

Attachment H

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TO: Monterey Housing and Community Development
1441 Schilling Pl
Salinas, CA 93901

FROM: Tim and Paula Usrey, Ignacio Camacho, Rafael Martinez and Rosio Doniz

RE: Project File Number: **PLN250139-DEP**

We are collectively requesting to have the overlay zone designation of Light Commercial dropped from the four parcels named in the application. Currently, the overlay designation renders all listed property unusable, and they will remain that way until the designation is changed.

In 2005, approximately 40 acres were subdivided into four, 5-acre parcels (1-4) and one 20-acre lot. In October 2006, the remaining 20-acre lot was subdivided into four additional parcels (5-8). The intended purpose of the land was to be a residential subdivision. In 2005/2006, all parcels were recorded as Low Density Residential-1, according to county records, and remained so designated until 2010. During that year, the county completed the general plan for all of Monterey County. The result was a change in the map overlay of parcels 423381006000, 423381007000, 423381008000, and 423381009000 to Light Commercial and each was given the land use designation "Commercial." However, the LDR-1 designation also appears on the parcel report on the county's website, which has led to numerous complications for all parties, including the county planning office.

On December 20, 2005, the original owner of all parcels filed the Covenants, Conditions and Restrictions (CC&R's) with Monterey County. The covenant covered the initial parcels (1-4), and the remaining lot, should it be subdivided. When the remaining 20-acre lot was divided into four additional parcels (5-8,) they too fell under the CC&R's. The declaration laid out the primary use of the properties in a binding legal document as follows:

"...intends to distribute and/or sell the parcels to separate owners and restrict the property and of the parcels and the remainder Parcel, in accordance with a common plan for the express purpose of enhancing and protecting the **residential value** of the land...".

The declaration also states under section IV paragraph 3,

"The parcels shall be used for **residential and agricultural purposes only**. All other trade, business and commercial uses, incidental or otherwise, whether or not obtrusive, including, without limitation, uses involving the production, storage or sale of goods, non-agricultural products or materials, or rendering of services, are prohibited."

Furthermore, the declaration prohibits the use of commercial storage buildings, unless they can be screened from public view. The original intention for the use of the property is clearly outlined in no uncertain terms for all owners, present and future.

The current zoning and the restrictions placed on the property are clearly in conflict. In addition, the types of business required to meet the county's current zoning requirements are also not in line with the current population and potential growth of Rural South Monterey County. It is highly


unlikely that a bookstore, barber shop, florist, or any of the other businesses named in the zoning ordinance would be a good fit for the community. It is also highly unlikely that a single business, not to mention four businesses, would survive, let alone flourish, given the sparse population and remoteness of the location. We have been told that the population of the area will continue to grow, and this may be true. But given that the much of the land has already been subdivided, that lot sizes in most areas are 40 acres or larger, and that, to support its goal of preserving agricultural and grazing land, the county will not allow subdivisions that result in parcels smaller than 40 acres in most cases, it is unlikely that there will ever be a population growth large enough to support multiple businesses such as those required by the zoning ordinance.

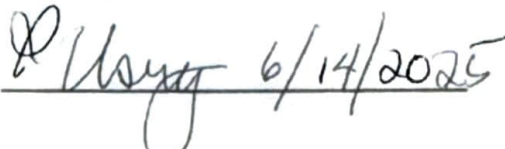
When parcel #423381006000 was purchased in 2023, the MLS listing showed that it was in an LDR-1 zone. We believe that the listing agent, who has been representing properties in Lockwood for more than 40 years, performed her due diligence by verifying the zone with Housing and Community Development (HCD) prior to listing the property. The eventual buyers, Tim and Paula Usrey, also contacted HCD prior to making the purchase. They, too, were told that the parcel was in an LDR-1 zone. However, when the Usreys contacted HCD to inquire about a building permit, they were told that the property was designated as Light Commercial. In total, three different HCD representatives told the Usreys that the parcel was in an LDR-1 zone before coming to an agreement that it was actually in a Light Commercial zone. The other owners had varying experiences when contacting HCD about zoning.

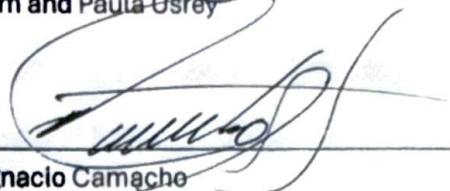
We understand that the county has no interest in the established CC&R's because they constitute a private agreement between landowners. However, the CC&R's clearly state the parcels cannot be used for business purposes other than those that are agricultural in nature. Moreover, the CC&R's require a 100 percent vote to change the current restrictions. Although we do not believe that any business would be able to survive in the area, to hold such a vote is to ask each owner of parcels 1-4 and 5-8 to submit to the inevitable downside of commercial business operations: increased traffic, litter, noise, and strangers driving into what they thought would be a residential area.

Once again, the parcels listed in the Development Project Application are currently unusable. Every owner intends to build a home if and when the zoning is changed to LDR-1. Until that happens, the county will continue to receive taxes at the rate for undeveloped land and the landowners will continue to feel as though they wasted their money by buying it.

Respectfully,


6/14/25
Tim and Paula Usrey


6/14/2025


Ignacio Camacho

6/24/2025

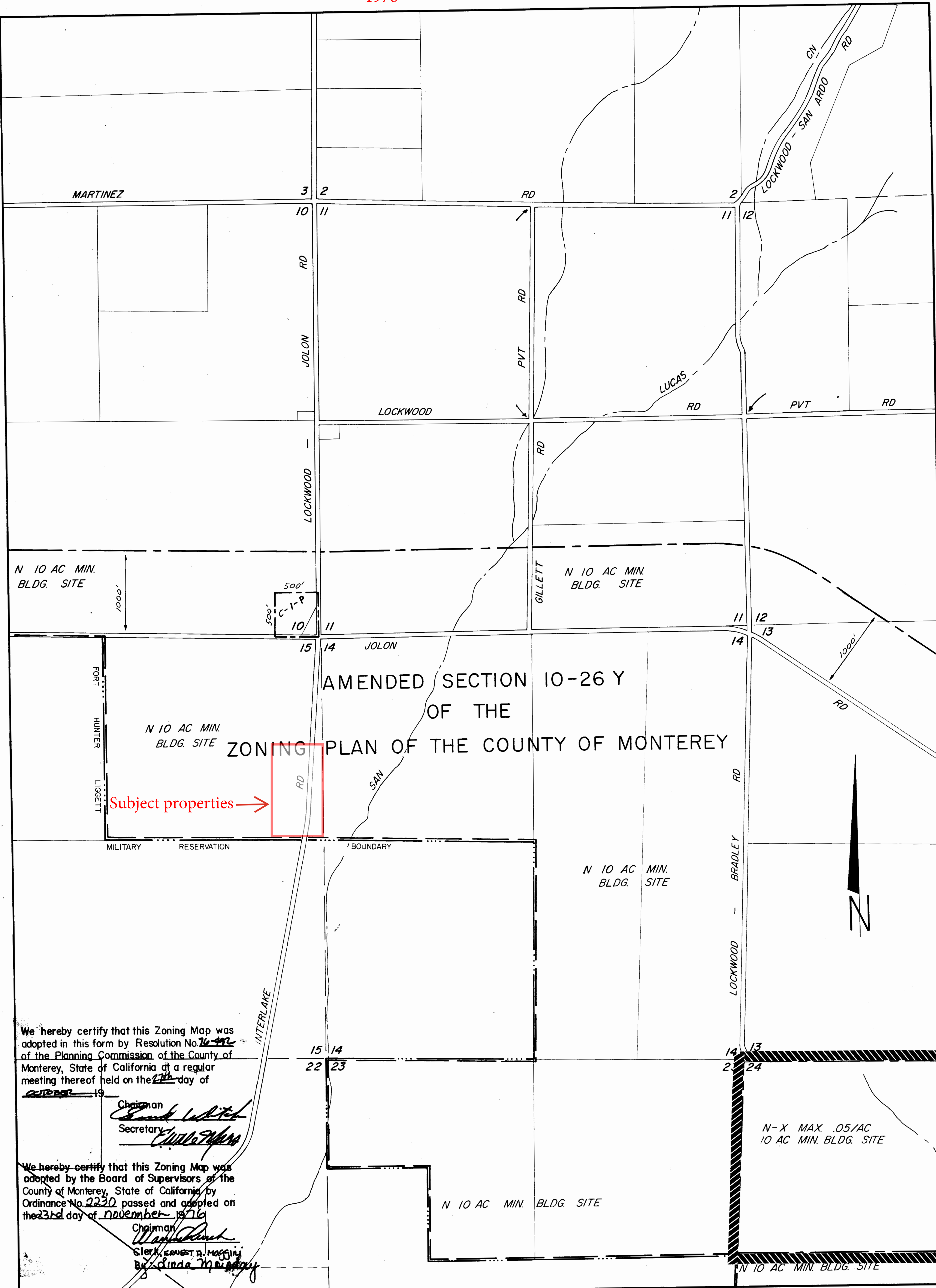

6-14-25
Rafael Martinez and Rosio Doniz


6/14/25

1976

AMENDED

DATE 1, Nov 23, 1976 ORD. NO. 2230



AMENDED SECTION 10-26 Y
OF THE
ZONING PLAN OF THE COUNTY OF MONTEREY

Subject properties →

We hereby certify that this Zoning Map was adopted in this form by Resolution No. 76-92 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 17th day of October 1976.

Chairman Frank White
Secretary Clara Phipps

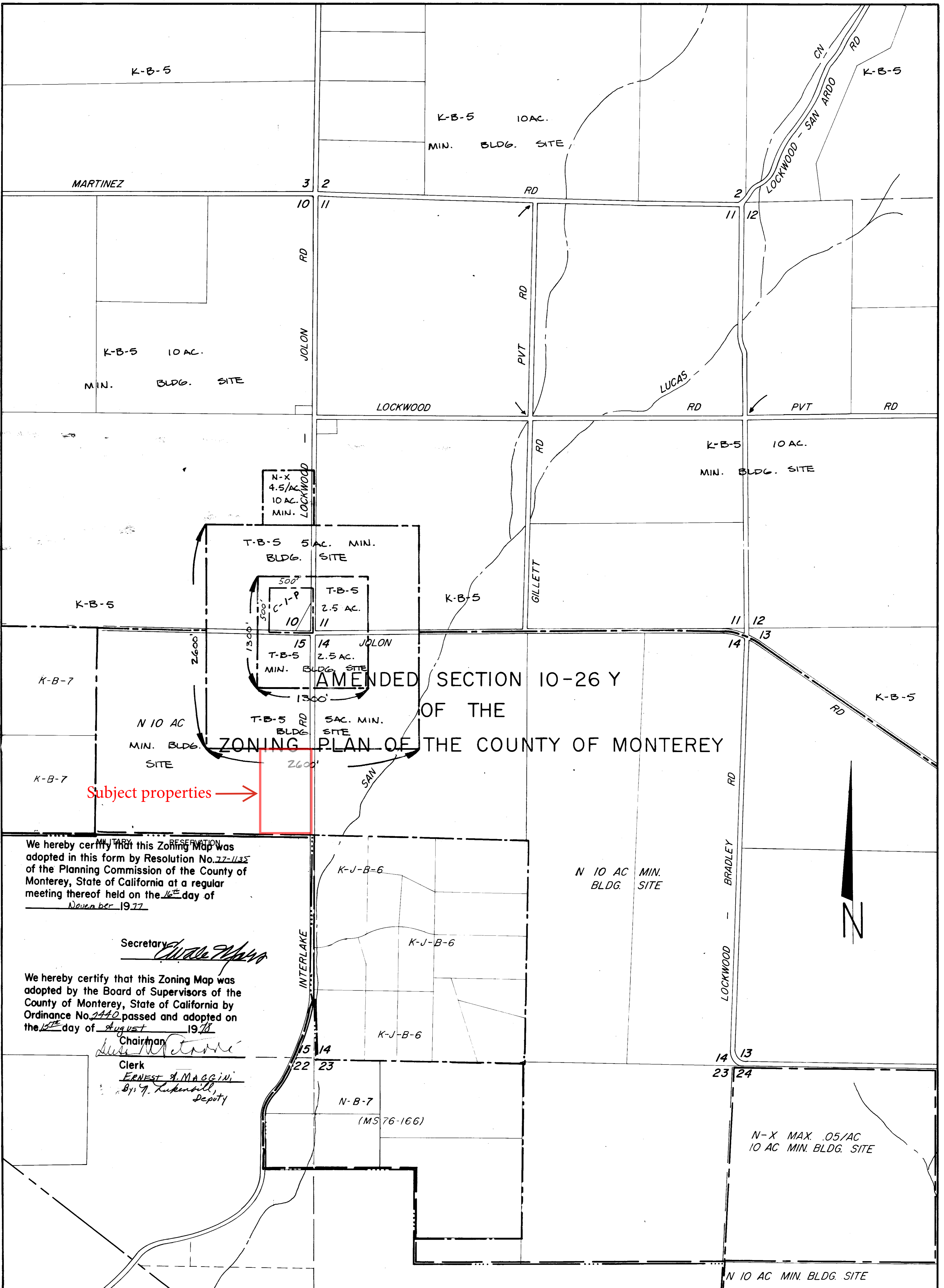
We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 2230 passed and adopted on the 23rd day of November 1976.

Chairman Walter Smith
S clerk Robert P. Maggini
B clerk Cinda Maggini

1978

AMENDED

DATE	ORD. NO.
1. Nov 23, 1976	2230
2. May 3, 1977	2288
3. Jan. 31, 1978	2387
4. April 4, 1978	2406



AMENDED SECTION 10-26 Y
OF THE
ZONING PLAN OF THE COUNTY OF MONTEREY

Subject properties →

We hereby certify that this Zoning Map was adopted in this form by Resolution No. 77-1135 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 16th day of November 1977.

Secretary *[Signature]*

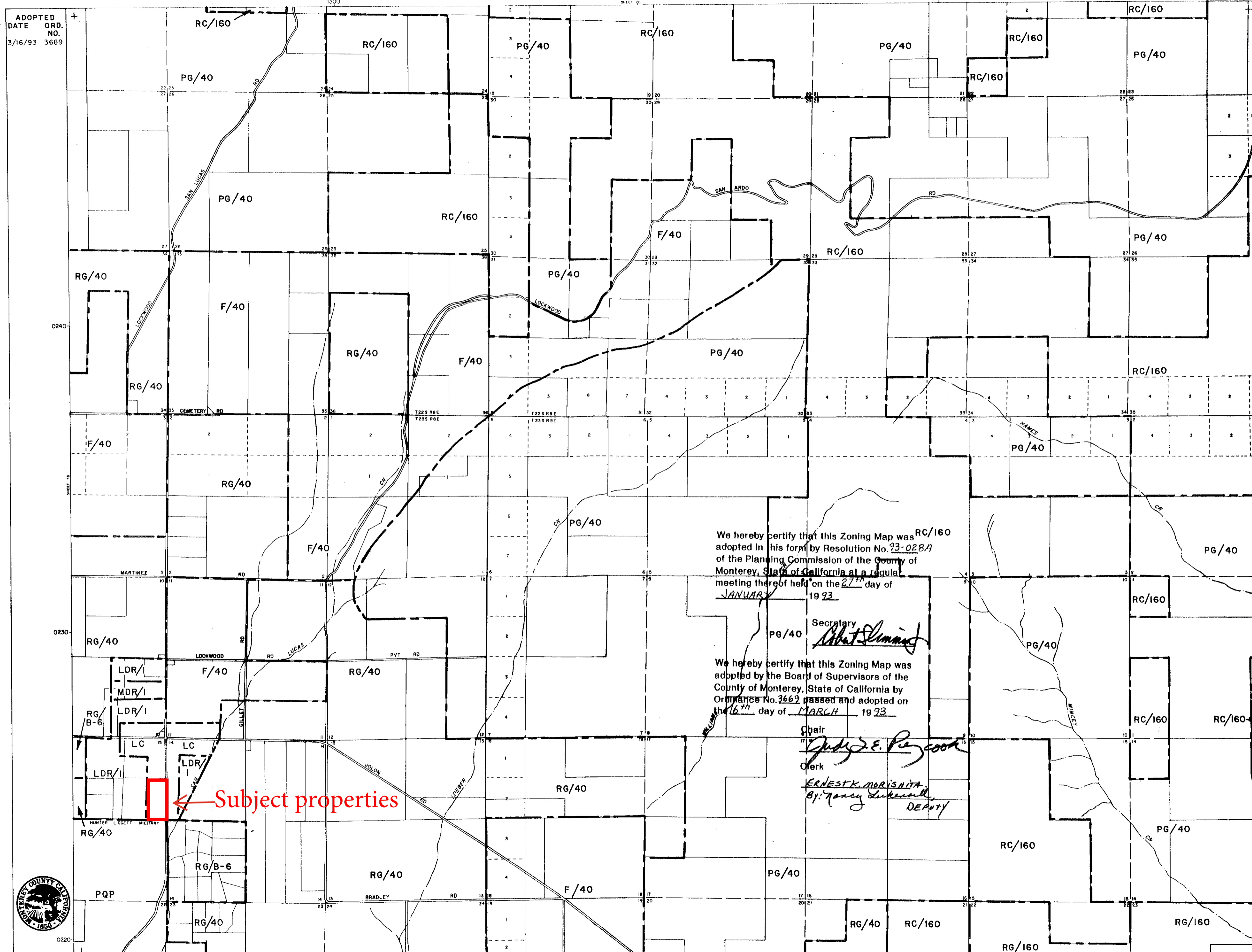
We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 2440 passed and adopted on the 15th day of August 1978.

Chairman *[Signature]*

Clerk
ERNEST A. MAGGINI
By: G. Lukensill, Deputy

1993 SECTION 79 OF THE ZONING PLAN OF THE COUNTY OF MONTEREY

ADOPTED DATE 3/16/93
ORD. NO. 3669



We hereby certify that this Zoning Map was adopted in this form by Resolution No. 93-0284 of the Planning Commission of the County of Monterey, State of California at a regular meeting thereof held on the 27th day of JANUARY 1993.

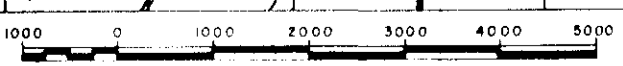
We hereby certify that this Zoning Map was adopted by the Board of Supervisors of the County of Monterey, State of California by Ordinance No. 3662 passed and adopted on the 16th day of MARCH 1993.

Secretary
Robert L. ...

Chair
Judy E. ...

Clerk
ERNEST K. MORISHITA
By: Nancy ... DEPUTY

← Subject properties



SN 00027741

N 1864896

E 5944216

Vol. 22 Par. Pg. 15

OWNERS' STATEMENT

We hereby state that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the preparation and recordation of said map and subdivision as shown within the subdivision boundary lines.

We also hereby dedicate for public use easements for public utilities including but not limited to electricity, gas, communication, water and their necessary appurtenances on, over and under those certain strips of land designated as "Public Utilities Easements" (PUE) as shown on said map within said subdivision; such strips of land are to be kept open and free from buildings and structures not serving the purposes of the easements.

SCOTT TROMPETER ENTERPRISES, INC., a California Corporation

Signature of Scott Trompeter, SCOTT TROMPETER

FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee under Deed of Trust recorded January 23, 2004, in Recorder's Series No. 2004006699.

Signature of Michael Jung, (Assistant Secretary) and Dan Chen, VICE PRESIDENT

The signatures of the holders of the following interests may be omitted inasmuch as their interests are such that it cannot ripen into a fee and if their names and nature of their respective interests are stated on the map and upon compliance with or pursuant to Section 66436(3)(A) of Title 7 of Division 2 of the Government Code:

PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation and PACIFIC TELEPHONE and TELEGRAPH COMPANY, a California Corporation, as holder of a utilities easement. See Reel 1105 of Official Records, at Page 200.

Adelaide M. Smidt, et al, as holder of an oil and gas lease. See Book 370 of Official Records, at Page 60.

STATE OF CALIFORNIA COUNTY OF SAN LUIS OBISPO } SS

On 11-22-05 before me, Shari Urban, a Notary Public in and for said County and State, personally appeared Scott Trompeter

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Shari Urban, EXP: 10-17-09

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of

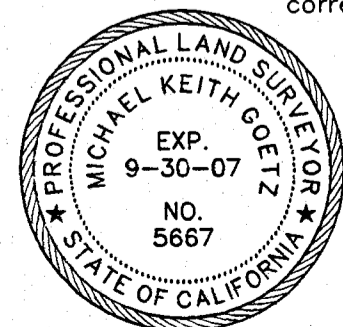
SCOTT TROMPETER ENTERPRISES, INC

on June, 2005 I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

I also state that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before June 30, 2005, and that the monuments are or will be, sufficient to enable the survey to be retraced.

(Signed) Michael Keith Goetz

P.L.S. No. 5667



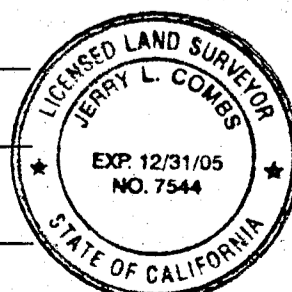
COUNTY SURVEYOR'S STATEMENT

I, Ron Lundquist, County Surveyor of Monterey County, hereby state that I have examined this map; that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof as approved by the Monterey County Minor Subdivision Committee, on May 26, 2005 that all the provisions of the California "Subdivision Map Act," as amended, and all local ordinances have been complied with, and that I am satisfied that this map is technically correct.

Dated: November 22, 2005

County Surveyor

Signature of Ron Lundquist, Deputy County Surveyor



RECORDER'S STATEMENT

Filed this 12th day of December, 2005

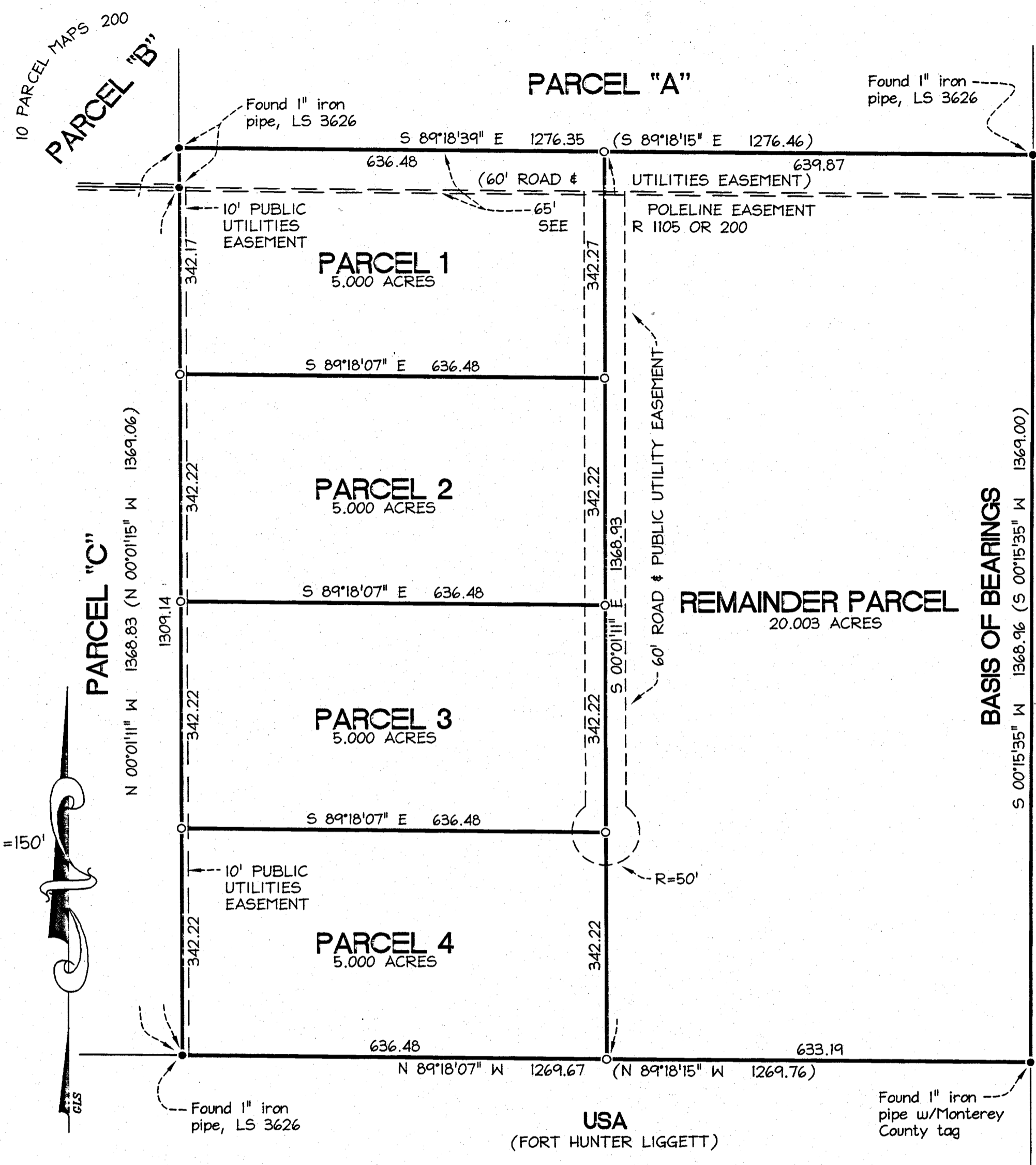
at 1:50 pm. in Volume 22 of Parcel Maps at Page 15

at the request of GOETZ LAND SURVEYORS.

Signature of Stephen L. Vagnini, County Recorder

Signature of J. Gabudao, Deputy

Serial No. 2005130714 Fee \$900



STATE OF CALIFORNIA COUNTY OF MONTEREY } SS

On 11-22-05 before me, Sandra Betancourt, a Notary Public in and for said County and State, personally appeared Michael Jung and Douglas O'Mar

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Sandra Betancourt, exp. 8-28-09

BASIS OF BEARINGS

The bearing of the east line of Parcel "D" (N 00°15'35" E), as shown on map filed in Volume 10 of Parcel Maps, at Page 200, as found monumented, was taken as Basis of Bearings shown upon this map.

LEGEND

Distances are expressed in feet and decimals thereof. (----) Record data per 10 Parcel Maps 200. o Set 3/4" iron pipe, PLS 5667 unless otherwise shown

STATEMENT OF CLERK OF BOARD OF SUPERVISORS

I, LEW C. BAUMAN, Clerk of the Board of Supervisors of Monterey County, hereby state that said Board approved the within map on the 10th day of DECEMBER, 2005, and accepted on behalf of the public, all offers of dedication for public use, in conformity with the terms of the offer of dedication.

Signature of Cynthia Juarez, Clerk of the Board of Supervisors of the County of Monterey, State of California

By CYNTHIA JUAREZ Deputy

PARCEL MAP

PLN030415

OF PARCEL "D" AS SHOWN ON MAP FILED IN VOLUME 10 OF PARCEL MAPS, AT PAGE 200, IN SECTION 15, TOWNSHIP 23 SOUTH, RANGE 8 EAST, M.D.M., MONTEREY COUNTY, CALIFORNIA

PREPARED FOR

SCOTT TROMPETER ENTERPRISES, INC.

APN 423-041-067 JUNE 2005

JOB NO. 60-03 SHEET ONE OF TWO

MJG M J GOETZ AND ASSOCIATES 1605 COMMERCE WAY, SUITE E | 141 AUBURN STREET PASO ROBLES, CA 93446 | SALINAS, CA 93901 (805) 237-9177 | (831) 424-4114

OWNERS' STATEMENT

We hereby state that we are the owners of, or have some right, title or interest in and to, the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the preparation and recordation of said map and subdivision as shown within the subdivision boundary lines.

SCOTT TROMPETER ENTERPRISES, INC. a California Corporation

Signature of Scott Trompeter, SCOTT TROMPETER

The signatures of the holders of the following interests may be omitted inasmuch as there are no dedications or offers of dedications:

FIRST AMERICAN TITLE INSURANCE COMPANY, as Trustee under Deed of Trust recorded December 12, 2005, in Recorder's Series No. 2005130780.

The signatures of the holders of the following interests may be omitted inasmuch as their interests are such that it cannot ripen into a fee and if their names and nature of their respective interests are stated on the map and upon compliance with or pursuant to Section 66436(3)(A) of Title 7 of Division 2 of the Government Code:

PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation and PACIFIC TELEPHONE and TELEGRAPH COMPANY, a California Corporation, as holder of a utilities easement. See Reel 1105 of Official Records, at Page 200.

Adelaide M. Smidt, et al, as holder of an oil and gas lease. See Book 370 of Official Records, at Page 60.

Karyn L. Planett, as holder of a 60' Road and Utilities Easement. See Doc. No. 2005136210 of Official Records.

STATE OF CALIFORNIA } COUNTY OF SAN LUIS OBISPO } SS

On 9/28/2006 before me, Kim D. Sampson-McKibben a Notary Public in and for said County and State, personally appeared Scott Trompeter

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Kim D. Sampson-McKibben, Commission No. 1559581, Expires 3/15/2009

BASIS OF BEARINGS

The bearing of the east line of the Remainder Parcel (N 00°15'35" E), as shown on map filed in Volume 22 of Parcel Maps, at Page 15, as found monumented, was taken as Basis of Bearings shown upon this map.

LEGEND

- Distances are expressed in feet and decimals thereof. (---) Record data per 22 Parcel Maps 15 o Set 3/4" iron pipe, LS 5667 unless otherwise shown • Found 3/4" iron pipe, LS 5667 unless otherwise shown

SURVEYOR'S STATEMENT

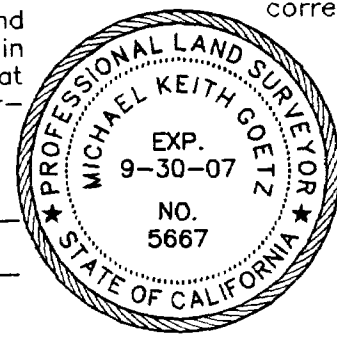
This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of

SCOTT TROMPETER ENTERPRISES, INC

on August, 2006 I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

I also state that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before December 31, 2006, and that the monuments are or will be, sufficient to enable the survey to be retraced.

(Signed) Michael Keith Goetz, P.L.S. No. 5667



COUNTY SURVEYOR'S STATEMENT

I, Ron Lundquist, County Surveyor of Monterey County, hereby state that I have examined this map; that the subdivision as shown hereon is substantially the same as it appeared on the Tentative Map, and any approved alterations thereof as approved by the Monterey County Minor Subdivision Committee, on June 8, 2006, that all the provisions of the California "Subdivision Map Act," as amended, and all local ordinances have been complied with, and that I am satisfied that this map is technically correct.

Dated: October 12, 2006

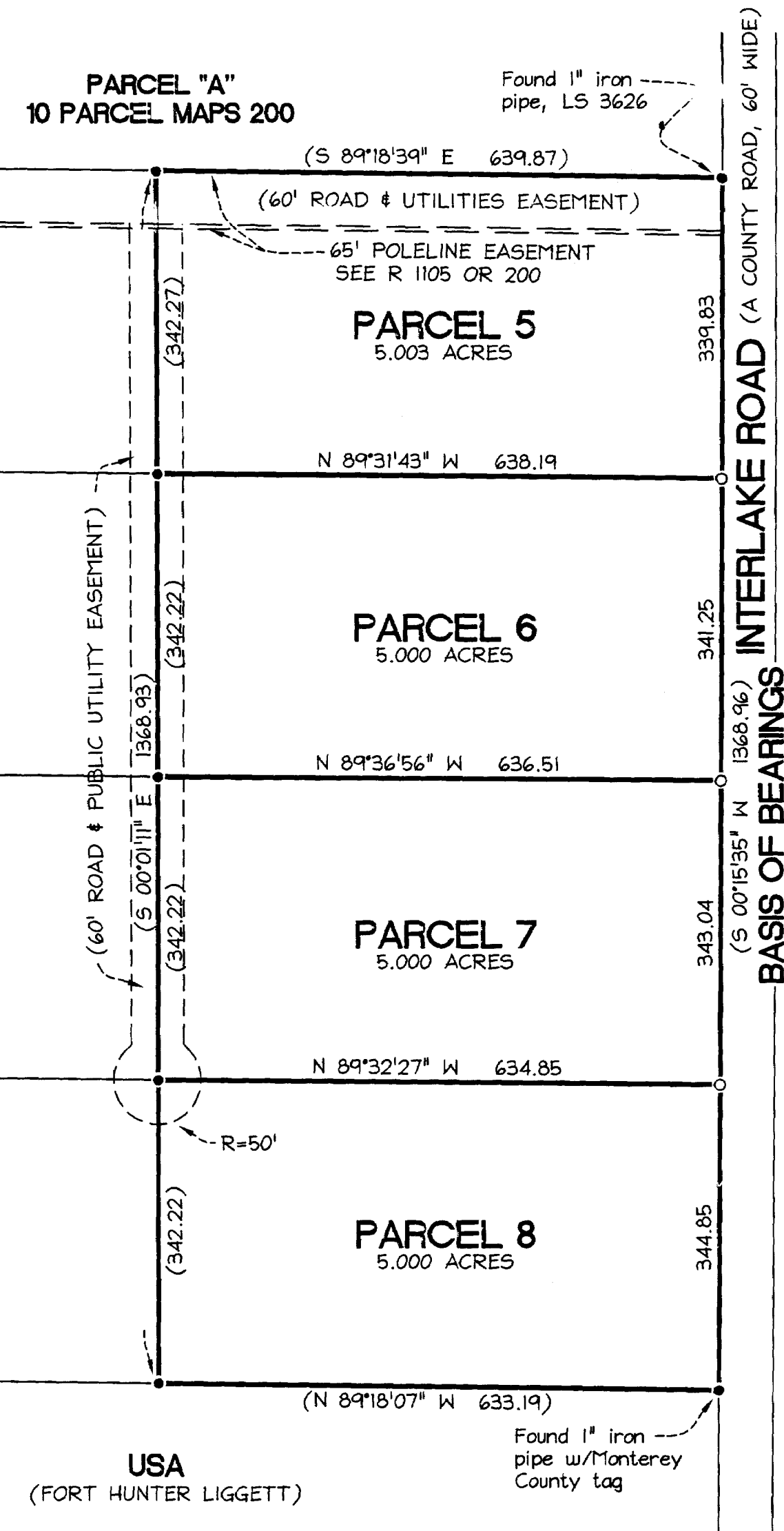
County Surveyor, Deputy County Surveyor



RECORDER'S STATEMENT

Filed this 21st day of October, 2006 at 2:48 pm in Volume 22 of Parcel Maps at Page 47 at the request of M J GOETZ & ASSOCIATES.

Stephen Vagnini - County Recorder, By Julie Monero Deputy, Serial No. 2006044913 Fee 9.00



SCALE 1"=150'



PARCEL MAP

PLN060078

OF THE REMAINDER PARCEL AS SHOWN ON MAP FILED IN VOLUME 22 OF PARCEL MAPS, AT PAGE 15, IN SECTION 15, TOWNSHIP 23 SOUTH, RANGE 8 EAST, M.D.M., MONTEREY COUNTY, CALIFORNIA

PREPARED FOR SCOTT TROMPETER ENTERPRISES, INC. APN 423-391-005 AUGUST 2006 JOB NO. 60-03 SHEET ONE OF TWO

MJG M J GOETZ AND ASSOCIATES 1495 CRESTON ROAD #160 PASO ROBLES, CA 93446 (805) 237-9177 131B AUBURN STREET SALINAS, CA 93901 (831) 424-4114