

Exhibit B

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EXHIBIT B
DRAFT RESOLUTION

**Before the Board of Supervisor in and for the
County of Monterey, State of California**

In the matter of the application of:

RCT LAND COMPANY LP (PLN150619)

RESOLUTION NO. ----

Resolution by the Monterey County Board of
Supervisors:

- 1) Consider a Supplemental Environmental Impact Report that was previously adopted by the City of Greenfield City Council;
- 2) Adopt a Mitigation Monitoring and Reporting Program;
- 3) Approve a Minor Subdivision to allow the division of a 173 acre parcel into two (2) parcels of 121.4 acres (Parcel 1) and 51.6 acres (Parcel 2);
- 4) Approve tentative findings for approval of a partial cancellation of Williamson Act Agricultural Preserve Land Conservation Contract/Agreement No. 73-9 between the County of Monterey and TMV Lands; and
- 5) Approve findings for approval of a Williamson Act Easement Exchange.

Location: Northeast of Espinosa Road and Patricia Lane, Central Salinas Valley Area Plan (APN: 221-011-017-000)

CEQA Action: Supplemental Environmental Impact Report adopted by the City of Greenfield

The RCT Land Company LP application (PLN150619) came on for public hearing before the Monterey County Board of Supervisor on May 23, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

WHEREAS, an application was submitted by RCT Land Company LP for the following on Assessor's Parcel Number 221-011-017-000, northeast of Espinosa Road and Patricia Lane in Greenfield, CA:

- 1) Minor Subdivision to allow the division of a 173-acre parcel into two (2) parcels of 121.4 acres (Parcel 1) and 51.6 acres (Parcel 2);
- 2) Approval of tentative findings for approval of a partial cancellation of Williamson Act Agricultural Preserve Land Conservation Contract No. 73-9 between the County of Monterey and TMV Lands; and
- 3) Approval of a Williamson Act Easement Exchange.

WHEREAS, RCT Land Company LP owns the subject property consisting of approximately 173 acres (Assessor's Parcel Number 221-011-017-000; hereafter, "subject property") located south of the City of Greenfield. A Tentative Parcel Map application was filed to divide the subject property as follows:

- Parcel 1. Create a 121.4 acre parcel that would be annexed into the City of Greenfield and developed for commercial and industrial land uses. Parcel 1 would have a seventy foot (70') wide Agricultural Buffer Easement across the easterly property line and a ten foot (10') wide Agricultural Buffer Easement along the southern property line adjacent to Espinosa Road, encumbering approximately 6.7 acres of the property (the Buffer Easement Property) which would be held by the Ag Land Trust and the County of Monterey.
- Parcel 2. Create a 51.6 acre parcel that would remain under the existing Williamson Act contract and/or placed under a new/amended Williamson Act Contract; and,

WHEREAS, Parcel 1 is within the City of Greenfield's Sphere of Influence boundary and is proposed to be annexed. Annexation of this land would be part of the City of Greenfield's South End Annexation which involves four (4) parcels (including the subject parcel) with a total of approximately 290 acres located at the City's southern edge. Most of the area proposed for annexation, including the subject parcel, consists of irrigated farmland currently used to grow row crops and vineyards. The proposed annexation is consistent with the "Final Greater Greenfield Area Memorandum of Agreement" between the City of Greenfield (adopted by the Greenfield City Council on May 21, 2013), County of Monterey (adopted by the Board of Supervisors on June 11, 2013) and the Local Agency Formation Commission of Monterey County (LAFCO) (adopted by LAFCO on June 24, 2013); and,

WHEREAS, the applicant filed an owner initiated Notice of Non-Renewal of the Williamson Act Agricultural Preserve Land Conservation Contract No. 73-9 for the entire 173-acre parcel in 2004 (recorded in September 14, 2006). Per the owner initiated Notice of Nonrenewal, the existing Contract would expire on December 23, 2023. The applicant proposes to cancel the Williamson Act Contract on the land to be annexed (121.4 acres, Parcel 1) to make it possible for development on this parcel to occur prior to the anticipated December 23, 2023 expiration date to help provide economic activity, jobs, and revenue to benefit the City of Greenfield; and,

WHEREAS, mitigation for contract cancellation and annexation consists of placing Parcel 2 under a permanent agricultural conservation easement, as well as two (2) other properties that would be placed under permanent agricultural conservation easements through the Williamson Act Easement Exchange Program (WAEPP) administered by the Department of Conservation (DOC). The permanent agricultural conservation easements would be held and managed by the Ag Land Trust of Monterey County; and,

WHEREAS, the proposed project was reviewed by Agricultural Advisory Committee on April 28, 2016. The Committee recommended approval of the project. The Committee was satisfied with the land mitigation based on soil type and increased acreage of protected farm land which will result from the proposed permanent agricultural easements to be held by the Ag Land Trust; and,

WHEREAS, on December 14, 2016, the Planning Commission recommend that the Board of Supervisors consider the Supplemental EIR, adopt a Mitigation Monitoring and Reporting Plan, approve tentative findings for cancellation of Williamson Act Agricultural Preserve Land Contract No. 73-9 and approve the Minor Subdivision; and,

WHEREAS, the Board of Supervisors, having considered the application and the evidence related thereto, finds and declares that:

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) The proposed project is a partial cancellation of Williamson Act Agricultural Preserve Land Conservation Contract No. 73-9; and a Minor Subdivision to allow the division of a 173-acre parcel (commonly known as the Vanoli Ranch) into two (2) parcels of 121.4 acres (Parcel 1) and 51.6 acres (Parcel 2). An application was filed on November 20, 2015 and was deemed complete on December 12, 2015.
 - b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 2010 Monterey County General Plan;
 - 2010 Central Salinas Valley Area Plan;
 - Monterey County Zoning Ordinance (Title 21); and
 - Monterey County Subdivision Ordinance (Title 19).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - c) The 173-acre parcel property is located northeast of Espinosa Road and Patricia Lane, Greenfield (Assessor's Parcel Number 221-011-017-000), Central Salinas Valley Area Plan. The parcel is zoned F/40 (Farmlands/40 acre minimum), which allows agricultural use. The proposed Minor Subdivision is consistent with the minimum lot size (i.e., 40 acres) specified in the 2010 General Plan, the Central Salinas Valley Area Plan/Land Use Plan and the underlying zoning, which regulates parcel size and allowed use of the property.
 - d) 2010 Monterey County General Plan Policy LU-1.19. The project, as proposed and conditioned, is consistent with the applicable 2010 General Plan Policy LU-1.19. The project is outside of a Community Area, Rural Center or official Affordable Housing Overlay and is thus subject to Policy LU-1.19. While the project is being considered in advance of adoption of the Development Evaluation System (DES), the County applies the criteria in Policy LU-1.19 to projects as applicable, pending adoption of the Development Evaluation System. Based on the specific facts associated with this application, it is determined that the project meets the evaluation criteria set forth in Policy LU-1.19 and would pass the DES. Policy LU-1.19 states: *“Community Areas, Rural Centers and Affordable Housing Overlay districts are the top priority for development in the unincorporated areas of the County. Outside of those areas, a Development Evaluation System shall be established to provide a systematic, consistent, predictable, and quantitative method for decision-makers to evaluate developments of five or more lots or units and developments of equivalent or greater traffic, water, or wastewater intensity. The system shall be a pass-fail system and shall*

include a mechanism to quantitatively evaluate development in light of the policies of the General Plan and the implementing regulations, resources and infrastructure, and the overall quality of the development. Evaluation criteria shall include but are not limited to:

a Site Suitability

b Infrastructure

c Resource Management

d Proximity to a City, Community Area, or Rural Center Mix/Balance of uses including Affordable Housing consistent with the County Affordable/Workforce Housing Incentive Program adopted pursuant to the Monterey County Housing Element

e Environmental Impacts and Potential Mitigation

f Proximity to multiple modes of transportation

g Jobs-Housing balance within the community and between the community and surrounding areas

h Minimum passing score

Residential development shall incorporate the following minimum requirements for developments in Rural Centers prior to the preparation of an Infrastructure and Financing Study, or outside of a Community Area or Rural Center:

1) 35% affordable/Workforce housing (25% inclusionary; 10% Workforce) for projects of five or more units to be considered.

2) If the project is designed with at least 15% farmworker inclusionary housing, the minimum requirement may be reduced to 30% total.

This Development Evaluation System shall be established within 12 months of adopting this General Plan.”

Development of Parcel 1 with commercial and industrial uses would create traffic, water and wastewater impacts that exceed the policy threshold equivalency of five units. Staff finds that the project is consistent with the intent of Policy LU-1.19 to avoid unplanned, leap frog growth that could impact infrastructure and/or services. This project is located adjacent to, and planned for incorporation into, a City where there is infrastructure and services to support the planned uses. Once Parcel 1 is annexed, Monterey County General Plan policies will no longer apply to the property. No development is proposed on Parcel 2. It would remain in agriculture.

- e) The property is located within the City of Greenfield’s Sphere of Influence (SOI) boundaries. A portion of the property (121.4 acres) is proposed to be annexed. There is a “Greater Greenfield Area Memorandum of Agreement” between the City of Greenfield, County of Monterey and LAFCO dated June 2013. This annexation would be part of the City’s South End Annexation which involves four (4) parcels (including the subject parcel) with a total of approximately 290 acres located at the City’s southern edge. The 121.4 acres (Parcel 1 of the proposed subdivision) are “specific” acreage that have been included in the 2013 Memorandum of Agreement between the City of Greenfield, Monterey County and LAFCO and are within the City of Greenfield’s established Sphere of Influence (SOI). The proposed annexation is consistent with this MOU.
- f) The 121.4 acres of the Vanoli Ranch that are proposed for partial

cancellation of AgP LCC No. 73-9 are being subdivided to accomplish their annexation into the City of Greenfield. These 121.4 acres have been included in the City's SOI because of their immediate proximity to Highway 101 and the city's southern boundary. Further, the subject property's soil quality provides for an inferior agricultural growing environment due to the abundant existence of "Greenfield Potatoes" (local term for river rock of potato size) which make farming on the subject property a less desirable and more expensive endeavor due to wear and tear on farming equipment and extra labor necessary to clear the field of these rocks before and after plantings. The subject property provides for many harvesting issues due to the abundance of potato sized rocks. Since the SOI of the City of Greenfield is contiguous with the City limits being expanded in a manner that reflects the General Plan and future growth that has been addressed by Monterey County, the annexation of the 121.4 acres of the Vanoli Ranch will maintain a consistent growth pattern because it is immediately adjacent to current land that is either currently within the City limits or being annexed concurrently into the City limits.

- g) The subject property is located directly adjacent to the Highway 101 North Espinosa Road exit from State Highway 101, which makes said property easily accessible to traffic on Highway 101. This accessibility also makes the subject property more attractive to develop into commercial property which would benefit the City of Greenfield and all of the other cities in south Monterey County. The 121.4 acres when annexed as part of the "South End Annexation" proposal will be designated for commercial use (60 acres immediately adjacent to Highway 101) and industrial use for the remainder of the parcel. Due to the easy access from Highway 101 the City of Greenfield is planning on encouraging business growth in the form of a travel plaza, hotel(s) and restaurants. This would provide services for travelers and encourage visitors to come to visit the Pinnacles National Park and the River Road Wine Trail. Increased tourism in this area would provide economic growth and revenues to the City of Greenfield and provide jobs for local residents. The proposed project is consistent with the planned use for this site.
- h) Mitigation for contract cancellation and annexation consists of placing Parcel 2 under a permanent agricultural conservation easement, as well as two (2) other properties that would be placed under permanent agricultural conservation easements through the Williamson Act Easement Exchange Program (WAEPP) administered by the Department of Conservation (DOC). The permanent agricultural easements would be held and managed by the Ag Land Trust of Monterey County.
- i) The project was referred to the Agricultural Advisory Committee (Committee) for review on April 28, 2016. The Committee voted to recommend approval of the project 8-0, with three members absent and one member being recused. The Committee was satisfied with proposed land mitigation based on soil type and increased acreage of protected farm land that would result from placing agricultural conservation easements on other properties under the Williamson Act Easement

Exchange Program (WAEPP).

- j) The project planner conducted a site inspection on April 20, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- k) 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 PLN150619.

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, Environmental Health Bureau, RMA-Public Works, RMA-Environmental Services, Water Resources Agency, Greenfield Fire Protection District and City of Greenfield. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site inspection on April 20, 2016 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN150619.

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 has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Environmental Health Bureau, RMA-Public Works, RMA-Environmental Services, Water Resources Agency, Greenfield Fire Protection District and City of Greenfield. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Necessary public facilities are available for the portion of the site that will remain in the unincorporated area and will be provided by the City of Greenfield for the portion of the site that will be annexed.
 - c) Staff conducted a site inspection on April 20, 2016 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN150619.

4. **FINDING:** **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on April 20, 2016 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN150619.

5. **FINDING:** **CEQA (PREVIOUSLY ADOPTED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT) -** The County is a Responsible Agency for this project pursuant to the California Environmental Quality Act (CEQA). No Subsequent Environmental Impact Report is needed pursuant to Section 15162 or 15164 of the CEQA Guidelines.
- a) There have not been any substantial changes to the project which require major revisions to the previous Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects.
 - b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Supplemental EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 - c) No information of substantial importance has become available, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Supplemental EIR was approved, that shows any of the following:
 - (i) That the project will have one or more significant effects not discussed in the previous Supplemental EIR;
 - (ii) That significant effects previously examined will be substantially more severe than shown in the previous Supplemental EIR;
 - (iii) That mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant declines to adopt the mitigation measure or alternative; or
 - (iv) That mitigation measures which are considerably different from those analyzed in the Supplemental EIR would substantially reduce one or more significant effects on the environment, but the applicant declines to adopt the mitigation measure or alternative.
- EVIDENCE:**
- a) On August 8, 2006, the City of Greenfield City Council certified the South End Sphere of Influence (SOI) Amendment Final EIR and approved the SOI Amendment and related amendments to the City's General Plan.
 - b) In July 2016, the City prepared a Supplemental EIR (SEIR) to evaluate the current proposal and differences in the project description. The public review period for the Draft SEIR was from July 22, 2016 to September 5, 2016.
 - c) The Final SEIR was certified by the City of Greenfield SEIR on

October 11, 2016.

- d) The SEIR evaluated potentially significant impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural resources, geology, soils and geologic hazards, site hazards and hazardous materials, hydrology and water quality, land use and planning, noise, traffic and circulation, public services and utilities and greenhouse gas emissions. Mitigation measures that are the responsibility of the County to implement include:

MM 3.2-3 (Agricultural Resources); requires that the Williamson Act Easement Exchange Program (WAEPP) has been successfully completed and that the permanent agricultural conservation easements have been established to the satisfaction of the Department of Conservation, Monterey County and the Monterey County Ag Land Trust prior to LAFCO's recordation of a Certificate of Completion for the annexation and prior to approval of any development permits issued by the City.

MM 3.7-4.b (Hazards/Risk of Upset) requires that the handling and storage of hazardous materials take place in accordance with local and State requirements prior to and/or during any handling and/or storage of hazardous materials associated with future uses.

MM 3.2-2a (Agricultural Resources); has been replaced by Condition No. 5 (Agricultural Buffer Easements). Condition No. 5 achieves the objective of MM 3.2-2a which is to demonstrate adequate land separation on all site plans and applications for subdivision consistent with the provisions of the Memorandum of Agreement between Monterey County, City of Greenfield and LAFCO. Condition No. 5 is equally or more effective than MM 3.2-2a because it specifies the width and location of the proposed agricultural buffer easements.

6. FINDING:

SUBDIVISION – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

1. That the proposed map is not consistent with the applicable general plan and specific plans.
2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: a) Consistency. The project as designed and conditioned is consistent with the 2010 Monterey County General Plan and Central Salinas Valley Area

- Plan (see Finding Nos. 2 and supporting evidence).
- b) Design. The lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. Section 19.10.030.B establishes minimum and maximum lot dimensions for newly created parcels unless they are created as part of a planned unit development. The minimum lot width required is sixty feet (60') and the minimum depth required is eighty five feet (85'), but not more than three (3) times the width. All proposed lots will meet the minimum lot width and depth requirement. There are no hardships or unusual circumstances imposed by allowing a parcel of the sizes and dimensions requested. Also, both lots will exceed the minimum size requirement of 40 acres.
 - c) Site Suitability. The site is suitable for the proposed project including the type and configuration of the lot pattern (see Finding No. 3 and supporting evidence).
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding No. 6).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 4).
 - f) Water Supply. The Monterey County Environmental Health Bureau (EHB) reviewed the proposed subdivision and determined that water quality and quantity testing would not be required for this subdivision of agricultural lands; however, a condition has been applied requiring a deed restriction to inform any potential buyers (or future owners) that water quality/quantity must be demonstrated for Parcel 2 prior to any structural development beyond that required for the existing agricultural operations.
 - g) Access. The subject property has existing access from Espinosa Road and Patricia Lane. The resulting parcels would continue to have access from these two (2) County roads.

7. FINDING:

SUBDIVISION OF LAND UNDER WILLIAMSON ACT

CONTRACT – The 51.6 acre (Parcel 2) will remain under Williamson Act Contract and is subject to Section 66474.4 of the California Government Code (Subdivision Map Act) which provides as follows:

66474.4. (a) The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

(b) (2) For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) at least 10 acres in size in the case of prime agricultural land, or (B) at least 40 acres in size in the case of land that is not prime agricultural land.

EVIDENCE: a) Parcel 2, consisting of 51.6 acres, will remain under Williamson Act

Contract. This acreage is considered to be large enough to sustain its agricultural use because it is at least 40 acres in size in the case of land that is not prime agricultural land.

- b) The subdivision will not result in residential development not incidental to the commercial agricultural use of the land. Parcel 2 will remain under Williamson Act Contract; as such, it is not proposed for residential development which is not incidental to the commercial agricultural use of the land. Further, Parcel 2 will be placed in an Agricultural Conservation Easement with the Ag Land Trust of Monterey County.

8. **FINDING: CANCELLATION OF WILLIAMSON ACT AGRICULTURAL PRESERVE LAND CONSERVATION CONTRACT NO. 73-9**

Five (5) findings are required for cancellation of a Williamson Act Contract under Government Code Section 51282.

EVIDENCE: a) ***Finding #1: That the cancellation is for land on which Notice of Nonrenewal has been served, pursuant to Section 51245 of the Government Code.***

An Owner initiated Notice of Partial Nonrenewal for AgP LCC No. 73-9 was recorded with the Monterey County Recorder's Office on September 14, 2006 as Document No. 2006080679. This Notice of Nonrenewal is for the 173 acres (sometimes referred to as "subject property") which are the subject of the Franscioni (sometimes referred to as "Owner" or "applicant") petition for cancellation (Planning File No. PLN150619). The date of partial expiration of AgP LCC No. 73-9 as applicable to the subject 173 acres is December 31, 2026. Based on the facts stated above, this finding can be made.

b) ***Finding #2: That cancellation is not likely to result in the removal of adjacent lands from agricultural use.***

The applicant proposes to cancel a 121.4 acre portion of the property to establish commercial and industrial land uses, while the remaining 51.6 acres would continue to be farmed and subject to AgP LCC No. 73-9. The subject property is currently zoned F-40 (Farmlands-40 acre minimum), within the unincorporated area of Monterey County and is within the City's Sphere of Influence. The specific and unique nature of these 121.4 acres (i.e., the property's soils conditions as well as its proximity to the City of Greenfield and Highway 101) were the reasons the subject property was included in the "Greater Greenfield Area Memorandum of Agreement" and is part of the City of Greenfield's pending "South End Annexation" proposal. The remaining 51.6 acres of the Vanoli Ranch located adjacent to and easterly of the 121.4 acres proposed for cancellation, are located outside of the City's adopted Sphere of Influence (SOI) and will remain under the jurisdiction of Monterey County. The 51.6 acres will remain under the existing Williamson Act Contract or may be placed under a new/amended Williamson Act Contract and will be placed in an Agricultural Conservation Easement with the Ag Land Trust of Monterey County. Policy AG-1.3 of the 2010 Monterey County General Plan states that subdivision of Important Farmland which is designated as "Farmland" shall be allowed only for exclusive agricultural purposes. An exception

is allowed for community plan areas. The property immediately to the north (Scheid Parcel) is also included in the City's SOI, a subject of the "Greater Greenfield Area Memorandum of Agreement" and, is also a part of the City of Greenfield's "South End Annexation" proposal. The area further to the north is already urbanized and located within the City of Greenfield. Adjacent agricultural land to the east and across Espinosa Road to the south is located within Monterey County and is not within the City's adopted SOI. These adjacent areas will remain under active agricultural production. Policy AG-1.4 states that viable agricultural land uses shall be conserved, enhanced and expanded through agricultural land use designations and encouragement of large lot agricultural zoning. Based on the discussion above, staff does not believe that removal of the 121.4 acre portion of the site from Williamson Act Land Conservation contract restrictions will result in removal of adjacent land from agricultural use. Therefore, this finding can be made.

- c) ***Finding #3: That the cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.***

The 121.4 acres of the Vanoli Ranch that are proposed for partial cancellation of AgP LCC No. 73-9 are being subdivided to accomplish their annexation into the City of Greenfield. The 121.4 acres are "specific" acreage that have been included in the 2013 Memorandum of Agreement between the City of Greenfield, Monterey County and LAFCO and are within the City of Greenfield's established Sphere of Influence (SOI). These 121.4 acres have been included in the City's SOI because of their immediate proximity to Highway 101 and the City's southern boundary. Further, the subject property's soil quality provides for an inferior agricultural growing environment due to the abundant existence of "Greenfield Potatoes" (local term for river rock of potato size) which make farming on the subject property a less desirable and more expensive endeavor due to wear and tear on farming equipment and extra labor necessary to clear the field of these rocks before and after plantings. The subject property provides for many harvesting issues due to the abundance of potato sized rocks.

The subject property is located directly adjacent to the Highway 101 North Espinosa Road exit from State Highway 101, which makes said property easily accessible to traffic on Highway 101 N. This accessibility also makes the subject property more attractive to develop into commercial property which would benefit the City of Greenfield and all of the other cities in south Monterey County.

The 121.4 acres when annexed as part of the "South End Annexation" proposal will be designated for commercial use (60 acres immediately adjacent to highway 101) and industrial use for the remainder of the parcel. Due to the easy access from Highway 101 the City of Greenfield is planning on encouraging business growth in the form of a travel plaza, hotel(s) and restaurants. This would provide services for travelers and encourage visitors to come to visit the Pinnacles National

Park and the River Road Wine Trail. Increased tourism in this area would provide economic growth and revenues to the City of Greenfield and provide jobs for local residents.

Since the SOI of Greenfield is contiguous with the city limits being expanded in a manner that reflects the General Plan and future growth that has been addressed by Monterey County, the annexation of the 121.4 acres of the Vanoli Ranch will maintain a consistent growth pattern because it is immediately adjacent to current land that is either currently within the City limits or being annexed concurrently into the City limits.

Based upon these facts and circumstances, the proposed alternate use is consistent with the City of Greenfield General Plan.

d) ***Finding #4: That the cancellation will not result in discontinuous patterns of urban development.***

The 121.4 acres subject to the Petition for partial cancellation are located within the City of Greenfield's Sphere of Influence (SOI) approved by LAFCO. The SOI was delineated taking into account factors critical for orderly growth and economic development as required by applicable legislation. The City's boundary and the SOI limit growth in the area surrounding the City and protect Agricultural land now and in the future.

The land that is to be annexed into the City of Greenfield has the added cost of growing and harvesting due to the soil type (abundant and reoccurring "Greenfield Potatoes"). The value that the subject property will add to the City of Greenfield because of its location and accessibility outweighs the agricultural benefit that it currently offers. These are the findings of Monterey County, LAFCO and the City of Greenfield through their Memorandum of Agreement.

The only adjacent properties that would be involved in the City's annexation process are also included in the City's General Plan, the MOA and the SOI. Any future City growth that might involve agricultural land would be in accordance with Monterey County General Plan, City of Greenfield General Plan, and LAFCO procedures and policies.

The 51.6 acres remaining within AgP LCC No. 73-9 are proposed for inclusion within an Agricultural Conservation Easement in conjunction with the proposed annexation and the Petition for Cancellation of 121.4 acres. The proposed Agricultural Conservation Easement on the 51.6 acres which will remain within the unincorporated area of Monterey County will prevent these remaining 51.6 acres from being removed or converted from agricultural land and developed for non-agricultural uses in the future.

Since the SOI of Greenfield is contiguous with the city limits being expanded in a manner that reflects the City's General Plan and future

growth that has been addressed by Monterey County, the annexation of the 121.4 acres of the Vanoli Ranch into the City will maintain a consistent growth pattern because it is immediately adjacent to current land that is either currently within the city limits or being annexed concurrently into the city limits with the subject property.

Therefore, the proposed cancellation will not result in discontinuous patterns of urban development.

- e) ***Finding #5: That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contract land be put or, that the development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.***

City of Greenfield General Plan Figures 2-3 and 2-5 show the city's land use pattern. One of the proposed uses, heavy industrial, is in support of the agricultural industry and is designated nowhere else on the land use diagram. This makes the proposed cancellation land the only land available for industrial purpose. There are other highway commercial properties available north of Apple Avenue but they are encumbered by ownership and residential proximity that would limit traveler friendliness. There is also a Mixed Use overlay which is not compatible with the proposed commercial use. The parcels south of Espinosa Road adjacent to Highway 101 are under Williamson Act Contract. Therefore, there is no proximate noncontracted land available for this purpose. In addition, these 121.4 acres are "specific and unique" to the City's Sphere of Influence, and the MOA which have already been approved by Monterey County, the City of Greenfield, and LAFCO.

9. FINDING: AGRICULTURAL CONSERVATION EASEMENT- ADEQUACY AND LONG TERM COMMITMENT

- EVIDENCE:**
- a) ***Finding #1: That the easement land is expected to continue to be used for, and in an area that possesses the necessary market, infrastructure, and agricultural support services, and the surrounding parcel sizes and land uses will support long-term commercial agricultural production.***
See FINDINGS 1 and 7.
- b) ***Finding #2: That Monterey County's General Plan demonstrates a long-term commitment to agricultural land conservation as reflected in the goals, objectives, policies and implementation measures of the general plan relating to the conservation easement area.***
Monterey County has elected to include an Agriculture Element as part of the General Plan, adopted in 2010 for the inland area of the County. The Agriculture Element establishes policies directed to enhancing and supporting long-term productivity and commercial viability of the County's agricultural industry. This Element does the following: 1) Identifies ways in which agricultural uses are addressed differently than other land use policies in the General Plan;

2) Establishes exemptions for routine and ongoing agricultural activities; 3) Includes measures designed to protect agricultural operations, such as policies for the establishment of conservation easements through an agricultural mitigation program (**General Plan Policy AG-1.12**).

- c) ***Finding #3: That without conservation the proposed easement land would likely be converted to nonagricultural use in the foreseeable future.***

Monterey County is one of the Nation's top producing agricultural counties. A recent Economic report (2015) prepared by the Monterey County Agricultural Commissioner's Office estimated that agriculture generates \$8.1 billion in revenue annually to the local economy, and is the number one economic driver in the County. The high level of productivity is largely due to the natural features of the area, including fertile alluvial soils and a mild climate that makes year-round agricultural production possible. Although most land in Monterey County has the potential to be utilized for agriculture, there are a wide range of soil types and microclimates that cause some farmland to be more productive than elsewhere. In the Salinas Valley, the highest-quality farmland is also the scarcest. Historically, urbanization in Monterey County has occurred on the best farmland. In the period between 2010 and 2012, 1,127 acres of Prime farmland were converted from agricultural use. For all categories (Prime, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance), over 10,000 acres of farmland were lost.

Thus, pressure to convert fertile farmland is increasing with ever-expanding population numbers. The proposed land to be placed under an agricultural conservation easement will directly address the potential of converting agricultural land to non-agricultural land.

10. FINDING:

**AGRICULTURAL CONSERVATION EASEMENT-
BENEFICIAL CONTRIBUTION TO THE CONSERVATION OF
AGRICULTURAL LAND**

Findings are required for the establishment of Agricultural Conservation Easements under Government Code Section 51256 (b).

EVIDENCE:

- a) ***Finding #1: That the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area.***

See Finding 9, Evidence a, b, and c.

- b) ***Finding #2: The quality of the agricultural land, based on land capability, farmland mapping and monitoring program definitions, productivity indices, and other soil, climate, and vegetative factors. (Public Resources Code Section 10252(a))***

The agricultural quality of the agricultural land to be placed under an agricultural conservation easement meets all of the qualitative measures based on the appraisal reports presented to the RMA-County of Monterey Planning Division. These reports consist of:

- Appraisal of Vanoli Ranch dated April 24, 2017 prepared by Tom H. Pettit; and
- Conservation Easement Appraisal Report for Somavia, Vanoli-East and Redding Ranches dated April 20, 2017

- c) ***Finding #3: That the proposal meets multiple natural resource conservation objectives, including, but not limited to, wetland protection, wildlife habitat conservation, and scenic open-space preservation. (Public Resources Code Section 10252(b))***

The proposal meets all of the above criteria. On August 8, 2006, the City of Greenfield City Council certified the South End Sphere of Influence (SOI) Amendment Final EIR and approved the SOI Amendment and related amendments to the City's General Plan. In July 2016, the City prepared a Supplemental EIR (SEIR) to evaluate the current proposal and differences in the project description. The public review period for the Draft SEIR was from July 22, 2016 to September 5, 2016. The Final SEIR was certified by the City of Greenfield on October 11, 2016. The County is a Responsible Agency for this project pursuant to the California Environmental Quality Act (CEQA).

The SEIR evaluated potentially significant impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural resources, geology, soils and geologic hazards, site hazards and hazardous materials, hydrology and water quality, land use and planning, noise, traffic and circulation, public services and utilities and greenhouse gas emissions. Mitigation measures that are the responsibility of the County to implement include MM 3.2-2a (Agricultural Resources), MM 3.2-3 (Agricultural Resources) and MM 3.7-4.b (Hazards/Risk of Upset). These mitigation measures are included in the Mitigation Monitoring and Reporting Program.

- d) ***Finding #4: That Monterey County demonstrates a long-term commitment to agricultural land conservation. (Public Resources Code Section 10252(c) (1)-(7))***

See FINDING 9, Evidence b and c.

- e) ***Finding #5: If the land is in a county that participates in the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code), the land proposed for protection is within a county or city designated agricultural preserve. (Public Resources Code Section 10252(d))***

See previous FINDINGS.

- f) ***Finding #6: That the land proposed for conservation is within two miles outside of the exterior boundary of the sphere of influence of a city as established by the local agency formation commission. (Public Resources Code Section 10252(e))***

Two sites have been identified to be placed under an agriculture conservation easement and both sites are within two miles outside of the exterior boundary of the sphere of influence of a city as established by the local agency formation commission.

The following is the information on the two sites:

Somavia Ranch (APN 137-151-009-000) – Somavia Ranch contains approximately 66.09 acres located northeast of the intersection of

Somavia Road and Highway 101 between Salinas and Chualar. The property is designated as Heavy Industrial in the Monterey County General Plan and zoned HI/B-5 60 AC (Heavy Industrial/Building Site 60 Acre Minimum Lot Size). This parcel is currently in row crops and would continue to be farmed after an agricultural conservation easement is placed on it.

Redding Ranch (APN 221-011-040-000) – Redding Ranch contains approximately 317.97 acres located southeast of the intersection of Underwood Road and Highway 101. The property is designated as Farmlands in the Monterey County General Plan and is zoned F-40 (Farmlands Minimum 40 acres). This parcel is currently in row crops and would continue to be farmed after an agricultural conservation easement is placed on it.

- g) ***Finding #7: That the applicant demonstrates fiscal and technical capability to effectively carry out the proposal. Technical capability may be demonstrated by agricultural land conservation expertise on the governing board or staff of the applicant, or through partnership with an organization that has that expertise. (Public Resources Code Section 10252(f))***

The applicant proposes that the Department of Conservation accept the Agricultural Conservation Easement appraised value of the Somavia Ranch (APN 137-157-009) by John Piini (\$943,000) and current appraised value of the 51.6 acres (Parcel 2) which is the subject of the Vanoli Ranch Minor Subdivision by Tom Pettitt (\$361,000) which totals \$1,304,000 as mitigation for the cancellation fee designated by the Monterey County Assessor's office in the amount of \$1,262,500 (representing 12.5% of \$10,100,000 Monterey County appraised value).

The Somavia Ranch (APN 137-151-009-000) consisting of 66.9 acres and Parcel 2 of the Vanoli Ranch consisting of 51.6 acres will be placed in permanent Agricultural Conservation Easements to be managed by the Ag Land Trust in perpetuity after the final map for the Vanoli Ranch Minor Subdivision is approved for filing with the Monterey County Recorder and prior to the annexation of the 121.4 acres (Parcel 1) of the Vanoli Ranch Minor Subdivision into the City of Greenfield. The deeds for the permanent Agricultural Easements will be recorded with the assistance of the Ag Land Trust and its Executive Director Sherwood Darington.

In addition, the applicant proposes that 317.79 acres of Redding Ranch (APN 221-011-040) be used to mitigate the removal of 121.4 acres (Parcel 1) which is the subject of the Vanoli Ranch Minor Subdivision proposed for cancellation and removal from Williamson Act Agricultural Preserve and Land Conservation Contract No. 73-9 and annexation into the City of Greenfield in the very near future. Placing

the Redding Ranch acreage in a permanent Agricultural Conservation Easement to be held and managed by the Ag Land Trust offers more than a 2:1 mitigated land ratio to the County of Monterey and LAFCO.

The deed of permanent Agricultural Conservation Easement on the Redding Ranch will be recorded with the assistance of the Ag Land Trust and its Executive Director Sherwood Darington upon completion of the Williamson Act Contract cancellation and permanent Agricultural Conservation Easement exchange and prior to the effective date of the annexation into the City of Greenfield.

- h) ***Finding #8: That the proposal demonstrates a coordinated approach among affected landowners, local governments, and nonprofit organizations. If other entities are affected, there is written support from those entities for the proposal and a willingness to cooperate. The support of neighboring landowners who are not involved in the proposal shall be considered. (Public Resources Code Section 10252(g))***

See previous Evidence (FINDING 10, Evidence g)

- i) ***Finding #9: That the conservation of the land supports long-term private stewardship and continued agricultural production in the region. (Public Resources Code Section 10252(h))***

See previous Evidence (FINDING 10, Evidence g)

- j) ***Finding #10: That the proposal demonstrates an innovative approach to agricultural land conservation with a potential for wide application in the state. (Public Resources Code Section 10252(i))***

See all of FINDING 10.

- k) ***Finding #11: That the amount of matching funds and in-kind services contributed by local governments and other sources toward the acquisition of the fee title or agricultural conservation easement, or both. (Public Resources Code Section 10252(j))***

See all of FINDING 10.

- l) ***Finding #12: That the price of the proposed acquisition is cost-effective in comparison to the fair market value. (Public Resources Code Section 10252(k))***

The Ag Easement appraised value of the Somavia Ranch APN 137-157-009 is \$943,000 and the current appraised value of the 51.6 acres (Parcel 2) of the subject Vanoli Ranch Minor Subdivision is \$361,000 which totals \$1,304,000 as mitigation for the cancellation fee designated by the Monterey County Assessor's office in the amount of \$1,262,500 (representing 12.5% of \$10,100,000 Monterey County appraised value).

11. FINDING: AGRICULTURAL CONSERVATION EASEMENT- SITE SUITABILITY AND VALUE

Three (3) findings are required for the establishment of Agricultural

Conservation Easements under Government Code Section 51256 (c) (d) and (e).

- EVIDENCE:** a) ***Finding #1: That the land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded. In determining the suitability of the land for agricultural use, the city or county shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure. (Public Resources Code Section 51256(c))***

The land to be rescinded consists of 121.4 acres (Parcel 1) of Prime Farmlands which are the subject of the Vanoli Ranch Minor Subdivision and the pending petition for partial cancellation of Williamson Act Contract AgP LLC No. 73-9. These 121.4 acres have been included in the City's SOI because of their immediate proximity to Highway 101 and the City's southern boundary. Further, the subject property's soil quality provides for an inferior agricultural growing environment due to the abundant existence of "Greenfield Potatoes" (local term for river rock of potato size) which make farming on the subject property a less desirable and more expensive endeavor due to wear and tear on farming equipment and extra labor necessary to clear the field of these rocks before and after plantings. The subject property provides for many harvesting issues due to the abundance of potato sized rocks. The proposed deeds of permanent Agricultural Conservation Easements consist of 66.09 acres (Somavia Ranch- with a designation of Farmlands of Statewide Importance) and 317.97 acres (Redding Ranch with a designation of Prime Farmlands). The land proposed for inclusion within permanent Agricultural Conservation Easements is currently in high yielding row crop production and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded.

- b) ***Finding #2: That the value of the proposed agricultural conservation easement, as determined pursuant to Public Resources Code Section 10260 (easement value shall be calculated by determining the difference between the fair market value and the restricted value of the property), is equal to or greater than: Twelve and one-half percent of the cancellation valuation of the land subject to the contract to be rescinded, pursuant to Government Code Section 51283(a). (Government Code Section 51256(d))***

The cancellation fee is 12.5% of the value of the 119.8 acres that are proposed for contract cancellation, or approximately \$1,262,500. The lands put under easement through the Williamson Act Easement Exchange Program (WAEPP) process are in lieu of paying a cancellation fee to the State, and cannot be considered mitigation for conversion of land. A portion of the 435.48 acres to be placed in permanent agricultural conservation easements would be used in lieu of paying the approximately \$1,262,500 cancellation fee. The remaining acreage would be used as mitigation for the loss of farmland.

The applicant proposes that the Department of Conservation accept the Ag Easement appraised value of the Somavia APN 137-157-009 of \$943,000 and current appraised value of the 51.6 acres (Parcel 2) which are the subject of the Vanoli Ranch Minor Subdivision of \$361,000 which totals \$1,304,000 as mitigation for the cancellation fee designated by Monterey County Assessor's office in the amount of \$1,262,500 (representing 12.5% of \$10,100,000 Monterey County appraised value).

Also, see FINDING 11, Evidence a.

- c) ***Finding #3: That the easement value and the cancellation valuation were determined within 90 days before the approval of the city or county of an agreement pursuant to this section. (§51256(e))***

The easement value and the cancellation valuation were determined within 90 days before the approval of the County of an agreement pursuant to this Section. The valuation was determined on April 24, 2017.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisor does hereby recommend that the Board of Supervisors:

- 1) Consider a Supplemental Environmental Impact Report that was previously adopted by the City Greenfield City Council;
- 2) Adopt the attached Mitigation Monitoring and Reporting Program;
- 3) Approve tentative findings for approval of a partial cancellation of Williamson Act Agricultural Preserve Land Conservation Contract No. 73-9; and
- 4) Approve a Minor Subdivision to allow the division of a 173 acre parcel into two (2) parcels of 121.4 acres (Parcel 1) and 51.6 acres (Parcel 2) subject to the attached conditions of approval, including mitigation measures, and the attached tentative map for the Vanoli Ranch Minor Subdivision.
- 5) Approve findings for approval of a Williamson Act Easement Exchange.

PASSED AND ADOPTED this 23rd day of May, 2017 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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.

Monterey County RMA Planning

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

PLN150619

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Minor Subdivision Tentative Map (PLN150619) allows the subdivision of an existing 173 acre parcel into two (2) parcels (Parcel 1, 121.4 acres and Parcel 2, 51.6 acres). The property is located at northeast of the intersection of Espinoza Road and Patricia Lane (Assessor's Parcel Number 221-011-017-000-000), Central Salinas Valley Area Plan. 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 RMA - Planning. 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)

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 The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure:

"A Minor Subdivision Tentative Map (Resolution Number 16-030) was approved by the Planning Commission for Assessor's Parcel Number 221-011-017-000 on December 14, 2016. The permit was granted subject to nine (9) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, filing of the final/parcel map, recordation of the Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading and building permits, filing of the final/parcel map, recordation of the certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the Director of RMA - Planning.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:**

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

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.

5. PDSP001 - AGRICULTURAL BUFFER EASEMENTS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The owner/applicant shall demonstrate adequate land separation on Parcel 1 consistent with the provisions of the Memorandum of Agreement (MOA) between Monterey County, the City of Greenfield and LAFCO Monterey. An agricultural buffer easement shall be conveyed to Monterey County and the Monterey County Ag Land Trust over those portions of Parcel 1 as follows: seventy (70) feet in width along the eastern property line and ten (10) feet in width along that portion of the southern property line that abuts Espinosa Road. An agricultural buffer easement deed shall be submitted to, reviewed and approved by the Monterey County Ag Land Trust and the Director of RMA - Planning and accepted by the Board of Supervisors prior to filing the parcel map. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Record the deed and map showing the approved agricultural buffer easement. Submit a copy of the recorded deed and map to RMA - Planning.
The 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 descriptions 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 documents.

6. PDSP002 - MITIGATION MEASURE NO. 3.2-3

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to LAFCO's recordation of a Certificate of Completion for the annexation of the Franscioni property (APN 221-011-017-000), and prior to approval of any development rights or permits on the property issued by the City, the owner/applicant shall demonstrate that the Williamson Act Easement Exchange Program (WAEPP) has been successfully completed and that the permanent agricultural conservation easements have been established or are imminent to the satisfaction of the California Department of Conservation, County of Monterey, and the Monterey County Ag Land Trust (formerly the Monterey County Agricultural and Historical Land Conservancy). The owner/applicant shall comply with the requirements set forth in the Department of Conservation's WAEPP and provide adequate evidence, as determined by the City Planning Director, that the requirements have been met.

Compliance or Monitoring Action to be Performed: The permanent agricultural easements shall be recorded prior to LAFCO's recordation of a Certificate of Completion.

7. PDSP003 - MITIGATION MEASURE NO. 3.7-4b (HAZARDS/RISK OF UPSET)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Handling and/or storage of hazardous materials associated with future uses shall take place in accordance with the requirements of the Environmental Health Bureau and the California Department of Toxic Substances Control. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to and/or during any handling and/or storage of hazardous materials associated with future uses the applicant shall meet the requirements of the Environmental Health Bureau and the California Department of Toxic Substances Control.

8. EHSP01 - DEED RESTRICTION / MAP RECORDATION – AGRICULTURAL SUBDIVISIONS: WATER (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Concurrent with the filing of the final/parcel map, the Owner/Applicant shall record a deed restriction on proposed Parcel 2 created by this subdivision which includes the provision stated below. The property owners of record shall also include such provision in any grant deed or other instrument conveying any right, title or interest in Parcel 2 created by this subdivision, and shall also place a note on the Parcel Map. The provision shall read as follows:

“The current property owners of record and all future buyers of Parcel 2 created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, Parcel 2 created by this subdivision was not guaranteed to have water of sufficient quality or quantity to meet state standards and local drinking water standards set forth in the Monterey County Code (MCC) Title 15, Chapters 15.04 and 15.08, and MCC Title 19. At the time of the subdivision, the subject property was utilized for agricultural production, and no development of the parcel/lot for other purposes was projected. Therefore, the County has not verified that Parcel 2 created by this subdivision has water quality and quantity meeting state and local drinking water standards. The current property owners of record and all future buyers of Parcel 2 created by this subdivision are hereby further notified that no development will be permitted and no building permit will be issued for development on the parcel/lot until the owner(s) of the parcel/lot proposed for development demonstrates to the satisfaction of the County that the parcel/lot has a water source meeting all state and local drinking water quality and quantity standards, without treatment, as set forth in MCC Title 15, Chapters 15.04 and 15.08, and Title 19. For the purpose of this restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal.”

Compliance or Monitoring Action to be Performed: Prior to filing the final/parcel map, the Owner/Applicant shall submit a draft of the note to be placed on the final/parcel map for review and approval by the Environmental Health Bureau (“EHB”), RMA-Public Works and the Office of the County Counsel.

Prior to the filing of the final/parcel map, the owner/applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the EHB. The EHB will prepare the deed restriction form.

Concurrent with filing the final/parcel map, record the County approved deed restriction on each parcel/lot created by the subdivision and provide proof of recordation to the Environmental Health Bureau and Planning Department.

At the time of sale of Parcel 2, include the same provision in any instrument conveying right, title, or interest in each parcel/lot created by this subdivision.

9. EHSP02 - DEED RESTRICTION / MAP RECORDATION - AGRICULTURAL SUBDIVISIONS: ONSITE WASTEWATER DISPOS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Concurrent with the filing of the Parcel Map, the Owner/Applicant shall record a deed restriction on Proposed Parcel 2 created by this subdivision which includes the provision stated below. The property owners of records shall also include such provision in any grant deed or other instrument conveying any right, title or interest in Parcel 2 created by this subdivision, and shall also place a note on the Parcel Map. The provision is as follows:

"The current property owners of record and all future buyers of any of Parcel 2 created by this subdivision are hereby notified that, at the time of the subdivision creating these parcels/lots, the subject property was not guaranteed to have a viable site for an onsite wastewater disposal system. No Soils or Percolation Report by a qualified Soils Engineer has been completed which demonstrates that Parcel 2 meets state standards and local standards set forth in the Monterey County Code (MCC), Title 15, Chapter 15.20. At the time of the subdivision creating Parcel 2, the subject property was utilized for agricultural production, and no development of the parcels/lots for other purposes was projected. Therefore, the County has not verified that Parcel 2 created by this subdivision has an onsite wastewater site meeting all state standards and local standards set forth in MCC Chapter 15.20. The current property owners of record and all future buyers of the subject property are hereby further notified that no development will be permitted and no building permit will be issued for development on Parcel 2 until the owner(s) of the parcel/lot proposed for development demonstrates to the satisfaction of the County that the subject parcel/lot proposed for development has a suitable onsite wastewater site meeting all state standards and all local standards set forth in MCC Chapter 15.20. Alternately, an owner may provide documentation to the satisfaction of the Environmental Health Bureau to demonstrate that Parcel 2 has been approved to connect to a sanitary sewer system. For the purpose of this deed restriction, the term development includes any land improvement or entitlement that would utilize water for non-irrigation purposes and require onsite wastewater disposal."

Compliance or Monitoring Action to be Performed: Prior to filing the final/parcel map, the Owner/Applicant shall submit a draft of the note to be placed on the Parcel Map for review and approval by the Environmental Health Bureau ("EHB"), RMA-Public Works and the Office of the County Counsel.

Prior to the filing the final/parcel map, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the EHB. The EHB will prepare the deed restriction form.

Concurrent with filing the final/parcel map, the owner/applicant shall record the County approved deed restriction on each parcel/lot created by the subdivision and provide proof of recordation to the Environmental Health Bureau and Planning Department.

At the time of sale of Parcel 2, include the same provision in any instrument conveying right, title, or interest in each parcel/lot created by this subdivision.

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