



Monterey County Board of Supervisors

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Board Order

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to Adopt Resolution No.: 19-342 to:

PLN180517 - ECHENIQUE RANCH, A LIMITED PARTNERSHIP

- a. Finding that the project is a Lot Line Adjustment, 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; and
- b. Approving a Lot Line Adjustment between four (4) legal lots of record currently under Williamson Act Contract of 160 acres (Parcel 1), 40 acres (Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4) into four (4) resulting lots of 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93 acres (Parcel D) under Williamson Act Agricultural Preserve Land Conservation Contract (AGP) No. 69-012 established by County Board of Supervisors Resolution No. 69-35-12 with no net decrease in acreage under Williamson Act Contract; and
- c. Authorizing the Chair to execute a new or amended Land Conservation Contract 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 Echenique Ranch, A Limited Partnership, 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.

PASSED AND ADOPTED on this 15th day of October 2019, by the following vote, to wit:

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

NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting October 15, 2019.

1st Revision Date: October 22, 2020

Dated: October 17, 2019

File ID.: RES 19-131

Agenda Item No.: 27

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Joel Pablo
Joel G. Pablo Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California
(REVISED RESOLUTION)**

**PLN180517 – ECHENIQUE RANCH, A LIMITED PARTNERSHIP
Resolution No. 19 – 342**

- Resolution of the Monterey County Board of Supervisors:)
- a. Finding that the project is a Lot Line Adjustment, which qualifies as a Class 5)
Categorical Exemption per California Environmental Quality Act (CEQA))
Guidelines Section15305(a), and there are no exceptions pursuant to CEQA)
Guidelines Section15300.2; and)
 - b. Approving a Lot Line Adjustment between four (4) legal lots of record)
currently under Williamson Act Contract of 160 acres (Parcel 1), 40 acres)
(Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4) into four (4) resulting)
lots of 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93)
acres (Parcel D) under Williamson Act Agricultural Preserve Land)
Conservation Contract (AGP) No. 69-012 established by County Board of)
Supervisors Resolution No. 69-35-12 with no net decrease in acreage under)
Williamson Act Contract; and)
 - c. Authorizing the Chair to execute a new or amended Land Conservation)
Contract 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 Echenique Ranch, A Limited)
Partnership, 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.)
(PLN180517/ ECHENIQUE RANCH, A LIMITED PARTNERSHIP).....)

RECITALS:

WHEREAS, an application was submitted for a Lot Line Adjustment between four (4) legal lots of record currently under Williamson Act Contract of 160 acres (Parcel 1), 40 acres (Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4) into four (4) resulting lots of 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93 acres (Parcel D), owned by ECHENIQUE RANCH, A LIMITED PARTNERSHIP, hereinafter called “Owner”, and

WHEREAS, the legality of the four (4) subject parcels is based on the following existing patents: Volume H of Patents, Page 316 dated May 16, 1896 (Parcel 1); Patent No. 1102506 dated April 25, 1939 (Parcel 2); Volume K of Patents, Pages 344-345 dated August 30, 1904 (Parcel 3); and Volume 403 of Original Patent Records Page 229-230 dated July 25, 1934 (Parcel 4), on file with the Monterey County Recorder’s Office and Planning File No. PLN180517 and incorporated herein by this reference; and

WHEREAS, Parcels 1 through 4 are subject to Agricultural Preserve Land Conservation Contract No.

69-012 (Document No. G05455, Reel 595, Pages 443-469) established by Board of Supervisors Resolution No. 69-35-12 dated February 28, 1969, and will be reconfigured; and

WHEREAS, the Lot Line Adjustment will result in four (4) reconfigured lots consisting of approximately 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93 acres (Parcel D) with no net decrease in acreage under Williamson Act Contract; and

WHEREAS, the Lot Line Adjustment will allow the continued use of agricultural grazing operations consistent with the Williamson Act Agricultural Preserve Land Conservation Contract No. 69-012 (Document No. G05455, Reel 595, Pages 443-469) established by Board of Supervisors Resolution No. 69-35-12 dated February 28, 1969 for the respective parcels, and is consistent with the Board approved list of 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 South County Land Use 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 of Approval No. 1 and as conditioned, conforms to the policies, requirements, and standards of:
 - 1.) The 2010 Monterey County General Plan;
 - 2.) The South County Land Use Area Plan;
 - 3.) The Monterey County Zoning Ordinance (Title 21);
 - 4.) The Monterey County Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance); and
 - 5.) 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 review of this application. No conflicts between these documents and this project application were found to exist as further discussed in Finding 1/Evidence Sections (b) through (j) below. No communications were received

during review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.

- (b) The subject lots are located west of Lockwood San Lucas Road, San Lucas (Assessor's Parcel Numbers: 421-121-053 (portion of); 421-121-056; 421-121-027 (portion of); and 421-121-058), South County Area Plan. The current configuration of the four (4) parcels consists of four (4) legal lots of record of 160 acres (Parcel 1), 40 acres (Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4).
- (c) The purpose for the Lot Line Adjustment is to reconfigure the property boundaries to align with the existing private roads which connect to the existing County Road: Lockwood San Lucas Road. The reconfiguration is consistent with the Board adopted list of compatible uses and the applicable Williamson Act Contract (AGP No. 69-012).
- (d) The current use of the properties is for grazing. The existing agricultural uses are to remain and are consistent with the applicable agricultural zoning designation of Permanent Grazing – 40-acre minimum (PG/40) and/or Farmland - 40-acre minimum. The use is compatible with Williamson Act Agricultural Preserve Land Conservation Contract No. 69-012 (Document No. G05455, Reel 595, Pages 443-469) established by Board of Supervisors Resolution No. 69-35-12 dated February 28, 1969.
- (e) The proposed lot line configuration would result in adjusted Parcels A: 218 acres, Parcel B: 141 acres, Parcel C: 228 acres, and Parcel D: 93 acres (Parcel D). All proposed lots meet the minimum lot size requirement for the PG/40 Zoning District.
- (f) The new configuration would promote appropriate and orderly growth and development while protecting desirable land uses consistent with the Monterey County General Plan Land Use Goal LU-1.
- (g) The proposed lot configuration would produce a superior parcel configuration as it would not create a net decrease in agricultural acreage but will allow all parcels to be aligned with the existing private roads that connect to Lockwood San Lucas Road, an existing County road, to better facilitate the routine and ongoing agricultural activities of the cattle grazing operations. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County's agricultural industry. Policy AG-1.3 allows the proposed Lot Line Adjustments as it is exclusively intended for agricultural purposes.
- (h) The project was referred to the Agricultural Advisory Committee (AAC) for review on April 25, 2019. The 2010 General Plan Policy AG-1.8 requires that all discretionary applications in lands designated for agricultural use be referred to the County's Agricultural Advisory Committee (AAC) for their review and recommendation to the decision-making body. This application warrants referral to the AAC because the project involves agriculture lands under Williamson Act Contract. The AAC recommended approval of the project by a vote of 9-0 with three (3) absent and one (1) abstention.
- (i) The project planner conducted a site inspection on September 13, 2019 to verify that the existing uses on the subject parcels conform to the proposed LLA site plan provided.
- (j) The application, plans, and related support materials found in Planning File No. PLN180517.

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, South Monterey County Fire Protection District, RMA-Public Works, 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. PLN180517.
- (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 (AGP) No. 69-012 ((Document No. G05455, Reel 595, Pages 443-469) established by Board of Supervisors Resolution No. 69-35-12 dated February 28, 1969.

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” (Portion of APN 421-121-053) containing approximately 160 acres, was recognized as a legal lot pursuant to an existing patent: Volume H of Patents Page 316, Patent granted to Vicente Feliz Junior on May 16, 1896.
- (c) Parcel “2” (APN 421-121-056) containing approximately 40 acres, was recognized as a legal lot pursuant to an existing patent: Patent No. 1102506 granted to Julius G. Trescony on April 25, 1939.
- (d) Parcel “3” (Portion of APN 421-121-053 and Portion of 421-121-027) containing approximately 160 acres, was recognized as a legal lot pursuant to existing Patent: Volume K of Patents Pages 344-345, Patent granted to Candudi Francioni on August 30, 1904.
- (e) Parcel “4” (APN 421-121-058) containing approximately 320 acres, was recognized as a legal lot pursuant to existing Patent: Volume 403 of Original Patent Records Page 229-230, Patent granted to Henry Bernstein on July 25, 1934.
- (f) The application, plans, and related support materials can be found in Planning File No. PLN180517.

4. **FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND NO NEW LOTS CREATED** – Pursuant to the MCC Section 19.09.025.B.2 of the Monterey County Subdivision Ordinance (Title 19), 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. PLN180517.

5. **FINDING: CONFORMANCE WITH SUBDIVISION ORDINANCE AND CONTIGUOUS LOTS OF RECORD** – Pursuant to MCC Section 19.09.025.B.3 of the Monterey County Subdivision Ordinance (Title 19), 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. PLN180517.
- (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. PLN180517.
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. 69-012 ((Document No. G05455, Reel 595, Pages 443-469) established by Board of Supervisors Resolution No. 69-35-12 dated February 28, 1969 which shall be applicable to the four (4) reconfigured lots will reflect the redistribution of 680 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 would not result in a net decrease in the amount of the acreage restricted between the four (4) proposed lots (Parcels A through D).

(b) Condition of Approval No. 4 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. PLN180517.

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 will remain 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. 69-012.

(b) The application and plans for a Lot Line Adjustment found in Planning File No. PLN18017.

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 Government Code Section 51222.

EVIDENCE: (a) The proposed Lot Line Adjustment applicable to the four (4) reconfigured parcels shall reflect the redistribution of 680 acres of land under Williamson Act Land Conservation Contracts.

(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.” All proposed parcels are greater than 40 acres and the total acreage involved in the subject Lot Line Adjustment is 680 acres.

- (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 proposed Lot Line Adjustment will sustain the total 680-acre project site for agricultural uses within Agricultural Preserve Land Conservation Contract Nos. 69-012.
- (d) The application plans, and related support materials found in Planning File No. PLN180517.

- 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 proposed lot configuration would produce a superior parcel configuration as it would not create a net decrease in agricultural acreage between the four parcels and would better facilitate the routine and ongoing agricultural activities of the existing cattle grazing operations. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan to establish policies directed at enhancing and supporting the long-term productivity and commercial viability of the County’s agricultural industry. Policy AG-1.3 allows the proposed Lot Line Adjustments as it is exclusively intended for agricultural purposes.

(b) The application plans, and related support materials found in Planning File No. PLN180517.

- 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 Permanent Grazing – 40-acre minimum (“PG/40”) and/or Farmland – 40-acre minimum (“F/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. PLN180517.

- 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 existing 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. PLN180517.

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 Lot Line Adjustment between four (4) legal lots of record currently under Williamson Act Contract of 160 acres (Parcel 1), 40 acres (Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4) into four (4) resulting lots of 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93 acres (Parcel D) under Williamson Act Agricultural Preserve Land Conservation Contract (AGP) No. 69-012 established by County Board of Supervisors Resolution No. 69-35-12 with no net decrease in acreage under 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 ECHENIQUE RANCH, A LIMITED PARTNERSHIP, 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 owners 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 on this 15th day of October 2019, by the following vote, to wit:

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

NOES: None

ABSENT: None

I, Valerie Ralph, 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 82 for the meeting October 15, 2019.

1st Revision Date: October 22, 2020

(see the next page for details on revisions made)

Dated: October 17, 2019

File ID.: RES 19-131

Agenda Item No.: 27

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Joel Pablo

Joel G. Pablo Deputy

REVISED RESOLUTION NOTATION

(from originally issued Resolution No. 19-342 dated October 17, 2019)

Under Finding: Consistency AND Evidence (b)

- From “421-121-057” to 421-121-027
- From “421-121-028” to 421-121-058

Under 16: Williamson Act – No New Developable Parcels AND EVIDENCE (b)

- From “PLN180205” to PLN180517

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

Under 1. PD001- Specific Uses Only AND Condition/Mitigation Monitoring Measure

- From “421-121-057” to 421-121-027
- From “421-121-028” to 421-121-058

Monterey County RMA Planning

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

PLN180517

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN180517) allows an adjustment between four (4) legal lots of record of record under Williamson Act Contract of 160 acres (Parcel 1), 40 acres (Parcel 2), 160 acres (Parcel 3) and 320 acres (Parcel 4) into four (4) resulting lots of 218 acres (Parcel A), 141 acres (Parcel B), 228 acres (Parcel C) and 93 acres (Parcel D). The property is located adjacent to the west of Lockwood San Lucas Road, San Lucas (Assessor's Parcel Numbers: 421-121-053 (portion of); 421-121-056; 421-121-027 (portion of); and 421-121-058), South County 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 on-going 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 19-342) was approved by the Board of Supervisors for Assessor's Parcel Number 421-121-053 (portion of); 421-121-056; 421-121-027 (portion of); and 421-121-058 on October 15, 2019. 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-Risk Management

**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-Risk Management)

**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 Office of County Counsel-Risk Management 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-Risk Management

4. PWSP0001 - LOT LINE ADJUSTMENT – RECORD DEEDS – CA Govt. Code §66412(d)

Responsible Department: RMA-Public Works

**Condition/Mitigation
Monitoring Measure:**

Prior to the expiration of the entitlement, the Owner(s)/Applicant(s) shall do the following:

1. Prepare deed(s) containing a legal description and plat for all areas being conveyed by Owner(s) in conformance to the approved lot line adjustment.
 - a. The legal description and a plat shall be prepared, signed and stamped by a professional land surveyor.
 - b. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - c. The deeds shall comply with the Monterey County Recorder's guidelines as to form and content.
 - d. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN180517. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall be deemed to reconfigure the subject parcels in conformance to said approved lot line adjustment. Any configuration of said subject parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for the purpose of sale, lease or financing, whether immediate or future."
2. Record the fully executed and acknowledged deed(s) with the County Recorder.
3. Acquire a new Assessor's Parcel Number (APN) from the County Assessor's Office.

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Deliver a copy of the recorded deed(s) and new APNs to the project planner.

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

Prior to the expiration of the entitlement, the Owner/Applicant shall do the following:

1. Have a professional land surveyor prepare a legal description and plat for each newly adjusted parcel together with closure calculations. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The legal description and plat shall comply with the Monterey County Recorder's guidelines as to form and content.
2. Deliver the legal description and plat to RMA-Planning for review and approval, together with a check, payable to the "Monterey County Recorder," for the appropriate fees to record the Certificates of Compliance.

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.