



Monterey County Board of Supervisors

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

Board Order

Upon motion of Supervisor Adams, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held a Public hearing and adopted Resolution 18-145 to:

Approve 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.

PLN160371 - Richard E. Alderson, Trustee of the Richard E. Alderson 1987 Inter Vivos Trust Dated December 11, 1987

PASSED AND ADOPTED on this 17th day of April 2018, by the following vote, to wit:

AYES: Supervisors Salinas, Phillips, Parker and Adams

NOES: None

ABSENT: Supervisor Alejo

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting April 17, 2018.

Dated: June 4, 2018
File ID: RES 18-042

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By *Demise Hancock*
Deputy

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

**Richard E. Alderson, Trustee of the Richard E. Alderson 1987
Inter Vivos Trust Dated December 11, 1987 (PLN160371)**

Resolution No. -18-145

- Resolution of the Monterey County Board of Supervisors:)
- 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 and 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; and)
 - 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 owner of record.)
- (PLN160371/ Richard E. Alderson, Trustee of the Richard E.)
Alderson 1987 Inter Vivos Trust Dated December 11, 1987,)
Central Salinas Valley Area Plan).....)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between four (4) legal lots of record involving Parcel 1 (APN 419-101-029), Parcel 2 (APN 419-101-076), Parcel 3 (APN 419-101-079) and Parcel 4 (Portion of Parcel 419-101-063) owned by Richard E. Alderson, Trustee of the Richard E. Alderson 1987 Inter Vivos Trust Dated December 11, 1987, hereinafter called "Owner", and

WHEREAS, the legality of the four (4) subject parcels is based on a chain of deeds on file with the County Recorder and found in Planning File No. PLN160371 and incorporated herein by this reference; and

WHEREAS, all parcels are subject to Agricultural Preserve and Land Conservation Contract No. 85-4 (LCC No. 85-4) established by County Board of Supervisors Resolution No. 85-43, and will be reconfigured; and

WHEREAS, the Lot Line Adjustment will result 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) acres with no net decrease in acreage under the Williamson Act Contract; and

WHEREAS, the Lot Line Adjustment will allow the continued use for commercial agricultural production which is consistent with the applicable Williamson Act Agricultural Preserve and Land Conservation Contract (LCC No. 85-4) for the respective parcels, and Board approved compatible uses; and,

WHEREAS, the Board of Supervisors finds that the proposed Lot Line Adjustment of property is consistent with policies of the 2010 Monterey County General Plan, the Central Salinas Valley Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code) and the Subdivision Ordinance (Title 19 of the Monterey County Code), and Section 51257 of the California Government Code (Williamson Act), and current County Agricultural Preserve Policies or Procedures as evidenced below; and,

WHEREAS, California Government Code Section 51257 requires that certain findings be made by the Board of Supervisors to facilitate Lot Line Adjustments of land under Williamson Act Contract; and

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act); and

WHEREAS, the Board of Supervisors further finds that the request for a Lot Line Adjustment is consistent with Board Resolution No. 00-462 (Resolution relating to the processing of Lot Line Adjustment affecting property under Agricultural Preserve Contract pursuant to the Williamson Act); and

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

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the 2010 Monterey County General Plan, Central Salinas Valley Area Plan, the Monterey County Zoning Ordinance (Title 21), the Monterey County

Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance), and Section 51257 of the California Government Code (Williamson Act).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of this application. No conflicts between these documents and this application were found to exist. No communications were received during the course of review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.

(b) The subject lots are located on Elm Avenue between Arroyo Seco Road and Reliz Canyon Road, Greenfield, Central Salinas Valley Area Plan, in unincorporated County of Monterey outside the City of Greenfield. The current configuration of the four (4) parcels consists of approximately 26 acres (Parcel 1 - APN 419-101-029); 164 acres (Parcel 2 - APN 419-101-076); 156 acres (Parcel 3 - APN 419-101-079); and 86 acres (Parcel 4 - Portion of APN 419-101-063). The project will result in four (4) reconfigured parcels of 27 acres (Proposed Parcel A); 54 acres (Proposed Parcel B); 48 acres (Proposed Parcel C); and 304 acres (Proposed Parcel D), respectively.

See table below:

<i>Current Parcel</i>	<i>Current Size</i>	<i>Current Zoning</i>	<i>Proposed Parcel</i>	<i>Proposed Size</i>	<i>Resultant Zoning</i>
Parcel 1- APN 419-101-029	26 ac	RG/10	Parcel A	27 ac	RG/10 F/40
Parcel 2- APN 419-101-076	164 ac	RG/10 F/40 PG/40	Parcel B	54 ac	RG/10 F/40 PG/40
Parcel 3- APN 419-101-079	156 ac	PG/40	Parcel C	48 ac	F/40 PG/40
Parcel 4- Portion of APN 419-101-063	86 ac	PG/40	Parcel D	304 ac	RG/10 F/40 PG/40

- (c) 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.
- (d) 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.
- (e) 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.

However, Proposed Parcel A, not meeting the minimum lot size requirement is a benefit in promoting the conservation of agricultural resources. See subsequent evidence.

- (f) 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.
- (g) Although the existing configuration of Parcel 1 currently conforms to minimum lot size standards and the proposed configuration of proposed Parcel A will not, 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 land 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). *Proposed Parcel A*, to be adjusted from a horizontal shaped 26 acres to a vertical shaped 27 acres, will have 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 Land Conservation Contract (LCC No. 85-4) and General Plan policies for agricultural lands.
- (h) 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 Land Conservation 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.

- (i) 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.
- (j) The Lot Line Adjustment application was referred to the Agricultural Advisory Committee (AAC) for review on February 23, 2017. The AAC recommended approval of the project with the stipulation that the application is consistent with Government Code Section 51257.
- (k) The application, plans, and related support materials found in Planning File No. PLN160371.

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 Division, Greenfield Fire Protection District, RMA-Public Works, RMA- Environmental Services, Water Resources Agency and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed Lot Line Adjustment. Conditions have been incorporated accordingly.

- (b) The Environmental Health Bureau (EHB) reviewed the application and determined that the proposed Lot Line Adjustment would not impact any wells on the associated parcels.
- (c) The application, plans, and related support materials found in Planning File No. PLN160371.
- (d) The Lot Line Adjustment would not result in any new developable parcels or an adjusted lot that is inconsistent with the general plan or with the subject Agricultural Preserve Land Conservation Contract (LCC No. 85-4).

3. FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND PARCEL LEGALITY DETERMINATION - Pursuant to Section 19.09.025.B.1 of the Monterey County Subdivision Ordinance (Title 19), the Lot Line Adjustment is between two (2) or more existing adjacent lots.

EVIDENCE:

- (a) The subject Lot Line Adjustment is between four (4) existing adjacent lots.
- (b) Parcel "1" (APN 419-101-029) containing approximately 26 acres, was recognized as a legal lot pursuant to Volume A of Patents, Page 459, granted by the State of California to David Pujol, dated January 5, 1875. This parcel is described by deed from Karl T. Romie to Willis Towne in Volume 15 of Official Records, at Page 90, recorded February 5, 1923 and again as Parcel 3 (a), described by deed from Kenneth Nielson to Richard Alderson, recorded October 19, 1983 in Reel 1676 of Official Records, Page 536.
- (c) Parcel "2" (APN 419-101-076) containing approximately 164 acres, was recognized as a legal lot pursuant to Lot Line Adjustment No. PLN050682, Volume 29, Surveys, Page 2.
- (d) Parcel "3" (APN 419-101-079) containing approximately 156 acres, was recognized as a legal lot pursuant to Volume J of Patents, page 132 granted by the United States of America to Alfred H. Hurley, dated April 22, 1901. These lots are described as Parcel 1 of the deed from Kenneth Nielsen to Richard Alderson, recorded October 19, 1983 in Reel 1676 of Official Records, Page 536.
- (e) Parcel "4" (Portion of APN 419-101-063) containing approximately 86 acres, was recognized as a legal lot pursuant to Volume D of Patents, Page 345, granted by the United States of America to Charles Pettit, dated November 3, 1891.
- (f) The application, plans, and related support materials can be found in Planning File No. PLN160371.

4. FINDING: NO NEW LOTS CREATED – Pursuant to the Monterey County Code (MCC) Section 19.09.025.B.2 (Title 19 – Subdivision Ordinance), a greater number of parcels or lots than originally existed will not be created as a result of the Lot Line Adjustment.

EVIDENCE:

- (a) The existing four (4) contiguous lots of record will be adjusted, resulting in four (4) lots. The proposed Lot Line Adjustment would not result in more developable parcels and would not compromise the long-term agricultural productivity of the other parcels. Furthermore, no farmland will be taken out of production.
- (b) The application, plans, and related support materials found in Planning File No. PLN160371.

5. FINDING: CONTIGUOUS LOTS OF RECORD – Pursuant to MCC Section 19.09.025.B.3 (Title 19 – Subdivision Ordinance), the parcels resulting from the Lot Line Adjustment conform to the County Zoning and Building Ordinances and are contiguous parcels.

EVIDENCE:

- (a) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160371.
- (b) See evidence in Finding 1, above.

6. FINDING: California Environmental Quality Act (CEQA) – The project is categorically exempt from environmental review.

EVIDENCE:(a) Guidelines for CEQA, California Code of Regulations, Title 14, Chapter 3, Section 15305(a) categorically exempts Lot Line Adjustments, side yard, and setback variances in areas with an average natural slope of less than 20% not resulting in the creation of any new parcel.

(b) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves, the making and renewing of Open Space Contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area.

(c) Based on a review of the project plans, approval of the project would not result in any potentially adverse impacts. No additional development is proposed with this project.

(d) See preceding findings and related evidence.

7. **FINDING: PUBLIC NOTICE** - Public notice of the pending Lot Line Adjustment was provided pursuant to MCC Section 19.01.055, (Title 19 - Subdivisions).

EVIDENCE: Materials in Planning File No. PLN160371.

8. **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 (Title 21). No violations exist on the property.

EVIDENCE: Staff has reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.

9. **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: See preceding findings #1, #2, #3, #4 and #5 and supporting evidence.

10. **FINDING: WILLIAMSON ACT – CONTRACTS** – Pursuant to California Government Code Section 51257(a)(1), the new or amended 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 ten (10) years.

EVIDENCE: (a) The proposed amendments to Agricultural Preserve Land Conservation Contract No. 85-4, recorded at Reel 1912, Pages 16-28, with the Monterey County Recorder on December 23, 1985, which shall be applicable to the four (4) reconfigured lots will reflect the redistribution of 433 acres of land under Williamson Act Contract.

(b) The term of the original Land Conservation Contract renews annually on each succeeding January 1; the term of the new or amended Contract or Contracts shall be automatically renewed on January 1 and one (1) additional year shall be added automatically to the initial term unless notice of nonrenewal is given.

11. FINDING: WILLIAMSON ACT – NO NET ACREAGE DECREASE - Pursuant to California Government Code Section 51257(a)(2), there is no net decrease in the amount of the acreage restricted. In cases where two (2) lots 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.

EVIDENCE: (a) The Lot Line Adjustment will reconfigure the lots but will not result in a net loss of acreage currently under Contract. Therefore, the Lot Line Adjustment would not result in a net decrease in the amount of the acreage restricted.

(b) A condition of approval shall require that a surveyor prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval for recordation with the Monterey County Recorder's office as attachments to the Certificates of Compliance for the reconfigured parcels.

(c) The application, plans, and related support materials found in Planning File No. PLN160371.

12. FINDING: WILLIAMSON ACT – NEW CONTRACTS - Pursuant to California Government Code Section 51257(a)(3), at least 90 percent of the land under the former Contract or Contracts remains under the new or amended Contract or Contracts.

EVIDENCE: (a) The proposed new or amended Contract or Contracts will continue to cover at least 90 percent of the subject lots under Agricultural Preserve Land Conservation Contract No. 85-4.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160371.

13. FINDING: WILLIAMSON ACT – SUSTAIN AGRICULTURAL USE - Pursuant to California Government Code Section 51257(a)(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.

EVIDENCE: (a) The proposed Lot Line Adjustment applicable to the four (4) reconfigured parcels shall reflect the redistribution of 433 acres of land under Williamson Act Land Conservation Contract.

(b) Pursuant to California Government Code Section 51222 (Williamson Act), "agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land." The total acreage involved in the subject Lot Line Adjustment is 433 acres in total.

(c) County of Monterey Board of Supervisors Resolution No. 01-485 requires that agricultural preserves will not be considered unless the group of contiguous parcels included in the preserve contains 100 or more acres, or 40 or more acres if the Board finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area. The subject Lot Line Adjustment will retain all of the 433 acres in farmland

production within Agricultural Preserve Land Conservation Contract No. 85-4 (LCC No. 85-4).

- (d) The application plans, and related support materials found in Planning File No. PLN160371.

- 14. FINDING: WILLIAMSON ACT – LONG-TERM AGRICULTURAL PRODUCTIVITY** - Pursuant to California Government Code Section 51257(a)(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.

EVIDENCE: (a) The purpose for the Lot Line Adjustment is to reconfigure the property boundaries to move lots 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 a compatible use pursuant to the Board approved list of compatible uses and consistent with LCC No. 85-4, and leave the steeper terrain for their 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.

- (b) The application plans, and related support materials found in Planning File No. PLN160371.

- 15. FINDING: WILLIAMSON ACT – ADJACENT AGRICULTURAL LAND USE** - Pursuant to California Government Code Section 51257(a)(6), the Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

EVIDENCE: (a) The subject parcels and surrounding area are designated as Farmlands – 40 acre minimum (“F/40”), Rural Grazing – 10 acre minimum (“RG/10”) and Permanent Grazing – 40 acre minimum (“PG/40”). The Lot Line Adjustment will not affect current agricultural operations on the subject properties and on adjacent properties. No physical development is proposed. The adjustment would not allow any uses that could not also occur under the current configuration.

- (b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN160371.

- 16. FINDING: WILLIAMSON ACT – NO NEW DEVELOPABLE PARCELS** - Pursuant to California Government Code Section 51257(a)(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.

EVIDENCE: (a) The four (4) reconfigured lots do not result in a greater number of developable parcels than existed prior to the adjustment. See Finding 4.

- (b) The application, plans, and related support materials found in Planning File No. PLN160371.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby:

- a. Find 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. Approve 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 and 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; and
- c. Authorize 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. Direct 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 owner of record.

In general conformance with the attached sketch and plans, and subject to the attached conditions all being attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED upon motion of Supervisor Adams, seconded by Supervisor Salinas and carried this 17th day of April 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Salinas, Parker and Adams

NOES: None

ABSENT: Supervisor Alejo

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting on April 17, 2018.

Dated: April 16, 2018
File Number: RES 18-042

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Monterey County RMA Planning

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

PLN160371

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN160371) allows an adjustment between four lots of record of 26 acres (Parcel 1-APN 419-101-029); 164 acres (Parcel 2- APN 419-101-076); 156 acres (Parcel 3- APN 419-101-079); 86 acres (Parcel 4- Portion of APN 419-101-063). The project will result in four reconfigured parcels of 27 acres (Proposed Parcel A); 54 acres (Proposed Parcel B); 48 acres (Proposed Parcel C); and 304 acres (Proposed Parcel D), respectively. The property is located on Elm Avenue between Arroyo Seco Road and Reliz Canyon Road, Greenfield, Central Salinas Valley Area Plan, in unincorporated County of Monterey outside the City of Greenfield. 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 Lot Line Adjustment (Resolution Number 18-145) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Numbers 419-101-029-000; 419-101-076-000; 419-101-079-000 and portion of 419-101-063-000 on April 17, 2018. The permit was granted subject to 5 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, 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, 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 RMA - Planning.

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

**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. (County Counsel)

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

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording 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 County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

4. 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.

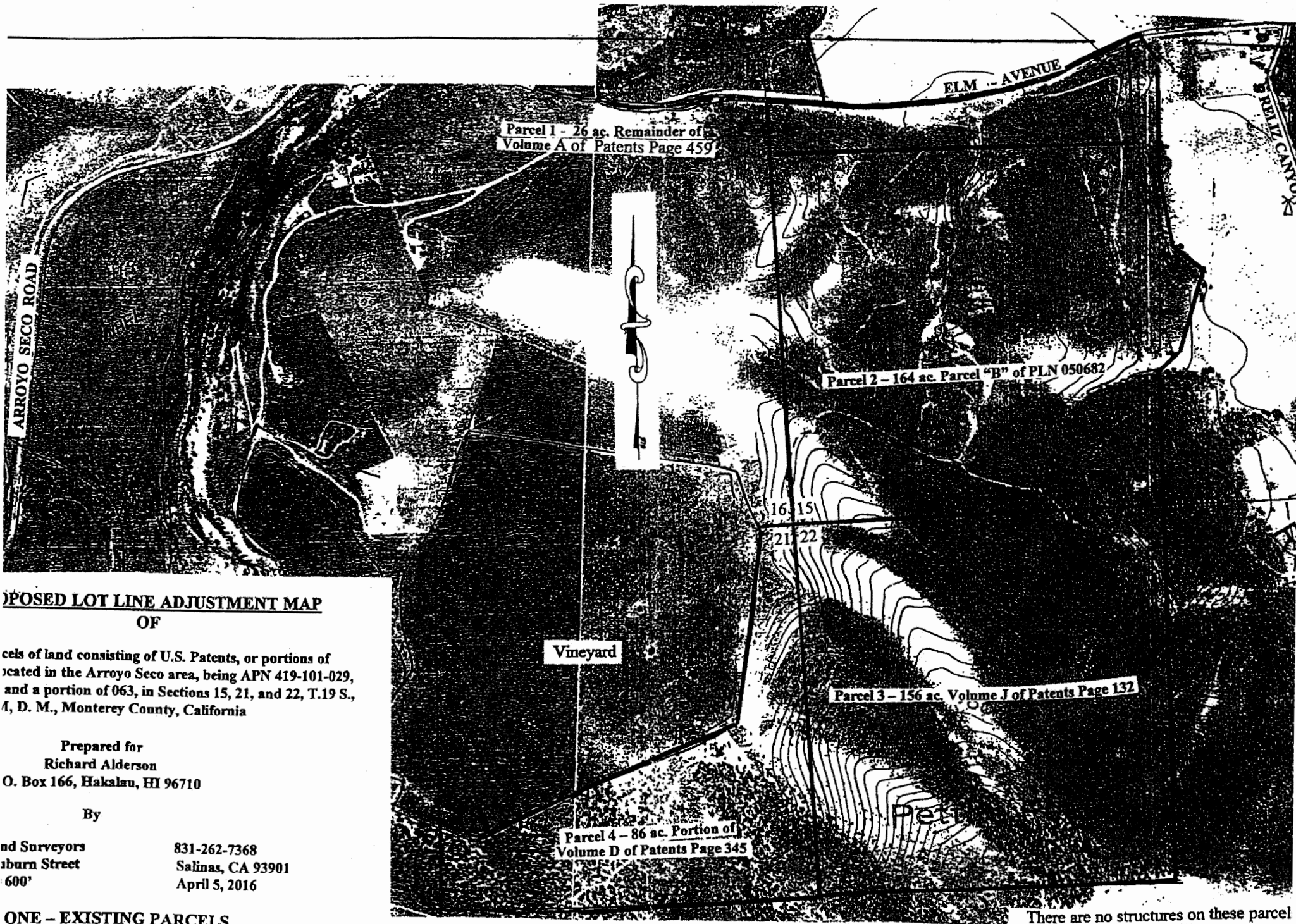
Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.

5. PD037 - WILLIAMSON ACT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner shall enter into a new or amended Agricultural Preserve Land Conservation Contract or Contracts with the Board of Supervisors of the County of Monterey for the Lot Line Adjustment of Williamson Act lands deemed necessary by the Office of the County Counsel. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel, the property owners of record shall execute a new or amended contract or contracts to be prepared by the Office of the County Counsel, which shall be recorded after the recordation of the Certificates of Compliance and subject to the submittal of the appropriate recording fees by the property owners of record.



**PROPOSED LOT LINE ADJUSTMENT MAP
OF**

lands consisting of U.S. Patents, or portions of
located in the Arroyo Seco area, being APN 419-101-029,
and a portion of 063, in Sections 15, 21, and 22, T.19 S.,
R.1, D. M., Monterey County, California

Prepared for
Richard Alderson
O. Box 166, Hakalau, HI 96710

By
Land Surveyors
Burn Street
600'
831-262-7368
Salinas, CA 93901
April 5, 2016

ONE - EXISTING PARCELS

There are no structures on these parcels

ARROYO SECO ROAD

PROPOSED LOT LINE ADJUSTMENT MAP

OF

Four parcels of land consisting of U.S. Patents, or portions of Patents located in the Arroyo Seco area, being APN 419-101-029 076, 079, and a portion of 063, Monterey County, California

Prepared for

Richard Alderson

P.O. Box 166, Hakalau, HI 96710

By

Goetz Land Surveyors

131-B Auburn Street

Scale 1"=600'

831-262-7368

Salinas, CA 93901

April 5, 2016

SHEET TWO - PROPOSED PARCELS

