

# Attachment A

This page intentionally left blank.

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

**Jerald Duane and Joseph Enchenique, as joint tenants**  
**(PLN180527)**

**Resolution No. -**

Resolution of the Monterey County Board of Supervisors: )

- 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) Section15305(a), and there are no )  
exceptions pursuant to CEQA Guidelines CCR )  
Section 15300.2; )
- b. Approving a Lot Line Adjustment between four (4) )  
legal lots of record (under Williamson Act )  
Agricultural Preserve (APG) and Land Conservation )  
Contract (LCC) No. 63-012) 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 AGP and LCC Contract No. 63-012; )
- c. Authorizing the Chair to execute a new or amended )  
Land Conservation Contract(s) in order to rescind a )  
portion of the existing Agricultural Preserve and 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 Contract(s) )  
subject to the submittal of the appropriate recording )  
fees from the property owners of record. )

PLN180527; APNs 421-121-029-000; 420-121-028-000; 420 )  
121-027-000; )

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

)

## RECITALS:

**WHEREAS**, an application was submitted for a Lot Line Adjustment between four (4) legal lots of record involving approximately 522 acres (Parcel A: APN 421-121-029-000), 160.5 acres (Parcel B: APN 420-121-028-000), 40.5 acres (Parcel C: APN 420-121-027-000), 160.5 acres (Parcel D: APN 420-121-027-000), 160.5 acres resulting in four (4) legal lots of record of 522 acres (Parcel 1), 120.3 acres (Parcel 2), 161.4 acres (Parcel 3), 117.3 acres (Parcel 4), 123.0 acres respectively owned by Jerald Duane and Joseph Enchenique, hereinafter called "Owner", and

**WHEREAS**, the legality of the four (4) subject parcels is based on a chain of deeds, records of surveys and patents (Reel 595 Page 443; Page 444; Page 445; Page 446; Page 447; Page 448; Page 449; Page 450; Page 451; Page 452; Page 453; Page 454; Page 455; Page 456; Page 457; Page 458; Page 459; Page 460; Page 461; Page 462; Page 463; Page 464; Page 465; Page 466; Page 467; Page 468; Page 496; Volume 1370 of Surveys Page 197; Volume 855 of Surveys Page 100; Volume 996 of Surveys Page 52; Volume 1939 of Surveys Page 610; Volume 480 of Surveys Page 240; Volume 330 of Surveys Page 247, Volume 475 of Surveys Page 28, Volume 1120 of Surveys Page 174; Volume 1370 of Surveys Page 197; Volume 855 of Surveys Page 100; Volume 996 of Survey Page 52), on file with the Monterey County Recorder and found in Planning File No. PLN180527 and incorporated herein by this reference; and

**WHEREAS**, the four (4) parcels, are subject to Agricultural Preserve (AGP) and Land Conservation Contract (LCC) No. 69-012 originally established by County Board of Supervisors Resolution No. 69-35-12 on January 31, 1969 and recorded in Reel 595 of Official Records, Page 443 on January 31, 1969, which encompassed a large land area.

**WHEREAS**, the Lot Line Adjustment which will result in four (4) reconfigured lots consisting of approximately 120.3 acres (Parcel 1), 161.4 acres (Parcel 2), 117.3 acres (Parcel 3), and 160.5 acres (Parcel 4), with no net decrease in acreage under the Williamson Act Contract; and

**WHEREAS**, the subject Lot Line Adjustment does not change the exterior boundary lines of AGP No. 69-012; and

**WHEREAS**, the Lot Line Adjustment will allow the continued operation of commercial agricultural production (grazing) which is consistent with the applicable Williamson Act Agricultural Preserve Land Conservation Contract No. 69-012 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 2010 Monterey County General Plan, the Central Salinas Valley 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 California Government Code Section 51257 of the California Government Code (to facilitate a lot line adjustment of Williamson Act lands), 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, South County 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 project is located off of Lockwood San Lucas Road, San Lucas, South County Area Plan, in unincorporated County of Monterey and it involves 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), 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 Williamson Act Agricultural Preserve and Land Conservation Contract No. 69-012. The zoning designations for the parcels are Farmlands, 40-acre minimum and Permanent Grazing, 40-acre minimum lot sizes.

(c) The property owners have requested this lot line adjustment to improve the existing farming ranching (grazing) efficiency by adjusting the parcels with the physical features of the land.

(d) The lot line adjustment would require that the contract be amended to reflect the new parcel configuration and legal descriptions. The lot line adjustment will not reduce the acreage of property under the contract or effect the grazing operations at the site; nor change the exterior boundaries of the Williamson Act Contract.

(e) The proposed lot line adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses. The proposed lot line adjustment would: produce a superior lot configuration; promote resource conservation as agriculture is a resource in this County; better achieve the goals, policies, and objectives of the General Plan; and facilitate routine and ongoing agricultural activities.

(f) The application, plans, and related support materials found in Planning File No. PLN180527 which are incorporated by this reference.

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, South County Fire Protection District, RMA-Public Works and the Health Department - 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. PLN180527.  
(c) Access to each reconfigured parcel is provided by Teague Avenue, a County road, and Monroe Canyon Road, a private road.  
(d) 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 Land Conservation Contract No. 63-012.
3. **FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND PARCEL LEGALITY DETERMINATION** - Pursuant to Monterey County Code (MCC) 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 four (4) existing adjacent lots.  
(b) The application, plans, and related support materials can be found in Planning File No. PLN180527.
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 four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. 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 and cattle ranching uses. Furthermore, no agriculture will be taken out of production.  
(b) The application, plans, and related support materials found in Planning File No. PLN180527.
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. PLN180527.  
(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 (CCR), 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) CCR 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. PLN180527.

8. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, and any other applicable provisions of the County's Zoning Ordinance (Title 21) and the County's Subdivision Ordinance (Title 19). 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 the Agricultural Preserve and Land Conservation Contract No. 63-012 shall be applicable to the 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. PLN180527.

**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 the Agricultural Preserve and Land Conservation Contract No. 63-012.
- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN180527.

**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 522 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 522 acres in total and 522 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 522 acres in farmland production within Agricultural Preserve Land Conservation Contract No. (Ag Preserve No.63-012).
  - (d) The application plans, and related support materials found in Planning File No. PLN180527.

**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 No.

63-012. 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. PLN180527.

**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 – 40 acre minimum and Farmlands- 40 acre minimum. 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. PLN180527.

**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 four (4) 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. PLN180527.

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

- 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 Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines CCR Section 15300.2;
- b. Approve 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, 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. 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 lot only and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lots between the County and the property owners reflecting the new legal descriptions, 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 subject to the submittal of the appropriate recording fees from the property owners of

record.

PASSED AND ADOPTED this 28<sup>st</sup> day of April, 2020 upon motion of  
Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote,  
to-wit:

AYES:

NOES:

ABSENT:

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 \_\_\_ for the meeting on \_\_\_\_\_.

Dated:

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

By \_\_\_\_\_  
Deputy