

MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

Meeting: November 9, 2006 Time: 9:05AM	Agenda Item No.: 1
Project Description: Coastal Development Permit to allow a lot line adjustment between two contiguous legal lots of record, resulting in 2 adjusted parcels: Parcel "A" (102.92 acres) and Parcel "B" (20.36 acres). Existing development includes: row crops, two produce sheds, an office, a well and well house, irrigation reservoir, septic system and farm shop located on Parcel "B"; Parcel "A" contains a well and is utilized solely for row crop production.	
Project Location: 2250 Highway 1, Moss Landing	APN: 413-011-023-000 & 413-011-024-000
Planning File Number: PLN060361	Name: MFJK Partnership
Plan Area: North County Land Use Plan	Flagged and staked: No
Zoning Designation: "AC(CZ)" [Agricultural Conservation Area, Coastal Zone] and "RC (CZ)" [Resource Conservation Area, 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 proposed project includes a 0.33 acre (14,351.5 square feet) lot line adjustment between two contiguous legal lots of record to correct an existing non-conforming side yard setback. Parcel "A" (413-011-024-000) is 103.28 acres and Parcel "B" (413-011-023-000) is 20.03 acres. Both parcels are utilized for row crop production; however, Parcel "B" also contains the following development: two produce sheds, an office, a well and well house, an irrigation reservoir, septic system and farm shop. The existing property line passes through the northwest corner of the farm shop; therefore, the building does not meet the required 6-foot side yard setback. Parcel "B" is also considered legal non-conforming in accordance with the "AC (CZ)" [Agricultural Conservation Area, Coastal Zone] zoning regulations regarding the required minimum building site of 40 acres; this lot line adjustment will create a 10-foot side yard setback and will not further exacerbate the legal non-conforming status of the parcel. As adjusted, Parcel "A" will contain approximately 102.92 acres and Parcel "B" will contain 20.36 acres. Existing row crop production on the parcels will continue and no further development is proposed.

The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15305(a) (Class 5); Minor lot line adjustments not resulting in the creation of any new parcel. Staff finds that there are no unusual circumstances precluding this project from qualifying for this exemption. There are no outstanding issues associated with this project.

OTHER AGENCY INVOLVEMENT:

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

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA-Planning Department and the Public Works Department, have been incorporated into the conditions of approval (**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 (20.86.030) and the California Coastal Commission (20.86.080).

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October 19, 2006

Cc: Minor Subdivision Committee; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Coastal Commission; Carl Holm; Bob Schubert; Shandell Frank; Carol Allen; Mike Manfre, Owner/Applicant, Planning File PLN060361.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Lot Line Adjustment Map

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 Area Land Use Plan, Title 20 Monterey County Codes, Monterey County Coastal Implementation Plan - Part 2 (Chapter 20.144 MCC), and Monterey County Code Title 19, Subdivision Ordinance which designates this area as appropriate for development.

- 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 property is located at 2250 Highway 1, Moss Landing (Assessor's Parcel Numbers 413-011-024-000 and 413-011-023-000), North County Area Land Use Plan. Parcel "A" 413-011-024-000 is zoned Resource Conservation, Coastal Zone ("RC (CZ)"); Parcel "B" 413-011-023-000 is zoned Agricultural Conservation, Coastal Zone ("AC (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 October 5, 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 Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors (Resolution No. 04-236), this application did not warrant referral to the LUAC for the following reasons: the project is exempt from CEQA review per Section 15305; the parcel is not located on slopes exceeding 30%, and implementation of the project will not require the issuance of a Variance.
- (e) The application, plans, and related support materials submitted by the project applicant to the RMA- Planning Department for the proposed development found in Project File PLN060361.

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: California Coastal Commission, RMA-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) Staff conducted a site inspection on October 5, 2006 to verify that the site is suitable for this use.
- (c) Materials in Project File PLN060361.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** (a) Section 15305(a) (Class 5) of the CEQA Guidelines (minor lot line adjustments not resulting in the creation of any new parcel) categorically exempts the proposed development from environmental review.
- (b) The lot line adjustment it intended to correct the existing non-conforming side yard setback on Parcel "B" 413-011-023-000; no additional development is proposed. Therefore, the project will not result in an intensification of use.
- (c) No adverse environmental effects were identified during staff review of the lot line adjustment application or during the site visit on October 5, 2006. Both parcels are previously disturbed and no environmentally sensitive habitat areas were identified. Parcel "A" 413-011-024-000 is utilized for row crop production while Parcel "B" 413-011-023-000 contains both row crops and previously permitted structures.
- (d) 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.
- (e) See preceding and following findings and supporting evidence.
- (f) Materials in project file PLN060361
4. **FINDING: SUBDIVISION ORDINANCE (TITLE 19) LOT LINE ADJUSTMENTS (CHAPTER 19.09)** The MFJK Partnership Lot Line Adjustment (PLN060361) is consistent with the requirements as specified within Title 19.
- EVIDENCE:** (a) The lot line adjustment is between two contiguous legal lots of record; Parcel "A" 413-011-024-000 (103.25 acres) and Parcel "B" 413-011-023-000 (20.03 acres).
- (b) A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
- (c) Approximately 0.33 acres (14,351.5 square feet) will be exchanged; adjusting Parcel "A" from 103.25 acres to 102.92 acres and Parcel "B" from 20.03 acres to 20.36 acres.
- (d) The lot line adjustment will correct a current non-conforming side yard setback on Parcel "B".
- (e) Upon approval of the lot line adjustment, Parcel "A" and Parcel "B" will conform to development regulations.
- (f) The Lot Line Adjustment Map contains all items required for processing including: location of structures, waterways, roadways, and easements.
- (g) A Condition of Approval has been incorporated requiring the applicant to record a Record of Survey as approved.
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 6.4 of the North County Area 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 October 5, 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 RMA- Planning Department and RMA-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 and 20.86.080 of the Monterey County Zoning Ordinance.

<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>Verification of Compliance (name/date)</i>
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 060361) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 413-011-024-000 and 413-011-023-000 on November 9, 2006. The permit was granted subject to <u>4</u> conditions of approval which run with the land. A copy of the permit is on file with the RMA-Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA-Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA-Planning Department.	Owner/ Applicant	Prior to Recordation of Record of Survey	
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 Record of Survey	
4.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's 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	