

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

RESOLUTION NO. 02011

MINOR SUBDIVISION NO. 000651

A.P. # 181-061-043-000

181-061-044-000

In the matter of the request of
PETRALIA TR (PLN000651)

FINDINGS AND DECISION

for a **Combined Development Permit**, pursuant to regulations established by local ordinance and state law, including a Coastal Development Permit and a Lot Line Adjustment, to allow an existing 17.45 acre Parcel D and 22.13 acre Parcel C, the proposed configuration will increase Parcel D by 10.11 acres and will result in the adjustment in a 27.56 acre parcel and a 12.02 acre parcel, located at Charmi Lane, Royal Oaks, west of San Miguel Canyon Road, .22 miles south of Hall Road, North County, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on September 26, 2002.

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

- 1. FINDING:** The project consists of a Coastal Development Permit for a lot line adjustment, 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, and the North County Coastal Implementation Plan (Part 2), Part 6 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 property is located between San Miguel Canyon and Johnson Roads (County roads), with access off San Miguel Canyon Road on Charmi Lane (private road), 0.22 miles south of Hall Road in the Royal Oaks area (Assessor Parcel Numbers 181-061-044 and 181-061-043), North County, Coastal Zone.

The parcel is zoned "RDR/5 (CZ)" or Rural Density Residential, 1 units/5 acres. 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 (see 20.70.050.B.4). 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, and
- b) The certified Monterey County Coastal Implementation Plan regulations for the

"Rural Density Residential" district in the Coastal Zone, Chapter 20.16 of Title 20.

EVIDENCE: Necessary public facilities are available to the project site.

EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.

The County Water Resources Agency has placed a condition on the project requiring a notice stating that the subject parcels are located within a floodplain (see FEMA Flood Insurance Rate Map, Community Panel No. 060196 0015 E, dated August 5, 1986). Adequate building area is located out of the floodplain for each of the proposed lots resulting from this adjustment. Also, the County Environmental Health Department requires the applicant to indicate on the record of survey a water line easement across adjusted Parcel A to Parcel B.

There are no other physical or environmental constraints such as geologic or seismic hazard areas, archaeological area, environmentally sensitive habitats, or similar areas that would indicate the parcels are not suitable for the uses proposed.

EVIDENCE: The North County Coastal Land Use Advisory Committee recommended approval of the project on March 4, 2002, by a vote of 7 -0.

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, PLN000651.

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 pursuant to Figure 6 of the North County Land Use Plan, "Shoreline Access/Trails." Adequate accessibility to recreational areas have been mapped to the Royal Oak County Park and the Elkhorn Slough Estuarine Sanctuary pursuant to section 20.70.050.B.4.c.i of Title 20, Part 1, Coastal Implementation Plan.

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.

EVIDENCE: The subject properties already have Scenic Easements placed on slopes over 25 percent slopes as shown on the map entitled «Parcel Map of Lands of Bruce L. Dunn, et al.» recorded on July 2, 1998 in Volume 20 of Parcel Maps at Page 65, Monterey County Records. The Scenic Easements prohibit any development within areas of 25 percent slopes or greater.

EVIDENCE Material in project file, PLN000651.

3. **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, applicable Fire Department, 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.

SPECIFIC FINDINGS FOR THE LOT LINE ADJUSTMENT:

4. **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 (PLN010170) show the adjustment is between two lots of record and two Assessor Parcels as found in Volume 20 of Parcel Maps at Page 65, Monterey County Records.
- EVIDENCE:** The Grant Deed recorded in March 21, 2001, indicates the transfer of property from the Aromas Floral Company LLC, a Limited Liability Company, to James A. Petralia and Kristi F. Petralia, Trustees of the Petralia Family Trust dated September 10, 1991.
5. **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 and two contiguous separate legal parcels of record will result from the adjustment.
- EVIDENCE:** Application materials and plans found in file no PLN010170.
6. **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/5" Zoning District.
- EVIDENCE:** The application and plans for a lot line adjustment found in the project file.
- EVIDENCE:** The resulting parcels will meet all regulations for the Rural Density Residential ("RDR/5") zoning district, including minimum parcel size, setbacks, and lot coverage.
7. **FINDING:** The project is appealable to the Board of Supervisors. It is not appealable to 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).

DECISION

It is the decision of the Minor Subdivision Committee of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit allows a Lot Line Adjustment between two parcels of approximately 17.45 acres (Assessor Parcel Number 181-061-044) and 22.13 acres (Assessor's Parcel Number 181-061-043) that will result in two properties of approximately 27.56 and 12.02 acres in size. The subject properties are zoned "Rural Density Residential," 5 acre minimum size ("RDR/5"), located at Charmi Lane, Royal Oaks, west of San Miguel Canyon Road, .22 miles south of Hall Road, North County, Coastal Zone

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 or concurrent with recordation of Grant Deeds or a Record of Survey:

2. Owner shall record a notice, for the newly aligned parcel A, 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)**
3. The applicant shall record a notice which states: "A permit (Resolution 02011) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 181-061-043 and 181-061-044 on September 26, 2002. 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. **(Planning and Building Inspection)**
4. Obtain a survey of the new line and have the line monumented. **(Public Works Department)**

Recordation of Grant Deeds or a Record of Survey:

5. File a Record of Survey showing the new line and its monumentation. **(Public Works Department)**
6. Indicate on the record of survey a water line easement across adjusted Parcel A to Parcel B. Submit a copy of the record of survey to the Division of Environmental Health.

PASSED AND ADOPTED this 26th day of September, 2002, by the following vote:

AYES: Hawkins, Main, Beretti, Hori

NOES: None

ABSENT: McPharlin, Mulholland

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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

This project is located in the Coastal Zone and is appealable to the Board of Supervisors. This project is not appealable to the California Coastal Commission.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.04.040, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON SEPTEMBER 26, 2004. EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.