



Monterey County

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Board Report

Legistar File Number: RES 19-002

February 12, 2019

Introduced: 1/31/2019

Current Status: RMA Land Use - Consent

Version: 1

Matter Type: BoS Resolution

PLN180398 - SIMARD-SIMARD II 1990 TRUST

Approve lot line adjustment between two (2) legal lots of record of approximately 10.03 acres (Existing Lot 1) and 296.90 (Existing Lot 2), resulting in two (2) legal lots of record of 84.53 acres (Proposed Lot 1) and 222.40 acres (Proposed Lot 2). The resultant parcels will not have a decrease in acreage under the Williamson Act Contract.

Propose California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15305 (Minor alterations in land use limitations)

Project Location: 751 Corral de Tierra Rd (Existing Lot 1) and 701 Corral de Tierra Rd (Existing Lot 2), Salinas

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 Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines 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 No. 73-30) of approximately 10.03 acres (Existing Lot 1) and 296.90 (Existing Lot 2), resulting in two (2) legal lots of record of 84.53 acres (Proposed Lot 1) and 222.40 acres (Proposed Lot 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(s) 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 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(s) subject to the submittal of the appropriate recording fees from the property owners of record.

PROJECT INFORMATION:

APNs: 416-441-045-000 (currently 10.03 acres)
416-441-046-000 (currently 296.90 acres)

Zoning: PG/40-VS

Plan Area: Toro Area Plan

SUMMARY:

The property owners have requested this lot line adjustment for estate planning purposes. Property owners consist of Ernest Errol Simard II and Eileen F. Simard, Trustees of the Simard-Simard II 1990 Trust dated June 27, 1990 as to an undivided 25% interest; Sandra Catherine Houde as to an undivided 25% interest; Suzanne Elizabeth Plann Miller as to an undivided 25% interest; Denis H. Simard as Trustee of the Denis H. Simard Revocable Trust dated August 25, 2006 as an undivided 25% interest; and Sandra Houde Moritz.

The proposed lot line adjustment would increase an undersized property off Coral de Tierra Road, from 10.03 acres to 84.53 acres, bringing that property into conformance with the 40-acre minimum lot size in the area. It would also place two existing single family homes, that are currently on separate parcels, on the proposed 84.53 parcel. The second parcel would be reduced in size from 296.90 acres to 222.40 acres and that parcel would no longer have a dwelling on it. Both properties are under a Williamson Act contract and are used for cattle grazing. 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.

DISCUSSION

The lot line adjustment meets the required County and State Williamson Act findings. A summary of these findings are as follows:

1. The lot line adjustment is between two (or more) existing adjacent parcels.
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
3. The parcels resulting from the lot line adjustment conforms to County zoning and building ordinances.
4. The adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract.
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.

Existing Configuration: Existing Lot 1 is 10.03 acres and has a single-family residence of approximately 3,000 square feet constructed in 1985. Existing Lot 2 is 296.90 acres and has a single-family residence of approximately 3,000 square feet constructed in 1986. Both parcels have a grazing operation and are under Williamson Act Agricultural Preserve Land Conservation Contract No. 73-30. The zoning for both parcels is Permanent Grazing, 40 acre minimum lot size in a Visually Sensitivity Zoning District or PG/40-VS. Existing Lot 1, being 10.03 acres is legal non-conforming as to lot size. Currently the parcels are accessed via Corral de Tierra Road (Existing Lot 1 and Existing Lot 2) and there is a second gated access for Existing Lot 2 off Corral del Cielo Road.

Proposed Configuration: The proposal is to adjust Existing Lot 1 from 10.03 acres to 84.53 acres and reduce Existing Lot 2 from 296.90 acres to 222.40 acres. In doing so, the single-family residence currently on Existing Lot 2 would now be located on Proposed Lot 1, resulting in Proposed Lot 1 having two (2) single family dwellings and Proposed Lot 2 being vacant. Access for Proposed Lot 1 and the two (2) single family dwellings would continue through the existing driveway off Corral de Tierra Road, while access to Proposed Lot 2 will be from Corral del Cielo Road.

The proposal would eliminate the non-conformity of Existing Lot 1 and facilitate the routine and ongoing agricultural activities of the agricultural operation. This lot line adjustment would result in having two (2) existing homes that are already near each other to be on the same parcel (Proposed Lot 1), which is the intent of General Plan Policies LU-1.7 and AG-1.7 which “strongly encourage” the clustering of development to promote the vitality of the agricultural operations. The PG/40-VS zoning allows up to three (3) single family dwellings per legal lot of record, accessory to the agricultural use of the property. The primary use of the two (2) existing parcels is grazing and the two (2) existing single family dwellings are accessory to this primary use. Proposed Lot 2 would become a vacant parcel at 222.40 acres, with the potential of having up to three (3) residences, as long as these are accessory to the agricultural use of the property. Staff has verified and determined that the subject parcels are not subject to Toro Area Plan Supplemental Policy No. T-1.7, which would limit a legal lot of record to the first single family dwelling.

Conclusion: Therefore, 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 agricultural 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 - Draft Resolution.

OTHER AGENCY INVOLVEMENT:

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

- Monterey County Regional Fire Protection District
- Environmental Health Bureau
- RMA-Public Works
- Water Resources Agency

FINANCING:

Funding for staff time associated with this project is included in the FY 2018-19 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: S. Ted Lopez, Associate Planner, ext. 5198

Reviewed by: Craig Spencer, Interim Planning Services Manager ext. 5233 and
Brandon Swanson, RMA Interim Chief of Planning, ext. 5193



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:

- Conditions of Approval
- Lot Line Adjustment Map

Attachment B - Vicinity Map

Attachment C - Williamson Act Contract - No. 73-30

cc: Front Counter Copy; Brandon Swanson, RMA Acting Chief of Planning; Craig Spencer, Acting Services Manager; S. Ted Lopez, Project Planner; Cody Phillips, Anthony Lombardo & Associates, 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 PLN180398.