



## Board Report

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**File #: 12-377, Version: 1**

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Public hearing to:

- a. Consider an Addendum to a previously approved Negative Declaration;
- b. Approve the Combined Development Permit consisting of:
  - (1) a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 0.68 acres from two (2) existing parcels under Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005 (APN 216-013-025-000 and APN 216-013-022-000 owned by Leavens Ranches General Partnership) to add to an existing 79.32 acre parcel (APN 216-013-019-000 owned by Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T July 25, 2005) to create one (1) 80-acre parcel;
  - (2) a Lot Line Adjustment consisting of an equal exchange of approximately 0.86 acres between APN 216-013-024-000, owned by Amaral Ranches General Partnership, and APN 216-013-019-000, owned by Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T July 25, 2005; and
  - (3) a Minor Subdivision to divide the 80-acre parcel resulting from the adjustment into two (2) 40-acre parcels; and
  - (4) an amendment to Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005;
- c. Authorize the Chair to execute a new or amended FSZ Contract or Contracts in order to rescind a portion of the existing FSZ Contract as it applies to the reconfigured lots only and simultaneously execute a new or amended FSZ Contract or Contracts for the reconfigured lots between the County and Property Owners of Record, reflecting the new legal descriptions, and to incorporate any legislative changes to State Williamson Act provisions and current County FSZ Policies or Procedures;
- d. Direct the Clerk of the Board to record the new or amended FSZ Contract or Contracts concurrently with the filing of the parcel map and/or the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels; and
- e. Adopt the resolution attached as Attachment "B" with the recommended findings and evidence and subject to the conditions of approval.

(Combined Development Permit: Two (2) Lot Line Adjustments and Minor Subdivision PLN070197/ Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T July 25, 2005; Leavens Ranches General Partnership; Amaral Ranches General Partnership; 31300 River Road, Soledad, Central Salinas Valley)

### PROJECT INFORMATION:

Planning File Number: PLN070197

Owner: Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T dated July 25, 2005; Leavens Ranches General Partnership, Amaral Ranches General Partnership

Project Location: 31300 River Road, Soledad

APN: 216-013-025-000; 216-013-022-00; 216-013-019-000; 216-013-024-000; and  
216-013-019-000

Plan Area: Central Salinas Valley

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider an Addendum to a previously approved Negative Declaration;
- b. Approve the Combined Development Permit consisting of:

- (1) a Lot Line Adjustment of Williamson Act Lands consisting of the removal of 0.68 acres from two (2) existing parcels under Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005 (APN 216-013-025-000 and APN 216-013-022-000 owned by Leavens Ranches General Partnership) to add to an existing 79.32 acre parcel (APN 216-013-019-000 owned by Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T July 25, 2005) to create one (1) 80-acre parcel;
  - (2) a Lot Line Adjustment consisting of an equal exchange of approximately 0.86 acres between APN 216-013-024-000, owned by Amaral Ranches General Partnership, and APN 216-013-019-000, owned by Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T July 25, 2005; and
  - (3) a Minor Subdivision to divide the 80-acre parcel resulting from the adjustment into two (2) 40-acre parcels; and
  - (4) an amendment to Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005;
- c. Authorize the Chair to execute a new or amended FSZ Contract or Contracts in order to rescind a portion of the existing FSZ Contract as it applies to the reconfigured lots only and simultaneously execute a new or amended FSZ Contract or Contracts for the reconfigured lots between the County and Property Owners of Record, reflecting the new legal descriptions, and to incorporate any legislative changes to State Williamson Act provisions and current County FSZ Policies or Procedures;
  - d. Direct the Clerk of the Board to record the new or amended FSZ Contract or Contracts concurrently with the filing of the parcel map and/or the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels; and
  - e. Adopt the resolution attached as Attachment "B" with the recommended findings and evidence and subject to the conditions of approval.

#### SUMMARY:

An application for the Martin project (PLN070197) was considered and approved by the Director of Planning on May 20, 2009. During the condition compliance process necessary for the recordation of the Parcel Map for the minor subdivision, staff discovered that: 1) two (2) of the parcels (APNs 216-013-025-000 & 216-013-022-000) were under Williamson Act Farmland Security Zone (FSZ) and FSZ Contract No. 2007-005 (Williamson Act Contract); and 2) that the proposed lot line adjustment included the removal of 0.68 acres from the Williamson Act Contract. Therefore, the proposed lot line adjustment must be considered by the Board of Supervisors per Government Code Section 51257. The fact that these parcels are under Williamson Act Contract and that 0.68 acres is being removed from the Williamson Act Contract should have been included in the project description and analysis in the Initial Study/Negative Declaration and they were not. Further, lot line adjustments of Williamson Act Lands, as well as amendments to Williamson Act FSZ(s) and FSZ Contracts, require approval by the Board of Supervisors. An Addendum to the Negative Declaration was prepared and only minor technical changes to the environmental document were required. None of the conditions described in CEQA Guidelines Section 15162, which would require preparation of a subsequent Negative Declaration, have occurred. No changes have occurred in the project area since the approval of the project.

#### 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:

Assessor's Office  
Environmental Health Bureau  
Fire Protection District

Public Works  
Water Resources Agency

FINANCING:

Funding for staff time associated with this project was included in the FY11-12 Final Budget for the Planning Department.

Prepared by: Luis Osorio, Senior Planner ext. 5177

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

<mailto:> Benny Young, Director Resource Management Agency

This report was prepared with assistance by Lucy Bernal and reviewed by Wanda Hickman.

cc: Front Counter Copy; Assessors Office; Environmental Health Bureau; Monterey County Regional Fire Protection District; Public Works; Water Resources Agency; Mike Novo, Planning Director; Wanda Hickman, Planning Services Manager; Charles E. Martin and Judy A. Martin, Trustees of the Martin Living Trust U/D/T dated July 25, 2005; Leavens Ranches General Partnership, Amaral Ranches General Partnership, Applicants/Owners; The Open Monterey Project; LandWatch; Project File PLN070197

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

Attachment A	Discussion
Attachment B	Draft Board Resolution
Attachment C	Recommended Conditions of Approval (Matrix)
Attachment D	Vicinity Map
Attachment E	Project Plans
Attachment F	Addendum to previously prepared Initial Study/Negative Declaration
Attachment G	Initial Study/Negative Declaration
Attachment H	Farmland Security Zone Contract No. 2007-005