

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

RESOLUTION NO. 01011

A.P. # 125-381-024-000

**FINDINGS & DECISION**

In the matter of the application of  
**Leonard and Michelle Patchen (CC010013)**

For a Conditional Certificate of Compliance in accordance with Section 19.14.055 (Conditional Certificates of Compliance) of Title 19 (Subdivisions) of the Monterey County Code, consisting of a Conditional Certificate of Compliance, located at 18891 Vierra Canyon Road, Prunedale, a part of that portion of the Rancho Bolsa Nueva y Moro Cojo in the County of Monterey as conveyed to the State of California by deeds recorded May 29, 1971 on Reel 705 Page 935 and July 14, 1971 on Reel 714 at Page 546, both Official Records; and subsequently conveyed to Maria Rizzo Leonotti by the State of California by deed recorded February 2, 1973 on Reel 825 Page 626 (APN 125-381-024-000), Official Records. The Leonotti Estate (including APN 125-381-024-000) was distributed to Marguerite Nunn recorded reel 1976 page 1096, July 14, 1986, Official Records. APN 125-381-024-000 deeded to Leonard and Michelle Patchen by Marguerite Nunn Reel 9882 Page 081, November 5, 1998, Official Records. Said application came before the Minor Subdivision Committee on July 26, 2001.

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

1.     **FINDING:**     A Conditional Certificate of Compliance may be issued by the County pursuant to Section 66412.6 of the California Government Code and Section 19.14.055 of the Monterey County Code.

**EVIDENCE:** The subject parcel, identified as Assessor's Parcel Number 125-381-024-000, does not meet the criteria set forth in the Subdivision Map Act, Monterey County Subdivision Ordinance (Title 19) and the Zoning Ordinance (Title 21) regarding the subdivision of land. Cal Trans purchased properties in May 29, 1971 and July 14, 1971. The subject 0.82-acre parcel was created by deed, and sold by Cal Trans in 1973 without County approval and in violation of the Map Act and Subdivision Ordinance. The applicant purchased the property from an estate in 1998 and the appropriate means to correct the 1973 violation is to apply for a Conditional Certificate of Compliance. The Subdivision Ordinance allows the County to impose such conditions upon parcels that do not comply with the Ordinance. The Ordinance, through this Conditional Certificate of Compliance requires and establishes conditions that would have been applicable to the subdivision of the property at the time the applicants acquire their interest (1998).
  
2.     **FINDING:**     In view of the parcel's non-compliance with the Subdivision Map Act and the Monterey County Subdivision Ordinance, Title 19, appropriate conditions must be placed on the Certificate of Compliance.

**EVIDENCE:** Section 66499.35 of the California Government Code states that "if a local agency determines that such real property does not comply with the provisions of this division or of local ordinances enacted pursuant thereto, it shall issue a certificate of compliance. A local agency may, as a condition to granting the certificate of compliance, impose such conditions as would have been applicable to the division of property at the time the applicant acquired the property" (1998).

- EVIDENCE:** This subject 0.82-acre parcel complies with the 20,000 square foot minimum zoning in effect at the time the parcel was created (1973). This Conditional Certificate of Compliance includes such conditions as would be applicable to a division of property at the time the applicant acquired the property (1998).
3. **FINDING:** The proposed project will not have a significant environmental impact.
- EVIDENCE:** Section 15061(b)(3) of the California Environmental Quality Guidelines and the Monterey County California Environmental Quality Act Guidelines exempts projects "(W) here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The Conditional Certificate of Compliance would serve as notice to the applicant or subsequent grantee, transferee, or assignee that fulfillment and implementation of the conditions of approval contained in Exhibit "C" shall be required prior to the subject parcel in question being deemed a legal parcel for the purpose of sale, lease, or financing. Compliance with conditions does not entitle the parcel owner to a building permit or grant of development approval absent compliance with other requirements for such building permit or development approval. The project does not; in and of itself alter the environment. Any proposed development on the subject parcel would undergo a separate environmental evaluation consistent with CEQA.
4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency reviewed accompanying materials. 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.
5. **FINDING:** The project is appealable to the Planning Commission.
- EVIDENCE:** The Monterey County Subdivision Ordinance (Title 19).

### DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee, that said application for a Certificate of Compliance be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Conditional Certificate of Compliance consists of the recognition of one parcel (0.82 acre) subject to conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein. The project is located at 18801 Vierra Canyon Road, Prunedale, Ca. (Assessor's Parcel Number 125-381-024-000) in the North County Area. 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 the appropriate authorities approve additional permits. **(Planning and Building Inspection)**

**Prior to recordation of a Parcel Map:**

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 because 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, or filing of the parcel 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)**
3. Applicant shall record a notice, which states: "A permit (Resolution #01011) was approved by the Monterey County Minor Subdivision Committee for Assessor's Parcel Number 125-381-024-000 on July 26, 2001. The permit was granted subject to nine 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 before issuance of any building permits or commencement of use. **(Planning and Building Inspection)**
4. The applicant shall record a notice, which states:  
  
"Every two years commencing July 26, 2003, and every odd numbered year on the July 26 anniversary date thereafter, and terminating July 26, 2011, the applicant/property owner shall provide evidence to the Director of Planning and Building Inspection as to his/her good faith efforts to acquire land from the California Department of Transportation to create a lot of at least one gross acre." **(Planning and Building Inspection)**
5. The applicant shall obtain an approved offsite water source to serve the parcel to meet Section 15.20.060 E (1)(a) of the County Code. **(Environmental Health and Planning and Building Inspection)**
6. File a parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works)**
7. Provide for all existing and required easements or rights of way. **(Public Works)**

8. Thirty days prior to expiration date of the tentative map, Steps A (8 items) of the County Surveyor's Check-Off List for Parcel Map processing shall be completed. **(Public Works)**
9. Prior to recordation of the parcel map, contribute a traffic mitigation fee to the County in the amount of \$1000.00 for roads in the North County area. **(Public Works)**

PASSED AND ADOPTED this 26th day of July, 2001, by the following vote:

AYES: McPharlin, Hawkins, Main, LeMoine  
NOES: None  
ABSENT: Mulholland  
ABSTAIN: Naslund

  
JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on **OCT - 1 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 **OCT 1 1 2001**

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 90<sup>th</sup> day following the date on which this decision becomes final.

TAX CODE AREA

COUNTY OF MONTEREY  
ASSESSOR'S MAP  
BOOK 125 PAGE 38

21

20

20

20

ASSESS. MAP 13 BOLSA NUEVA Y MORO COJO RD.  
TRACT 5 NLY. 17.279 AC. OF SUB B CF  
LOTS 68 & 69

