

Attachment E

Board of Supervisor Resolution 08-365

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

Resolution No: 08 – 365

Amend Board of Supervisors Resolution No. 06-221 to add a condition of approval)
recommended by the Department of Conservation and take the following actions:)

- a. Approve an equal exchange of 80 acres under Williamson Act Land Conservation)
Contract No. 73-034 (portions of Assessor Parcel numbers 423-061-035, 423-061-)
036, and 423-071-006) with 80 acres not under contract (Assessor Parcel)
Numbers 423-061-038 and 423-071-007) involving properties owned by the Jessie)
Lee Patterson Trust et al – Planning and Building Inspection File No. PLN050039 --)
subject to the findings, evidence and conditions found herein;
- b. Approve a lot line adjustment of acreage under Williamson Act, Land Conservation
Contract No. 73-034 (Assessor Parcel Numbers 423-061-035, 423-061-036, 423-
061-038, and 423-071-006) that results in two 40 acre parcels (Parcels A and B),
one 101.1 acre parcel (Parcel C), and one 332.4 acre parcel (Parcel D); and
- c. Authorize the Chair of the Board to execute an amended Williamson Act Land
Conservation Contract, rescinding a portion of Land Conservation Contract No. 73-
034 for Jessie Lee Patterson Trust et al to reflect the newly reconfigured Assessor
Parcels legal lots of record, and simultaneously execute a new Land Conservation
Contract (No. 73-034A) between the County of Monterey and Jessie Patterson
Trust et al, to incorporate new legal descriptions, based on the reconfigured
Assessor Parcels, to reflect ownership interests, and incorporate any legislative
changes to the State Williamson Act provisions and current Agricultural Preserve
Procedures.

(PLN050039/Patterson)

RECITALS

WHEREAS, an application was submitted for an Agricultural Preserve adjustment consisting of equal Assessor Parcel exchange of acreage under Williamson Act, Agricultural Preserve Land Conservation Contract No. 73-034. Specifically, the exchange involves 80 acres under said contract (portions of Assessor Parcel numbers 423-061-035, 423-061-036, and 423-071-006) in exchange for 80 acres not under contract (Assessor Parcel Numbers 423-061-038 and 423-071-007).

WHEREAS, for the proposed lot line adjustment to occur at the intersection between Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County, legal lots of record must be established in order to result in the future proposed, public/quasi-public uses. The lot line adjustment will result in two reconfigured, 40 acre legal lots of record, Parcel A and B not under Agricultural Preserve Land Conservation Contract, at a more publicly accessible location fronting on Jolon Road.

WHEREAS, the purpose of removing 2.5 percent acreage of land (80 acres) from the lands under the original Agricultural Preserve Land Conservation Contract is to change the future uses of portions of said acreage to public/quasi-public uses, considered not compatible with Williamson Act provisions requiring exclusive commercial use of the land for agricultural production of food and fiber. The future proposed public/quasi-public uses are a volunteer fire station and a

museum of historical Native-American and European settlement in the area, including cultural artifacts and memorabilia of the Jolon, Lockwood, Bryson-Hesperia, and Fort Hunter-Liggett rural areas.

WHEREAS, while the future proposed public/quasi public uses are not directly compatible with contiguous commercial agricultural operations required by Williamson Act provisions, the future proposed fire station and museum uses will serve to assure the health and public safety of the Lockwood community; to enrich appreciation of the regional cultural landscape through educational programs; and in particular, to reflect and enhance the agricultural heritage of the area. Based on the principles of Williamson Act land use compatibility found in Section 51238.1 (a) (1), (2), and (3), and (b) (4) of the State Government Code, it is reasonable to consider that the future proposed public/quasi-public uses on the proposed non-contracted land will:

- (1) not significantly compromise the long-term productive agricultural capability of other contracted lands in agricultural preserves;
- (2) not significantly displace or impair current or reasonably foreseeable agricultural operations on other contract lands;
- (3) not result in the significant removal of adjacent contract land from agricultural or open space use; and in particular,
- (4) not include a residential subdivision.

WHEREAS, the Board of Supervisors finds that the proposed Assessor Parcel Exchange and Lot Line Adjustment of property owned by the Jessie Lee Patterson Trust 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, Chapter 21.30), Subdivision Map Act (Title 19 of the Monterey County Code), Williamson Act (Section 51257 of the California Government Code), and Land Conservation Contract No. 73-034, as evidenced below;

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

FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY AND SITE SUITABILITY** – The Jessie Lee Patterson Trust parcel exchange, Lot Line Adjustment and Amendment to the existing Williamson Act Contract, as described in condition #1, and as conditioned, is consistent with the Plans, Policies, requirements and standards of the Monterey County General Plan, South County Area Plan, Monterey County Zoning Ordinance (Title 21) and Section 51257 of the California Government Code (Williamson Act). The properties are located approximately 2.5 miles east of Lockwood on Jolon Road (Assessor Parcel Nos. 423-061-035, 423-061-036, 423-061-038, 423-071-006 and 423-071-007, South County Area).

The site is suitable for the proposed Agricultural Preserve Land Conservation Contract changes. The parcels directly involved in the parcel exchange are zoned Farmlands, minimum building site of 40 acres (Assessor Parcel Numbers 423-061-035; 423-061-036; and 423-071-006) and Permanent Grazing (Assessor Parcel Numbers 423-061-038 and 423-071-007). The Assessor Parcels involved in the lot line adjustment (Assessor Parcel Numbers 423-061-035; 423-061-036; 423-061-038; and 423-071-006) are established

legal lots of record. The subject properties are in compliance with all rules and regulations pertaining to zoning uses and meet the minimum site development standards of other applicable provisions of Title 21, and; therefore, are suitable for the proposed Parcel Exchange and Lot Line Adjustment.

EVIDENCE: (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts between the above documents and the applications are found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.

(b) Goal No. 4 of the General Plan seeks to preserve and enhance agricultural lands. The resulting parcel exchange of Assessor parcels zoned as Farmlands with Assessor parcels zoned as Permanent grazing, although of different soil types, share the same existing uses; namely, dry farming for grain and annual pasture. The lack of a dependable water supply for irrigation during eight out of the last ten years disqualifies any of the soils as prime. The parcel exchange is consistent with this Goal and will not alter the continued agricultural use of land under Agricultural Preserve contract if ever leased or sold separately.

(c) Although not a part of the present project, the future proposed fire-station and museum uses are consistent with the General Plan designation for Farmlands allowing for public/quasi-public uses with a use permit, pursuant to Section 21.30.050 B. of Title 21, Zoning Ordinance. While not compatible uses allowed under Williamson Act provisions, the future proposed fire-station and museum are considered to enhance the health and public safety of the Lockwood community, to enrich appreciation of the regional cultural landscape, and in particular, to reflect the agricultural heritage of the area.

(d) The following State and County agencies have reviewed the project; the State Department of Conservation, Williamson Act Program Technical and Legal Staff, the Monterey County Planning Department, Public Works, Agricultural Commissioner's Office, Office of the County Counsel, and Assessor's Office. There has been no indication from these agencies that the site is not suitable for the Parcel Exchange and lot line adjustment of Williamson Act lands. Based on the project description, materials in the file, the planner's site visit, preceding evidence, and comments by the above agencies, there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the parcel exchange and lot line adjustment.

(e) The application and plans for an Agricultural Preserve Parcel Exchange and Lot Line Adjustment found in the project file no. PLN050039.

- 2. FINDING: PARCEL LEGALITY** - The Lot Line Adjustment is proposed in conjunction with the Assessor Parcel Exchange, but requires establishment of legal lots of record in addition to property tax re-evaluation, consistency with General Plan requirements of minimum 40 acre parcel sizes, and assurance that there is no net decrease in acreage under Agricultural Preserve contract after the reconfiguration. The four parcels directly involved in the proposed Lot Line Adjustment have been found to be legal lots of record, and will result in two

legal lots of record, Parcels A and B, to be removed from the Agricultural Preserve contract.

EVIDENCE:(a) The legality of the four Assessor Parcels involved in removing the 80 acres from Williamson Act are based on the following: (1) Assessor Parcel Number 423-061-035 (Parcel 1) is described in patent from USA to Stephen P. Hill, recorded April 21, 1892 in Volume "D" of Patents, at Page 333; (2) Assessor Parcel Number 423-061-036 (Parcel 2) is described in patent from USA to Walt Williams, recorded November 25, 1890 in Volume "C" of Patents, as Page 299; (3) Assessor Parcel Number 423-071-006 (Parcel 3) is described in patent from USA to Benjamin F. Patterson, recorded March 30, 1892 in Volume "D" of Patents, at Page 308, and (4) Assessor Parcel Number 423-061-038 (Parcel 4) is described in deed from CAL-BLMX,INC. to Floyd Patterson III, et al, recorded March 24, 1994 in Reel 3083 of Official Records, at Page 654 (a transfer of BLM land to the Pattersons).

(b) From these three existing legal parcels, two 40 acre parcels are configured (Parcels A and B) so as to be located at the intersection of Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County. This location is considered appropriate for the public/quasi-public uses envisioned for the site in the future.

(c) The proposed Agricultural Preserve Parcel Exchange and Lot Line Adjustment site plans, showing existing Parcels 1, 2, 3 and 4 and proposed Parcels A, B, C and D, with Parcels A and B to be removed from contract, as shown on the site plans prepared for Patterson Ranch by M. J. Goetz and Associates, dated April 17, 2006, incorporated herein by reference.

(d) The application and plans for the proposed Agricultural Preserve Parcel Exchange and Lot Line Adjustment found in project file no. PLN050039.

3. **FINDING: CONFORMING PARCELS** – The parcels resulting from the Lot Line Adjustment conform to Title 21.

EVIDENCE:(a) The proposed Lot Line Adjustment is consistent with the minimum 40 acre parcel sizes for parcels with the "F/40" zoning designation. No structures are presently on the Assessor parcels involved in the parcel exchange.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

4. **FINDING: CONTIGUOUS LOTS OF RECORD** - The Lot Line Adjustment is between four existing contiguous lots of record.

EVIDENCE:The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

5. **FINDING: NO NEW LOTS CREATED** -A greater number of parcels than originally existed will not be created as a result of the Lot Line adjustment.

EVIDENCE:The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

6. **FINDING: CEQA (Exempt)** - The proposed project will not have a significant environmental impact.

EVIDENCE: (a) Section 15305(a) of the CEQA Guidelines categorically exempts minor Lot Line Adjustments from environmental review.

(b) Section 15317 of the CEQA Guidelines categorically exempts projects that involve the establishment of agricultural preserves.

(c) Based on a site visit and review of the project plans, staff has determined that approval of the project would not result in any potentially adverse impacts. The adjusted parcels are currently vacant. No additional development is proposed with the current project, but future development will be proposed under a separate discretionary permit.

(d) A future proposal for a General Plan Amendment and Rezoning to allow for the exclusive public/quasi-public uses and for 2.5 acre and 10 acre parcels to accommodate the fire station and museum, respectively, will be reviewed under a separate CEQA review and permitting process.

7. FINDING: PUBLIC NOTICE - Public notice of the pending Lot Line Adjustment was provided pursuant to Section 19.09, Title 19, Monterey County Code (Subdivisions).

EVIDENCE: Materials in the project file.

8. FINDING: HEALTH & SAFETY - The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working 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 Jessie Lee Patterson Trust 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

9. FINDING: The proposed contract, Agricultural Preserve Land Conservation Contract No. 73-034A, applicable to two of the four reconfigured parcels involved in the Lot Line Adjustment, Parcels C and D totaling 433.5 acres, and applicable to the two Assessor Parcels added to the contract, Assessor Parcel Numbers 423-061-038 and 423-071-007 totaling 80 acres, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the partially rescinded contract.

EVIDENCE: The term of the original Land Conservation Contract No. 73-034 was for an initial period of 20 years, which renews annually on each succeeding January 1. The new contract for the reconfigured parcels, proposes an initial term of 20 years, which also renews annually on each succeeding January 1.

10. FINDING: The Lot Line Adjustment will not cause a net decrease in the amount of acreage restricted under the current contract.

EVIDENCE: (a) The total acreage under the agricultural preserve contract that is the subject of the proposed Lot Line Adjustment, is approximately 3,200 acres and is currently owned by the Jessie Lee Patterson Trust et al. The Lot Line Adjustment and Assessor Parcel equal exchange of 80 acres will reconfigure portions of the lands under the subject contract, but will not result in a net loss of acreage currently under contract.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

11. FINDING: At least 90 percent of the land under the former contract remains under the new contract or contracts.

EVIDENCE: The Assessor Parcel exchange of 80 acres involves 2.5 percent of the total acreage under contract, or 3,200 acres. Therefore, the new proposed Agricultural Contract Land Conservation Contract No. 73-034A will continue to cover 97.50 percent of the acreage under the original Land Conservation Contract No. 73-034.

12. FINDING: The reconfigured parcels will be large enough to continue to sustain their agricultural use.

EVIDENCE: (a) The reconfigured parcels remaining under contract after the lot line adjustment will consist of a 101.1 acre parcel and 332.4 acre parcel, in addition to the two 40.00 acre parcels added to the contract. The reconfigured parcels and the added parcels within the Agricultural Preserve of 3,200 acres are considered large enough to sustain their agricultural use if leased or sold separately.

(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 3,200 acres in agricultural preserve.

(d) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

13. FINDING: The reconfigured parcels will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

EVIDENCE: (a) The intent of the Lot Line Adjustment is to remove two 40 acre parcels from the contract in order to propose future public/quasi public uses on portions of said parcels.

Based on the principles of Williamson Act land use compatibility found in Section 51238.1 (a) (1), (2), and (3), and (b) (4) of the State Government Code, it is reasonably considered that the future proposed public/quasi-public uses on the adjacent proposed non-contracted land will:

- (1) not significantly compromise the long-term productive agricultural capability of other contracted lands in agricultural preserves;
- (2) not significantly displace or impair current or reasonably foreseeable agricultural operations on other contract lands;
- (3) not result in the significant removal of adjacent contract land from agricultural or open space use; and in particular,
- (4) not include a residential subdivision.

In fact, it is considered that the future proposed development of a fire station and museum on adjacent un-contracted land, while not defined compatible uses, with the long-term agricultural productivity of contiguous parcels remaining under contract, will serve to assure the health and public safety of the Lockwood community, enrich appreciation of the regional cultural landscape through educational programs; and in particular, reflect and enhance the agricultural heritage of the area.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

14. FINDING: The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

EVIDENCE: The evidence found under Finding no. 13 above, that the Lot Line Adjustment will not affect current agricultural operations on the subject properties under contract (Parcels C and D) by future proposed public/quasi-public uses for adjacent subject properties not under contract (Parcels A and B).

15. FINDING: 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 County's General Plan.

EVIDENCE: (a) The two reconfigured parcels taken out of contract, Parcels A and B, will result in more developable parcels because of their more public accessibility from Jolon Road. But the proposed public/quasi-public uses of a fire station and museum are reasonably considered to assure the health and public safety of the Lockwood community as well as enhance the agricultural heritage of the area, thereby supporting the agricultural uses of the surrounding lands. Further, the proposed future public/quasi-public uses are contrary to the creation of residential parcels.

(b) All of the subject parcels involved in the Lot Line Adjustment are 40 acres and above, consistent with the South County Arca Plan. A future proposal for a General Plan Amendment and Rezoning to allow for the exclusive public/quasi-public uses and for 2.5 acre and 10 acre parcels to accommodate the fire station and museum, respectively, will be reviewed under a separate CEQA review and permitting process.

DECISION

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment and Agricultural Preserve adjustment of Williamson Act lands, the Board rescinds a portion of the existing Land Conservation Contract No. 73-034 as it applies to the reconfigured parcels, and simultaneously executes new Land Conservation Contract No. 73-034A, 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 parcels and the execution of the new or amended Land Conservation Contract by the property owners;

IT IS FURTHER RESOLVED and based upon the recommendation of approval from the State of California Department of Conservation dated August 1, 2008, that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign new or amended Land Conservation Contract No. 73-034A to simultaneously rescind a portion of the existing Land Conservation Contract No. 73-034 as applicable to the reconfigured parcels, Parcel A and Parcel B, to be removed from Agricultural Preserve No. 73-034 only, and to execute new Land Conservation Contract No. 73-034A, which shall be applicable to the entire 3,200 acre Agricultural Preserve, including the reconfigured parcels, Parcel C and Parcel D, and to the two Assessor Parcels, Assessor Parcel Numbers 423-061-038 and 423-071-007, to be added to the Contract;

IT IS FURTHER RESOLVED that the new or amended Land Conservation Contract shall reflect present ownership interests 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 Land Conservation Contracts with the property owners pending receipt of new legal descriptions for the reconfigured parcels;

1. Jessie Lee Patterson Trust et al. The properties are located approximately 2.5 miles east of the Lockwood community on Jolon Road, involving Assessor's Parcel Numbers 423-061-035-000, 423-061-036-000, 423-061-038-000, 423-071-006-000, and 423-071-007, South County Area. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. Any use or construction not in substantial compliance 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 the appropriate authority approves additional permits. **(Planning and Building Inspection)**

Prior to or Concurrent with recordation of Grant Deeds or a Record of Survey:

2. The applicant shall record a notice which states: "A permit amendment (Resolution No. 08-365), amending Board of Supervisors Resolution No. 06-221, was approved by the Board of Supervisors for Assessor Parcel Numbers 423-061-035-000, 423-061-036-000, 423-061-038-000, 423-071-006-000, and 423-071-007 on December 9, 2008. The permit was granted subject to 7 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of

