



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

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| File #: | 19-0922 | Name: | Rana Creek First Amendment to RPMA |
| Type: | General Agenda Item | Status: | Passed - RMA Land Use and Community Development |
| File created: | 11/27/2019 | In control: | Board of Supervisors |
| On agenda: | 12/10/2019 | Final action: | 12/10/2019 |

Title: a. Find that approval of the First Amendment to and Complete Restatement of Real Property Management Agreement is statutorily exempt pursuant to Section 15268 of the CEQA Guidelines; b. Approve the First Amendment to and Complete Restatement of Real Property Management Agreement between Arlin Ranches LLC (Rana Creek Ranch) and County of Monterey to clarify and restate obligations relative to agricultural use of Lots 5-10 of the 2011 Rana Creek Ranch Parcel Map, which re-subdivided 12 lots, including lands of the 1991 Holt Ranch subdivision; and c. Authorize the Chair to execute the First Amendment to and Complete Restatement of Real Property Management Agreement; and d. Direct the Clerk of the Board to submit the First Amendment to and Complete Restatement of Real Property Management Agreement to the County Recorder for recording with all applicable recording fees paid by the applicant.
Property Location: Rana Creek Ranch, 35351 East Carmel Valley Road, Carmel Valley, Cachagua Area Plan.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment 1 - First Amendment to RPMA, 3. Attachment 2 - 1993 Real Property Management Agmt, 4. Completed Board Order Item No. 91, 5. Rana Creek Ranch Recorded Document

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|---|--------|
| 12/10/2019 | 1 | Board of Supervisors | approved - rma land use and community development | Pass |

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Property Location: Rana Creek Ranch, 35351 East Carmel Valley Road, Carmel Valley, Cachagua Area Plan.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find that approval of the First Amendment to and Complete Restatement of Real Property Management Agreement is statutorily exempt pursuant to Section 15268 of the CEQA Guidelines;
- b. Approve the First Amendment to and Complete Restatement of Real Property Management Agreement between Arlin Ranches LLC (Rana Creek Ranch) and County of Monterey to clarify and restate obligations

relative to agricultural use of Lots 5-10 of the 2011 Rana Creek Ranch Parcel Map, which re-subdivided 12 lots, including lands of the 1991 Holt Ranch subdivision;

- c. Authorize the Chair to execute the First Amendment to and Complete Restatement of Real Property Management Agreement; and
- d. Direct the Clerk of the Board to submit the First Amendment to and Complete Restatement of Real Property Management Agreement to the County Recorder for recording with all applicable recording fees paid by the applicant.

SUMMARY:

Arlin Ranches, LLC, the owners of Rana Creek Ranch, propose a First Amendment to and Complete Restatement of Real Property Management Agreement to supersede a recorded Real Property Management Agreement which was required as a condition for a final subdivision map accepted in 1991 (Holt Ranch Subdivision). This agreement was required to preserve the agricultural viability of the land as long as the Holt Ranch remained subject to the Williamson Act. The property subject to that Real Property Management Agreement along with additional property was re-subdivided in 2010 (Rana Creek Ranch Subdivision), which moved lot lines and included a requirement for deed restrictions to maintain the agricultural viability of the lots. To conform to the 2010 subdivision, the Real Property Management Agreement needs revision to follow the new lot line lines/numbers and carry forward and clarify the obligations consistent with the 2010 subdivision approval.

DISCUSSION:

A subdivision of the Holt Ranch, subdividing approximately 929 acres into three parcels, was approved by the County's Minor Subdivision Committee on August 29, 1990. (Minor Subdivision Committee Resol. No. 90-252.) Since this property was also under a Williamson Act Contract (Land Conservation Contract 69.7.7), Condition 11 of the Holt Subdivision required the applicant to record an agricultural management agreement to provide for continued grazing of all three parcels as a unit in order to preserve the agricultural viability as long as the Holt Ranch remained subject to the Williamson Act. The Board accepted the Holt Ranch final map in 1991, and a Real Property Management Agreement was recorded on February 9, 1993 in fulfillment of the condition. (Recorded as Document 09612, at Reel 2906, page 1188.) Paragraph 3 of the recorded Real Property Management Agreement imposed certain obligations and conditions to manage the Holt Ranch property as a unit for agricultural purposes, and conditioned the means by which the owners of the Holt Ranch property obtained access to water to irrigate the approximately 80-acre alluvial plain located on the Holt Ranch.

Subsequently, Rana Creek Ranch purchased the Holt Ranch in its entirety. In 2010, Rana Creek Ranch applied to re-subdivide all of the property, including the previously subdivided Holt Ranch property and other contiguous property covering over 14,000 acres, into 12 lots ("2010 Subdivision"). The Minor Subdivision Committee approved the tentative map with 10 lots located south of Carmel Valley Road, and lots located north of Carmel Valley Road. (Minor Subdivision Committee Resol. No. 10-008.) A Parcel Map for the 2010 subdivision was recorded on December 22, 2011. ("2011 Parcel Map," filed for record in Book 23, Page 19 of Parcel Maps.) The former Holt Ranch property became a portion of Lot 5 and all of Lots 6-10 of the recorded 2011 Parcel Map.

In order to preserve the agricultural viability of the property, Condition 19 of the 2010 Minor Subdivision Tentative Map required placement of a note on the Parcel map and recordation of deed restrictions to require that any future single family dwellings be located in areas that minimize removal of lands in agricultural production and maintain the agricultural viability of portions of the property that are designated Prime Farmland. Also, Land Conservation Contract 69.7.7 (PLN090117/Markulla) dated December 2011 now applies to the entirety of the Rana Creek Ranch. However, the recorded Real Property Management Agreement was not updated to reflect the updated lot configuration or to clarify the requirements consistent with the 2010

Subdivision approval.

As such, Arlin Ranches, LLC, the current owners of Rana Creek Ranch, recognized that the Real Property Agreement was out of date due to the 2010 subdivision approval and requested County release the agreement. Upon review by staff and negotiation with owners, owners now request and County staff recommends approval of the First Amendment to and Complete Restatement of Real Property Management Agreement to: 1) Extend the obligations of the Real Property Management Agreement to cover all of Lots 5-10 as shown on the 2011 Parcel Map; 2) Amend the Real Property Management Agreement to eliminate the requirements that Lots 5-10 be managed as a unit for agricultural purposes and instead provide that the owners of Lots 5-10 shall be obligated to manage their respective parcels for agricultural purposes in ways consistent with the provisions of the Williamson Act Contract affect each such Lot, consistent with the requirements of the 2010 subdivision approval; and 3) clarify the obligations formerly stated in the Real Property Management Agreement with respect to access to irrigation water as applied to the property as subdivided by the 2011 Parcel Map.

If approved by the Board, the First Amendment to and Complete Restatement of Real Property Management Agreement would be recorded on Lots 5 through 10 of the Rana Creek Ranch and would supersede the Real Property Management Agreement currently recorded on that property. Staff finds that the First Amendment to and Complete Restatement of Real Property Management Agreement is consistent with the requirements of the 2010 Subdivision approval and Note on the 2011 Parcel Map and that it appropriately updates and clarifies the obligations of the recorded Real Property Management Agreement to apply to the lots as expanded and reconfigured per the 2011 Parcel Map. As such, the First Amendment is a ministerial action which updates the recorded Real Property Management Agreement to reflect the substance of the 2010 subdivision approval and its lot configuration.

CEQA

Approval of the First Amendment to and Complete Restatement of Real Property Management Agreement is a ministerial action to update previously recorded obligations to reflect the 2010 Subdivision approval. As such, it is statutorily exempt pursuant to Section 15268 of the CEQA Guidelines.

OTHER AGENCY INVOLVEMENT:

The First Amendment to and Complete Restatement of Real Property Management Agreement was negotiated by County Counsel and attorneys for the current owner, Arlin Ranches, LLC.

FINANCIAL ANALYSIS:

There are no direct or indirect fiscal impacts associated with approval of the Amendment. Staff time for coordination, review and implementation of inter-agency projects and issues is allocated in the adopted budget. The applicant is required to pay applicable recording fees.

BOARD OF SUPERVISORS STRATEGIC INITIATIVE:

This Agreement clarifies the intent of the subdivision to continue grazing of the Ranch in order to preserve the agricultural viability as long as the Ranch remains subject to the Williamson Act.

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

Prepared by: Carl P. Holm, AICP, RMA Director

ATTACHMENTS:

1. First Amendment to and Complete Restatement of Real Property Management Agreement
2. 1993 Real Property Management Agreement