



Legislation Details (With Board Report)

File #: RES 21-082 **Name:** PLN190283- Sanders
Type: BoS Resolution **Status:** Passed - RMA Administration
File created: 4/26/2021 **In control:** Board of Supervisors
On agenda: 5/4/2021 **Final action:** 5/4/2021

Title: Public hearing to consider adoption of a resolution to:
a. Find the Lot Line Adjustment is Categorically Exempt as a minor alteration in land use limitations per Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines;
b. Approve a Lot Line Adjustment between two (2) legal lots of record, consisting of transferring approximately 70 acres from a 160 acre property (Parcel 1) to a separate 160 acre property (Parcel 2), resulting in two (2) parcels of approximately 90 acres (adjusted Parcel 1) and approximately 230 acres (adjusted Parcel 2);
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 Parcel 2 and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lot (adjusted Parcel 2) between the County and Sanders Family Vineyard LLC, reflecting the new legal description, 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 file the Lot Line Adjustment Map with the County Recorder for recording with all applicable recording fees paid by the Property Owner in conformance with the attached Lot Line Adjustment map and subject to seven (7) conditions of approval.
Proposed CEQA Action: Categorically Exempt per Section 15305(a) of the CEQA Guidelines
Project Location: 48251 Lockwood-Jolon Road, Lockwood, South County Area Plan

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Cover Memo to the Clerk of the Board, 3. Attachment B - Draft Resolution, 4. Attachment C - Legal Descriptions and Maps for Parcels 1 and 2, 5. Attachment D - Land Conservation Contract No. 2019-001, 6. Attachment E - Board of Supervisors Resolution No. 00-462, 7. Item No. 18 PowerPoint Presentation, 8. Completed Board Order IItem No. 18

Date	Ver.	Action By	Action	Result
5/4/2021	1	Board of Supervisors	adopted - rma administration	Pass

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d. Direct the Clerk of the Board to file the Lot Line Adjustment Map with the County Recorder for recording with all applicable recording fees paid by the Property Owner in conformance with the attached Lot Line Adjustment map and subject to seven (7) conditions of approval.

Proposed CEQA Action: Categorically Exempt per Section 15305(a) of the CEQA Guidelines

Project Location: 48251 Lockwood-Jolon Road, Lockwood, South County Area Plan

RECOMMENDATION:

a. Find the Lot Line Adjustment is Categorically Exempt as a minor alteration in land use limitations per Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines, and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines;

b. Approve a Lot Line Adjustment between two (2) legal lots of record, consisting of transferring approximately 70 acres from a 160 acre property (Parcel 1) to a separate 160 acre property (Parcel 2), resulting in two (2) parcels of approximately 90 acres (adjusted Parcel 1) and approximately 230 acres (adjusted Parcel 2);

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 Parcel 2 and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lot between the County and Sanders Family Vineyard LLC, reflecting the new legal description, 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 file the Lot Line Adjustment Map with the County Recorder for recording with all applicable recording fees paid by the Property Owner in conformance with the attached Lot Line Adjustment map and subject to seven (7) conditions of approval.

PROJECT INFORMATION:

Owner: Sanders Family Vineyard LLC

Agent: Edwin Rambuski

Project Location: 48251 Lockwood-Jolon Road, Lockwood, South County Area Plan

Assessor's Parcel Numbers: 422-311-009-000 and 422-081-064-000

Plan Area: South County Area Plan

Flagged and Staked: Not Applicable - lot line adjustment of agricultural land

SUMMARY/DISCUSSION:

Sanders Family Vineyard LLC, pursuant to California Government Code Section 66412(d), Government Code Section 51257 and Monterey County Code Section 19.09.005, proposes a lot line adjustment between two (2) legal lots of record, consisting of transferring approximately 70 acres from Parcel 1 (Assessor's Parcel Number 422-311-009-000; approximately 160 acres before the adjustment) to Parcel 2 (Assessor's Parcel Number 422-081-064-000; approximately 160 acres before the adjustment), resulting in two (2) parcels of approximately 90 acres (adjusted Parcel 1) and approximately 230 acres (adjusted Parcel 2). A draft resolution for approval of the proposed lot line adjustment is attached to this report (Attachment B). Parcel 2 is subject to Williamson Act Agricultural Preserve No. 2019-001 and Land Conservation Contract No. 2019-001 (Attachment D) established pursuant to Board of Supervisors Resolution No. 18-162 approved on December 4, 2018.

To facilitate a lot line adjustment of Williamson Act lands, Government Code Section 51257 provides as follows:

51257.

(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. (AB 2680) Effective January 1, 2013.)*

Further, Board of Supervisors Resolution No. 00-462 adopted December 12, 2000, which mirrors Government Code Section 51257, provides as follows:

...as long as Government Code section 51257 remains in effect, no proposed lot line adjustment involving land under agricultural preserve contract pursuant to the Williamson Act shall be approved unless all of the findings enumerated in Section 51257 are made by the Board of Supervisors with respect to the agricultural preserve parcels proposed to be adjusted. (Attachment E).

Draft findings pursuant to Government Code Section 51257 are included in Attachment B.

The Lot Line Adjustment does not include any changes to the existing land/agricultural uses or any development of structures. The proposed Lot Line Adjustment is configured to create a larger agricultural parcel for vineyard and/or crop land in Parcel 2. Sanders Family Vineyard LLC requested the Lot Line Adjustment to allow for increased agricultural operations and financing flexibility, thereby helping to preserve and enhance the agricultural viability of the property.

The proposed Lot Line Adjustment will transfer 70 acres from Parcel 1 to Parcel 2 which is subject to Agricultural Preserve No. 2019-001 and Land Conservation Contract No. 2019-001. The new or amended contract or contracts will add 70 acres to existing Agricultural Preserve No. 2019-001. If the proposed Lot Line Adjustment of Williamson Act Lands is approved, changes to the tax roll for the subject property will take place on the property tax lien date, January 1, following the date the new or amended contract or contracts are recorded to reflect the reconfigured parcels. A new or amended contract or contracts will be prepared by the Office of the County Counsel to add 70 acres to reconfigured Parcel 2 within existing Agricultural Preserve No. 2019-001.

The Monterey County Agricultural Advisory Committee, at a public meeting on February 25, 2021, voted

unanimously to support the Lot Line Adjustment as proposed. Also, the proposed project was reviewed by the South County Land Advisory Committee (LUAC) on March 17, 2021. The LUAC recommended approval of the project without any concerns. Staff has reviewed the proposed Lot Line Adjustment and found it consistent with the applicable policies and regulations including the 2010 General Plan, Williamson Act requirements, and Title 19 (Subdivision Ordinance). Therefore, staff recommends that the Board of Supervisors approve the Lot Line Adjustment. A draft resolution for approval of the proposed Lot Line Adjustment with Exhibit 1 - Recommended Conditions of Approval and Exhibit 2 - Lot Line Adjustment Map is attached to this report (Attachment B).

OTHER AGENCY INVOLVEMENT:

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

- Public Works
- Environmental Services
- Environmental Health Bureau
- South County Fire Protection District

FINANCING:

Funding for staff time associated with this project is included in the FY2020-21 Adopted Budget in the former Resource Management Agency's Planning, General Fund 001, Appropriation Unit RMA110. All costs associated with maintenance of the easement will be borne by the Applicant, not the County. If the proposed Lot Line Adjustment of Williamson Act Lands is approved, changes to the tax roll for the subject property will take place on the property tax lien date, January 1, following the date the new or amended contract or contracts are recorded to reflect the reconfigured parcels.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our Housing and Community Development (HCD) customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- ✓ Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Victoria Kim, Associate Planner, ext. 5198

Reviewed by: Craig W. Spencer, Planning Services Manager

Approved by: Mike Novo, Interim Director of Housing & Community Development

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

Attachment A - Cover Memo to the Clerk of the Board

Attachment B - Draft Resolution with:

Exhibit 1 - Recommended Conditions of Approval

Exhibit 2 - Lot Line Adjustment Map

Attachment C - Legal Descriptions and Maps for Parcels 1 and 2

Attachment D - Land Conservation Contract No. 2019-001

Attachment E - Board of Supervisors Resolution No. 00-462

cc: Front Counter Copy; Erik Lundquist, HCD-Chief of Planning; Victoria Kim, Project Planner; Agricultural Preserve Review Committee - Office of the County Counsel-Risk Manager, Mary Grace Perry, Deputy County Counsel, Agricultural Commissioner's Office, Nadia Garcia, Management Analyst III, Assessor-Recorder's Office, Gregg MacFarlane, Supervising Appraiser, Craig Spencer, HCD Services Manager; Edwin Rambuski, Applicant's Agent; Sanders Family Vineyard LLC, Property Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN190283