MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION # 04002

MINOR SUBDIVISION NO. 020422

A.P. # 151-081-001-000

In the matter of the application of

FINDINGS & DECISION

John & Lesley Anderson (PLN020422)

for a Minor Subdivision in accordance with Chapter 19.04 of the Monterey County Code, consisting of a Minor Subdivision Tentative Parcel Map for the subdivision of two existing lots of record of 11.5858 acres and 28.42 acres, including a well lot of 0.057 acres, respectively, into three lots and one remainder parcel of 10 acres each. The property is located at 384 Corral De Tierra Road, Salinas, Toro area, came on regularly for meeting before the Minor Subdivision Committee on January 8, 2004.

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

1. FINDING: The Minor Subdivision (File # PLN020422), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Toro Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 384 Corral de Tierra Road, Corral de Tierra area (Assessors Parcel Nos. 151-081-001 and -004). The parcel is zoned RC/10-VS (Resource Conservation, 10 acres per unit, Visual Sensitivity Overlay).

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) Toro Area Plan;
c) Chapter 21.36 and 21.46 of the Monterey County Zoning Ordinance; and
d) Monterey County Subdivision Ordinance (Title 19) December 2000.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, the Housing and Redevelopment Agency and the Salinas Rural Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for subdivision improvements.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Minor Subdivision Committee.

EVIDENCE: The Toro Land Use Advisory Committee recommended approval of the parcel map on December 9, 2002 (5-0 vote).

EVIDENCE: The on-site inspection of the subject parcel by the project planner in December, 2002.

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.

EVIDENCE: All structures and infrastructure necessary to serve the project are existing.

EVIDENCE: The project will conform with the requirements of the VS zoning district. No significant visual impacts will occur, because no new development is proposed with the subdivision. Additionally, a Use Permit will be required for any future development on the site, if it is determined by the Planning Director that visual impacts could result from any such project.

2. FINDING: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on December 5, 2003. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration required to reduce any impact to the environment to an insignificant level are incorporated as conditions for approval for this project and are agreed to by the applicant. The mitigations included as conditions of permit approval are herby adopted as a mitigation monitoring and reporting program. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

a. Project Application File / Vesting Tentative Map

b. General Plan and Toro Area Plan

c. Geotechnical Soils-Foundation, Geological Hazards and Geoseismic Report for the Anderson Subdivision, Grice Engineering, May 2001

d. Percolation and Groundwater Study with Septic Recommendations for the Anderson Subdivision, Grice Engineering, May 2001

e. Project-Specific Hydrogeologic Report, Anderson Subdivision, MACTEC, May 22, 2003

f. Preliminary Cultural Resources Reconnaissance of Parcels [151-081-001 and 151-081-004], Archaeological Consulting, April 19, 1988.

g. Title 19 Subdivision Ordinance

h. 2000 Air Quality Management Plan for the Monterey Bay Region.

i. MBUAPCD CEQA Guidelines

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.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: Studies, data and reports prepared by staff fom various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. FINDING: For Purposes of the Fish and Game Code, the project will not have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Initial Study and Negative Declaration contained in the project file.

4. FINDING: That in approving the parcel map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: Subdivisions resulting in the potential creation of two or fewer new units are not subject to the in-lieu affordable housing fee. The subject subdivision will result in the potential for the creation of two new units, and is therefore not subject to the fee.

5. FINDING: That none of the findings found in Section 19.04.025.I of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

EVIDENCE: Section 19.03.025.I requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan and Toro Area Plan. No specific plan has been prepared for this area. The site has been determined to be physically suitable for the type and density of development (see Evidence in Findings 1 and 2). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Mitigated Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

EVIDENCE: The property provides for adequate building sites as evidenced by the application materials submitted for the project. Building envelopes have been established for Parcels A and C. These envelopes have been reviewed by county land use agencies and have been determined to be consistent with county policies. The building envelopes also meet the requirements of the VS district, as indicated in Evidence for Finding 1.

EVIDENCE: The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are:

1. Geotechnical Soils-Foundation, Geological Hazards and Geoseismic Report for the Anderson Subdivision, Grice Engineering, May 2001

2. Project-Specific Hydrogeologic Report, Anderson Subdivision, MACTEC, May 22, 2003

3. Preliminary Cultural Resources Reconnaissance of Parcels [151-081-001 and 151-081-004], Archaeological Consulting, April 19, 1988.

4. Percolation and Groundwater Study with Septic Recommendations for the Anderson Subdivision, Grice Engineering, May 2001

6. **FINDING**: The subject property is in compliance with all the rules and regulations pertaining to zoning; uses, subdivision, and any other applicable provisions of Title 21.36 and any zoning violation abatement costs have been paid.

EVIDENCE: Site visit and inspection by Planner, review of county records, and the tentative parcel map and application materials found in the project file

7. **FINDING:** That the proposed subdivision will not adversely impact traffic conditions in the area.

EVIDENCE: The proposed subdivision has been reviewed by the Monterey County Department of Public Works and there is no indication from that Department that the subdivision will negatively impact traffic in the area.

EVIDENCE: A traffic impact mitigation fee of $9,750 has been required for the project.

EVIDENCE: Project initial study

8. **FINDING**: The project is appealable to the Board of Supervisors.

EVIDENCE: Section 19.16.020.B. of the Monterey County Subdivision Ordinance (Title 19).

9. **FINDING:** The source capacity and water quality for all lots proposed to be created meets the requirements of all applicable health and safety regulations.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Environmental Health Division and the Water Resources Agency. The respective departments determined can be conditioned to meet the requirements of all applicable health and safety regulations.

EVIDENCE: Project-Specific Hydrogeologic Report, Anderson Subdivision, MACTEC, May 22, 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 subdivision.

DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee, that the Mitigated Negative Declaration and Mitigated Monitoring Reporting Plan be adopted and that said application for a Minor Subdivision be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Minor Subdivision Tentative Parcel Map for the subdivision of two existing lots of record of 11.58 acres and 28.42 acres, including a well lot of 0.057 acres, respectively, into three lots and one remainder parcel of 10 acres each, and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Toro Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 384 Corral de Tierra Road (Assessors Parcel No. 151-081-001 and -004), Corral de Tierra area.

2. 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)**

3. Concurrent with filing of the final map, the applicant shall record a deed notification with the Monterey County Recorder for Parcels A and C, stating: "An approved septic system design is on file at the Division of Environmental Health, File Number PLN020422, and any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health." The owner shall submit the proposed wording and forms to be recorded to the Environmental Health Division and Planning and Building Inspection for review and approval. **(Environmental Health)**

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

4. 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, which 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, or 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)**

5. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection Department)**

6. A note shall be included on a separate sheet of the parcel map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "Reports have been prepared for this property as listed below, and are on file in the Monterey County Planning and Building Inspection Department, Coastal Office. The recommendations contained in said reports shall be followed in all further development of this property."

   Geotechnical Soils-Foundation, Geological Hazards and Geoseismic Report for the Anderson Subdivision, Grice Engineering, May 2001

   Project-Specific Hydrogeologic Report, Anderson Subdivision, MACTEC, May 22, 2003

   Preliminary Cultural Resources Reconnaissance of Parcels [151-081-001 and 151-081-004], Archaeological Consulting, April 19, 1988.

   Percolation and Groundwater Study with Septic Recommendations for the Anderson Subdivision, Grice Engineering, May 2001

   The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection)**

7. The applicant shall record a notice that states: "A permit (Resolution 04002) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 151-081-001 and -004 on January 8, 2004. The permit was granted subject to 21 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)**

8. The applicant shall record a deed notification with the Monterey County Recorder for the remainder parcel, indicating that due to slope constraints and the area available and suitable for septic system leach fields; only the equivalent of a three-bedroom single-family dwelling will be allowed to be developed on this parcel unless otherwise approved by the Director of Health or the Director's authorized representative. **(MM 8-1) (Environmental Health)**

9. The alternate building envelope for Parcel A shall be included on the final map, subject to the approval of the Director of Planning and Building Inspection.. **(Planning and Building Inspection)**

10. The applicant shall file a parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works)**

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

12. Thirty days prior to expiration date of the tentative map, Step A (8-items) of the County Surveyor's Check-Off List for Parcel Map processing shall be completed. **(Public Works)**

13. The access roads be improved to Salinas Rural Fire District Standards. **(MM 15-2) (Public Works)**

14. The applicant shall pay $9,750 for future improvements to Highway 68 to the Public Works Department. **(MM 15-1) (Public Works)**

15. If the Department of Public Works completes a traffic safety study for Corral de Tierra Road prior to recordation of the parcel map, the applicant shall comply with recommendations of the study in accordance with the project's proportional impact. **(Public Works)**

16. A note shall be recorded on the final map stating any future development on these parcels will require a drainage plan to be prepared by a registered civil engineer or architect. **(MM 8-2) (Water Resources Agency)**

17. Prior to the conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the tentative or parcel map. **(MM 8-3) (Water Resources Agency)**

18. A notice shall be recorded on the deed for each lot that all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance #3932, or as subsequently amended. **(MM 8-4) (Water Resources Agency)**

19. A notice shall be recorded on the deed for each lot stating the front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. **(MM 8-5) (Water Resources Agency)**

20. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

21. The section of road serving all three lots shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements. **(Fire District)**

PASSED AND ADOPTED this 8th day of January, 2004.

Original Signed By:

ANN TOWNER, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE 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 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 Salinas.

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