

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

RESOLUTION NO. 01005

A.P.# 137-061-018-000

In the matter of the application of
David & Patricia Anderson, Jr. (PLN000490)

FINDINGS & DECISION

for a Lot Line Adjustment in accordance with Title 19 (Subdivisions), Chapter 19.32 (Minor Subdivisions), of the Monterey County Code, involving 3 parcels (Assessor Parcel Numbers 137-061-018-000; 137-061-019-000; and 137-061-035-000) to provide direct access from Encinal Road to Assessor Parcel Number 137-061-018-000 to provide more land outside of the flood plain to Assessor Parcel Number 137-061-019-000; and to transfer an existing well from Assessor Parcel Number 137-061-018 to Assessor Parcel Number 137-061-035-000; no change in acreage for each of the three parcels will result from the lot adjustment; the three non-conforming legal lots of record are zoned "Farmlands" allowing for 40 acre minimum sized parcels; the properties are located southerly from Encinal Road and westerly of the intersection of Encinal and Old Stage Road in the Greater Salinas Area Plan, came on regularly for meeting before the Minor Subdivision Committee on March 8, 2001.

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

1. **FINDING:** The proposed project and/or use, as described in condition #1 is consistent with the policies of the Monterey County General Plan, the Greater Salinas Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).
 EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.
 EVIDENCE: The parcels are non-conforming as to size. However, the adjustment will not result in a change in parcel size, land use, or intensity for the parcels.

2. **FINDING:** The proposed project will not have a significant environmental impact.
 EVIDENCE: The Monterey County CEQA Guidelines categorically exempts this project from environmental review. No adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** That the lot line adjustment is between two or more existing adjacent parcels.
EVIDENCE: The application and plans for a lot line adjustment found in the project file (PLN000490) show the adjustment is between three parcels.
EVIDENCE: The two lots owned by the Andersons are considered separate legal lots of record based on deeds.
4. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
EVIDENCE: The three contiguous separate legal parcels of record will be adjusted with no acreage change between the parcels and three contiguous separate legal parcels of record will result from the adjustment.
5. **FINDING:** The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.
EVIDENCE: The proposed lot line adjustment is between three legal, non-conforming lots of record, consistent with the Farmlands Designation for parcels within the "F/40" Zoning District. The application and plans for a lot line adjustment found in the project file.

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 following conditions:

1. This permit allows the lot line adjustment between Assessor Parcel Numbers 137-061-018 (21.34 acres), 137-061-019 (4.20 acres), and 137-061-035 (21.08 acres). 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 must be established as consistent with the "Farmlands" designation found in the Monterey County General Plan and Zoning Ordinance (Title 21) and must be in substantial conformance with the terms and conditions of this permit. 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 01005) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 137-061-035, 137-061-018 and 137-061-019 on March 8th, 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 filing a Record of Survey that reflects the approved reconfigured lots. **(Planning and Building Inspection Department)**
4. Obtain a survey of the new line and have the line monumented. **(Public Works Department)**
5. Owner shall record a notice prior to filing the Record of Survey, for each newly aligned parcel, stating that the property is located within or partially within a floodplain and may be 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)**

Recordation of Grant Deeds or a Record of Survey:

6. File a Record of Survey showing the new line and its monumentation. (**Public Works Department**)

PASSED AND ADOPTED this 8th day of March, 2001, by the following vote:

AYES: McPharlin, Hawkins, LeMoine, Cabaluna, Naslund

NOES: None

ABSENT: Main



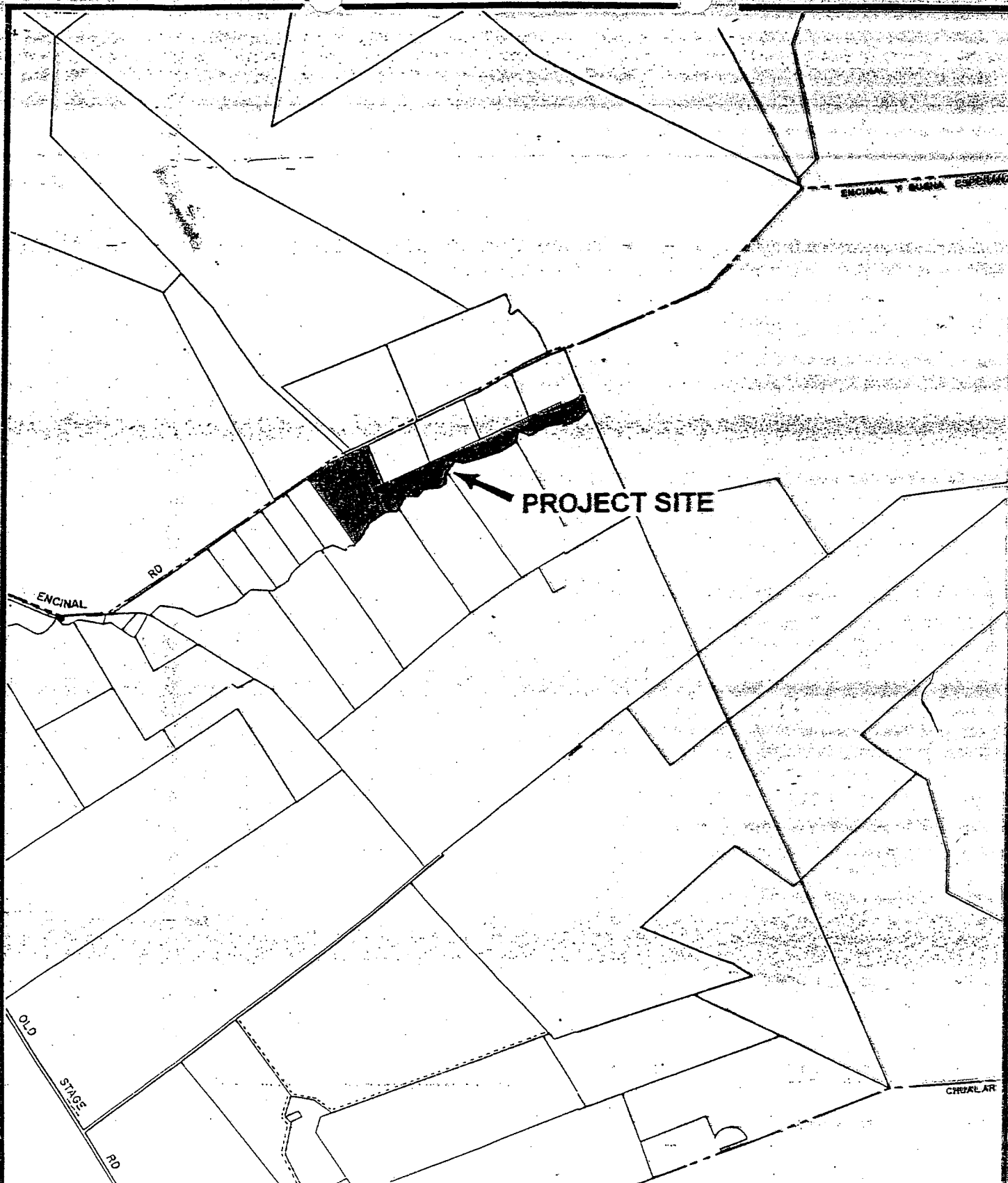
Jeff Maih, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **APR 17 2001**

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 **APR 27 2001**

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON MARCH 8, 2003. 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.

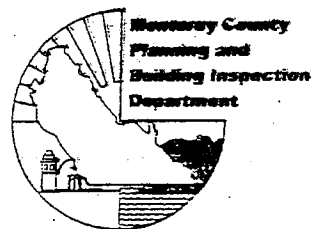
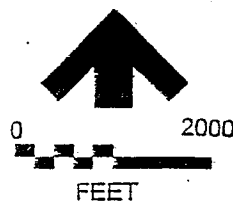


APPLICANT: ANDERSON

APN: 137-061-035-000 M

FILE# 000490

300' LIMIT: 
 2,500' LIMIT: 



DATE: 0/00/00

