

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting: October 26, 2006 Time: 9:05 A.M.	Agenda Item No.: 2
Project Description: Coastal Development Permit to allow a Lot Line Adjustment resulting in an equal exchange of .182 acres decreasing parcel number 131-051-043-000 from 9.176 acres to 8.994 acres (current zoning RDR/5(CZ)) and increasing parcel number 131-051-076-000 from 10.020 acres to 10.202 acres (current zoning RDR/10 (CZ)). The purpose of the lot line adjustment is to save a landmark Oak tree.	
Project Location: 1575 Elkhorn Road and 1585 Elkhorn Road, Watsonville	APN: 131-051-043-000 and 131-051-076-000
Planning File Number: PLN050634	Name: Douglas R. Smith, owner Richard W. Painter, owner Steve Wilson, Applicant
Plan Area: North County Land Use Plan	Flagged and staked: Yes
Zoning Designation: "RDR/5" and RDR/10 (CZ)" Rural Density Residential, 1 unit per 5 acres and 1 unit per 10 acres, respectively (Coastal Zone)	
CEQA Action: Categorically Exempt per Section 15305 (a) Class 5	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Minor Subdivision Committee approve the Coastal Development Permit based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW

The applicants are requesting approval of a lot line adjustment to subtract .182 acres from parcel 131-051-043-000 (owner Smith) which would result from 9.176 acres to 8.994 acres (current zoning RDR/5(CZ)) and increase parcel number 131-051-076-000 (owner Painter) from 10.020 acres to 10.202 acres (current zoning RDR/10 (CZ)). The adjustment would allow owner of parcel 131-051-076-000 (Painter) to acquire a Landmark Oak tree in order to protect and preserve its life. Since each parcel coincides with its own zoning, the proposed adjustment does not exceed any development standard requirements.

Staff finds that the proposed adjustment meets the applicable development standards. There is no new development proposed with this lot line adjustment. There would be no new impacts to environmental resources (habitat, slopes, views, etc).

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions were recommended by Public Works and have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the North County Coastal Land Use Advisory Committee (LUAC) for review based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236. This application did not warrant referral to the LUAC.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

Elizabeth A. Gonzales, Associate Planner
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October 1, 2006

Cc: Minor Subcommittee; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Carl Holm; Bob Schubert, Elizabeth Gonzales; Richard W. Painter, Owner; Douglas R. Smith, Owner; Steve Wilson, Applicant; Planning File PLN050634.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval
	Exhibit D	Existing and Proposed Site Plans

This report was reviewed by Bob Schubert, Acting Planning and Building Services Manager

EXHIBIT B

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Land Use Plan, Title 20 Monterey County Codes, Monterey County Coastal Implementation Plan - Part 4 (Chapter 20.144 MCC), and Monterey County Code Title 19, Subdivision Ordinance which designates this area appropriate for lot line adjustments.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

(b) The properties are located at 1575 Elkhorn Road and 1585 Elkhorn Road, Watsonville (Assessor's Parcel Numbers 131-051-043-000 and 131-051-076-000), respectively, North County Land Use Plan. The parcels are zoned Rural Density Residential, 1 unit per 5 acres, and 1 unit per 10 acres, respectively, Coastal Zone ("RDR/5(CZ)" and "RDR/10(CZ)"). The subject properties comply with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Titles 19 and 20, and are therefore suitable for the proposed lot line adjustment.

(c) The project planner conducted a site inspection on August 10, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors, this project did not warrant referral to the LUAC.

(e) The application, plans, and related support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development found in Project File PLN050634.

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

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

(b) Technical reports are not required for the Coastal Development Permit. During staff's review of the project, there was no indication of physical or environmental constraints that would require outside technical consultants to determine that the site is not suitable for the use proposed.

(c) Staff conducted a site inspection on August 10, 2006, to verify that the site is suitable for this use.

(d) Materials in Project File PLN050634.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** (a) Section 15305 (a) Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments.
- (b) No adverse environmental effects were identified during staff review of the Lot Line Adjustment application and during the site visit on August 10, 2006. Environmentally sensitive habitats or trees or other natural resources on site are not impacted by the proposed Lot Line Adjustment.
- (c) 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.
- (d) See preceding and following findings and supporting evidence.
- (e) Materials in project file PLN050634.
4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19) LOT LINE ADJUSTMENTS (CHAPTER 19.09)** 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) Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- (b) The project consists of an equal exchange of land between two existing legal lots of record consisting of 8.994 acres (131-051-043-000) and 10.202 acres (131-051-076-000), respectively.
- (c) 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.
- (d) The project complies with the regulations for lot line adjustments in accordance with Title 19 (MCC). A condition has been incorporated requiring the applicant to record a lot line adjustment map.
5. **FINDING: PUBLIC ACCESS** - 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 (see 20.70.050.B.4). 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** (a) The subject property is not described as an area where the Local Coastal Program requires access.
- (b) The subject property is not indicated as part of any designated trails or shoreline access as specified in Policy 6.3.3 of the North County Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff site visit on August 10, 2006.
6. **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. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning Department and Building Services records and is not aware of any violations existing on subject property.

7. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

8. **FINDING: APPEALABILITY** - The decision on this 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).

EXHIBIT C
Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: PAINTER, RICHARD W. AND SMITH, DOUGLAS R.

File No: PLN050634

APNs: 131-051-043-000M

Approved by: MINOR SUBDIVISION COMMITTEE Date: OCTOBER 26, 2006

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring 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>Verificati on of Complian ce (name/dat e)</i>
1.		<p>PBD029 - SPECIFIC USES ONLY</p> <p>This Coastal Development permit (PLN050634) allows a Lot Line Adjustment resulting in an equal exchange of .182 acres decreasing parcel number 131-051-043-000 from 9.176 acres to 8.994 acres (RDR/5(CZ)) and increasing parcel number 131-051-076-000 from 10.020 acres to 10.202 acres (RDR/10(CZ)), respectively. The lot line adjustment is for the purpose of saving a Landmark Oak tree. Both parcels conform to all required zoning regulations. The properties are located at 1575 Elkhorn Road and 1585 Elkhorn Road, Watsonville (Assessor's Parcel Numbers 131-051-043-000 and 131-051-076-000), North County area, Coastal 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. [Resource Management Agency (RMA) –Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 050634) was approved by the Minor Subcommittee for Assessor's Parcel Numbers 131-051-043-000 and 131-051-076-000 on October 26, 2006. The permit was granted subject to 4 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 issuance of building permits or commencement of the use. (RMA – Planning Department)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	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	Prior to Recordation of Survey	
4.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and its monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey	