



Legislation Details (With Board Report)

File #: RES 21-195 **Name:** PLN210077 Sunset Farm

Type: BoS Resolution **Status:** Passed

File created: 10/27/2021 **In control:** Board of Supervisors

On agenda: 11/2/2021 **Final action:** 11/2/2021

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 CEQA Guidelines Section 15300.2;
- b. Approve a Lot Line Adjustment between four (4) legal lots of record (under Farmland Security Zone [FSZ] Contract No. 2010-018) of approximately 82.1 acres (Parcel A), 52.8 acres (Parcel B), 160.2 acres (Parcel C), and 36.5 acres (Parcel D), respectively, with no net change in acreage under the Williamson Act Contract;
- c. Authorize the Chair to execute a new or amended FSZ Contract or Contract(s) in order to rescind a portion of the existing FSZ Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended FSZ Contract or Contracts for the reconfigured lots between the County and the Property Owner reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies and Procedures;
- 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 eleven (11) conditions of approval; and
- e. Direct the Clerk of the Board to record the new or amended FSZ Contract or Contracts with the County Recorder with all applicable recording fees paid by the Property Owner of record.

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

Project Location: 301 Neponset Road, Marina, Greater Monterey Peninsula Area Plan
Property Owner: Sunset Farms Inc., a California Corporation

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Vicinity Map, 4. Attachment C - Farmland Security Zone Contract No. 2010-018, 5. Attachment D - Board of Supervisors Resolution No. 00-462, 6. Completed Board Order Item No. 14, 7. (REVISED) Completed Resolution Item No. 14

Date	Ver.	Action By	Action	Result
11/2/2021	1	Board of Supervisors	adopted	Pass

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 CEQA Guidelines Section 15300.2;
- b. Approve a Lot Line Adjustment between four (4) legal lots of record (under Farmland Security Zone [FSZ] Contract No. 2010-018) of approximately 82.1 acres (Parcel A), 52.8 acres (Parcel B), 160.2 acres (Parcel C), and 36.5 acres (Parcel D), respectively, with no net change in acreage under the Williamson Act Contract;
- c. Authorize the Chair to execute a new or amended FSZ Contract or Contract(s) in order to rescind a portion of the existing FSZ Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended FSZ Contract or Contracts for the reconfigured lots between the County and the Property Owner

reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Williamson Act Policies and Procedures;

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 eleven (11) conditions of approval; and

e. Direct the Clerk of the Board to record the new or amended FSZ Contract or Contracts with the County Recorder with all applicable recording fees paid by the Property Owner of record.

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

Project Location: 301 Neponset Road, Marina, Greater Monterey Peninsula Area Plan

Property Owner: Sunset Farms Inc., a California Corporation

RECOMMENDATION:

It is recommended that the Board of Supervisor adopt a resolution:

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 CEQA Guidelines Section 15300.2;

b. Approve a Lot Line Adjustment between four (4) legal lots of record, resulting in adjusted Parcel B (52.8 acres), adjusted Parcel A (82.1 acres), adjusted Parcel C (160.2 acres), and adjusted Parcel D (36.5 acres);

c. Authorize the Chair to execute a new or amended Farmland Security Zone (FSZ) Contract or Contracts in order to rescind a portion of the existing FSZ Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended FSZ Contract or Contracts for the reconfigured lots between the County and the Property Owner reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County FSZ Policies and 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 eleven (11) conditions of approval.

e. Direct the Clerk of the Board to record the new or amended FSZ Contract or Contracts with the County Recorder with all applicable recording fees paid by the Property Owner of record.

PROJECT INFORMATION:

Owner: Sunset Farms Inc., a California Corporation

Agent: Lynn Kovach

Project Location: 301 Neponset Road, Marina

Assessor's Parcel Numbers: 229-011-016-000, 229-011-009-000, 229-011-042-000 and 229-011-047-000

Plan Area: Greater Monterey Peninsula Area Plan

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

SUMMARY/DISCUSSION:

The project involves adjusting the configuration of four (4) legal lots of record located at or near 301 Neponset Road, Marina, Greater Monterey Peninsula Area Plan. All parcels are currently zoned as F/40-D-S (Farmland Zoning of 40 acres minimum with Design Control and Site Plan Review Overlays) and PG/40-D-S (Permanent Grazing Zoning of 40 acres minimum with Design Control and Site Plan Review Overlays). There are row crops growing on the parcels. The subject parcels are all subject to Farmland Security Zone Contract No. 2010-018.

Pursuant to California Government Code Section 66412(d), Government Code Section 51257 and Monterey County Code Section 19.09.005, Sunset Farms, Inc. proposes a lot line adjustment between four (4) legal lots of

record, consisting of the following existing and proposed configurations:

Before Adjustment:

Parcel 1: 3.71 acres
Parcel 2: 193.09 acres
Parcel 3: 93.9 acres
Parcel 4: 40.9 acres

331.6 ACRES TOTAL

After Adjustment:

Parcel A (before: Parcel 2): 82.1 acres
Parcel B (before: Parcel 1): 52.8 acres
Parcel C (before: Parcel 3): 160.2 acres
Parcel D (before: Parcel 4): 36.5 acres

331.6 ACRES TOTAL

The proposed Lot Line Adjustment does not include any changes to the existing land/agricultural uses or any development of structures. The current row crop operations will not be affected by the proposed Lot Line Adjustment. The purpose for the proposed Lot Line Adjustment is to better achieve the current overall agricultural operations to conform to its agricultural uses and improve agricultural operation efficiency by realigning the lot lines.

To facilitate a Lot Line Adjustment of Williamson Act lands, Government Code Section 51257 provides as follows:

Government Code Section 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.)

Staff has reviewed the standards contained in the Government Code and found the proposed Lot Line Adjustment meets the required findings and circumstances. A resolution with findings and evidence for approval of the Lot Line Adjustment is attached as **Attachment A** to this report. Additionally, the Monterey County Agricultural Advisory Committee, at a public meeting on August 26, 2021, recommended approval and supported the Lot Line Adjustment as proposed.

OTHER AGENCY INVOLVEMENT:

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

- Public Works, Facilities, and Parks
- Environmental Health Bureau
- North County 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. Due to late submission of this Board Report, the CAO Budget and Analysis Division was not provided adequate time to fully review for potential fiscal, organizational, policy, or other implications to the County of Monterey.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our 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: Anna Quenga, AICP, Interim Planning Services Manager, ext. 5175
Reviewed by: Craig Spencer, HCD Chief of Planning
Approved by: Erik V. Lundquist, AICP, Director of Housing & Community Development

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

Attachment A - Draft Resolution with:

Exhibit 1 - Recommended Conditions of Approval

Exhibit 2 - Lot Line Adjustment Map

Attachment B - Vicinity Map

Attachment C - Farmland Security Zone Contract No. 2010-018

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

cc: Front Counter Copy; Erik Lundquist, Director of Housing & Community Development; Michelle Huang, Project Planner; Agricultural Preserve Review Committee - Office of the County Counsel-Risk Management, 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; Lynn Kovach, Agent; Sunset Farms, Inc., Property Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN210077