliance and subject to the submittal of the appropriate recording fees by the property owners of record.

6. PDSP001-DEMOLISH STRUCTURES STRADDLING OVER PROPERTY LINES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of Certificates of Compliance, the applicant shall obtain a demolition permit and finalize said demolition permit for those structures straddling over the property lines of Proposed Parcel B.

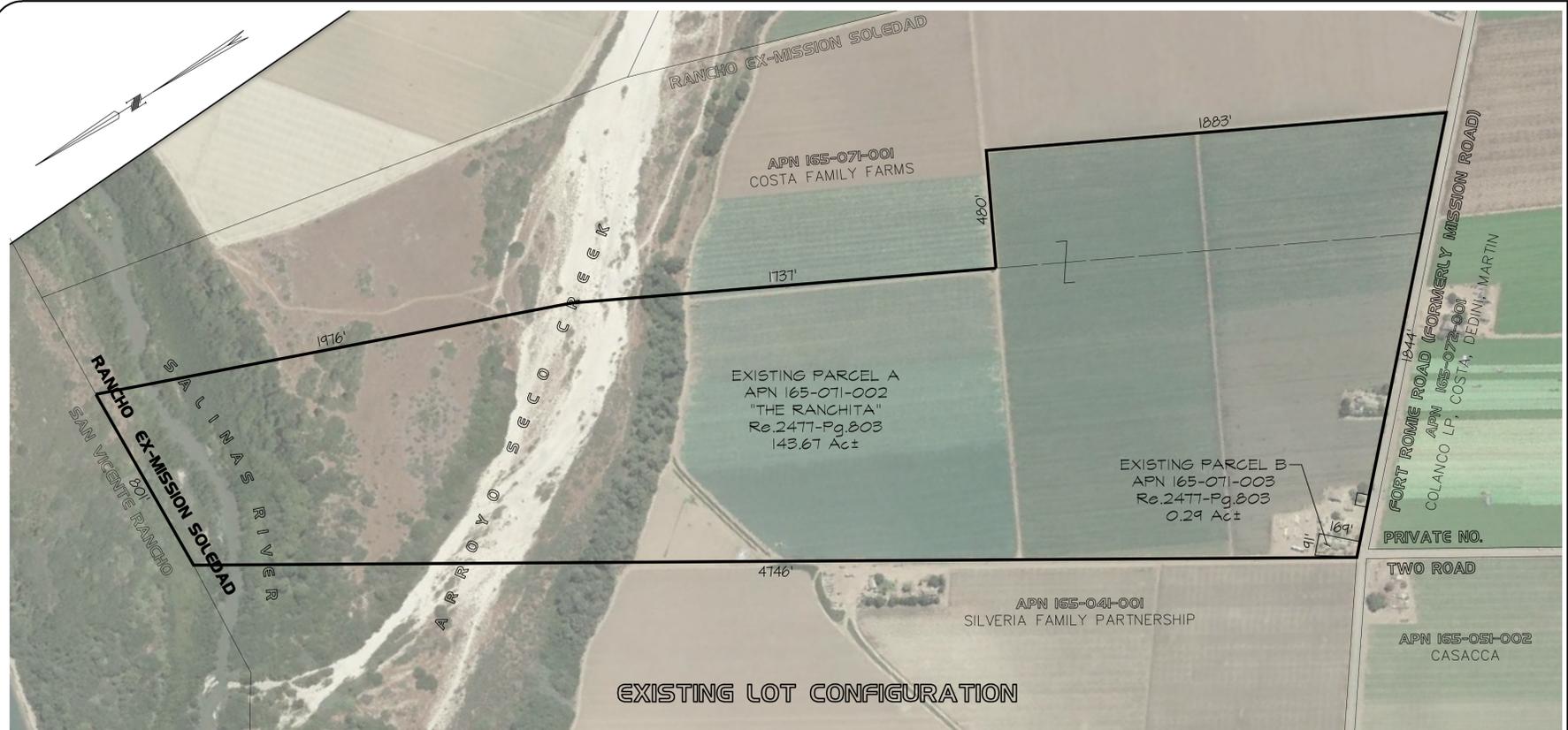
Compliance or Monitoring Action to be Performed: Prior to recordation of Certificates of Compliance, the applicant shall obtain a demolition permit and finalize said demolition permit for those structures straddling over the property lines of Proposed Parcel B.

7. EHSP01 - NEW WATER SYSTEM PERMIT

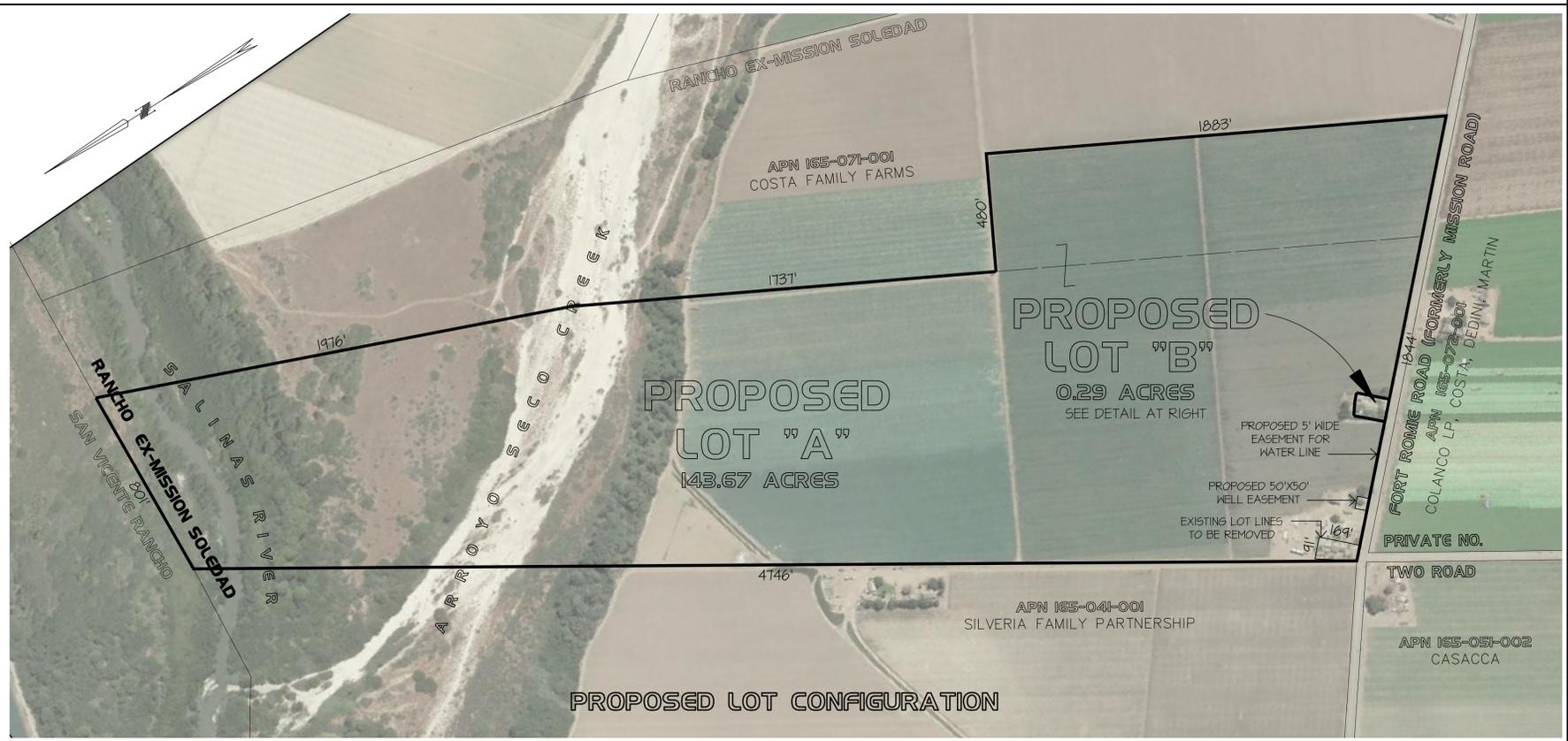
Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 15.04, Domestic Water Systems, obtain a new water system permit from the Environmental Health Bureau. (Environmental Health)

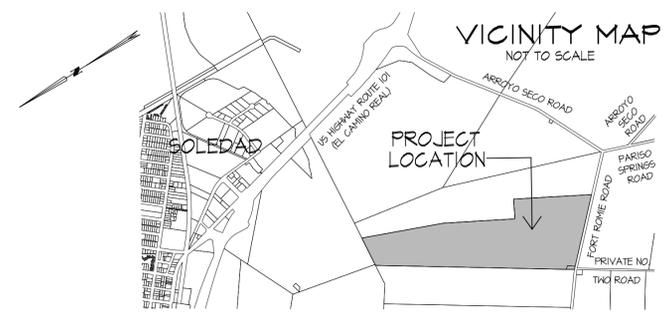
Compliance or Monitoring Action to be Performed: Prior to the recording of the Certificates of Compliance, the applicant shall submit the water system application, reports and testing results and all applicable fees to the Environmental Health Bureau for review and approval.



EXISTING LOT CONFIGURATION



PROPOSED LOT CONFIGURATION



PLN150063
 LOT LINE ADJUSTMENT - TENTATIVE MAP
 FOR
 35625 FORT ROMIE ROAD
 SOLEDAD, CA 93960
 (143.67 Ac.±)
 APN 165-071-002
 AND
 35495 FORT ROMIE ROAD
 SOLEDAD, CA 93960
 0.29 Ac.±
 APN 165-071-003

OWNER/APPLICANT: KATHERINE EMERY, AS EXECUTOR OF ERSILIA BINGACCA LAND TRUST
 316 WESTMINSTER DRIVE
 SALINAS, CA, 93901

LAND ZONING: F/40
 LAND USE DESIGNATION: FARMLANDS 40-160 Acs. MIN.
 WATER: PROPOSED NEW DOMESTIC WELL WITH 2 CONNECTION WATER SYSTEM
 SEWAGE: PROPOSED LOT 'A' HAS AN EXISTING SEPTIC SYSTEM
 PROPOSED LOT 'B' TO HAVE A NEW COUNTY APPROVED SEPTIC SYSTEM
 ELECTRICAL & GAS: NO NEW SERVICE REQUIRED
 TELEPHONE: NO NEW SERVICE REQUIRED
 GRADING: NO GRADING OPERATIONS (EXCAVATION OR EMBANKMENT) REQUIRED
 SOME TREE REMOVAL REQUIRED FOR SEPTIC SYSTEM DESIGN AREA
 CURRENT USE: (APN 165-071-002) AGRICULTURAL (ROW CROP)
 (APN 165-071-003) SINGLE FAMILY RESIDENCE

FEMA ZONES: ZONE A AND ZONE X (ZONE A WATER SURFACE THRESHOLD @ APPROXIMATELY ADJACENT TO NORTHEASTERLY EDGE OF PAVEMENT OF FORT ROMIE ROAD) AS SHOWN ON FIRM MAP 06053C06256, EFFECTIVE DATE: APRIL 2, 2009



PROPOSED LOT 'B'
 0.29 ACRES

DETAIL
 1" = 30'

REVISED MARCH 11, 2016 A.S.
 REVISED FEBRUARY 25, 2016 A.S.



H. D. PETERS CO.
 ENGINEERING - SURVEYING - LAND PLANNING
 119 CENTRAL AVENUE - POST OFFICE BOX 512 SALINAS, CALIFORNIA 93902 PH (831) 424-3961 FAX (831) 424-2746

THOSE CERTAIN LANDS SITUATE IN RANCHO EX-MISSION SOLEDAD MORE PARTICULARLY DESCRIBED AS BEING PORTIONS OF LANDS DESCRIBED IN DEED FILED FOR RECORD AT REEL 2471, PAGE 803, MONTEREY COUNTY RECORDS.

TENTATIVE MAP - LOT LINE ADJUSTMENT
PLN150063
APN 165-071-002 & 165-071-003
 COUNTY OF MONTEREY - STATE OF CALIFORNIA

SCALE 1" = 300' DRAWN JOB NO. 4078
 DATE FEBRUARY, 2015 FILE NO. 4078 TENTATIVE MAP-LLA.DWG

SHEET
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