

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

RESOLUTION NO. 03009

MINOR SUB DIVISION # 020110

A. P. # 241-221-007-000

In the matter of the application of
Daniel J. Keig TR (PLN020110)

FINDINGS AND DECISION

to allow a Coastal Development Permit in accordance with Title 20, Chapter 20.70 (Coastal Development Permits), of the Monterey County Code, consisting of a Lot Line Adjustment between two contiguous legal lots of record resulting in Parcel 2 increasing from 1 acre to 1.65 acres (241-221-002-000), Parcel 1 decreasing from 598.91 acres to 598.26 acres (APNs 241-221-007-000 & 243-201-012-000); located at and near 200 Crest Road, Carmel, Carmel Highlands area, Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee on June 26, 2003.

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

- 1. FINDING:** The project, as conditioned, is consistent with applicable plans and policies, including the Monterey County Coastal Subdivision Ordinance (Title 19), the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan*, Part 6 (Appendices) of the *Coastal Implementation Plan*, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: PBI staff has reviewed the project as contained in the application and accompanying materials for consistency the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan*, Part 6 (Appendices) of the *Coastal Implementation Plan*. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Coastal Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with these plans and ordinances, which designate this area as appropriate for residential development. Staff notes contained in Project File PLN020110.

EVIDENCE: Project planner conducted an on-site inspection on December 20, 2002, to verify that the project on the subject parcel conforms to the plans and ordinances listed above.

EVIDENCE: The Carmel Highlands Land Use Advisory Committee recommended approval of the project by a vote of 7 to 0; LUAC meeting minutes dated January 6, 2003.

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 Project File PLN020110.

EVIDENCE: Consistency with Policies 2.2.3.9 & 2.3.3.6 of the *Carmel Area Land Use Plan* and Sections 20.146.040.B.7 & 20.146.120.A.6 of the *Regulations for Development in the Carmel Area Land Use Plan*.

2. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING:** The establishment, maintenance or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Highlands FPD. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks Department and the Carmel Highlands FPD. Conditions recommended have been incorporated.

EVIDENCE: A technical report by an outside qualified biology consultant indicates that there are no environmental constraints on Parcel 2 (APN 241-221-002-000) such as environmentally sensitive habitats or species that would indicate the site is not suitable for the use proposed. PBI staff concurs. "*Keig Property Biological Assessment*" prepared by Dale Hameister of Rana Creek Habitat Restoration, dated February 7, 2003. Report contained in Project File PLN020110.

EVIDENCE: Staff conducted a site visit on December 20, 2002, to verify that the site is suitable for this use.

EVIDENCE: Necessary public facilities are available and will be provided.

5. **FINDING:** The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines Section 15305 allows minor lot line adjustments to be categorically exempted from environmental review.

EVIDENCE: No adverse environmental effects were identified during staff review of the development application during site visits on December 20, 2002.

EVIDENCE: The lot line adjustment allows future development to occur on Parcel 2 (APN 241-221-002-000) that will require less grading and other site disturbance.

EVIDENCE: A technical report by an outside qualified biological consultant indicates that there are no potentially significant impacts to any sensitive habitat or species on Parcel 2 (APN 241-221-002-00). “*Keig Property Biological Assessment*” prepared by Dale Hameister of Rana Creek Habitat Restoration, dated February 7, 2003. Report contained in Project File PLN020110.

- 6. FINDING:** 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.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access.

EVIDENCE: The subject property is not indicated as part of any designated trails or shoreline access areas as shown in Figure 3, the Public Access Map, of the *Carmel Area Land Use Plan*.

EVIDENCE: No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

EVIDENCE: Staff site visit on December 20, 2002.

- 7. FINDING:** The lot line adjustment is between two existing adjacent parcels.

EVIDENCE: Application and plans for a lot line adjustment found in the Project File PLN020110.

- 8. FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE: Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.

- 9. FINDING:** The parcels resulting from the lot line adjustment conform to the County Zoning and Building Ordinances.

EVIDENCE: The proposed lot line adjustment is consistent with the site development standards for parcels within the LDR/1(CZ) Zoning District (Parcel 2) and the WSC/40(CZ) & WSC/80 (CZ) Zoning Districts (Parcel 1), pursuant to Sections 20.14.060 and 20.17.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN020110.

- 10. FINDING:** Condition 4 of Minor Subdivision Committee Resolution No. 96007 required a rezoning of Parcel 1 (APNs 241-221-007-000 & 243-201-012-000), to be rezoned to “WSC/199” (from WSC/40 & WSC/80) to allow a maximum development of 3 dwelling units on this parcel. The rezoning request was made prior to recordation of the adjusted lot lines and their monumentation, pursuant to Condition 4 of MSC Resolution 96007, but the rezoning was never applied. Condition 6 of the current permit requires the applicant to request a rezoning of the parcel to WSC/199.42 consistent with the requirements of MSC Resolution No. 96007.

EVIDENCE: Minor Subdivision Committee Resolution No. 96007

EVIDENCE: Letter from Anthony Lombardo & Associates, dated March 15, 1996, requesting rezoning of Parcel 1 (APNs 241-221-007-000 & 243-201-012-000) to “WSC/199” to allow a maximum development of 3 dwelling units on this parcel, in file LL95032.

- 11. FINDING:** The *Wildcat Mountain Ranch Management Plan*, approved in 1991 by Monterey County and the California Coastal Commission, requires the recordation of viewshed, sensitive habitat, and slope (30%+) easements prior to occupancy of any future development on the ranch. The subject ranch has increased in acreage since 1991. The *Carmel Area Land Use Plan* policies (2.2.3.9 & 2.3.3.6) and regulations (20.146.040.B.7 & 20.146.120.A.6) also encourage viewshed easements and require sensitive habitat, and slope easements as Conditions of Approval for development, as applicable; “development” as defined in Section 20.146.020.H of the *Regulations for Development in the Carmel Area Land Use Plan*. Condition 8 is required pursuant to this Finding.

EVIDENCE: *Wildcat Mountain Ranch Management Plan* Section 2.2.5 (Long-Range Development Plans), Pages 45 & 46 (in file PLN020110).

EVIDENCE: *Carmel Area Land Use Plan*, policies 2.2.3.9 & 2.3.3.6

EVIDENCE: *Regulations for Development in the Carmel Area Land Use Plan* sections 20.146.040.B.7 & 20.146.120.A.6.

- 12. FINDING:** The project is appealable to the Board of Supervisors and California Coastal Commission.
- EVIDENCE:** Section 20.86.030 and 20.86.080 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 Coastal Development Permit for a Lot Line Adjustment between 2 contiguous legal lots of record resulting in Parcel 2 increasing from 1 acre to 1.65 acres (APN 241-221-002-000), and Parcel 1 decreasing from 598.91 acres to 598.26 acres (APNs 241-221-007-000 & 243-201-012-000); The parcels are located at and near 200 crest road, Carmel, Carmel Highlands 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 additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

2. No land clearing or grading, if any, shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

Prior to recordation of Grant Deeds or a Record of Survey:

3. The applicant shall record a notice which states: *“A permit (Resolution 03009) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 241-221-002-000, 241-221-005-000, and 241-221-007-000 & 243-201-012-000 on June 26, 2003. The permit was granted subject to 8 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 prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection Department)**
4. Obtain a survey of the new lines and have the lines monumented. **(Public Works)**
5. Consistent with the intent of Minor Subdivision Committee Resolution No. 96007, the applicant shall request a zoning change to re-zone “Parcel 1” (APNs 241-221-007-000 & 243-201-012-000) to WSC/199.42-D (i.e., one unit per 199.42 acres). **(Planning and Building Inspection Department)**
6. File a record of survey [with the Monterey County Recorder’s Office] showing the new lines and their monumentation. **(Public Works)**
7. That the applicant shall record a deed notification concurrently with the record of survey stating that (for Parcel 2):

“Assessor’s Parcel Number 241-221-002-000 may be limited in respect to the total area available for septic system installation and repair. Residential development shall not exceed a maximum of a two bedroom single family dwelling unless otherwise approved by the Director of Environmental Health based on appropriate soils testing. All septic system improvements shall comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance).” **(Division of Environmental Health)**
8. Pursuant to Finding & Evidence #11, prior to recordation of Grant Deeds or a Record of Survey, the applicant shall convey a Scenic & Conservation Easement to the County over all areas on Parcel 2 (APN 241-221-002-000) that have slopes of 30% or greater.

PASSED AND ADOPTED this 26th day of June, 2003.

Original Signed By:

ANN TOWNER, SECRETARY

COPY OF THIS DECISION MAILED TO 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 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

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 Marina.

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