

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

RESOLUTION NO. 03014

MINOR SUBDIVISION # 020530

A.P. # 131-041-022-000-M  
131-041-027-000  
131-041-028-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Dale & Jeanne Fehr TRS (PLN020530)**

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow for a Lot Line Adjustment between three lots of 6.94 acres, 6.66 acres and 5.73 acres to result in three parcels with 9.33 acres (Assessor's Parcel Number 131-041-027-000), 5.0 acres (Assessor's Parcel Number 131-041-028-000) and 5.0 acres (Assessor's Parcel Number 131-041-022-000) respectively. Parcel 131-041-027-000 has an existing house, two barns, a septic system, and a well while the two other lots are undeveloped. The project is located at the southwest corner of Castroville Boulevard and Ormart Road (14620, 14400 and 14596 Castroville Boulevard), North County, Coastal Zone, came on regularly for hearing before the Minor Subdivision Committee on June 12, 2003.

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

**FINDINGS OF FACT**

1. **FINDING:** The project proposed in this application consists of a Coastal Development Permit for a Lot Line Adjustment (PLN020530-Fehr). As conditioned, the proposed project conforms to the plans, policies, requirements and standards of the North County Coastal Area Plan.  
**EVIDENCE:** The property is located at the southwest corner of Castroville Boulevard and Ormart Road, which is the North County Coastal area of the Coastal Zone.  
**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
  - a) North County Coastal Land Use Area Plan.
  - b) Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC).  
**EVIDENCE:** The project area is designated for rural density residential (5-40 acres/unit) under the North County, Local Coastal Program, Land Use Plan. All three properties are at least five acres in size with the proposed adjustment.  
**EVIDENCE:** Detailed plans including soils and other types of reports will be required with any proposed future development of these sites. Building envelopes have been included to show where future building could take place considering restrictions from a PG&E easement, 100-year floodplain, shared access easement, and 25% slopes.  
**EVIDENCE:** Necessary public facilities are available to the project site.  
**EVIDENCE:** On March 3, 2003, the North County Coastal Land Use Advisory Committee voted 5 to

0 to recommend approval of the project. The Committee generally found that the applicant had met all requirements provided the grading violation was cleared.

**EVIDENCE:** No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

**EVIDENCE:** Materials in project file PLN020530.

2. **FINDING:** The parcels resulting from the lot line adjustment conform to County's zoning and building ordinances. The proposed lot line adjustment is consistent with the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21).

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

- a) Monterey County Coastal Subdivision Ordinance (Title 19).
- b) Chapter 20.16 of the Monterey County Zoning Ordinance regulations for development in the rural density residential zone.
- c) Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.

**EVIDENCE:** The parcel is zoned "RDR/5(CZ)" Rural Density Residential (5 acre per unit), Coastal Zone.

**EVIDENCE:** 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 (Section 20.70.050.B.4 CIP). 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:** There is no actual change in the use or proposed development at this time. Future developers will be required to process plans prior to development of these sites. Notes on the Record of Survey will identify development constraints on the project site.

**EVIDENCE:** That the lot line adjustment is between more than one and less than four existing adjacent parcels.

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

**EVIDENCE:** Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. A condition is included to assure that all zoning abatement costs, if any, have been paid.

**EVIDENCE:** Application materials contained in File PLN020530.

3. **FINDING:** The proposed lot line adjustment will not create a greater number of parcels than originally existed.

**EVIDENCE:** Three contiguous separate legal parcels of record will be adjusted and three contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.

**EVIDENCE:** The project area has a total of 19.33 acres. Proposed amendments include: 1) increasing Lot 46 from 6.936 acres to 9.33 acres (assessor's parcel number 131-041-027-000); 2) reducing Lot 47 from 6.663 acres to 5.00 acres (assessor's parcel number 131-041-

028-000); and 3) reducing Lot 48 from 5.732 acres to 5.00 acres (assessor's parcel number 131-041-022-000).

**EVIDENCE:** Application materials contained in File PLN020530/Fehr.

4. **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.
5. **FINDING:** Lot Line Adjustment (PLN020530/Fehr) is exempt from the requirements of the California Environmental Quality Act (CEQA).
- EVIDENCE:** Section 153005(a) is a Categorical Exemption (Class 5) for minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.
- EVIDENCE:** Based on available information, there is no reasonable possibility that the proposed activity will have a significant effect on the environment due to unusual circumstances. There are no slopes greater than 25% (North County) within the proposed building envelopes.
- EVIDENCE:** File No. PLN020530/Fehr; administrative record.
6. **FINDING:** The project is appealable to the Board of Supervisors.
- EVIDENCE:** Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

### DECISION

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

1. This Coastal Development Permit for a Lot Line Adjustment between three lots of 6.94 acres, 6.66 acres and 5.73 acres results in three parcels with 9.33 acres (Assessor's Parcel Number 131-041-027-000/Lot 46) , 5.0 acres (assessor's parcel number 131-041-028-000/Lot 47) and 5.0 acres (assessor's parcel number 131-041-022-000/Lot 48) respectively located at the southwest corner of Castroville Boulevard and Ormart Road (14620, 14400 and 14596 Castroville Boulevard), 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 recordation of a Record of Survey:**

2. The applicant shall record a notice that states: "A permit (Resolution \*) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 131-041-027-000, 131-041-028-000, and 131-041-022-000 on June 12, 2003. 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." 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)**
  
3. 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 that 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)**
  
4. The applicant shall submit a Record of Survey in accordance with Section 19.09 of the Subdivision Ordinance including, but not limited to:
  - a. Survey of the new lines and monumentation of said lines.
  - b. Due to the number of development constraints on these properties the area of proposed development shall not be established as part of this application.
  - c. File a Record of Survey showing new lines and monumentation and the location of the official plan line on Ormart Road.

**(Public Works/Planning and Building Inspection)**

5. The following notes shall be included on a separate sheet of the Record of Survey, or by separate document that shall indicate its relationship to the Survey, recorded simultaneously with the Survey, as follows:

- a. “Future structures on the new lots will be subject to review and approval by the Monterey County Planning and Building Inspection Department. Development constraints include restrictions relative to development on/in easement areas, floodplain, slopes, and ridgelines.”
- b. “Septic disposal areas shall be located outside of the PG&E easement and 100-year floodplain areas, subject to review and approval of the Division of Environmental Health.”

These notes shall also be included on all improvement plans and permits. **(Planning and Building Inspection/Environmental Health)**

- 6. Owner shall record a notice, for each newly aligned parcel, 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)**

PASSED AND ADOPTED this 12th day of June, 2003, by the following vote:

AYES: McPharlin, Hawkins, Hori, Lawrence, Mulholland, Schmidt  
 NOES: None  
 ABSENT: Brandau  
 ABSTAIN: None

Original Signed By:

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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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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 90<sup>th</sup> 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.