



## Legislation Details (With Board Report)

<b>File #:</b>	RES 21-180	<b>Name:</b>	PLN180428/O P MURPHY PRODUCE CO INC AND GILL DAVID L & SUSAN TRS ET AL
<b>Type:</b>	BoS Resolution	<b>Status:</b>	Passed
<b>File created:</b>	10/8/2021	<b>In control:</b>	Board of Supervisors
<b>On agenda:</b>	10/19/2021	<b>Final action:</b>	10/19/2021

**Title:** Public hearing to consider approval of a Lot Line Adjustment between two legal lots and a Variance on Lot 1 resulting from the Lot Line Adjustment to allow a 14.45% lot coverage on adjusted Lot 1 due to existing development on Lot 1.  
 Project: PLN180428/O P MURPHY PRODUCE CO INC AND GILL DAVID L & SUSAN TRS ET AL  
 Location: 31450 Highway 101, Gonzales  
 Proposed California Environmental Quality Act (CEQA) Action: Consider Category 5 exemption as minor alteration in land use limitations pursuant to CEQA Guidelines Section 15305.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A – Farmland Security Zone Contract No. 2011-015 between the County of Monterey and Freyer Ranch, LLC, 3. Attachment B – Board of Supervisors Resolution No. 00-462 adopted December 12, 2000, 4. Attachment C – Agricultural Advisory Committee Minutes, 5. Attachment D – Planning Commission Resolution No. 21-030, 6. Attachment E – Proposed Resolution with Exhibits 1 and 2, 7. Attachment F – Legal Descriptions for Adjusted Parcels 1 and 2, 8. Attachment G – Cover Memo to the Clerk of the Board, 9. Power point, 10. # 26 Ppt - Powerpoint for Board of Supervisor Hearing re LLA 10-19-21 (01463206xE4B5B), 11. Completed Board Order Item No. 26, 12. Completed Resolution Item No. 26

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	approved as amended	

Public hearing to consider approval of a Lot Line Adjustment between two legal lots and a Variance on Lot 1 resulting from the Lot Line Adjustment to allow a 14.45% lot coverage on adjusted Lot 1 due to existing development on Lot 1.

**Project:** PLN180428/O P MURPHY PRODUCE CO INC AND GILL DAVID L & SUSAN TRS ET AL

**Location:** 31450 Highway 101, Gonzales

**Proposed California Environmental Quality Act (CEQA) Action:** Consider Category 5 exemption as minor alteration in land use limitations pursuant to CEQA Guidelines Section 15305.

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors:

- a. Find the Lot Line Adjustment and Variance qualify for a Category 5 exemption as a minor alteration in land use limitations pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
- b. Approve a Lot Line Adjustment between two lots, Lot 1 (Assessor’s Parcel Number 257-041-012-000) consisting of 27.045 acres, and Lot 2 (Assessor’s Parcel Number 257-041-025-000) consisting of 292.23 acres resulting in adjusted Lot 1 consisting of 10.843 acres and adjusted Lot 2 consisting of 308.434 acres;
- c. Approve a Variance to allow 14.45% building coverage in exceedance of the 5% maximum allowed on the adjusted Lot 1 due to existing development on Lot 1.
- d. Authorize the Chair of the Board to execute a new or amended Farmland Security Zone Contract

- to add 16.204 acres to Farmland Security Zone Contract No. 2011-015 between the County and the property owners of record, reflecting the new legal description and current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies or Procedures;
- e. Direct the Clerk of the Board to record the new or amended Farmland Security Zone Contract subject to the submittal of the appropriate recording fees by the property owners of record; and
  - f. 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 owners of record in conformance with the attached Lot Line Adjustment map and subject to the conditions of approval.

**PROJECT INFORMATION:**

**HCD Planning File:** PLN180428

**Project Location:** 31450 Highway 101, Gonzales

**Assessor's Parcel Numbers (APN):** APN 257-041-012-000; APN 257-041-025-000

**Plan Area:** Central Salinas Valley Area Plan

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

**Proposed CEQA Action:** Consider Category 5 exemption as minor alteration in land use limitations pursuant to CEQA Guidelines Section 15305 of the CEQA Guidelines.

**Owner/Applicant:** O P Murphy Produce Co. Inc. and David L. Gill and Susan Gill

**Agent:** Christine Kemp, c/o Noland, Hamerly, Etienne and Hoss

SUMMARY:

This project involves a Lot Line Adjustment (LLA) between two adjacent lots and a Variance to allow 14.45% building coverage in exceedance of the 5% maximum allowed on the resulting Lot 1 (sometimes referred to as "project"). Lot 2 is subject to Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2011-015 between the County of Monterey and Freyer Ranch, LLC (**Attachment A**) adopted per Board of Supervisors Resolution No. 2010-318 on file with the Clerk of the Board. The proposed adjustment to the property boundaries necessitates a revision to FSZ Contract No. 2011-015 per California Government Code Section 51257 and Board of Supervisors Resolution No. 00-462 adopted December 12, 2000 (**Attachment B**). An existing 1.57-acre tomato packing facility has been in operation on the existing Lot 1 since 1974. This lot is currently 27.045-acres in size and maintains a 5.8% building coverage which is over the 5% allowed in Farmland zoning. As proposed, Lot 1 would be reduced in size from 27.045 acres to 10.843 acres and would continue to contain the 1.57-acre packing facility. Since lot coverage is calculated as a percentage of the lot size and Lot 1 containing the processing facility is proposed to be smaller, the percentage of the lot covered with structures would increase to 14.45%. As a result, staff supports the request for a Variance to exceed the maximum allowed lot coverage as proposed for adjusted Lot 1.

LLAs between properties that do not conform to the minimum parcel sizes are allowed per the Monterey County 2010 General Plan if the action would result in a superior parcel configuration or promote routine and ongoing agricultural activities, and provided it is consistent with zoning and building standards. This project would promote agricultural operations by increasing the size of Lot 2 with prime agricultural soils and clustering and maintaining the agricultural support facility on the smaller Lot 1 adjacent to the Highway consistent with Goals A-1 and A-2 of the 2010 General Plan.

Goals AG-1 and AG-2 of the 2010 General Plan provide as follows:

Goal AG-1- Promote the long-term protection, conservation, and enhancement of productive and potentially productive agricultural land.

Goal AG-2- Provide opportunities to retain, develop, and expand those agriculture-related enterprises and agricultural support uses essential to the continuing viability of the agricultural industry

Facilities supportive of agricultural activities are encouraged in the Farmland zone pursuant Policy AG-2.3 as follows:

Agricultural processing facilities for products grown in and out of the County are compatible and appropriate land uses in the Farmlands, Permanent Grazing, and Rural Grazing land use designations.

The facility existing on Lot 1 was established prior to the current regulations and already maintains a legal non-conforming coverage in excess of the allowed coverage for the site. Findings to support a Variance can be made due to the existing and proposed smaller lot size, and because of the existing development and use on existing Lot 1.

**DISCUSSION:**

Pursuant to California Government Code Section 66412(d), Government Code Section 51257 and Monterey County Code Section 19.09.005, O P Murphy Produce Company Inc. and the David and Susan Gill Family Trust Established January 26, 1983, as Amended and restated July 1, 1993 et al, propose a lot line adjustment between two lots, Lot 1 (Assessor's Parcel Number 257-041-012-000) consisting of 27.045 acres, and Lot 2 (Assessor's Parcel Number 257-041-025-000) consisting of 292.23 acres resulting in adjusted Lot 1 consisting of 10.843 acres and adjusted Lot 2 consisting of 308.434 acres. In addition, the proposal includes a request for a Variance per Title 21, Chapter 21.72, Section 21.72.040 to allow 14.45% building coverage in exceedance of the 5% maximum allowed on the resulting Lot 1 due to existing development on the reduced size lot.

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

**[51257. <javascript:submitCodesValues\('51257.','6.1.1.19.4','2012','128','1','%20'id\\_51c58064-4e0f-11e2-bece-f6c402701ba4'\)>](#)**

(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 B**).

The proposed LLA and Variance do not include any changes to the existing land/agricultural uses or any development of structures. The proposed LLA is configured to promote agricultural operations by increasing the size of Lot 2 with prime agricultural soils and clustering and maintaining the agricultural support facility on the smaller Lot 1 adjacent to the Highway consistent with Goals A-1 and A-2 of the 2010 General Plan. The facility existing on Lot 1 was established prior to current regulations and already maintains a legal non-conforming coverage in excess of the coverage allowed for the site.

The proposed LLA will add 16.204 acres from Lot 1 to adjusted Lot 2 which is subject to FSZ Contract No. 2011-015. The new or amended contract or contracts will add 16.204 acres to existing FSZ No. 2011-015. If the proposed LLA 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 16.204 acres to adjusted Lot 2 within existing FSZ No. 2011-015.

#### **Agricultural Advisory Committee (AAC) Recommendation**

The proposed project was also reviewed by the Agricultural Advisory Committee (AAC) on December 5, 2019. The AAC voted unanimously to recommended approval of the project as proposed. Minutes for the AAC Meeting on December 5, 2019 are attached (**Attachment C**).

#### **Planning Commission Recommendation**

Staff requested the Planning Commission review and recommend action on both the environmental and land use issues to the Board of Supervisors for exemption under CEQA and approval of both the LLA and Variance. On September 8, 2021, the Planning Commission held a noticed public hearing on the proposed LLA and Variance, and unanimously recommended that the Board of Supervisors approve the project in its entirety. A copy of Planning Commission Resolution No. 21-030 is attached (**Attachment D**).

Staff has reviewed the proposed LLA and Variance and found it consistent with the applicable policies and regulations including the 2010 General Plan, Williamson Act requirements, Title 19 (Subdivision Ordinance) and Title 21 (Zoning Ordinance). Therefore, staff recommends that the Board of Supervisors approve the proposed LLA and Variance. Draft findings pursuant to Government Code Section 51257 are included in the draft resolution for approval of the proposed LLA and Variance with and Exhibit 1 - Recommended Conditions of Approval and Exhibit 2 - Lot Line Adjustment Map is attached to this report (**Attachment E**).

#### **ENVIRONMENTAL REVIEW:**

Pursuant to CEQA Guidelines Section 15305, the project is exempt from environmental review because the LLA and Variance comprise minor alterations in land use limitations that qualifies for a Class 5 categorical exemption. There are no exceptions to the exemption pursuant to CEQA Guidelines Section 15300.2.

OTHER AGENCY INVOLVEMENT:

The Agricultural Advisory Committee has recommended approval of the project in its entirety.  
The Planning Commission has recommended that the Board of Supervisors approve the project in its entirety.

The following agencies have reviewed the project, have comments, and/or have recommended conditions:  
Public Works, Facilities, and Parks  
Environmental Health Bureau  
Gonzales Rural Fire Protection District

FINANCING:

Funding for staff time associated with hearing preparation of this project is included in the FY21-22 Adopted Budget for HCD Appropriation Unit HCD002.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action encourages sustained agricultural activity on existing farmlands in the County. Approval of this project would allow an increase of lands to an existing Williamson Act contract and support economic health of the County's agricultural sector.

Check the related Board of Supervisors Strategic Initiatives:

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

Prepared by: Jaime Scott Guthrie, AICP, Associate Planner, ext. 6414  
Reviewed by: Craig Spencer, HCD Chief of Planning  
Approved by: Erik V. Lundquist, AICP, HCD Director

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

- Attachment A - Farmland Security Zone Contract No. 2011-015 between the County of Monterey and Freyer Ranch, LLC
- Attachment B - Board of Supervisors Resolution No. 00-462 adopted December 12, 2000
- Attachment C - Agricultural Advisory Committee Minutes
- Attachment D - Planning Commission Resolution No. 21-030
- Attachment E - Proposed Resolution with Exhibits 1 and 2
  - Exhibit 1 - Conditions of Approval and
  - Exhibit 2 - Lot Line Adjustment Map
- Attachment F - Legal Descriptions for Adjusted Parcels 1 and 2
- Attachment G - Cover Memo to the Clerk of the Board

cc: Front Counter Copy; Environmental Health Bureau; Agricultural Preservation Review Committee - Office of the County Counsel; 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 Chief of Planning; Gonzales Rural Fire Protection District; Christine

Kemp c/o Nolan, Hamerly, Etienne, and Hoss, Agent; Owners - O P Murphy Produce Co. Inc. and David L. Gill and Susan Gill, Trustees under the David and Susan Gill Family Trust et al; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180428