

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

RESOLUTION NO. 03018

A. P. # 223-032-003-000M

FINDINGS AND DECISION

In the matter of the application of
Rianda Family Limited Partners (PLN020380)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at the northeastern intersection of Gloria Road and Highway 101, Central Salinas Valley Area, came on regularly for hearing before the Planning Commission on April 9, 2003.

WHEREAS: Said proposal includes:

- 1) A Lot Line Adjustment between two parcels, totaling approximately 110.539 acres, resulting in a 1.69 acre parcel for an existing residence and a 108.849 acre parcel planted in row crops, and
- 2) A Use Permit to allow the smaller parcel to serve as a residence for a family member employed to farm the second parcel in a farmland designated district.

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

FINDINGS OF FACT

1. **FINDING:** The proposed project and/or use, as described in condition #1, is consistent with the policies of the Monterey County General Plan, the Central Salinas Area Plan, the Subdivision Ordinance (Title 19), and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The text and policies of these documents have been evaluated during review of this application. No conflicts were found to exist. No communication was received during review of this project to indicate that there is any inconsistency with the text and policies of these documents.

EVIDENCE: 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 FF. and 21.30.070 C., allowing a division of property to create a one acre minimum residential lot 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.

EVIDENCE: Although the project does not include a subdivision, the project is made subject to a Conditional Use Permit for the proposed lot re-configuration of two (2) existing lots of record that will result in one residential lot of 1.69 acres in a "Farmland" designated area. A son of the property owner and his family will inhabit the existing single-family dwelling and will be employed in the agricultural use of the contiguous, family-owned parcel. The proposed second reconfigured lot will contain 107.157 acres for irrigated row crop cultivation.

EVIDENCE: Planning and Building Inspection ("P&BI") staff have reviewed the project as contained in the

application and accompanying materials for conformity with the Central Salinas Area Plan which designates this area as appropriate for agricultural use based on the prime farmlands of the area (Figure 10, Central Salinas 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. PLN020380 and the letter describing the intended use found in Exhibit “D” of this report).

EVIDENCE: The project, which is primarily a lot line adjustment, is accompanied by a Conditional Use Permit 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 FF. 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.

EVIDENCE: The project is in compliance with Site Development Standards in accordance with Chapter 21.30 of Title 21 and of the Monterey County Code.

EVIDENCE: The existing residence is sited on that portion of the parcels that is closest to Gloria Road for easy access off said road so as not to interfere with the agricultural use of the proposed 107.159 acre parcel used exclusively for row crops. The latter parcel also fronts on Gloria Road that provides ample access for the ingress and egress of slower agricultural vehicles.

EVIDENCE: The project will not change existing land uses, as attested by the existing residence on the property inhabited by a family member employed as a caretaker of the adjoining property.

EVIDENCE: The application and plans for a lot line adjustment found in the project file, Planning & Building Inspection File #PLN020380.

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 Agency, the Salinas Rural 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 Water Resources Agency requires the property record a Notice on the property that the proposed reconfigured parcels are partially within a flood plain. The Public Works Department requires a Record of Survey that monuments the reconfigured boundaries.

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 Salinas Rural Fire District and the Planning and Building Inspection Department. Conditions recommended have been incorporated into project approval as they relate to a Conditional Use Permit for the creation of a residential lot in a Farmland designated area.

EVIDENCE: The application and plans for a lot line adjustment found in the project file, Planning & Building Inspection File #PLN020380.

5. **FINDING:** The project is exempt from environmental review.

EVIDENCE: The Monterey County 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, for there will be no change in existing land use. All parcels will have adequate areas out of the floodplain for structures.

6. **FINDING:** The lot line adjustment is between two existing, adjacent parcels.

EVIDENCE: The application and plans for a lot line adjustment found in the project file (PLN020380) show the adjustment is between two parcels.

EVIDENCE: The two lots owned by the Rianda family are separate legal lots of record based on the County's Subdivision Map Act that uses as an indicator the March 2, 1964 assessor's map and 1964-1965 tax rolls for the parcel over two and one-half acres, and the March 7, 1972 assessor's map for the parcel under two and one-half acres.

7. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: The two contiguous, separate legal lots of record will be adjusted between the parcels and two 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 two legal lots of record, consistent with the Farmlands Designation for parcels within the "F/40" Zoning District.

- a. One of the proposed parcels is consistent with 40 acre minimum parcel size required for agricultural use.
- b. The other proposed parcel is consistent with the special regulations found in Section 21.30.050 FF and 21.30.070 C. of Title 21 requiring a minimum of a 1 acre parcel 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 107.157 acre farm land immediately contiguous to the residential lot.

EVIDENCE: Chapter 21.30 of the Monterey County Code.

EVIDENCE: The application and plans for a lot line adjustment found in the project file, PLN020380.

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 two (2) separate, legal lots of record (Assessor Parcel Numbers 223-032-003 and 223-032-004). 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 03018) was approved by the Planning Commission for a lot line adjustment between two (2) separate legal lots of record that includes Assessor's Parcel Numbers 223-032-003 and 223-032-004 on April 9, 2003, and that created one (1) residential lot for the exclusive use of the immediate family of the property owner or lessors 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 7 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. Owner shall record a notice for the newly reconfigured parcels, 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)**

4. Owner shall record a deed restriction on the non-conforming 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 Section 21.30.050.FF of Title 21 in Monterey County Code, namely:

“The Rianda lot line adjustment (County file number PLN020380) resulting in the creation of a 1.69 acre parcel is 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 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.

5. Applicant shall pay a \$65.00 preliminary plans examination fee to the City of Gonzales, Office of the Fire Marshall.

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

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

PASSED AND ADOPTED this 9th day of April, 2003 by the following vote:

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

Original Signed By: _____

SCOTT HENNESSY, 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 90th 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.