Exhibit F

This page intentionally left blank.

Exhibit F

From: Angela Love
To: 293-pchearingcomments
Cc: Beretti, Melanie; McDougal, Melissa; Jensen, Fionna; Price, Taylor
Subject: Agenda Item No. 3/Monterey County Sheriff"s Posse (PLN220125)
Date: Monday, June 8, 2026 5:07:24 PM
Attachments: L-PC.06.08.26.pdf

This Message Is From an External Sender
[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Attached for consideration by Chair Getzelman and the Planning Commissioner is correspondence from Mr. Lombardo dated today, June 8th, regarding the above matter which is on Wednesday's PC Agenda as Item No. 3. This is being sent via email only. If you have any problems opening up the attachment, please let me know.

Sincerely,

Angela M. Love
Legal Assistant to Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
144 W. Gabilan St., Salinas, CA 93901
Phone (831) 751-2330/Fax (831) 751-2331
Email: angela@alombardolaw.com

Exhibit F

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS
SHERYL A. FOX

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

June 8, 2026

Our File No.: 5711.000

Paul Getzleman, Chair
Monterey County Planning Commission
1441 Schilling Place South 2nd Floor
Salinas, CA 93901

RE: Agenda Item 3/Monterey County Sheriff's Posse (PLN220125)

Dear Chair Getzelman and Members of the Planning Commission:

We represent the Monterey County Sheriff's Posse (MCSP) in their application to allow eight concert events annually with a maximum attendance of 3,000 persons per event. The MCSP has owned and operated the property and facilities since 1939. In that time, the MCSP grounds and facilities have hosted a wide variety of public events including carnivals, horse shows, rodeos, concerts, family and community events, in addition to the MCSP's private use of the property. In 1992, the County Zoning Administrator issued a letter confirming the legal nonconforming status of the MCSP grounds and facilities use for public events. (See attachment.) Private use of the property by the MCSP was never in question. To the best of our knowledge, the ongoing use of the MCSP grounds and facilities and their legal nonconforming status has never been an issue, nor has it been questioned.

In the 1992 letter the Zoning Administrator did say concerts were not included in the legal nonconforming status use and a use permit would be required for concerts. The MCSP did not pursue a use permit at that time. Nonetheless, the MCSP grounds were used occasionally for concerts and over the last several years, many concerts have been held on the MCSP grounds after the County's Special Event review. We can find no record of a concert being denied, noted to be a violation or complaints being filed.

The MCSP applied for the use permit in April 2022. There has been a great deal of confusion in the processing of this application as it has been handed off to successive HCD, formerly Planning Department, employees.

The application before the Planning Commission is for eight concert events per year with a maximum attendance of 3,000 persons. The staff report refers to legal nonconforming uses being "memorialized" in this use permit. We are unsure what this means and as far as we know, has never been discussed with the applicant.

This application is only to permit the concert events and is not and was not ever an application to define, limit, or "memorialize" the preexisting nonconforming uses.

CONCERT EVENTS

This application is to allow eight concert events similar to those which have been considered through the County's Special Event process. We appreciate the staff's recommendation for approval of the concerts. However, the resolution and conditions prepared by the staff will require substantial revisions to be clear that the permit is for the concerts only and to amend or delete the findings, evidence, and conditions to as necessary to remove any reference to the legal nonconforming uses.

LEGAL NONCONFORMING USES ARE NOT A VIOLATION OF THE COUNTY CODE

There is no authority in the County Code which suggests, much less permits, the staff to require a use permit to "memorialize" or to apply "additional limitations" to legal nonconforming uses.

The Monterey County Code defines a **legal** nonconforming use as "the use of a structure or land which does not conform to the regulations including density for the district in which it is situated", although the use lawfully existed at the time of the adoption of the ordinance creating the district (MCC Section 21.06.1340). The MCSP use, as determined by the County in 1992 and unchallenged since, is a legal nonconforming use. The continuing use is not a violation of the County Code. In fact, MCC Section 21.68.020 clearly states a legal nonconforming use may continue.

The statement in the staff report that the *MCSP is in violation of the County's zoning and land use regulations*" and "*the violation of operating public and private events and concerts without a Use Permit"...is simply incorrect.* While this permit will "legalize" the concert events, it will not and cannot affect the legal nonconforming uses.

CONCLUSION

In conclusion, we respectfully request that the Planning Commission:

- Approve this use permit to allow eight concert events at the MCSP grounds with a maximum attendance of 3,000 persons; and,
- Direct the staff to amend the findings, evidence and conditions to:
    - Add a condition requiring all proposed concert events to apply to and be processed through the County's Special Event process as have recent concerts held at the MCSP grounds; and,
    - Remove all references to "memorializing" the legal nonconforming use of the MCSP grounds and facilities from the resolution.
    - Remove or amend the conditions of approval so that they are specific to the eight concert events only.

- Remove all references to MCSP grounds and facilities being in violation of the County Code.

Respectfully submitted,

Anthony L. Lombardo

Enclosure

cc: Dale Ellis
Clients
Melanie Beretti, Chief of Planning
Fionna Jensen, Planner
Taylor Price, Planner

MONTEREY COUNTY

PLANNING AND BUILDING INSPECTION DEPARTMENT

P.O. BOX 1208 SALINAS, CALIFORNIA 93902 (408) 755-5025

ROBERT SLIMMON, JR.
DIRECTOR OF PLANNING AND BUILDING INSPECTION

March 5, 1992

Jim Lewis
Monterey County Sheriff's Posse, Inc.
P. O. Box 1547
Salinas, CA 93902

Dear Mr. Lewis:

Thank you for taking the time to meet with me on March 2. The information you were able to provide relative to the use of the Posse Grounds for events was most helpful in being able to come to a decision as to the historic legal level of use of the Posse Grounds. The key issues we discussed dealt with the number of days on average that the Posse Grounds is used for various events and the use of the Posse Grounds for carnivals. We discussed the limitations of the use of the Posse Grounds due to its legal non-conforming status.

During the course of our discussions, you indicated that the Posse Grounds has historically been used for approximately 100 days per year for various Posse events, 4-H events, junior rodeos, private parties, and similar non-profit events. This level of 100 days per year for the type of events we discussed seems reasonable in light of our knowledge of the historic use of the Posse Grounds. Additionally, events such as Circus Vargas and the Big Hat Barbeque are part of the 100 days per year. It is our opinion, then, that such uses can continue at the Posse Grounds to a level of 100 days per year for those types of uses described.

We also discussed at some detail the history of concerts at the Posse Grounds. You indicated that prior to 1990 no concerts were held at the Posse Grounds. Three concerts were held in 1990 and eight concerts were held in 1991. As I told you at our meeting, in that there had been no history of such concerts, they are considered to be an intensification and expansion of the legal non-conforming use and as such are illegal. The Sheriff's Posse may, however, apply for a use permit for a [illegible] and/or quasi-public use for such concerts and have such proposals considered on their merits by the Monterey County [illegible]

ATTACHMENT

Commission. Any such Use Permit will require public hearings before the Planning Commission and, as such, the neighborhood will undoubtedly be involved.

To summarize, it is our opinion that the Posse Grounds may be used for the type of events that have historically occurred at the Posse Grounds up to 100 days per year. No concerts similar to those that were held in 1990 and 1991 are allowed unless a Use Permit is first approved by the Monterey County Planning Commission or the Monterey County Board of Supervisors on appeal.

Should you have any questions in this matter, please feel free to call me.

Sincerely,

Dale Ellis

Dale Ellis, AICP
Zoning Administrator

DE:bg

cc: Carolyn Anderson, Supervising Planning Investigator