

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

RESOLUTION NO. 01018

A.P.N. 418-081-001-000
AND 418-081-003-000

In the matter of the application of
Thomas Patrick Huntington (PLN000427)

FINDINGS & DECISION

for a two year extension for a Lot Line Adjustment (PLN970222) in accordance with Title 19 (Subdivisions), Chapter 19.32 (Minor Subdivisions), of the Monterey County Code, to allow the reduction of a 17.10 acre parcel to 9.23 acres and the increase of a 1 acre parcel to 8.87 acres, located on a portion of the southwest ¼ of Section 4, Township 18, Range 1 East, northerly of Palo Colorado Road, 1/8 mile from the intersection of Garrapata Road, Big Sur Coast Land Use Plan, Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee on September 27, 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 Big Sur Area Land Use Plan and Coastal Implementation Plan, and the requirements and standards of the Monterey County Zoning Ordinance for the Coastal Zone (Part 1 of the Coastal Implementation Plan, Title 20).
EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. While the parcels to be reconfigured are non-conforming as to size in the Rural Density zoning district, the lot line adjustment serves to make the existing legal lots of record conform to meet current Monterey County Codes for water supply and septic disposal systems. 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. The lot line adjustment will not result in a change in the land use, but will increase the intensity of use for Lot 2.

2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section 15305, Class 5 of the Monterey County CEQA Guidelines is applied to this project because one single family residence already exists on one of the properties (Lot 1), and a fairly level building site exists for a single family dwelling with a well and septic system (Lot 2), approved by the County's Environmental Health Department, that serves both

residences. Therefore, 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 (PLN000427) show the adjustment is between two parcels.

EVIDENCE: The two lots owned by Thomas and Donna Huntington are considered separate legal lots. They are shown as separate legal lots under separate ownership in 1964.

EVIDENCE: County of Monterey 1964 Assessor Books and ownership records.
4. **FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: The two contiguous separate legal parcels of record will be adjusted between the parcels and two 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 two legal, non-conforming lots of record, consistent with the Rural Density Residential designation for parcels within the "RDR/40" Zoning District.

EVIDENCE: The application and plans for a lot line adjustment found in the project file.
6. **FINDING:** The Local Coastal Program requires a scenic easement be conveyed for all slopes over 30% slopes. The project, as a lot line adjustment in the Coastal Zone, is considered "development" according to the Regulations for Development in the Big Sur Coastal Implementation Plan and the Big Sur Coast Land Use Plan, in that it involves change in the density or intensity of use of land. As such, the lot line adjustment is subject to the visual resources development standards and development policies of said Land Use Plans.

EVIDENCE: Section 20.145.020 of the Big Sur Coastal Implementation Plan.

EVIDENCE: The project is not ridgeline development as viewed from Palo Colorado Canyon Road, or in the critical viewshed, and therefore not subject to these development standards.

EVIDENCE: Policy 5.4.2.8 of the Land Use Plan states that lands in excess of 30% cross slope, located east of Highway 1, shall not be developed. General Policy 5.4.2.10 of the Big Sur Coast Land Use Plan that open space approved as a part of a development proposal shall be secured by a scenic easement, assuring its retention in perpetual open space. Therefore, a scenic

easement shall be conveyed to the County over those portions of the property where the slope exceeds thirty percent. (Condition no. 7)

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 amends PLN970222 to allow the lot line adjustment between Assessor Parcel Numbers 481-081-001-000 and 481-081-003-000, that will transfer approximately 7.63 acres from the former parcel to the latter parcel, resulting in an approximately 9.46 acre (Lot 1) and 8.63 acre parcel (Lot 2), respectively. This 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 "Rural Density" designation found in the Monterey County General Plan and Coastal Implementation Plan (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 01018) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 418-081-001-000 and 418-081-003 on September 27th, 2001. The permit was granted subject to 7 conditions of approval that 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. Owner shall obtain a survey of the new line and have the line monumented. **(Public Works Department)**
5. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Recordation of Grant Deeds or a Record of Survey:

6. Owner shall file a Record of Survey showing new line and its monumentation. **(Public Works Department)**
7. A scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds thirty percent. Scenic easement deed to be submitted and approved by the Director of Planning and Building Inspection prior to issuance of building permits. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 27th day of September, 2001, by the following vote:

AYES: McPharlin, Hawkins, Main, Mulholland, Lawrence, Hori
NOES: None
ABSENT: None



Jeff Main, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **OCT 12 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 **OCT 22 2001**

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON SEPTEMBER 27, 2004. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

