

# Exhibit C

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## **DRAFT RESOLUTION**

### **Before the Planning Commission in and for the County of Monterey, State of California**

In the matter of the application of:

**SUNSET FARMS, INC. AND ELKHORN SLOUGH FOUNDATION (PLN120760)**

#### **RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project Categorically Exempt per CEQA Section 15305 (a); and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 77.31 (Parcel A), and 62.49 acres (Parcel B) resulting in two legal lots of 77.43 acres (Parcel 1) and 62.37 acres (Parcel 2), based on the findings and evidence and subject to 4 conditions of approval.

[Sunset Farms, Inc. and Elkhorn Slough Foundation  
PLN120760, 1601 Highway 1, Royal Oaks (APNs:  
117-011-018-000 and 117-011-011-000, 117-011-  
009-000, and 412-023-002-000), North County Land  
Use Plan, Coastal Zone]

**The Sunset Farms, Inc. and Elkhorn Slough Foundation application (PLN120760) came on for public hearing before the Monterey County Planning Commission on October 26, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

### **FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:**
  - a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - the 1982 Monterey County General Plan;
    - North County Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 2;
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating possible inconsistencies with the text, policies, and regulations in these documents.
  - b) The properties are located on 1601 Highway 1, Royal Oaks (APNs:

117-011-018-000 and 117-011-011-000, 117-011-009-000, and 412-023-002-000), North County Land Use Plan, Coastal Zone. The parcels are zoned “CAP (CZ)” Coastal Agricultural Preserve, 40 acre minimum in the Coastal Zone and “RC (CZ)” Resource Conservation in the Coastal Zone. The proposed Lot Line Adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Under both zoning districts “CAP” and “RC”, Lot Line adjustments are allowed subject to a Coastal Development Permit. The Lot Line Adjustment consists of the reconfiguration of two existing legal parcels. Zoning for Resource Conservation requires a minimum lot area of one acre and zoning for Coastal Agricultural Preserve requires a minimum lot area of 40 acres. The resulting parcels are 77.43 acres (Sunset Farms - Parcel 1) and 62.37 acres (Elkhorn Slough Foundation – Parcel 2); this is a difference of .12 acres. Although there are two different zoning districts, the Lot Line Adjustment is within the RC zoning district only. Therefore, the Lot Line adjustment is in compliance with zoning regulations and consistent with the North County Land Use policies.

- c) The application consists of a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 77.31 and 62.49 acres resulting in two legal lots of 77.43 acres (Parcel 1) and 62.37 acres (Parcel 2). The purpose of the lot line adjustment is to line up the properties with the established fence line. Modification of the existing fence, approximately \_\_\_\_\_linear feet, would be invasive to the sensitive habitat. The lot line adjustment is the least disruptive to the habitat. No development is proposed..
- d) Policy 5.2.1.E of the North County Land Use Plan (NCLUP) states that *preservation of agricultural lands is a major priority of the Coastal Act and is ensured in this plan by designating all lands in agricultural production, or suitable for such use, as “agricultural conservation” and by setting aside considerable other lands for aquacultural use.* Policy 2.3.3.B.4 of the North County Land Use Plan (NCLUP) states that *a setback of 100 feet from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use.* The parcels are located on the east side of Highway 1 in Moss Landing. The Sunset Farms parcel is located directly across the highway from Jensen Road and is surrounded by farmland to the north, south and west. The 77+ acre farmland parcel abuts the 62+ acre Elkhorn Slough parcel to the east with an approximately 850 foot wide buffer between the farmland parcel and the actual slough itself. The buffer is a part of the Elkhorn Slough parcel. The Sunset Farms property has been farmed for several decades. The operation is fully contained and has no environmental impacts to the slough. This buffer consists of trees and heavy brush. The Lot Line Adjustment will not affect the buffer between the slough and the farming operations. Therefore, the proposal meets the intended policies of the North County Land Use Plan.
- e) The project planner conducted a site inspection on September 26, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The Lot Line Adjustment does not include any tree removal, development on slopes exceeding 30%, ESHA, viewshed issues or any

archaeological resources.

- g) 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. No violations exist on the property.
- h) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because there were no conflicts involving the lot line adjustment. A lot line adjustment between the two parcels better meets the resource and agricultural protection policies of the North County Land Use Plan.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN120760.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the Lot Line Adjustment proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire, RMA- Public Works, Environmental Health Bureau and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Other than the standard conditions of approval from RMA-Planning, no other recommended conditions were incorporated.
  - b) The resulting lots conform to the Land Use and Zoning pattern of the North County Land Use Plan.
  - c) There were no potential environmental impacts as a result of the proposed Lot Line Adjustment. Therefore, no reports were required for submittal.

3. **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:**
- a) The project was reviewed by the RMA - Planning, North County Fire Protection District, Public Works, Environmental Health Bureau and Water Resources Agency. The respective agencies confirm that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) There are no public or private facilities that would be required for this lot line adjustment.
  - c) See Preceding Findings #1 and #2 and supporting evidence.

4. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 (a), categorically exempts minor alterations in land use limitations in area with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.
  - b) This is a minor lot line adjustment between two contiguous parcels for the purpose of correcting encroaching fence that encloses the farming operation. The farmland property abuts a vegetative buffer between the farming operation and the slough. No development is proposed and the lot line adjustment does not affect the slough in any way.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on September 26, 2016.
  - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.
5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 4 Public Access and Recreation Plan in the North County Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
6. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:
- 1. The lot line adjustment is between four (or fewer) existing adjoining 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 conform to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned “CAP (CZ)” Coastal Agricultural Preserve, 40 acre minimum in the Coastal Zone and “RC (CZ)” Resource Conservation in the Coastal Zone. The Lot Line Adjustment consists of the reconfiguration of two existing legal parcels. Zoning for Resource Conservation requires a minimum lot area of one acre and zoning for Coastal Agricultural Preserve requires a minimum lot area of 40 acres. The resulting parcels are 77.43 acres and 62.37 acres. The Lot Line Adjustment is between two (2) contiguous legal lots of record of

approximately 77.31 (Parcel A), and 62.49 acres (Parcel B) resulting in two legal lots of 77.43 acres (Parcel 1) and 62.37 acres (Parcel 2). The purpose of the adjustment is to realign the property line to follow an existing fence line. The proposed Lot Line Adjustment is consistent with the Monterey County Code (Title 19).

- b) The Lot Line Adjustment is between less than four existing adjoining parcels. The two parcels are contiguous legal lots of record.
- c) The Lot Line Adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- d) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each reconfigured lot is required per a standard condition of approval (**Condition #3**).

7.       **FINDING:**       **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**   a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses in the underlying zone (Coastal Development Permits), such as Lot Line Adjustments.

### **DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby:

- 1. Find the project Categorically Exempt per Section 15305 (a) of the CEQA Guidelines; and
- 2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 77.31 (Parcel A), and 62.49 acres (Parcel B) resulting in two legal lots of 77.43 acres (Sunset Farms - Parcel 1) and 62.37 acres (Elkhorn slough Foundation - Parcel 2), based on the findings and evidence and subject to 4 conditions of approval, in general conformance with the attached sketch, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 26th day of October, 2016 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Carl P. Holm, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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.

#### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 5-14-2014



# Monterey County RMA Planning

## DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN120760

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Coastal Development Permit was approved by the Planning Commission for Assessor's Parcel Numbers 117-011-018-000 and 117-011-011-000, 117-011-009-000, and 412-023-002-000 on October 26, 2016. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."  
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

### 3. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

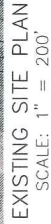
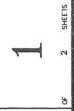
### 4. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.









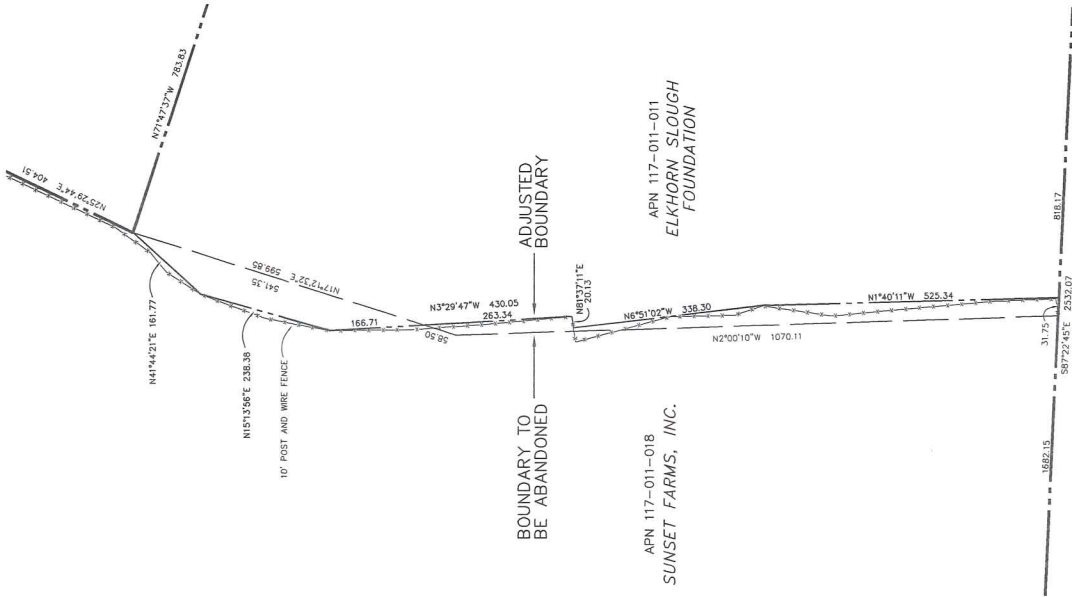
MID COAST ENGINEERS  
CIVIL ENGINEERS AND LAND SURVEYORS  
70 PENNY LANE, SUITE A WATSONVILLE, CA 95076 - (831) 724-2580



ELKHORN SLOUGH FOUNDATION  
AND SUNSET FARMS, INC.  
APN 117-011-009, 117-011-011 & 412-023-002  
AND APN 117-011-011-018  
STATE HIGHWAY NO. 1  
MONTEREY COUNTY, CALIFORNIA

SCALE: AS NOTED  
DESIGNED BY: LV  
DRAWN BY: RJP 7100  
DATE: AUGUST 31, 2012  
REVISED: 6/10/2016  
JOB NO.: 12080  
SHEET: 2  
OF: 2

TENTATIVE MAP FOR LOT LINE ADJUSTMENT



AREA CALCULATIONS

PARCEL NO.	EXISTING	TO BE SUBTRACTED	TO BE ADDED	ADJUSTED TOTAL
APN 117-011-009	15.07 ACRES			
APN 117-011-011	28.97 ACRES			
APN 412-023-002	17.45 ACRES			
TOTAL	61.49 ACRES	0.68 ACRES	0.56 ACRES	62.37 ACRES
APN 117-011-018	77.31 ACRES	0.56 ACRES	0.68 ACRES	77.43 ACRES

PROPOSED ADJUSTMENT DETAIL  
SCALE: 1" = 100'