



Legislation Details (With Board Report)

File #: 13-0139 **Name:** Sea Mist LLC, Desert Mist LLC, Desert Mist Farms LLC
Type: General Agenda Item **Status:** Passed
File created: 1/31/2013 **In control:** Board of Supervisors
On agenda: 2/12/2013 **Final action:** 2/12/2013
Title: Adopt Resolution amending Resolution No. 13-006 to remove Condition 6.
(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC, Desert Mist LLC, Desert Mist Farms LLC, [Sea Mist et al.] River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Board of Supervisors Resolution No. 13-006, 2. Attachment B - Proposed Resolution to revise, 3. Attachment C - Letter from Michael D. Cling, Esq., 4. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
2/12/2013	1	Board of Supervisors	approved	Pass

Adopt Resolution amending Resolution No. 13-006 to remove Condition 6.
(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC, Desert Mist LLC, Desert Mist Farms LLC, [Sea Mist et al.] River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan)

PROJECT INFORMATION:

Planning File Number: PLN120746

Owner: Sea Mist Farms LLC, Desert Mist LLC, and Desert Mist Farms LLC.

Project Location: along River Road, adjacent to Somavia Road, Chualar

APN: 167-081-006-000, 167-011-013-000, 167-011-015-000, 137-151-006-000, 137-151-007-000 and 137-051-008-000

Agent: Michael D. Cling, Esq.

Plan Area: Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP)

Flagged and Staked: No

CEQA Action: Categorically Exempt per Section 15305(a)

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt Resolution amending Resolution No. 13-006 to remove Condition 6.

SUMMARY/DISCUSSION:

On January 15, 2013, the Board of Supervisors approved a Lot Line Adjustment between four (4) existing adjoining parcels. The Lot Line Adjustment was approved to reduce a 373.66 acre parcel to a 359.44 acre parcel; increase a 0.84 acre parcel to a 14.22 acre parcel; reduce a 30.7 acre parcel (of which a 7.42 acre portion was then partially under Williamson Act Land Conservation Contract No. 73-12) to a 6.28 acre parcel (Lot 3);

and increase a 29.3 acre parcel to a 54.56 acre parcel and officially rescind Agricultural Preserve No. 83-05 and Land Conservation Contract No. 83-05 as applicable to the property within existing Farmland Security Zone Contract No. 2012-010.

After the January 15, 2013 hearing, the Owner/Applicants' representative requested the removal of Condition No. 6, which provided that, "Condition/Mitigation Monitoring Measure: The applicant/owner shall have a B-6 overlay placed on the property to limit any further subdivision of said property. Compliance or Monitoring Action to be Performed: Prior to recordation of the Certificates of Compliance, the applicant shall submit an application for a B-6 zoning overlay request." The Monterey County Code (MCC), Title 21, Zoning Ordinance, at MCC Section 21.42.030.F. B-6.1. provides that, "*The lots as shown on the recorded final map or parcel map may not be further subdivided....*" However, no final map or parcel map is required for Lot Line Adjustments pursuant to California Government Code Section 66412(d) (Map Act Exclusions - Lot Line Adjustments). Further, no subdivision of the subject property was considered on January 15, 2013. In this case, the Owner/Applicants originally applied for a Lot Line Adjustment and Minor Subdivision of the subject property. Condition No. 6, which would have required that the applicant apply for a B-6 overlay over the entire property which was the subject of the Lot Line Adjustment, was inadvertently included in Staff's recommendation. Therefore, Staff recommends the removal of Condition No. 6 and the adoption of a Resolution to revise Resolution No. 13-006 to remove Condition No. 6.

OTHER AGENCY INVOLVEMENT:

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

Environmental Health Bureau
Public Works Department
Water Resources Agency
North County Fire Protection District
North County Coastal Land Use Advisory Committee

FINANCING:

Three (3) of the parcels (Parcel MM, Parcel DD and Parcel GG) are currently under Farmland Security Zone Contract No. 2012-10. Funding for staff time associated with this project is included in the FY 2012-2013 Adopted Budget for the Planning Department.

Prepared by: Valerie Negrete, Assistant Planner ext. 5227

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

cc: Front Counter Copy; Laura Lawrence, Planning Services Manager; Michael D. Cling, Esq, Owner/Applicants' Representative; Applicant/Owners (Smith et al); Agricultural Preserve Review Committee (Steve Mason, Planner - Planning Department, Gregg MacFarlane, Sr. Agricultural Appraiser - Assessor-Recorder's Office, Robert A. Roach, Assistant Agricultural Commissioner - Agricultural Commissioner's Office, Mary Grace Perry, Deputy County Counsel - Office of the County Counsel), The Open Monterey Project; LandWatch; Project File PLN120746

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

Attachment A Board of Supervisors Resolution No. 13-006

- Attachment B Proposed Resolution to revise Resolution No. 13-006
 Exhibit B-1 - Lot Line Adjustment Map
 Exhibit B-2 - Revised Monterey County Planning Department Conditions of
 Approval/Mitigation Monitoring Plan for PLN120746
 Exhibit B-3 - Vicinity Map
- Attachment C Letter from Michael D. Cling, Esq. requesting removal of Condition No. 6 (B-6 Overlay)