

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

RESOLUTION NO. 01001

MINOR SUBDIVISION NO. 990293

A.P.# 141-041-003-000

In the matter of the request of  
**Carol Bryan (PLN990293)**

**FINDINGS AND DECISION**

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, consisting of a Coastal Development Permit for a Lot Line Adjustment to adjust the boundaries between two existing lots of record of 9.56 and 0.38 acres respectively; and a Variance to allow reduction of an existing lot size to less than the minimum allowed under the land use designation; the Lot Line Adjustment would result in two lots of record of 8.94 and 1.00 acres respectively; located at 2578 San Juan Road, west of Carpenteria Road, Aromas area, North County Land Use Plan; came on regularly for hearing before the Minor Subdivision Committee on January 25, 2001.

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

1. **FINDING:** The project proposed in this application consists of a Combined Development Permit consisting of a Coastal Development Permit for a Lot Line Adjustment and a Variance, as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Coastal Subdivision Ordinance (Title 19), and with the North County Land Use Plan, Regulations for Development in the North County Land Use Plan, Part 2 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which together comprise the Local Coastal Program for the project site. The properties are located fronting on and southerly of San Juan Road west of Carpenteria Road. The parcels are zoned "RDR/10 (CZ)" or "Rural Density Residential, 10 Acre Minimum." The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified North County Land Use Plan
- b) The certified Monterey County Coastal Implementation Plan regulations for the "RDR/10 (CZ)" or "Rural Density Residential, 10 Acres/Unit" Coastal Zone, and
- c) Chapter 20.12 Monterey County Coastal Implementation Plan regulations for development in the North County Land Use Plan.

EVIDENCE: The proposed lot line adjustment has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Parks Department, Environmental Health Division and the North County Fire District. There has been no indication from these agencies that the site is not suitable for the proposed development.

EVIDENCE: The North County Coastal Land Use Advisory Committee recommended approval of the project on September 18, 2000, by a vote of 4 ayes to 0 noes.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access.

2. FINDING: The proposed project will not have a significant environmental impact and the project is exempt from environmental review under Section 15061(b)3 of the California Environmental Quality Act (CEQA).

EVIDENCE: The proposed project consists of a lot line adjustment to accommodate existing residential development on the properties. No additional development is proposed that would have the potential to result in significant environmental impacts.

3. FINDING: The lot line adjustment is between two existing adjacent parcels.

EVIDENCE: The application and plans for a lot line adjustment found in the project file.

4. FINDING: A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Two contiguous separate legal nonconforming lots of record of 9.56 and 0.37 acres exist and two contiguous separate legal nonconforming lots of record of 8.94 and 1.00 acres will result from the adjustment.

5. FINDING: The proposed lot line adjustment is consistent with the land use regulations and the provisions of Title 20 (Zoning Ordinance) pertaining to the "RDR/10 (CZ)" Zoning District.

EVIDENCE: The lot line adjustment is proposed to increase the size of the smaller lot from 0.37 acres to 1.00 acre in order to accommodate existing development within its boundaries. While the size of the larger lot would be reduced from 9.56 acres to 8.94, the lot line adjustment would result in an improved boundary configuration which will better achieve the purpose and intent of the land use, zoning and environmental health regulations applicable to the subject lots.

6. FINDING: The establishment, maintenance, or operation of the subdivision and building applied for will not, under the circumstances of the particular case, 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 improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the North County Fire District, and Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
7. FINDING: Public notice of the pending Combined Development Permit was provided pursuant to Section 20.84, Title 20, Monterey County Code (Zoning).
- EVIDENCE: Materials in project file.
8. FINDING: The project is appealable to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE: Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1) and Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).
9. FINDING: That the granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
- EVIDENCE: The lot line adjustment, including the variance, would result in an improved boundary configuration, which will better achieve the purpose and intent of the land use, zoning, and environmental health regulations applicable to the subject lots. The resulting lot sizes will be closer to the sizes of other lots in the area.
10. FINDING: Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of the Zoning Ordinance (Title 20) is found to deprive the subject properties of privileges enjoyed by other properties in the vicinity and under identical zoning classification.
- EVIDENCE: The existing lot sizes and configuration represent constraints on existing development. The granting of the variance would allow the enlarging of an existing legal nonconforming lot in order to allow sufficient area to accommodate existing development and to reduce the existing constraints.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said Combined Development Permit be approved as shown on the attached sketch, subject to the following conditions:

1. This permit allows a Combined Development Permit consisting of a Coastal Development Permit for a Lot Line Adjustment to adjust the boundaries between two existing parcels of record of 9.56 acres and .378 acres respectively, resulting in two parcels of 8.94 acres and 1.00 acres respectively. The properties are located fronting on and southerly of San Juan Road, west of Carpenteria Road, North County. The project is in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)

**Prior to Recordation of Grant Deeds or a Record of Survey**

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection Department)
3. The applicant shall record a notice which states: "A permit (Resolution 01001) was approved by the minor Subdivision Committee for Assessor's Parcel Number 141-041-004-000 and 141-041-003-000. on January 25, 2001. The permit was granted subject to 6 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)
4. Obtain a survey of the new line and have the line monumented. (Public Works)
5. File a Record of Survey showing the new line and its monumentation. (Public Works)

6. Owner shall record a notice, for newly aligned Parcel 1, stating that the property is located within or partially within a floodplain and maybe subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)

PASSED AND ADOPTED this 25th day of January, 2001 by the following vote:

AYES: McPharlin, Hawkins, Main, Schreck, Cabaluna, Naslund

NOES: None

ABSENT: None

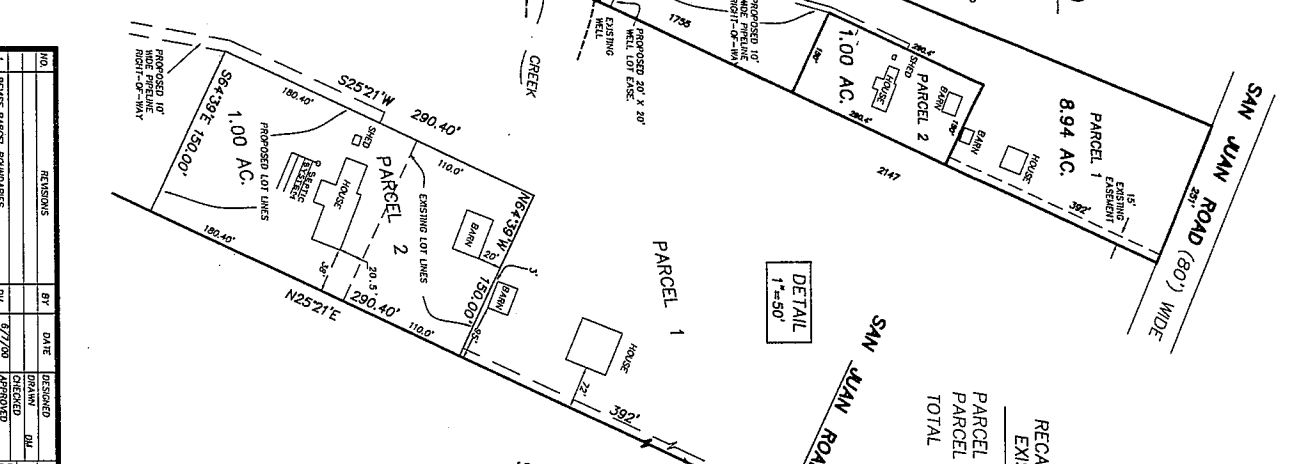
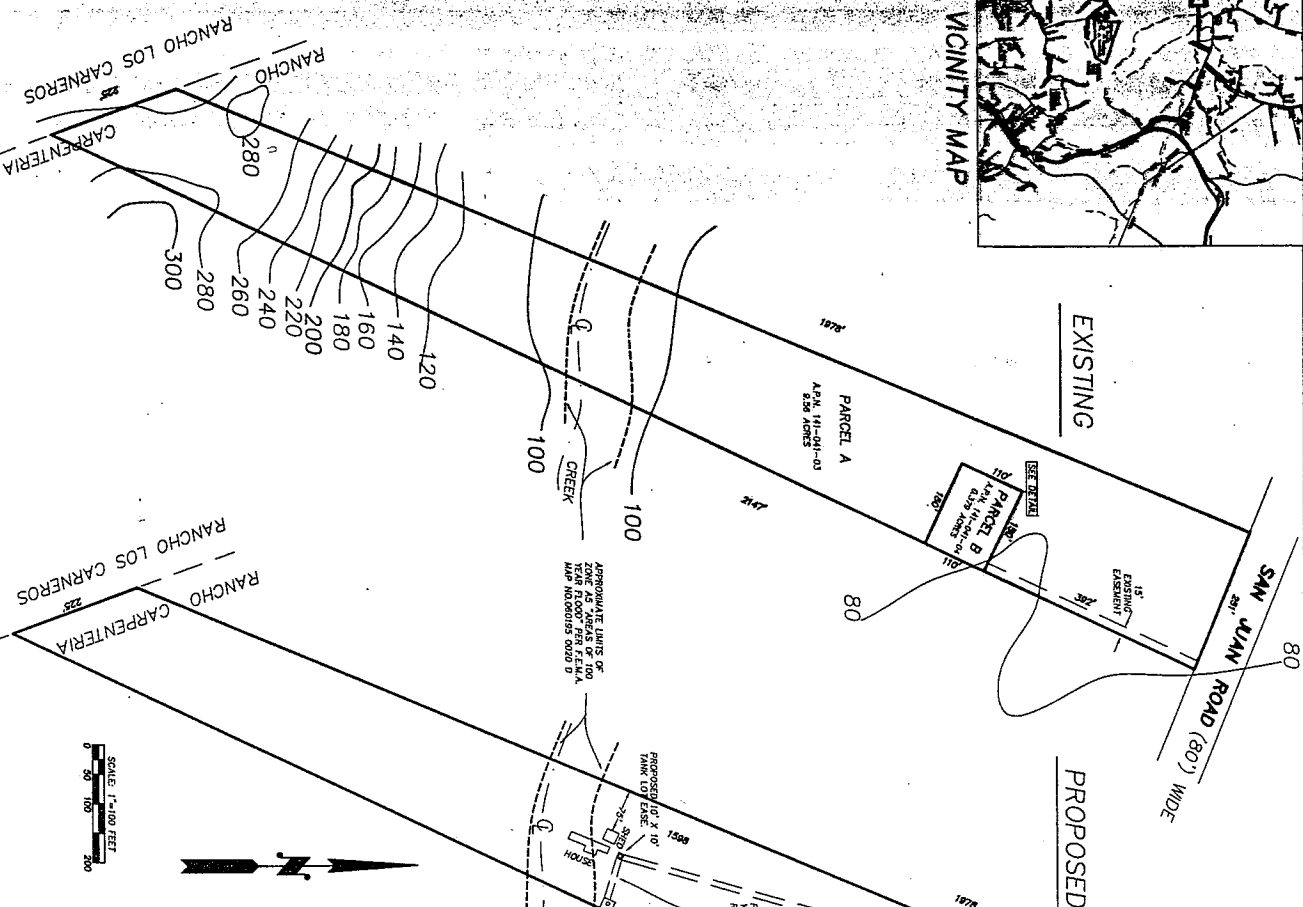
  
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JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **FEB - 2 2001**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **FEB 1 2 2001**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON JANUARY 25, 2003. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.



RECAPITULATION OF EXISTING AREAS		RECAPITULATION OF PROPOSED AREAS	
PARCEL A =	9.56 ACRES	PARCEL 1 =	8.94 ACRES
PARCEL B =	0.38 ACRES	PARCEL 2 =	1.00 ACRES
TOTAL =	9.94 ACRES+/-	TOTAL =	9.94 ACRES+/-

OWNER  
 Carol Bryon  
 2525 San Juan Road  
 Avonites, California 95004  
 726-9153

**TENTATIVE**  
**LOT LINE ADJUSTMENT MAP**  
 SHOWING THE PROPOSED ADJUSTMENT OF THE  
 BOUNDARY BETWEEN ASSESSORS PARCELS  
 141-041-03 AND 141-041-04  
 SITUATE IN  
 RANCHO CARPENTERIA  
 MONTEREY COUNTY, CALIFORNIA  
 MADE FOR  
**CAROL BRYAN**  
 BY  
 SALINAS VALLEY SURVEYORS  
 210 CAPITOL STREET, SUITE 15  
 SALINAS, CA. 93901  
 831-753-2234

NO.	REVISIONS	BY	DATE	DESIGNED	DRAWN	CHECKED	APPROVED	SCALE	SHEET NUMBER	FIRM	DRAWING NAME
1	REVIS PARCEL BOUNDARIES	DL	6/7/00					1"=100'	JUNE 1999	SALINAS VALLEY SURVEYORS	BYRON DWG SHEET 1 OF 1

