

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 29, 2012 Time: 10:00 AM Agenda Item No.: 4	
Project Description: Workshop to discuss a proposal for a museum and fire station. The application includes a Lot Line Adjustment between two legal lots of record both 40 acres each (Assessor's Parcel Number 423-061-035-000, portion of 423-061-036-000, and portion of 423-071-006-000), resulting in three lots: 1) 67.52 acres (Parcel 1), 2) 10 acres (Parcel 2), and 3) 2.5 acres (Parcel 3, SOMOCO Fire District Lot). Parcel 3 would be created pursuant to Government Code Section 66426.5. The application also includes a rezoning of Parcel 2 and Parcel 3 from "F/40 (Farmlands, 40 acre minimum)" to "PQP (Public/Quasi-Public)"; and a General Plan Amendment to change the land use designation of Parcel 2 and Parcel 3 from Farmlands to Public and Quasi-Public. The property is located near the intersection of Jolon Road and Lockwood-Bradley Road, Lockwood, South County Area Plan.	
Project Location: Intersection of Jolon Road and Lockwood-Bradley Road, Lockwood,	APN: 423-061-035-000, 423-061-036-000 (portion) 423-071-006 (portion)
Planning File Number: PLN100573	Owner: Floyd Patterson III Agent: Michael Goetz
Planning Area: South County Area Plan	Flagged and staked: No
Zoning Designation: : F/40 (Farmlands, 40 acre minimum)	
CEQA Action: Not Required for Workshop	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a workshop and provide direction to staff.

PROJECT OVERVIEW:

An application was submitted to the RMA – Planning Department requesting a General Plan Amendment by the project agent, Michael Goetz, on January 19, 2012. Staff is referring the project to the Planning Commission as a workshop in order to receive direction in regards to the request for the proposed museum and fire station. The application includes a Lot Line Adjustment between two legal lots of record both 40 acres each (Assessor's Parcel Number 423-061-035-000, portion of 423-061-036-000, and portion of 423-071-006-000), resulting in three lots: 1) 67.52 acres (Parcel 1), 2) 10 acres (Parcel 2), and 3) 2.5 acres (Parcel 3, SOMOCO Fire District Lot). Parcel 3 would be created pursuant to Government Code Section 66426.5. The application also includes a rezoning of Parcel 2 and Parcel 3 from "F/40 (Farmlands, 40 acre minimum)" to "PQP (Public/Quasi-Public)"; and a General Plan Amendment to change the land use designation of Parcel 2 and Parcel 3 from Farmlands to Public and Quasi-Public. Parcel 1 (67.52 acres) will remain designated as Farmland.

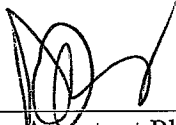
The property is located near the intersection of Jolon Road and Lockwood-Bradley Road in Lockwood; 2 miles from the Lockwood Post Office and 2.7 miles from Lockwood Market on Jolon Road/Interlake Road. The site is surrounded by a mix of land zoned as Farmland and Permanent Grazing.

In 2006, a Lot Line adjustment which created the two 40 acre parcels was approved by the Board of Supervisors (PLN050039; Resolution No. 06-221 & 08-365, amended). According to PLN050039, the Lot Line Adjustment not only created the two 40 acres parcels, but removed the 80 acres from a Williamson Act Contract (Contract No. 73-034) in order to pursue the future goal of rezoning a 12.5 acre portion of the site into Public/Quasi-Public use in order to place a museum and fire station on the property.

If the project is approved, the Nacitone Foundation, a non-profit organization, will be given 10 acres of land to construct the Nacitone Regional Interpretative Center, a museum dedicated to preserving the local history. The museum hopes to promote interpretation of the history of the Nacimiento/San Antonio River, gathering and preserving oral histories from descendants of Native American and early settler families, and restore and exhibit items that demonstrate domestic, economic and social life among the Native American and Euro-American residents of the region.

There is a community need for a permanent facility to house the local volunteer fire department. The volunteer fire department is interested in the proposed 2.5 acre parcel adjacent to the proposed Nacitone Regional Interpretive Center. The 2.5 acres would be a conveyed portion of land to a local government agency which is exempt from subdivision requirements, pursuant to Section 66426.5 of the Subdivision Map Act.

According to PLN050039, the goal is to place a museum and fire station on a 12.5 acre property. PLN050039 can be considered Phase 1 which approved the adjustment of two 40 acres portions of land allowing the land to be removed from the current Williamson Act Contract. The proposed Lot Line Adjustment, Rezoning and General Plan Amendment are considered Phase 2 (PLN100573). The future Phases will be for developing the museum and fire station.



Dan Lister, Assistant Planner
(831) 759-6617, listerdm@co.monterey.ca.us
February 7, 2012

cc: Front Counter; Planning Commission; Wanda Hickman, Planning Services Manager;
Bob Schubert, Senior Planner; Dan Lister, Project Planner; Carol Allen, Senior
Secretary; Floyd Patterson III, Owner; Michael Goetz, Agent; LandWatch; The Open
Monterey Project; Planning File PLN100573

Attachments: Exhibit A Project Data Sheet
 Exhibit B Survey Map
 Exhibit C Vicinity Map
 Exhibit D Planning Commission Staff Report (PLN050039)

This report was reviewed by Bob Schubert, AICP, Senior Planner



<p align="center">Exhibit A Project Information for PLN100573</p>

Project Title: Patterson
Location: Jolon Road/Lockwood-
Bradley Road

Primary APN: 423-061-035
Coastal Zone: No

Applicable Plan: South County AP
Permit Type: General Plan Amendment

Zoning: F/40
Plan Designation: Farmland

Environmental Status: TBD
Advisory Committee: South County LUAC

Final Action Deadline:

Project Site Data:

Lot Size: 80 acres
Existing Structures (sf): 0
Proposed Structures (sf): 0
Total Square Feet: N/A

Coverage Allowed: 5%
Coverage Proposed: N/A
Height Allowed: 30'
Height Proposed: N/A
FAR Allowed: N/A
FAR Proposed: N/A

Resource Zones and Reports

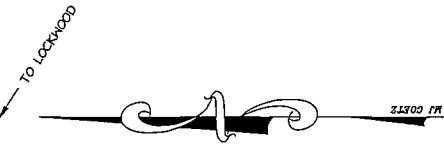
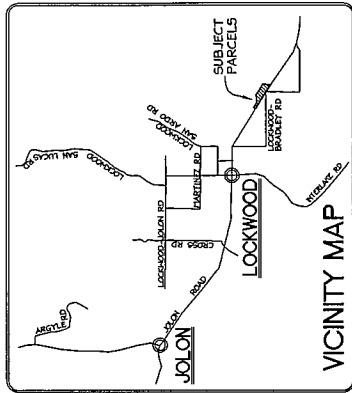
Environmentally Sensitive Habitat: No

Erosion Hazard Zone: Low/Moderate

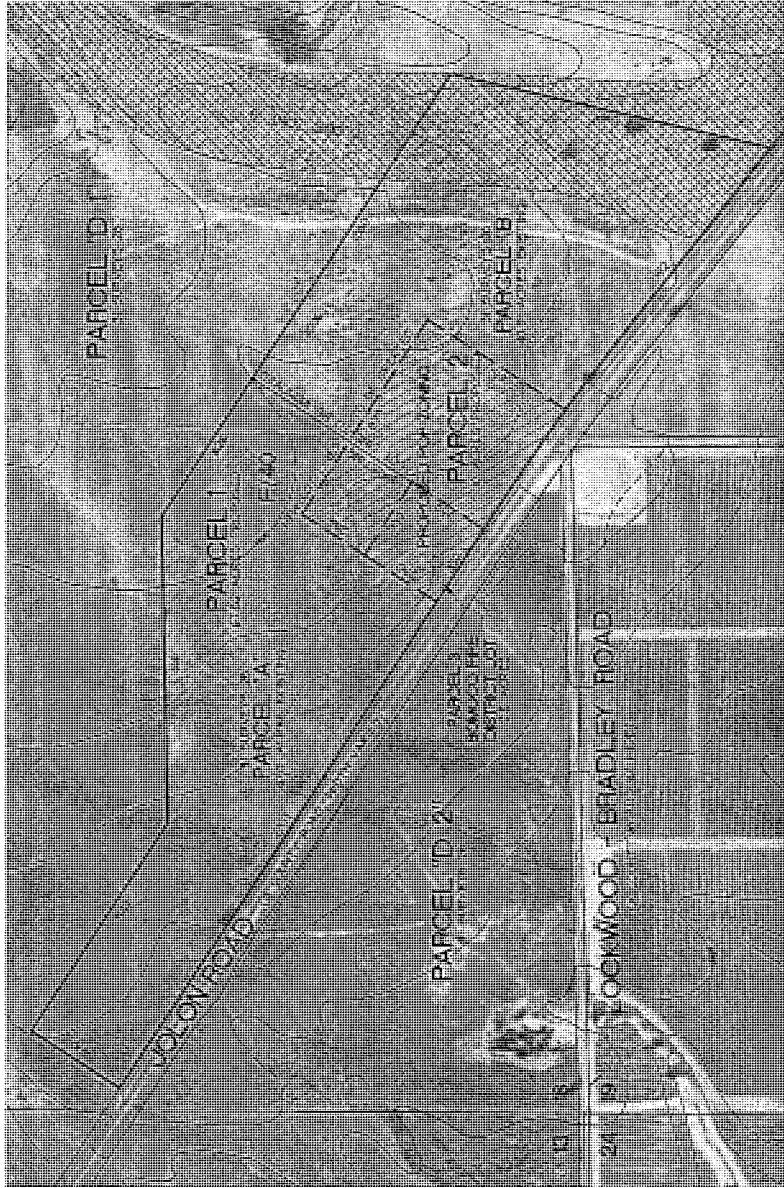
Geologic Hazard Zone: IV - VI

Archaeological Sensitivity Zone: High

Fire Hazard Zone: Very High



SCALE: 1"=300'



PARCEL "C"
31 SURVEYS 28

TO BRADLEY

(PLN100573)

PROPOSED LOT LINE ADJUSTMENT MAP
BETWEEN PARCELS "A" AND "B" AS SHOWN ON MAP FILED IN VOLUME 31 OF SURVEYS, AT PAGE 28, IN SECTIONS 18 & 19, TOWNSHIP 23 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN, MONTEREY COUNTY, CALIFORNIA



PROPERTY OWNER:
FLOYD LESTER PATTERSON III, ET AL
P.O. BOX 389 LOCKWOOD, CALIFORNIA 95322

PREPARED FOR:
NACITONE FOUNDATION, INC.
P.O. BOX 278 LOCKWOOD, CALIFORNIA 95322

JOB NO. 05-04
SCALE: 1"=300'

805-237-9177
mjgoetz@charter.net
827 Hacienda Circle
Paso Robles, CA 93446

mj GOETZ
Land Surveying & Planning

NOTE ON SOMOCO FIRE LOT (PARCEL 3)

The Proposed 2.5 acre Fire Lot is being created with the intent of conveying it to the San Joaquin Fire District for Public Use as a Fire Station. This parcel will not be considered a newly created parcel of land in conformance with Section 66426.5 of the Subdivision Map Act.

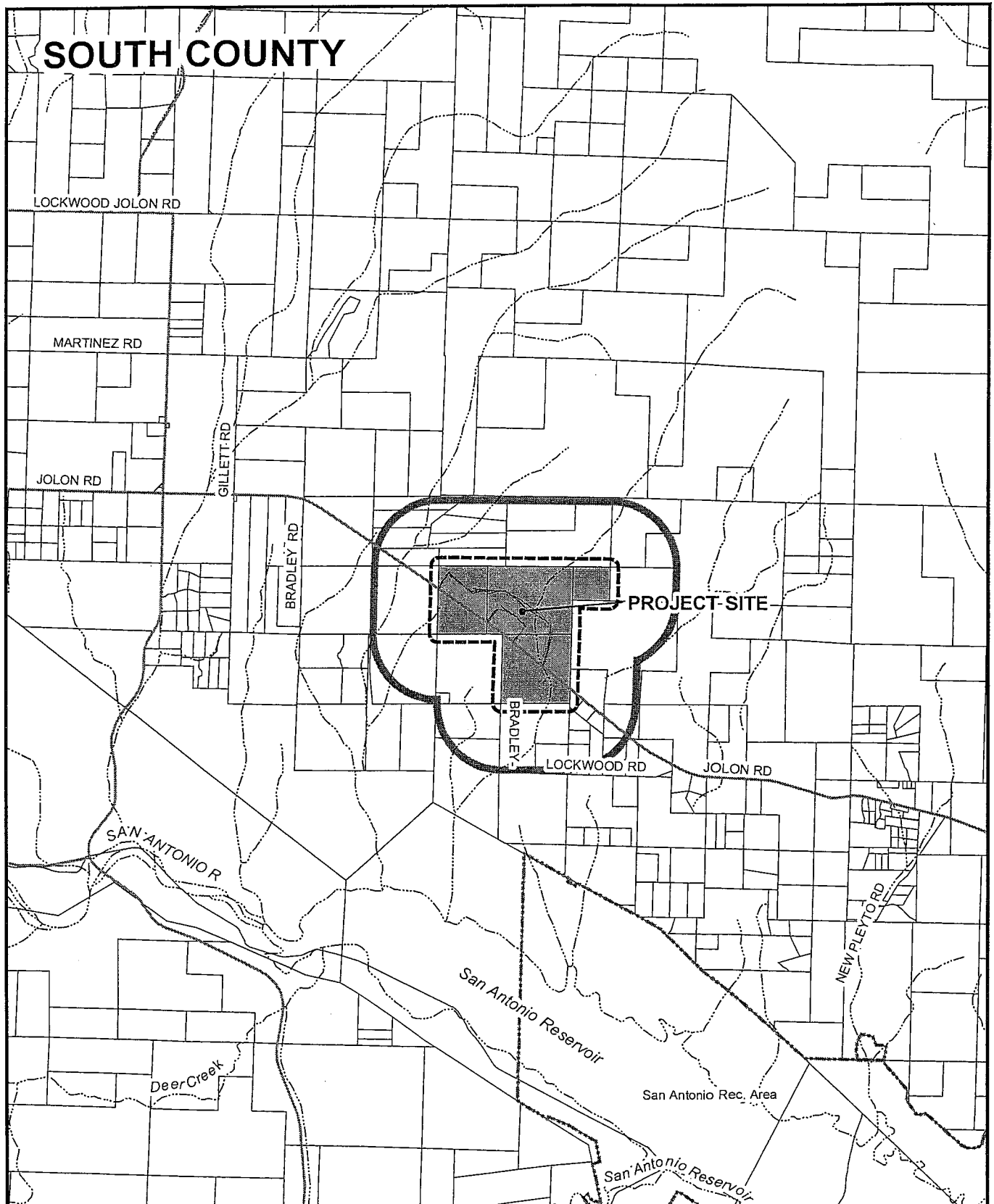
NOTE ON PROPOSED PARCEL 2

Proposed Parcel 2 is being created for a Quasi-Public Use as the intended home of the future Nacitone Regional Interpretive Center, being a Museum of the history of the peoples of the San Antonio Valley. It will be owned and operated by a non-profit organization for the purpose of preserving the local history and to serve as an educational resource for the people of Monterey County and the State of California.

NOTE ON PROPOSED REZONING

Proposed Parcel 2 and 3 are the parcels for which a Rezoning is being requested. Currently the Subject Parcels are Zoned F/40. These two parcels are to be changed to RQP zoning. Parcel 1 is to continue to be zoned F/40.

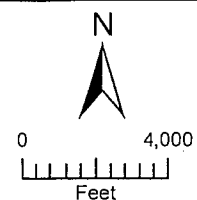
SOUTH COUNTY



APPLICANT: PATTERSON

APN: 423-061-035-000M

300' Limit 2500' Limit City Limits



PLANNER: LUTES

Exhibit C

Page 1 of 1 Pages

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: July 18, 2006		AGENDA NO.: Consent
SUBJECT: 1) Approve an equal exchange of 80 acres under Williamson Act. Land Conservation Contract No. 73-034 with contiguous acreage not under contract such that there is no net decrease of acreage under contract (PATTERSON; PLN050039); located at Jolon Road, Lockwood Area 2) Approve a lot line adjustment of acreage under Williamson Act. Land Conservation Contract No. 73-034 that reconfigures four parcels under said contract; 3) Authorize the Chair of the Board to execute an amended Williamson Act Land Conservation Contract, rescinding a portion of Land Conservation Contract No. 73-034 for Jessie Lee Patterson Trust et al to reflect the newly reconfigured Assessor Parcels legal lots of record, and simultaneously execute a new Land Conservation Contract (No. 73-034A) between the County of Monterey and Jessie Patterson Trust et al, to incorporate new legal descriptions, based on the reconfigured Assessor Parcels, to reflect ownership interests, and incorporate any legislative changes to the State Williamson Act provisions and current Agricultural Preserve Procedures.		
Project Location:	Approximately 2.5 miles east of Lockwood on Jolon Road, at the intersection between Jolon Road and the Lockwood-Bradley Road in the Lockwood area.	APN: 423-061-035; 423-061-036; 423-061-038; 423-071-006; and 423-071-007
Planning Number:	PLN050039	Name: PATTERSON
Plan Area:	SOUTH COUNTY	Flagged and Staked: N/A
Zoning Designation:	F/40 and PG/40	
CEQA Action:	Exempt 15305 (a) & 15317	
DEPARTMENT: Resource Management Agency - Planning and Building Inspection		

RECOMMENDATION:

Staff recommends that the Board of Supervisors:

1. Approve an Agricultural Preserve adjustment consisting of an exchange of 80 acres under Williamson Act Land Conservation Contract No. 73-034 (portions of Assessor Parcel Numbers 423-061-035, 423-061-036, and 423-071-006) with 80 acres not under contract (Assessor Parcel Numbers 423-061-038 and 423-071-007) involving properties owned by the Jessie Lee Patterson Trust – Planning and Building Inspection File No. PLN050039 -- subject to the findings, evidence and conditions found in Exhibit B.
2. Approve a lot line adjustment of a portion of Williamson Act Land Conservation Contract No. 73-034 between four legal lots of record (Assessor Parcel Numbers 423-061-035, 423-061-036, 423-061-038, and 423-071-006) at the intersection between Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County that results in two 40 acre parcels (*Parcels A and B*), one 101.1 acre parcel (*Parcel C*), and one 332.4 acre parcel (*Parcel D*).
3. Authorize the Chair of the Board to execute an amended Land Conservation Contract, thereby rescinding a portion of the existing Land Conservation Contract No. 73-034 for the Jessie Lee Patterson Trust et al which reflect the reconfigured parcels, and simultaneously execute a new Land Conservation Contract No. 73-034A between the County of Monterey and the Jessie Lee Patterson Trust et al, to incorporate new legal descriptions based on the reconfigured parcels, to reflect ownership interests, and incorporate any legislative changes to State Williamson Act provisions and current Agricultural Preserve Procedures.

SUMMARY:

The subject 80 acre exchange between Williamson Act contracted and non-contracted land involves a change of 2.5% of the total acreage under the original Patterson agricultural preserve of 3,200 acres. This meets the California Government Code Section 51257 legislation requirements for Williamson Act lot line adjustments that (1) there be no net decrease of acreage under contract after the adjustment, and (2) that at

least 90 percent of the land under the former contract remains under the new contract. After the acreage exchange between Assessor Parcels, there will remain two newly-reconfigured 40 acre parcels, Parcel A and B, that will be taken out of the Williamson Act Land Conservation Contract, but remain under the General Plan designation of Farmlands allowing for 40 acre minimum sizes.

DISCUSSION:

The intent of removing Parcels A and B from the Land Conservation Contract is to then return to the Board for proposed public/quasi-public uses: a fire station and museum that would not be considered compatible uses under Williamson Act legislation. (See Exhibit A for a discussion of both the proposed fire station and museum). Staff will return to the Board with a recommendation for a General Plan Amendment and Rezoning of Parcels A and B to allow for the fire station and museum.

Although designated as Farmlands with AgC soils on the Prime Farmlands List (Arbuckle gravelly loam 2 to 9% and 9 to 15% slopes), Parcels A and B cannot be considered as Prime according to Danny Marquis, District Conservationist for the Natural Resources Conservation Service (NRCS), because of the lack of a dependable water supply for irrigation in eight out of ten years. Instead, these soils have been dryfarmed for grain and annual pasture.

OTHER AGENCY INVOLVEMENT:

The Department of Conservation (DoC) technical/legal staff has been consulted to request whether they will or will not support this recommendation. At the writing of this report, County staff is awaiting a DoC response to accompany this report on the July 18th consent calendar. County agency involvement includes the Planning Department, Public Works Department, Agricultural Commissioner's Office, Office of the County Counsel, and Assessor's Office. The Office of the County Counsel shall prepare new or amended contracts reflecting changes to existing Land Conservation Contract No. 73-034 as it applies to the reconfigured parcels. The Planning and Building Inspection Department, the County Surveyor, and the Assessor's office will review the legal description for accuracy upon receipt.

FINANCING:

Approximately 3,120 acres of the original Land Conservation Contract No. 73-034 will remain under the amended contract along with the addition of two 40 acre parcels such that there is no net decrease of acreage under contract. Tax impacts for the parcels removed from Land Conservation Contract No. 73-034 will result in a net increase of \$8,174, with a tax rate of 1.07102%, resulting in an increase in property taxes of \$87.55 to the General Fund.

Prepared by:

Approved by:

David Lutes, Senior Planner
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Mike Novo, Director of Planning

This report was prepared with assistance by Deputy Counsel Mary Perry and reviewed by Planning Service Manager Lynne Mounday

cc: Board of Supervisors; County Counsel; Environmental Health Division; Public Works; Water Resources Agency;
CDF-South County; Alana Knaster, Dale Ellis, Mike Novo; Applicant/Owner (Patterson); Project File

Attachments:

Exhibit A:	Discussion	Exhibit D:	Proposed Lot Line Adjustment Map
Exhibit B:	Board Resolution	Exhibit E:	Map of Williamson Act Properties
Exhibit C:	Ag Preserve Contract No. 73-034		

EXHIBIT A

DISCUSSION

BOARD OF SUPERVISORS DESIGNATED HEARING BODY FOR WILLIAMSON ACT LOT LINE ADJUSTMENTS:

Government Code Section 51257 of Williamson Act legislation requires the County Board of Supervisors to adopt special findings for properties subject to a Land Conservation Contract. Staff will return to the Board with a recommendation for a General Plan Amendment and Rezoning of proposed Parcels A and B after being removed from the Land Conservation Contract to allow for a fire station and museum.

REMOVAL OF ASSESSOR PARCELS FROM WILLIAMSON ACT CONTRACT:

The combined Assessor Parcel Exchange and Lot Line Adjustment are the first steps toward the intention of developing a museum and fire station fronting northerly on Jolon Road at the intersection between Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County. The recommended steps are as follows:

1. to configure two 40 acre Assessor Parcels, Parcel A and B, to front on Jolon Road for greater public access for the future proposed museum and fire station;
2. to be consistent with the Farmlands, 40 acre minimum parcel sizes required at the subject sites for the purposes of the lot line adjustment;
3. to remove said Parcels A and B from Williamson Act contract because of the future proposed public/quasi-public uses considered incompatible uses with Williamson Act provisions; and
4. to then return to the Board with the proposed fire station and museum that would require California Environmental Quality Act (CEQA) review, a General Plan Amendment, and Rezoning to allow for smaller parcels to better accommodate the museum and fire station; namely, a 10 and 2.5 acre parcel, respectively.

Suitability of converting agricultural land to public/quasi-public uses:

Although designated as Farmlands with AgC soils on the Prime Farmlands List (Arbuckle gravelly loam 2 to 9% and 9 to 15% slopes), Parcels A and B cannot be considered as Prime according to Danny Marquis, District Conservationist for the Natural Resources Conservation Service (NRCS), because of the lack of a dependable water supply for irrigation in 8 out of ten years. Instead, these soils have been dryfarmed for grain and annual pasture.

Further, the proposed conversion from agricultural use to public/quasi-public uses will involve less than 2.5% of the total grazing land under the Patterson Agricultural Preserve contract. Future CEQA review will determine the growth-inducing impact of such proposed uses near the already existing tourist-destination area of San Antonio Reservoir.

Assessor Parcel Exchange:

The intent of removing portions of three Assessor parcels from an Agricultural Preserve Land Conservation Contract through a parcel exchange and a lot line adjustment is to then return to the Board of Supervisors with recommendations for a General Plan Amendment and Rezoning to allow proposed public/quasi-public uses: a proposed museum and fire station. This is necessary because the proposed museum and fire station would not be considered compatible uses under Williamson Act provisions.

The removal of a combined 80 acres from the three Assessor Parcels (423-061-035, 423-061-036, and 423-071-006) under Williamson Act Agricultural Preserve Land Conservation Contract No. 73-034 are replaced by two 40 acre Assessor parcels (423-061-038 and 423-071-007) contiguous to the larger Patterson Ranch property such that there is no net decrease of acreage under contract. During review of the draft General Plan Update in the year 2003, staff cited the Board of Supervisor's decision to retain the existing land use designations and zoning for the property (Farmlands with 40 acre minimum parcel sizes), and to rely on the

Use Permit process to consider the museum and fire station as public/quasi-public uses upon removal of the Agricultural Preserve Land Conservation Contract.

Rather than reliance on a Use Permit alone, the applicant prefers to re-configure from the two 40 acre parcels "A" and "B" after removal from the Land Conservation Contract, two non-conforming parcels-- a 10 acre parcel for the museum and a 2.5 acre parcel for the fire station. To do this would require a General Plan Amendment and Rezoning to re-designate these two parcels as a Public/Quasi-Public ("PQP") District within the larger Farmlands and Grazing Districts. These re-adjusted parcels, reconfigured from legal lots of record on the Patterson property, would be for the following uses:

MUSEUM PROPOSAL

The local Lockwood area community is proposing a museum of cultural artifacts and memorabilia of the Jolon, Lockwood, Bryson-Hesperia, and Fort Hunter-Liggett rural areas at the intersection of Jolon Road where the road intersects with Lockwood-Bradley Road in South County. The proposed 10 acre parcel for the museum is considered appropriate at the proposed location to collect, display, and enliven the historical and agricultural identity of the area. Native American settlement (Salinians); establishment of Spanish Missions; the California gold quest (Manchester Mines); fur trading; the local stage line; early pioneer settlements (rammed earth adobe European homes); Randolph Hearst's Hacienda (hunting cabin); and the early military influence from the Spanish to the present Fort Hunter Liggett and Camp Roberts military camps would all be represented. Included at the museum would be on-going educational programs for local schools on the historical and agricultural heritage of the area.

The location near San Antonio and Nacimiento Reservoir Park tourist destinations would be of interest to the passing tourist trade as well as serving to enhance agricultural tourism. An agricultural co-op at the facility could display local wine casing, cattle operations, grain harvesting and row crop production to educate youth and urban populations about the importance of today's agriculture.

Mission Statement for the "Nacitone Regional Interpretive Center":

To this end, local community members have formed a non-profit agency to establish the "Nacitone Regional Interpretive Center" (combining the Lake San Antonio and Lake Nacimiento Park names) with the following mission statement:

In order to provide educational benefits for and enrich appreciation of the regional cultural landscape between the interior Central California Coast Ridge and Jolon/Lockwood Valleys that includes the Native Americans of Los Padre National Forest and Bryson, the Nacitone Regional Interpretive Center promotes:

- Interpretation of the history of the Nacimiento/San Antonio River drainages for present and future generations.
- Gathering and preserving oral histories from descendants of Native American and early settler families.
- Research, documentation and archival storage of pertinent records, letters, maps, and other documents.
- Obtaining, restoring, and exhibiting items that demonstrate domestic, economic, and social life ways among the Native American and Euro-American residents of the region.

FIRE STATION PROPOSAL

The community cites the need also for a permanent facility to house the local volunteer fire department. The recurring cost to lease annually the current facility does not provide year round opportunities for volunteer exercises and training classes. Further, the current facility does not provide opportunities for expansion to house new fire equipment such as a fire truck, water tender, and a rescue unit. Therefore, the Lockwood area volunteer fire department is interested in the proposed 2.5 acre parcel adjacent to the proposed Nacitone Regional Interpretive Center.

EXHIBIT B

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

1. Approve an Assessor Parcel exchange of 80)
acres under Williamson Act Land)
Conservation Contract No. 73-034 (portions)
of Assessor Parcel numbers 423-061-035,)
423-061-036, and 423-071-006) with 80)
acres not under contract (Assessor Parcel)
Numbers 423-061-038 and 423-071-007))
involving properties owned by the Jessie)
Lee Patterson Trust et al – Planning and)
Building Inspection File No. PLN050039 --)
subject to the findings, evidence and)
conditions found herein.)
2. Approve a lot line adjustment between)
four legal lots of record (Assessor Parcel)
Numbers 423-061-035, 423-061-036, 423-)
061-038, and 423-071-006) that results in)
two 40 acre parcels (Parcels A and B), one)
101.1 acre parcel (Parcel C), and one)
332.4 acre parcel (Parcel D).)
3. Authorize the Chair of the Board to)
execute an amended Williamson Act,)
Land Conservation Contract, thereby)
rescinding a portion of the existing Land)
Conservation Contract No. 73-034 for the)
Jessie Lee Patterson Trust et al which)
reflect the reconfigured parcels, and)
simultaneously execute a new Land)
Conservation Contract No. 73-034A)
between the County of Monterey and the)
Jessie Lee Patterson Trust et al, to)
incorporate new legal descriptions based)
on the reconfigured parcels, to reflect)
ownership interests, and incorporate any)
legislative changes to State Williamson)
Act provisions and current Agricultural)
Preserve Procedures.)

WHEREAS, an application was submitted for an Agricultural Preserve adjustment consisting of equal Assessor Parcel exchange of acreage under Williamson Act, Agricultural Preserve Land Conservation Contract No. 73-034. Specifically, the exchange involves 80 acres under said contract (portions of Assessor Parcel numbers 423-061-035, 423-061-036, and 423-071-006) in exchange for 80 acres not under contract (Assessor Parcel Numbers 423-061-038 and 423-071-007).

WHEREAS, for the proposed lot line adjustment to occur at the intersection between Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County, legal lots of record must be established in order to result in the future proposed, public/quasi-public uses. The lot line adjustment will result in two

reconfigured, 40 acre legal lots of record, Parcel A and B not under Agricultural Preserve Land Conservation Contract, at a more publicly accessible location fronting on Jolon Road.

WHEREAS, the purpose of removing 2.5 percent acreage of land (80 acres) from the lands under the original Agricultural Preserve Land Conservation Contract is to change the future uses of portions of said acreage to public/quasi-public uses, considered not compatible with Williamson Act provisions requiring exclusive commercial use of the land for agricultural production of food and fiber. The future proposed public/quasi-public uses are a volunteer fire station and a museum of historical Native-American and European settlement in the area, including cultural artifacts and memorabilia of the Jolon, Lockwood, Bryson-Hesperia, and Fort Hunter-Liggett rural areas.

WHEREAS, while the future proposed public/quasi public uses are not directly compatible with contiguous commercial agricultural operations required by Williamson Act provisions, the future proposed fire station and museum uses will serve to assure the health and public safety of the Lockwood community; to enrich appreciation of the regional cultural landscape through educational programs; and in particular, to reflect and enhance the agricultural heritage of the area. Based on the principles of Williamson Act land use compatibility found in Section 51238.1 (a) (1), (2), and (3), and (b) (4) of the State Government Code, it is reasonable to consider that the future proposed public/quasi-public uses on the proposed non-contracted land will:

- (1) not significantly compromise the long-term productive agricultural capability of other contracted lands in agricultural preserves;
- (2) not significantly displace or impair current or reasonably foreseeable agricultural operations on other contract lands;
- (3) not result in the significant removal of adjacent contract land from agricultural or open space use; and in particular,
- (4) not include a residential subdivision.

WHEREAS, the Board of Supervisors finds that the proposed Assessor Parcel Exchange and Lot Line Adjustment of property owned by the Jessie Lee Patterson Trust is consistent with policies of the Monterey County General Plan, the South County Area Plan, regulations in the Zoning Ordinance (Title 21 of the Monterey County Code, Chapter 21.30), Subdivision Map Act (Title 19 of the Monterey County Code), Williamson Act (Section 51257 of the California Government Code), and Land Conservation Contract No. 73-034, as evidenced below;

WHEREAS, the Board of Supervisors, having considered the application and the evidence related thereto, finds and declares that:

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY AND SITE SUITABILITY** – The Jessie Lee Patterson Trust parcel exchange, Lot Line Adjustment and Amendment to the existing Williamson Act Contract, as described in condition #1, and as conditioned, is consistent with the Plans, Policies, requirements and standards of the Monterey County General Plan, South County Area Plan, Monterey County Zoning Ordinance (Title 21) and Section 51257 of the California Government Code (Williamson Act). The properties are located approximately 2.5 miles east of Lockwood on Jolon Road (Assessor Parcel Nos. 423-061-035, 423-061-036, 423-061-038, 423-071-006 and 423-071-007, South County Area).

The site is suitable for the proposed Agricultural Preserve Land Conservation Contract changes. The parcels directly involved in the parcel exchange are zoned Farmlands, minimum building site of 40 acres (Assessor Parcel Numbers 423-061-035; 423-061-036; and 423-071-006) and Permanent Grazing (Assessor Parcel Numbers 423-061-038 and 423-071-007). The Assessor Parcels involved in the lot line adjustment (Assessor Parcel

Numbers 423-061-035; 423-061-036; 423-061-038; and 423-071-006) are established legal lots of record. The subject properties are in compliance with all rules and regulations pertaining to zoning uses and meet the minimum site development standards of other applicable provisions of Title 21, and; therefore, are suitable for the proposed Parcel Exchange and Lot Line Adjustment.

- EVIDENCE:** (a) The text, policies, and regulations in the above documents have been evaluated during the course of the review of the applications. No conflicts between the above documents and the applications are found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulations in these documents.
- (b) Goal No. 4 of the General Plan seeks to preserve and enhance agricultural lands. The resulting parcel exchange of Assessor parcels zoned as Farmlands with Assessor parcels zoned as Permanent grazing, although of different soil types, share the same existing uses; namely, dry farming for grain and annual pasture. The lack of a dependable water supply for irrigation during eight out of the last ten years disqualifies any of the soils as prime. The parcel exchange is consistent with this Goal and will not alter the continued agricultural use of land under Agricultural Preserve contract if ever leased or sold separately.
- (c) Although not a part of the present project, the future proposed fire-station and museum uses are consistent with the General Plan designation for Farmlands allowing for public/quasi-public uses with a use permit, pursuant to Section 21.30.050 B. of Title 21, Zoning Ordinance. While not compatible uses allowed under Williamson Act provisions, the future proposed fire-station and museum are considered to enhance the health and public safety of the Lockwood community, to enrich appreciation of the regional cultural landscape, and in particular, to reflect the agricultural heritage of the area.
- (d) The following State and County agencies have reviewed the project; the State Department of Conservation, Williamson Act Program Technical and Legal Staff, the Monterey County Planning Department, Public Works, Agricultural Commissioner's Office, Office of the County Counsel, and Assessor's Office. There has been no indication from these agencies that the site is not suitable for the Parcel Exchange and lot line adjustment of Williamson Act lands. Based on the project description, materials in the file, the planner's site visit, preceding evidence, and comments by the above agencies, there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the parcel exchange and lot line adjustment.
- (e) The application and plans for an Agricultural Preserve Parcel Exchange and Lot Line Adjustment found in the project file no. PLN050039.

- 2. FINDING: PARCEL LEGALITY** - The Lot Line Adjustment is proposed in conjunction with the Assessor Parcel Exchange, but requires establishment of legal lots of record in addition to property tax re-evaluation, consistency with General Plan requirements of minimum 40 acre parcel sizes, and assurance that there is no net decrease in acreage under Agricultural Preserve contract after the reconfiguration. The four parcels directly involved in the proposed Lot Line Adjustment have been found to be legal lots of record, and will result in two legal lots of record, Parcels A and B, to be removed from the Agricultural Preserve contract.

- EVIDENCE:**(a) The legality of the four Assessor Parcels involved in removing the 80 acres from Williamson Act are based on the following: (1) Assessor Parcel Number 423-061-035 (Parcel 1) is described in patent from USA to Stephen P. Hill, recorded April 21, 1892 in Volume "D" of Patents, at Page 333; (2) Assessor Parcel Number 423-061-036 (Parcel 2) is described in patent from USA to Walt Williams, recorded November 25, 1890 in

Volume "C" of Patents, as Page 299; (3) Assessor Parcel Number 423-071-006 (Parcel 3) is described in patent from USA to Benjamin F. Patterson, recorded March 30, 1892 in Volume "D" of Patents, at Page 308, and (4) Assessor Parcel Number 423-061-038 (Parcel 4) is described in deed from CAL-BLMX,INC. to Floyd Patterson III, et al, recorded March 24, 1994 in Reel 3083 of Official Records, at Page 654 (a transfer of BLM land to the Pattersons).

(b) From these three existing legal parcels, two 40 acre parcels are configured (Parcels A and B) so as to be located at the intersection of Jolon Road and the Lockwood-Bradley Road in the Lockwood area of South County. This location is considered appropriate for the public/quasi-public uses envisioned for the site in the future.

(c) The proposed Agricultural Preserve Parcel Exchange and Lot Line Adjustment site plans, showing existing Parcels 1, 2, 3 and 4 and proposed Parcels A, B, C and D, with Parcels A and B to be removed from contract, as shown on the site plans prepared for Patterson Ranch by M. J. Goetz and Associates, dated April 17, 2006, incorporated herein by reference.

(d) The application and plans for the proposed Agricultural Preserve Parcel Exchange and Lot Line Adjustment found in project file no. PLN050039.

- 3. FINDING: CONFORMING PARCELS** – The parcels resulting from the Lot Line Adjustment conform to Title 21.

EVIDENCE:(a) The proposed Lot Line Adjustment is consistent with the minimum 40 acre parcel sizes for parcels with the "F/40" zoning designation. No structures are presently on the Assessor parcels involved in the parcel exchange.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

- 4. FINDING: CONTIGUOUS LOTS OF RECORD** - The Lot Line Adjustment is between four existing contiguous lots of record.

EVIDENCE:The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

- 5. FINDING: NO NEW LOTS CREATED** -A greater number of parcels than originally existed will not be created as a result of the Lot Line adjustment.

EVIDENCE:The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

- 6. FINDING: CEQA (Exempt)** - The proposed project will not have a significant environmental impact.

EVIDENCE:(a) Section 15305(a) of the CEQA Guidelines categorically exempts minor Lot Line Adjustments from environmental review.

(b) Section 15317 of the CEQA Guidelines categorically exempts projects that involve the establishment of agricultural preserves.

(c) Based on a site visit and review of the project plans, staff has determined that approval of the project would not result in any potentially adverse impacts. The adjusted parcels are currently vacant. No additional development is proposed with the current project, but future development will be proposed under a separate discretionary permit.

(d) A future proposal for a General Plan Amendment and Rezoning to allow for the exclusive public/quasi-public uses and for 2.5 acre and 10 acre parcels to accommodate the fire station and museum, respectively, will be reviewed under a separate CEQA review and permitting process.

- 7. FINDING: PUBLIC NOTICE** - Public notice of the pending Lot Line Adjustment was provided pursuant to Section 19.09, Title 19, Monterey County Code (Subdivisions).

EVIDENCE: Materials in the project file.

- 8. FINDING: HEALTH & SAFETY** - The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

WHEREAS, Section 51257 of the California Government Code requires that certain findings be made by the Board of Supervisors to facilitate lot line adjustments of land under Williamson Act contract;

WHEREAS, the Board of Supervisors further finds that the Jessie Lee Patterson Trust request for a Lot Line Adjustment is consistent with California Government Code Section 51257 (Williamson Act). Specifically, the Board finds and declares that:

FINDINGS AND EVIDENCE TO ALLOW THE LOT LINE ADJUSTMENT OF PROPERTY FOR LANDS IN WILLIAMSON ACT

- 9. FINDING:** The proposed contract, Agricultural Preserve Land Conservation Contract No. 73-034A, applicable to two of the four reconfigured parcels involved in the Lot Line Adjustment, Parcels C and D totaling 433.5 acres, and applicable to the two Assessor Parcels added to the contract, Assessor Parcel Numbers 423-061-038 and 423-071-007 totaling 80 acres, would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the partially rescinded contract.

EVIDENCE: The term of the original Land Conservation Contract No. 73-034 was for an initial period of 20 years, which renews annually on each succeeding January 1. The new contract for the reconfigured parcels, propose an initial term of 20 years, which also renews annually on each succeeding January 1.

- 10. FINDING:** The Lot Line Adjustment will not cause a net decrease in the amount of acreage restricted under the current contract.

EVIDENCE: (a) The total acreage under the agricultural preserve contract that is the subject of the proposed Lot Line Adjustment, is approximately 3,200 acres and is currently owned by the Jessie Lee Patterson Trust et al. The Lot Line Adjustment and Assessor Parcel equal exchange of 80 acres will reconfigure portions of the lands under the subject contract, but will not result in a net loss of acreage currently under contract.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

- 11.FINDING:** At least 90 percent of the land under the former contract remains under the new contract or contracts.

EVIDENCE: The Assessor Parcel exchange of 80 acres involves 2.5 percent of the total acreage under contract, or 3,200 acres. Therefore, the new proposed Agricultural Contract Land Conservation Contract No. 73-034A will continue to cover 97.50 percent of the acreage under the original Land Conservation Contract No. 73-034.

- 12. FINDING:** The reconfigured parcels will be large enough to continue to sustain their agricultural use.

EVIDENCE: (a) The reconfigured parcels remaining under contract after the lot line adjustment will consist of a 101.1 acre parcel and 332.4 acre parcel, in addition to the two 40.00 acre parcels added to the contract. The reconfigured parcels and the added parcels within the Agricultural Preserve of 3,200 acres are considered large enough to sustain their agricultural use if leased or sold separately.

(b) Pursuant to Section 51222 of the California Government Code (Williamson Act), "agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land."

(c) County of Monterey Board of Supervisors Resolution No. 01-485 requires that agricultural preserves will not be considered unless the group of contiguous parcels included in the preserve contains 100 or more acres, or 40 or more acres if the Board finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area. The subject Lot Line Adjustment will retain 3,200 acres in agricultural preserve.

(d) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

13. FINDING: The reconfigured parcels will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

EVIDENCE: (a) The intent of the Lot Line Adjustment is to remove two 40 acre parcels from the contract in order to propose future public/quasi public uses on portions of said parcels. Based on the principles of Williamson Act land use compatibility found in Section 51238.1 (a) (1), (2), and (3), and (b) (4) of the State Government Code, it is reasonably considered that the future proposed public/quasi-public uses on the adjacent proposed non-contracted land will:

- (1) not significantly compromise the long-term productive agricultural capability of other contracted lands in agricultural preserves;
- (2) not significantly displace or impair current or reasonably foreseeable agricultural operations on other contract lands;
- (3) not result in the significant removal of adjacent contract land from agricultural or open space use; and in particular,
- (4) not include a residential subdivision.

In fact, it is considered that the future proposed development of a fire station and museum on adjacent un-contracted land, while not defined compatible uses with the long-term agricultural productivity of contiguous parcels remaining under contract, will serve to assure the health and public safety of the Lockwood community; enrich appreciation of the regional cultural landscape through educational programs; and in particular, reflect and enhance the agricultural heritage of the area.

(b) The application and plans for a Lot Line Adjustment found in the project file no. PLN050039.

14. FINDING: The Lot Line Adjustment is not likely to result in the removal of adjacent land from agricultural use.

EVIDENCE: The evidence found under Finding no. 13 above, that the Lot Line Adjustment will not affect current agricultural operations on the subject properties under contract (Parcels C and D) by future proposed public/quasi-public uses for adjacent subject properties not under contract (Parcels A and B).

15. FINDING: 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 County's General Plan.

EVIDENCE: (a) The two reconfigured parcels taken out of contract, Parcels A and B, will result in more developable parcels because of their more public accessibility from Jolon Road. But the proposed public/quasi-public uses of a fire station and museum are reasonably

considered to assure the health and public safety of the Lockwood community as well as enhance the agricultural heritage of the area, thereby supporting the agricultural uses of the surrounding lands. Further, the proposed future public/quasi-public uses are contrary to the creation of residential parcels.

(b) All of the subject parcels involved in the Lot Line Adjustment are 40 acres and above, consistent with the South County Area Plan. A future proposal for a General Plan Amendment and Rezoning to allow for the exclusive public/quasi-public uses and for 2.5 acre and 10 acre parcels to accommodate the fire station and museum, respectively, will be reviewed under a separate CEQA review and permitting process.

DECISION

NOW THEREFORE, IT IS HEREBY RESOLVED that in order to facilitate the Lot Line Adjustment and Agricultural Preserve adjustment of Williamson Act lands, the Board rescinds a portion of the existing Land Conservation Contract No. 73-034 as it applies to the reconfigured parcels, and simultaneously executes new Land Conservation Contract No. 73-034A, which shall be applicable to the reconfigured parcels, consistent with Section 51257 of the State of California Government Code (Williamson Act), pending receipt of new legal descriptions for the proposed reconfigured parcels and the execution of the new or amended Land Conservation Contract by the property owners;

IT IS FURTHER RESOLVED that, consistent with Government Code Section 51257, the Board authorizes the Chair to sign new or amended Land Conservation Contract No. 73-034A contingent upon a recommendation of approval from the State of California Department of Conservation to simultaneously rescind a portion of the existing Land Conservation Contract No. 73-034 as applicable to the reconfigured parcels, Parcel A and Parcel B, to be removed from Agricultural Preserve No. 73-034 only, and to execute new Land Conservation Contract No. 73-034A, which shall be applicable to the entire 3,200 acre Agricultural Preserve, including the reconfigured parcels, Parcel C and Parcel D, and to the two Assessor Parcels, Assessor Parcel Numbers 423-061-038 and 423-071-007, to be added to the Contract;

IT IS FURTHER RESOLVED that the new or amended Land Conservation Contract shall reflect present ownership interests and, shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures, and the Chair of the Board is authorized to sign the new Land Conservation Contracts with the property owners;

1. Jessie Lee Patterson Trust et al. The properties are located approximately 2.5 miles east of the Lockwood community on Jolon Road, involving Assessor's Parcel Numbers 423-061-035-000, 423-061-036-000, 423-061-038-000, 423-071-006-000, and 423-071-007, South County Area. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial compliance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless the appropriate authority approves additional permits. **(Planning and Building Inspection)**

Prior to recordation of Grant Deeds or a Record of Survey:

2. The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor Parcel Numbers 423-061-035-000, 423-061-036-000, 423-061-038-000, 423-071-006-000, and 423-071-007 on July 18, 2006. The permit was granted subject to 6 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

3. The reconfigured lots shall be reflected in a deed, which shall be recorded pursuant to California Government Code Section 66412 (d). **(Planning and Building Inspection and County Counsel)**
4. The property owners shall enter into a new or amended Contract or Contracts with the County Board of Supervisors to amend the existing Land Conservation Contract No. 74-034 to rescind those portions of the existing Land Conservation Contract which are applicable to the reconfigured parcels, Parcel A and Parcel B, to be removed from Agricultural Preserve No. 73-034 and enter into new Land Conservation Contract No. 74-034.A. which shall be applicable to the reconfigured parcels, Parcel C and Parcel D, and to the two Assessor's Parcels, Assessor's Parcel Numbers 423-061-038 and 423-071-007, to be added to the Contract. The new Contract or Contracts shall reflect the reconfigured parcels as applicable, the new legal description, the present ownership interests, and shall incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Procedures. **(Planning and Building Inspection and County Counsel)**
5. Obtain a survey of the new line and have the line monumented. **(Public Works)**
6. File a Record of Survey showing new line and its monumentation. **(Public Works)**

PASSED AND ADOPTED on this _____ day of _____, 2006, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Lew Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page ____ of Minute Book 71, on _____.

Dated:

Lew Bauman, Clerk of the Board of Supervisors, County of Monterey, State of California.

By _____
Deputy