

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

RESOLUTION # 04005

MINOR SUBDIVISION NO. 030598

A.P. # 125-271-038-000

In the matter of the application of
Gloria Willis (PLN030598)

FINDINGS & DECISION

for a Minor Subdivision in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of a two year extension of a minor subdivision of two parcels into four parcels and a remainder parcel (extension of previously approved permit PLN980024), came on regularly for meeting before the Minor Subdivision Committee on January 29, 2004.

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

- 1. FINDING:** This two-year extension request would extend the Tentative Parcel Map for Gloria Willis (PLN 0980024) to October 10, 2005. The previously approved Tentative Parcel Map (PLN 980024), as described in Condition #1 of the attached Exhibit "B," and as conditioned, conforms to the plans, policies, requirements and standards of the plans, policies, requirements and standards of the North County Area Plan, Monterey County General Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 19448 Pesante Road, east of Highway 101, Prunedale Hills area North County Area Plan (APN 125-271-038-000 and 125-271-061-000).

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with: North County Area Plan, Monterey County General Plan, and the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The Monterey County Planning and Building Inspection Department, the Water Resources Agency, the Public Works Department, the Environmental Health Department, the Parks and Recreation Department, and the North County Fire District have reviewed the project. There has been no indication from the preceding agencies that the site is not suitable for the proposed development. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements where appropriate.

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.
- 2. FINDING:** No new information or substantial change in circumstance exist that would have affected the original approval.

EVIDENCE: The issues of greatest concern in the North County today are the same as those identified in the environmental document originally prepared for the project. These include: water, traffic, environmentally sensitive habitat areas, and consistency with County policies. The adopted Mitigated Negative Declaration addressed these substantial issues at the time the original application was considered and the application was approved with these issues fully disclosed and the impacts were determined to be less than significant. The North County Area Plan has not substantially changed since project approval.

3. **FINDING:** The extension request is consistent with Section 19.04.040 (Extensions of the Tentative Parcel Map) of Title 19, the Subdivision Ordinance, and the state Subdivision Map Act:
- 1) The applicant applied for the extension request prior to the expiration date as required by Section 19.04.040 of the Subdivision Ordinance.
 - 2) The extension request, as conditioned, will not extend the approved life of the tentative map for more than five years as allowed in Section 66463.5 of the state Subdivision Map Act, which supercedes time limitations included in Section 19.04.040 of the County Subdivision Ordinance.

EVIDENCE: Administrative record, oral testimony, tapes, and minutes of the May 10, 2001 and October 11, 2001 Minor Subdivision Committee meetings, as found in File Number PLN980024 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: Letter from Gloria E. Willis dated February 20, 2003 found in File PLN980024.

EVIDENCE: Title 19, specifically Section 19.04.040, Extensions of the Tentative Parcel Map, and Section 66463.5 of the Monterey County Subdivision Ordinance.

4. **FINDING:** The project will not result in the potential for a significant environmental impact as defined in the California Environmental Quality Act (CEQA).

EVIDENCE: The Monterey County Minor Subdivision Committee previously adopted a Mitigated Negative Declaration on October 11, 2001 for the tentative parcel map. Notice of the mitigation for this project is made a part of the conditions of this extension.

EVIDENCE: Materials found in file PLN980024.

EVIDENCE: Administrative record, oral testimony, tapes, and minutes of the May 10, 2001 and October 11, 2001 Minor Subdivision Committee meetings, as found in File PLN980024 at the Monterey County Planning and Building Inspection Department.

5. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 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.

6. **FINDING:** The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning violation abatement costs have been paid.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicate that no violations exist on subject property.

7. **FINDING:** This extension, as approved by the Minor Subdivision Committee, is appealable to the Board of Supervisors.

EVIDENCE: Chapter 21.80 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee that said application for a Minor Subdivision be extended for two years to expire on October 5, 2005, subject to the following conditions:

1. This permit consists of a two- year extension for a tentative parcel map (PLN980024) for a minor subdivision of two parcels totaling 44.6 acres into four parcels and one remainder parcel. The property is located at 19448 Pesante Road, east of Highway 101, Prunedale Hills area North County Area Plan (APN 125-271-038-000 and 125-271-061-000). The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 constructions other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities (**Planning and Building Inspection Department**)

Prior to recordation of Parcel Map:

2. 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, 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. Proof of recordation of this indemnification agreement shall be furnished to the Director of Planning and Building Inspection. (**Planning and Building Inspection**)

3. The applicant shall record a notice that states: "A permit (Resolution 01020) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 125-271-038 & 061 on October 11, 2001. The permit was granted subject to 43 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 recordation of the final map. (**Planning and Building Inspection**)

4. Prior to recordation of the final map, the applicant shall comply with the requirements of the Inclusionary Housing Ordinance. **(Planning and Building Inspection)**
5. Prior to recordation of the final map, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical and Percolation Report has been prepared for this parcel by Grice Engineering and Geology, Inc., dated September 1998, and is on record in the Monterey County Planning and Building Inspection Department File No. PLN9980024. All development must be in accordance with the geotechnical report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
6. Prior to recordation of the final map, a notice shall be recorded with the Monterey County Recorder and shall also be included as a note on the final map which states: "A Biological Survey Report has been prepared for this parcel by Jud Vandevere, Biological Consultant, dated November 1998, is on record in the Monterey County Planning and Building Inspection Department File No. PLN9980024. All development must be in accordance with the biological report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection)**
7. Prior to recordation of the final map, a note shall be included on the map which states: no land clearing or grading shall occur on the subject parcel between October 15 and April 15, unless written authorization is provided by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
8. Prior to recordation of the final map, a note shall be included on the map which states: "The location of the water tank (or tanks) shall be reviewed and approved by the Director of Planning and Building Inspection prior to installation to determine potential environmental impacts." **(Planning and Building Inspection)**
9. Prior to recordation of the final map, a note shall be included on the map which states: "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery." **(Planning and Building Inspection)**
10. Prior to recordation of the final map, the subdivider/applicant shall comply with the recreation requirements as provided in Section 19.12.010 Title 19 (Subdivision) of the Monterey County Code prior to filing of the parcel map. **(Planning and Building Inspection)**
11. Prior to recordation of the final map, a note shall be included on the map, which states: new utility and service lines shall be placed underground. **(Planning and Building Inspection)**
12. On or before the filing of the Notice of Determination pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the

commencement of use, or the issuance of building or grading permits, whichever occurs first. The project shall not be operative, vested, or final until the filing fees are paid. **(Planning and Building Inspection)**

13. Prior to recordation of the final map, a note shall be included on the map which states: "All landscaping areas and/or fences shall be continuously maintained by the applicant and future property owners and all plant materials shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. Future property owners shall ensure that the maritime chaparral habitat is kept clear of invasive weedy species such as French broom and Pampas grass." **(Planning and Building Inspection)**
14. Prior to recordation of the final map, a note shall be included on the map which states: "If vegetation removal is required to reduce fire hazards, proposed removal shall be developed with the aid of a qualified biologist so as to best maintain or improve habitat value." **(Planning and Building Inspection)**
15. Prior to recordation of the final map, a note shall be included on the map which states: "Future property owners shall landscape disturbed areas of the property with Pajaro Manzanita, Monterey ceanothus and Eastwood's golden fleece seeds and/or cuttings from plants on the property." **(Planning and Building Inspection)**
16. Prior to recordation of the final map, a note shall be included on the map which states:
 - a. "To ensure survival of seed trees for future oak regeneration, oaks over six inches in diameter shall not be removed.
 - b. During road and housing development, the project applicant shall preserve the root systems of oak trees and the soil surface beneath their canopy.
 - c. No excavation material shall be stored within the drip lines.
 - d. Any landscaping that is planned within the canopy shall use vegetation that does not require dry-season irrigation.
 - e. Septic system leach field lines shall be installed such that they do not impact oak trees with saturated soils.
 - f. Any area in which the soil surface is disturbed or vegetation is denuded by road, home or other related development on the parcel shall be kept free of invasive weeds by using such means as hand pulling, chemical applications, and ultimately landscaping, using native vegetation as fill-in. Thereby, such disturbed areas would become unavailable to weedy species in the long-term.
 - g. Fencing shall not prohibit wildlife movement through the lots. Exclusive fencing would be appropriate for garden areas if movement of wildlife were permitted through the lots." **(Planning and Building Inspection)**
17. Prior to recordation of the final map, a note shall be included on the map that states: "Project construction shall comply with all MBUAPCD rules and regulations. Dust-reducing measures shall include the basic control measures (measures obtained from page 8-2 and Table 8-2 of the MBUAPCD CEQA Guidelines, October 1995), as follows:

Following implementation of this mitigation measure, short-term construction air quality impacts will be reduced to a less than significant level.

- a. Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.

- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Cover on-site stockpiles of excavated materials.
 - d. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - f. Post the project at two locations with a publicly visible sign during construction operations, which specify the telephone number and person to contact for complaints and/or injuries on dust generation and other air quality problems resulting from project construction.” **(Planning and Building Inspection) (Mitigation #1)**
18. Prior to recordation of the final map, a note shall be included on the map that states: All disturbed areas associated with the subdivision's infrastructure development (e.g., road cuts) shall be revegetated using the three rare maritime chaparral species found on the parcel. Seeds and/or cuttings of these species collected from local genetic stock, preferably on or within two miles of the parcel, is the best method to mitigate. However, Willis Staff Report/PLN9980024 12 there is a native plant nursery in North County that is an appropriate alternative source (Elkhorn Native Plant Nursery). **(Planning and Building Inspection) (Mitigation #3)**
19. Prior to recordation of the final map, a note shall be included on the map that states: During road and housing development, the developer shall ensure that at least 50 percent of the root systems of oak trees and the soil surface beneath their branches or within their drip lines are protected from construction activities. Any landscaping, which is planned within the drip lines (inside the perimeter of their branches), should use vegetation that does not require dry-season irrigation. (The dry season in central California is considered to be from May to October). **(Planning and Building Inspection) (Mitigation #4)**
20. Prior to recordation of the final map, a note shall be included on the map that states: The area of 30 percent slope and greater, as indicated in the Slope Density Analysis prepared by Monterey County Surveyors, Inc., and dated January 1998, shall be put in scenic or conservation easement. **(Planning and Building Inspection) (Mitigation #7)**
21. Prior to recordation of the final map, a note shall be included on the map that states: The County shall require that future landscaping plans for each of the newly subdivided parcels include native species only and include a program that monitors and removes invasive weedy species such as ice plant or periwinkle where they could spread and degrade natural habitat. Areas planned for landscaping shall include all disturbed areas. These areas shall be kept free of invasive weeds by using such means as hand pulling, chemical applications, and landscaping, using native vegetation to fill in the disturbed areas, thus making the disturbed areas difficult for weedy species survival in the long-term. **(Planning and Building Inspection) (Mitigation #9)**
22. Prior to recordation of the final map, a note shall be included on the map that states: Fencing that inhibits or prohibits passage of wildlife through the lots shall be prohibited, except for those areas to secure gardens, provided that passage is assured immediately adjacent to the fenced off area. Easement areas shall not be fenced off. **(Planning and Building Inspection) (Mitigation #10)**

23. Prior to recordation of the final map, the applicant shall pay the appropriate financial contribution in accordance with Ordinances 3496/4005, adopted by the Board of Supervisors to implement an area-wide hydrological study to address groundwater overdraft and water resources in the project area. **(Planning and Building Inspection) (Mitigation #11)**
24. Prior to recordation of the final map the applicant shall record a deed restriction prohibiting any commercial agricultural uses on the property. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection. **(Planning and Building Inspection) (Mitigation #12)**
25. The applicant shall provide to the Director of Environmental Health written certification from State agencies that Woodland Heights/Moonglow Water System and supply sufficient water flow and pressure to comply with both health and fire flow standards. **(Environmental Health)**
26. The applicant shall ensure that the subdivision is connected to the Woodland Heights Moonglow Water System. **(Environmental Health)**
27. The applicant shall record a deed notification concurrently with the parcel map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for this parcel by Grice Engineering and Geology, Inc., dated September 14, 1998, and revised October 2, 1998 and is on record at the Division of Environmental Health, Monterey County, File Number 980024. All proposed development shall be in compliance with the report and the recommendations therein, including the recommendations regarding sandstone and groundwater on page 4 of the September 14 report, and the October 2 report requirements, for shallow leach fields not greater the seven (7) feet deep with five (5) feet effective flow, and a setback of 250 feet from the drainage along the western property line, the existing well on Parcel A, and from the pond on Parcel B." **(Environmental Health)**
28. Provide evidence that the Woodland Heights/Moonglow water system has obtained an amended permit for the additional connections from the Division of Environmental Health prior to filing the final map. **(Environmental Health)**
29. Design the water system improvements to meet the standards as found in Chapter 15.04 Titles 17 and 22 California Code, of regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements and any associated fees to the Director of Environmental Health **(Environmental Health)**
30. The developer shall install the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final (parcel) map. **(Environmental Health)**
31. Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. **(Environmental Health)**
32. The applicant shall apply for annexation of the property to Zone 9 of the County Water Resources Agency. **(Water Resources Agency)**

33. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
34. 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)**
35. The applicant shall provide a minimum 20-foot wide access roadway in compliance with the unofficial fire code from Pesante Road to the site. **(Fire District)**
36. The applicant shall provide water storage for fire protection in compliance with the uniform fire code. **(Fire District)**
37. The applicant shall provide addressing in compliance with the unofficial fire code. **(Fire District)**
38. The applicant shall file a parcel map delineating all existing and required easements or rights of way and monument new lines. **(Public Works)**
39. The applicant shall provide for all existing and required easements or rights of way. **(Public Works)**
40. Thirty days prior to expiration date of the tentative map, the applicant shall complete Step A (8-items) of the County Surveyor's Check Off List for Parcel Map. **(Public Works)**
41. The applicant shall contribute \$3,000.00 towards the extension of Country Meadows Drive to Reese Circle. **(Public Works)**
42. Prior to the recordation of the parcel map, the applicant shall construct all access roads in accordance with North County Fire District standards. In lieu of construction, the applicant can bond for required improvements subject to the approval of the Department of Public Works **(Public Works)**
43. Prior to recordation of the parcel map, the applicant shall enter into an agreement with the County to implement the Mitigation Monitoring and/or Reporting Plan adopted for this project. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 29th day of January, 2004.

Original Signed By:

LYNNE MOUNDAY, SECRETARY (Acting)

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.