



LandWatch
monterey county

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February 19, 2001

Supervisor Edith Johnsen, Chair [Sent By FAX 831-755-5888]

Monterey County Board of Supervisors
County Courthouse
240 Church Street
Salinas, CA 93901

RE: South County Parcelization and Development Issues Agenda Item S-12b, February 20, 2001

Dear Chairperson Johnsen and Board Members:

I am not able to be present for Board discussion of the above-noted item, but hope you will seriously consider the points I make in this letter.

As you know from my letter of December 12, 2000, LandWatch believes that parcelization and development issues in South County are very serious. South Monterey County contains spectacular country, and absent a change in the existing policies and current administrative approaches, the ranching, wildlife, and scenic resources of the area are likely to be progressively undermined and diminished, and ultimately lost. We very much appreciate the attention that your Board and County staff are focusing on these matters.

The staff report on this item focuses on two different, though related, issues. The first is "lot line adjustments." The second is the construction of residential dwelling units on lands zoned PG. In each case, I am not sure that the recommended action goes far enough. I urge the Board to go just a bit further.

With respect to "lot line adjustments," the staff recommends a new "administrative direction" to staff--telling the staff to make additional findings. I recommend that the Board in fact incorporate its new directions into the zoning ordinance itself. I believe that the Board should ask the County Counsel to return with proposed changes to the zoning ordinance that will require new, specific findings for lot line adjustments in agricultural areas. I further think that the zoning changes should very specifically require a finding, based on evidence submitted by the applicant, that the lot line adjustment will significantly improve the agricultural productivity of the property, and that it will not have the effect to stimulating or encouraging non-agriculturally related residential development. In other words, I urge the Board to legislate, with strong and specific provisions in the code, in lieu of "sending directions" to its administrative staff by way of a minute order. When the code includes the requirements that the Board wants, then it will not be possible for future staff to make individual accommodations that don't fully respond to the Board's concerns.

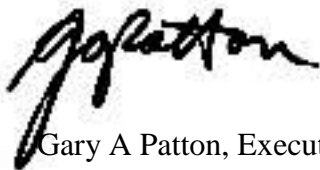
With respect to proposed residential construction in the PG zone district, the staff report acknowledges a point made in my December 12th letter; namely, that the Monterey County Zoning Code already provides that no residential unit should be approved on any parcel in the Permanent Grazing (PG) zone district unless the applicant for a permit to build the residence can demonstrate that the residence would be accessory to a genuine agricultural use. Again, the staff recommends an "administrative" solution--telling the staff to collect more information on the building permit application form.

The long-term preservation of agricultural uses in the PG zone demands that purely residential encroachments not be allowed. To achieve this objective--as already found in the code--I believe that when a person applies for a residential building permit in the PG zone, the burden of proof should be on the applicant to demonstrate that his or her proposed residence is in fact accessory to a genuine agricultural use.

I recommend that the Board go further than the staff is suggesting, and direct County Counsel to return with a proposed zoning code amendment to make the burden of proof requirement explicit. I also recommend that County Counsel be directed to propose a zoning code amendment that will delineate specifically how such a legally sufficient accessory use may be proved. The Board's current resolution establishing criteria for entering into Williamson Act contracts might serve as a beginning point for a specific statement of what proof will be required to demonstrate that a residence is accessory to a genuine agricultural use, but the requirement will be more effective if made specific, and integrated into the code.

Again, LandWatch deeply appreciates the Board and staff concern with these issues. If the Board can prevent the future parcelization and residential development of South County, it will have accomplished a wonderful thing for future generations. Very strong and focused efforts will be needed, however, because the pressures to "suburbanize" South County are already great, and will only be greater as time goes on.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. Patton", written in a cursive style.

Gary A Patton, Executive Director
LandWatch Monterey County