



Legislation Details (With Board Report)

File #: RES 18-172 **Name:** PLN150063 - Emery (Lot Line Adjustment)

Type: BoS Resolution **Status:** Passed - RMA Land Use and Community Development

File created: 12/20/2018 **In control:** Board of Supervisors

On agenda: 1/15/2019 **Final action:** 1/15/2019

Title: PLN150063 - (Lot Line Adjustment involving two lots of record) Kathryn A. Emery, Trustee of the Emery Family Trust u/d/d March 22, 2004; Michelle Urquidez, Trustee of the Urquidez Family Trust u/d/d May 5, 2010; Marilyn L. Saake and William J. Saake, as Trustees of the Saake Family Trust dated June 25, 1997; Christopher M. Powers; Andrew J. Powers; Timothy S. Powers; Katherine A. Dulik; Amy Perusse; Matthew C. Powers; and Marilyn L. Saake and Mathew Powers, as Successor Co-Trustees of the Ersilia L. Binsacca Living Trust u/d/d October 29, 1990.
Public hearing to adopt a resolution for approval of a Lot Line Adjustment between two (2) legal lots of record (one [1] of which is under a Williamson Act contract) of approximately 143.67 acres (Existing Parcel A) and of 0.29 acres (Existing Parcel B), resulting in two (2) legal lots of record of the same sizes: 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B), a proposed 5-foot wide easement for water line and a 50 foot by 50 foot well easement. The resultant parcels will not have a decrease in acreage under the Williamson Act Contract.
Propose California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15305 (Minor alterations in land use limitations)
Project Location: 35625 and 35495 Fort Romie Road, Soledad, Central Salinas Valley Area Plan.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Vicinity Map, 4. Attachment C - Conservation Contract No. 73-40, 5. PowerPoint Presentation, 6. 21. Completed Board Order, Resolution & Attachments, 7. 2021 Amendment to Land Conservation Contract No. 72-40

Date	Ver.	Action By	Action	Result
1/15/2019	1	Board of Supervisors	adopted - rma land use and community development	Pass

PLN150063 - (Lot Line Adjustment involving two lots of record) Kathryn A. Emery, Trustee of the Emery Family Trust u/d/d March 22, 2004; Michelle Urquidez, Trustee of the Urquidez Family Trust u/d/d May 5, 2010; Marilyn L. Saake and William J. Saake, as Trustees of the Saake Family Trust dated June 25, 1997; Christopher M. Powers; Andrew J. Powers; Timothy S. Powers; Katherine A. Dulik; Amy Perusse; Matthew C. Powers; and Marilyn L. Saake and Mathew Powers, as Successor Co-Trustees of the Ersilia L. Binsacca Living Trust u/d/d October 29, 1990.

Public hearing to adopt a resolution for approval of a Lot Line Adjustment between two (2) legal lots of record (one [1] of which is under a Williamson Act contract) of approximately 143.67 acres (Existing Parcel A) and of 0.29 acres (Existing Parcel B), resulting in two (2) legal lots of record of the same sizes: 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B), a proposed 5-foot wide easement for water line and a 50 foot by 50 foot well easement. The resultant parcels will not have a decrease in acreage under the Williamson Act Contract.

Propose California Environmental Quality Act (CEQA) Action: Categorically Exempt per CEQA Guidelines Section 15305 (Minor alterations in land use limitations)

Project Location: 35625 and 35495 Fort Romie Road, Soledad, Central Salinas Valley Area Plan.

RECOMMENDATION:

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

- a. Finding that the project is a Lot Line Adjustment not resulting in a new parcel, which qualifies as a Class 5 Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Section 15305(a), and there are no exceptions pursuant to CEQA Guidelines Section 15300.2;
- b. Approving a Lot Line Adjustment between two (2) existing legal lots of record of approximately 143.67 acres (Existing Parcel A- under Williamson Act Agricultural Preserve Land Conservation Contract No. 72-40) and 0.29 acres (Existing Parcel B) resulting in two (2) reconfigured lots consisting of approximately 143.67 acres (Proposed Parcel A) and 0.29 acres (Proposed Parcel B) with no net decrease in acreage under the Williamson Act Contract; a proposed 5-foot wide easement for water line and a 50 foot by 50 foot well easement;
- c. Authorizing the Chair to execute a new or amended Land Conservation Contract in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lot (Parcel A) only and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lots between the County and the property owners 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. Directing the Clerk of the Board to record the new or amended Land Conservation Contract subject to the submittal of the appropriate recording fees from the property owners of record.

PROJECT INFORMATION:

APNs: 165-071-002-000 (currently 143.67 acres and under a Williamson Act Contract) 165-071-003-000 (currently 0.29 acres)

Zoning: F/40

SUMMARY/DISCUSSION:

The subject lot line adjustment involves two (2) existing legal lots of record under the same ownership consisting of multiple heirs to the late Ersilia L. Binsacca. The purpose of this lot line adjustment is to settle the family estate. Existing Parcel A is approximately 143.67 acres in row crop commercial agriculture, under a Williamson Act Agricultural Preserve and Land Conservation Contract No. 72-40 since 1972 (see Attachment C for Williamson Act Land Conservation Contract No. 72-40). Parcel A has a single family residence, garage, two (2) barns and several small sheds. These structures are situated on the south end of the property fronting on Fort Romie Road. Arroyo Seco Creek and the Salinas River traverses this 143.67-acre parcel on the north end of the property. The zoning of this parcel is Farmlands, 40-acre minimum lot size.

Existing Parcel B is a 0.29- acre residential parcel located at the intersection of Fort Romie Road and Private No. Two Road. This smaller parcel has a single family residence and two (2) sheds. This parcel is too small to sustain agriculture and it is not under a Williamson Act contract. The zoning of this parcel is Farmlands, 40-acre minimum lot size. Because the parcel is under the minimum size requirement of the zoning district, the parcel is a legal non-conforming parcel. The parcel is also legal non-conforming as to lot coverage as the maximum allowed lot coverage is five percent (5%) in the Farmlands zoning district and the existing lot coverage is 19.31 percent.

The property owners have requested this lot line adjustment in order to move the 0.29 acre parcel from its current location which is at the intersection of Fort Romie Road and Private No. Two Road to the middle of what is now Existing Parcel A, immediately fronting Fort Romie Road. The lot line adjustment will result in two (2) lots of record of the same sizes from the original sizes: a 143.67 acre parcel (Proposed Parcel A) and 0.29 acre parcel (Proposed Parcel B). See Attachment A, Exhibit 2 for Lot Line Adjustment Map.

For the most part, the proposed parcels would have the same layout: Proposed Parcel A, the 143.67-acre parcel

would continue the row crop operation and would have a single family residence, barns garage and multiple sheds. The existing Williamson Act contract would contain the same amount of land, only that an amendment to the contract would be required to define the new lot boundaries. As far as the smaller 0.29-acre parcel (Proposed Parcel B), this would shift from the corner of the property to the middle of the property immediately fronting on Fort Romie Road to encompass the residence, garage and sheds located at the center of the property. Those sheds that would straddle over the new property lines for Proposed Parcel B would be demolished. The proposed lot coverage for Proposed Parcel B, after the straddling structures are demolished would be 19.31 percent, the same percentage from its original location. Condition No. 6 has been added requiring the demolition of these structures, prior to recording the certificates of compliance.

General Plan Policy regarding Lot Line Adjustments of Non-Conforming Lots:

The parcels in this lot line adjustment are subject to the 2010 Monterey County General Plan. Goal LU-1 of the General Plan promotes “*appropriate and orderly growth and development while protecting desirable existing land uses*”. Under this goal, *Policy LU-1.16* states that lot line adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the lot line adjustment would:

- a. Accommodate legally constructed improvements which extend over a property line; or
- b. Facilitate the relocation of existing utilities, infrastructure, or public utility easements; or
- c. Resolve boundary issue between or among affected owners; or
- d. Produce a superior parcel configuration; or
- e. Reduce the non-conformity of existing legal lots of record; or
- f. Promote resource conservation, including open space and critical viewshed protection, without triggering eminent domain; or
- g. Better achieve the goals, policies and objectives of the General Plan; or
- h. Facilitate Routine and Ongoing Agricultural activities.

While the existing and proposed configuration of Parcel A conforms to minimum lot size standards, existing and proposed Parcel B will not. Nevertheless, staff believes that requiring the applicant to reconfigure the parcels into two (2) parcels of 40 acres or more would be detrimental to the agricultural operation of Parcel A. If Parcel B increases its size to a 40-acre minimum, it would have the potential of having more non-agriculture development on the property since the five percent (5%) lot coverage limitation would be taken from the 40 acres, as opposed to the 0.29 acres. At 0.29 acres and shifting this land area to the existing residential development located at the middle of existing Parcel A, Proposed Parcel B would be maxed out in lot coverage. No more non-agricultural development would be allowed, unless a Variance is secured. The existing homes are located close to the existing roads which provides minimal disruption of the existing agricultural operation. The proposal would facilitate the routine and ongoing agricultural activities of the agricultural operation. Policies LU-1.7 and AG-1.7 “strongly encourage” the clustering of development to promote the vitality of the agricultural operations. Monterey County promotes agriculture, and as such, elected to include an Agricultural Element as part of the General Plan to establish policies directed at enhancing and supporting the long term productivity and commercial viability of the County’s agricultural industry.

Therefore, the proposed lot line adjustment would promote appropriate and orderly growth and development while protecting desirable land uses, in this case agricultural land uses (Goal LU-1). The proposed lot line adjustment would: produce a superior lot configuration (Goal LU-1 item d); promote resource conservation as agricultural is a resource in this County (Goal LU-1 item f); better achieve the goals, policies, and objectives of the General Plan (Goal LU-1 item g); and facilitate routine and ongoing agricultural activities (Goal LU-1 item h). Although proposed Parcel B will not meet the F/40, 40- acre minimum standard, the result would promote conservation of agricultural resources by allowing the land on Parcel A (143.67), which is subject to an existing Williamson Act contract, to continue the agricultural operation.

Williamson Act Findings:

The proposed Lot Line Adjustment will not reduce the acreage under the existing Agricultural Preserve Land Conservation Contract No.72-40 over existing Parcel A. Pursuant to Government Code Section 51257, to facilitate a Lot Line Adjustment of Williamson Act lands, the Board of Supervisors must make all of the following findings:

(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. Effective January 1, 2013.)

The project meets these findings. The proposed findings required per Board Resolution No. 00-462 (Resolution relating to the processing of Lot Line Adjustments affecting property under Agricultural Preserve Contract pursuant to the Williamson Act) and Government Code Section 51257 for the Board's consideration are included in Attachment A - Draft Resolution.

OTHER AGENCY INVOLVEMENT:

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

Mission Soledad Fire Protection District

Environmental Health Bureau

RMA-Public Works

Water Resources Agency

FINANCING:

Funding for staff time associated with this project is included in the FY 2018-19 Adopted Budget for RMA-Planning, Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Board of Supervisors FY 2015-16 Strategic Initiatives include objectives to:

- Improve efficiency and effectiveness of County services (Administration).
- Create better paying jobs, reduce poverty and increase the revenue base through business expansion while adding to the economic vitality of the County (Economic Development).

RMA has Key Performance Measures to implement the Board's Strategic Initiatives by improving the permit process. Maintaining parcels under Williamson Act Farmland Security Zone and Land Conservation Contracts will ensure the protection of land designated for farming and permanent grazing and further the economic vitality of Monterey County. This action also represents effective and timely response to our RMA customers.

Check the related Board of Supervisors Strategic Initiatives:

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

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Reviewed by: Christina McGinnis, Interim Long Range Planning Services Manager ext. 6733
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Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Draft Resolution with:

- Exhibit 1 - Conditions of Approval
- Exhibit 2 - Lot Line Adjustment Map

Attachment B - Vicinity Map

Attachment C - Agricultural Preserve Land Conservation Contract No. 72-40

cc: Front Counter Copy; Brandon Swanson, RMA Planning Services Manager; Nadia Garcia, Project Planner; Al Searson, HD Peters Co, Agent; Mary Grace Perry, Deputy County Counsel; Nicole E. Fowler, Mo. Co. EHB; Gregg MacFarlane, Senior Agricultural Appraiser; Henry Gonzales, Agricultural Commissioner; Property Owners; Matthew Powers, Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN150063