

**MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 05017

A.P.# 259-191-006-000 and
259-092-075-000

In the matter of the application of
Wayne & Shae Rainey TRS (PLN040742)

FINDINGS & DECISION

for a Lot Line Adjustment in accordance with Title 19 (Subdivisions), Chapter 19.32 (Minor Subdivisions), of the Monterey County Code, between undeveloped Lot 128 and Remainder Lot 44 of the Monterra Ranch Subdivision, reconfiguration of building envelope and scenic easement on Lot 128. The existing lot sizes are 3.27 acres (Lot 128) and 104.27 acres (Remainder Lot 44) and the proposed sizes will remain the same. The proposed building envelope reconfiguration on Lot 128 will decrease the size of the building envelope from an existing 1.02 acres to .85 acres, in order to enable a better building location and reduction of the amount of grading and tree removal. The location is 8255 Manjares (Lot 128) and adjacent Remainder Parcel (Lot 44), Monterra Ranch Subdivision, Greater Monterey Peninsula Area which came on regularly for meeting before the Minor Subdivision Committee on August 25, 2005.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

1. **FINDING: CONSISTENCY** - The Rainey Lot Line Adjustment application (PLN040742), as conditioned, is consistent with the policies, requirements, and standards of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan, the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The property is located at 8255 Manjares in Monterey (Assessor Parcel Numbers 259-191-006-000 and 259-092-075-000), towards the end and fronting on Manjares, Monterra Ranch Subdivision. The subject properties are zoned "RDR/10-UR-VS" or Rural Density Residential, 10 acres per unit, Urban Reserve and in a Visual Sensitive Area. The subject parcels are in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of Title 21 and 19. The site is suitable for the lot line adjustment.

- EVIDENCE:** (a) The application, plans, and support materials submitted by the applicant to the Monterey County Planning & Building Inspection Department for the proposed development, found in the project file PLN040742.
- (b) Project planner conducted an on-site to verify that the project on the subject parcel conforms to the plans listed above.
- (c) PBI staff has reviewed the project application and accompanying materials for consistency with the Greater Monterey Peninsula Area Plan, Title 21 of the Monterey County Zoning Ordinance, Monterey County Subdivision Ordinance (Title 19) and the Monterey County General Plan.

- (d) The two (2) lots of record are recorded with the Monterey County Recorder's Office under the following: APN 259-092-075-000 Monterra Ranch Phase 6 under Volume 22 C&T page 56 and APN 259-191-006-000 Monterra Ranch Phase 5 under Volume 22 C&T page 39.
- (e) This application meets the criteria for a lot line adjustment process as specified by Board Resolution Number 05-007, specifically section 3c.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources and Salinas Rural Fire. Conditions recommended have been incorporated.

(b) Staff conducted an on-site visit to verify that the site is suitable for this use.

(c) Currently, with the existing building envelope configuration on Lot 128 (APN 259-191-006-000), approximately 67 oak trees in sizes ranging from 6 inches to 24 inches in diameter exist within the building envelope. The proposed building envelope reconfiguration shows approximately 57 oak trees, ranging in size from 6 inches to 44 inches in diameter. Therefore, approximately 10 less Oaks will be removed with the new building envelope reconfiguration proposal.

(d) Necessary public facilities are available and will be provided.

3. **FINDING: CEQA** - The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines Section 15061 b (3) and 15305 categorically exempts this project from CEQA review. The project as conditioned would not have the potential for causing a significant adverse effect on the environment for the following reasons

(a) No adverse environmental effects were identified during staff review of the development application or during a site visit.

(b) There are no unusual circumstances related to the project or property.

4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19)- LOT LINE ADJUSTMENTS (CHAPTER 19.09)**- The lot line adjustment is between two or more existing adjacent parcels and greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Lot 44 (APN 259-092-075-000) and Lot 128 (APN 259-191-006-000) of the Monterra Ranch Subdivision Phases 5 and 6 are existing adjacent lots. Two adjacent lots of record will be adjusted and two lots will result from the adjustment.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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: Preceding findings and supporting evidence.

6. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Monterey County Subdivision Ordinance Title 19, Chapter 19.16 (Appeals).

DECISION

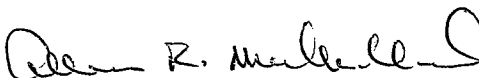
THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Lot Line Adjustment be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 25th day of August, 2005, by the following vote:

AYES: Mounday, McPharlin, Hodges, Hori, Mulholland, Hawkins

NOES: None

ABSENT: None


LYNNE MOUNDAY, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON DEC 01 2005

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DEC 11 2005

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON AUGUST 25, 2007. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

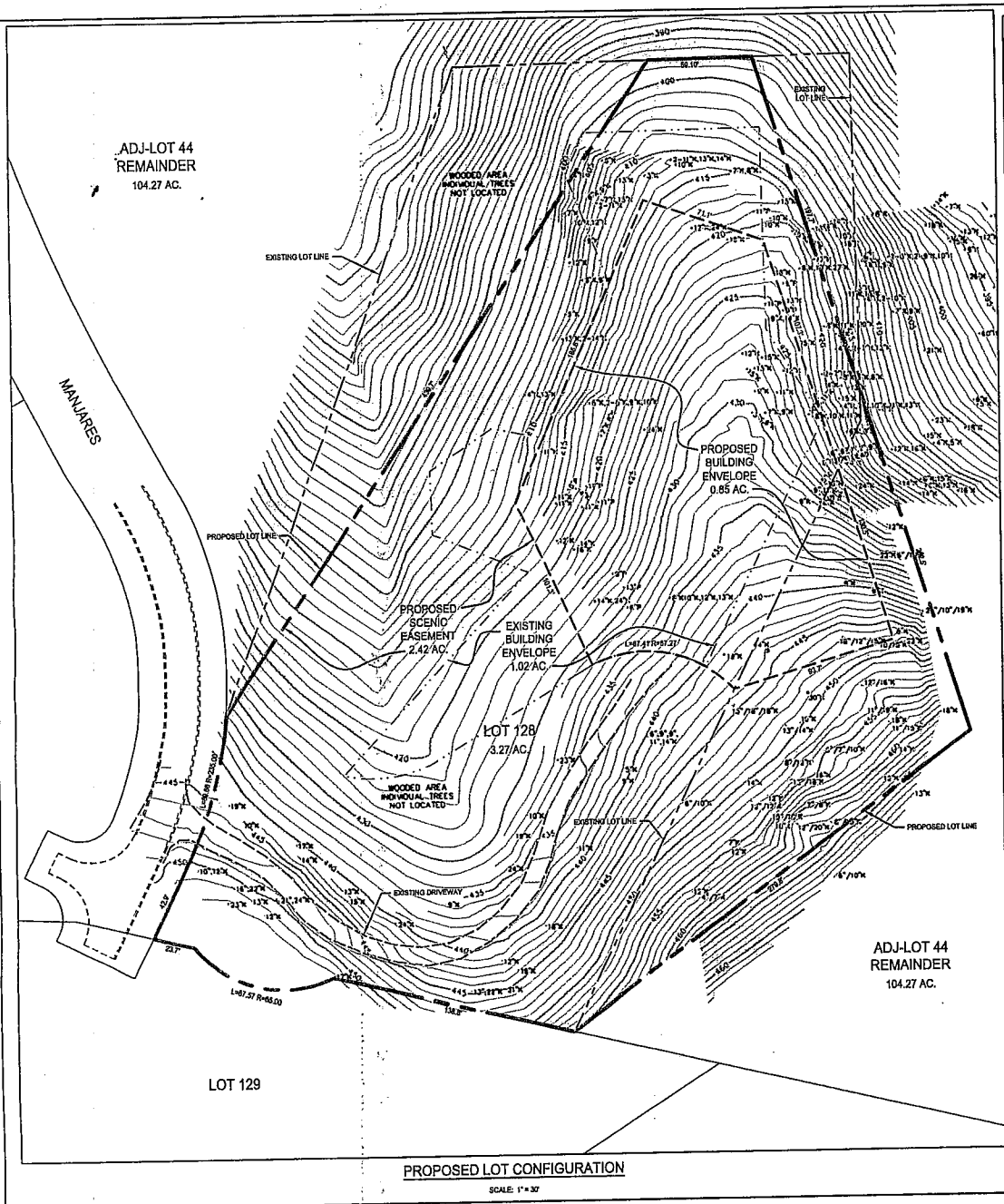
This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

**Planning and Building Inspection Department
Condition Compliance & Mitigation Monitoring and/or
Reporting Plan**

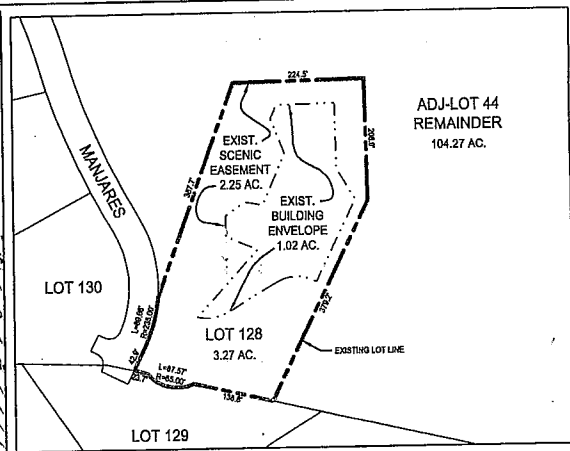
Project Name: Rainey
File No: PLN040742 **APNs:** 259-191-006-000 & 259-092-075-000
Approval by: Minor Subdivision **Date:** August 25, 2005

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040742) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 259-191-006-000 and 259-092-075-000 on August 25, 2005. The permit was granted subject to 4 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 issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	
2.		NON-STANDARD Applicant must request and Board must approve amendment to scenic easement deed and building envelope. (Planning & Bldg. Inspection)	Submit information to P&BI for review and approval.	Owner/ Applicant	Prior to Recordation of Survey	
3.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	
4.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	



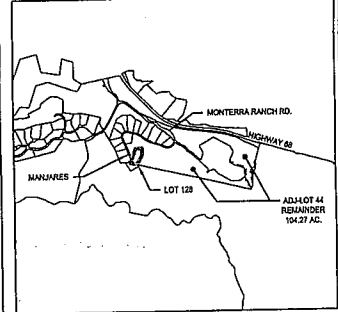
PROPOSED LOT CONFIGURATION
SCALE: 1" = 30'



EXISTING LOT CONFIGURATION
SCALE: 1" = 100'

OWNERS / APPLICANTS
 LOT 128 WAYNE & SHEA RAINEY APN: 256-191-006
 ADJ-LOT 44 REMAINDER MONTEREIRA RANCH PROPERTIES, LLC APN: 256-092-075
 A CALIFORNIA LIMITED LIABILITY CO.

SUMMARY		
	EXISTING	PROPOSED
LOT 128	3.27 AC.	3.27 AC.
ADJ-LOT 44 REMAINDER	104.27 AC.	104.27 AC.
LOT 128 BUILDING ENVELOPE	1.02 AC.	0.85 AC.

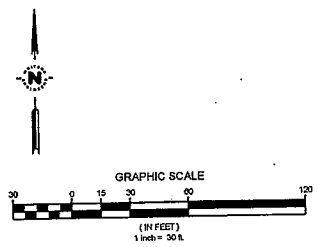


VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- SUBJECT PROPERTY LINES
- - - ADJACENT LOT LINES
- BUILDING ENVELOPE
- - - EXISTING CONTOUR
- SLOPES GREATER THAN 30%
- 22" EXISTING PINE TREE
- 22" EXISTING OAK TREE
- EXST. EXISTING

- NOTES:**
- NO BUILDINGS, STRUCTURES OR FENCES EXIST ON THE PROPERTY.
 - NO EXISTING OR PROPOSED STRUCTURES ARE A PART OF THIS APPLICATION.
 - NO PARKING OR ACCESS IS A PART OF THIS APPLICATION.
 - NO WELLS OR SEPTIC SYSTEMS EXIST OR ARE PROPOSED.
 - NO WETLANDS, STREAMS, CREEKS OR ANY OTHER BODY OF WATER EXIST ON THE PROPERTY.
 - THE PROPERTY IS NOT SUBJECT TO INUNDATION AND/OR 100 YEAR FLOOD LEVELS.
 - 30% OR GREATER SLOPES ARE SHADED; NO DEVELOPMENT ON 30% SLOPES IS PROPOSED.
 - THIS PROPERTY HAS NO IDENTIFIED ENVIRONMENTALLY SENSITIVE HABITAT, ARCHAEOLOGICAL RESOURCES, HISTORICAL SITES OR ANY IDENTIFIED HAZARDS TO INDICATE.
 - WATER AND SEWER SERVICE IS PROVIDED BY CANADA WOODS WATER COMPANY.



PROPOSED
LOT LINE ADJUSTMENT
 OF
 LOT 128 - MONTEREIRA RANCH

PREPARED FOR:
 WAYNE & SHEA RAINEY

PREPARED BY:
WHITSON ENGINEERS
 9009 Blue Larkspur Lane • Suite 105 • Menlo Park, CA 94040
 651 640-5225 • Fax: 651 373-5265
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

July 14, 2005
 MAY-04-2006 JCB #1633.00