

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 03007

MINOR SUBDIVISION NO. 010479

A.P. # 223-061-005-000

In the matter of the application of
Herbert G. Meyer TR (PLN010479)

FINDINGS & DECISION

for a Minor Subdivision in accordance with Title 19, Chapter 19.04 of the Monterey County Code, consisting of a Minor Subdivision of 601+/- acres of agricultural property between the City of Gonzales and the Salinas River. The parcel map proposes to create eight (8) agricultural parcels of 40 acres or larger (per section 19.04.005 of the Subdivision Ordinance). Portions of the property are within the City of Gonzales' sphere of influence and portions of the property are within the 100-year flood plain where no land use changes or construction of structures are proposed. (The City of Salinas owns/leases a .31 acre portion of proposed Parcel #1 which will be unaffected by this proposal.) The subject property is west of the S.P.R.R. tracks and Business 101 (Alta Road), and extends southwest of the City of Gonzales to the Salinas River, Central Salinas Valley Area, came on regularly for meeting before the Minor Subdivision Committee on March 13, 2003.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The project proposed in this application consists of a minor subdivision of agricultural property (PLN010479), as described in Condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located west of the Southern Pacific Railroad Tracks (S.P.R.R.) and business 101 (Alta Road) and extends southwest of the City of Gonzales to the Salinas River. The parcel is zoned "F/40 – UR" (Farmlands 40 acre minimum parcel size Urban Reserve.) The subject property is in compliance with all the rules and regulations pertaining to zoning: uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Central Salinas Valley Area Plan
- b) Chapters 21.30 Farmlands Zoning District; 21.66.030 Standards for Agricultural Use of the Monterey County Zoning Ordinance regulations for development.
- c) Chapter 19.04.005 of the Monterey County Subdivision Ordinance.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the City of Gonzales Fire Department, Public Works and Planning Departments. There has been no indication from these

agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency was given opportunity to recommended conditions for subdivision improvements. Only the County of Monterey Public Works Department and Water Resources Agency have offered Conditions of approval. The other agencies chose to not recommend conditions.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: There are no zoning violations recorded or pending to be resolved.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process.

Studies, data, and reports prepared by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Coastal Offices of the Monterey County Planning and Building Inspection Department, 2620 1st Avenue, marina CA 93933. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County and consultant staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on January 16, 2003, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial

Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Project Application / Plans for the Herb Meyer / E. W. Herold Trust - Agricultural Subdivision
2. Agricultural Viability Report and Agricultural Management Plan prepared by H.D. Peters Co., Inc. and Associates, dated May 15, 2002
3. General Plan, Central Salinas Valley Area Plan
4. Site visit by planning consultant, December 18, 2002.
5. Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection. (www.consrv.ca.gov/dlrp/fmmp)
6. Title 19 Subdivision Ordinance
7. Title 21 Inland Zoning Ordinance
8. County of Monterey Williamson Act Maps
9. 2000 Air Quality Management Plan for the Monterey Bay Region
10. MBUAPCD CEQA Guidelines
11. Chapter 16.04 Grading & Erosion Control Ordinance
12. Chapter 16.16 Flood plain regulations
13. Local Agency Formation Commission (LAFCO) Agricultural Lands Preservation Policy
14. Inter-departmental Review Comments and Conditions
15. Review of County GIS database for critical habitat 12/13/02
16. City of Gonzales General Plan, Brady and Associates, Inc., July 15, 1996

EVIDENCE: File and application materials; Initial Study with mitigation measures; additional supporting information from California Regional Water Quality Control Board, and the Monterey Bay Unified Air Pollution Control District which agencies, consultants' names and study types; and Negative Declaration contained in the project file.

3. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Section 759.2 and 711.2 of the Fish and Game Code.

EVIDENCE: The administrative record as a whole, which must and does contain the following information, supports the above finding.

- a. An Initial Study has been prepared to evaluate the potential for adverse environmental impact.
- b. When considering the record as a whole, there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. None of the resources defined under Section 759.2 and 711.2 of the Fish and game Code have been identified on the property. Additionally, no further improvements are included as part of the subdivision.
- c. The presumption of the project's adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends, has been rebutted on the basis of substantial evidence.

EVIDENCE: Initial Study and Negative Declaration contained in the project file.

4. **FINDING:** That none of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made. The proposed minor subdivision complies with the provisions and requirements of this section.

EVIDENCE: Section 19.04.025.I requires that the subdivision be denied if any one of a number of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and the applicable Area Plan. No specific plan has been prepared for this area. The proposed subdivision has been determined to be physically suitable for the existing agricultural uses on the property. (see Evidence below). As no improvements are proposed or required of the subdivision there will be no cause for substantial environmental impacts, nor injury to fish or wildlife or their habitat, or for cause of serious public health problems as demonstrated in the Negative Declaration adopted for this project. The application of new right of way easements to reflect the current ranch and farming roads will not conflict with the use of existing easements for access through or use of property within the proposed agricultural subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate agricultural parcels ranging in areas of 40.5 acres to 132.5 acres as evidenced by the Agricultural Viability and Agricultural Management Plan submitted for the subdivision proposal. While all of proposed Parcel 1 and proposed Parcel 2 and portions of proposed Parcel 3 are within FEMA designated 100-year flood plains, the continued use of these land areas for agricultural purposes has been determined appropriate for the constraints.

EVIDENCE: The proposed subdivision is intended to facilitate the continuation of agricultural activities on the property and will not result in the conversion of prime farmlands to nonagricultural uses. There are no active Williamson Act contracts on the property. The proposed subdivision of the property into

parcels that are each 40-acres or greater will not result in conflicts with existing F/40 and F/40-UR zoning.

EVIDENCE: The application, plans, and support materials, submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:

- a. Agricultural Viability Report and Agricultural Management Plan prepared by H.D. Peters Co., Inc. and Associates, Dated May 15, 2002

Staff has concluded, from review of the report and management plan that the proposed agricultural subdivision will not adversely affect the land's long term agricultural viability. Each parcel is capable of remaining a viable agricultural unit.

EVIDENCE: 1) The on-site inspection of the parcel by the project planner and consultant.
2) Maps and application contained in the project file.

5. **FINDING:** The proposed subdivision is consistent with the General Plan Policy 16.2.4 pertaining to Flood Hazards.

EVIDENCE: Review by the Water Resources Agency and the recommendation of Conditions of Approval by that agency to require notices to be recorded on parcels within the 100-year floodplain demonstrates a recommendation of approval by the WRA.

6. **FINDING:** The proposed subdivision is consistent with General Plan Policy 30.0.3 pertaining to the protection of Agricultural Resources, allowing division of viable farmland designated as prime, of statewide importance, unique or of local importance only for exclusive agricultural purposes, when demonstrated to not be detrimental to the agricultural viability of the subject parcel and the adjoining parcels.

EVIDENCE: The Agricultural Viability and Agricultural Management Plan Submitted by the applicant.

EVIDENCE: The review by the County of Monterey Agriculture Commissioner's Office, and the response that, "no conditions are recommended" for the project.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: Interdepartmental Review responses in the project file.

DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee, that the Negative Declaration be adopted and that said application for a Minor Subdivision be granted as shown on the attached sketch, subject to the following conditions:

1. This permit is a minor subdivision (MEYER: PLN010479) of 591 +/- acres of agricultural property between the City of Gonzales and the Salinas River. The parcel map proposes to create eight (8) agricultural parcels of 40 acres or larger (per Section 19.04.005 of the Subdivision Ordinance). Portions of the property are within the City of Gonzales' sphere of influence. Portions of the property are within the 100-year flood plain. No land use changes or construction of structures are proposed. (The City of Salinas owns/leases a .31 acre portion of proposed Parcel #1 which will be unaffected by this proposal). The subject property is west of the S.P.R.R. tracks and Business 101 (Alta Road), (Assessor's Parcel Numbers 223-061-003-000 and 223-061-004-000), and extends southwest of the City of Gonzales to the Salinas River, Central Salinas Valley Area. 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 conformance 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 additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**
2. Thirty days prior to expiration date of the tentative parcel map, Step A (8-items) of the County Surveyor's Check-off List for Parcel Map Processing shall be completed. **(Public Works)**

Prior to Filing the Parcel Map

3. The applicant shall record a notice which states: "A permit (Resolution 03007) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 223-061-003-000 and 223-061-004-000 on February 27, 2003. The permit was granted subject to 8 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 prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
4. Provide for all existing and required easements or rights of way. Minimum road easement widths shall be 30 feet. **(Public Works)**
5. File a parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works)**
6. Owner shall record a notice for newly aligned parcels 1, 2 and 3, stating that the properties are located within or partially within a floodplain and may be subject to building and/or land

use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency: Planning and Building Inspection)**

7. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Prior to Recordation of the Parcel Map:

8. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 13th day of March, 2003.

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.