



Legislation Details (With Board Report)

**File #:** 12-1199      **Name:** Sea Mist Farms LLC, Desert Mist LLC & Desert Mist Farms LLC  
**Type:** General Agenda Item      **Status:** Passed  
**File created:** 12/21/2012      **In control:** Board of Supervisors  
**On agenda:** 1/15/2013      **Final action:** 1/15/2013

**Title:** Continued from December 11, 2012 to conduct a Public Hearing to:  
a. Approve a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) No. 2012-010 and FSZ Contract No. 2012-010 and making various adjustments to Williamson Act Agricultural Preserve (AgP) No. 73-12 and No. 83-05 and Land Conservation Contract No. 73-12, 83-05, and 83-26-5.a as more fully described in the staff report.  
b. Authorize the Chair to execute new or amended Land Conservation and FSZ Contracts to implement the foregoing.  
c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.  
(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC., located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP))

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Discussion, 2. Attachment B - Draft Board Resolution, 3. Attachment C - Lot Line Adjustment Map, 4. Attachment C-1 - Recommended Conditions of Approval, 5. Attachment D - Vicinity Map, 6. Attachment E - Land Conservation Contract No. 73-12, 7. Attachment F - Land Conservation Contract No. 83-26.5, 8. Attachment G - Land Conservation Contract No. 83-26-5.a, 9. Attachment H - Farmland Security Zone Contract 2012-10, 10. Attachment I - Board of Supervisors Resolution No. 11-379, 11. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
1/15/2013	1	Board of Supervisors	approved	Pass

Continued from December 11, 2012 to conduct a Public Hearing to:  
a. Approve a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) No. 2012-010 and FSZ Contract No. 2012-010 and making various adjustments to Williamson Act Agricultural Preserve (AgP) No. 73-12 and No. 83-05 and Land Conservation Contract No. 73-12, 83-05, and 83-26-5.a as more fully described in the staff report.  
b. Authorize the Chair to execute new or amended Land Conservation and FSZ Contracts to implement the foregoing.  
c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.  
(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC., located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP))

**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 137-151-008-000.

**Agent:** Mike Cling

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

**Flagged and Staked:** No

**CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15305(a)

**RECOMMENDATION:**

It is recommended that the Board of Supervisors conduct a public hearing to:

- a. Approve Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) Contract No. 2012-010 and removal of 7.42 acres from Williamson Act Agricultural Preserve (AgP) No. 73-12 and Land Conservation Contract No. 73-12 to: reduce a 349.33 acre parcel (Lot MM, Assessor's Parcel Numbers (APN) 167-081-006-000) to a 335.11 acre parcel (proposed Lot 1); increase a 0.84 acre parcel (Lot LL, a portion of APN 167-011-013-000) to a 14.22 acre parcel (proposed Lot 2); reduce a 30.7 acre parcel (Lot GG, a portion of APN 167-011-015-000) to a 6.28 acre parcel (proposed Lot 3); and increase a 29.3 acre parcel (Lot DD, a portion of APN 167-011-015-000 and a portion of APN 167-011-013-000) to a 54.56 acre parcel (proposed Lot 4). A 7.42 acre portion of Lot GG (30.7 acres), a portion of APN 167-011-015-000, will be removed from Williamson Act Agricultural Preserve No. 73-12 and Land Conservation Contract No. 73-12. Approve administrative correction to remove a total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within FSZ No. 2012-010 from AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a to correct an inadvertent omission from Board of Supervisors Resolution No. 11-379 which placed portions of the property subject to AgP No. 73-12 and Land Conservation Contract No. 73-12 and AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a as applicable to the 24.33 acres of property within FSZ No. 2012-010 and now subject to FSZ Contract No. 2012-010.
- b. Authorizing the Chair to execute new or amended Land Conservation and FSZ Contracts, in order to rescind a portion of existing AgP No. 73-12 and Land Conservation Contract No. 73-12 as applicable to the reconfigured lots within AgP No. 73-12 and Land Conservation Contract No. 73-12, and to rescind AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a from FSZ No. 2012-010, and amend FSZ Contract No. 2012-010 as applicable to the reconfigured lots, and simultaneously execute new or amended Land Conservation and FSZ Contracts for the reconfigured lots between the County and the Property Owners of Record, 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.
- c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

**SUMMARY:**

The proposed Lot Line Adjustment is between four (4) existing adjoining parcels. The Lot Line Adjustment will reduce a 349.33 acre parcel to a 335.11 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 is currently under Williamson Act Agricultural Preserve (AgP) No. 73-12 and 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. A 7.42 acre portion of one (1) of the existing parcels (Lot GG, 30.7 acres) is within Williamson Act AgP No. 73-12 and Land Conservation Contract No. 73-12. The proposed Lot Line

Adjustment will rescind AgP No. 73-12 and Land Conservation Contract No. 73-12 as applicable to the 7.42 acres spanning across the River Road frontage of the 30.7 acre parcel (Lot GG).

Staff's recommendation includes an administrative correction to remove a total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within Farmland Security Zone (FSZ) No. 2012-010 from AgP No. 83-05 and Land Conservation Contract No. 83-05 to correct an inadvertent omission from Board of Supervisors Resolution No. 11-379 which placed portions of the property subject to AgP No. 73-12 and Land Conservation Contract No. 73-12 and AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a as applicable to the 24.33 acres of property within FSZ No. 2012-010 and now subject to FSZ Contract No. 2012-010.

#### DISCUSSION:

Detailed discussion is provided in **Attachment A**.

#### OTHER AGENCY INVOLVEMENT:

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

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

#### FINANCING:

Two (2) of the existing parcels (Parcel MM and Parcel DD) are currently under FSZ No. 2012-010 and FSZ Contract No. 2012-10. A 7.42 acre portion of Parcel GG (30.7 acres), a portion of APN 167-011-015-000, is within AgP No. 73-12 and Land Conservation Contract No. 73-12. Said 7.42 acres are proposed for rescission from AgP No. 73-12. AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a shall be rescinded as applicable to the property within FSZ 2012-010 and FSZ Contract No. 2012-010. 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

This report was prepared with assistance by Mary Grace Perry, Deputy County Counsel, and Marti Noel, Assistant Director of RMA

cc: Front Counter Copy; Laura Lawrence, Planning Services Manager; Mike Cling, Applicant/Owner (Smith); Agricultural Preserve Review Committee, Planning - Steve Mason, Assessor-Recorder's Office - Gregg MacFarlane, Agricultural Commissioner's Office - Robert A. Roach, Office of the County Counsel - Mary Grace Perry; The Open Monterey Project; LandWatch; Project File PLN120746

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

Attachment A	Discussion
Attachment B	Draft Board Resolution
Attachment C	Lot Line Adjustment Map
Attachment C-1	Recommended Conditions of Approval (Matrix)
Attachment D	Vicinity Map
Attachment E	Land Conservation Contract 73-12
Attachment F	Land Conservation Contract No. 83-26-5 (Commonly known as Ag Preserve and Land Conservation Contract No. 83-05)
Attachment G	Land Conservation Contract No. 83-26-5.a
Attachment H	Farmland Security Zone Contract 2012-10
Attachment I	Board of Supervisors Resolution No. 11-379