



Monterey County

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

Board Report

Legistar File Number: RES 20-029

March 24, 2020

Introduced: 3/5/2020

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

- 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 Lot Line Adjustment between four (4) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract No. 72-36) of approximately, 108 acres (Parcel A), 157 acres (Parcel B), 160 acres (Parcel C), and 169 acres (Parcel D) resulting in four (4) legal lots of record of 84 acres (Parcel 1), 178 acres (Parcel 2), 60 acres (Parcel 3), and 272 acres (Parcel 4), with no net decrease in acreage under the Williamson Act Contract;
- c. Authorize 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. 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.

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

Project Location: 41225 Hobson Avenue, Greenfield (Central Salinas Valley 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. 72-36) of approximately, 108 acres (Parcel A), 157 acres (Parcel B), 160 acres (Parcel C), and 169 acres (Parcel D) resulting in four (4) legal lots of record of 84 acres (Parcel 1), 178 acres (Parcel 2), 60 acres (Parcel 3), and 272 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: 221-091-005-000; 221-102-007-000; 419-121-038-000; 419-121-040-000;
419-121-036-000; 419-121-037-000; 419-121-039-000; 419-121-041-000

Zoning: F/40 and PG/40

Plan Area: Central Salinas Valley Area Plan

Property Owner(s): Hans H. Morkner and Yvonne K. Morkner

SUMMARY:

In May of 2019, the subject application for a Lot Line Adjustment that involves four (4) existing agricultural parcels under the ownership of Hans and Yvonne Morkner was filed with the County. See *Attachment B* for Vicinity Map. The existing and proposed configuration are as follows:

Before Adjustment:

Parcel A: 108 Acres
Parcel B: 157 Acres
Parcel C: 160 Acres
Parcel D: 169 Acres

594 ACRES TOTAL

After Adjustment:

Parcel 1: 84 Acres
Parcel 2: 178 Acres
Parcel 3: 60 Acres
Parcel 4: 272 Acres

594 ACRES TOTAL

The lot line adjustment is to improve the farming (viticulture) and ranching (grazing) efficiency by adjusting the parcels to better align with the physical features of the land. See *Attachment A, Exhibit 2- Lot Line Adjustment Map*. The parcels will continue their agricultural operation, and the subject lot line adjustment will not decrease the area of the existing Williamson Act Contract.

DISCUSSION

The subject parcels are under Land Conservation Contract (LCC) No. 72-36 established pursuant to

Board Resolution No. 72-33-36, Document No. G 06272, recorded at Reel 755, Page 1. See *Attachment C* for contract and *Attachment D* for map showing area of contracted area. As shown in *Attachment D*, LLC 72-36 (also known as LCC 72-0036), involves a large acreage area, including the parcels subject to this lot line adjustment. The subject lot line adjustment does not change the exterior boundary lines of LLC 72-36.

The zoning designations for the subject parcels are Farmlands, 40 acre-minimum (F/40) and Permanent Grazing, 40 acre-minimum (PG/40). The grazing and viticulture use of the properties are consistent with the F/40 and PG/40 zoning designation and compatible with the existing Williamson Act contract.

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 - 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 Agricultural Preserve 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
- County Counsel

Agricultural Advisory Committee: On April 25, 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

Prepared by: Nadia Garcia, Associate Planner, ext. 5114

Reviewed by: Brandon Swanson, RMA Interim Chief of Planning, ext. 5193

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and Community
Development

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

Attachment A - Draft Resolution with:

- Draft Conditions of Approval
- Lot Line Adjustment Map

Attachment B - Vicinity Map

Attachment C - Williamson Act Agricultural Preserve LCC No. 72-36

Attachment D - Williamson Act Map showing AGP 72-0036

Attachment E - Resolution No. 00-462

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, Planning Services Manager; Nadia Garcia, Project Planner; Lynn Kovach, Agent; Mary Grace Perry, Deputy County Counsel; Gregg MacFarlane, Senior Agricultural Appraiser; Henry S. Gonzales, Agricultural Commissioner; Hans and Yvonne Morkner, Property Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN190025.