

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting:	August 25, 2005, 9:25 a.m.	Agenda Item:
Project:	Consider a Coastal Development Permit (PLN040785/J&J Ag Properties) to allow a Lot Line Adjustment between four contiguous legal lots of record, Assessor's Parcel Numbers: 1) 412-012-019-000 (70.6 Acres); 2) 412-012-020-000 (4.1 Acres); 3) 412-012-023-000 (2.0 Acres); and 4) 412-012-028-000 (119.4 Acres), resulting in four 4 adjusted Parcels: Parcel "A" (69.7 Acres), Parcel "B" (15.5 Acres), Parcel "C" (100.4 Acres), and Parcel "D" (10.5 Acres). Existing development includes: one residence located on Assessor's Parcel Number 412-012-020-000 that will be associated with the new Parcel "D"; and three residences and a well located on Assessor's Parcel Number 412-012-028-000 that will be associated with the new Parcel "B".	
Location:	123 and 143 Harrington Road, Watsonville, northwesterly of Harrington Road. (Assessor's Parcel Numbers 412-012-019-000, 412-012-020-000, 412-012-023-000 and 412-012-028-000).	
Plan Area:	North County Coastal Land Use Plan, Coastal Zone North County Area Plan	
Zoning:	Rural Density Residential, 5 acres/unit, Coastal Zone (RDR/5 [CZ]) Rural Density Residential, 5.1 acres/unit (RDR/5.1)	Flagged & staked: N/A
CEQA Action : Categorically Exempt, Class 5, Section 15305(a)		
Date application deemed complete:	July 8, 2005	
Department: Planning and Building Inspection		

STAFF RECOMMENDATION: Staff recommends that the Minor Subdivision Committee approve **PLN040785/J&J Ag Property** adjusting lot lines between four parcels, subject to the Findings and Evidence in **Exhibit A** and Conditions of Approval in **Exhibit B**.

PROJECT OVERVIEW: The applicants are requesting a lot line adjustment that would generally bring to legal non-conforming lots into conformance. The majority of the changes occur on three properties located primarily within the coastal zone as shown in Table 1:

TABLE 1; PROJECT SUMMARY			
EXISTING		PROPOSED	
PARCEL	SITE CONDITIONS	PARCEL	SITE CONDITIONS
412-012-019 Inland	70.6 Ac., no development, access easement.	A Inland	69.7 Ac., no development, access easement.
412-012-023 Coastal	2.0 Ac., 66-foot wide strip, no development.	B Coastal	15.5 Ac., extend 80' into inland parcel, 3 existing residential structures and individual septic systems, one well, access easement bisects property.
412-012-028 Coastal	119.4 Ac., 20.7 Ac strawberry production, 3 existing	C Coastal	100.4 Ac., 20.7 Ac strawberry production, access easement

	residential structures and individual septic systems, one well, access easement.		
412-012-020 Coastal	4.1 Ac., 1 existing residential structure and septic system	D Coastal	10.5 Ac., 1 existing residential structure and septic system

Staff finds that the proposed adjustment meets the applicable inland and coastal development standards for existing development (e.g. set backs), allowed density, and lot configuration. By moving the lot lines, there would not be development areas that could create new impacts to resources (habitat, slopes, views, etc).

The California Environmental Quality Act (CEQA) includes a categorical exemption (Class 5) for minor lot line adjustments not resulting in the creation of any new parcel (Section 15305). Staff finds that there are no unusual circumstances so that this project would qualify under this exemption. No unresolved issues remain for this project.

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked (“✓”) have comments and/or recommended conditions:

✓	Water Resources Agency		North County Coastal LUAC
	Environmental Health Division	✓	North County Fire
	Public Works Department		

The proposed project was reviewed by the North County Coastal Land Use Advisory Committee on June 20, 2005, who voted 4-0 to recommend approval of the project. The LUAC listed seven concerns that have been noted. Copies of these minutes are attached for your review (**Exhibit C**). These minutes reflect a statement from the owner that one of the units shown on Parcel B has been removed so there are two units on 15.5 acres not three. The record of survey to be recorded should reflect these conditions. Other concerns expressed by the LUAC would not impact the proposed project, but should be considered prior to future development occurring.

Carl P. Holm, AICP, Senior Planner
831-755-5103/holmcp@co.monterey.ca.us

cc: Minor Subdivision Committee; Coastal Commission; County Counsel; Public Works Department; Health Department; Water Resources Agency; North County FPD; Jeff Main; Carl Holm; Applicant (S. Henderson), Owner (D. Brothers), File No. PLN040785

Attachments: Exhibit “A”-Recommended Findings and Evidence; Exhibit “B”-Recommended Conditions of Approval; Exhibit “C”-Land Use Advisory Committee Minutes; Exhibit “D”-Vicinity Map; Exhibit “E”- Lot Line Adjustment Map

This report was reviewed by Jeff Main, Planning and Building Services Manager

Note:

- 1) This project is appealable to the Board of Supervisors and the California Coastal Commission.

EXHIBIT A
RECOMMENDED FINDINGS AND EVIDENCE
PLN040785/J&J Ag Properties
August 25, 2005

1. **FINDING: CONSISTENCY:** The proposed Coastal Development Permit PLN040785/J&J Ag Properties conforms to the applicable plans, policies, requirements and standards of the Monterey County General Plan, North County Area Plan, North County Land Use Plan, Title 21 Monterey County Codes, Title 20 Monterey County Codes, and the Monterey County Coastal Implementation Plan - Part 2 (Chapter 20.144 MCC).

EVIDENCE:

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

- (1) 1982 Monterey County General Plan, as amended.
- (2) North County Area Plan
- (3) North County Land Use Plan
- (4) Coastal Implementation Plan – Part 2 (Chapter 20.144 MCC)
- (5) Chapters 20.16 & 21.16 MCC – Rural Density Residential
- (6) Chapter 20.70 MCC - Coastal Development Permits.

There would be no conflict or inconsistencies with the regulations of these plans or policies.

(b) Parcel "A" (APN: 412-012-019-000/D. Brothers) is designated as Rural Density Residential (5.1 acres per unit), North County Area Plan. The subject site is currently 70.6 acres located within the "RDR/5.1" or Rural Density Residential zoning district. Reducing Parcel "A" from 70.6 to 69.7 acres is consistent with the Area Plan designation of 5.1 acres per unit.

(c) Parcel "B" (APN: 412-012-023-000/D. Brothers), Parcel "C" (APN: 412-012-028-000/J&J Properties LLC), and Parcel "D" (APN: 412-012-020-000/G. Brothers) are designated as Rural Density Residential (5.0 acre per unit), North County Coastal Land Use Plan. The resulting parcels would be 15.5 acres, 100.4 acre and 10.5 acres respectively located within the "RDR/5.0 (CZ)" or Rural Density Residential (5.0 acre per unit) zoning district in the coastal zone. Increasing Parcel B and D (currently 2.0 acres and 4.1 acres respectively) would bring both lots into conformance with the land use designation.

(d) Environmentally Sensitive Habitat. A site inspection found much of the project area to be generally open with invasive eucalyptus trees. Approximately 21 acres of the lower portion (Parcel C) has been cultivated for strawberry production. Some of the undisturbed areas contain Central Maritime Chaparral, which is defined in the North County Coastal LUP as environmentally sensitive habitat area (ESHA). No new development is proposed at this time that would impact ESHA and the proposed lot line adjustment does not create any new potential impact to ESHA.

(e) Water Resources. Both properties have existing single family residences. No new development is proposed as part of this lot line adjustment. Therefore, this project will not impact water resources. Any future development would be required to address water quality and quantity.

(f) Water, Sewer, Traffic. Public Works and Health Departments have reviewed the project and recommend approval subject to conditions.

(g) LUAC. On June 20, 2005, the North County Coastal Land Use Advisory Committee voted 4-0 to recommend approval of the project. The Committee identified the following concerns relative to the project:

1) Confusion over project plans/maps. Errors noted in the meeting have been corrected.

2) Parcel B does not have the top residence any more. Mr. Brothers attending that meeting noted that one existing unit had been removed. The area created with the lot line adjustment (15.5 acres) would allow up to three units on the property by density. However, any replacement of the unit removed would be subject to County permits in accordance with policies and regulations of the Local Coastal Program.

3) Notification requirements. Only mailing is require for LUAC meetings. Only actions by County decision-makers require posting and advertisement in addition to mailing.

4) Maps indicate resources like chaparral, steep slopes, and erosive soils on the subject site. As noted in other findings, no new development is proposed at this time and the proposed lot line adjustment does not create any new potential development impacts. Future development will need to address these issues.

5) The LUAC recommend that maps be amended for changes between coastal and non-coastal boundaries.

(h) 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.

(i) Materials in project file PLN040785/J&J Ag Properties.

2. **FINDING – SITE SUITABILITY:** The site is physically suitable for the proposed use.

EVIDENCE:

(a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department, and North County Fire Department. Conditions recommended have been incorporated.

(b) Staff conducted an on-site visit to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

(d) Materials in project file PLN040785/J&J Ag Properties.

3. **FINDING - NO VIOLATIONS:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions

of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE:

- (a) 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.
- (b) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

4. **FINDING - LOT LINE:** The lot line adjustment is between two existing adjacent parcels. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

EVIDENCE:

- (a) Four contiguous separate legal parcels of record will be adjusted and four adjacent contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- (b) The project area has a total of 196.1 acres. Proposed amendments include: 1) reducing Parcel A (assessor's parcel number 412-012-019-000) from 70.6 acres to 69.7 acres; 2) increasing Parcel B (assessor's parcel number 412-012-023-000) from 2.0 acres to 15.5 acres; 3) reducing Parcel C (assessor's parcel number 412-012-028-000) from 119.4 acres to 100.4 acres and 3) increasing Parcel D (assessor's parcel number 412-012-020-000) from 4.1 acres to 10.5 acres.
- (c) All four lots contain certificates of compliance to verify they are legal lots of record. Copies of these certificates are located within the project file and are recorded in the Monterey County Recorder's office.
- (d) The proposed lot line adjustment will bring Parcels A and C into conformance with the minimum density allowed (5.0 acres). Parcel B would contain two existing units and parcel D would contain one existing unit. The number of existing units on the proposed lots meets the land use density limitations and lot lines are designed to meet structural set back requirements.
- (e) All septic systems are located on the same lot as the existing unit they serve and lot lines are designed to meet set back requirements.
- (f) Application and plans for a lot line adjustment found in the Project File PLN040785.

5. **FINDING - HEALTH AND WELFARE:** The establishment, maintenance, or operation of the use or 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 or to the general welfare of the County.

EVIDENCE:

- (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Health Department, Public Works Department, and the Water Resources District. 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.

6. **FINDING - CEQA**: The proposed project will not have a significant environmental impact.

EVIDENCE:

- (a) Section 15305(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. The project involves a minor lot line adjustment between four legal lots of record that meets the density established by the Area Plan and Land Use Plan. There would be not changes in land use or density.
- (b) 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 that would require additional review.
- (c) Materials in project file PLN040785/J&J Ag Properties

7. **FINDING - APPEALABILITY**: The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE:

- (a) Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).
- (b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

**Monterey County Planning and Building Inspection
Condition Compliance Matrix**

Project Name: J&J Ag Properties

File No: PLN040785

APNs: 412-012-019-000, 412-012-020-000, 412-012-023-000 and 412-012-028-000

Approval by: Minor Subdivision Committee

Date: August 25, 2005

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1	<p>PBD029 - SPECIFIC USES ONLY The subject permit approval grants a <i>Coastal Development Permit to allow a Lot Line Adjustment between four contiguous legal lots of record, Assessor's Parcel Numbers: 1) 412-012-019-000 (70.6 Acres); 2) 412-012-020-000 (4.1 Acres); 3) 412-012-023-000 (2.0 Acres); And 4) 412-012-028-000 (119.4 Acres), Resulting In 4 Adjusted Parcels: Parcel "A" (69.7 Acres), Parcel "B" (15.5 Acres), Parcel "C" (100.4 Acres), And Parcel "D" (10.5 Acres). Existing development includes: one residence located on Assessor's Parcel Number 412-012-020-000 that will be associated with the new Parcel "D"; and three residences and a well located on Assessor's Parcel Number 412-012-028-000 that will be associated with the new Parcel "B". The properties are located at 123 and 143 Harrington Road, Watsonville (assessor's parcel numbers 412-012-019-000, 412-012-020-000, 412-012-023-000 and 412-012-028-000), northwesterly of Harrington Road, North County Area, coastal and inland zone. This permit was approved 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</i></p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant PBI	Ongoing unless other-wise stated	

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2	PBD027 - PERMIT TIME/YEAR & DATE This permit shall expire two years to expire on <u>August 25, 2006</u> unless a map is recorded or the approval is extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.	None	Owner/ Applicant PBI	September 9, 2006	
3	PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: “A permit (Resolution _____) was approved by the <i>Minor Subdivision Committee for Assessor's Parcel Numbers 412-012-019-000, 412-012-020-000, 412-012-023-000 and 412-012-028-000 on August 25, 2005. The permit was granted subject to five (5) conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.</i> ” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to recordation of Record of Survey	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant PBI	Prior to Recorda- tion of Record of Survey	
4	PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented.	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor PW	Prior to Recorda- tion of Record of Survey	
5	PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation.	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Applicant/ Surveyor PW	Prior to Recorda- tion of Record of Survey	