

City of Soledad Miramonte Agricultural Mitigation Plan



City of Soledad

Miramonte Agricultural Mitigation Plan

May 10, 2022

**Prepared by
EMC Planning Group**

CITY OF SOLEDAD

MIRAMONTE AGRICULTURAL MITIGATION PLAN

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Background

In 2016, the City of Soledad and the County of Monterey entered into a Memorandum of Agreement dated March 15, 2016 (“2016 MOA”) that requires that these two entities work cooperatively on common planning, growth, and development issues in the City of Soledad. Section 6 of the 2016 MOA gives the City, at its discretion, the ability to mitigate the loss of agricultural land by (a) providing in-kind (1:1) acquisition of agricultural mitigation easements and dedication of the same to an agricultural land trust or other qualifying entity, or (b) purchasing agricultural banked mitigation credits at 1:1 ratio from a qualifying entity, or (c) paying an in-lieu mitigation fee, which amount will be determined by the City and is expected to lead to the preservation of agricultural land, and said fee kept by the City in a fund established specifically for agricultural land mitigation, or (d) implementing other innovative approaches as approved by the City that results in the preservation of agricultural land within the areas targeted by the City.

The City of Soledad 2005 General Plan (general plan) policies focus growth toward the eastern portion of the City’s general plan planning boundary within identified expansion areas and require the preparation of specific plans to guide development within those areas. In 2018, the City adopted the Miramonte Specific Plan (specific plan), which focuses growth within the annexation area, consistent with the general plan and 2016 MOA policies. The specific plan provides guidance for development within the annexation area. Development within the annexation area, consistent with the specific plan land use designation will convert prime agricultural lands to non-agricultural uses. The intent of this agricultural mitigation plan is to provide an overall implementation approach within the annexation area to preserve prime agricultural lands, protect adjoining prime agricultural lands by preventing their premature conversion to other uses, and minimize potential conflicts between urban development and adjacent agricultural uses.

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2.0 Implementation Framework

2.1 Purpose and Need

The Miramonte Agricultural Mitigation Plan (agricultural mitigation plan) is an implementation framework utilizing the City's adopted policies, conditions of approval, and mitigation measures for development within the annexation area. The location of the annexation area relative to the 2016 MOA urban growth boundary and urban edges are presented in [Figure 1, Annexation Area and 2016 MOA boundaries](#).

An agricultural mitigation plan addressing the preservation and protection of prime farmland from urban development pressure is part of the City's Sphere of Influence amendment/reorganization application to LAFCO for the approximately 650-acre annexation area. Buildout of the specific plan land uses is expected to take about 25 years, over which conditions may change that affect the viability and approaches to agricultural mitigation. Therefore, this plan has been prepared to provide uniformly applicable implementation criteria and performance standards over time.

The loss of Prime Farmland/Farmland of Statewide Importance resulting from development of the annexation area was studied by the certified Miravale III Specific Plan EIR (EIR) and the Addendum to the Miravale III Specific Plan EIR (EIR Addendum) certified by the City of Soledad. During consideration of the EIR and EIR Addendum the City of Soledad City Council determined that the loss of prime farmland resulting from development would be a significant and unavoidable impact with mitigation, for which the City Council made CEQA findings and adopted a statement of overriding considerations.

EIR Addendum Mitigation Measure 4.2-6 requires compensation for conversion of Prime Farmland/Farmland of Statewide Importance by using one or more of four methods identified in the 2016 MOA and specific plan policy LU-J, at the discretion of the City Council prior to or concurrent with recordation of the first final subdivision map (see City Council Resolution #5431, Section III (b)).

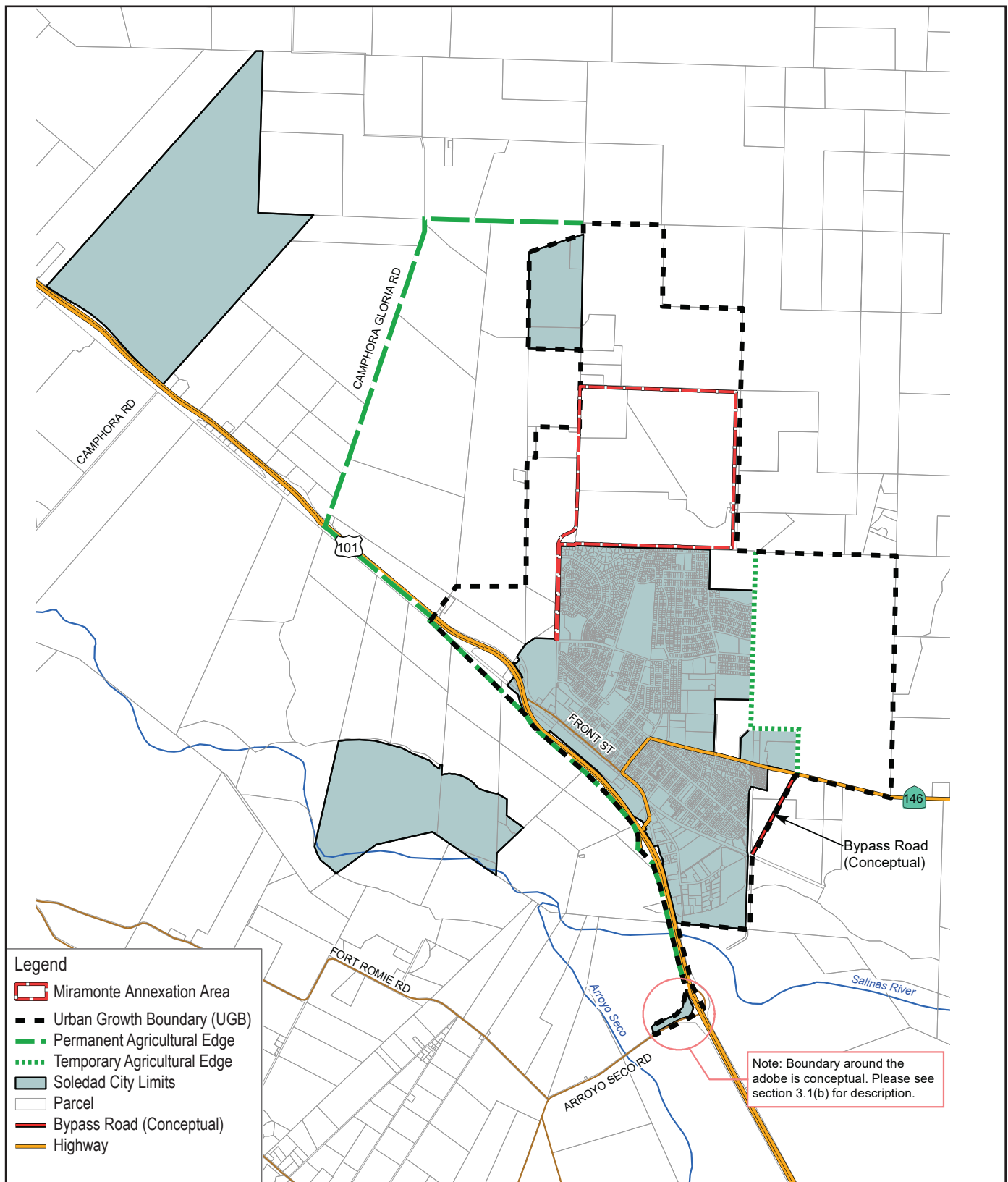
However, because urban/non-agricultural uses affect adjacent agricultural practices and introduce development pressures on adjacent agricultural lands, the City of Soledad also adopted measures to protect adjoining agricultural lands, to prevent their premature conversion to other uses, and to minimize potential conflicts between the proposed urban development and adjacent agricultural

uses. These include mitigation measures and conditions of map approval within the annexation area. The 2016 MOA policies are incorporated into approvals granted by the City of Soledad for the annexation area, including the certified EIR Addendum, the adopted Miramonte Specific Plan and Prezone, and conditional approvals for the Miramonte Vesting Tentative Map. City conditions of approval and mitigation measures that preserve and protect agricultural land and activity as development within the annexation area would occur are included in [Appendix A](#).

Consistent with specific plan LU-J, this agricultural mitigation plan draws upon the 2016 MOA, consistent with LAFCO agricultural conservation policies, the City's general plan and by extension, with LAFCO policies for the preservation and mitigation of prime agricultural land. Section 6.3 of the 2016 MOA (see also specific plan policy LU-J) provides guidance for creating or implementing an "Agricultural Land Conservation Program" by the following means:

- a) provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio and dedicate the easement to an agricultural land trust or other qualifying entity; and/or
- b) if available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or
- c) pay an in-lieu mitigation fee, which amount shall be determined by the City prior to project approval. The amount of the fee should reasonably be expected to lead to the preservation of agricultural land. Said fee shall be kept by the City in a fund established specifically for agricultural land mitigation purposes; and/or
- d) implement other innovative approaches as approved by the City that results in the preservation of agricultural land within areas targeted by the City.

Specific Plan policy LU-J requires compensation using one of the four methods concurrent with recordation of a final subdivision map, consistent with the 2016 MOA Section 6.3.2, which states that "the method for mitigating the loss of agricultural land shall be implemented at the discretion of City to coincide with the time of the recordation of a final subdivision map".



Source: Monterey County Resource Management Agency 2015,
City of Soledad 2018

Figure 1

Annexation Area and 2016 MOA Boundaries

Miramonte Agricultural Mitigation Plan

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2.2 Definitions

Prime Agricultural Lands

Consistent with the Cortese Knox Hertzberg Act definitions, the City of Soledad hereby defines “Prime agricultural land” as an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets one or more of the following conditions:

1. Land that qualifies, if irrigated, for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
2. Land that qualifies for rating 80 through 100 Storie Index Rating.
3. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

There being no active grazing land or agricultural processing facilities within the annexation area, the Cortese Knox Hertzberg definitions of productive grazing and processing facility value are not included.

The California Department of Conservation prime farmland designations (2018) within the annexation area are presented in [Figure 2, Annexation Area Important Farmlands Map](#); soils classifications and Storie Index ratings within the annexation area are shown in [Figure 3, Annexation Area Soils Map](#). Compensatory mitigation (pursuant to Mitigation Measure 4.2-6) is needed for the loss of approximately 466 acres of prime agricultural land that will result from future development consistent with the specific plan.

Agricultural Conservation Entity

The City of Soledad considers an appropriate agricultural conservation entity to be a public or non-profit agency that meets the following qualifications:

1. Is committed to preserving local agriculture and have a clear mission along with strategic goals or programs for promoting agriculture in the areas that would be preserved through mitigation;
2. Has the legal and technical ability to hold and administer agricultural lands and agricultural conservation easements and in-lieu fees for the purposes of conserving and maintaining lands in agricultural production and preferably have an established record for doing so; and
3. Has adopted written standards, policies and practices for holding and administering agricultural lands, agricultural conservation easements and in-lieu fees and are operating in compliance with those standards.

Agricultural Land Conservation Easement

An easement encumbering agricultural land for the purpose of restricting its use to agricultural activities.

2.3 Implementation

An array of appropriate conservation approaches are included in the agricultural mitigation plan due to the assumed buildout of the annexation area over approximately 25 years. Development within the annexation area involving the conversion of prime agricultural lands will provide compensation using one or a combination of the four methods identified previously at a not less than 1:1 ratio (1 acre preserved for every acre converted) along with the payment of funds as determined by the City/agricultural conservation entity (whichever applies) to cover the costs of program administration, land management, monitoring, enforcement and maintenance of agriculture on the mitigation lands.

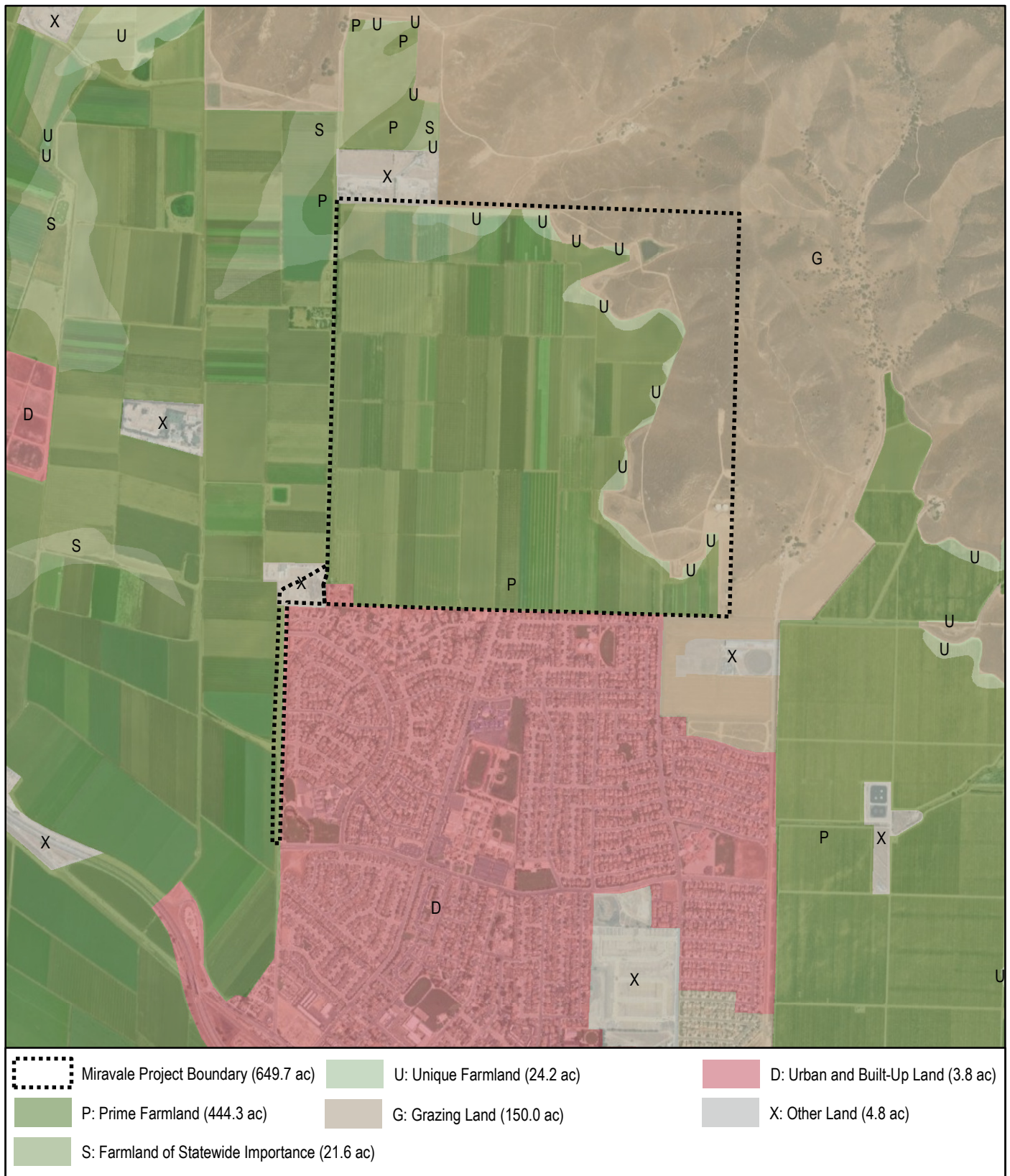
Agricultural Land Conservation

The Agricultural Land Conservation Program shall consist of measures to permanently protect prime agricultural lands, as defined in Section 2.2, and reduce conflicts between agricultural and urban uses through the provision of buffers and Right-To-Farm recorded deed notifications on new development to reduce nuisance complaints.

Agricultural Land Conservation Easements

Agricultural conservation easements secured by the developer and will be accepted by a qualified Agricultural Conservation Entity prior to City Council acceptance of final map(s) by one or more of the following means:

1. Acquisition and transfer of ownership of agricultural land and/or agricultural conservation easement(s) including administrative costs to an agricultural conservation entity for permanent protection of the agricultural land;
 - a. Agricultural lands or conservation easements acquired and transferred to an agricultural conservation entity shall be located in Monterey County on lands deemed acceptable to the City and agricultural conservation entity, and
 - b. Administrative costs shall be equal to cover the costs of administering, monitoring and enforcing the farmland conservation easement. The fee amount shall be determined by the agricultural conservation entity.
2. Payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund the following costs with provisions for adjustment of in-lieu fees to reflect potential changes in land values at the time of actual payment:
 - a. Costs of the agricultural conservation entity acquisition of agricultural lands or conservation easements for permanent protection.



0 1,800 feet

Source: ESRI 2021, Monterey County 2019, CA Department of Conservation FMMP 2018

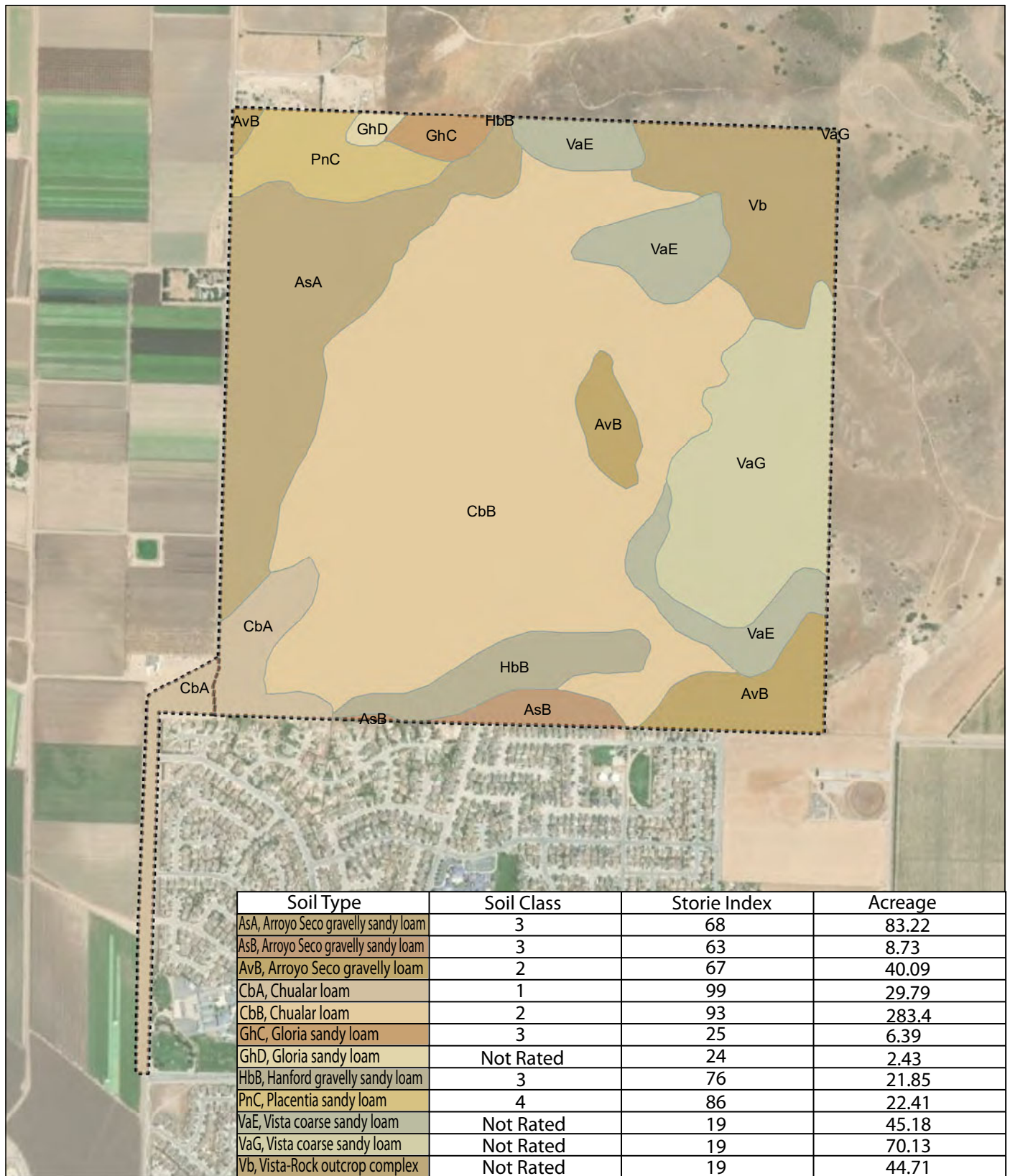
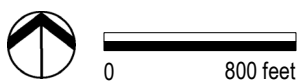
Figure 2

Annexation Area Important Farmlands Map

Miramonte Agricultural Mitigation Plan



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Source: Esri 2020, Montrey County 2019, SSURGO 2014

Figure 3

Annexation Area Soils Map

Miramonte Agricultural Mitigation Plan



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- b. Administrative fees equal to cover the costs of administering, monitoring and enforcing the acquired conservation easement(s). The fee amount shall be determined by the agricultural conservation entity and approved by the City of Soledad City Council.

The developer is responsible for submitting evidence demonstrating compliance with either or both approaches prior to City acceptance of final map(s), and for submitting evidence that the easement has been recorded and fees paid prior to issuance of the first building permit in any phase.

Mitigation Banking

There are no agricultural mitigation banks within Monterey County. While the City of Soledad in committing to the 2016 MOA agreed to participate in the creation of a countywide agricultural mitigation program, one does not yet exist. This option may become available in the future prior to buildout of the annexation area. Should the developer pursue this option, an agricultural land valuation of the annexation area would be required to assist the City with verifying that 1:1 mitigation of equal or greater agricultural quality would be met by purchase of mitigation bank credits.

Acceptable agricultural mitigation banks and conservation easements would result in preservation of land that meets the following qualifications:

1. Prime agricultural land of substantially similar quality and character as the prime agricultural land within the annexation area using the California Department of Conservation Average Storie Index rating 80 through 100, whether or not land is actually irrigated even if irrigation is feasible; and land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification.
2. Located adjacent to the City's permanent urban/agricultural edge identified in the 2016 MOA planned/envisioned for agriculture, or elsewhere in Monterey County that would otherwise promote Monterey County Agriculture as a whole.

The developer is responsible for submitting evidence demonstrating compliance with this approach prior to City acceptance of final map(s).

City In-Lieu Fees

The developer may also choose to pay in-lieu mitigation fees directly to the City of Soledad for it to use in the purchase of agricultural conservation easements or other activities designed to preserve and promote agriculture and the agricultural industry in the greater Soledad area, consistent with 2016 MOA Section 6.3.6. These fees will be based on the agricultural value of the annexation area in an amount determined by the City of Soledad City Council prior to acceptance of a final map. Fee payments will be required prior to issuance of building occupancy certificates for development identified in the subject final map. Fees collected by this method will be kept by the City in a fund

established specifically for agricultural land mitigation purposes or be applied to other innovative approaches including, but not limited to, those outlined in the 2016 MOA Section 6.3.6, and listed below.

The developer is responsible for the costs of providing the agricultural land valuation upon which fees would be based.

Other Innovative Approaches to Conservation

This approach may be used in combination with in-lieu fees and as an alternative or supplement to the acquisition of agricultural conservation easements. Consistent with the 2016 MOA Section 6.3.6, acceptable approaches to conservation for which agricultural mitigation fees assessed and collected by the City may be applied include, but are not limited to, the following:

1. Scientific research for addressing agriculture's needs (e.g. food safety). Entities applying for research funding could include universities, colleges, research think tanks, non- profits, industry/business, government and schools;
2. Increased agricultural educational programs in the Soledad Unified School District;
3. Purchase of permanent agricultural buffers (either within or outside the urban growth boundary) to alleviate potential physical conflicts between existing or planned agricultural uses and urban land uses planned within the urban growth boundary; and
4. Economic programs developed to expand markets for local agricultural products:
 - a. Programs promoting careers in agriculture.
 - b. Contributions to non-profit associations dedicated to agricultural education, promotion or preservation.
 - c. Funds for the acquisition of agricultural easements outside the urban growth boundary.
5. Land dedications set aside for a public purpose may be recognized by the City Council as agricultural mitigation. A property owner or developer of agricultural land that is being set aside for public purposes may petition the City Council for an in-lieu dedication credit and will not be subject to any other agricultural mitigation requirement or fee. The intent of this part of the agricultural mitigation program is to recognize the public benefit in having land set aside for public uses, such as parks, open spaces, and schools, which are uses essential to a properly planned community and provide an important benefit to the City of Soledad and to persons and families involved in the agricultural industry.

Agricultural Buffers

Development of the annexation area is subject to the provision of a buffer along the western boundary, which may be reduced to no less than 100 feet, upon demonstration to the satisfaction of the City Council that other measures are included that will adequately protect human health and

safety and minimize potential conflicts, and provided that any such reduction shall not result in a buffer width of less than 100 feet consistent with the 2016 MOA (See MM 4.2-1 and MM 4.2-2).

Buffer sizes, locations and allowed uses within them must be sufficient to minimize conflicts between the adjacent urban and agricultural uses consistent with 2016 MA Section 2.1f, which states “The City's General Plan requires development within or adjacent to designated agricultural areas to minimize conflicts with adjacent agricultural uses.” The annexation area is contiguous to the existing City limit to the south and with open space to the east and north. Agricultural uses are present along the western boundary, west of San Vicente Road and currently consists of a staging area for farm vehicles and equipment, active row crop production, and a farmworker housing complex. Activities include occasional ground- and aerially-applied pesticides applications to crops. Aerial pesticide applications near San Vicente Road in proximity to the annexation area are constrained by the farmworker housing site and presence of high voltage electrical transmission lines that border the west side of San Vicente Road.

Much of the annexation area that is below the 400-foot elevation contour is currently under agricultural row crop production, although it once was planted with grapes.

Development Phasing

Development within the annexation area is subject to compliance with City Council COA #41, which requires development of the annexation area to occur in a south to north progression from areas adjoining the existing city limit before proceeding northward toward the interior of the site, then north along San Vicente Road, commencing with Specific Plan neighborhoods 1-4 as indicated on the specific plan lotting plan. Additional COA #41 requires preparation and approval of an infrastructure phasing plan and overall development phasing plan prior to City acceptance of the first final map. Additionally, part c of this COA prioritizes development phasing to ensure preservation and ongoing use of adjacent farmland.

The developer is responsible for the placement of temporary buffers within the annexation area as development proceeds.

Right to Farm Notifications

Development within the annexation area is required to record Right-to-Farm notifications on every residential parcel deed within 200 feet of adjacent agricultural operations to ensure that new urban residents recognize the rights of adjacent property owners conducting agricultural operations and practices in compliance with established standards.

Condition of Approval #21, Deed Restriction – Right-to-Farm:
Developer shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-farm for adjacent agricultural operations. The deed restriction shall only be enforced as long as the adjacent agricultural/viticultural operations continue and are not

converted to urban uses. The deed restriction shall be recorded concurrently with the final subdivision map(s) for each phase and evidence of said recordation shall be submitted to the Community Development Director and Public Works Director concurrent with the recording of the final subdivision map for each phase.

2.4 Compliance and Reporting

The developer is responsible for the provision of evidence to the City of Soledad prior to acceptance of final map(s) demonstrating that agricultural mitigation is accomplished.

Timing and Fulfillment of Mitigation

Agricultural mitigation for development within the annexation area will be fulfilled either in sum or by phase, at the City Council's discretion no later than at the time of city's approval of final map(s), or issuance of a grading permit or building permit, whichever occurs first. No grading or building permits will be issued by the City without evidence demonstrating that the chosen mitigation option has been accomplished.

The specifics for and timing of executive actions necessary for compliance with the development project mitigation measures and conditions of approval will be outlined in the development agreement between the City of Soledad and developer. At minimum, the agreement will specify the following information:

1. The type of mitigation that will be provided in order to mitigate for conversion of agricultural lands. (purchase of fee title or easement, payment of in-lieu fees, other innovative approaches, mitigation banking).
 - a. Acreage of mitigation area and/or the amount of in-lieu fees that would be paid (with provisions to adjust fees to reflect land values at time of payment) along with the methodology adopted by the entity for calculating the in-lieu fees.
2. The location of the mitigation lands.
3. The agricultural conservation entity that will be involved in holding the lands, easements, or in-lieu fees.
4. An analysis of the quality of any potential agricultural land conservation easement in comparison to the annexation area. Does the conservation easement area meet the definition of Prime Agriculture as defined in Section 1.3 of this plan and provide 1:1 in-kind compensation?

Reporting

City staff will be responsible for reporting the status of agricultural mitigation to LAFCO as follows:

1. City staff shall provide a brief report to LAFCO staff summarizing the means and fulfillment of mitigation.
2. If City in-lieu fees are utilized by the developer, City staff will report annually to LAFCO on the use of the in-lieu fees until the fees have been fully expended.

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3.0 Developer-Proposed Mitigation

A developer-proposed plan for agricultural mitigation consistent with Mitigation Measures and Conditions of Approval has been submitted to the City, and is included as [Appendix B](#). The developer's proposed mitigation plan consists of acquiring conservation easements to mitigate the loss of prime farmland and farmland of statewide importance from phased development of the annexation area, and includes details of a buffer program with landscaping along the western boundary of the annexation area in compliance with the City's adopted mitigation measures for development within the annexation area. The developer's mitigation plan proposes conservation easements on several agricultural parcels outside the City of Soledad urban growth boundary in unincorporated Monterey County.

The provision of conservation easements is not required until final maps are submitted for review by the City (refer to MM 4.2-6). Further, as noted in Section 2.4, the specific details of mitigation compliance and execution will be consistent with this overall implementation approach outlined herein and will be included in the development agreement between developer and City of Soledad. However, the mitigation plan includes a preliminary assessment of the developer-proposed plan including suitability of the proposed conservation easements as potential compensatory mitigation.

3.1 Land Conservation

The developers' mitigation approach proposes to mitigate the loss of Prime Farmland and Farmland of Statewide Importance within the annexation area primarily by two means. First, the proposed approach calls for dedication of two acres within the annexation area to the Soledad Union School District (SUSD) for use by the Soledad High School Future Farmers of America (FFA) program and 2) through purchase of agricultural conservation easements by the developer on farmland owned by others, and dedication of it to an appropriate agricultural conservation entity as yet to be identified.

Enhanced Agricultural Educational Program

The SUSD has encouraged and to accept the dedication of land for its FFA program at public hearings and in recent communications, as well as in an agreement with the developer. Subsequently, the City of Soledad adopted Condition of Approval #22b, which requires a minimum of two acres for the FFA program facility to be included on the final map within Sub-area [17] prior to acceptance of the final map by the City Council.

Dedication of the two-acre site for SUSD use qualifies as an innovative approach promoting SUSD enhanced agricultural educational programs, and may be considered by the City Council for an agricultural land mitigation credit, as outlined in Section 1.3.

Agricultural Land Conservation Easements

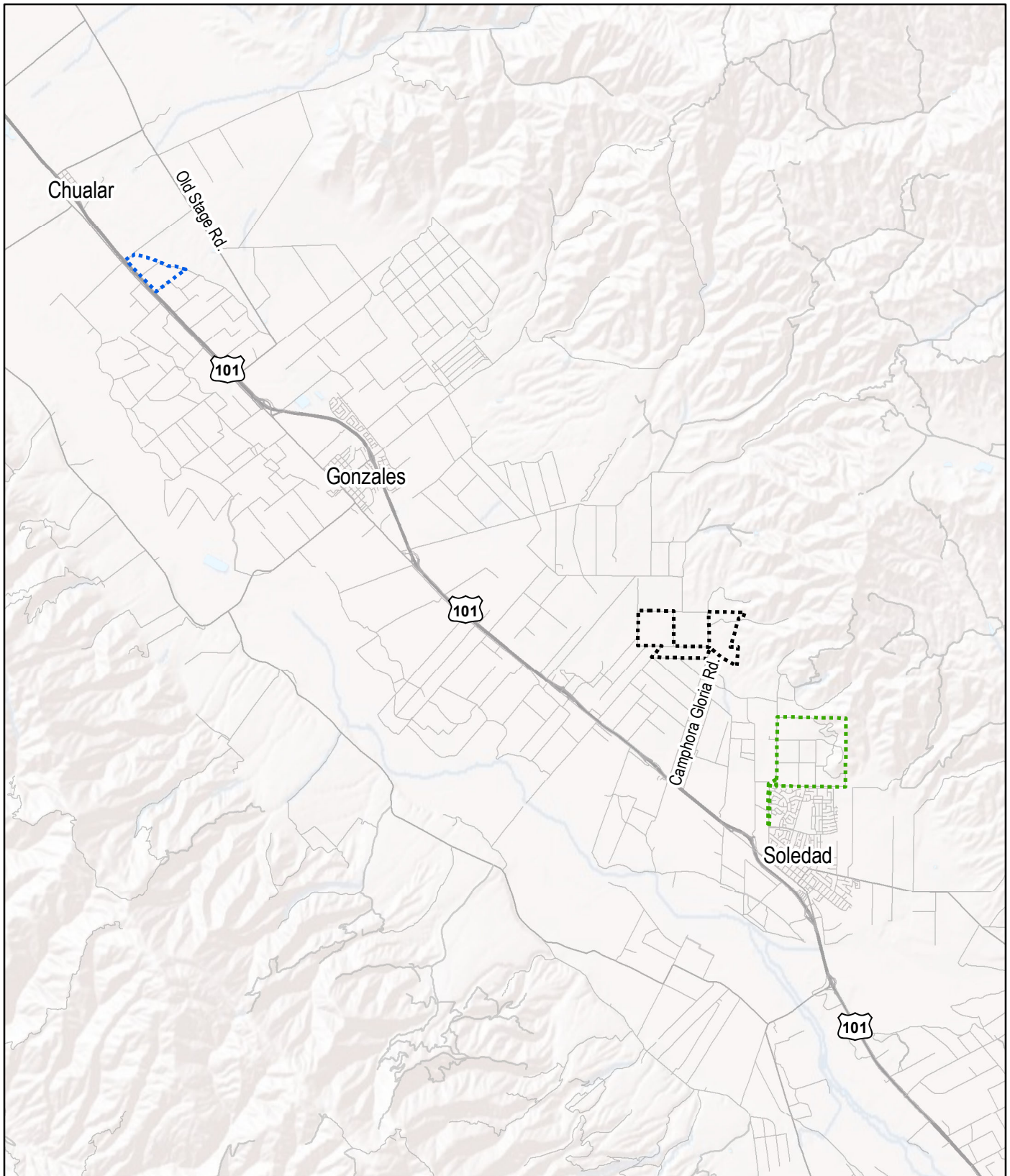
Two properties, “Wimer Ranch” and “Gabilan Mountain Winery”, are proposed as the sites for suitable conservation easements. Both sites are in active agricultural production, are located outside the 2016 MOA urban growth boundary in unincorporated Monterey County and carry agricultural land use designations under the Monterey County General Plan. The locations of the proposed easements and the annexation area are presented in [Figure 4, Location of Proposed Easements](#).

Wimer Ranch Easement

The 138.64-acre Wimer Ranch site is located just south of the community of Chualar, east of U.S. Highway 101. This site is currently in agricultural row crop production. An agricultural land appraisal prepared for this site is included in [Appendix C](#). This site has an FMMP designation of Prime Farmland and Unique Farmland and consists of Class I soils with Storie Index Ratings of 85-100. [Figure 5, Wimer Ranch Important Farmland Map](#), presents the prime farmland of this site and vicinity. [Figure 6, Wimer Ranch Soils Map](#), presents on site soils, USDA Prime Soil Classifications, and Storie Index Ratings. This 138.64-acre site meets the definition of Prime Agricultural Land listed in Section 2.2. Although this site is located well outside the City’s permanent agricultural edge defined in the 2016 MOA, preservation of this agricultural land would contribute to cumulative agricultural preservation efforts that are underway in Monterey County.

Gabilan Mountain Winery Easement

The 410-acre Gabilan Mountain Winery site is located east of U.S Highway 101 and is accessed by Camphora-Gloria Road. Approximately 375 acres are in active viticulture production. An agricultural land appraisal prepared for this site is included in [Appendix D](#). [Figure 7, Gabilan Mountain Vineyard Important Farmland](#), presents the prime farmland of this site and vicinity. [Figure 8, Gabilan Mountain Vineyard Soils Map](#), presents on site soils, USDA Prime Soil Classifications, and Storie Index Ratings. This site has FMMP designations of Prime Farmland and Farmland of Statewide Importance, and contains Class I and Class II soils with Storie Index ratings that vary from 76 (approximately 41 acres) to 99. Approximately 360 acres of this site meets definition of Prime Agricultural Land listed in Section 2.2. This site is located adjacent to the City’s permanent agricultural edge north of the City as defined in the 2016 MOA. Preservation of this agricultural land would be consistent with the 2016 MOA goal to provide a permanent agricultural edge and would contribute to cumulative agricultural preservation efforts that are underway in Monterey County.



0 2 miles



Annexation Area



Gabilan Mountain Vineyard



Wimer Ranch

Source: ESRI 2014, Monterey County GIS 2022

Figure 4

Location of Proposed Easements

Miramonte Agricultural Mitigation Plan



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0 1050 feet

Parcel Boundary

Prime Farmland (P) 135.66 acres

Farmland of Statewide Importance (S)

Unique Farmland (U)

Source: Monterey County GIS 2022, Google Earth 2022, California Department of Conservation 2018

Grazing Land (G)

Other Land (O)

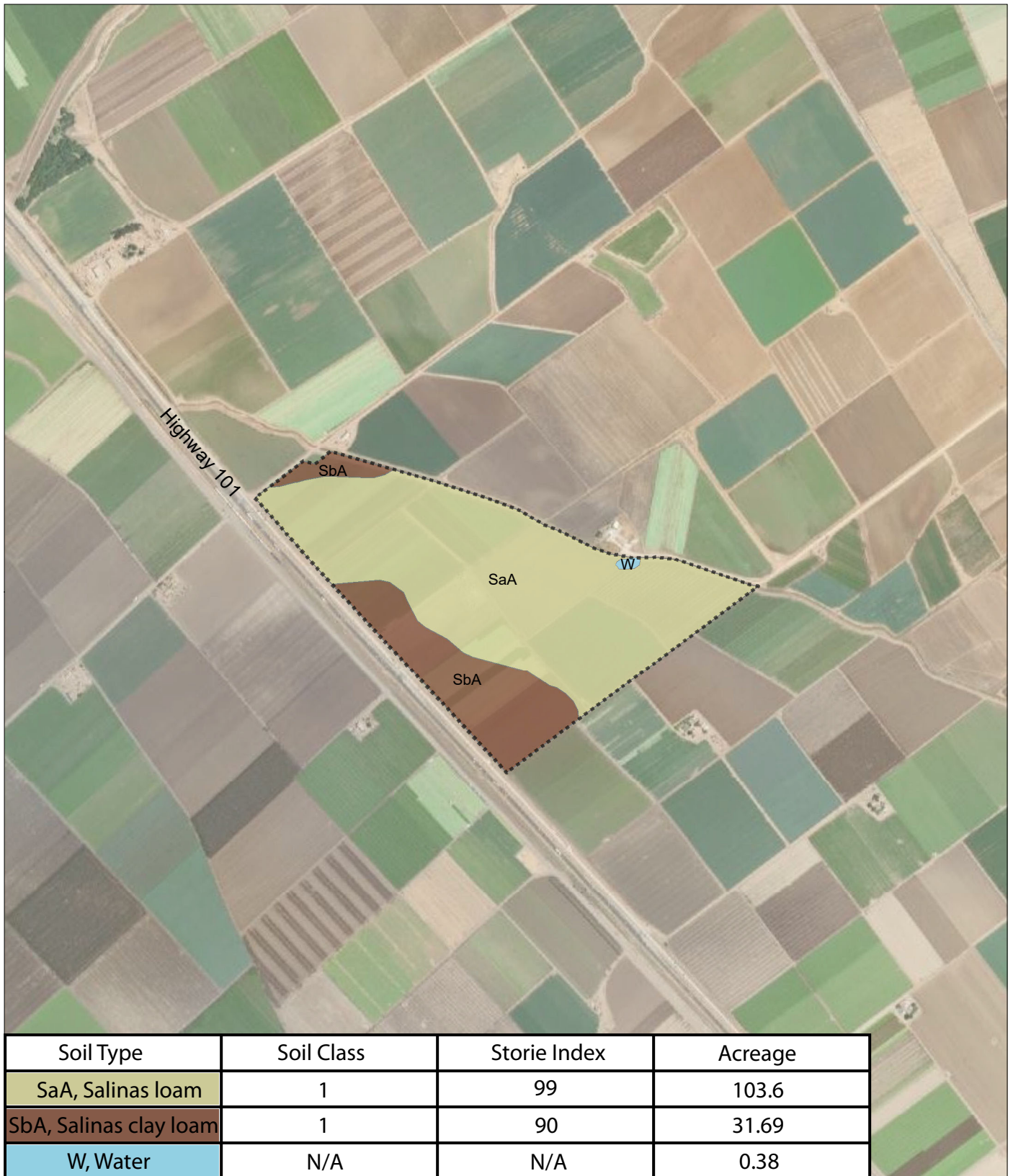
Figure 5



Wimer Ranch Important Farmland Map

Miramonte Agricultural Mitigation Plan

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Source: Monterey County GIS 2022, Google Earth 2022,
USDA Soil Survey 2019

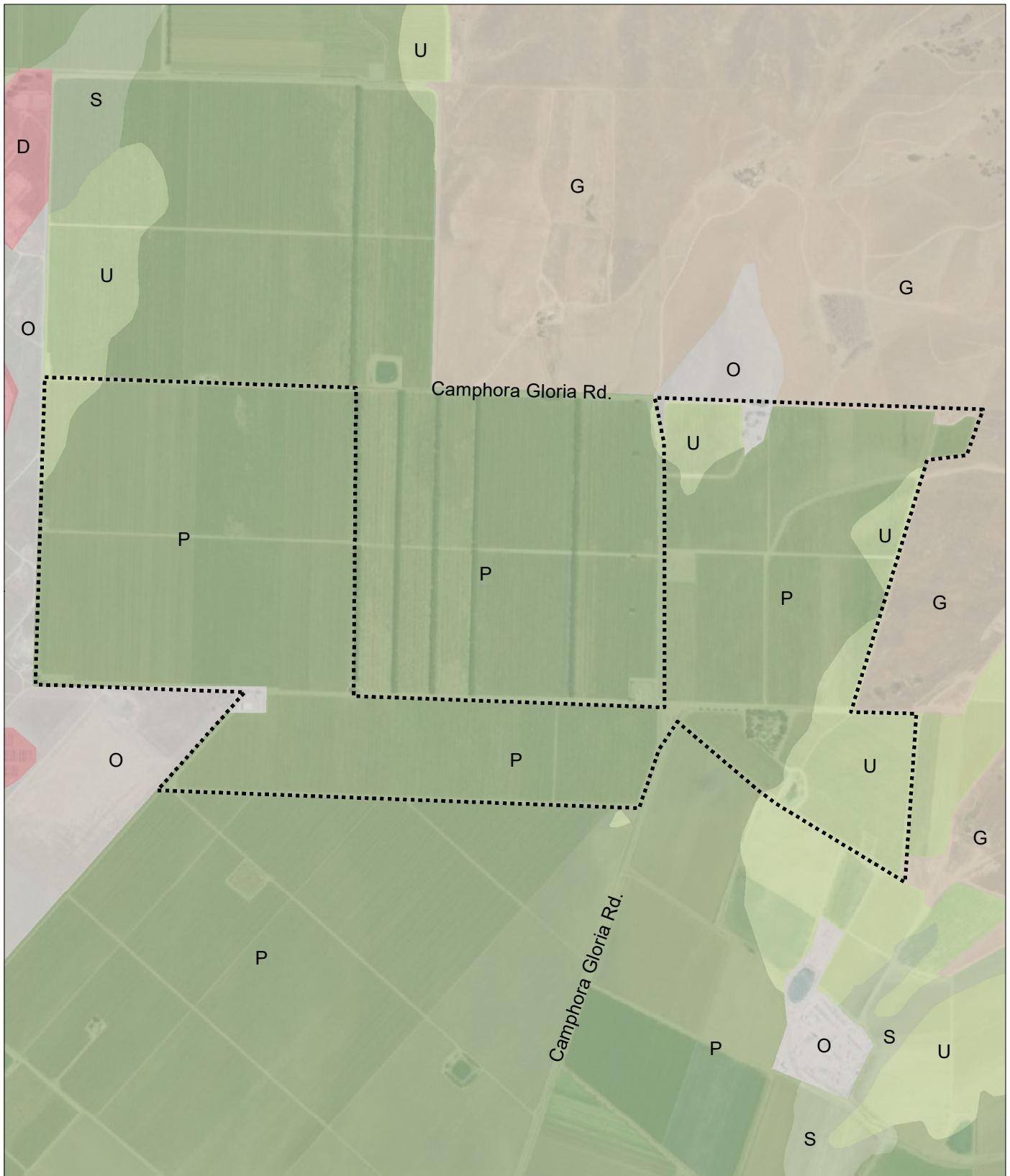
Figure 6

Wimer Ranch Soils Map

Miramonte Agricultural Mitigation Plan



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0 300 feet



Parcel Boundaries



Prime Farmland (P)
339.04 Acres



Unique Farmland (U)
20.65 acres



Grazing Land (G)
2.21 Acres



Other Land (O)
2.91 Acres



Urban/Built-Up Land (D)

Source: Monterey County GIS 2022, Google Earth 2022,
CA Department of Conservation FMMP 2018

Figure 7

Gabilan Mountain Vineyard Important Farmland

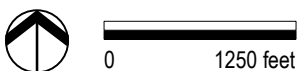
Miramonte Agricultural Mitigation Plan



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Soil Type	Soil Class	Storie Index	Acreage
CbA, Chualar Loam	1	99	12.54
CbB, Chualar Loam	2	93	85.89
DaA, Danville sandy clay loam	2	95	196.62
DaC, Danville sandy clay loam	2	86	22.57
EaA, Elder sandy loam	1	95	1.01
GhC, Gloria sandy loam	3	25	5.21
GhD, Gloria sandy loam	Not Rated	24	34.28
GhF, Gloria sandy loam	Not Rated	18	17.41
HbB, Hanford gravelly sandy loam	2	76	40.63
VaG, Vista coarse sandy loam	Not Rated	19	0.56



Source: Monterey County GIS 2022, Google Earth 2022, USDA Soil Survey 2019

Figure 8

Gabilan Mountain Vineyard Soils Map

Miramonte Agricultural Mitigation Plan



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3.2 Agricultural Buffers

Western Buffer

A western buffer will not be needed during early development phases due to their distance from San Vicente Road (refer to the exhibits in Appendix D). Residential development adjacent to San Vicente Road is not anticipated to occur until the fifth or sixth phase. Development within the annexation area is subject to specific plan policies and mitigation measures for the provision of a buffer on the western boundary. The western buffer, presented in [Appendix E](#), shows the location of the buffer on the western boundary. The buffer exhibit illustrates landscaping and other screening features that are included in the right of way to help screen agricultural uses from new residences. The buffer provides separation between current agricultural activities and future residences. The buffer varies in width from a minimum of about 160 feet at the shortest distance, to over 200 feet at the greatest distance adjacent to existing farmworker housing and the future storm drainage retention pond near the existing city limit. An improved San Vicente Road right-of-way, high voltage transmission line easement west of San Vicente Road, adjacent sidewalks, open space, medians and building setbacks on future lots, combine to provide the minimum proposed buffer width of approximately 160 feet. As illustrated by the exhibit, the buffer area includes median and roadside landscaping, and fencing as barriers to minimize conflicts with agricultural uses. The potential for land use conflicts are further reduced by the City requirement to place Right-to-Farm deed restrictions on residential parcels.

Internal Buffers

Within the annexation area, separation between future development and ongoing agricultural uses would be provided by internal buffers as development proceeds. Temporary buffer areas will be identified and in place prior to issuance of the first permit in each development phase.

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Miramonte Project Mitigation Measures
and Conditions of Approval



AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
EIR Addendum to the Miravale III Specific Plan EIR (SCH# 2006081129)

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

MONITORING PROGRAM

The basis for this monitoring program is the mitigation measures included in the Addendum to the Miravale III Environmental Impact Report (Addendum). These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less-than-significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached table is proposed for monitoring the implementation of the mitigation measures. This monitoring table contains all appropriate mitigation measures in the Addendum.

AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
EIR Addendum to the Miravale III Specific Plan EIR (SCH# 2006081129)

MONITORING PROGRAM PROCEDURES

The City of Soledad shall use the attached monitoring table for the proposed project. The monitoring program should be implemented as follows:

- The City of Soledad Community & Economic Development Department should be responsible for coordination of the monitoring program, including the monitoring checklist. The Community & Economic Development Department should be responsible for completing the monitoring checklist and distributing the checklist to the responsible individuals or agencies for their use in monitoring the mitigation measures.
- Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring table have been complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring checklist to the Community& Economic Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring checklist should not be returned to the Community & Economic Development Department.
- The Community& Economic Development Department will review the checklist to ensure that appropriate mitigation measures included in the monitoring checklist have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
- If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community& Economic Development Department, describing the non-compliance and requiring compliance within a specified period of time. If non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Soledad.

AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
EIR Addendum to the Miravale III Specific Plan EIR (SCH# 2006081129)

Timeline	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Verification, and notes.
CONCURRENT WITH RECORDATION OF THE FIRST FINAL MAP	<p>4.2-6.</p> <p>Concurrent with recordation of a final subdivision map, developers shall provide compensation for conversion of Prime Farmland or Farmland of Statewide Importance to urban uses using one of four methods, at the discretion of the city:</p> <ul style="list-style-type: none"> a) provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio and dedicate the easement to an agricultural land trust or other qualifying entity; and/or b) if available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or c) pay an in-lieu mitigation fee, which amount shall be determined by the city prior to project approval. The amount of the fee should reasonably be expected to lead to the preservation of agricultural land. Said fee shall be kept by the city in a fund established specifically for agricultural land mitigation purposes; and/or d) implement other innovative approaches as approved by the city that results in the preservation of agricultural land within areas targeted by the city. 	Developer	<p>Community Development Director</p> <p>Notes:</p>
CONCURRENT WITH RECORDATION OF FIRST FINAL MAP	<p>4.4-8.</p> <p>The developer shall record the conservation easement for all areas above the 400 foot elevation contour concurrent with recordation of the first final map or the onset of any other site disturbance, whichever occurs first.</p>	Developer	<p>City Community & Economic Development Department</p> <p>Notes:</p>

AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
EIR Addendum to the Miravale III Specific Plan EIR (SCH# 2006081129)

Timeline	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Verification, and notes.
PRIOR TO RECORDING OF FINAL MAP(S)	<p>4.2-1.</p> <p>Adequate buffer areas between urban and agricultural uses, including a minimum 50 foot buffer along the northern and eastern boundary of the project site and a 200 foot buffer along the western boundary, shall be incorporated into the proposed project. These buffers shall also be supplemented with physical barriers in areas where residential and commercial structures are to be located, as recommended by the Agricultural Resources Report contained in the Miravale III EIR Appendix T-1. The 200 foot buffer along the project's western boundary may be reduced upon demonstration to the satisfaction of the City Council that other measures, including those recommended in Mitigation Measure 4.2-2, will adequately protect human health and safety and minimize potential conflicts, and provided that any such reduction shall not result in a buffer width of less than 100 feet consistent with the Permanent Agricultural Edge location identified in the 2016 Monterey County/City of Soledad Memorandum of Understanding.</p> <p>Prior to the recordation of any final map, the project applicant shall submit evidence in the form of agricultural setbacks delineating buffer locations consistent with the recommendations contained in the Agricultural Resources Report contained in the Miravale III EIR Appendix T-1, subject to the review and approval of the City of Soledad . All agricultural buffers, excluding public right-of-ways, shall be maintained by the Project Proponent and/or his/her successor(s) in interest through easements dedicated to the City or other entity until such time that the adjoining agricultural operation and use no longer exists.</p>	<p>Developer</p>	<p>City Community & Economic Development Department.</p> <p>Notes:</p>

AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
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Timeline	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Verification, and notes.
PRIOR TO RECORDING OF FINAL MAP(S)	<p>4.2-2.</p> <p>In order to ensure the adequacy of the agricultural buffer located along the western boundary of the project site, as required by Mitigation Measure 4.2-1, the project applicant shall submit a detailed landscape plan that includes vegetative screening in addition to physical barriers, such as fences, walls, or similar structures to protect human health and safety. One or more of the following options may also be used in combination with landscaping requirements to create an adequate buffer between the agricultural parcel property line and habitable structures within the Plan area:</p> <ul style="list-style-type: none"> a. Public or private road right-of-ways; b. Landscaped islands and planting areas; c. Recreational trail corridors; and/or d. Placing dwellings in the rear portion of lots. <p>Prior to the recordation of any final map along the western project boundary, the agricultural buffer and any related easement shall be delineated on the final map in each phase, subject to the review and approval of the City of Soledad.</p>	Developer	<p>City Community & Economic Development Department.</p> <p>Notes:</p>
PRIOR TO RECORDATION OF FINAL MAP(S)	<p>4.2-5</p> <p>Prior to the recordation of final map(s), the project applicant shall have recorded a right-to-farm notice on parcels adjacent to existing and ongoing agricultural uses consistent with the requirements of the City of Soledad General Plan, subject to the review and approval of the City of Soledad City Council.</p>	Property owner or Developer	<p>City Community & Economic Development Department</p> <p>Notes:</p>

AGRICULTURE - MITIGATION MONITORING PROGRAM
MIRAMONTE SPECIFIC PLAN AND VTM PROJECT
EIR Addendum to the Miravale III Specific Plan EIR (SCH# 2006081129)

Timeline	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Verification, and notes.
PRIOR TO CERTIFICATE OF OCCUPANCY	<p>4.2-3</p> <p>Prior to the issuance of any certificate of occupancy for residences adjacent or in close proximity to the agricultural buffer along the western project boundary, the project applicant shall provide documentation demonstrating that adequate screening, landscaping and structural have been installed and/or constructed within the buffer, subject to the review and approval of the City of Soledad Community Development Director.</p>	Applicant	<p>City Community & Economic Development Department</p> <p>Notes:</p>

Agriculture COA
City Council Resolution # 5436
Miramonte – Vesting Tentative Map

20. Agricultural Mitigation: Concurrent with recordation of the first final subdivision map, developer(s) shall provide mitigation for conversion of Prime Farmland by entering into a contractual agreement with the City and/or a non-profit to provide agricultural mitigation to compensate for the conversion and loss of Prime Farmland or Farmland of statewide importance to urban uses, as required by the Miramonte Specific Plan Policy LU – J, by one of the following methods:
- a. Provide the in-kind direct purchase/acquisition of an agricultural mitigation easement at a 1:1 ratio and dedicate the easement to an agricultural land trust or other qualifying entity; and/or
 - b. If available, purchase agricultural banked mitigation credits at a 1:1 ratio from a qualifying entity; and/or
 - c. Pay an in-lieu mitigation fee, which amount shall be determined by the City prior to approval by the City Council of the first final map. The amount of the fee should reasonably be expected to lead to the reservation of agricultural land. Said fee shall be kept by the City in a fund established specifically for agricultural land mitigation purposes; and/or
 - d. Implement other innovative approaches as approved by the City that results in the preservation of agricultural land within areas targeted by the City.

This requirement shall also be reflected in the development agreement (DA).

21. Deed Restriction – Right-to-Farm: Developer shall prepare a deed restriction for each new lot in the proposed project indicating the right-to-farm for adjacent agricultural operations. The deed restriction shall only be enforced as long as the adjacent agricultural/vinticultural operations continue and are not converted to urban uses. The deed restriction shall be recorded concurrently with the final subdivision map(s) for each phase and evidence of said recordation shall be submitted to the Community Development Director and Public Works Director concurrent with the recording of the final subdivision map for each phase.
22. Residential Study Area:
- a. The land subdivision, street layout, drainage and utility infrastructure, including a minimum 100-foot wide agricultural buffer on the northern boundary for the Residential Study Area, noted as Sub-area 13 on the Specific Plan Land Use Diagram, shall be included on the final map prior to its acceptance by the City.

- b. The final map within Sub-area 13 shall include a minimum of two acres for the Soledad High School Future Farmers of America program facility prior to acceptance of the final map by the City Council.

41. Phasing Plans for Final Map(s) Submittal and Infrastructure Improvement Plans:

- a. Prior to submittal of the first final map, the developer shall prepare for City Public Works Director review and approval, an infrastructure-phasing plan. Timing of installation of all improvements shall be determined by the City Public Works Director based on this plan and in consultation with the developer. The infrastructure-phasing plan shall be coordinated with the intended phasing of final subdivision map(s).
- b. Prior to submittal of the first final map, the developer shall submit for City review and approval, a phasing plan that establishes the overall sequence of any phased final maps. The first phase of development shall commence with Specific Plan neighborhoods 1-4 as indicated on the Specific Plan Lotting Plan (Figure 2-3). The phasing plan shall specify that development proceeds contiguously adjacent to the City's existing development and from the lowest topographic area, of each phase in progress, to the highest in order to assure continuity in infrastructure.
- c. Development shall be phased to ensure preservation and ongoing use of adjacent farmland to the extent feasible, and adequate provision of urban services within the Specific Plan area.

44. Open Space and Park Dedications and Improvement Plans:

- g. The developer(s) may retain ownership of the large open space area above the 400' contour, but are required to prepare, at their expense, a conservation easement, subject to City review, to be either dedicated to the City, a non-profit, or another qualifying entity prior to recordation of the first final map, that preserves the area for passive recreation, clubhouse type use to serve the community or neighborhood, alternative energy, infrastructure, and agricultural grazing.

Developer-Proposed Mitigation

B
APPENDIX

AGHA DEVELOPMENT

449 Alvarado St. | Monterey, CA 93940 | 831.646.1677

May 3, 2022

Dear Honorable Mayor and City Councilmembers:

As a Condition of Approval for the Miramonte subdivision, Agha Development is required to provide mitigation for the conversion of prime farmland or farmland of statewide importance. This condition, which is Condition 20 of “Exhibit A of City Council Resolution #5436, Miramonte – Vesting Tentative Map,” is provided in an accompanying document.

After working to secure the required easements to offset the anticipated loss of prime farmland (and farmland of statewide importance) that will incur with buildout of the subdivision, we believe we have a plan to satisfy the mitigation measure.

Of the subdivision’s roughly 500 acres planned for development, 468 acres are deemed as prime farmland or farmland of statewide significance; these are two classifications that require mitigation in the form of purchasing agricultural preservation easement(s) on other farmland within reasonable proximity to the farmland being converted. For Miramonte, the requirement is for such easements to be secured at a 1-to-1 ratio to the farmland that is being converted. And so, we are required to seek 468 acres of easements on comparable farmland, or to facilitate such creation of easements through in lieu fees or other comparable approaches to agricultural preservation in the Salinas Valley.

We have a multi-pronged plan for satisfying the mitigation requirement, though nearly all of the mitigation is to be fulfilled through the direct purchase of easements from two different farm properties.

First, we have committed to donate 2 acres within the subdivision to the Soledad Unified School District, for an agricultural education center--likely to be a Future Farmers of America facility. We believe that these 2 acres garner 2 acres of credit toward the easement requirement, as this land will remain as an active agricultural site, offering an invaluable service to the local community. The School District is ready and willing to accept this dedication, the details of which will be through future agreement. Nonetheless, the dedication to agricultural education will be memorialized in a recorded deed restriction.

The rest of the easement acreage will be acquired on two ranches in the Salinas Valley. Agha Development has agreed to purchase agricultural preservation easements on 2 pieces of prime farmland, as follows:

1. The “Wimer Ranch” located on Highway 101 between Chualar and Gonzales, APN 269-061-017. The Wimer Ranch consists of 138.64 farmable acres and is co-owned

by the Gill Family Trust and the Hitchcock Family Trust. It is farmed by G&H Farms, LLC, which is owned and controlled by the property owners. The Wimer Ranch is not subject to a Williamson Act contract.

2. The "Gabilan Mountain Vineyard" located adjacent to Soledad Prison, APNs 257-021-013; 257-081-030; 417-151-023, 417-151-024, 417-151-025 & 417-151-027. The Gabilan Mountain Vineyard consists of 402.49 farmable acres and is owned by RCT Land Company, LP. It is farmed by REF Vineyards, LLC, which is owned and controlled by the property owner. The Vineyard is not subject to a Williamson Act contract.

We have agreed to pay for these easements based on 15% of the land's appraised or otherwise agreed-upon value. Both properties are high quality prime farmland and are in agricultural production with well-established and respected operators. Descriptions of each property, including soil types are attached as Exhibits "A" (Wimer) and "B" (Vineyard).

The Wimer Ranch is adjacent to the east side Highway 101, south of Chualar and north of Gonzales. We will begin the easement purchases on this ranch, which is slightly larger than the 124.5 acres that comprise the first two phases of the Miramonte subdivision. Phase 1 is 55.7 acres; with the first two acres of easement accounted for by the donation of land for the agricultural education center. An easement for 53.7 acres will be purchased on the Wimer Ranch to complete the mitigation obligation for the conversion of farmland that will occur from developing Phase 1. This will happen in accordance with a yet-to-be-written condition of approval from the City of Soledad for issuance of any construction-related permits for Phase 1.

Miramonte Phase 2 is 68.8 acres. We will purchase an easement for 68.8 acres prior to the issuance of any construction-related permits for Phase 2, in accordance with the before-mentioned, yet-to-be-written condition of approval, per the City of Soledad.

An easement on the remaining 14.1 acres of the Wimer Ranch will be purchased as part of the Phase 3 mitigation. From there, the remaining acreage for agricultural preservation easements will be acquired on the Gabilan Mountain Vineyard, which is located east-southeast of Salinas Valley State Prison, on the east side of Highway 101 and has more than enough farmland to offset the remaining 337.5 acres needed to account for Miramonte's mitigation obligation for agricultural preservation. Although currently planted to wine grapes, most of the Vineyard is flat and has previously been in row crop cultivation. It is also notable that the subdivision property was previously used for vineyard production, most recently in 2012 prior to being converted to row crops.

For the Vineyard, we will follow the same format applied to the Wimer Ranch for acquiring easements: by buying easement in increments, on the number of acres equivalent to each Miramonte phase, as each phase comes on-line for development.

In summary, Miramonte is planned for 11 phases. We will purchase easements on the Wimer Ranch to entirely fulfill mitigation requirements for the first two phases of the subdivision with exception of the 2 acres to be satisfied by our donation of land for an agricultural education center, and partially for the third phase. We will purchase easements on the Vineyard to fulfill the balance of the mitigation requirement for the third phase, and the entirety of the subsequent eight phases as each one comes up for development. The entire easement mitigation will be fulfilled prior to issuance of any construction-related permits for the eleventh and final phase of Miramonte. We will have agreements in place with the landowners to pay for the conservations easements as they come up. If, for whatever reason any part of the two mitigation properties are unavailable when it is time to purchase the easement, we will either find new property to meet the mitigation requirement or will pay in lieu fees as applicable.

We believe that this proposal provides an appropriate balance between the goals of preservation of Prime agricultural lands against the need for orderly development as provided in California Government Code § 56001. The Miramonte property is located adjacent to already developed lands in Soledad, mitigating any concern regarding “leap-frog” development. As shown in the attached documents, the mitigation properties are extremely productive farmlands, comparable to or better than the Miramonte property for agricultural production.

We have had discussions with three potential managing entities to consider accepting the dedication offer: Monterey County Ag Land Trust, California Farmland Trust and Golden State Land Conservancy. We do not have a formal agreement with any of these entities but are confident that one will accept the dedication.

Please find accompanying this letter a map of the Miramonte subdivision, showing what is designated as prime farmland or farmland of statewide importance.

In sum, the properties that are identified for permanent conservation easements are at least as productive as the Miramonte property and are suitable for mitigation purposes. The owners of the mitigation properties are engaged in agricultural production on a daily basis and are dedicated to preserving the agricultural heritage of Monterey County. We are proud to contribute to that legacy by ensuring that these properties remain in agricultural production in perpetuity.

Sincerely,

Nader Agha
Owner, Agha Development

Wimer Ranch Land Valuation

C
APPENDIX

bdwimer@gmail.com

Appraisal Of:

**Wimer Ranch
Chualar, California**

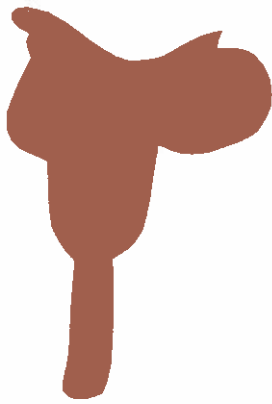
Appraisal As Of:

January 15, 2021

Prepared For:

**Mr. Bruce Wimer
P. O. Box 991
North Fork, California 93643**

**By:
Tom H. Pettitt
Certified General Real Estate Appraiser**



Pettitt Lands, Inc.

REAL ESTATE APPRAISALS

TOM H. PETTITT, Appraiser

License #AG007594

January 18, 2021

Mr. Bruce Wimer
P. O. Box 991
North Fork, California 93643

Dear Bruce:

As you requested, enclosed is my Complete Appraisal and Summary report in a narrative format of the Wimer Ranch located on Highway 101 between Chualar and Gonzales in Monterey County, California, more specifically identified within this report.

This appraisal is written in compliance with Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989 (FIRREA), and the Uniforms Standards of Professional Appraisal Practice (USPAP). The property right appraised is the Fee Simple Interest in the subject property. The property was appraised to estimate the value of fee simple estate as of January 15, 2021.

After careful consideration of all facts and factors which might affect the market value, I am of the opinion that the value of the subject ranch as of January 15, 2021 is:

Eight Million Four Hundred Fifty Thousand Dollars

\$8,450,000

Respectfully submitted,

Tom H. Pettitt

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Building Sketch - Shop

Sales Map

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SUMMARY of IMPORTANT CONCLUSIONS

Date of Value: January 15, 2021

Type of Appraisal: Complete Appraisal with a Summary Appraisal Report

Location: 101 Freeway between Chualar & Gonzales

Size:

Deeded Acres	138.64	134
Usable Acres	138.64	

Highest and Best Use: The existing use, row crop farming is considered the Highest & Best Use.
(see Highest & Best Use in this report).

Market Value:

Land	\$ 8,387,000
Improvements	\$ 63,000
Total Value	\$8,450,000

Average Value Per Acre: (138.64)

Land Only	\$ 60,500
Land & Improvements	\$ 61,000

7,758,935.⁰⁰

8,167,195.⁶¹
196

PURPOSE OF APPRAISAL:

This appraisal is made at the request of Mr. Bruce Wimer and is for the purpose of estimating the market value of the subject ranch as row crop irrigated farmland as of January 15, 2021.

Market Value means an estimate of the market value of a property in the condition observed upon inspection and as it physically and legally exists without hypothetical conditions, assumptions, or qualifications as of the date of property inspection.

MARKET VALUE DEFINED:

Market Value means the most probable price which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated.
- (2) Both parties are well informed or well advised, and acting in what they consider their own best interest.
- (3) A reasonable time is allowed for exposure in the open market.
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Exposure time and marketing period are inter-related to the estimation of market value and are considerations in this report. Exposure time may be defined as follows:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of appraisal; a retrospective estimate based upon an analysis of past events, assuming a competitive and open market. For purposes of this report, exposure time for the fee simple interest is estimated from 6 months to 1 year as it relates to the value of the final market value.

The definition of a normal or reasonable marketing period is as follows:

The amount of time necessary to expose a property to the open market in order to achieve a sale. Implicit in this definition are the following characteristics:

- 1. The property will be actively exposed and aggressively marketed. to potential purchasers through marketing channels commonly used by buyers and sellers of similar type properties.**
- 2. The property would be offered at a price reflecting the most probable. mark-up over market value used by sellers of similar type properties.**
- 3. A sale will consummate under the terms and conditions under the definition of market value as required by the regulations.**

This varies for different types of properties and under different market conditions. The estimated exposure time is not intended as the prediction of a date of sale, merely as an integral part of the analysis conducted during the appraisal assignment. The subject property would have a market time from 6 months to 1 year for the fee simple interest.

GENERAL MARKET CONDITIONS:

In the subject area, the growth rate is stable, property values are stable, and demand is in balance.

Farmland financing is primarily by life insurance companies, banks, farm credit and seller financing.

AGRICULTURAL LAND AREA DEFINITIONS:

Within the description of the subject property and the comparable sales, three descriptions of land area are utilized: deeded area, gross usable area and the net crop area. The following is the appraiser's definition of the three units of comparison:

- Deeded Area:** The deeded area is the gross for the entire ranch. Acreage includes the crop area, roads, building areas, drainage ditches and waste area or non-productive areas.
- Gross Usable Area:** Area of usable farmland including crop area, interior roads, building areas and storage yards. Excluded from this area would be waste area or areas that do not provide a utility to the ranch.
- Net Crop Area:** The net crop area is the crop area only; crop to crop. The net crop area excludes all areas that are not cultivated.

DEFINITION OF FEE SIMPLE ESTATE:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the government's power of taxation, eminent domain, police power and escheat.

COMPETENCY STATEMENT:

The appraiser who completed this report has been actively involved in the appraisal of real estate for a period of time in excess of thirty years and certifies that I am fully qualified and competent by training, knowledge and experience to complete this assignment.

ASSUMPTIONS AND STATEMENT OF LIMITING CONDITIONS:

- 1. This appraisal report set forth all the assumptions and limiting conditions imposed by the terms of this assignment or by the appraiser affecting the analysis, opinion and conclusions contained in this report.**
- 2. The information and data reported in this appraisal have been furnished by sources deemed reliable. However, no warranty is given for its accuracy.**
- 3. The effective date of value to which the opinions expressed in this report apply are set forth in the following appraisal report. The appraiser assumes no responsibility for economic or physical factors which may occur at some later date and which may or may not affect the opinions stated herein.**
- 4. No opinion as to title is rendered. Data regarding ownership and legal descriptions were obtained from sources generally considered reliable. Title is assumed to be marketable, free and clear of all liens, encumbrances, easements and restrictions, except those specifically expressed in the report. The property is appraised assuming it to be under responsible ownership and competent management.**
- 5. No opinion is intended to be expressed for legal matters or those items of concern requiring specialized investigation or knowledge beyond that ordinarily held by employed real estate appraisers.**
- 6. The market value estimate provided in this appraisal report applies to the entire property in total and is in the reconciliation and valuation section of this report. The proration or division of the total interests, as reported, would invalidate the value estimates of the property unless the proration or division of interest is defined in the ownership section of this report.**
- 7. No engineering or survey work has been completed by this appraiser. Data pertaining to the size, shape, dimensions, and area were taken from sources deemed reliable. Maps, plats, and other related exhibits included in the report are for illustration only and should not be relied upon for any other purposes. No encroachment is assumed to exist.**
- 8. It is assumed there are no hidden or inapparent conditions on the property, sub-soil or structures that would render it valuable. No responsibility is assumed for such conditions or arrangements of engineering studies that may be required to discover them.**
- 9. Unless otherwise stated in this report, the presence of potentially hazardous materials (i.e. toxic waste, asbestos, urea-formaldehyde, foam insulation, etc.) resulting from past or present uses of the property, construction and/or maintenance of the buildings, has not been observed. Such a condition may**

or may not be present, however, this appraiser has no knowledge of the existence of such materials on the subject property and is not qualified to detect such hazardous or toxic waste substances. The value estimated is predicated on the assumption of there being no such materials on or about the property to cause a loss in value.

10. It is assumed all applicable zoning, use regulations and restrictions have been complied with unless a non-conformity has been stated, defined, and considered in the appraisal report.
11. The appraiser has no personal interest or bias with respect to the subject matter of this appraisal report nor the parties involved.
12. No one, other than the appraiser whose signature appears on the letter page of this appraisal report prepared the analysis, conclusions and/or opinions concerning real estate set forth in this report.
13. All definitions used in this appraisal report, unless otherwise stated, are provided by *The Appraisal of Real Estate*, 10th edition, American Institute of Real Estate Appraisers, Chicago, Ill., 1987.
14. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the subject property to determine whether it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that this property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.
15. This appraisal assignment was not based on a requested minimum valuation, a specific valuation nor the approval of a loan.
16. Unless otherwise noted in this report, the property is assumed to have no violations of the Endangered Species Act. This appraiser is not qualified to detect or identify those animals or plants that may be categorized on the State or Federal lists. Should there be a question regarding this Act, an expert in the field should be consulted.

FUNCTION OF APPRAISAL:

The function of this appraisal is to assist Mr. Bruce Wimer in establishing a market value for the subject ranch, as of January 15, 2021.

AUTHORIZATION AND SCOPE OF APPRAISAL:

This appraisal was authorized by Mr. Bruce Wimer.

The appraisal involves the valuation of acres of farmland located between Chualar and Gonzales in Monterey County, California.

During completion of this appraisal report, the appraiser researched and reviewed available comparable sales in the subject's area. This appraiser analyzed all pertinent data to derive a value estimate.

DATE OF APPRAISAL INSPECTION:

The subject property was personally inspected by this appraiser on January 18, 2021. Photographs were also taken on this date.

INTEREST APPRAISED:

The interest appraised is to be the Fee Simple Estate.

MAP SOURCES:

Included as an integral part of this appraisal report are maps of the appraised property. These maps were prepared by Pettitt Lands, Inc. and although they do not purport to represent survey accuracy, it is believed they are substantially correct, and therefore, adequately serve as visual reference to the subject property. The information for the preparation of these maps was obtained from County Maps, Soil Maps, County Assessor's Parcel Maps, field inspections and the information available in the office of Pettitt Lands, Inc.

MONTEREY COUNTY DATA:

Monterey County takes its name from Monterey Bay, which was discovered in the early 1600's. One of the 27 original counties, Monterey County was established on February 18, 1850. Salinas replaced Monterey as the county seat in 1872.

There are three missions in Monterey County: Mission San Carlos, Mission San Antonio and the Soledad Mission. History lives in Monterey County and is sometimes called "Steinbeck County".

Monterey County has a total land area of 2,127,360 acres or 3,324 square miles and 105 miles of coastline. Approximately 62% of the county's land consists of agricultural and grazing land.

Monterey County's climate has been characterized as Mediterranean with year-round moderate temperatures in the 60's. Coastal fog is typical during the summer months and helps keep the temperature lower than further inland (San Joaquin Valley). The average rainfall is 13.6 inches per year. Approximately 90% of the annual rainfall occurs between November 1st and April 30th. The average length of growing season is 235 days.

Monterey County is governed by a five- member Board of Supervisors. There are 12 incorporated cities, each with elected city councils.

Monterey County is one the favored areas for year around outdoor recreation. The Monterey Peninsula is known as the "Golf Capitol of the World" with the renowned Pebble Beach Golf Courses. The spectacular coastline makes the beaches a favorite spot. Boating and sailing are popular along the Carmel and Monterey Bay. In south Monterey County, there are numerous boating activities on San Antonio and Nacimiento Lakes.

Monterey County has an estimated population of 415,000 with over 62% of the population being in the urban area of Salinas and Monterey.

Leaf lettuce was the top crop with a value of \$840,555,000. This represents an 14.6% increase from 2018 and is largely attributed to a better pricing for Romaine lettuce. Strawberries showed an increase of 4.9%. The increase mostly resulted from improved pricing for fresh strawberries.

2019 Top Ten Crops

1. Leaf Lettuce	\$840,555,000
2. Strawberries	\$732,761,000
3. Head Lettuce	\$514,088,000
4. Broccoli	\$457,390,000
5. Cauliflower	\$212,375,000
6. Misc. Vegetables	\$196,840,000
7. Celery	\$186,391,000
8. Wine Grapes	\$186,096,000
9. Nursery	\$143,979,000
10. Spinach	\$127,120,000

The top three major events held in Monterey County each year are the California Rodeo, California International Airshow and Weather Tech Raceway at Laguna Seca.

The California Rodeo is the biggest event in Salinas held each July. The California Rodeo is in the top ten rodeos in the United States and draws some 60,000 spectators for the four days and 800 contestants.

Another major even is the California International Airshow which is also held in Salinas each year in October. The two- day show draws 50,000 people.

The last major event is the Laguna Seca Raceway which is located on Highway 68 between Salinas and Monterey. The Weather Tec Raceway season begins with the American Motorcycle Grand Prix, the Historic Automobiles Races and the famous Indy Car Grand Prix.

Monterey County is diverse in population, mild climate and rich in history and resources. Monterey County will continue to draw newcomers and retain longtime residents.

LEGAL DESCRIPTION:

To brevity, the legal description involving the subject ranch is herein eliminated. The subject ranch is identified and referred to as Assessor's Parcel Number: 269-061-017 in Monterey County, State of California.

LOCATION AND GENERAL DESCRIPTION:

The subject ranch is located east of the 101 Freeway between Chualar and Gonzales with the town of Chualar to the north, Gonzales to the south, Old Stage Road to the east and the 101 Freeway to the west. The area is primarily agriculture consisting of row crops.

Salinas some 45 miles north is the county seat and has an estimated population over 160,000. Salinas consists of large shopping centers, county services, medical services, and crop processing facilities.

SIZE:

The Wimer Ranch has a total of 138.64 gross acres, in accordance with the Monterey County Assessor's Office. The subject ranch has 138.64 usable acres. Usable acres include crop area, interior roads, building areas and a storage yard. Excluded from this area would be any waste areas, and areas that do not provide a utility to the ranch.

THE SOIL:

Wimer Ranch

<i>Soil Name</i>	<i>Storie Index</i>	<i>% of Slope</i>	<i>Acres</i>	<i>% of Total</i>	<i>Soil Rating</i>
SaA	100	0-2	110.91	80	Class I
SbA	85	0-2	27.73	20	Class I
Total			138.64	100	

SaA = Salinas loam

SbA= Salinas loam

CROPS AND PRODUCTIVITY:

The subject ranch will grow all the typically grown crops in the area. Productivity is rated good to average.

TERRAIN:

The subject ranch is level to slightly slopping.

UTILITIES:

Electricity and telephone services are available to the subject ranch. Sanitation is by septic tank.

ZONING:

The subject ranch is zoned F/40 which is Farmland with 40-acre minimum building site.

HIGHEST AND BEST USE:

The Highest and Best Use for the subject ranch is mentioned in the zoning section as row crop farming. The row crop farming represents the fair test of highest and best use.

- (1) Physically possible - the land is suitable for row crop farming.
- (2) Legally permissible – row crop farming is legally permissible.
- (3) Financially feasible - conventional loans would be available.
- (4) Maximally productive – row crop farming would produce the highest price or value back to the ranches.

WATER:

The subject ranch has an irrigation well.

ASSESSOR'S PARCEL NUMBERS & ACREAGE:

Assessor's Parcel Number	Acreage
269-061017	138.64

HAZARDOUS MATERIAL:

This appraiser is aware of no hazardous material on or in the property or adjoining properties that would cause a loss in value. Hazardous or contaminating material, which may or may not be present in the property, was not observed by this appraiser, this appraiser has no knowledge of the existence of such material on or in the property.

MINERAL RIGHTS:

The legal description excludes a portion of the mineral rights from the property. The valuation of mineral rights is beyond the scope of this appraisal and the experience of this appraiser. Therefore, the mineral rights were not valued in this report. Should a valuation of mineral rights be required, it is recommended that a person qualified in mineral right valuation be contracted.

SALES COMPARISON APPROACH:

The sales comparison approach involved a direct comparison between properties that have sold and the subject property. In order to make equal comparisons between the sales and the subject, the sales are reduced to a price per usable acre as the unit of comparison. This method of comparison is the most widely used and understood in the local market.

Valuation Process:

In order to determine the current value for the subject a search was conducted for recent comparable sales in the market area. As a result of the investigation, several sales were discovered and analyzed, of which the most comparable sales are used in comparison to the subject.

There are ten basic elements of comparison that are typically considered by most market participants. The key to making adjustments for any of these elements focuses on the depth and quality of the sales confirmation process. The basic elements of comparison are:

- | | |
|----------------------------------|---|
| 1. Real Property Rights Conveyed | 2. Financing Terms |
| 3. Conditions of Sale | 4. Expenditures Made After Purchase |
| 5. Market Conditions (Time) | 6. Location |
| 7. Physical Characteristics | 8. Economic Characteristics |
| 9. Use (Zoning) | 10. Non-Realty Components of the Sale Price |

The fee simple interest or equivalent is conveyed in all the sales presented. Adjustments for cash equivalency are not needed. The economic characteristics and the highest and best use of the subject and the sales are nearly equal. A potential buyer or investor would give the property consideration for purchase. The same benefits/motivation of ownership are present in each.

A summary of the adjustments and comparable sales are included after the descriptions of the elements of comparison. Adjustments to the sales were made based on the following applicable elements of comparison.

Elements of Comparison:

Size:

Historical sales indicate that as a parcel increases in size the per acre value decreases. This is due, in part, because there are more available buyers for the smaller parcels. As the need increases for larger amounts of purchase money, or loan funds, the number of qualified buyers decreases.

Location/Access:

Parcels that are close to population centers and main transportation routes are most desirable and attract the highest prices. This adjustment also takes into account the various microclimates located throughout the valley. In addition, parcels that have road frontage rather than a deeded easement also attract higher prices.

Land Profile:

This adjustment accounts for the physical features of the property such as soil types, topography, water availability, zoning and flood hazard potential.

Adjustment Remarks:

Due to the complexity associated with comparing sales of this type, precise dollar adjustments are difficult to quantify and are generally not attempted by market participants. A relative percentage adjustment more accurately parallels the actions of these individuals. The following table is provided to assist the reader in understanding the symbol, definition, and value range of the adjustments.

SALES DATA:***Adjustment Grid***

<i>Symbol</i>	<i>Definition</i>	<i>Percentage Adjustment</i>
NE	Nearly Equal	0%-2%
SI/SS	Slightly Inferior or Superior	3%-12%
I/S	Inferior or Superior	13%-22%
CI/CS	Considerably Inferior or Superior	23% or more

Sales Grid

	<i>Subject</i>	<i>Sale #1</i>	<i>Sale #2</i>	<i>Sale #3</i>
Ranch	Wimer	Massa	Vosti	Cumming
Date Recorded	-	11-02-20	10-27-20	06-29-20
Location	Chualar	Chualar	Gonzales	Salinas
Sales Price	-	\$18,500,000	\$6,300,000	\$8,820,000
Improvement Value	-	-0-	-0-	-0-
Land Value	-	\$18,500,000	\$6,300,000	\$8,820,000
Deeded Acres	138.64	305.67	95.347	140.00
Usable Acres	138.64	305.67	95.347	140.00
Price Per Usable Acre	-	\$60,500	\$66,000	\$63,000

Adjustment

Time	-	-	-	-
Size / Usable	138.64	NE	NE	NE
Location	Chualar	NE	S	SS
Land Profile	-	NE	NE	NE
Overall Comparison	-	NE	S	SS
Adjustment		-	- 10%	- 5%
Indicated Value	-	\$60,500	\$59,000	\$60,000

The market in the subject area does not recognize any difference in value per acre for size.

Sale #1 is located north of the subject and just north of the town of Chualar-on-Chualar Road. Sale #1 is the most current sales in the subject area. Sale #1 is nearly equal to subject ranch in location, and land profile.

Sale #2 is located south of subject and just west of Gonzales-on-Gonzales River Road. Sale #2 is superior to subject in location with a portion of Sale #2 is in the city limits of Gonzales.

Sale #3 is located north of subject and just south of the Salinas Airport on Alisal Road. Sale #3 is slightly superior to subject in location.

The comparable sales indicate a market range in value from \$66,000 to \$60,500 per acre. After adjusting for characteristic differences, a tighter range from \$59,000 to \$60,500 per acre is determined. In determining the value for the subject, consideration was given to all the sales. Sale #1 was given the most weight being the most current sale and equal to subject in location. Based on this analysis, a value of \$60,500 per usable acre for Land Only was selected.

MARKET VALUE OF SUBJECT RANCH:

Wimer Ranch

138.64 usable acres @ \$60,500 per acre	= \$8,387,720
Plus: Improvements	= <u>\$ 63,000</u>
Total Value: Land & Improvements	= \$8,450,720
 Rounded to	 = \$8,450,000

INCOME APPROACH:

The Income Approach was not used, in my opinion, there were too many variables in the income and expenses to arrive at an accurate market value.

COST APPROACH:

The subject ranch improvements consist of a metal shop building. The shop is in fair to average condition. The contributory value of the shop is:

Description	Square Ft	Repl Cost per Sq.Ft.	Replacement	Depreciation %	Depreciated Value
Shop	3,000	\$35	\$105,000	40%	\$ 63,000
Improvement Value					\$ 63,000
Plus: Land Value					\$ 8,387,720
Total Value: Land & Improvements					\$8,450,720
Rounded to:					\$ 8,450,000

FINAL ESTIMATE OF VALUE:

The following is an estimated value for the subject ranch.

Wimer Ranch

Market Data Approach	\$8,450,000
Income Approach	Not Applicable
Cost Approach	\$8,450,000

Because the purpose of this appraisal is to estimate market value and the sales analyzed were remarkably like the subject, considerable weight is given to the Market Data Approach.

The Income Approach was not used as there are too many variables in the income and expenses. The Cost Approach was used to show the value of the shop.

The Market Value of the Wimer Ranch as of January 15, 2021 is estimated to be:

Eight Million Four Hundred Fifty Thousand Dollars

\$8,450,000

Addendums

Area Map

Location Map

Assessor's Map

Aerial Maps

Soil Map

Soil Information

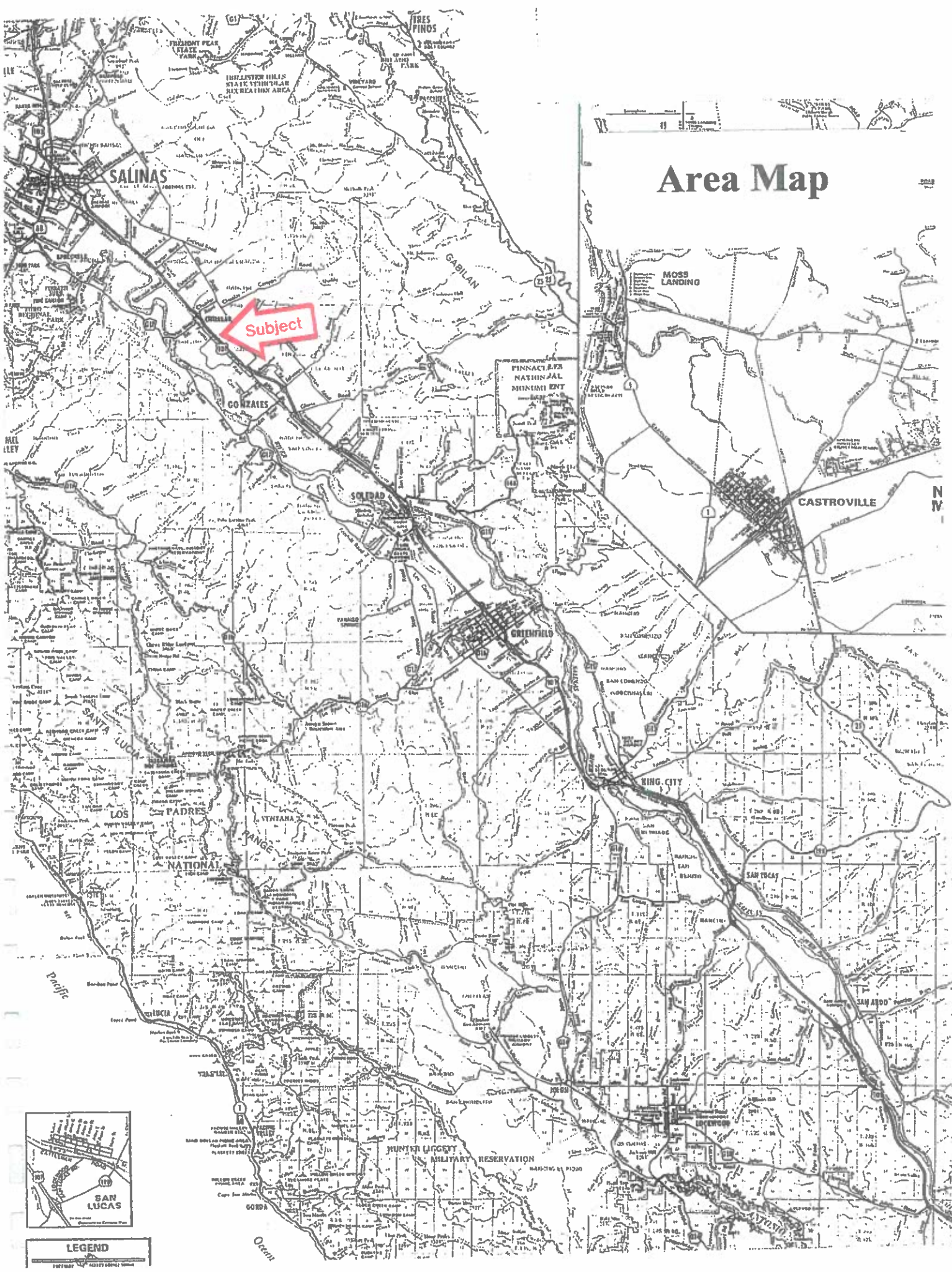
Zoning Map

Building Sketch - Shop

Sales Map & Sales Data

Photographs – Subject Property

Qualification



Area Map

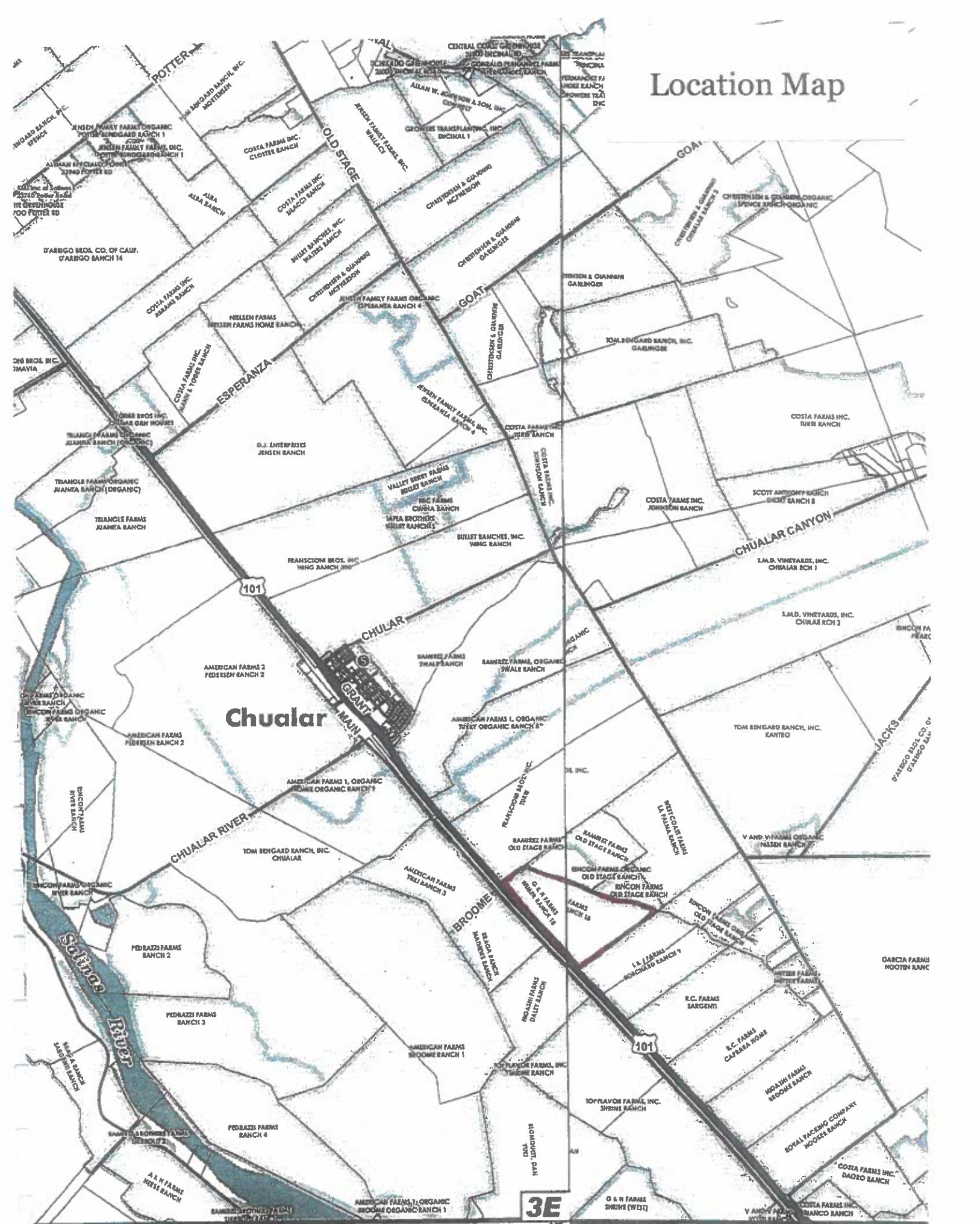
Subject



LEGEND

1:50,000 Scale
U.S. GEOLOGICAL SURVEY

Location Map

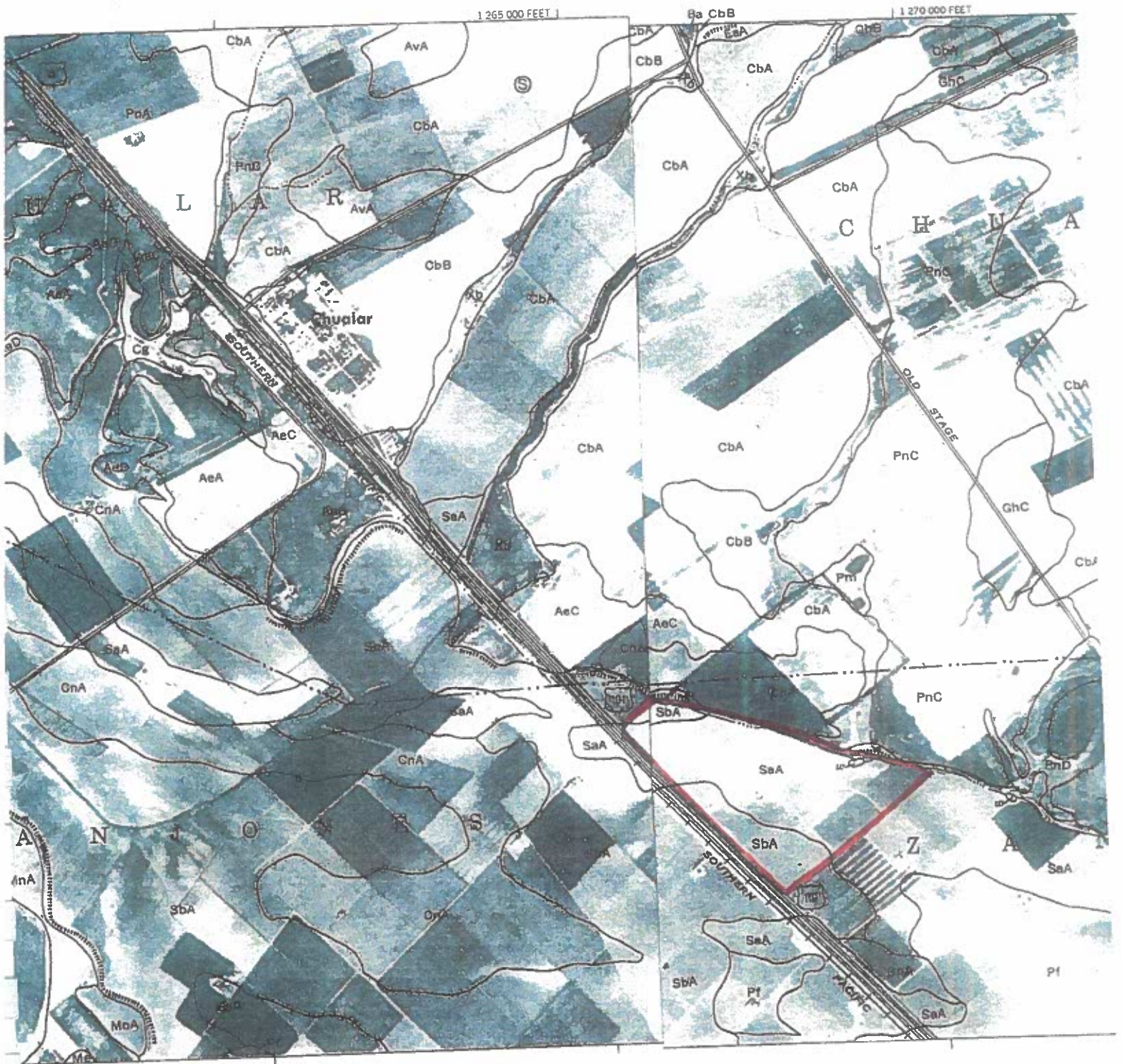




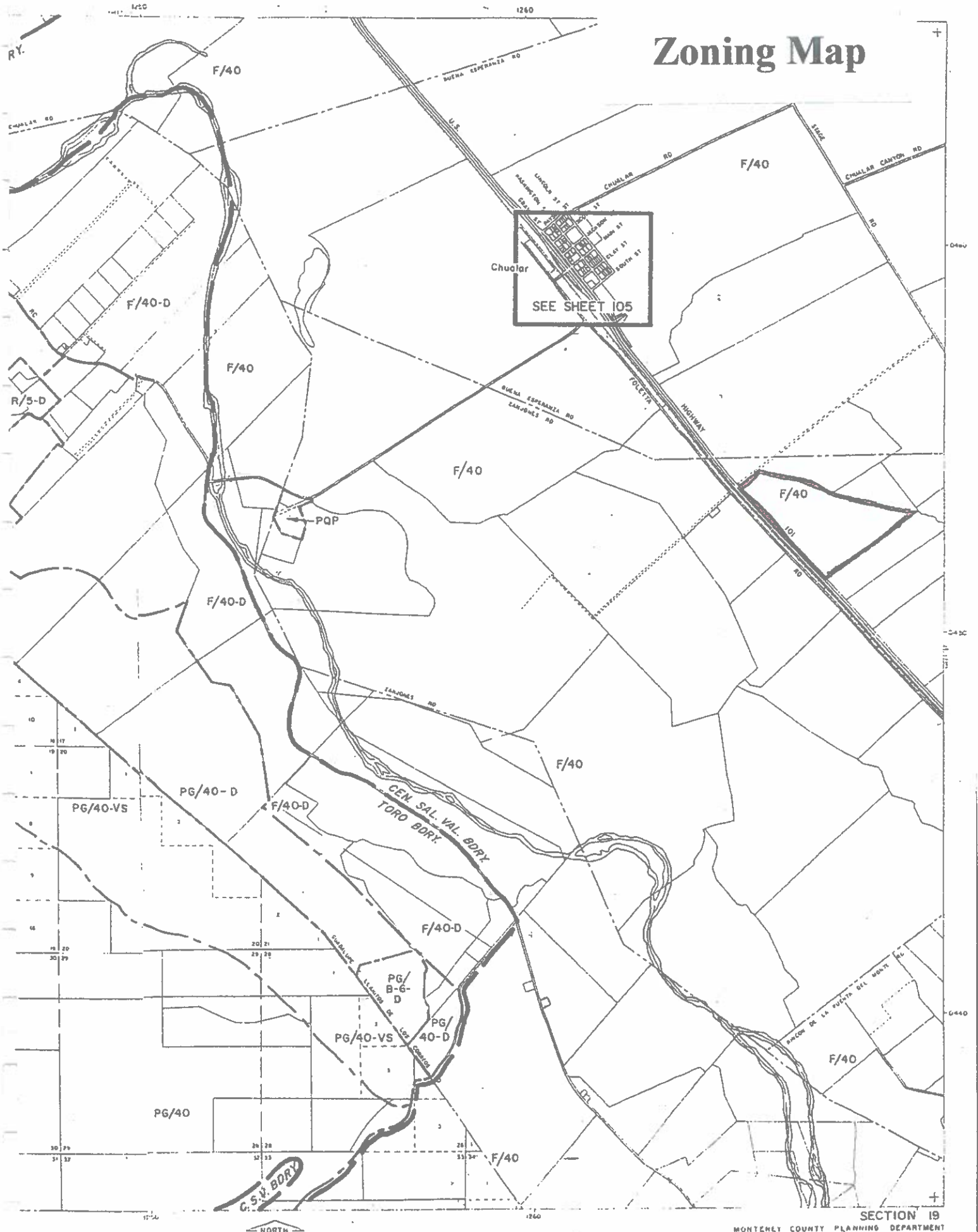
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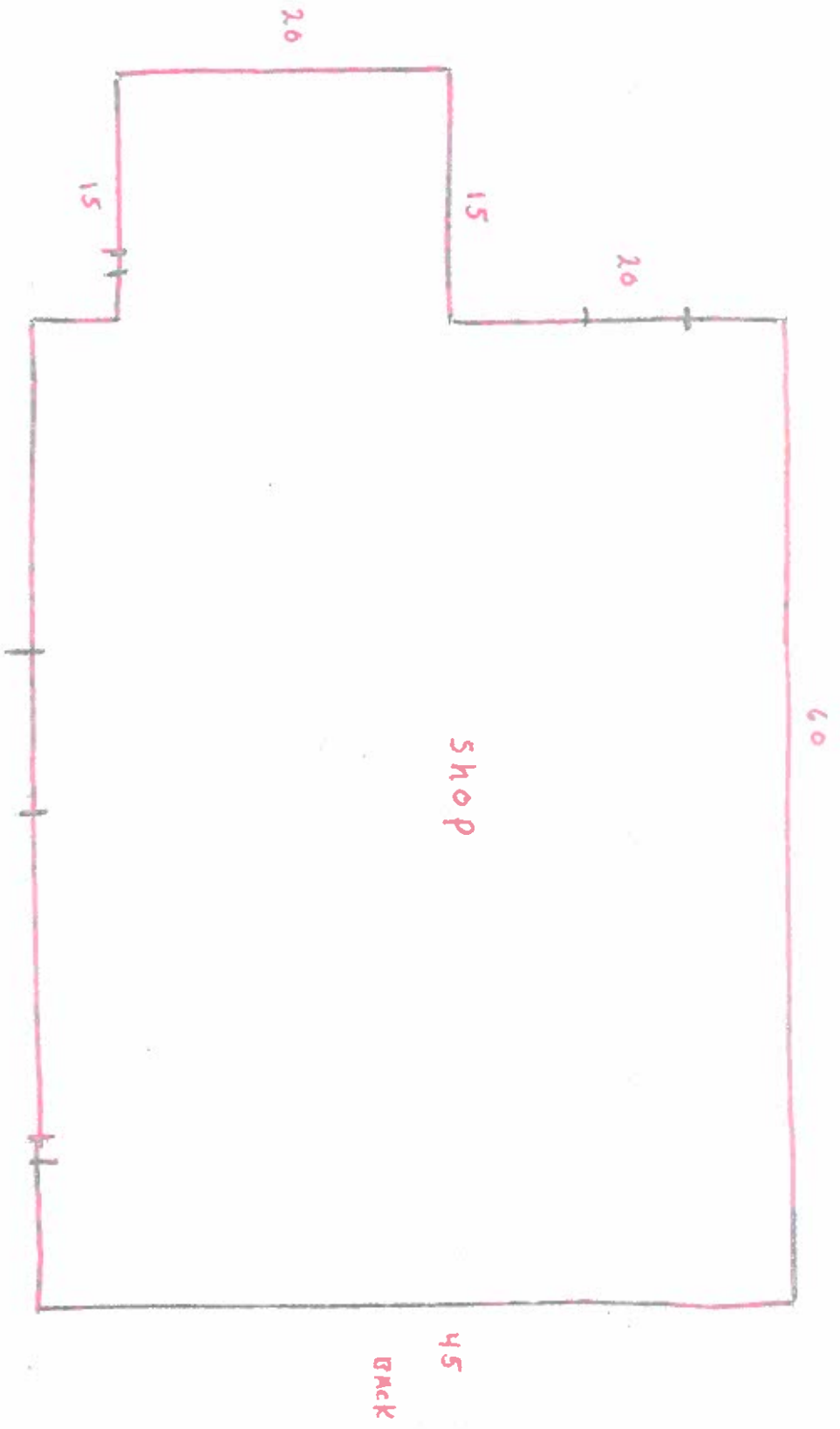
Aerial Map

Soil Map



Zoning Map





FRONT

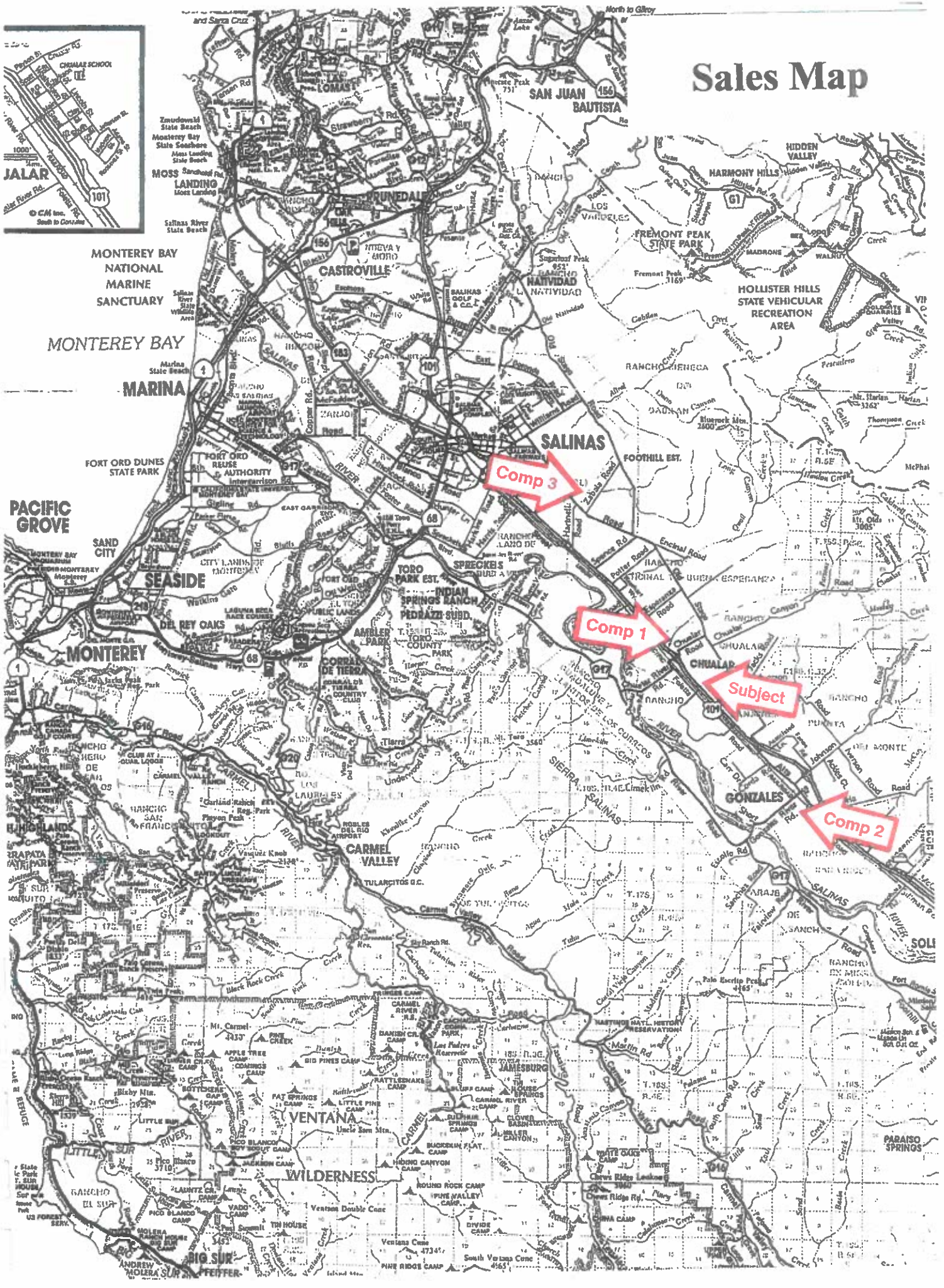
$$\begin{array}{rcl} 60 \times 45 & = & 2,700 \\ 20 \times 15 & = & 300 \\ \hline \text{TOTAL SQ. FT.} & & 3,000 \end{array}$$

Addendums

Sales Map

Sales Data

Sales Map



MONTEREY BAY
NATIONAL
MARINE
SANCTUARY

MONTEREY BAY
MARINA

PACIFIC
GROVE

MONTEREY

HIGHLAND

VENTANA

WILDERNESS

PARAISO SPRINGS

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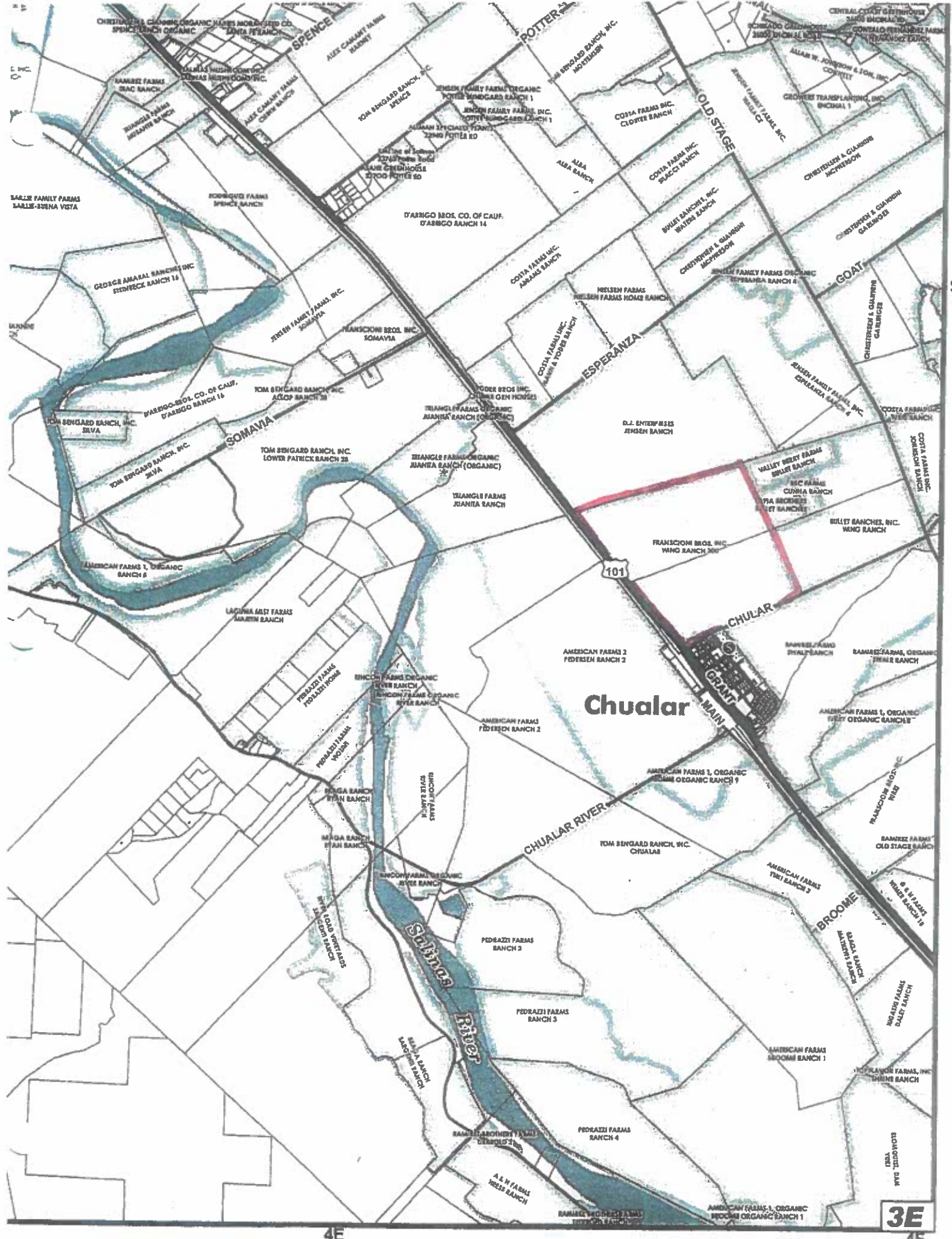
VENTANA

WILDERNESS

PARAISO SPRINGS

SALES DATA #1

RECORDED:	11-02-20	DOC. #20062815
GRANTOR:		William Massa
GRANTEE:		Yellow Juliet LLC
SALES PRICE:		\$18,500,000
SIZE (GROSS ACRES):		305.67
SIZE (USABLE ACRES):		305.67
PRICE PER GROSS ACRES:		\$60,500
PRICE PER USABLE ACRES:		\$60,500
ASSESSOR'S PARCEL NUMBER:		145-011064
LOCATION:		101 Freeway & Chualar Road
IMPROVEMENTS:		-0-
TOPOGRAPHY:		Level
ZONING:		Agricultural
PRESENT USE:		Row Crops



Chualar

CHUALAR RIVER

CHUALAR

BROOME

4E

3E

4F

PARCELQUEST



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SALES DATA #2

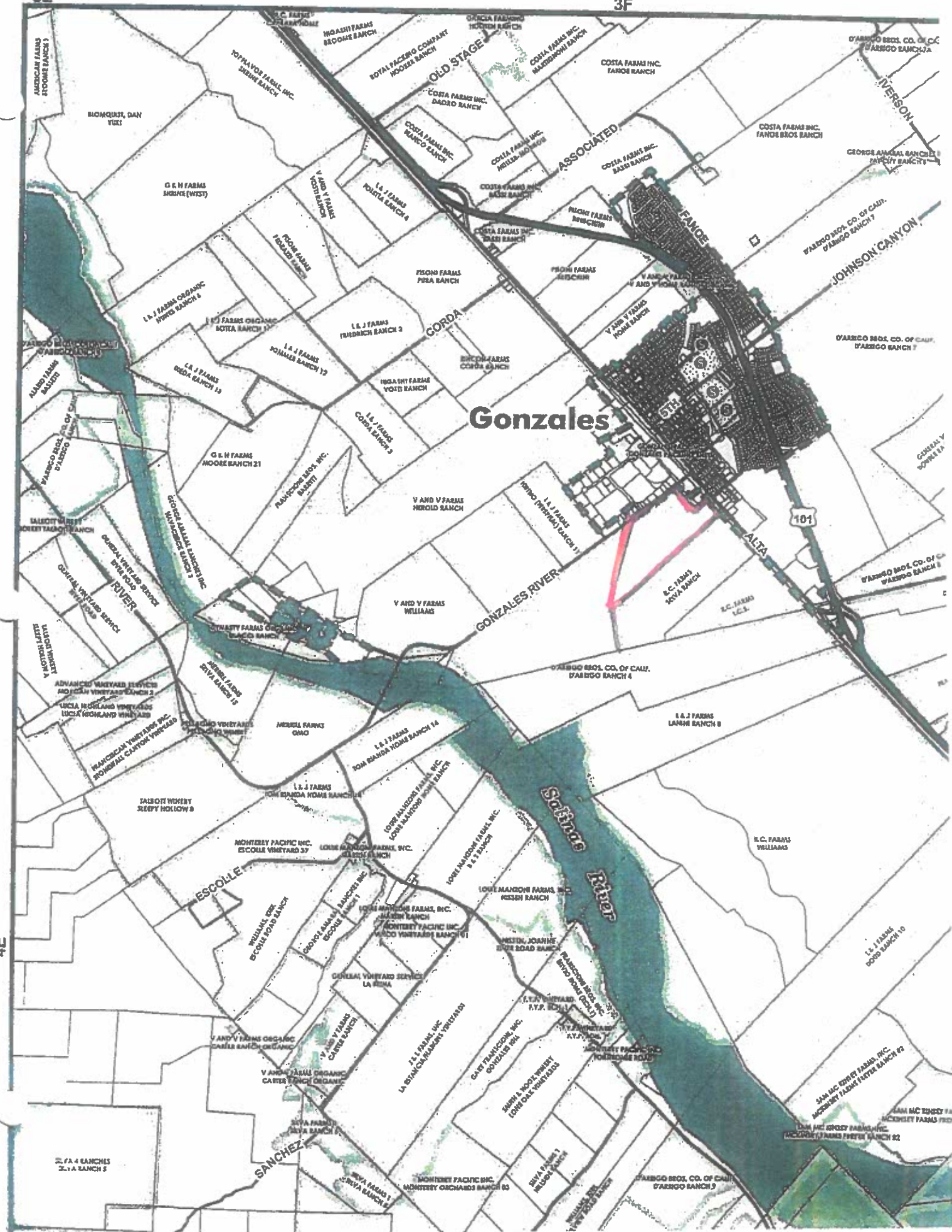
RECORDED:	10-27-20	DOC. #20061400
GRANTOR:		R C Vosti
GRANTEE:		DARRIGO
SALES PRICE:		\$6,300,000
SIZE (GROSS ACRES):		95.347
SIZE (USABLE ACRES):		95.347
PRICE PER GROSS ACRES:		\$66,000
PRICE PER USABLE ACRES:		\$66,000
ASSESSOR'S PARCEL NUMBER:		223-021-001,020-031-003 & 004
LOCATION:		Gonzales River Road west of Gonzales
IMPROVEMENTS:		-0-
TOPOGRAPHY:		Level
ZONING:		Agricultural
PRESENT USE:		Row Crops

3E

3F

4E

Gonzales





15 ParcelQuest www.parcelquest.com (888) 217-8999

SALES DATA #3

RECORDED: 06-29-20

DOC. #2003112

GRANTOR:

Andrew Cumming

GRANTEE:

Flatland Properties (Giannini)

[REDACTED]

[REDACTED] 8,450,000

SIZE (GROSS ACRES):

140.00

SIZE (USABLE ACRES):

140.00

PRICE PER GROSS ACRES:

[REDACTED] 63,000

PRICE PER USABLE ACRES:

[REDACTED] 63,000

ASSESSOR'S PARCEL NUMBER:

153-011-067

LOCATION:

Alisal Road -- south of Salinas

IMPROVEMENTS:

-0-

TOPOGRAPHY:

Level

ZONING:

Agricultural

PRESENT USE:

Row Crops

2D

2E

Salinas Airport

ABERT

BARDIN

HARTNELL

ZABALA

VALISAL

OLD STAGE

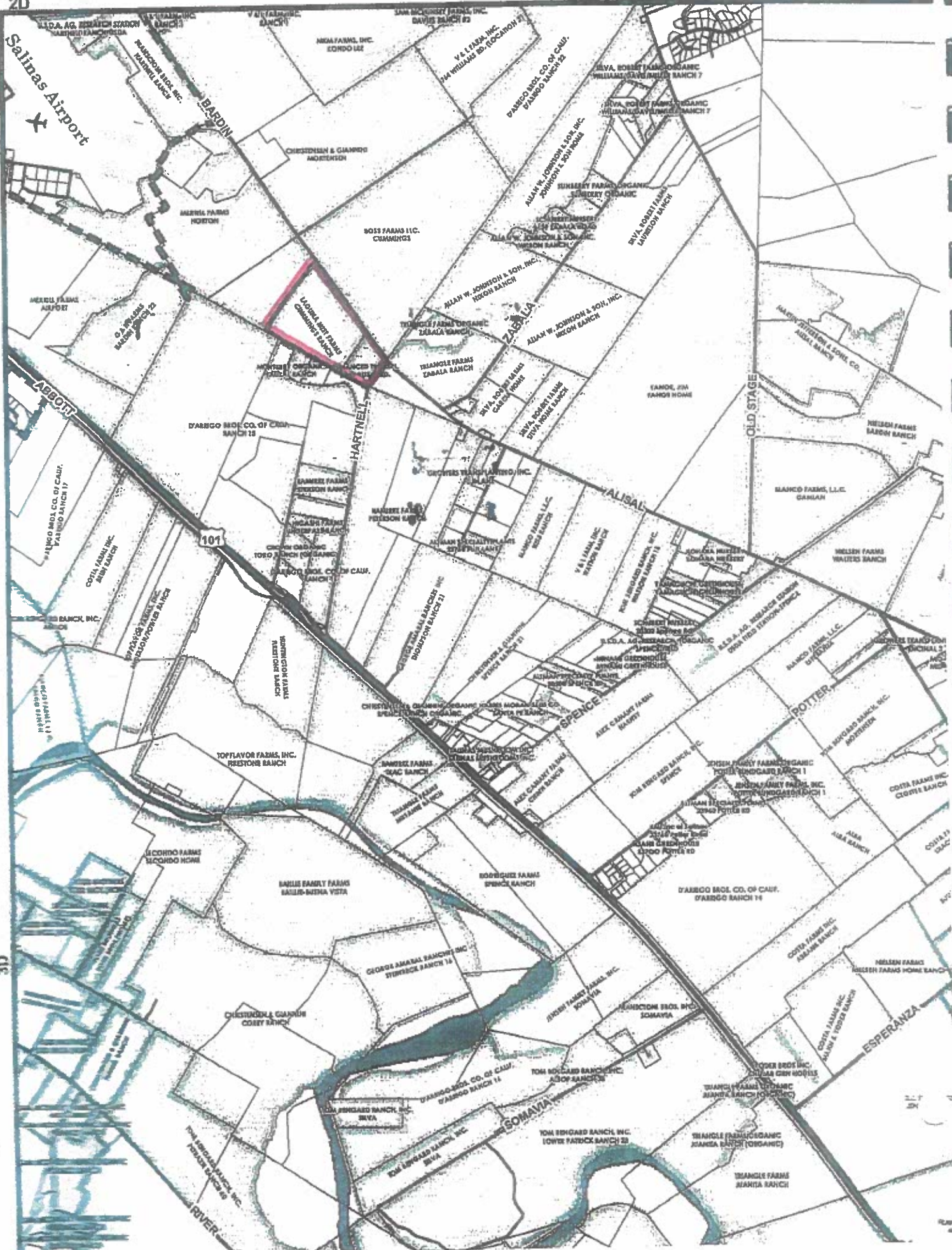
ROITER

ESPERANZA

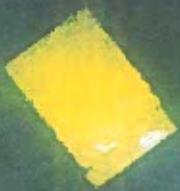
GOMAVIA

101

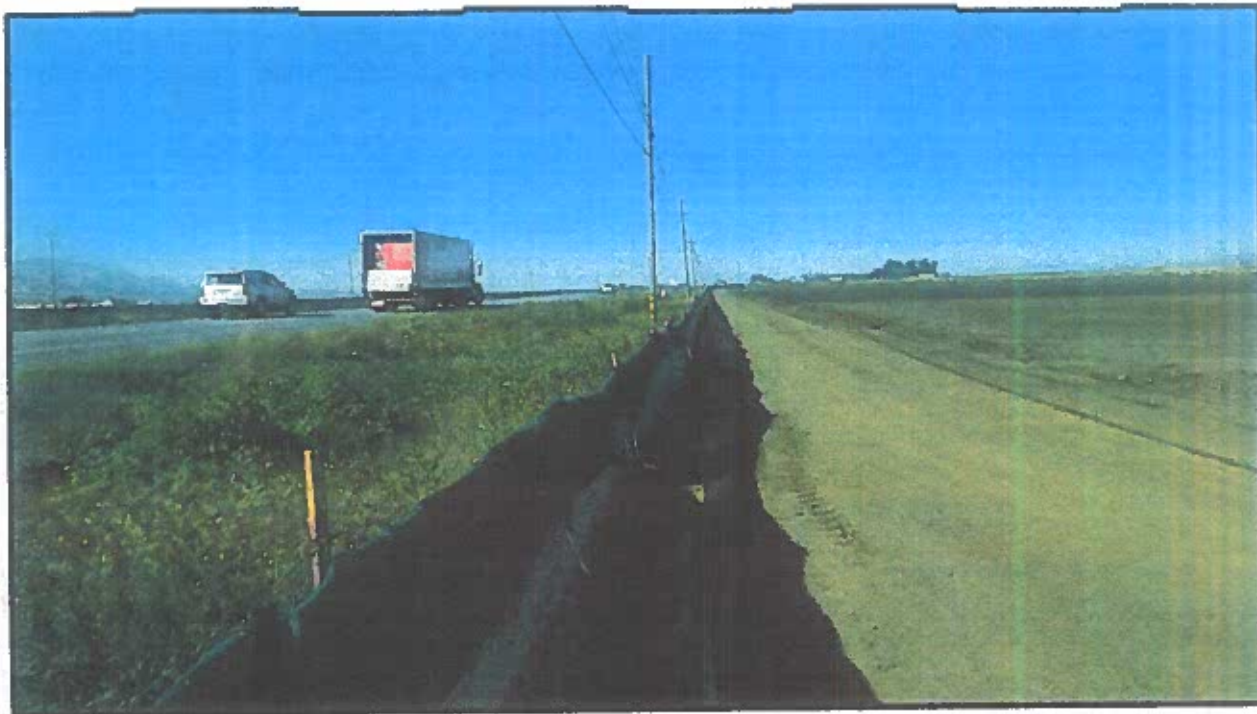
3D



4000 ft



Addendum
Photographs - Subject
Qualifications



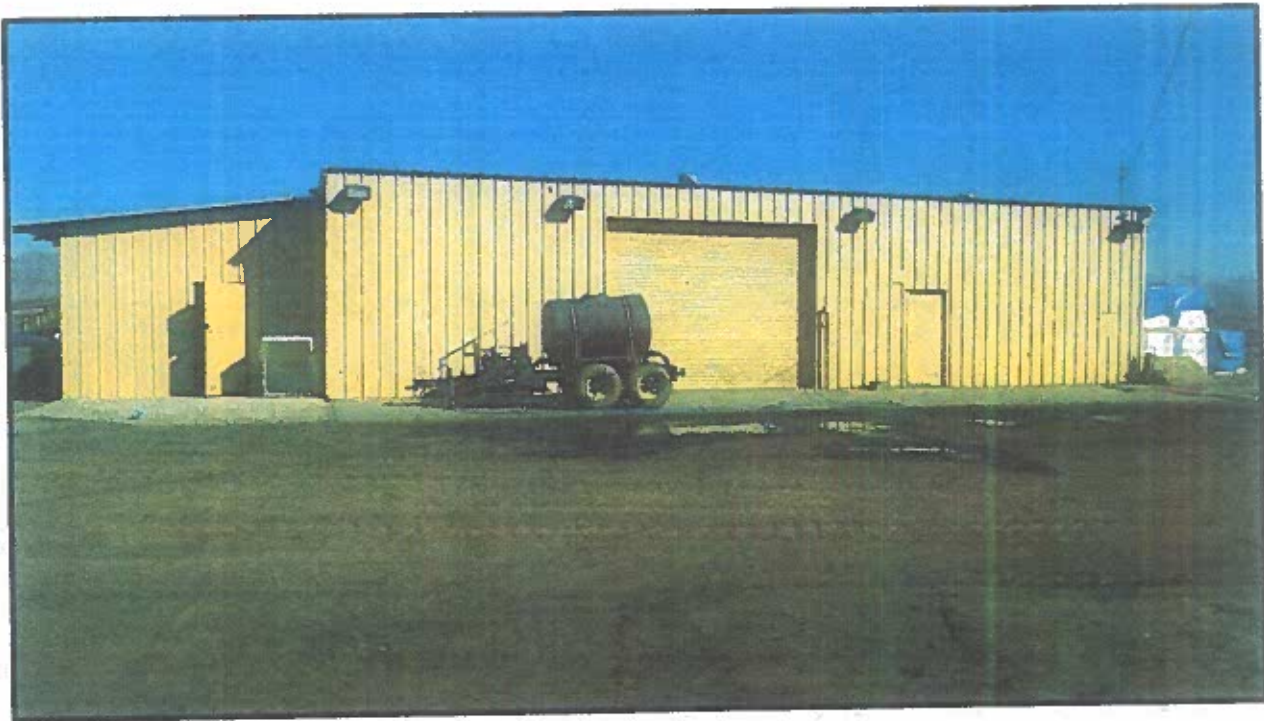
**Subject Ranch on right – 101 Freeway on left -
Town of Chualar in background**



Subject Ranch on left – 101 Freeway on right



Subject Ranch – Shop in background



Shop



Looking West at Subject Ranch



Looking East at Subject Ranch

Gavilan Mountain Vineyard Land Valuation



APPRAISAL OF:

**RCT LAND COMPANY
RANCHO CHUALAR, SHARPE, RAYMOND &
GAVILAN MOUNTAIN VINEYARD,
MONTEREY COUNTY,
CALIFORNIA**

REQUESTED BY:

**William Stoffers
Law Offices of William Stoffers
1418 S. Main Street
Salinas, CA 93901**

APPRAISAL AS OF:

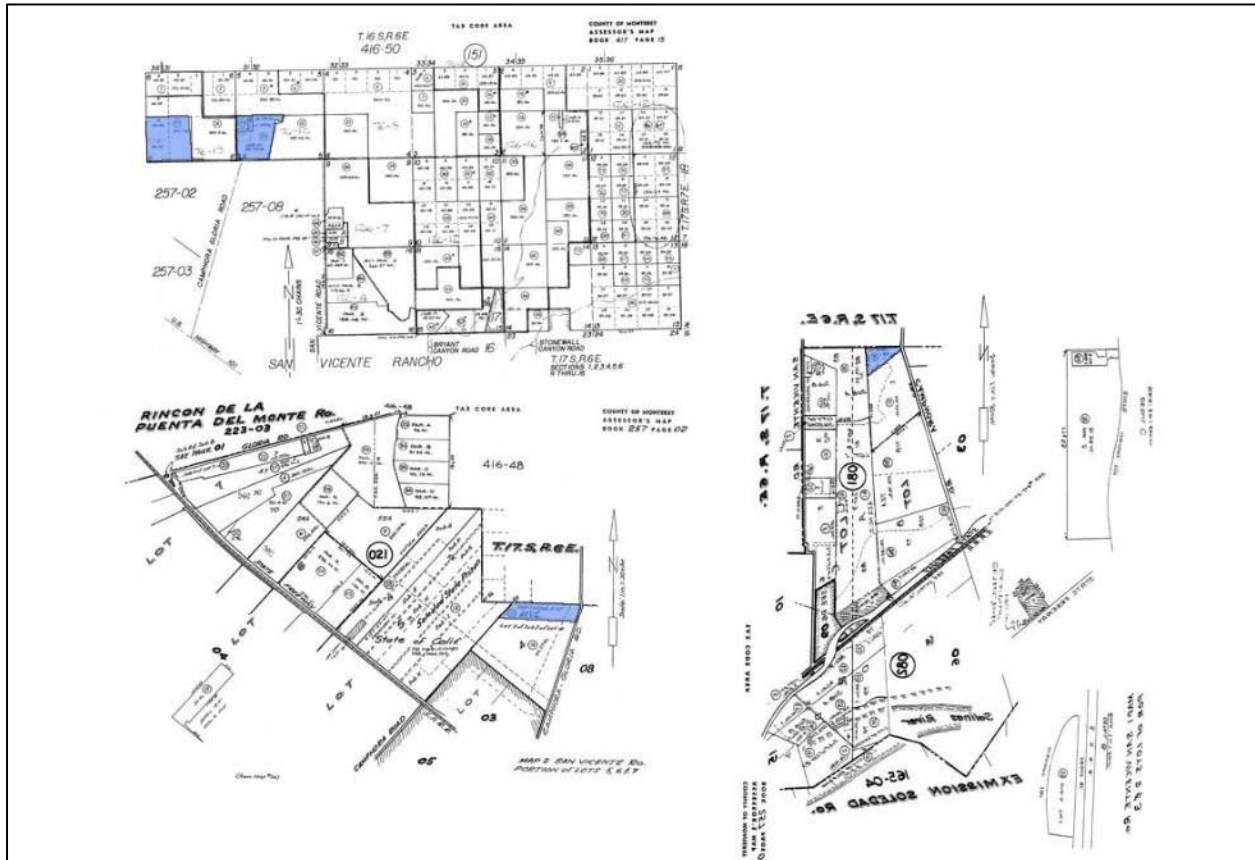
December 30, 2020

APPRAISED BY:

**John W. Piini, MAI
Chad Piini, Associate Appraiser
Piini Realty Inc.
263 Lincoln Avenue
Salinas, CA 93901**

GABILAN MOUNTAIN VINEYARD

ASSESSOR'S PARCEL MAPS



AERIAL PHOTOGRAPH



PICTURES

Camphora Gloria Road frontage at the southeast end of the subject facing east. The with the vineyard on both sides of the road and the entrance to the main residence.



Foothills of the Gabilan Mountain Range on the northeast side of the property showing the separated portion of Block 612.



Southwest end of the property facing north. The debris yard on the left is on the neighboring Soledad Prison.



LOCATION

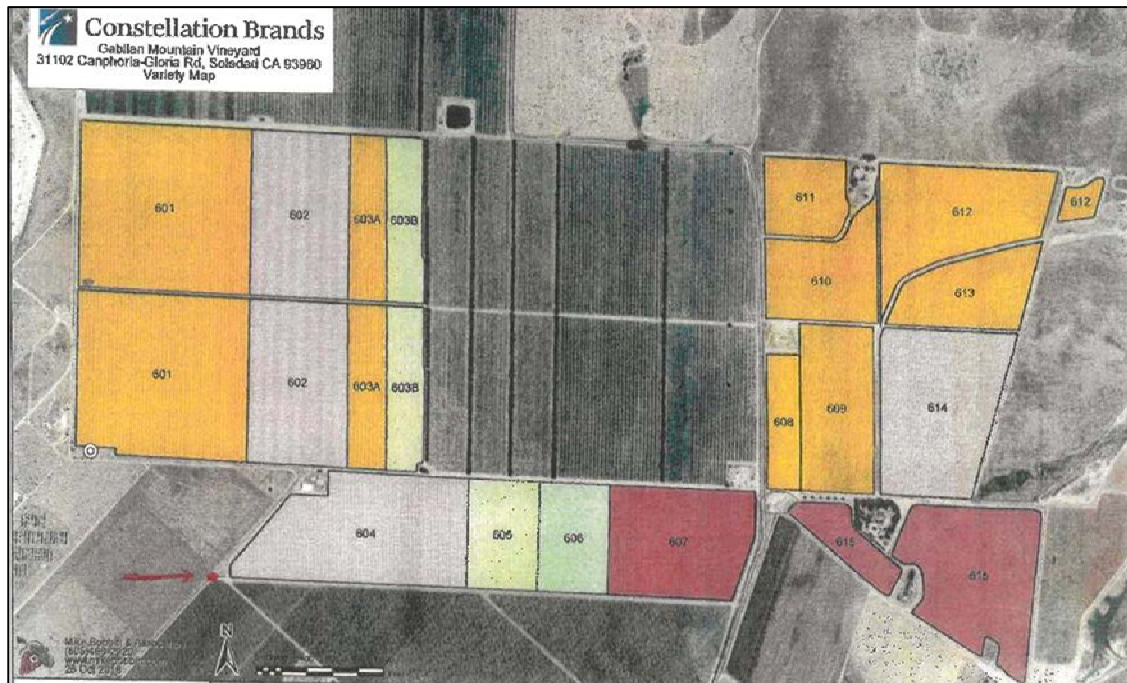
The Gabilan Mountain Vineyard is located at the base of the Gabilan Mountain Range and 1 mile south of the Raymond Vineyard. The western end of subject property borders the Soledad Prison. The surrounding land uses are dedicated to mostly viticulture.

SALE HISTORY

The Gabilan Mountain Vineyard was purchased by RCT Lands LP on April 10, 2020. The seller was Constellation Brand, who RCT Land Co had a long-term relationship involving the sale of wine grapes to them. The property was not offered on the open market and sold directly to RCT Land Co. at a purchase price of \$15,000,500. The sale was recorded under two separate deeds, which are summarized as follows:

April 10, 2021 Purchase of the Gabilan Vineyard			
Document No.	2020018022	2020018023	Totals
Revenue Stamps	\$14,561.80	\$1,938.75	\$16,500.55
APN's	257-021-013; 417-151-023, -024, -025 & -027	257-081-030	
Building improvements	One SFR and agricultural utility buildings	One custom SFR	
Gross and usable acres	370.39	40	410.39
Planted acres	344.25	30.66	374.91
Sale price	\$13,238,000	\$1,762,500	\$15,000,500

LAND AREA



The Gabilan Mountain Vineyard has an irregular U shape and contains a total land area of 410.39 acres. The majority of the acreage is usable for irrigated agricultural use with the exception of 3.5± acres of old reservoirs and the hill area at the northeast end.

The usable agricultural area is 406.9± acres, which includes 16 vineyard blocks that range from 6.32 to 78.13 net acres for a total net farming area of 374.91 acres. The remaining acreage consists of three building yards and internal roads. The following table summarizes the acreage breakdown of the Gabilan Mountain Vineyard:

Gross acres	410.39
Non usable acres	3.5
Usable acres	406.89
Less Building Yards	4.3
Usable farmland acres	402.59
Net vine acres	374.91
% of net to usable acres	93.1%

SOILS



The Gabilan Mountain Vineyard is composed of DG type soils. West of Camphora Gloria Road, which takes in approximately 60% of the farmland, the soils are Class 1 and 2 Chualar loam (CbA & CbB) and Danville sandy clay loam (DaA). These soils have a slope of 0 to 5% and suitable for both row crops and vineyards. The easterly end of the property abuts the foothills of the Gabilan Range and the soils are more strongly sloping with slopes up to 15%. These soils are mostly suited for vineyards and too sloping for row crop. The soils are summarized as follows:

<i>Soil Summary of the Gabilan Mountain Vineyard</i>					
<i>Soil Symbol</i>	<i>Soil Name</i>	<i>Slope</i>	<i>Farmland classification</i>	<i>Land capability classification if irrigated</i>	<i>Approx. percent of land area</i>
DaA	Danville sandy clay loam	0 to 2%	Prime	2-s	47%
DaC	Danville sandy clay loam	2 to 9%	Prime	2-e	6%
CbA	Chualar loam	0 to 2%	Prime	1-	3%
CbB	Chualar loam	2 to 5%	Prime	2-e	21%
GhC	Gloria sandy loam	2 to 9%	Not prime	3-e	1%
GhD	Gloria sandy loam	9 to 15%	Not prime	-	8%
GhF	Gloria sandy loam	9 to 15%	Not prime	-	4%
HbB	Hanford gravelly sandy loam	0 to 5%	Prime	2-s	10%
Totals					100%
<i>Source: USDA, National Cooperative Soil Survey</i>					

ACCESS

Access is provided by Camphora- Gloria Road, a county road that runs east from Highway 101 and provides access to farmlands along the Gabilan Mountain Range.

WATER

The subject property is improved with two wells. At the time of purchase there was one irrigation that was yielding approximately 750 gpm. In 2020, RCT Lands developed a second well that yields about 1,000 gpm. The new well is equipped with a 350 hp turbine pump that is powered by a diesel motor as power has yet to be extended. The cost for the new well and pumping plant was approximately \$500,000.

Water for the building improvements is provided from one domestic well.

BUILDING IMPROVEMENTS



There are three building yards on the property. The main yard is approximately 2.7 acres and situated on APN 257-081-030. This yard parcel is improved with a single-story Mediterranean style home that measures 3,500 square feet and has four bedrooms and 2.5 bathrooms. The residence was built on a concrete block foundation, wood siding with stucco finish, dual-pane windows and tile roof. The residence has a good quality of construction and is in average condition. The home is surrounded by a retaining wall and various trees surround the property for privacy. Since the sale the home has not been occupied and the surrounding landscaping is minimal and has not been maintained.

The second building yard is approximately 1.6 acres located on APN 417-151-024 & -025. This yard is improved with a two-story 1,800 square foot, three-bedroom and two-bath residence and an old barn. The residence was built on a concrete foundation, wood siding and asphalt shingle roof. The residence has an average quality of construction and is in fair condition. The barn is a wood frame structure with a shingle roof and is in very poor condition.

GABILAN MOUNTAIN VINEYARD

The third yard is at the southwesterly end of the property and is improved with a metal shed with a corrugated iron roof, and a 3,500 square foot, metal frame equipment shed.

VINEYARD IMPROVEMENTS

The property is improved with 374.91 net vine acres with five varieties, of which Chardonnay and Pinot Noir are the dominate grapes. The plantings occurred between 1992 to 2006 with varying spacing with 8 x 6 spacing being the most common. The average age of the vineyard is 21.7 years. A summary of the vineyard is the following:

<u>Variety</u>	<u>Net vine acres</u>	<u>%</u>	<u>Year Planted</u>	<u>Age</u>	<u>Spacing</u>
Chardonnay	6.32	1.7%	1992	29	12 x 7
Chardonnay	76.88	20.5%	1997	24	8 x 6
Chardonnay	78.05	20.8%	1999	22	8 x 6
Chardonnay	18.48	4.9%	2002	19	8 x 5
Pinot Noir	45.49	12.1%	1997	24	6 x 6
Pinot Noir	27.57	7.4%	2000	21	8 x 5
Pinot Noir	29.86	8.0%	2006	15	8 x 5
Syrah	52.18	13.9%	1999	22	8 x 6
Pinot Gris	10.88	2.9%	1999	22	8 x 6
Pinot Gris	18.24	4.9%	2002	19	8 x 5
Sauvignon Blanc	<u>10.88</u>	<u>2.9%</u>	1999	22	8 x 6
Total	374.83	100.0%	Avg age:	21.8	Avg. 983.2 vines/acre
Chardonnay	179.73	47.9%	Avg age:	23.5	
Pinot Noir	102.92	27.5%		20.0	

VINEYARD PRODUCTION AND REVENUE RECORDS

The production records for the past five years are the following:

<i>Gabilan Mountain Vineyard</i>			<i>Crop Production Records</i>					
<u>Variety</u>	<u>Acres</u>	<u>%</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Avg</u>
Chardonnay	179.73	47.9%	4.42	6.31	7.20	5.52	2.93	5.27
Pinot Noir	102.92	27.5%	4.91	4.06	5.42	5.10	4.33	4.77
Syrah	52.18	13.9%	4.20	2.74	6.98	3.54	1.50	3.79
Pinot Gris	29.12	7.8%	6.20	5.03	7.70	4.51	3.70	5.43
Sauvignon Blanc	10.88	2.9%	4.65	4.57	7.75	7.25	5.39	5.92
Total average tons per acre	374.83	100.0%	4.67	5.04	6.73	5.10	3.24	5.04

Grape sale records for 2016 through 2019 were not provided as the vineyard was owned and operated by Constellation. In 2020 Refco had the following grape sales:

<i>2020 Sales</i>			
<i>Variety</i>	<i>Tons Sold</i>	<i>Winery</i>	<i>Price per ton</i>
Chardonnay	526.3	Kendall Jackson	\$600
Pinot Noir	445.45	Caymus	\$2,000
Pinot Gris	107.64	Caymus	\$1,406
Sauvignon Blanc	58.69	Caymus and Puma	\$1,600

The sales to Caymus are part of a larger grape contract involving other vineyards operated by Refco. The grape contracts were not provided.

FLOOD HAZARD

The subject property is located within Zone X, an area outside the 100-year flood zone.¹¹

¹¹ FIRM Panel 06053C0625G, dated 4/2/2009.

ASSESSED VALUES & TAXES

The real estate taxes and assessments for the 2020-2021 tax year are as follows:

2020-2021 Assessed Valuations and Property Taxes		
APN's	257-021-013; 257-081-030; 417-151-023, -024, -025 & -027	
Net vine acres	374.91	
<i>Assessed Value</i>		
Land	\$11,059,119	
Structural Improvements	\$7,482,253	
Total Assessed Value	\$18,541,372	
<i>Property Taxes</i>		
State and Agency Taxes	Average agency tax rate: 1.13%	\$208,751
Direct Taxes	\$10,952	
Total Property Taxes	\$219,703	
Average tax per net acre	\$586	

The Gabilan Mountain Vineyard is not in a Land Conservation Contract.

LAND USE POLICIES

The subject is located within the County of Monterey and is zoned Farmlands (F).

HIGHEST & BEST USE

The historical use of the property is agriculture, a use that is consistent with the surrounding area and land use policies. Agriculture is the highest and best use of the land.

As improved

The property is improved with 374.91 net acres of vines that were planted between 1992 and 2002. Under current market conditions and considering the age of some of the vineyard blocks the 6.32 acres of 29-year-old Chardonnay are considered to be at the end of their physical life and do not contribute an added value. The remaining vines are consistent with the agricultural use and support an added value to the land.

VALUATION COMMENTS

The market valuation of the Gabilan Mountain Vineyard is similar to the Sharpe Ranch and includes several valuation steps. The first step is estimating the land value and following the land value, the contributory

GABILAN MOUNTAIN VINEYARD

value of the vines that support the highest and best use are estimated based on the cost, income and sales comparison approach.

LAND VALUATION - SALES COMPARISON APPROACH

The sales used for the Raymond Vineyard are used for the valuation of the land for the Gabilan Mountain Vineyard. The adjustments applied are similar other than the agricultural adjustment that takes into consideration the more sloping and marginal soils at the east end of the Gabilan Mountain Vineyard. The adjustment applied are the following:

Sale No.	1	2	3	6	7
Ranch name	Frew	SMD (Parcel 2)	Wing	Gabilan Mt.	Rincon
Sale date	8/24/2020	5/30/2018	11/2/2020	4/10/2020	10/30/2020
Location	Central Ave	Chualar Cyn Rd.	Chualar Cyn. Rd	Camphoria Gloria Rd	Iverson Rd
Nearest city	Greenfield	Chualar	Chualar	Soledad	Gonzales
Grantor	Frew	RCT Lands	Massa	Constellation	Jackson FF
Grantee	TB Central	Gill & Hitchcock	Yellow Juliet	RCT Lands	Nbinv
Deeded acreage	172.6	210.0	305.7	410.39	240
Non farmable acreage	0.0	0.0	0.00	1.7	<u>3.0</u>
Other land use acreage	<u>3.2</u>	<u>0.0</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Usable and irrigated farm acreage	169.4	210.0	305.7	408.7	<u>237.00</u>
Sale price	\$7,939,600	\$10,300,000	\$18,500,000	\$15,000,500	\$10,000,000
Sale Allocations and Adjustments					
Building improvement allocation	-\$100,000	-\$300,000	\$0	-\$475,000	\$0
Land allocation	\$7,839,600	\$10,000,000	\$18,500,000	\$14,525,500	\$10,000,000
Sale price per usable acre (rnd)	\$46,300	\$47,600	\$60,500	\$35,500	\$42,200
Market Condition Adjustment	0.0%	6.5%	0.0%	0.0%	0.0%
Time adjusted price	\$46,300	\$50,694	\$60,500	\$35,500	\$42,200
Agricultural adjustment	-12.5%	-27.5%	-27.5%	0.0%	-7.5%
Adjusted price per usable acre (rnd)	\$40,500	\$36,800	\$43,900	\$35,500	\$39,000

Based on the above the land value is concluded at \$37,500 per acre and includes consideration for the new irrigation well added after the April 2020 purchase. Hence,

Usable acres	408.7
Indicated value per usable acre	\$37,500
Indicated value from the sales comparison approach	\$15,326,250
Rounded to:	\$15,326,000

LAND VALUE ALLOCATION PER NET ACRE

For this particular property a land value allocation per net acre is necessary because the primary unit of measurement for the vineyard is the price per net acre. The overall land value was based on the per usable acre and in order to arrive at the value per net acre the building yards are deducted. The net acre land value of the vineyard is the following:

Net farmland allocation			
Land value			\$15,326,000
Less: Usable acres for Building Yards	4.3	\$37,500	\$161,250
Land value per usable acre of farmland			\$15,164,750
Net farmland acres			374.91
Land value per net acre			\$40,449
Rounded to			\$40,500

CONTRIBUTORY VALUE OF THE VINEYARD

The contributory value of the vineyard is predicated on the cost, sales comparison and income residual analysis.

Cost Approach

The cost approach is similar to the Sharpe Vineyard and is summarized as follows:

<i>Vine age</i>	<i>29 years</i>	<i>22-24 Years</i>	<i>19 - 21 years</i>	<i>15 years</i>	<i>Totals</i>
Net acres	0	274.36	64.29	29.86	368.51
Replacement cost per net acre	\$24,248	\$25,901	\$26,672	\$26,672	\$27,333
Effective age	30	23	20	15	
Expected life	30	30	30	30	
Straight-line depreciation	100.0%	76.7%	66.7%	50.0%	
Depreciation	\$24,248	\$19,857	\$17,781	\$13,336	
Vineyard value per net acre	\$0	\$6,043	\$8,891	\$13,336	
Totals		\$1,658,091	\$571,582	\$398,213	\$2,627,886
Average vine value per net acre					\$7,131
Add land value per net acre	\$40,500	\$40,500	\$40,500	\$40,500	\$40,500
Indicated value per net acre for land and vines					\$47,631
Rounded to					\$47,630

Vineyard Income Approach

In applying an income approach, the income residual method is utilized. This is a valuation approach whereby the value of one component is known (land value in this case) and after deducting the net income attributed to the land, any residual net income is capitalized to estimate the value of the remaining portion of the property, which is the vineyard improvements for this property.

The application of the income residual approach is the following:

<i>Gabilan Mountain Vineyard - Residual Income Analysis</i>								
<i>Variety</i>	<i>CD</i>	<i>CD</i>	<i>PN</i>	<i>PN</i>	<i>Syr</i>	<i>PG</i>	<i>SB</i>	<i>Totals</i>
Effective age	23	19	22	15	22	20	22	
Acres	154.93	18.48	73.06	29.86	52.18	29.12	10.88	368.51
Yield per ton projections	5.00	5.50	4.00	4.50	5.25	5.00	5.25	
Total tonnage projection	774.7	101.6	292.2	134.4	273.9	145.6	57.1	1,779.6
Grape price estimate	\$1,287	\$1,287	\$1,830	\$1,830	\$1,278	\$1,170	\$1,144	
Gross income	\$996,975	\$130,811	\$534,799	\$245,897	\$350,102	\$170,352	\$65,345	\$2,494,281
Average income per net planted acre	\$6,435	\$7,079	\$7,320	\$8,235	\$6,710	\$5,850	\$6,006	\$6,769
Expense estimate per net acre	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
Net income per acre	\$1,935	\$2,579	\$2,820	\$3,735	\$2,210	\$1,350	\$1,506	\$2,269
Land rent	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	<u>\$1,100</u>
Net income imputable to vines	\$835	\$1,479	\$1,720	\$2,635	\$1,110	\$250	\$406	\$1,169
Improvement capitalization rate								16.50%
Property tax rate								1.13%
Overall capitalization rate								17.63%
Capitalized value per net acre								\$6,630
Add land value per net acre								\$40,500
Indicated value per net acre for land and vines								\$47,130

Sales Comparison Approach

The vineyard sales described in the General Section of this appraisal are utilized in the sales comparison approach for the vineyard portion of the Gabilan Mountain Vineyard. Those sales are the following:

GABILAN MOUNTAIN VINEYARD

Sale No.	6	7	8	9	10
Vineyard Name	Gabilan Mt.	Rincon	Las Estancia	Stonewall	Paraiso
Sale date	4/10/2020	10/30/2020	5/22/2020	7/2/2019	7/5/2019
Nearest city	Soledad	Gonzales	Gonzales	Soledad	Soledad
AVA	Monterey	Monterey	Santa Lucia	Monterey	Santa Lucia
Grantee	RCT Lands	Nbinv	USV.	Global Ag	Red Stick
Net planted (plantable) acres	374.91	223.6	250.75	320.5	249.2
Fallow acres	0	0	0	0.0	0.0
Net plantable acres	374.91	223.6	250.75	320.49	249.2
Average vine age	21.7	27 years	12 years	17 years	7 years
Varieties	CH & PN	CH & PN	CH, PN & JR	CH	CH, PN & BL
Sale price	\$15,000,500	\$10,000,000	\$14,400,000	\$18,500,000	\$31,250,000
Building improvement allocation	-\$475,000	\$0	\$0	\$0	-\$4,450,000
Leasehold allocation	\$0	\$0	\$0	\$0	-\$3,400,000
Fallow land allocation	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Vineyard allocation	\$14,525,500	\$10,000,000	\$14,400,000	\$18,500,000	\$23,400,000
Vineyard allocation price per net acre (rnd)	\$38,700	\$44,700	\$57,400	\$57,700	\$93,900

Sale 6 is a 2020 sale of the Gabilan Mountain Vineyard that was purchased by RCT Land Company. The sale price of \$38,700 per acre includes all of the vineyard acreage. For this analysis, only the younger vines are included and the property also has a new well since this sale. A higher value would be expected for the subject.

Sale 7 is a 2020 sale involving a 27 year old vineyard that was near the end of its economic life. The vineyard was removed after the sale and has since been replanted. The sale has a similar location to the subject, but the age of the vineyard is inferior.

Sale 8 is another 2020 sale involving a Santa Lucia AVA vineyard with an average age of 12 years. In comparing the location to the subject, a location adjustment of -20% is appropriate which would adjust this sale to about \$46,160 per acre. Reportedly though, the vineyard had not been properly managed for several years and at the time of sale the grape contracts were low and most the grapes did not have contracts. Considering these factors, a higher value would apply.

Sale 9 is a 2019 sale of a Chardonnay vineyard located on the east side of the Salinas Valley and comparable to the subject. This sale averaged \$57,700 per acre, which is a similar price to the more recent Santa Lucia AVA sale. Considering the drop in market conditions between 2019 and late 2020, and the favorable grape contract associated with this sale a downward adjustment of 15 to 20% would apply resulting in an adjusted price range of about \$46,000 to \$49,000.

In the final analysis, a range of \$46,000 to \$49,000 per acre is considered a reasonable value range for the vineyard portion of the subject, from which a value of \$46,500 per net acre is concluded from the sales comparison approach.

RECONCILIATION OF THE VINEYARD VALUE

Value per net acre indicated by the cost approach	\$47,630
Value per net acre indicated by the income approach	\$47,130
Value per net acre indicated by the sales comparison approach	\$46,500

Based on the analysis conducted, the value range indicated from the three approaches is shown above, from which a value of \$47,000 per net acre is concluded, which results in the following.

Net vineyard acres that contribute an added value	368.51
Vineyard value per net acre	\$47,000
Less land value per net acre	\$40,500
Value of the vineyard improvements per net acre	\$6,500
Value of the vineyard improvements	\$2,395,315
Rounded to	\$2,395,000

CONTRIBUTORY VALUE OF THE BUILDING IMPROVEMENTS

The subject property is improved with two dwellings and the contributory value of the buildings is predicated on the cost approach and income approach, which are summarized as follows:

Cost Approach

<i>Description</i>	<i>Size</i>	<i>Replacement Cost per unit</i>	<i>Repl. Cost</i>	<i>Depr. Factor</i>	<i>Depr.</i>	<i>Depreciated value</i>
Residence	3,500	\$175.00	\$612,500	40%	\$245,000	\$367,500
Second Residence	1,800	\$150.00	\$270,000	50%	\$135,000	\$135,000
Totals			\$882,500		\$380,000	\$502,500
Rounded to						\$503,000

Income Approach

<i>Description</i>	<i>Unit of measure</i>	<i>Units</i>	<i>Monthly Rent per unit</i>	<i>Monthly Income</i>
Residence	LS	1	\$2,500	\$2,500
Second Residence	LS	1	\$1,900	<u>\$1,900</u>
Total monthly income				\$4,400
Gross Annual Income				\$52,800
Vacancy and collection loss			5.0%	\$2,640
Effective gross income				\$50,160
Lessor expenses				
Insurance				\$2,500
Management			5.0%	\$2,508
Repairs and reserves			5.0%	<u>\$2,508</u>
Lessor expenses, excluding taxes				\$7,516
Net income				\$42,644
Capitalization rate			8.00%	
Agency tax rate			<u>1.13%</u>	
Overall capitalization rate				9.13%
Capitalized value of buildings				\$467,287
Rounded to				\$467,000

Value derived from the cost approach	\$503,000
Value derived from the income approach	\$467,000
Contributory value of the building improvements	\$475,000

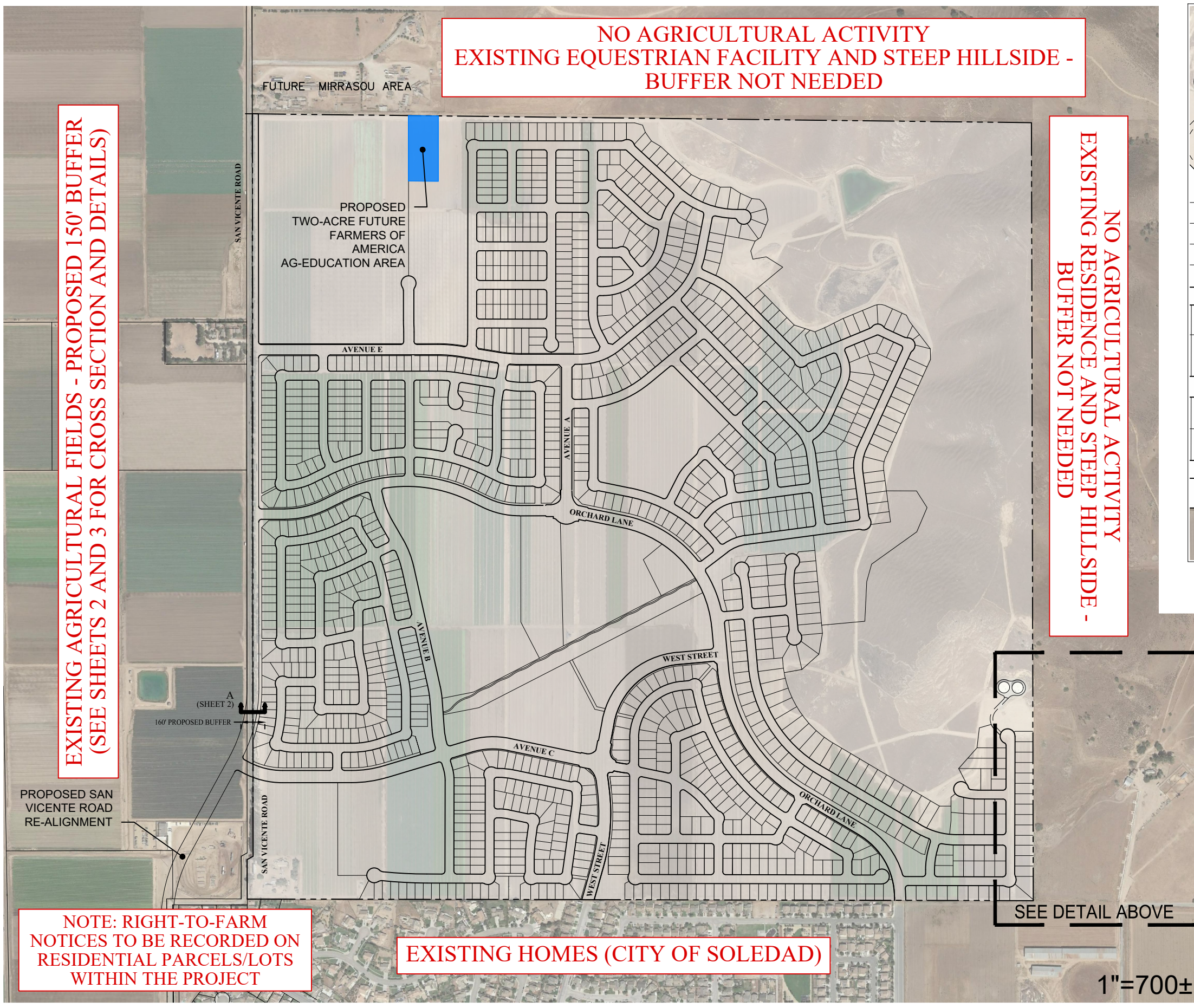
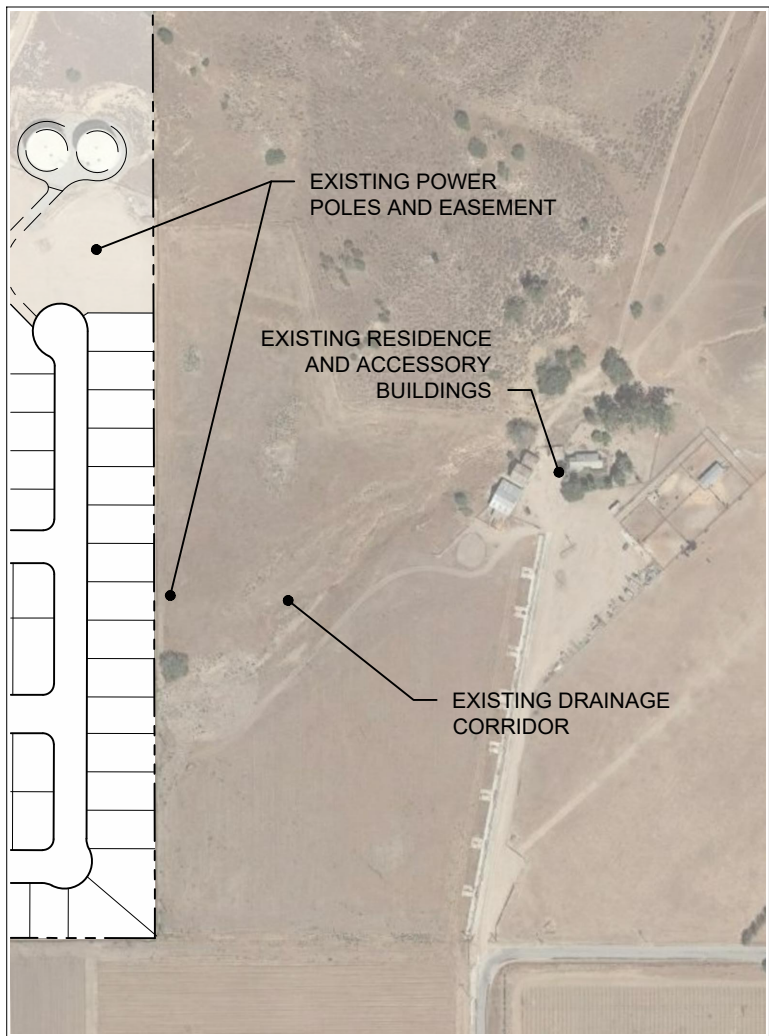
MARKET VALUE SUMMARY

Gabilan Mountain Vineyard - Market Value Summary	
<i>Description</i>	<i>Value</i>
Land Value	\$15,326,000
Add: Contributory value of the vineyard improvements	\$2,395,000
Add: Contributory value of the building improvements	\$475,000
Market value of the Gabilan Mountain Vineyard	\$18,196,000

Western Buffer Exhibit

E
APPENDIX

FILE PATH: W:\JOBS 20\202015 - MIRAMONTE\DRAWINGS\PRELIM\EXHIBITS\2021-05\MM - AG BUFFER 2021-05-25.DWG



- NOTES:
- 1. RIGHT-TO-FARM NOTICES TO BE RECORDED ON RESIDENTIAL PARCELS/LOTS WITHIN THE PROJECT.
 - 2. THE PROJECT MAY BE PHASED AT THE DEVELOPER'S OPTION.

SHEET 1 OF 3

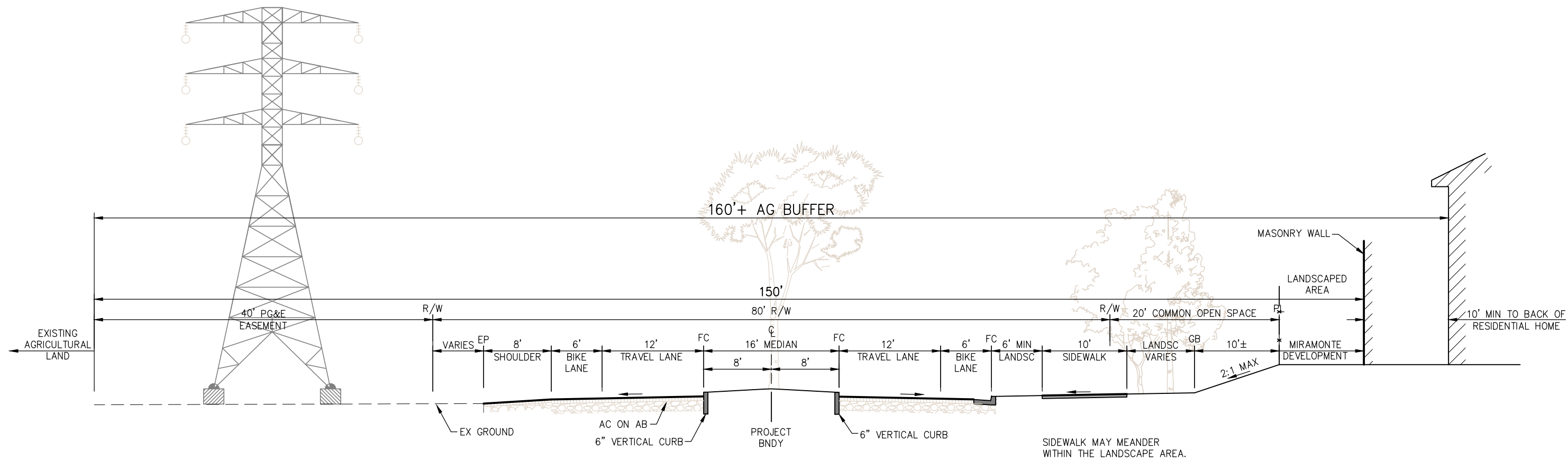
AG. MITIGATION EXHIBIT

SITE PLAN

MIRAMONTE
SOLEDAD, CALIFORNIA
MAY, 2021

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ■ PLANNERS ■ SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

FILE PATH: W:\JOBS 20\202015 - MIRAMONTE\DRAWINGS\PRELIM\EXHIBITS\2021-05\MM - AG BUFFER 2021-05-25.DWG

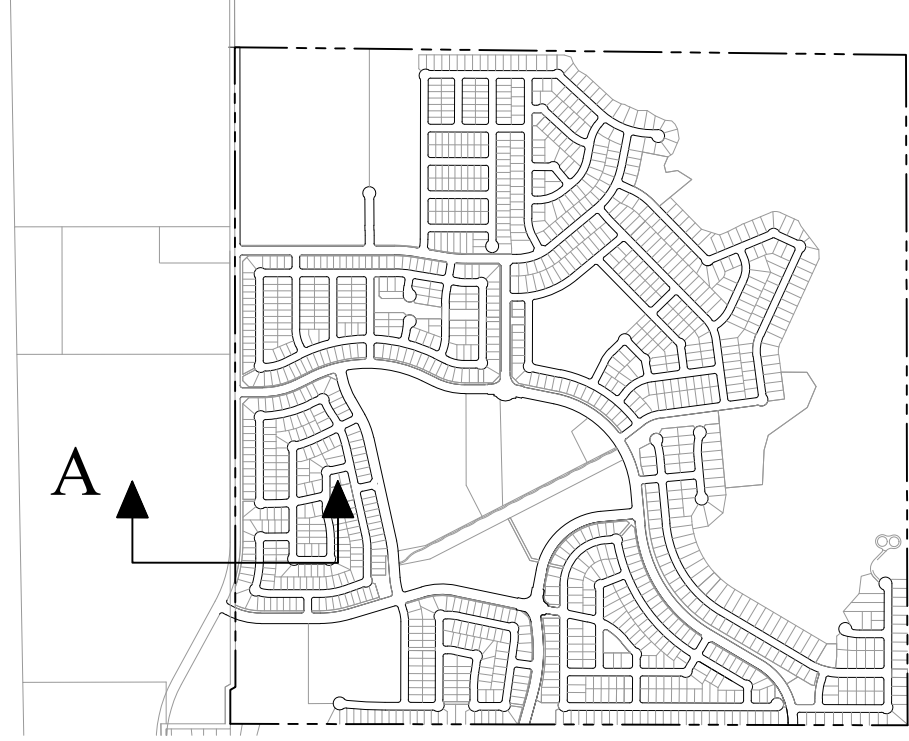


(A)

SAN VICENTE ROAD
NO SCALE

PROPOSED WESTERLY AG BUFFER CROSS-SECTION

SEE SHEET 3
FOR DETAILS



AG. MITIGATION EXHIBIT
SECTION
MIRAMONTE
SOLEDAD, CALIFORNIA
MAY, 2021

NTS

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RESOLUTION NO. 5816

DETERMINATIONS BY THE CITY COUNCIL OF THE CITY OF SOLEDAD TO ADOPT THE MIRAMONTE AGRICULTURAL MITIGATION PLAN, CONSISTENT WITH THE 2016 MOA SECTION 6 POLICIES FOR THE PRESERVATION AND PROTECTION OF AGRICULTURAL LAND

WHEREAS, the City of Soledad recognizes the importance of prime farmland resources in Monterey County and the need to protect adjoining agricultural lands, prevent their premature conversion to other uses, and to minimize potential conflicts between urban development and adjacent agricultural uses; and

WHEREAS, the City of Soledad and Monterey County entered into an agreement in 2016 that requires that these two entities work cooperatively on common planning, growth, and development issues in the City of Soledad; and,

WHEREAS, the City of Soledad has worked cooperatively with Monterey County to guide development away from prime farmland resources located west of U.S. Highway 101 within the City of Soledad General Plan Planning Area; and,

WHEREAS, the City of Soledad 2005 General Plan predates the 2016 MOA and focuses future growth in defined expansion areas located east of U.S. Highway 101 within the General Plan Planning Area; and

WHEREAS, Section 2 and Section 6 of the 2016 MOA call for the City to establish an Agricultural Mitigation Plan and an Agricultural Land Conservation Program with the intent of preserving agricultural land outside a Permanent Agricultural Edge, prevent the premature conversion of agriculture within the 2016 MOA Urban Growth Boundary, and protect ongoing agricultural uses within the Urban Growth Boundary until such time as they may be developed consistent with general plan land use designations; and

WHEREAS, the City has made application to the Local Agency Formation Organization for the County of Monterey (hereinafter LAFCO) for a Sphere of Influence Amendment and Reorganization for the Miramonte Specific Plan and related improvement to San Vicente Road, hereinafter “Miramonte Annexation Area”; and

WHEREAS, the proposed Miramonte Annexation Area is within the 2016 MOA Urban Growth Boundary; and

WHEREAS, the loss of Prime Farmland/Farmland of Statewide Importance that would result from development of the annexation area was studied in the certified Miravale III Specific Plan EIR (EIR) and the Addendum to the Miravale III Specific Plan EIR (EIR Addendum) certified by the City of Soledad in 2010 and 2018, respectively; and

WHEREAS, during consideration of the EIR and EIR Addendum the City Council determined that the loss of prime farmland resulting from development would be a significant and unavoidable

impact with mitigation, for which the City Council made CEQA findings and adopted a statement of overriding considerations as noted in City Council Resolution #5431 incorporated herein by reference; and

WHEREAS, after a public hearing at a regular meeting on November 7, 2018, the City Council directed staff to initiate consultation with Monterey County LAFCO for application of Sphere of Influence amendment and Reorganization for lands within and adjoining the Miramonte Specific Plan area as set forth in City Council Resolution # 5435 incorporated herein by reference; and

WHEREAS, City staff prepared and submitted the application and received LAFCO comments including a requirement for the preparation of an agricultural mitigation plan for the annexation land area; and

WHEREAS, Project Developer has proposed an agricultural conservation easement mitigation that is consistent with Miramonte Agricultural Mitigation Plan; and

WHEREAS, on May 18, 2022, the City Council conducted a public hearing to review the Miramonte Agricultural Mitigation Plan for the proposed annexation area, prepared by EMC Planning Group under contract with the City of Soledad; and

WHEREAS, at said meeting, the City Council received and reviewed the Miramonte Agricultural Mitigation Plan attached hereto as **“Exhibit A”**, related informational staff report, accepted public comments on the report and concluded said hearing on that date; and

WHEREAS, the City Council determined that the proposed Miramonte Agricultural Mitigation Plan provides clear policy guidance and is consistent with the 2016 MOA policies requiring the provision of 1) 1:1 compensatory mitigation to offset the loss of prime agriculture from development, 2) temporary and permanent agricultural buffers, and 3) Right-to-Farm deed restrictions for urban development adjacent to agricultural uses.

NOW, THEREFORE, BE IT HEREBY RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF SOLEDAD FINDS AS FOLLOWS:

1. The foregoing recitals are true and correct and are incorporated herein by this reference
2. That there is a strong public interest in the preservation of agricultural lands surrounding the City in order to maintain vital and essential historical, cultural, and economic resources to the community.
3. It is in the interest of public health, safety, and general welfare to discourage urban sprawl, and preserve open space and prime agricultural lands by requiring agricultural mitigation when agricultural lands are being converted to urban purposes.
4. The purpose of the Miramonte Agricultural Mitigation Plan is to establish a consistent implementation framework for agricultural mitigation within the Miramonte Annexation Area over the lifetime of its development.

5. Upon review of the agenda report and evidence provided therein, the proposed Miramonte Agricultural Mitigation Plan is consistent with the agricultural policies within the 2016 MOA.
6. The developer-proposed agricultural land conservation easements are proposed at a 1:1 acre ratio and meet the Cortese Knox Hertzberg Act definitions of Prime Farmland.
7. The lands being offered as developer-proposed agricultural land conservation easements meets the qualifications of equal or better-quality farmland than the Prime Farmland within the Miramonte Annexation Area based on the following criteria:
 - a. The land being offered has not been developed for a use other than an agricultural use;
 - b. Are lands that qualify for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
 - c. Are lands that qualify for rating 80 through 100 Storie Index Rating.
 - d. Are lands in active agricultural production planted with vines and crops that have a nonbearing period of less than five years and that result in annual returns of unprocessed agricultural plant production greater than four hundred dollars (\$400) per acre.

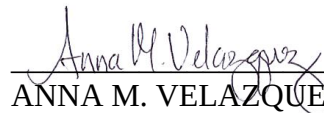
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 18th day of May, 2022, by the following vote:

AYES, and in favor thereof Councilmembers: Mayor Anna M. Velazquez, Carla Strobridge, Alejandro Chavez, and Mayor Pro Tem Marisela Lara.

NOES, Councilmembers: None

ABSENT, Councilmembers: Jimenez

ABSTAIN, Councilmembers: None


ANNA M. VELAZQUEZ Mayor

ATTEST:


BRENT SLAMA, CITY CLERK