



Monterey County

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

Board Report

Legistar File Number: RES 20-048

April 28, 2020

Introduced: 4/3/2020

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Consider a Lot Line Adjustment between four (4) legal lots of record of approximately 160.5 acres (Parcel A), 40.5 acres (Parcel B), 160.5 acres (Parcel C), 160.5 acres (Parcel D) resulting in four (4) legal lots of record of 120.3 acres (Parcel 1), 161.4 acres (Parcel 2), 117.3 acres (Parcel 3), and 123 acres (Parcel 4), respectively. The adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract.

Proposed California Environmental Quality Act (CEQA) Action: Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines California Code of Regulations (CCR) Section 15305 (Minor alterations in land use limitations)

Project Location: The project is located off of Lockwood San Lucas Road, San Lucas, (South County Area Plan)

RECOMMENDATION:

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

- 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 four (4) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 69-012) of approximately, 160.5 acres (Parcel A), 40.5 acres (Parcel B), 160.5 acres (Parcel C), and 160.5 acres (Parcel D) resulting in four (4) legal lots of record of 120.3 acres (Parcel 1), 161.4 acres (Parcel 2), 117.3 acres (Parcel 3), and 123 acres (Parcel 4), with no net decrease in acreage under the Williamson Act Contract;
- 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 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.

PROJECT INFORMATION:

APNs: 421-121-029-000; 421-121-028-000; 421-121-027-000;

Zoning: F/40 PG/40

Plan Area: South County Area Plan

Property Owner(s): Jerald Duane and Joseph Enchenique

SUMMARY:

In March of 2019, the subject application for a Lot Line Adjustment that involves four (4) existing agricultural parcels under the ownership of Enchenique Ranch under various Assessor's Parcel Numbers (see PROJECT INFORMATION section), was filed with the County. See *Attachment B* for Vicinity Map. The existing and proposed configuration are as follows:

Before Adjustment:

Parcel A: 160.5 Acres
Parcel B: 40.5 Acres
Parcel C: 160.5 Acres
Parcel D: 160.5 Acres
= 522 ACRES TOTAL

After Adjustment:

Parcel 1: 120.3 Acres
Parcel 2: 161.4 Acres
Parcel 3: 117.3 Acres
Parcel 4: 123.0 Acres
= 522 ACRES TOTAL

The property owners have requested a lot line adjustment allowing the parcels to be adjusted between existing ownership. The land will continue to be used for cattle ranching. See *Attachment A, Exhibit 2 - Lot Line Adjustment Map*. The parcels are to continue their agricultural operation. The proposed parcels will remain in the Williamson Act. The property is currently used for agricultural purposes (Grazing). The proposed use of the property is the same.

The subject parcels are under a Williamson Act Agricultural Preserve and Land Conservation Contract (LCC) No. 69-012 established pursuant to Board Resolution No. 69-35-12, Document No. G 05455, recorded at Reel 595, Page 443. See *Attachment C* for contract and *Attachment D* for map showing area of contracted area. The subject lot line adjustment will not decrease the area of the existing Williamson Act Contract. Furthermore, the subject lot line adjustment does not change the exterior boundary lines of Agricultural Preserve No. 69-012.

The zoning designations for the subject lot line adjustment parcels are Farmlands, 40 acre-minimum (F/40) and Permanent Grazing, 40 acre-minimum (PG/40). The grazing and cattle ranching uses of the properties are consistent with the F/40 and PG/40 zoning designations and compatible with the existing Williamson Act Agricultural Preserve and LCC No. 69-012.

DISCUSSION

Williamson Act LLA Findings:

The proposed Lot Line Adjustment meets the findings required per Government Code Section 51257, which are mirrored in Board of Supervisors Resolution No. 00-462 adopted December 4, 2000

(Attachment E - Resolution No. 00-462 - A Resolution of the Monterey County Board of Supervisors Relating to the Processing of Lot Line Adjustments Affecting Property Under Agricultural Preserve Contract Pursuant to the Williamson Act) on file with the Clerk of the Board.

Government Code Section 51257 provides as follows,

(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. (AB 2680) Effective January 1, 2013.)

Conclusion:

All required findings relating to the processing of Lot Line Adjustments affecting property under an Agricultural Preserve Land Conservation Contract pursuant to the Williamson Act are included in *Attachment A - Proposed Resolution*.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- South County Fire Protection District
- Environmental Health Bureau
- RMA-Public Works
- RMA- Environmental Services

Agricultural Advisory Committee: On August 22, 2019, the Agricultural Advisory Committee considered this project and recommended approval of the project, as presented.

FINANCING:

Funding for staff time associated with this project is included in the FY 2019-20 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

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Approved by: Carl P. Holm, AICP, RMA Director 

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

Attachment A - Proposed Resolution with:

- Exhibit 1 - Conditions of Approval
- Exhibit 2 - Lot Line Adjustment Map

Attachment B - Agricultural Advisory Committee Action Minutes

Attachment C - Williamson Act Agricultural Preserve LCC No. 69-012, Document G 05455

Attachment D - Williamson Act Map showing AGP 69-12

Attachment E - Resolution No. 00-462

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, Planning Services Manager; Kenny Taylor, Project Planner; Lynn Kovach, Agent; Agricultural Preservation Review Committee - Nadia Garcia, Associate Planner, Mary Grace Perry, Deputy County Counsel, Gregg MacFarlane, Senior Agricultural Appraiser, and Henry S. Gonzales, Agricultural Commissioner; Enchenique Ranch, Property Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180527.