



Monterey County

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Board Report

Legistar File Number: RES 17-183

December 05, 2017

Introduced: 11/8/2017

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

PLN160381 - AMARAL WILLIAMSON ACT LOT LINE ADJUSTMENT

Public hearing to adopt a resolution for a Lot Line Adjustment of Williamson Act lands between three (3) existing legal lots of 50.957 acres and 106.705 acres subject to Farmland Security Zone Contract No. 2005-007 and 180.00 acres subject to Land Conservation Contract No. 2012-025, resulting in three (3) lots of 83.45, 97.712 and 156.5 acres respectively.

Project Location: Located on Somavia Road, south of Harris Road between Highway 101 and River Road, at the edge of Toro Area Plan and Greater Salinas Area.

Proposed CEQA Action: Categorically Exempt per CEQA Guidelines Section 15305

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution:

- a. Finding that the project is a minor lot line adjustment not resulting in the creation of any 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; and
- b. Approving a Lot Line Adjustment between three (3) legal lots of record consisting of one (1) 50.957 acre parcel (Parcel A, Assessor's Parcel Number 139-101-024-000, under Farmland Security Zone Contract No. 2005-007), one (1) 106.705 acre parcel (Parcel B, Assessor's Parcel Number 139-101-024-000, Under Farmland Security Zone Contract No. 2005-007); and one (1) 180.00 acre parcel (Parcel C, Assessor's Parcel Number 139-101-029-000, under Williamson Act Land Conservation Contract No. 2012-025), resulting in one (1) 83.45 acre parcel (Parcel 1), one (1) 97.712 acre parcel (Parcel 2), and one (1) 156.5 acre parcel (Parcel 3), respectively; and
- c. Authorizing the Chair to execute a new or amended Farmland Security Zone Contract or Contracts and/or a new Land Conservation Contract or Contracts to rescind a portion of an existing Agricultural Preserve and Land Conservation Contract and simultaneously transfer a total of 23.5 acres from Agricultural Preserve No. 2012-025 to Farmland Security Zone No. 2005-007 as applicable to the reconfigured lots only; and
- d. Directing the Clerk of the Board to record the new or amended Farmland Security Zone and/or Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

The attached draft resolution includes findings and evidence for consideration (Attachment A). Staff recommends that the Board adopt the attached resolution subject to five (5) conditions of approval.

PROJECT INFORMATION:

Property Owners:

Parcels A and B (APN 139-101-024-000): George Amaral Trustee of the George Amaral

Living Trust, dated November 10, 1993, hereinafter called "Owner".

Parcel C (139-101-029-000): David L. Gill and Susan Gill, Trustees of the David and Susan Gill Family Trust established 1-26-83, as amended and restated and Michael D. Cling, Trustee of the Hitchcock Children's Trust #1, dated 1-11-11, hereinafter called "Owner".

APNs: 139-101-024-000 and 139-101-029-000

Parcel Sizes: 50.957 acres (**Parcel A - Amaral**); 106.705 acres (**Parcel B -Amaral**); 180.00 acres (**Parcel C - Gill/Hitchcock**)

Zoning: F/40

Plan Area: Toro and Greater Salinas Area Plans

SUMMARY/DISCUSSION:

The subject properties are located on Somavia Road, south of Harris Road between Highway 101 and River Road, in unincorporated Monterey County located outside of the City of Salinas under Farmlands 40 acre minimum "F/40" zoning. The proposed Lot Line Adjustment and amendment to an existing Williamson Act Agricultural Preserve Land Conservation Contract No. 2012-025 (LCC No. 2012-025) and Farmland Security Zone Contract No. 2005-007 (FSZ No. 2005-007), is between three (3) legal lots of record consisting of:

1. One (1) 50.957 acre parcel (**Parcel A - Amaral**) - Assessor's Parcel Number 139-101-024-000, subject to FSZ No. 2005-007;
2. One (1) 106.705 acre parcel (**Parcel B -Amaral**) - Assessor's Parcel Number 139-101-024-000, subject to FSZ No. 2005-007; and
3. One (1) 180.00 acre parcel (**Parcel C - Gill/Hitchcock**) - Assessor's Parcel Number 139-101-029-000) subject to LCC No. 2012-025.

The proposed Lot Line Adjustment would result in (respectively):

1. One (1) 83.45 acre parcel (**Parcel 1 - Amaral**);
2. One (1) 97.712 acre parcel (**Parcel 2 - Amaral**); and
3. One (1) 156.5 acre parcel (**Parcel 3 - Gill/Hitchcock**).

The proposed Lot Line Adjustment would transfer a total of 23.5 acres from existing Parcel C (Gill/Hitchcock) to proposed Parcels 1 and 2 (Amaral) and would result in a newly configured 156.5 acre parcel (proposed Parcel 3). The Lot Line Adjustment would adjust the boundary of Parcel C, southerly, to incorporate an area that is currently inaccessible because of the Salinas River, to the contiguous Parcels A and B to incorporate into their farming operations.

Parcels 1 and 2 are currently owned by George Amaral Trustee of the George Amaral Living Trust, dated November 10, 1993, and are subject to Farmland Security Zone Contract No. 2005-007. Existing Parcel 3 is owned by David L. Gill and Susan Gill, Trustees of the David and Susan Gill Family Trust established 1-26-83, as amended and restated and Michael D. Cling, Trustee of the Hitchcock Children's Trust #1, dated 1-11-11 and subject to Agricultural Preserve and LCC No. 2012-025. All three (3) parcels are currently used for commercial agricultural production which is consistent with the applicable Williamson Act Contracts for the respective parcels.

The proposed Lot Line Adjustment would not result in more developable parcels and would not compromise the long-term agricultural productivity of the other parcels. Furthermore, no farmland will be taken out of production.

A condition of approval for this Lot Line Adjustment is to have 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. This Lot Line Adjustment is categorically exempt per CEQA Guidelines Section 15305 because it is a minor lot line adjustment not resulting in the creation of any new parcel.

Pursuant to Government Code Section 51257, to facilitate a lot line adjustment of Williamson Act lands, the Board of Supervisors must make all of the following findings:

- (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:
 - (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
 - (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
- (b) Nothing in this section shall limit the authority of the board or council to enact additional conditions or restrictions on lot line adjustments.
- (c) Only one new contract may be entered into pursuant to this section with respect to a given parcel, prior to January 1, 2004.
(Amended by Stats. 2012, Ch. 128, Sec. 1. Effective January 1, 2013.)

The proposed findings required per Board Resolution No. 00-462 and Government Code Section 51257 for the Board's consideration are included in Attachment A - Draft Resolution.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project:

- Environmental Health Bureau
- RMA-Public Works & Facilities
- Water Resources
- Monterey County Regional Fire Protection District
- Agricultural Commissioner

The proposed Lot Line Adjustment was sent to the Agricultural Commissioner's Office for review, and no comments were received. The project was not sent to the Agricultural Advisory Committee because there was no known controversy concerning this project.

FINANCING:

Funding for staff time associated with this project is included in the FY 2017-18 Adopted Budget for RMA-Planning, Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Board of Supervisors FY 2015-16 Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration).
- Create better paying jobs, reduce poverty and increase the revenue base through business expansion while adding to the economic vitality of the County (Economic Development).

RMA has Key Performance Measures to implement the Board's Strategic Initiatives by improving the permit process. Maintaining parcels under Williamson Act Farmland Security Zone and Land Conservation Contracts will ensure the protection of land designated for farming and permanent grazing and further the economic vitality of Monterey County. This action also represents effective and timely response to our RMA customers.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Elizabeth Gonzales, Associate Planner, ext. 5102
Reviewed by: Brandon Swanson, RMA Planning Services Manager
Approved by: Carl P. Holm, AICP, RMA Director

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

- Attachment A - Draft Resolution, including:
- Exhibit 1 - Conditions of Approval
 - Exhibit 2 - Lot Line Adjustment Plan

Attachment B - Vicinity Map

Attachment C - Agricultural Preserve Land Conservation Contract No. 2012-025

Attachment D - Farmland Security Zone Contract No. 2005-007

Attachment E - Board Resolution No. 03-383 Amending Resolution No. 01-485

Attachment F - Board Resolution No. 00-462 Resolution Relating to the Processing of Lot Line Adjustments Affecting Property Under Agricultural Preserve Contract

Attachment G - Board Resolution No. 01-486 Amending Procedure for the Creation of Farmland Security Zones and Contracts

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Elizabeth Gonzales, Project Planner; Philip Pearman, Salinas Valley Surveyors; George Amaral, Owner; David L. Gill and Susan Gill, Trustees of the David and Susan Gill Family Trust established 1-26-83, as amended and restated and Michael D. Cling, Trustee of the Hitchcock Children's Trust #1, dated 1-11-11, Owner; Monterey County Agricultural Preservation Review Committee; Assistant Agricultural Commissioner Robert A. Roach, Associate Planner Nadia Amador, Senior Agricultural Appraiser Gregg MacFarlane, Deputy County Counsel Mary Grace Perry; Michael Goetz, County Surveyor/Development Services; Project File PLN160381.