



Monterey County Board of Supervisors

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1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution No. : 17-528

Upon motion of Supervisor Adams, seconded by Supervisor Alejo and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No. 17528 to:

- a. Find 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. Approve 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. Authorize 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. Direct 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.

PASSED AND ADOPTED this 5th day of December 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

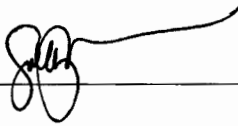
NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 80 for the meeting December 5, 2017

Dated: December 21, 2017
File ID: RES 17-183

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  _____ Deputy

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

Amaral/Gill (PLN160381)

Resolution No. – 17-528

- Resolution of the Monterey County Board of Supervisors:)
- 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 15300.2;)
- b. Approving a Lot Line Adjustment of Williamson)
 - Act lands 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.....)

(PLN160381/ George Amaral Trustee of the George Amaral Living Trust, dated November 10, 1993, 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, Toro and Greater Salinas Area Plans)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between three (3) legal lots of record involving Parcels A and B (Assessor's Parcel Number 139-101-024-000) owned by George Amaral Trustee of the George Amaral Living Trust, dated November 10, 1993, hereinafter called "Owner" and Parcel C (Assessor's Parcel Number 139-101-029-000) 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, hereinafter called "Owner", respectively.

WHEREAS, Parcels A and B (APN 139-101-024-000) are owned by George Amaral Trustee of the George Amaral Living Trust, dated November 10, 1993, and

WHEREAS, Parcel C (APN 139-101-029-000) 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

WHEREAS, the legality of the three (3) subject parcels is based on a chain of deeds on file with the County Recorder and found in Planning File No. PLN160381 and incorporated herein by this reference; and

WHEREAS, Parcel A and Parcel B are subject to Farmland Security Zone Contract No. 2005-007), and will be reconfigured; and

WHEREAS, Parcel C is subject to Williamson Act Agricultural Preserve Land Conservation Contract No. 2012-025, and will be reconfigured; and

WHEREAS, the Lot Line Adjustment which will result in three (3) reconfigured separate lots totaling approximately 337.662 acres; and

WHEREAS, the Lot Line Adjustment will allow the continued use for commercial agricultural production which is consistent the applicable Williamson Act Contracts for the respective parcels, and Board approved compatible uses; and,

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the Monterey County General Plan, the Toro Area Plan and Greater Salinas 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 Farmland Security Zone 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, 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 Monterey County General Plan, Toro Area Plan and Greater Salinas 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 lots are located on Somavia Road, south of Harris Road, between Highway 101 and River Road, in unincorporated County of Monterey outside of the City of Salinas, (Assessors' Parcel Numbers 139-101-024-000, and 139-101-029-000), Toro Area Plan and Greater Salinas Area Plan. The current configuration consists of approximately 50.957 acres (part of APN 139-101-024, "Parcel A"), 106.705 acres (part of APN 139-101-024, "Parcel B"), and 180.00 acres (APN 139-101-024, "Parcel C"). The project will result in three (3) reconfigured lots consisting of 83.45 acres ("Parcel 1"), 97.712 acres ("Parcel 2") and 156.5 acres ("Parcel 3") respectively. 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. The parcels are zoned Farmlands/40-acre minimum (F/40), which allow for lot line adjustments. Therefore, the Lot Line Adjustment is consistent with the text, policies, and regulations in the above referenced documents and; therefore, is an allowed land use for this site.

(c) The Lot Line Adjustment application was not referred to the Agricultural Advisory Committee for review as no significant issues were identified by staff or the Agricultural Commissioner's Office. No conditions were recommended by the Agricultural Commissioner's Office.

(d) The application, plans, and related support materials found in Planning File No. PLN160381.

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 Department, Monterey County Regional Fire Protection District, RMA-Public Works, Parks Department, 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 Environmental Health Bureau (EHB) reviewed the application and determined that the proposed Lot Line Adjustment would not impact any wells on the associated parcels.
- (c) The application, plans, and related support materials found in Planning File No. PLN160381.
- (d) The Lot Line Adjustment would not result in any new developable parcels or an adjusted lot that is inconsistent with the general plan.

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 three (3) existing adjacent lots.
 - (b) Parcel "A" containing approximately 50.957 acres, was recognized as a legal lot pursuant to Grant Deed from Elfrida Corey, aka Elfrida Corey, a widow, to Henry A. Holme, recorded at Book 703, Official Records, Page 120, dated January 15, 1937, recorded with the Monterey County Recorder on January 17, 1941.
 - (c) Parcel "B" containing approximately 106.705 acres, was recognized as a legal lot pursuant to Grant Deed from Elfrida Corey, aka Elfrida Corey, a widow, to Henry A. Holme, a married man, recorded at Book "562, Official Records, Page 283, dated March 9, 1936, recorded with the Monterey County Recorder on March 15, 1938.
 - (d) Lot "C" containing approximately 180.00 acres, was recognized as a legal lot pursuant to Grant Deed from Emma Frances Irvine, a widow, party of the first part, to J. Ramon Somavia, Jr., a single man, party of the second part, recorded at Book 143, Deeds, Page 131, dated February 27, 1928, recorded with the Monterey County Recorder on February 28, 1928.
 - (e) The application, plans, and related support materials can be found in Planning File No. PLN160381.

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 three (3) contiguous lots of record will be adjusted, resulting in three (3) lots. 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.
 - (b) The application, plans, and related support materials found in Planning File No. PLN160381.

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. PLN160381.
 - (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 minor 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. PLN160381.
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 Department and Building Services Department 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 amendments to Agricultural Preserve Land Conservation Contract No. 2012-025, recorded as Document No. 2011070240, with the Monterey County Recorder on December 9, 2011; and Farmland Security Zone Contact No. 2005-007, recorded as Document No. 2004137729, with the Monterey County Recorder on December 29, 2004, which shall be applicable to the three (3) reconfigured lots will reflect the redistribution of 23.5 acres of land under Williamson Act Contract as illustrated in Table 1 (below).

Table 1. Redistribution of Acreage (approximate)

	EXISTING ACREAGE	PROPOSED ACREAGE	DIFFERENCE
	Parcel A – 50.957	Parcel 1 – 83.45	+32.493
	Parcel B – 106.705	Parcel 2 – 97.712	-8.993
	Parcel C – 180.00	Parcel 3 – 156.50	-23.50
TOTAL	337.662	337.662	0

(b) The terms of the original Land Conservation Contract and Farmland Security Contract renew annually on each succeeding January 1; the terms of the new or amended Contract or Contracts shall be automatically renewed on January 1 and one 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. In cases where two lots 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.

EVIDENCE: (a) The Lot Line Adjustment will reconfigure the lots but will not result in a net loss of acreage currently under Contract. Land Conservation Contract No. 2012-025 and Farmland Security Zone Contract No. 2005-007 contain a total of 337.662 acres which will remain under Williamson Act 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. PLN160381.

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 or Contracts will continue to cover at least 90 percent of the subject lots under Agricultural Preserve Land Conservation Contract No. 2012-025 and Farmland Security Zone Contract No. 2005-007.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160381.

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 applicable to the three (3) reconfigured parcels shall reflect the redistribution of 23.5 acres of land under Williamson Act Land Conservation Contract and Farmland Security Zone Contract and will result in Parcel 1 at approximately 83.45 acres, Parcel 2 at approximately 97.712 acres, and Parcel 3 at approximately 156.50 acres.
- (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.”
- (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 337.662 acres in commercial agricultural production within both Agricultural Preserve and Land Conservation Contract No. 2012-025 and Farmland Security Zone Contact No. 2005-007.
- (d) The application plans, and related support materials found in Planning File No. PLN160381.

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 intent of the Lot Line Adjustment is to transfer a total of 23.5 acres from existing Parcel C to existing Parcels A and B to increase the size of these two (2) parcels and reconfigure said parcels into resulting Parcel 1 (83.45 acres) and Parcel 2 (97.712 acres) and reduce Parcel C into resulting Parcel 3 (156.5 acres).
- (b) No new development is proposed for the sites, but will increase the use for grazing and farming and approved compatible uses.
- (c) The application plans, and related support materials found in Planning File No. PLN160381.

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 Farmlands (“F”). 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. PLN160381.

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 three (3) 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. PLN160381.

NOW THEREFORE, BE IT RESOLVED that based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Find 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 Guideline Section 15300.2;
- b. Approve a Lot Line Adjustment of Williamson Act lands 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 Agricultural Preserve 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 subject to the attached conditions of approval and the attached tentative lot line adjustment map which are attached hereto and incorporated by this reference; and
- c. Authorize the Chair to execute a new or amended Farmland Security Zone Contract or Contracts and/or a new or amended 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. Direct 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.

PASSED AND ADOPTED upon motion of Supervisor Adams, seconded by Supervisor Alejo and carried this 5th day of December 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

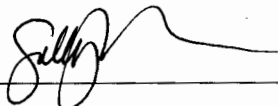
NOES: None

ABSENT: None

I, Gail T. Borkowski, 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 80 for the meeting on December 5, 2017

Dated: December 21, 2017
File Number: RES 17-183

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  _____
Deputy
Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON _____ :

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.