

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

RESOLUTION NO. 03017

MINOR SUBDIVISION # 030027

A.P. # 243-211-020-000
259-111-021-000

In the matter of the application of
John & Mary Doud (PLN030027)

FINDINGS AND DECISION

for a Lot Line Adjustment in accordance with Title 19 (Subdivisions), Chapter 19.09 (Lot Line Adjustment), of the Monterey County Code, to allow reducing Lot 9 from 655 acres to 550 acres, which has an existing house with septic and barn and Lot 11 is vacant, located east of Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, Big Sur area, Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee on July 10, 2003.

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

1. **FINDING: CONSISTENT WITH PLAN/POLICIES:** The project proposed in this application consists of a Coastal Development Permit for a Lot Line Adjustment (PLN030027/Doud). The proposed project conforms to the plans, policies, requirements and standards of the Big Sur Coastal Area Plan.
EVIDENCE: The property is located east of Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, which is the Big Sur 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) Big Sur Coastal Land Use Area Plan.
 - b) Coastal Implementation Plan, Part 3 (Chapter 20.145 MCC).
EVIDENCE: The project area is designated for Watershed and Scenic Conservation (40 acres/unit) under the Big Sur, Local Coastal Program, Land Use Plan. Proposed parcels consist of 550 and 550 acres.
EVIDENCE: Detailed plans including soils and other types of reports will be required with any proposed future development of these sites. Big Sur Land Use Plan regulations require the properties to identify and establish scenic and conservation easements over areas that include critical viewshed, slopes greater than 30% and environmentally sensitive habitat. Conditions have been included that require the applicable owner to address this prior to development of their lot.
EVIDENCE: Necessary public facilities are available to the project site.

EVIDENCE: On May 27, 2003, the Big Sur Land Use Advisory Committee voted 4-0-1 to recommend approval of the project as proposed.

EVIDENCE: As conditioned, the subject property is in compliance with all rules and regulations pertaining to the use of the property and no violations exist on the property. This subject property has been cleared from being included as part of a grading violation on a neighboring property (Kleisner).

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 PLN030027/Doud.

2. **FINDING: CONFORMS TO REGULATIONS:** 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 "WSC/40(CZ)" Watershed and Scenic Conservation (minimum 40 acres), 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.

EVIDENCE: That the lot line adjustment is between more than one and less than four existing adjacent legal lots of record. Certificates of Compliance we recorded for both of the subject parcels in 1998.

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 California Department of Forestry and Fire Prevention. 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 PLN030027/Doud.

3. **FINDING: NO NEW PARCELS:** The proposed lot line adjustment will not create a greater number of parcels than originally existed.

EVIDENCE: Two contiguous separate legal parcels of record will be adjusted and two 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 1,015 acres. Proposed amendments include: reducing Lot 9 from 655 acres to 550 acres (portion of assessor's parcel number 243-211-020-000) and increasing Lot 11 from 450 acres to 555 acres (portion of assessor's parcel number 259-111-021-000).

EVIDENCE: Application materials contained in File PLN030027/Doud.
4. **FINDING: HEALTH AND SAFETY:** 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, California Department of Forestry and Fire Prevention, 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: CEQA/EXEMPTION:** Lot Line Adjustment (PLN030027/Doud) 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. The proposed Lot Line Adjustment would not require a change in building or access locations that could cause environmental impacts over the existing conditions.

EVIDENCE: File No. PLN030027/Doud; administrative record.
6. **FINDING APPEAL:** The project is appealable to the Board of Supervisors and 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

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Lot Line Adjustment be approved as shown on the attached sketch subject to Findings and Evidence and subject to the following conditions:

1. This Coastal Development Permit (PLN030027/Doud) for a Lot Line Adjustment between two lots totaling 1,015 acres including reducing Lot 9 from 655 acres to 550 acres (portion of assessor's parcel number 243-211-020-000) and increasing Lot 11 from 450 acres to 555 acres (portion of assessor's parcel number 259-111-021-000). Lot 9 has an existing house with septic and barn and Lot 11 is vacant. The project is located east of Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, Big Sur area, 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 two portions of Assessor's Parcel Number 259-111-021-000 on July 10, 2003. The permit was granted subject to 5 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. Obtain a survey of the new line and have the line monumented. **(Public Works)**
- 5. File a record of survey showing new line and its monumentation and the location of the official plan line on Highway One. **(Public Works)**

PASSED AND ADOPTED this 10th day of July, 2003, by the following vote:

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

Original Signed By:

 ANN TOWNER, 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 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 two years after the above date of granting thereof unless construction or use if started within this period.