

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03004

A.P. # 139-081-002-000-M

**FINDINGS AND  
DECISION**

In the matter of the application of  
**Mary Arcotti Trust, et al (PLN010369)**

for Use Permits in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to provide separate parcels for two existing residences at six acres (Parcel A) and one acre (Parcel B), and one separate parcel for cultivated farmland and sheep grazing at 153.67 acres (Parcel C); various existing agricultural accessory buildings and ranch headquarters on the proposed six acre residential lot and a Lot Line Adjustment between three parcels totaling 169.65 acres, located north of and fronting on River Road at the intersection of River Road and Laguna Road, Greater Salinas area, came on regularly for hearing before the Planning Commission on January 29, 2003.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- FINDING:** The Project, as conditioned, is consistent with Title 19 of the Monterey County Code, in particular, Chapter 19.09, with regards to Lot Line Adjustments. Also, the project is considered consistent with Title 21, Sections 21.30.050 KK. and 21.30.070 C., allowing a division of property to create a one acre minimum residential lots in a "Farmland" designated area if the subject parcels accommodate housing for members of the immediate family of the property owner who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lots being created by the subdivision.

Although the project does not include a subdivision, the project is made subject to Conditional Use Permits for the proposed lot re-configuration of three (3) existing lots of record that will result in two residential lots of one (1) and six (6) acres in a "Farmland" designated area. A brother and sister, children of the owner of the 3 parcels and other agricultural parcels along River Road in the Toro area, will inhabit the residences and will be employed in the agricultural use of the contiguous parcel and other family owned neighboring parcels. The proposed third reconfigured lot will contain 153.67 acres for row crop cultivation and sheep grazing.

**EVIDENCE:** Planning and Building Inspection ("P&BI") staff have reviewed the project as contained in the application and accompanying materials for conformity with the Toro Area Plan which designates this area as appropriate for agricultural use based on the prime farmlands of the area (Figure 3, Toro Area Plan). Staff has determined that the project is consistent also with Title 21, Chapter 21.30, for residential development accessory to the agricultural use of the land in a "Farmlands" zoning district. (See the materials provided in P&BI File No. PLN010369).

**EVIDENCE:** The project, which is primarily a lot line adjustment, is accompanied by Conditional Use Permits to allow the County discretion to place conditions on lot sizes of less than the designated Farmland forty (40) acre minimum lot size if the use is in accordance with Sections 21.30.050 KK. and 21.30.070 C. of Title 21; namely:

**The division of property to create a one acre minimum lot to accommodate housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created**

**by the subdivision.**

Staff is recommending as a condition of approval for the creation of a 6 acre lot (Parcel A) and 1 acre lot (Parcel B) in a zoned Farmlands with 40 acre minimum lot sizes ("F/40") that a deed restriction be placed on said parcels with the special regulations taken from Sections 21.30.050 KK and 21.30.070 C as described.

**EVIDENCE:** The project is in compliance with Site Development Standards in accordance with Chapter 21.30 of Title 21, when applying the Special Regulations found in Section 21.30.070 of said Chapter; namely:

**EVIDENCE:** The division of property to create a one acre minimum lot may be considered if the division [in this case, a lot line adjustment] is to accommodate housing for members of the immediate family of the property owner who earn a substantial portion of their livelihood from the agricultural use of the family land contiguous to the lot being created by the subdivision [lot line adjustment]. The subdivision [lot line adjustment] shall be conditioned to allow for the exclusive occupancy by immediate family members and spouses and shall require the lot to be an accessory use to the subdivided property or to adjoining property. The residence must be accessory to the agricultural use of the properties and be occupied exclusively by immediate family members and spouses of the owners or lessors.

**EVIDENCE:** The existing residences and accessory agricultural buildings are sited on that portion of the parcels that are closest to River Road for easy access off said road so as not to interfere with the agricultural use of the proposed 153.67 acre parcel (Parcel C) used exclusively for row crops and grazing sheep. Laguna Road off the more frequently traveled River Road provides ample access for the ingress and egress of slower agricultural vehicles.

**EVIDENCE:** The existing use of the land, divided between the residential uses with accessory agricultural buildings fronting on River Road, and the cultivation of row crops behind, make the proposed lot line adjustment conform to existing land uses, as attested by the field trip conducted by the project planner on July 7, 2002.

**EVIDENCE:** The Toro Land Use Advisory Committee voted by 2 ayes, 1 nay and 0 absences to recommend approval of the project. The dissenting voter expressed concern that Section 21.30.050 FF of Title 21 could actually be applied to a lot line adjustment. Staff is applying Conditional Use Permits to the "creation" of the two residential lots in order to allow the discretionary placement of deed restrictions on said properties restricting the housing to family members of the property owner who earn their livelihood from the agricultural use of the family land immediately contiguous to the residential lots.

2. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to the use of the property; no violations exist on the property and all zoning abatement costs, if any have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and verified that no violations exist on subject property.

3. **FINDING:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project was reviewed by the Environmental Health Department, Public Works Department, Water Resources, the Toro Fire District and the Planning and Building Inspection Department.

The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions. The Water Resources Agency requires the property record a Notice on the property that proposed parcel C is partially within the Salinas River 100 year flood plan. The Environmental Health Department requires that the applicant obtain a new water supply permit from said Department because of the high nitrates found in the existing well. (See Exhibit D for the respective conditions).

- 4. FINDING:** The site is suitable for the use proposed.  
**EVIDENCE:** The project has been reviewed for suitability by the Environmental Health Department, Public Works Department, Water Resources, the Toro Fire District and the Planning and Building Inspection Department. Conditions recommended have been incorporated into project approval as they relate to the Conditional Use Permits for the creation of residential lots in a Farmland designated area.  
**EVIDENCE:** Field trip to the site by the project planner on July 7, 2002.
- 5. FINDING:** The project is exempt from environmental review.  
**EVIDENCE:** The State of California CEQA Guidelines, Section 15305 (a), categorically exempts minor lot line adjustments from environmental review. No adverse environmental impacts were identified during review of the proposed project.
- 6. FINDING:** The lot line adjustment is between three existing, adjacent parcels.  
**EVIDENCE:** The application and plans for a lot line adjustment found in the project file (PLN010369) show the adjustment is between three parcels.  
**EVIDENCE:** The three lots owned by the Violini family through the Arcotti Trust are considered separate legal lots of record based on the deeds found in the official records of the Monterey County Recorder's office; namely, (1) George W. Blinn property transfer to Joseph Violini, recorded December 27, 1911, found in Volume 122 of Deeds, page 443 (existing 50.31 acre parcel shown on site plan as *Parcel 1*); (2) Charles C. Reed property transfer to Joseph Violini, recorded December 19, 1910, found in Volume 122 of Deeds, page 52 (existing 22.12 acre parcel shown on site plan as *Parcel 2*); (2) Spreckels Sugar Company property transfer to Joseph Violini, recorded February 11, 1929, found in Volume 180 of Deeds, page 115 (existing 153.67 acre parcel shown on site plan as *Parcel 3*).
- 7. FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.  
**EVIDENCE:** The three contiguous, separate legal lots of record will be adjusted between the parcels and three contiguous separate legal parcels of record will result from the adjustment.
- 8. FINDING:** The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.  
**EVIDENCE:** The proposed lot line adjustment is between three legal lots of record, consistent with the Farmlands Designation for parcels within the "F/40" Zoning District.
  - a. One of the proposed lots (Parcel C) is consistent with 40 acre minimum lots required for agricultural use.
  - b. The other two lots (Parcels A and B) are consistent with the special regulations found in

Section 21.30.050 KK and 21.30.070 C. of Title 21 requiring a minimum of 1 acre parcels to be used as housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the proposed 153.67 acre family land immediately contiguous to the residential lots as well as neighboring family owned properties along River Road.

**EVIDENCE:** The application and plans for a lot line adjustment found in the project file, PLN010369.

### **DECISION**

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows a lot line adjustment between three (3) separate, legal lots of record that are included in Assessor Parcel Numbers 139-081-002, 139-081-004 and 139-101-002. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction must be established as consistent with the "Farmlands" designation found in the Monterey County General Plan and Zoning Ordinance (Title 21) and must be in substantial conformance with the terms and conditions of this permit. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

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

2. The applicant shall record a notice which states: "A permit (Resolution 03004) was approved by the Planning Commission for a lot line adjustment between three (3) separate legal lots of record that includes Assessor's Parcel Numbers 139-081-002 and 139-081-004 on January 29, 2003, and that created two (2) residential lots for the exclusive use of the immediate family of the property owner and who earn their livelihood from the agricultural use of the family land immediately contiguous to the lot being created by the lot line adjustment as well as neighboring, family-owned parcels. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to filing a Record of Survey that reflects the approved reconfigured lots. **(Planning and Building Inspection Department)**
3. The applicant shall record Unconditional Certificates of Compliance for each parcel. **(Planning and Building Inspection)**
4. The applicant shall obtain a new water supply permit from the Division of Environmental Health. **(Environmental Health)**
5. Owner shall record a notice, for newly reconfigured parcel C, stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**

6. Owner shall record a deed restriction on each parcel stating the regulations applicable to the creation of lot sizes of less than the designated Farmland-designated forty (40) acre minimum lot size, as found in Section 21.30.050.FF of Title 21, namely:

“The Arcotti Trust lot line adjustment (County file number PLN010369) resulting in the creation of a one (1) acre parcel (Parcel A) and a six (6) acre parcel (Parcel B) are for the exclusive purpose of providing housing for members of the immediate family of the property owner who earn their livelihood from the agricultural use of the family land (Parcel C) immediately contiguous to the lots reconfigured by the lot line adjustment, as well as from neighboring, family-owned land. The residence must be accessory to the agricultural use of the properties and be occupied exclusively by immediate family members and spouses of the owners or lessors.”

Prior to any sale of the parcel, the owner of the property shall provide prior written notice of such sale to the Director of Planning and Building Inspection accompanied by written verification that the sale is to an immediate family member or their spouse.

Notwithstanding the above, this restriction shall not in any way prevent the owner of such parcel from obtaining bona fide financing on such property from a lender and providing such property as security for such financing through a mortgage or deed of trust and, in the event of a foreclosure by such lender, such lender or its successor shall not be subject to the limitations set forth above, provided, however, that the lender shall provide prior notice of the foreclosure to the Monterey County Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**

**Recordation of Grant Deeds and/or a Record of Survey:**

7. Owner shall obtain a survey of the new line and have the line monumented. **(Public Works Department)**
8. Owner shall file a Record of Survey showing the new line and its monumentation. **(Public Works Department)**

**PASSED AND ADOPTED** this 29th day of January, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Gonzalves, Rochester, Wilmot  
NOES: Parsons  
ABSENT: None

Original Signed By:

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LYNNE MOUNDAY, SECRETARY PRO TEM

Copy of this decision mailed to applicant on

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

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

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

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

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