



LandWatch
monterey county

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June 8, 2004

Supervisor Lou Calcagno, Chair
Monterey County Board of Supervisors
240 Church Street
Salinas, CA 93901

RE: Parcel Legality Determination – Spreckels [PLN040121]

Board of Supervisors Agenda, June 8, 2004 – Agenda Item # S-17
[Hand Delivered at the Hearing, and Sent By Email and FAX to 831-755-5888]

Dear Chairperson Calcagno and Board Members:

LandWatch Monterey County makes two requests of the Board of Supervisors:

- First, we urge the Board to grant the appeal presented to you by the Association of Spreckels Residents, and to decline to issue an Unconditional Certificate of Compliance recognizing as “legal lots of record” the 73 “lots” owned by the Tanimura Land Company as a single parcel, which “lots” are located on farmland adjacent to the Town of Spreckels, and which are specifically designated in the Monterey County General Plan as “farmland.” By taking this action, the Board will ensure that such “lots” are not individually sold or developed without further action by the Board of Supervisors, unless a court decision specifically finds that such “lots” are, in fact, legal lots of record.
- Second, we urge the Board to issue and record a Conditional Certificate of Compliance, determining that the “lots” in question may be sold, financed, or developed as individual lots or parcels only when, and if, such lots are created pursuant to a subdivision approved under the current Subdivision Map Act and the County’s own regulations, and when and if the Board of Supervisors of Monterey County has adopted a General Plan Amendment that would permit such a subdivision and development.

Background and Introduction

The Tanimura Land Company has applied for a “Parcel Legality Status Determination,” asking the County to declare 73 “lots” located on farmland adjacent to the Town of Spreckels (and owned by the Tanimura Land Company as a single parcel) to be “legal lots of record.” The “lots” that are the subject of this request are Lots 1-8 and 13-20 of Blocks K and L; Lots 1-8 and 16-20 of Block M; Lots 1-5 and 13-20 of Block N; and Lots 1-8 and 13-20 of Block O, as designated on a map of Spreckels dated December 1906, and recorded on January 8, 1907.

In essence, the claim of the Tanimura Land Company is that the filing of the Map “created” all the lots shown on the map. LandWatch, the appellants, and an overwhelming majority of the residents of Spreckels strongly disagree. If the Board were to accept such 100 year old maps as the equivalent of a modern subdivision map, and were to deem all the “lots” shown on such maps to have been “created” when the maps were filed, then the objectives of the County General Plan would be completely defeated, and alarming and irresponsible precedents would be set throughout the entirety of Monterey County, and not just in Spreckels.

Despite the very adverse impacts that this decision would have, both in Spreckels and countywide, the Director of Planning and Building Inspection made a determination on January 29, 2004 that the subject “lots” were “legal lots of record,” and that they qualified for an Unconditional Certificate of Compliance pursuant to Monterey County Code Section 19.14.050. If this determination were ultimately upheld, it would mean, as a practical matter, that each of these so-called “lots” could be individually sold and developed, without any further discretionary review by the County. On appeal, the Planning Commission agreed with the Director of Planning and Building Inspection (by a 6-4 vote). The matter is before you on another appeal.

As you will see from the remainder of this letter, and as is evident from the letters filed by attorneys Mike Meuter and Jonathan Wittwer on behalf of the appellants, very complex legal issues are raised by the current application. The “facts” are really not contested here. What is at issue is their legal significance, and the Board is being asked by the Tanimura Land Company to “act like a court,” and to make the kind of legal decision that is normally handled by the judicial branch of government.

LandWatch thinks that the law is strongly on the side of “non-recognition” of the 73 so-called “lots” shown on the Map of Spreckels. We do admit, however, that this area of the law is highly contested—and of course, it’s highly contested because the real world stakes are so high. The value of the 73 so-called “lots,” if they were ultimately found to be legal lots of record, is on the order of \$18,000,000. The value of preserving and protecting the historic Town of Spreckels, and the farmland that would be paved over if the “lots” were recognized, is beyond price—it’s “priceless.”

Our point is that when complex legal issues are at question, and the public interest in protecting the current General Plan policies is so high, the Monterey County Board of Supervisors should be standing up for its own policies! Those policies clearly state that the affected property, which the Monterey County Planning Commission called the “best farmland in the County,” (see the Planning Department Report to the Board of Supervisors for the Board Meeting date of August 26, 1986) should be preserved and protected for agricultural use.

In addition, the effect of recognizing the so-called “lots” as legal lots of record is to approve what amounts to a major subdivision right next door to the historic Town of Spreckels, with no opportunity for public or environmental review. Why would a Board of Supervisors treat the people it represents in this way? Shouldn’t the Board be insisting that before new subdivisions are approved, the full public process is required? In fact, fundamental concepts of due process absolutely require that the adjacent property owners and residents have an opportunity to appear and be heard on a decision that that could so profoundly affect their own properties, and lives. See Horn v. County of Ventura, 24 Cal.3d 605. The decision on appeal to you here was made, in the first instance, by a member of the County staff, with no public hearing or opportunity to be heard. This is fundamentally unfair to the public, and shows the lack of due process involved in making the current decision.

The “leading case” on the topics at issue here is *Gardner v. County of Sonoma*, (2003), 29 Cal.4th 990. The California State Association of Counties (CSAC), of which Monterey County is a member, filed an *amicus curiae* brief, arguing exactly what LandWatch is arguing in this letter. A copy of that brief will be submitted to the Board. We urge the Board to review the CSAC arguments, which are as persuasive now as then. LandWatch would like to point out that in the Gardner case, as in almost all of the cases involving these older maps, the county stuck up for the public interest, against the landowner’s claim. We urge Monterey County to do the same in this case.

If the Board adopts LandWatch’s recommendation, and does stand up for the County’s own policies, due process, and the public interest, then it will tell the Tanimura Land Company to do one of two things:

1. 1. Follow the regular County procedures, and apply for the necessary General Plan Amendment and subdivision approval, so that due process is honored, and so that the public can fully participate; or
- 2.
3. 2. Get a Court Order telling the County that the contested “lots” are, in fact, legal lots of record, and that the Tanimura Land Company doesn’t have to follow normal planning procedures or the County General Plan.

That’s the effect of denying the application for Unconditional Certificates of Compliance. That course of action, in a complex legal arena, puts the County on the side of its own laws and regulations, and on the side of the public, and it satisfies the legal requirements of due process. It puts the burden of moving forward to resolve the legal issues on the party who will benefit from a determination that the so-called “lots” are legal lots of record.

Not to take this action is to put the County in the position of denying its own General Plan policies. It denies due process to the public, and puts the legal burden on the citizens and residents of Spreckels, who are not seeking to make millions of dollars, but simply to continue to live in their community as they traditionally have, without having a new, major development imposed on them without any chance to be involved in a public approval process first.

Why The Tanimura Land Company Legal Claim Is Wrong

As previously stated, the essence of the claim made by the Tanimura Land Company (and the argument of the County staff) is that the filing of the Map of Spreckels “created” all of the lots shown on the Map, that the County “approved” those lots, and that these “lots” were, from January 8, 1907 until the present moment “legal lots of record.” This claim is fundamentally wrong, as a matter of law.

The Subdivision Map Acts vests the “[r]egulation and control of the design and improvement of subdivisions” in the legislative bodies of local agencies—here, in the County of Monterey. The Act generally requires all subdividers to design their subdivisions in conformity with the applicable General Plan, and to comply with all the conditions of applicable local ordinances. (See *Hill v. City of Clovis*, supra, 80 Cal.App.4th at 445.) A local agency can approve a tentative and final map, and hence create a subdivision, only after an extensive review of the proposed subdivision, and after full environmental analysis under the California Environmental Quality Act (CEQA).

None of that has occurred here, and the construction of residential structures on the 73 “lots” that the Tanimura Land Company now claims already exist would be fundamentally contrary to the Monterey County General Plan, which designates the property for agricultural use.

There is no legal validity to the Tanimura Land Company claim that they don’t need to follow the normal process, because the 73 so-called “lots” were “created” by the Map, and so already exist. The Board has in its possession materials documenting the changing state laws relating to “subdivisions,” beginning with the first such law, in 1893, and continuing to the 1929 law. 1929 is the year when the State Legislature first gave local government agencies control over the “design and improvement” of subdivisions. Only after the 1929 changes to state law did the filing of a map “create” the parcels shown on the map. From 1893 until 1929, the subdivision maps filed with local agencies did not “create” parcels, they simply provided an easy way to describe specific real property, so that it would be easy to convey the described property by reference to a map, and without the need to use a “metes and bounds” description.

The Spreckels Map, created subsequent to the 1901 law, does describe various “lots,” but the fact that these lots are described on the map does not mean that they have been “created” as legal parcels. Prior to the 1929 Map Act, new parcels had to be created by a conveyance. The conveyance could be by metes and bounds, or by reference to a map, but “conveyance” was the key. Maps filed prior to the 1929 laws did not “create” parcels. While the Map of Spreckels did describe various “lots,” these “lots” were not “legal parcels” unless and until they were separately conveyed on an individual basis. As the materials before the Board demonstrate, none of the 73 “lots” at issue here were ever conveyed separately, into different ownerships. Hence, they are not separately existing “legal” lots. The Map did not “create” them.

Many lots in the Town of Spreckels were conveyed as separate parcels—and they exist as legal lots of record today. However, the 73 so-called “lots” owned by the Tanimura Land Company were *never conveyed as separate parcels into separate ownerships*. The owners of that land have never “relied” on the ownership of 73 separate parcels. The subject property has always been conveyed as only one parcel, and because the 73 so-called “lots” that the Tanimura Land Company wants the County to recognize were never conveyed as individual parcels, they do not “exist” as separate parcels now. The Tanimura Land Company has to go through the normal process, if they want to create those lots. That is the only way that they can make them “legal” parcels that can be individually sold and individually developed.

The letters filed by attorney Jonathan Wittwer, and attorney Mike Meuter, on behalf of the appellants, outline many of the legal arguments in more detail. LandWatch agrees with the legal analysis presented by the appellants, and incorporates it here. In addition, LandWatch wants to highlight the following:

1. Even if a map filed pursuant to the 1893 Act, as amended in 1901, did “create” legal parcels (which is not the law), the Spreckels Map did not comply with the requirements of the 1893 Act. The Planning Commission said that the Map of Spreckels “meets and exceeds the requirements of ...the Act of 1893.” This is demonstrably not true. The Act of 1893 requires that if a map is filed by an incorporated company, the map “shall be acknowledged ...by the chief officer thereof...” The Spreckels Map was not acknowledged by the “chief officer” of the Spreckels Sugar Company, since it was signed by the “Vice President” and the “Secretary” of the corporation, not by the “President.” The current landowner is asking for the County to recognize a subdivision that is totally inconsistent with the County General Plan, and that the County should be trying to “bring

under the umbrella” of the current Subdivision Map Act. In these circumstances, the County is not permitted to “waive” the technical requirements established by the 1893 law, and to say that the signatures of the Spreckels Map are “close enough.” The Spreckels Map does not conform to the requirements of the 1893 state law, and is not entitled to any deference.

2. The staff argues, and the Planning Commission made a finding, that the Spreckels Map was “approved” by the Board of Supervisors. That is not true. In fact, under the law, the Board of Supervisors had no authority to “approve” the Map, because the Board had no authority to “disapprove” it. No public hearing was held, and no discretionary decision was made. In 1906, the law did not allow the Board to use any discretion. Under the 1893 Act, if a map were presented that met the requirements of the law then county officials had a ministerial duty to file it. Suppose the Board had wanted fewer “lots,” or more “lots,” or had wanted things reconfigured in some way? Could the Board have told the Spreckels Sugar Company that they would “approve” the Map if the Company made those changes, and that if the changes weren’t made the Board would refuse to “approve” it? No! Until the 1929 amendments, the Board had no discretion to review the design and improvements shown on the Map, and thus had no authority either to “approve” or “disapprove” it. That’s why the Spreckels Map didn’t “create” parcels, because the government in fact made no discretionary decision about it. The Minutes of the January 8, 1907 meeting of the Board of Supervisors use the word “accepted,” not “approved,” and the endorsement on the Map makes clear exactly what was “accepted.” The endorsement notes that the Board of Supervisors has “accepted...all the streets, roads, alleys and thoroughfares...shown upon the map...” State law and the courts are clear that a map will “create” parcels only when the design and improvements depicted on the map are “approved” by the local agency. In other words, if a local agency doesn’t exercise a discretionary review over the manner in which the subdivision is created, and essentially “bless” the “design and improvements” made part of the subdivision, the map depicting the subdivision does not “create” the lots it identifies. That is exactly the case here.
3. The Spreckels Map is titled “*Official* Map of the Town of Spreckels.” That’s what the maker of the map called it. However, this map is most emphatically not an “official map,” as that term is used in the Subdivision Map Act [Government Code Section 66499.52]. That section makes clear that an “official” map is a map made by the “city engineer or the county surveyor, under the direction and with the approval of the city council or board of supervisors...” Genuine “official” maps may be given more deference than other maps. The Spreckels Map is not such an “official map.”

LandWatch believes it is very clear that the 73 so-called “lots” owned by the Tanimura Land Company (and always described in the deeds as being part of a single parcel) are not separately existing “legal parcels of record.” At the very least, however, everyone must agree that highly complex legal issues are involved in making a determination about the “legality” of these lots. In such a situation, the County Board of Supervisors is obligated to argue for the public interest, not for the interests of the private property owners who would like to convert their farmland into highly salable parcels of real estate.

The courts have consistently held that the Map Act is to be “liberally construed” to implement high standards for orderly community development, and to “bring under its umbrella as many transfers or conveyances of land as possible, in order to facilitate local regulation of the design and improvement of subdivisions.” [See *John Taft Corp. v. Advisory Agency*, 161 Cal.App.3d

749, 755]. As outlined in an attachment to this letter, the County's current General Plan and other policies would not allow the creation of the 73 lots. This means that the County should be trying to "bring under the umbrella" of the Subdivision Map Act as many transfers or conveyances of land as possible. This means that the Board should issue a "conditional," not an "unconditional" Certificate of Compliance for the 73 so-called "lots," and place the burden upon the Tanimura Land Company to obtain a court order directing otherwise, should the Company be able to persuade a court of its position.

"The Trade" And How The Board Can Enforce Its Terms

As shown by materials submitted to the Board, there was great deal of debate before the Board of Supervisors in 1986, when the Greater Salinas Area Plan was adopted. At that time, the Board specifically rejected the idea that 73 residential lots should be recognized, and the County General Plan amended to allow development. Accordingly, the Board designated this area as "farmland" in the Greater Salinas Area Plan, which is incorporated into the Monterey County General Plan.

This Board decision is known in the Spreckels community as "the trade," since the decision that eliminated any claim for subsequent residential development of the property where the 73 so-called "lots" are located "gave" the Tanimura Family something they wanted, at the same time. As an examination of the materials submitted shows, the County Board of Supervisors changed the then land use designation on other property in the Spreckels area, owned by the Tanimuras, to allow the construction of a "cooler" facility (which has been built and now exists), but *it specifically rejected the request to allow residential development of the 73 so-called "lots."* That's why the decision was called a "trade," and at the time, the Tanimura Family was apparently in agreement with this decision. They have only now resurrected a claim to be able to do residential development on the so-called "lots," without the benefit of going through the normal subdivision and General Plan Amendment process. Because they have apparently "renege" on what the community understood was a "trade" (however imperfectly it may have been memorialized and enforced), members of the Spreckels community, particularly those who personally participated in the 1986 deliberations, are understandably upset.

If the Board of Supervisors accepts the LandWatch recommendation, and issues a *Conditional* Certificate of Compliance, this would, in fact, require the Tanimura Land Company either to get a Court to determine that normal procedures don't have to be followed, or would require the Company to go through those normal procedures, giving both the County and the public the right to subject the proposal to a thorough analysis and review.

Approving Unconditional Certificates of Compliance Would Set Terrible Precedents

What the Board does with *this* application will be a precedent for *other* applications that may be forthcoming. The Tanimura Land Company is asking the Board to take the position that a hundred year old map, in and of itself, "creates" the lots shown on the map as "legal parcels of record." This means, as a practical matter, that any such legal parcel of record may be independently sold and developed.

If the Board were to adopt this rule, it would decimate good planning throughout Monterey County, and would not only vastly damage the environment, but would countenance exactly the kind of discontinuous rural development that recent studies have shown is fiscally detrimental to the county. LandWatch is submitting some of these materials with this letter. Other materials

demonstrating the same point are well known by the Board, and are found within the materials submitted in connection with the General Plan Update that the County has been working on since 1999. By this reference, those records are hereby incorporated.

A number of vintage maps (other than the Spreckels Map) have also been submitted to the Board in connection with its consideration of this item. The “rules” applicable to these maps and the “rules” applicable to the Spreckels Map are essentially identical. To approve the application by the Tanimura Land Company is also to approve the recognition of the various “lots” depicted on these other maps—and all the maps recorded in Monterey County prior to 1929 that have similar features. LandWatch does not believe that all such maps have been drawn to the Board’s attention, but enough of them have to make the point. The effect of the ruling requested by the Tanimura Land Company would be devastating to Monterey County’s planning policies, and would have massively detrimental fiscal and environmental effects.

There is also another kind of precedent at issue here. The Tanimura Land Company is not just asking for the right to “finish off the Town of Spreckels according to its original plan.” That certainly is the way they present their current application (though, as we have shown, the application has no viable legal basis). What is really at stake is the future of the whole Spreckels Area! In connection with the General Plan Update process already mentioned, the Tanimura Land Company submitted a “Property Owner Request,” showing what they want to do with their family lands in the Spreckels Area. These lands not only include the single parcel that contains the 73 so-called “lots,” it also includes lands that run from the current Town of Spreckels to Highway 68—about a mile away. As indicated by the materials submitted with this letter, the Tanimura Family in fact proposes to develop this entire area (about one square mile of the “best farmland in the County”) with residential and commercial developments.

Saying “yes” to this application is, in a very real way, a precedential “first step” towards this ultimate plan for development by the Tanimuras. LandWatch urges you to reject this concept.

Conclusion

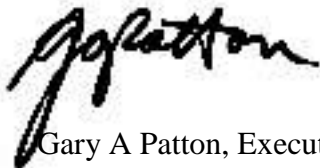
Your decision in this matter will either put the burden on the applicant to establish the claimed “legality” of its lots by going to court and getting an order finding them “legal,” or you will put the burden on local residents, to contest a finding of “legality” that the applicant is asking you to make.

We hope you agree that there is no legal justification for the issuance of Unconditional Certificates of Compliance for the 73 so-called “lots,” which are claimed as “legal parcels of record” by the Tanimura Land Company. If you are unsure, however—and the legal issues are certainly complex—then we urge the Board to decline to make a finding that Unconditional Certificates of Compliance are justified. This will place the burden on the Tanimura Land Company to get a court ruling telling the County that these “lots” are in fact legal parcels of record—if in fact the Company can get such a court order. This puts the burden where it ought to be, since the Tanimura Land Company is trying to change the status quo, and stands to make more than \$18,000,000 if their claim is ultimately upheld.

By putting the legal burden on the applicant, instead of local residents, your Board will be standing up for the County’s own General Plan and its other planning policies and procedures. You will be insisting that private developers will not be allowed to make radical changes in a local community (in this case, by expanding the size of the community by about 40% overnight) without going through the normal planning and environmental review process.

This application truly presents the question clearly: "Which Side Are You On?" We hope that you are on the side of the public interest. If so, we urge you to adopt the recommendations that LandWatch made at the beginning of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton". The signature is written in a cursive, somewhat stylized font.

Gary A Patton, Executive Director
LandWatch Monterey County

cc: County Counsel
Planning Director
Association of Spreckels Residents
Other Interested Persons

1982 Monterey County General Plan Policies Violated by Subdividing Prime Farmland in the Town of Spreckels

1982 General Plan

4 GOAL: TO PRESERVE AND ENHANCE ALL VIABLE AGRICULTURAL LANDS

Objective

4.1 Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

Policies

4.1.3 All farmlands designated as prime, of statewide importance, unique, or of local importance shall be protected from incompatible uses on adjacent lands.

25 GOAL: TO COORDINATE ECONOMIC PLANNING ACTIVITIES WITHIN THE ENTIRE GENERAL PLAN FRAMEWORK.

Objective

25.1 Ensure that the County General Plan and area general plans reflect the interrelationships between land uses, employment needs, housing demand, and the provision of public services and facilities.

Policies

25.1.1 The County shall establish the preservation, enhancement, and expansion of viable or potentially viable prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance as the top land use priority for guiding further economic development unless there is a satisfactory showing that such farmlands are not viable or potentially viable.

25.1.2 The County shall promote economic development which is consistent with General Plan goals such as environmental, scenic, natural resource conservation, and growth management.

25.1.3 The County shall evaluate and respond to long-range infrastructure needs for existing and future residential, commercial, and industrial development.

GENERAL LAND USE

26 GOAL: TO PROMOTE APPROPRIATE AND ORDERLY GROWTH AND DEVELOPMENT WHILE PROTECTING DESIRABLE EXISTING LAND USES.

Objective

26.1 Direct development and conservation efforts in the County through use of the planning process.

Policies

26.1.2 The County shall discourage premature and scattered development.

26.1.4 The County shall designate growth areas only where there is provision for an adequate level of services and facilities such as water, sewerage, fire and police protection, transportation, and schools. Phasing of development shall be required as necessary in growth areas in order to provide a basis for long-range services and facilities planning.

26.1.5 The County shall designate future land uses in a manner which will achieve compatibility with adjacent uses.

RESIDENTIAL

27 GOAL: TO ENCOURAGE VARIOUS TYPES OF RESIDENTIAL DEVELOPMENT THAT ARE ACCESSIBLE TO MAJOR EMPLOYMENT CENTERS AND AT LOCATIONS AND DENSITIES WHICH WILL ALLOW FOR PROVISION OF ADEQUATE PUBLIC SERVICES AND FACILITIES.

27.1.2 The County shall limit residential development in areas which are unsuited for more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.

27.1.3 Residential development should be concentrated in growth areas.

Objective

27.3 Ensure compatibility between residential development and surrounding land uses.

Policies

27.3.4 In areas designated for agricultural uses where development of legally subdivided land would promote incompatible residential development, the County shall solicit and encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified private nonprofit organization in order to preserve the agricultural use of the land.

AGRICULTURAL

30 GOAL: TO PROTECT ALL VIABLE FARMLANDS DESIGNATED AS PRIME, OF STATEWIDE IMPORTANCE, UNIQUE, OR OF LOCAL IMPORTANCE FROM CONVERSION TO AND ENCROACHMENT OF NON-AGRICULTURAL USES.

Policies

30.0.1 The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.

30.0.3 The County shall allow division of viable farmland designated as prime, of statewide importance, unique, or of local importance only for exclusive agricultural purposes, when demonstrated not to be detrimental to the agricultural viability of adjoining parcels.

30.0.4 The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique, or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

GOALS, OBJECTIVES, AND POLICIES FOR CURRENT HOLDING CAPACITY AND ZONING

36 GOAL: TO MAINTAIN CONSISTENCY BETWEEN THE GENERAL PLAN AND ITS IMPLEMENTING REGULATIONS.

36.0.1 As soon as possible after adoption of the updated General Plan, the County shall revise its zoning, subdivision, and other ordinances related to implementation of the plan to ensure their consistency with the General Plan's goals, objectives, policies, and standards for population density and building intensity.

GOALS, OBJECTIVES, AND POLICIES FOR TRANSPORTATION

37 GOAL: TO PROMOTE A SAFE, EFFECTIVE, AND ECONOMICAL TRANSPORTATION SYSTEM THAT WILL SERVICE THE EXISTING AND FUTURE LAND USES OF THE COUNTY.

Objective

37.4 Reduce the number of miles traveled per person.

Policies

37.4.1 The County shall encourage overall land use patterns which reduce the need to travel.

Greater Salinas Area Plan, As Part of the 1982 General Plan*

Residential Land Use

27.1.5 (GS) Development in the town of Spreckels shall be allowed only under the following conditions:

a. that the development occurs within the land use boundary shown in the 1982 General Plan;

*see also packet of maps

General Plan Policies Violated if Garrapatos Redwood Tract Subdivision (AND Point Lobos City) Were Developed 1982 General Plan

7 GOAL: TO PRESERVE THE DIVERSITY AND CONSERVE THE EXTENT OF THE COUNTY'S NATIVE VEGETATION.

Policies

7.2.1 Landowners and developers shall be encouraged to preserve the integrity of existing terrain and natural vegetation in visually sensitive areas such as hillsides and ridges.

WATERSHED AREAS

35 GOAL: TO RECOGNIZE THE SIGNIFICANCE OF WATERSHED AREAS IN PROTECTING AND MAINTAINING THE COUNTY'S NATURAL RESOURCES AND RURAL CHARACTER.

Objective

35.1 Ensure protection of the County's critical watershed.

Policies

35.1.1 The County shall ensure that land uses in and surrounding critical watershed areas will not compromise the important resource value of these areas.

35.1.2 Any development in critical watershed areas shall be designed, sited, and constructed in a manner which minimizes negative effects on the watershed.

BIG SUR COAST LAND USE PLAN

PARK AND RECREATION FACILITIES

51 GOAL: TO PROVIDE RECREATIONAL OPPORTUNITIES, PRESERVE NATURAL SCENIC RESOURCES AND SIGNIFICANT WILDLIFE HABITATS, AND SIGNIFICANT HISTORIC RESOURCES BY ESTABLISHING A COMPREHENSIVE COUNTY REGIONAL PARKS AND TRAILS SYSTEM.

3.2.1 Key Policy

Recognizing the Big Sur coast's outstanding beauty and its great benefit to the people of the State and Nation, it is the County's objective to preserve these scenic resources in perpetuity and to promote the restoration of the natural beauty of visually degraded areas wherever possible. To this end, it is the County's policy to prohibit all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and to condition all new development in areas not visible from Highway 1 or major public viewing areas on the siting and design criteria set forth in Sections 3.2.3, 3.2.4, and 3.2.5 of this plan. This applies to all structures, the construction of public and private roads, utilities, lighting, grading and removal or extraction of natural materials.

3.2.2 Definitions

1. Critical viewshed: everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and the following specific locations Soberanes Point, Garrapata Beach, Abalone Cove Vista Point, Bixby Creek Turnout, Hurricane Point Overlook, upper Sycamore Canyon Road (Highway 1 to Pais Road), Pfeiffer Beach/Cooper Beach, and specific views from Old Coast Road as defined by policy 3.8.4.4.

3.2.3 Critical Viewshed

A. Policies

1. In order to avoid creating further commitment to development within the critical viewshed all new parcels must contain building sites outside the critical viewshed.

3.2.4 Land Not in the Critical Viewshed

A. Policies

1. So that the visual continuity may remain undisturbed, the design and siting of structures, whether residential, commercial, agricultural, or public, and access thereto, shall not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline.

General Plan Policies Violated by Subdividing Land For Clark Colony near Arroyo Seco

1982 Monterey County General Plan

4 GOAL: TO PRESERVE AND ENHANCE ALL VIABLE AGRICULTURAL LANDS

Objective

4.1 Identify the extent and locations of important agricultural lands in the County and devise regulations and techniques which will be effective in preserving and enhancing these lands.

25 GOAL: TO COORDINATE ECONOMIC PLANNING ACTIVITIES WITHIN THE ENTIRE GENERAL PLAN FRAMEWORK.

Objective

25.1 Ensure that the County General Plan and area general plans reflect the interrelationships between land uses, employment needs, housing demand, and the provision of public services and facilities.

Policies

25.1.1 The County shall establish the preservation, enhancement, and expansion of viable or potentially viable prime farmlands, farmlands of statewide importance, unique farmlands, and farmlands of local importance as the top land use priority for guiding further economic development unless there is a satisfactory showing that such farmlands are not viable or potentially viable.

25.1.2 The County shall promote economic development which is consistent with General Plan goals such as environmental, scenic, natural resource conservation, and growth management.

25.1.3 The County shall evaluate and respond to long-range infrastructure needs for existing and future residential, commercial, and industrial development.

GENERAL LAND USE

26 GOAL: TO PROMOTE APPROPRIATE AND ORDERLY GROWTH AND DEVELOPMENT WHILE PROTECTING DESIRABLE EXISTING LAND USES.

Objective

26.1 Direct development and conservation efforts in the County through use of the planning process.

Policies

26.1.2 The County shall discourage premature and scattered development.

RESIDENTIAL

27 GOAL: TO ENCOURAGE VARIOUS TYPES OF RESIDENTIAL DEVELOPMENT THAT ARE ACCESSIBLE TO MAJOR EMPLOYMENT CENTERS AND AT LOCATIONS AND DENSITIES WHICH WILL ALLOW FOR PROVISION OF ADEQUATE PUBLIC SERVICES AND FACILITIES.

27.1.2 The County shall limit residential development in areas which are unsuited for more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and/or the lack of public services and facilities.

27.1.3 Residential development should be concentrated in growth areas.

Objective

27.3 Ensure compatibility between residential development and surrounding land uses.

Policies

27.3.4 In areas designated for agricultural uses where development of legally subdivided land would promote incompatible residential development, the County shall solicit and encourage the voluntary donation of conservation easements or other development restrictions to the County or to a qualified private nonprofit organization in order to preserve the agricultural use of the land.

AGRICULTURAL

30 GOAL: TO PROTECT ALL VIABLE FARMLANDS DESIGNATED AS PRIME, OF STATEWIDE IMPORTANCE, UNIQUE, OR OF LOCAL IMPORTANCE FROM CONVERSION TO AND ENCROACHMENT OF NON-AGRICULTURAL USES.

Policies

30.0.1 The County shall prevent non-agricultural uses which could interfere with the potential of normal agricultural operations on viable farmlands designated as prime, of statewide importance, unique, or of local importance.

30.0.4 The County shall make every effort to preserve, enhance, and expand viable agricultural land uses on farmland designated as prime, of statewide importance, unique, or of local importance through application of "agricultural" land use designations and encouragement of large lot agricultural zoning.

GOALS, OBJECTIVES, AND POLICIES FOR TRANSPORTATION

37 GOAL: TO PROMOTE A SAFE, EFFECTIVE, AND ECONOMICAL TRANSPORTATION SYSTEM THAT WILL SERVICE THE EXISTING AND FUTURE LAND USES OF THE COUNTY.

Objective

37.4 Reduce the number of miles traveled per person.

Policies

37.4.1 The County shall encourage overall land use patterns which reduce the need to travel.

37.4.2 The County shall encourage the provision, where feasible, of bicycle and automobile storage facilities to be used in conjunction with public transportation.

***CENTRAL SALINAS VALLEY AREA PLAN, A PART OF THE MONTEREY COUNTY
GENERAL PLAN***

30.0.3.1 (CSV) Divisions of farmland shall be permitted only when such division does not adversely affect the land's long-term agricultural financial viability and shall be conditioned to ensure continued long-term agricultural use. 26.1.4.3 (CSV) A standard tentative subdivision map and/or vesting tentative and/or

Preliminary Project Review Subdivision map application for either a standard or minor subdivision shall not be approved until:

- (1) The applicant provides evidence of an assured long term water supply in terms of yield and quality for all lots which are to be created through subdivision. A recommendation on the water supply shall be made to the decision making body by the County's Health Officer and the General Manager of the Water Resources Agency, or their respective 89 designees.
- (2) The applicant provides proof that the water supply to serve the lots meets both the water quality and quantity standards as set forth in Title 22 of the California Code of Regulations, and Chapters 15.04 and 15.08 of the Monterey County Code subject to the review and recommendation by the County's Health Officer to the decision making body