

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

RESOLUTION # 02001

MINOR SUBDIVISION NO. 000061

A.P. # 030-116-009-000

In the matter of the application of
Calvin Morrow (PLN000061)

FINDINGS & DECISION

for a Minor Subdivision in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, to allow the subdivision of an 11,500 square foot lot into two lots of 5,500 and 6,000 square feet, located at the intersection of Pomber and Crane Street, Castroville area, came on regularly for meeting before the Minor Subdivision Committee on January 31, 2002.

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 minor subdivision, as described in condition #1 of the attached Exhibit "C," and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located on the Southwesterly corner of Crane and Pomber Streets, in the Castroville area. The parcel is zoned "HDR/*-Z" (High Density Residential, 8.7 units per acre on parcels less than 7,500 square feet in size, 15. Units per acre on lots 7,500 square feet or larger).

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

- a) The North County Area Plan
- b) Chapter 21.010 (HDR) of the Monterey County Zoning Ordinance regulations for development.
- c) Title 19 (Monterey County Subdivision Ordinance)

EVIDENCE: Necessary public facilities are available to the project site. The Monterey Regional Water Pollution Control Agency and the Castroville County water District have indicated they can accommodate the proposed project. Utilities, such as phone, gas, electricity, and cable are easily accessible and can be provided to the project site.

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

EVIDENCE: The North County Non-Coastal Land Use Advisory Committee recommended approval of the project on October 3, 2001 by a 4-0-2 vote.

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

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

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.

2. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15315 of the Monterey County CEQA Guidelines Categorically exempts Minor land divisions from environmental review. No adverse environmental impacts were identified during review of the proposed project, as evidenced by the following:

1. Traffic Report prepared by Higgins Associates dated February, 2001
2. Geological Report prepared by CapRock Geology Inc, August, 2001
3. Preliminary Archaeological Reconnaissance by Archaeological Consulting, May 2001.

3. **FINDING:** That in approving the parcel map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval.

4. **FINDING:** The recommended conditions regarding Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.

EVIDENCE: Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance).

EVIDENCE: Section 19.12.010 of the Monterey County Code (Recreation Ordinance).

EVIDENCE: Section 19.10.095 of the Monterey County Code (underground utilities).

5. **FINDING:** That none of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made.

EVIDENCE: Section 19.04.025.I requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and the applicable Area Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (see Evidence below). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate building sites as evidenced by the application materials submitted for the site. The proposed subdivision is located in an existing urbanized area, and services are available to the project site.

EVIDENCE: The application, plans, and support materials, including;

1. Traffic Report prepared by Higgins Associates dated February, 2001
2. Geological Report prepared by CapRock Geology Inc, August, 2001
3. Preliminary Archaeological Reconnaissance by Archaeological Consulting, May 2001

Submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The report(s) concluded the proposed development is suitable for the site, subject to recommendations for construction.

EVIDENCE: 1) The on-site inspection of the parcel by the project planner.
 2) Maps and application contained in the project file.
 3) Project is in seismic hazard zone 6 as found in the resource maps of the North County Area Plan. Geology Report prepared by CapRock has determined that any structure places on the property must be well-designed to the specific site and engineered.

6. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: The Monterey County Subdivision Ordinance (Title 19).

DECISION

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

1. The subject Minor Subdivision consists of a Tentative Parcel Map to allow the division of a 11,500 square foot lot into two lots of 5,500 and 6,000 square feet each for Calvin Morrow (PLN 000061). The project is located on the southwest corner of Pomber and Crane Streets (Assessor's Parcel Number 030-116-009-000), in the Castroville area of 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 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 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, 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. Requirements for the construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record. The statement shall include that "construction of improvements shall be required before a permit or other grant or approval for development may be issued." All additional information, as described in Section 66434.2 of the Government Code, required to be filed or recorded with the parcel map shall include a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. **(Planning and Building Inspection)**
4. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
5. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: "Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**

6. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code.” Such facilities shall be installed or bonded prior to filing the parcel map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**
7. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “A geological report, dated August 24, 2001, has been prepared on this property by CapRock Geology Inc., and is on file in the Monterey County Planning and Building Inspection Department PLN000061. The recommendations contained in said report shall be followed in all further development of this property.” The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
9. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “A Preliminary Archaeological Reconnaissance, dated May 15, 2001, has been prepared on this property by Archaeological Consulting, and is on file in the Monterey County Planning and Building Inspection Department PLN000061. The recommendations contained in said report shall be followed in all further development of this property.” The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection; Public Works)**
10. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “The subdivider and subsequent property owners shall comply with Ordinance No. 3539 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction include, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.5 gallons; all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.”

This note shall also be included on all improvement plans. **(Planning and Building Inspection and Water Resources Agency)**

11. The applicant shall record a notice that states: “A permit (Resolution 02001) was approved by the Minor Subdivision Committee for Assessor's Parcel Number 030-116-009-000 on January 31, 2002). The permit was granted subject to 30 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.” Alternatively, this note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the parcel map, or commencement of the use. **(Planning and Building Inspection)** A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “Future single family residences on the new lots will be subject to review and permit approval by the Monterey County Planning and Building Inspection Department.” **(Planning and Building Inspection)**
12. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection.” This note shall also be included on all improvement plans and permits. **(Planning and Building Inspection)**
13. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “That the location, type and size of all antennas, satellite dishes, towers, and similar appurtenances be approved by the Director of Planning and Building Inspection.” **(Planning and Building Inspection)**
14. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.” **(Planning and Building Inspection)**
15. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the parcel map, recorded simultaneously with the parcel map, as follows: “All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.” **(Planning and Building Inspection)**
16. File parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works)**
17. Provide for all existing and required easements or rights of way. **(Public Works)**
18. Thirty days prior to expiration date of the tentative map, Step A (8-items) of the County Surveyor’s Check Off List for Parcel Map processing shall be completed. **(Public Works)**

19. Obtain an encroachment permit from the Department of Public Works and construct standard vertical curb, gutter, sidewalk and paveout along entire frontage of Crane Street & Pomber Street) **(Public Works)**
20. Obtain a sewer connection permit from CSA 14 and pay all fees. **(Public Works)**
21. Pay a traffic impact fee of \$6,649.00 as recommended in the report prepared by Higgins Associates. **(Public Works)**
22. A note shall be recorded on the final map stating that any future development on these parcels will require a drainage plan to be prepared by a registered civil engineer or architect. **(Water Resources Agency)**
23. The applicant shall provide to the water Resources agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
24. A notice shall be recorded on the deed for each lot that all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance #3932, or as subsequently amended. **(Water Resources Agency)**
25. The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plans shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. **(Water Resources Agency)**
26. Prior to the filing of the Final Map, the applicant shall comply with the Recreation requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19, Monterey County Code). **(Parks Department)**
27. Design the water system improvements to meet the standards as found in Chapter 15.04 Titles 17 and 22 California Code, of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by Castroville Water District prior to filing the final map. **(Environmental Health)**
28. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**
29. The developer shall install the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final (parcel) map. The water improvements shall only be installed after the engineered designs have been approved by Castroville Water District. **(Environmental Health)**

30. Submit engineered plans for the sewer system to CSA #14 (Castroville) for review and approval prior to installing the sewer system improvements. The sewer system improvements shall be installed to and within the subdivision prior to filing the final map. Provide evidence to the Director of Environmental Health that the proposed sewer system improvements have been approved by CSA #14 prior to filing the final map. (**Environmental Health**)

PASSED AND ADOPTED this 31st day of January, 2002.

Original Signed By:
JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

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.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON JANUARY 31, 2004. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.