



Monterey County

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: RES 21-112

July 13, 2021

Introduced: 6/16/2021

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

- a. Accept a Final Parcel Map for a minor subdivision to divide a 373-acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D);
- b. Direct the Clerk of the Board to submit the Final Parcel Map for filing with the County Recorder, subject to the collection of the applicable recording fees; and
- c. Amend existing Williamson Act Agricultural Preserve Land Conservation Contract No. 71-40 and authorize the Chair or the Vice Chair of the Board of Supervisors to execute a new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts for the four new parcels created by the subdivision described above.
- d. Direct the Clerk of the Board to record the new or amended Williamson Act Land Conservation Contract or Contracts for the four new parcels subject to the submittal of recording fees by the property owner of record.

Project Name: SCHEID VINEYARDS CALIFORNIA, INC.

File Number: PLN180345

Project Location: 34954 Metz Road, Soledad, CA

Proposed CEQA Action: Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines section 15268(b)(3) - Approval of Final Subdivision Maps.

RECOMMENDATION:

It is recommended that the Monterey County Board of Supervisors adopt a Resolution to:

- a. Accept a Final Parcel Map for a minor subdivision to divide a 373-acre parcel into four parcels of 149 acres (Parcel A); 94 acres (Parcel B); 68 acres (Parcel C); and 62 acres (Parcel D);
- b. Direct the Clerk of the Board to submit the Final Parcel Map for filing with the County Recorder, subject to the collection of the applicable recording fees; and
- c. Amend existing Williamson Act Agricultural Preserve Land Conservation Contract No. 71-40 and authorize the Chair or Vice Chair of the Board of Supervisors to execute a new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts for the four new parcels created by the subdivision described above.
- d. Direct the Clerk of the Board to record the new or amended Williamson Act Land Conservation Contract or Contracts for the four new parcels subject to the submittal of recording fees by the property owner of record.

PROJECT INFORMATION:

Agent: Luis Osorio/JRG Attorneys

Property Owner: Scheid Vineyards California, Inc. c/o Scott Scheid

APN: 257-121-003-000

Plan Area: Central Salinas Valley Area Plan

Flagged and Staked: N/A

SUMMARY/DISCUSSION:

On May 8, 2019, the Monterey County Planning Commission approved a Vesting Tentative Map (Planning Commission Resolution No. 19-012) for Scheid Vineyards California, Inc. approving the subdivision of a 373 acre property into four separate parcels for agricultural purposes (according to grape varietal types). The tentative map was approved subject to 13 conditions of approval.

Lots within the subdivision are not officially created until a final parcel map is recorded. Pursuant to Monterey County Code section 19.04.060 (recording and acceptance of the parcel map), the Board of Supervisors is the Appropriate Authority to accept a Final Parcel Map for recording. The final map must be consistent with the approved tentative map and all applicable conditions must be satisfied at the time the final map is accepted for filing with the County Recorder. Staff has reviewed the final parcel map and found it consistent with the approved tentative map and, all conditions have been or will be satisfied at the time of final map filing with the County Recorder.

In accordance with the County of Monterey Condition of Approval and Mitigation Monitoring and Reporting Program (adopted by the Monterey County Board of Supervisors pursuant to Resolution No. 19-270, as amended by the Board), all reviewing County agencies met on April 26, 2021 and confirmed that all pre-filing Conditions of Approval have been fully implemented. Attached to this report are the Department/Agency Condition of Approval & Mitigation Measures Compliance Certification Forms (CCFs) and supporting documentation which have been entered into the County's electronic database: Accela Automation, also known as "Accela." (**Attachment F.**) The owner has submitted a Property Tax Clearance Certification in accordance with California Government Code section 66492 and the Parcel Map Guarantee in accordance with Government Code section 66465 of the Subdivision Map Act. HCD-Planning staff has confirmed that all conditions of approval required for clearance prior to filing the Parcel Map with the County Recorder have been completed with the exception of Condition No. 4 regarding Williamson Act contracts. This report includes a recommendation to authorize the Chair or Vice Chair of the Board of Supervisors to execute a new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts for the four new parcels and a recommendation to direct the Clerk of the Board to record the new or amended Williamson Act Land Conservation Contract or Contracts subject to the submittal of recording fees by the property owner of record which will complete the actions required to satisfy Condition No. 4.

The Final Parcel Map is in substantial compliance with the approved Vesting Tentative Map which creates four conforming parcels. The parcels have been created with boundaries corresponding to different grape varieties grown on the property. All applicable fees associated with the filing of the Final Parcel Map have been satisfied, collected, and deposited. Recording fees for the new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts will be determined and communicated to the property owner of record through their agent by the Clerk of the Board's Office in consultation with the County Recorder's Office. There are no subdivision improvements associated with this Final Parcel Map. Therefore, staff recommends that the Board approve the subject Final Parcel Map for filing with the County Recorder, subject to the submittal of the applicable recording fees by the property owner and simultaneously authorize the Chair or the Vice

Chair of the Board of Supervisors to execute the new or amended Williamson Act Agricultural Preserve Land Conservation Contract or Contracts for the four new parcels.

Williamson Act. Condition No. 4 of Planning Commission Resolution No. 19-012 provides that the property owner shall enter into a new or amended Agricultural Preserve Land Conservation Contract or Contract as set forth below.

4. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

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

Condition or Monitoring Action to be Performed: Upon demand of County Counsel, the property owners of record shall execute new or amended contract or contracts to be prepared by the Office of the County Counsel.

Zoning Designation. The property is located at 34954 Metz Road, Soledad (Assessor's Parcel Number 257-121-003-000), Central Salinas Valley Area Plan. The parcel is zoned Farmlands - 40 Acre Minimum (F/40) which allows for a Minor Subdivision with a minimum building site of 40 acres. This project involves the division of a 373-acre lot into four lots consisting of 149 acres (Parcel A), 94 acres (Parcel B), 68 acres (Parcel C), and 62 acres (Parcel D) respectively. Therefore, the project is consistent with the minimum size requirements of the zoning district and an allowed use for this site.

Agricultural Use. According to the California Department of Conservation, the original 373-acre parcel is designated as Prime Farmland. Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production. The site is active in agricultural production of viticulture and the property is subject to Williamson Act Agricultural Preserve Land Conservation Contract No. 71-40 established pursuant to Board of Supervisors' Resolution No. 71-14-40 adopted by said Board on January 26, 1971. There are no structures existing on the property. The land use designation on the site requires that each subdivided parcel must be capable of remaining a viable agricultural unit. Therefore, division of farmlands is permitted only when such division does not adversely affect the land's long-term agricultural viability. The owner-applicant's objective was to divide the lot into four lots consistent with the existing crop varieties in order to facilitate financing which in turn would allow agricultural viability to continue.

Land Conservation Contract No. 71-40. Section 7. DIVISION OF LAND of Land Conservation Contract No. 71-040 provides for the execution of a contract on each parcel created by the division. Therefore, a new or amended Contract or Contract shall be prepared pursuant to Condition No. 4 of Planning Commission Resolution No. 19-012 and Section 7 of Land Conservation Contract No. 71-40 which provides as follows.

Land Conservation Contract No. 71-40, Section 7.

7. DIVISION OF LAND

The property described in Exhibit A shall not be divided without the written approval of the County first had and obtained. This contract is divisible in the event the property described in Exhibit A is divided. Owner agrees to submit any proposed division to County for its approval and County, if it approves said division, shall, as a condition of its approval of the division, require the execution by Owner of (a) contract identical to this contract on each parcel created by the division. Owner agrees to execute such contract.

CEQA:

The acceptance of a Final Parcel Map is Statutorily Exempt per California Environmental Quality Act (CEQA) Guidelines section 15268 (b)(3) as a ministerial project that requires no discretionary action by the appropriate authority.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the Final Parcel Map:

- Monterey County Environmental Health Bureau
- HCD-Public Works
- HCD-Environmental Services
- HCD-Housing and Economic Development
- Mission Soledad Rural Fire Protection Department
- Office of the County Counsel

FINANCING:

Funding for staff time associated with this project is included in the FY2020-21 Adopted Budget for HCD-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our Monterey County Land-Use & Community Development customers. Processing this Final Parcel Map in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Kenny Taylor, Associate Planner, ext. 5096
Reviewed by: Craig Spencer, HCD-Planning Services Manager CS
Approved by: Erik V. Lundquist, AICP, HCD Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Cover letter to the Clerk of the Board

Attachment B - Project Data Sheet

Attachment C - Parcel Map

Attachment D - Parcel Map Guarantee

Attachment E - Property Tax Clearance Certification

Attachment F - Condition of Approval & Mitigation Measures Compliance Forms (CCF)

Attachment D - Draft Resolution

cc: Front Counter Copy; Craig Spencer, HCD-Planning Services Manager; Scheid Vineyards California, Inc c/o Scott Scheid, Property Owner, Luis Osorio/JRG Attorneys, Agent; Monterey County Agricultural Preservation Review Committee, Nadia Garcia, Management Analyst - Agricultural Commissioner's Office, Gregg MacFarlane, Supervising Appraiser - Assessor-Recorder's Office, Mary Grace Perry, Deputy County Counsel - Office of the County Counsel, Erik Lundquist, Chief of Planning - HCD Planning Services; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); John H. Farrow; Janet Brennan; Project File PLN180345.