MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 03016

A.P. # 259-092-053-000 Lot 67
259-092-054-000 Lot 68
259-092-056-000 Lot 70
259-092-060-000 Lot "U"

In the matter of the application of **FINDINGS & DECISION**

Canada Woods North LLC (PLN030064)

for a Map Amendment in accordance with Title 19 (Subdivisions), Chapter 19.09 (Lot Line Adjustment), of the Monterey County Code, to allow an adjustment between four undeveloped lots totaling 28.91 acres including: 1) increasing Lot 67 from 5.01 acres to 6/09 acres; 2) Reducing Lot 68 from 11.28 acres to 6.34 acres; 3) Increasing Lot 70 from 10.01 acres to 12.99 acres; and 4) Increasing Parcel "U" from 2.61 acres to 3.49 acres, including adjusting building envelopes and scenic easements within the adjusted lots located at Via Malpaso and Alta Tierra, Canada Woods North, Greater Monterey Peninsula area, 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 proposed Map Amendment (PLN030064- Cañada Woods North) as conditioned, conforms with the plans, policies, requirements and standards of the General Plan and Greater Monterey Peninsula Area Plan.

EVIDENCE: The property is located at Via Malpaso and Alta Tierra, Cañada Woods North.

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

a) Monterey County General Plan
b) The Greater Monterey Peninsula Area Plan

EVIDENCE: The project area is designated for rural density residential (5 Ac. +/unit) under the Greater Monterey Peninsula Planning Area Land Use Plan.

EVIDENCE: The subject parcels have existing scenic easements for the area located outside of the building envelopes. These easements will be amended to adjust to the approved building envelopes. The proposed locations of building envelopes will not create any new visual impacts beyond that of the existing envelopes.

EVIDENCE: The subject lots were created under a specific plan that used varied lot sizes to meet an overall density for the entire subdivision. The proposed project does not create any new lot so that the density is not affected.

EVIDENCE: Detailed plans including soils, biologic and other types of reports will be required with any proposed future development of these sites.

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

EVIDENCE: On April 16, 2003, the Greater Monterey Peninsula Land Use Advisory Committee voted 3 to 0 to recommend approval of the project. The Committee generally found that the applicant had met all requirements and commented that future building should be located to reduce impact to existing trees.

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 PLN030064.

2. FINDING: The parcels resulting from the Map Amendment conform to County's zoning and building ordinances. The proposed Map Amendment 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) Chapter 19.09 of the Monterey County Zoning Ordinance regulations for Lot Line Adjustments.

b) Chapter 19.08 of the Monterey County Zoning Ordinance regulations for Correcting and Amending Recorded Final Map.

EVIDENCE: The parcel is zoned "RDR/10/UR/D" Rural Density Residential (10 acre per unit), Urban Reserve, Design Control.

EVIDENCE: The subject lots were created under a specific plan that used varied lot sizes to meet an overall density for the entire subdivision. The proposed project does not create any new lot so that the density is not affected.

EVIDENCE: The "Urban Reserve" designation identifies area that should be ultimately developed through annexation to an incorporated City. This area is located within the Monterey sphere of influence.

EVIDENCE: There is no actual change in the use or proposed development at this time. An owner will be required to process plans, and complete design review prior to development of these sites.

EVIDENCE: Building envelopes and scenic easements shown on the recorded map would be amended in coordination with the proposed lot line adjustments. These

modifications involve a change in circumstance that does not impose any additional burden on the present owner of the properties, nor alter any right, title or interest in the real property reflected on the recorded map. The change in circumstance resulted from implementing a condition of the tract map requiring fire access to an abutting parcel. After filing the final map, the survey found that the access would best be served through the subject lots resulting in alteration of the lot lines, building envelopes and scenic easements. Conditions are included to address issues with proposed new building envelopes and scenic easement areas.

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 and that all zoning abatement costs, if any have been paid.

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: Application materials contained in File PLN030064.

3. FINDING: The proposed Map Amendment will not create a greater number of parcels than originally existed.

EVIDENCE: The project consists of adjusting lot lines between three developable parcels plus one parcel for road purposes. No new parcels will be created; however, recorded building envelopes and scenic easements will be amended to conform with the new lot lines.

EVIDENCE: The project area has a total of 28.91 acres. Proposed amendments include: 1) increasing Lot 67 from 5.01 acres to 6.09 acres (assessor's parcel number 259-092-053-000); 2) reducing Lot 68 from 11.28 acres to 6.34 acres (assessor's parcel number 259-092-054-000); 3) increasing Lot 70 from 10.01 acres to 12.99 acres (assessor's parcel number 259-092-056-000), and 4) increasing parcel "U" from 2.61 acres to 3.49 acres (assessor's parcel number 259-092-060-000).

EVIDENCE: Application materials contained in File PLN030064.

4. FINDING: The proposed Map Amendment (PLN030064) 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: An environmental impact report (SCH#: 96061076) was prepared for the Cañada Woods North Subdivision that created the subject parcels. The potential impacts relative to developing these lots were evaluated as part of that document.

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 30% within the proposed building envelopes.

EVIDENCE: File No. PLN030064; administrative record.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Map Amendment be forwarded to the Planning Commission recommending approval as shown on the attached sketch subject to Findings and Evidence and subject to the following conditions:

1. This Map Amendment is between four undeveloped lots totaling 28.91 acres including: 1) increasing Lot 67 from 5.01 acres to 6.09 acres (assessor's parcel number 259-092-053-000); 2) reducing Lot 68 from 11.28 acres to 6.34 acres (assessor's parcel number 259-092-054-000); 3) increasing Lot 70 from 10.01 acres to 12.99 acres (assessor's parcel number 259-092-056-000), and 4) increasing parcel "U" from 2.61 acres to 3.49 acres (assessor's parcel number 259-092-060-000). The project includes amending the final subdivision map to adjust building envelopes and scenic easements within the adjusted lots located at Via Malpaso and Alta Tierra, Cañada Woods North, Greater Monterey Peninsula 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)**

<u>Prior to recordation of a Parcel Map:</u>

2. The applicant shall record a notice that states: "A permit (Resolution _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 259-092-053-000,

259-092-054-000, 259-092-056-000, and 259-092-060-000 on _____. The permit was granted subject to ___ 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 form 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 file an Amending Map in accordance with Chapters 19.08 and 19.09 of the Monterey County Subdivision Codes including, but not limited to:
   a. Survey of the new lines and monument said lines.
   b. Building envelopes, that include the area of the approved development, shall be established in accordance with the tentative map prepared for the project as follows:
      1) Said envelopes shall be approved by the Director of Planning and Building Inspection.
      2) Adjust the northern limit line for the building envelope on Lot 68 at least 50 feet to the south to remove the building envelope from the oak woodland area.

c. Scenic easement areas must be recorded for all areas not included within the approved building envelopes. Separate documents to establish the easement areas shall be recorded as necessary. **(Public Works/Planning and Building Inspection)**

5. The applicant shall provide for all existing and required easements or rights-of-way. **(Public Works)**

6. The notes shall be included on a separate sheet of the Amending Map, or by separate document that shall indicate its relationship to the Map, recorded simultaneously with the Map, as follows:
   a. "No grading, structures, roads (except as in accordance with the recorded subdivision map), animal grazing, vegetation removal (except in accordance with a County approved restoration plan), or other activities may take place outside of the building envelopes for the Cañada Woods Subdivision."
   b. "All development on the parcels shall have a drainage and erosion control plan prepared by a registered civil engineer to address on-site and off-site impacts."
   c. "Future single family residences on the new lots will be subject to design review and permit approval by the Monterey County Planning and Building Inspection Department."

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

PASSED AND ADOPTED this 26th day of June, 2003, by the following vote:

AYES: McPharlin; Hawkins; Towner; Hori; Lawrence; Mulholland; Brandau
NOES: None
ABSENT: None
ABSTAIN: None

Original Signed By:

ANN TOWNER, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON