



Monterey County Board of Supervisors

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

Board Order

Upon motion of Supervisor Luis A. Alejo, seconded by Supervisor Mary L. Adams to adopt resolution No. 19-327 to:

- 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 California Code of Regulations (CCR) Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
- b. Approve a Lot Line Adjustment between two (2) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 75-6) of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively, with no net decrease in acreage under the Williamson Act Contract;
- c. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts 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 or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

PASSED AND ADOPTED on this 1st day of October 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, and Adams

NOES: None

ABSENT: Supervisors Lopez and Parker

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 82 for the meeting October 1, 2019.

Dated: October 2, 2019
File ID.: RES 19-126
Agenda Item No.: 10

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


Julian Lorenzana, Deputy

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

**CAHOON, KEITH and FLORES, JOANN
(PLN180238)**

Resolution No.: 19-327

Resolution of the Monterey County Board of Supervisors:)
 PLN180238: APN 418-301-011-000)
 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)
 California Code of Regulations (CCR) Section 15305(a), and there)
 are no exceptions pursuant to CEQA Guidelines CCR Section)
 15300.2;)
 b. Approving a Lot Line Adjustment between two (2) existing legal)
 lots of record (under Williamson Act Agricultural Preserve Land)
 Conservation Contract No. 75-6) of approximately 40 acres (Parcel)
 I) and 189 acres (Parcel II), resulting in two (2) legal lots of record)
 of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel)
 II), respectively, with no net decrease in acreage under the)
 Williamson Act Contract;)
 c. Authorizing the Chair to execute a new or amended Land)
 Conservation Contract or Contracts in order to rescind a portion of)
 the existing Land Conservation Contract as applicable to the)
 reconfigured lots only and simultaneously execute a new or)
 amended Land Conservation Contract or Contracts 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 or Contracts subject to the submittal of)
 the appropriate recording fees from the property owners of record.)
 38900 East Carmel Valley Road, Carmel Valley (Cachagua Area)
 Plan).....)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between two (2) legal lots of record under one (1) Assessor’s Parcel Number 418-301-011-000 of approximately 40 acres (Parcel I) and 189 acres (Parcel II), owned by Keith Cahoon and JoAnn Flores, hereinafter called “Owner”, and

WHEREAS, the legality of the two (2) legal lots of record are based on a chain of deeds on file with the County Recorder and found in Planning File No. PLN180238 and incorporated herein by this reference; and

WHEREAS, the existing legal lots of record which are the subject of this application for a lot line adjustment are subject to Land Conservation Contract (LCC), No. 75-6 established pursuant to Board Resolution No. 75-28-6, Document No. G 06156, recorded at Reel 962, Page 181, between the County and Jean V. Cahoon; Mabel A. Cahoon; Elizabeth Mann; and Lee H. Bartell which encompassed a large land area; and

WHEREAS, the parcels which are the subject of this application for a lot line adjustment are currently owned by Keith Cahoon and JoAnn Flores; and

WHEREAS, the neighboring Boekenoogen parcel, which is owned by Boekenoogen Partners is subject to LCC No. 75-19 established pursuant to Board Resolution No. 75-28-19, Document No. G 06149, recorded at Reel 962, Page 92.

WHEREAS, the zoning for all parcels is Permanent Grazing, 160 acre minimum (PG/160) and Permanent Grazing, 160 acre minimum, Design Control (PG/160-D); and

WHEREAS, the current configuration of the subject parcels have Carmel Valley Road bisecting the property lines near Milepost 29, Carmel Valley Road; and

WHEREAS, the Lot Line Adjustment will result in two (2) reconfigured parcels consisting of approximately 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II) with no net decrease in acreage under the Williamson Act Contract; and

WHEREAS, with the lot line adjustment, Adjusted Parcel I (49.36 acres) would be located entirely to the east of Carmel Valley Road, while Adjusted Parcel II (179.64 acres) would be located entirely west of Carmel Valley Road; and

WHEREAS, the lot line adjustment would better facilitate the sale of the smaller parcel- Adjusted Parcel I at 49.36 acres, to a neighboring agricultural family- the Boekenoogens; and

WHEREAS, having the neighboring Boekenoogen property under a land conservation contract facilitates the purchase by Boekenoogen of Adjusted Parcel I (49.36 acres) because no net decrease in acreage under Williamson Act will occur and agricultural operations would continue; and

WHEREAS, both the Boekenoogen and Cahoon Ranches have operated in Carmel Valley for at least five generations. Both ranches will continue to use the reconfigured parcels for livestock grazing. The proposed lot line adjustment would consolidate the land holdings of the two ranches consistent with Carmel Valley Road and in doing so, minimize livestock crossings of Carmel Valley Road, reduce fencing and overall improve the operations of both ranches; 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 Cachagua 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, Cachagua 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 parcels are located at 38900 East Carmel Valley Road, Carmel Valley in the Cachagua Area Plan, in unincorporated Monterey County.

The two (2) parcel's current configuration consists of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively. Both parcels have a grazing operation and are under Williamson Act Agricultural Preserve Land Conservation Contract No. 75-6. The zoning for both parcels is Permanent Grazing, 160-acre minimum lot size or PG/160 and Permanent Grazing, 160- acre minimum, Design Control or PG/160-D.

(c) The lot line adjustment is to improve ranching efficiency as the two existing parcels straddle Carmel Valley Road. Carmel Valley Road currently bisects the property lines of these legal lots near Milepost 29. With the lot line adjustment, Adjusted Parcel I (49.36 acres) would be located entirely to the east of Carmel Valley Road, while Adjusted Parcel II (179.64 acres) would be located entirely west of Carmel Valley Road. The lot line adjustment would better facilitate the sale of the smaller parcel- Adjusted Parcel I at 49.36 acres, to a neighboring agricultural family- the Boekenoogens.

(d) Both the Boekenoogen and Cahoon Ranches have operated in Carmel Valley for at least five generations. Both ranches will continue to use the reconfigured parcels for livestock grazing. The proposed lot line adjustment would consolidate the land holdings of the two ranches consistent with Carmel Valley Road and in doing so, minimize livestock crossings of Carmel Valley Road, reduce fencing and overall improve the operations of both ranches.

(e) The adjusted parcels are subject to the 2010 Monterey County General Plan, including Goal LU-1, which 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. Parcel I at 40 acres will become Adjusted Parcel I at 49.36 acres, both sizes under the minimum parcel size requirement of 160 acres per the zoning designation of PG/160. Nevertheless, with the proposed lot line adjustment, the parcel size increases by 9.36 acres, making it more conforming as to size. Furthermore, the proposed lot line adjustment would result in reconfigured parcels that would in fact promote appropriate and orderly growth and development while protecting desirable land uses (Goal LU-1). The proposed Lot Line Adjustment would: produce a superior lot configuration (item d); promote resource conservation as agriculture is a resource in this County (item f); better achieve the goals, policies, and objectives of the General Plan (item g); and facilitate routine and ongoing agricultural activities (item h).

(f) The application, plans, and related support materials found in Planning File No. PLN180238.

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, Cachagua Fire Protection District, RMA-Public Works 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. PLN180238.

(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 the subject Agricultural Preserve and LCC No. 75-6.

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 parcels.

(b) The application, plans, and related support materials can be found in Planning File No. PLN180238.

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 parcels of record will be adjusted, resulting in two (2) parcels. The proposed Lot Line Adjustment would not result in more developable parcels and would not compromise the long-term agricultural productivity of the existing grazing operation. Furthermore, no agriculture will be taken out of production.

(b) The application, plans, and related support materials found in Planning File No. PLN180238.

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. PLN180238.

(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. PLN180238.

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 amendment to Agricultural Preserve Land Conservation Contract No. 75-6 shall be applicable to reconfigured parcels.

(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. PLN180238.

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 Land Conservation Land Conservation Contract (LCC) No. 75-6 established pursuant to Board Resolution No. 75-28-6, Document No. G 06156, recorded at Reel 962, Page 181 between the County and J. Cahoon, M. Cahoon, E. Mann and L. Bartell.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN180238.

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 shall reflect the redistribution of 229 acres of land under a 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 229 acres and 229 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 229 acres in grazing production within Agricultural Preserve Land Conservation Contract (LLC No. 75-6).

(d) The application plans, and related support materials found in Planning File No. PLN180238.

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. The proposed Lot Line Adjustment is a compatible use pursuant to the Board approved list of compatible uses and consistent with Ag Preserve and LCC No. 75-6. 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. PLN180238.

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 Permanent Grazing – 160 acre minimum Zoning District ("PG/160"). 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. PLN180238.

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. PLN180238.

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

a. Finds 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 California Code of Regulations (CCR) Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;

b. Approves a Lot Line Adjustment between two (2) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 75-6) of approximately 40 acres (Parcel I) and 189 acres (Parcel II), resulting in two (2) legal lots of record of 49.36 acres (Adjusted Parcel I) and 179.64 acres (Adjusted Parcel II), respectively, with no net decrease in acreage under the Williamson Act Contract, 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;

c. Authorizes the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts 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. Directs the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

PASSED AND on this 1st day of October 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, and Adams

NOES: None

ABSENT: Supervisors Lopez and Parker

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 82 for the meeting October 1, 2019.

Dated: October 2, 2019
File ID.: RES 19-126
Agenda Item No.: 10

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


Julian Lorenzana, Deputy