



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Report

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Matter Type: BoS Resolution

**PLN160371 - RICHARD E. ALDERSON, TRUSTEE OF THE RICHARD E. ALDERSON
1987 INTER VIVOS TRUST DATED DECEMBER 11, 1987**

Public hearing to adopt a resolution for approval of a Lot Line Adjustment of Williamson Act lands between four (4) existing legal lots of record totaling approximately 433 acres and resulting in four (4) legal lots of record. The resultant parcels will not have a decrease in acreage under the Williamson Act Contract.

Propose California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15305

Project Location: Elm Avenue between Arroyo Seco Road and Reliz Canyon Road, Greenfield, Central Salinas Valley Area Plan.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution:

- a. Finding that the project is a Lot Line Adjustment not resulting in a new parcel, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
- b. Approving a Lot Line Adjustment between four (4) existing legal lots of record of approximately 26 acres (Parcel 1), 164 acres (Parcel 2), 156 acres (Parcel 3) and 86 acres (Parcel 4) under Williamson Act Agricultural Preserve Land Conservation Contract No. 85-4 (LCC No. 85-4) established by County Board of Supervisors Resolution No. 85-43, resulting in four (4) reconfigured lots consisting of approximately 27 acres (Parcel A), 54 acres (Parcel B), 48 acres (Parcel C) and 304 acres (Parcel D) with no net decrease in acreage under the Williamson Act Contract;
- c. Authorizing the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and the Richard E. Alderson 1987 Inter Vivos Trust Dated December 11, 1987 reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- d. Directing the Clerk of the Board to record the new or amended Land Conservation Contract or Contracts subject to the submittal of the appropriate recording fees from the property owners of record.

PROJECT INFORMATION:

APNs: 419-101-029-000; 419-101-076-000; 419-101-079-000 and portion of 419-101-063-000

Zoning: RG/10; F/40; and PG/40

SUMMARY/DISCUSSION:

The subject Lot Line Adjustment will reconfigure four (4) existing legal lots of record totaling approximately 433 acres, resulting in four (4) lots of record. The current use of the properties is cattle grazing and the applicant intends to continue the grazing operation and integrate some vineyards in the future. These two (2) uses are consistent with the agricultural zoning designation of the properties which consist of Rural Grazing - 10 acre minimum (RG/10), Farmlands - 40 acre minimum (F/40) and Permanent Grazing - 40 acre minimum (PG/40) zoning. The uses are also compatible with the applicable Williamson Act Agricultural Preserve and Land Conservation Contract No. 85-4 (LCC No. 85-4) established by Board of Supervisors Resolution No. 85-43 in 1985.

Proposed Project and the 2010 Monterey County General Plan:

The Lot Line Adjustment consists of the following existing and proposed configuration:

<u>Current Parcel</u>	<u>Current Size</u>	<u>Current Zoning</u>
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Parcel 1 (APN 419-101-029)	26 ac	RG/10
Parcel 2 (APN 419-101-076)	164 ac	RG/10 F/40 PG/40
Parcel 3 (APN 419-101-079)	156 ac	PG/40
Parcel 4 (APN 419-101-063)	86 ac	PG/40

<u>Proposed Parcel</u>	<u>Proposed Size</u>	<u>Resultant Zoning</u>
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Parcel A	27 ac	RG/10 F40
Parcel B	54 ac	RG/10 F/40 PG/40
Parcel C	48 ac	F/40 PG/40
Parcel D	304 ac	RG/10 F/40 PG/40

As the table above shows, the current parcels have zoning designations of Rural Grazing - 10 acre minimum (RG/10); Farmlands - 40 acre minimum (F/40); and Permanent Grazing - 40 acre minimum. Currently, the existing parcels all meet minimum lot size requirements. Parcel 1 is a 26 acre parcel with a zoning designation of RG/10. Parcel 2 is a 164 acre parcel with a zoning designation of RG/10,

F/40 and PG/40. Parcel 3 is a 156 acre parcel with a zoning designation of PG/40. Parcel 4 is an 86 acre parcel with a zoning designation of PG/40.

The proposed lot line configuration would result in adjusted Parcel 1 (26 acres) becoming *Proposed Parcel A* (27 acres) with a zoning designation of both RG/10 and F/40. Proposed Parcel A would not meet the minimum parcel size requirement of 40 acres per the F/40 zoning designation.

The parcels are subject to the 2010 Monterey County General Plan. Goal LU-1 of the General Plan promotes “*appropriate and orderly growth and development while protecting desirable existing land uses*”. Under this goal, *Policy LU-1.16* states that lot line adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the lot line adjustment would:

- a. Accommodate legally constructed improvements which extend over a property line; or
- b. Facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. Resolve boundary issue between or among affected owners; or
- d. Produce a superior parcel configuration; or
- e. Reduce the non-conformity of existing legal lots of record; or
- f. Promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. Better achieve the goals, policies and objectives of the General Plan; or
- h. Facilitate Routine and Ongoing Agricultural activities.

Although the existing configuration of Parcel 1 currently conforms to minimum lot size standards and the proposed configuration of proposed Parcel A will not, staff believes that the new configuration would in fact promote appropriate and orderly growth and development while protecting desirable land uses (Goal LU-1). The proposed Lot Line Adjustment would: produce a superior lot configuration (item d); promote resource conservation as agricultural is a resource in this County (item f); better achieve the goals, policies, and objectives of the General Plan (item g); and facilitate routine and ongoing agricultural activities (item h). In staff’s analysis, specifically of *Proposed Parcel A*, to be adjusted from a horizontal shaped 26 acres to a vertical shaped 27 acres, the outcome is a parcel having dual zoning designations: the northern portion of the parcel would be zoned RG/10 and the southern portion would be zoned F/40. When portions of a parcel have more than one (1) zoning designation, the most restrictive zoning designation is applied when that parcel is developed. Although proposed Parcel A will not meet the F/40 40 acre minimum standard, the result would actually promote conservation of agricultural resources by having a portion of this reconfigured 27 acre parcel subject to an F/40 zoning designation. A dual zoning designation of RG/10 and F/40 would make proposed Parcel A subject to the more restrictive F/40 zoning designation. Application of the F/40 zoning designation would make proposed Parcel A “un-subdividable” as opposed to the current lot configuration for existing Parcel 1 (26 acres) with an RG/10 zoning designation. Existing Parcel 1 (26 acres) with an RG/10 zoning designation can potentially be subdivided into two (2) parcels which would promote a more developable area for residential purposes, inconsistent with the intent of the Williamson Act Contract (LCC No. 85-4) and General Plan policies for agricultural lands.

The purpose for the Lot Line Adjustment is to reconfigure the property boundaries to move acreage

from existing Parcels 1, 2 and 3 into flatter terrain for the construction of future single family residences on each parcel for family members (Proposed Parcels A, B, and C), which is consistent with the Board adopted list of compatible uses and the applicable Williamson Act Contract (LCC No. 85-4), and leave the steeper terrain for the existing cattle operation (Proposed Parcel D). The resultant parcels would allow the property owners to efficiently sustain their agricultural operations by living on proposed Parcels A, B, and C and concentrating the cattle operation primarily on proposed Parcel D.

The proposed lot configuration would produce a superior parcel configuration as proposed Parcel A would have a building site over a ridge approximately 500 feet away from Elm Avenue. Further, with the new lot configuration, an existing road would provide access to all four (4) of the reconfigured parcels. Proposed homes for family members on proposed Parcels A, B, and C can be better sited with the existing road and with minimal disruption of the existing agricultural operation. The proposal would facilitate the routine and ongoing agricultural activities of the grazing operation. Clustering homes in proposed Parcels A, B, and C better achieves the goals, policies and objectives of the General Plan. Policies LU-1.7 and AG-1.7 “strongly encourage” the clustering of development in order to promote the vitality of the agricultural operations. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan in order to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County’s agricultural industry.

Williamson Act Findings:

The proposed Lot Line Adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract No. 85-4. Pursuant to Government Code Section 51257, to facilitate a Lot Line Adjustment of Williamson Act lands, the Board of Supervisors must make all of the following findings:

- (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:
 - (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
 - (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
- (b) Nothing in this section shall limit the authority of the board or council to enact additional conditions or restrictions on lot line adjustments.
- (c) Only one new contract may be entered into pursuant to this section with respect to a given parcel, prior to January 1, 2004.
- (Amended by Stats. 2012, Ch. 128, Sec. 1. Effective January 1, 2013.)*

The project meets these findings. The proposed findings required per Board Resolution No. 00-462 (Resolution relating to the processing of Lot Line Adjustments affecting property under Agricultural Preserve Contract pursuant to the Williamson Act) and Government Code Section 51257 for the Board's consideration are included in Attachment A - Draft Resolution.

OTHER AGENCY INVOLVEMENT:

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

Greenfield Fire Protection District
Environmental Health Bureau
RMA-Public Works
RMA-Environmental Services
Water Resources Agency

The project was referred to the Agricultural Advisory Committee (AAC) on February 23, 2017. The AAC recommended approval of the project with the stipulation that the application is consistent with Government Code Section 51257.

FINANCING:

Funding for staff time associated with this project is included in the FY 2017-18 Adopted Budget for RMA-Planning, Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Board of Supervisors FY 2015-16 Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration).
- Create better paying jobs, reduce poverty and increase the revenue base through business expansion while adding to the economic vitality of the County (Economic Development).

RMA has Key Performance Measures to implement the Board's Strategic Initiatives by improving the permit process. Maintaining parcels under Williamson Act Farmland Security Zone and Land Conservation Contracts will ensure the protection of land designated for farming and permanent grazing and further the economic vitality of Monterey County. This action also represents effective and timely response to our RMA customers.

Check the related Board of Supervisors Strategic Initiatives:

 X Economic Development
 X Administration

☐ Health & Human Services
☐ Infrastructure
☐ Public Safety

Prepared by: Nadia Garcia, Associate Planner, ext. 5114
Reviewed by: Brandon Swanson, RMA Planning Services Manager, ext. 5193
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Proposed Resolution with:

- Exhibit 1 - Conditions of Approval
- Exhibit 2 - Existing Lot Configuration
- Exhibit 3 - Proposed Lot Configuration

Attachment B - Vicinity Map

Attachment C - Agricultural Preserve Land Conservation Contract No. 85-4 and Map

Attachment D - Applicant's Letter Requesting Lot Line Adjustment

cc: Front Counter Copy; Brandon Swanson, RMA Planning Services Manager; Nadia Garcia, Project Planner; Gary Goetz, Agent; Mary Grace Perry, Deputy County Counsel; Gregg MacFarlane, Senior Agricultural Appraiser, Robert A. Roach, Assistant Agricultural Commissioner; Richard E. Alderson, Trustee of the Richard E. Alderson 1987 Inter Vivos Trust Dated December 11, 1987, Property Owner; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN160371