

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

020483 RESOLUTION NO.
03001 MINOR SUBDIVISION #
000 A.P. # 181-251-002-

In the matter of the request of **FINDINGS AND**
DECISIONS
Anna Van Sergae (PLN020483)

for a **Combined Development Permit** pursuant to regulations established by local ordinance and state law, to allow for a one year extension for a Combined Development Permit (MS95010) consisting of a Coastal Development Permit for a Minor Subdivision consisting of the division of a 36.975 acre parcel into four parcels of 5.148 acres, 5 acres, 19.56 acres, and 7.231 acres; expansion of an existing water system, 25% slope exception, and three removal (7), located at 410 Hall Road, Watsonville, fronting on and south of Hall Road, North County area, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on January 9, 2003.

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

FINDINGS OF FACT

- FINDING:** This one-year extension request would extend the Combined Development Permit for Anna P. K. Van Sergae (MS95010) to January 9, 2003. The previously approved Combined Development Permit (MS 95010), as described in Condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for the parcel consists of the North County (Coastal) Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). The parcel is located at 410 Hall Road, Royal Oaks (Assessors Parcel Number 181-251-002-000). The parcel is zoned "RDR/5 (CZ)" or Rural Density Residential, with a gross density of 5 acres per unit, Coastal Zone. The parcels are physically suitable for the use proposed. 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 because 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.

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

- a) The North County (Coastal) Land Use and Implementation

Plans:

- b) The Monterey County Coastal Implementation Plan regulations for the Rural Residential zoning district in the Coastal Zone; and

EVIDENCE: The Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Department, the Parks and Recreation Department, and the North County Fire District have reviewed the proposed development. There has been no indication from the preceding agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements where appropriate.

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:** No new information or substantial change in circumstance exist that would have affected the original approval.

EVIDENCE: The issues of greatest concern in the North County Coastal Zone today are the same as those identified in the environmental document originally prepared for the project. These include: water, traffic, environmentally sensitive habitat areas, and consistency with County policies. The adopted Negative Declaration addressed these substantial issues at the time the original application was considered and the application was approved with these issues fully disclosed and the impacts were determined to be less than significant. The Land Use Plan and Implementation Plan have not substantially changed since project approval.

EVIDENCE: The issue of biological impacts from grading for road and bridge improvements was addressed through a mitigated negative declaration issued for grading permit GP000172. The recordation of a notice of the mitigation measures of this grading permit is made a condition of this extension.

3. **FINDING:** The extension request is consistent with Section 19.04.040 (Extensions of the Tentative Parcel Map) of Title 19, the Subdivision Ordinance, and the state Subdivision Map Act:

- 1) The applicant applied for the extension request prior to the expiration date as required by Section 19.04.040 of the Subdivision Ordinance.
- 2) The extension request, as conditioned, will not extend the approved life of the tentative map for more than five years as allowed in Section 66463.5 of the state Subdivision Map Act, which supercedes time limitations included in Section 19.04.040 of the County Subdivision Ordinance.

EVIDENCE: Administrative record, oral testimony, tapes and minutes of the December 14, 1995 Minor Subdivision Committee meeting, as found in File Number MS95010 and at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Letter from Anna P. K. Van Sergae dated March 4, 2002 found in File PLN020483.

EVIDENCE: Title 19, specifically Section 19.04.040, Extensions of the Tentative Parcel Map, and Section 66463.5 of the State Subdivision Map Act.

4. **FINDING:** The State Legislature granted a one year automatic extension for all qualifying subdivisions.
EVIDENCE: Sections 66452.13, Additional Extension of Tentative Maps, of the State Subdivision Map Act (Government Code).
5. **FINDING:** The subdivision MS95010 combined with subsequent improvements approved in grading permit #GP000172 will not result in the potential for a significant environmental impact as defined in the California Environmental Quality Act.
EVIDENCE: The Monterey County Subdivision Committee previously adopted a Negative Declaration on December 14, 1995 for the Combined Development Permit. A Mitigated Negative Declaration was later approved for a grading permit (GP000172) needed to provide access to this development. Notice of the mitigation for this grading permit is made a part of the conditions of this extension.
EVIDENCE: Materials found in file MS95010, including Resolution Number 95041.
EVIDENCE: Materials found in file GP000172.
EVIDENCE: Administrative record, oral testimony, tapes and minutes of the December 14, 1995 Minor Subdivision Committee meeting, as found in File Number MS95010 and at the Monterey County Planning and Building Inspection Department.
EVIDENCE: Condition of Approval #7.
6. **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 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.
7. **FINDING:** The subject property complies 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: Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.
8. **FINDING:** The project, as approved by the Zoning Administrator, is appealable to the Board of Supervisors and the Coastal Commission.
EVIDENCE: Chapter 20.86 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a one year extension for the Combined Development Permit be approved as shown on the attached sketch, subject to the following conditions:

1. This permit consists of a one year extension for a combined development permit (MS95010) consisting of a Coastal Development Permit for a Minor Subdivision consisting of a division of a 36.975 acre parcel into four parcels of 5.148 acres, 5 acres, 19.56 acres, and 7.231 acres; expansion of an existing water system, 25% slope exception, and tree removal (7). The use and 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 Department. 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 constructions other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities (**Planning and Building Inspection Department**)

Prior to Filing of the Final Parcel or Final Map

2. The property owner shall record a notice which states: "A permit (Resolution 03001) was approved by the Monterey County Minor Subdivision Committee for Assessor's Parcel Number 181-251-002-000 on January 9, 2003. The permit was granted subject to seven (7) 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 Department prior to issuance of building permits or commencement of the use. (**Planning and Building Inspection Department**)
3. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. The Plan shall include, at a minimum, the following elements:
 - a. A listing of every mitigation measure approved by the decision-making body which certifies the subject environmental document;
 - b. An identification of the date or other appropriate time period expected for implementation of each mitigation measure;
 - c. If the date of the implementation of mitigation measure is uncertain, an estimate shall be provided;
 - d. If a mitigation measure requires continuous or frequent (e.g. daily) monitoring, the frequency and duration of required monitoring shall be specified;
 - e. If unclear on the faces of each measure, the standard for determining successful implementation of each measure shall be clearly identified;
 - f. Individuals of organizations responsible for monitoring and/or reporting shall be clearly identified;
 - g. The responsibilities under the plan for the applicant, County staff, and if necessary, consultants shall be identified; and
 - h. Relevant reporting procedures and forms shall be included;
 - i. Applicant agreement to pay consultant and staff to monitor long term measures beyond the final project inspection by the Planning and Building Inspection Department. (**Planning and Building Inspection Department**)
4. The Combined Development Permit expiration date shall be extended to December 14, 2003, and shall not cumulatively exceed five years, unless extended under State Law. (**Planning and Building Inspection Department**)

- 5. All conditions of Combined Development Permit MS95010, as extended by PLN020483, are still applicable with the approval of the extension. **(Planning and Building Inspection Department)**
- 6. A Road, Drainage, and Habitat Maintenance Agreement shall be entered into by the owners of the proposed lots, and recorded against the subject parcels. This agreement shall include provisions for streambed restoration and maintenance consistent with the requirements of the grading permit. Prior to finalization, this agreement shall be reviewed for approval by the Director of Planning and Building Inspection, Water Resources and Public Works. **(Planning and Building Inspection Department)**
- 7. The property owner shall record a notice which states: "A grading permit (GP000172) for this property was approved subject to one mitigation measure and monitoring actions related to biological resources. A copy of the Mitigation Monitoring & Reporting Program 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 Department prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED THIS 9th day of January, 2003, by the following vote:

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

Original Signed By:

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO 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 APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

UNLESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY

COUNTY CODE, THIS APPROVAL EXPIRES ON December 14, 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.

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 Monterey.

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