



Monterey County

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

Board Report

Legistar File Number: RES 19-123

September 17, 2019

Introduced: 9/6/2019

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

PLN180103 - (COPLEY LAND COMPANY)

Consider a Lot Line Adjustment between two (2) legal lots of record of approximately 803.5 acres (Existing Parcel II) and 1,440.5 acres (Existing Parcel IV), resulting in two (2) legal lots of record of 1,295 acres (Proposed Parcel 1) and 949 acres (Proposed Parcel 2). 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 CEQA Guidelines California Code of Regulations (CCR) Section 15305 (Minor alterations in land use limitations)

Project Location: Wildhorse Canyon Road, Southeast of King City (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 two (2) existing legal lots of record (under Williamson Act Agricultural Preserve Land Conservation Contract Nos. 69-23 (Copley and McKinsey) of approximately 803.5 acres (Existing Parcel II) and 1,440.5 acres (Existing Parcel IV), resulting in two (2) legal lots of record of 1,295 acres (Proposed Parcel 1) and 949 acres (Proposed Parcel 2) 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.

PROJECT INFORMATION:

APNs: Existing Parcel II: 420-091-015; 420-091-022; and 420-091-023
Existing Parcel IV: 420-091-016; 420-091-017; and 420-091-021

Zoning: PG/40

Plan Area: Central Salinas Valley Area Plan

SUMMARY:

On October of 2018, the subject application for a Lot Line Adjustment that involves two (2) existing grazing parcels under multiple parcel numbers (see Project Information above) was filed with the County. See *Attachment B* for Vicinity Map. The existing and proposed configuration are as follows:

Existing Parcel II:	Proposed Parcel 1:
803.5 acres	1295 acres

Existing Parcel IV:	Proposed Parcel 2:
1440.5 acres	949 acres

The two (2) parcels have been commonly known as the McKinsey Ranch and the Copley Ranch. The ranches are currently bisected by Wild Horse Canyon Road (see *Attachment A, Exhibit 2- Lot Line Adjustment Map* and *Attachment C - APN Map*). The Lot Line Adjustment would align the parcels to run along Wild Horse Canyon Road and; therefore, increase the utility of the grazing land, as each ranch will be defined and fenced on each side of Wild Horse Canyon Road. The grazing operation will continue. The parcels are under Land Conservation Contracts (LCC) No. 69-23 established pursuant to Board Resolution No. 69-35-23, Document No. G 05477, recorded at Reel 595, Page 616 (between the County and Jack Copley) and LCC No. 69-23 established pursuant to Board Resolution No. 69-35-23, Document G 05480, recorded at Reel 595, Page 638 (between the County and J. W. McKinsey and Claribel C. McKinsey) (see *Attachments D - Document G05477 [Copley]* and *E - Document G05480 [McKinsey]* for corresponding LCCs) and the zoning for all parcels is Permanent Grazing, 40 acre minimum (PG/40). The grazing use of the properties is consistent with the PG/40 zoning designation and compatible with the existing Williamson Act contracts.

DISCUSSION

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 F - 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: The proposed Lot Line Adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses (General Plan Goal LU-1). The proposed Lot Line Adjustment would: produce a superior lot configuration (Goal LU-1 item d); promote agriculture as a resource in this County (General Plan Goal LU-1 item f); better achieve the goals, policies, and objectives of the General Plan (General Plan Goal LU-1 item g); and facilitate routine and ongoing agricultural activities (General Plan Goal LU-1 item h).

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
- Agricultural Commissioner's Office
- RMA- Environmental Services

Agricultural Advisory Committee: On June 27, 2019, the Agricultural Advisory Committee considered this project and unanimously recommended approval of the project, as presented, with a vote of 8-0, with one (1) recusal.

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 *BS*

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 - Vicinity Map

Attachment C - APN Maps (Existing and Proposed Configuration)

Attachment D - Williamson Act Agricultural Preserve LCC No. 69-23, Document G 05477

Attachment E - Williamson Act Agricultural Preserve LCC No. 69-23, Document G 05480

Attachment F - Resolution Relating to the Processing of Lot Line Adjustments

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, Acting Services Manager; Nadia Garcia, Project Planner; Timothy Baldwin, Noland, Hamerly, Etienne & Hoss, Agent; Mary Grace Perry, Deputy County Counsel; Nicole E. Fowler, Mo. Co. EHB; Gregg MacFarlane, Senior Agricultural Appraiser; Henry S. Gonzales, Agricultural Commissioner; Property Owners; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180103.