

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

**REVISED**  
02062

RESOLUTION NO.

A. P. # 119-301-005-000  
and # 119-301-006-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Gregory Key (PLN010016)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at the intersection of Garin Road (a County road) and Rifle Range Road (a private road) in the North County non-coastal area, came on regularly for hearing before the Planning Commission on October 9, 2002.

WHEREAS: Said proposal includes:

- 1) Use Permit for a change of legal non-conforming use and
- 2) an Administrative Permit for a Lot Line Adjustment between two legal non-conforming parcels (Assessor's Parcel Numbers 119-301-005 and 119-301-006) in a Low Density Residential zoning district allowing for 2.5 acre minimum lot sizes (LDR/2.5-VS); the two existing parcels contain 0.620 acres and 0.525 acres and are proposed to be reconfigured so that there is no increase or decrease in acreage of the two parcels

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING:** The subject Combined Development Permit (File PLN010016) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, North County Area Plan and the Monterey County Zoning Ordinance (Title 21). The properties are located at 2412 Garin Road (Assessor's Parcel Numbers 119-301-005-000 & 119-301-006-000), at the intersection of Garin Road and Rifle Range. The parcels are zoned "LDR/2.5-D-VS" or Low Density Residential, 2.5 Acres per unit with the Visual Sensitivity overlay zoning district. The subject parcels are in compliance 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:** 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) North County Area Plan
  - c) Chapters 21.14 (LDR Zoning Regulations), and 21.46 (Regulations for "VS" Districts) of the Monterey County Zoning Ordinance.
  - d) Chapter 19.09.005 of the Monterey County Subdivision Ordinance.

- EVIDENCE:** The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health

Department, Public Works Department, Water Resources Agency and the North County Fire Protection District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

**EVIDENCE:** The Environmental Health Department has recommended a condition of project approval to assure that the proposed lot reconfiguration conforms to the requirements of Title 15.04 of the Monterey County Code regarding future development of septic disposal and water systems on the reconfigured vacant lot.

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

**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.

**EVIDENCE:** The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

**EVIDENCE:** Plans and materials contained in project File No. PLN010016.

**EVIDENCE:** Review and recommendation of the North County Non-Coastal Land Use Advisory Committee.

**EVIDENCE:** One single family dwelling partially overlaps the boundary between the two lots. This situation restricts development on the properties to one single family dwelling where, under applicable plans and policies, one dwelling would be allowed per lot. The reconfiguration of the lot line will allow the existing unit to be located on one of the resulting lots without any overlapping and would allow a buildable area on the resulting other lot.

**EVIDENCE:** The reconfiguration will allow the existing and any future dwelling to conform to zoning and environmental health regulations and would allow development outside an existing PG&E easement.

2. **FINDING:** The two subject lots qualify as “Legal Nonconforming Building Sites” as defined in Chapter 21.68.60 of the Monterey County Zoning Ordinance.

**EVIDENCE:** The lots are part of the “Las Lomas Tract 5-B Subdivision” approved by the Monterey County Board of Supervisors on October 2<sup>nd</sup>, 1939 and recorded on Volume 4 of Record of Surveys, Page 7, of the County Official Records.

3. **FINDING:** The proposed change of a nonconforming use complies with the requirements of Chapter 21.68.030 (A) (B) & (C) of the Zoning Ordinance.

**EVIDENCE:** The existing lot sizes would not be expanded, enlarged, or extended to occupy greater areas, nor would there be an increase in the number of existing lots or an intensification of the overall potential development of the existing lots.

**EVIDENCE:** The proposed lot sizes would be equal to the sizes of the existing lots and the potential use of the resulting lots would be similar to the potential use of the existing lots.

4. **FINDING:** The proposed project will not have a significant environmental impact.

**EVIDENCE:** The Monterey County CEQA Guidelines (Section 15305, Class 5) categorically exempts this project from environmental review. This Section states in part: 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:

(a) Minor lot line adjustments....

5. **FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** The reconfiguration of the existing vacant lot would allow future residential development in compliance with all the requirements of the Zoning Ordinance, the Subdivision Ordinance and

the requirements of the Division of Environmental Health relative to development of septic disposal systems and the provision of potable water.

**EVIDENCE:** There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire Protection District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

**6. FINDING:** 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:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, the North County Fire Department, Public Works Department, and Water Resources Agency. 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.

#### **FINDINGS FOR THE LOT LINE ADJUSTMENT:**

**7. FINDING:** That the lot line adjustment is between two or more existing adjacent parcels.

**EVIDENCE:** The application and plans for a lot line adjustment found in the project file (PLN010016).

**EVIDENCE:** The two lots owned by Gregory Key are considered separate legal lots of record contained in the Las Lomas Tract 5-B Subdivision, approved by the Board of Supervisors on October 2<sup>nd</sup>, 1939, as found in Volume 4 of the Record of Surveys, on Page 7 of the Official Records found in the County Recorder's Office.

**8. FINDING:** A greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

**EVIDENCE:** The two contiguous separate legal lots of record of 0.620 and 0.525 acres respectively exist, and two contiguous separate legal lots of record of 0.620 and 0.525 will result from the adjustment.

**9. FINDING:** The lots resulting from the lot line adjustment would conform to the County Zoning and Building Ordinances.

**EVIDENCE:** The proposed lot configuration would allow future residential development consistent with the regulations of the "LDR/2.5-VS" Zoning District.

#### **DECISION**

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This permit allows an Administrative Permit for a Lot Line Adjustment between 2 parcels (Assessor's Parcel Numbers 119-301-005-000 and 119-301-006-000), non-conforming as to size in a Visually Sensitive, Low Density Residential zoning district allowing for 2.5 acre minimum lot sizes (LDR/2.5-VS). The 2 existing, legal

non-conforming parcels contain 0.620 acres and 0.525 acres that will be reconfigured such that no increase or decrease in acreage to the two parcels will occur after the proposed lot line adjustment. The two lots are at the intersection of Garin Road (a County road) and Rifle Range Road (a private road), adjacent to the Garin and Lewis Road intersection, in the non-coastal, North County area. 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)**

**Prior to recordation of Grant Deeds or a Record of Survey:**

2. Prior to filing the record of survey, the applicant shall obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
3. The proposed development shall meet the definition of a water system and will require establishment of a permitted water system. The applicant shall provide evidence to the satisfaction of the Director of Environmental Health that the water source meets the applicable State and County standards for water quality and quantity. **(Environmental Health)**
4. The applicant shall record a notice which states: "A permit (Resolution 02062) was approved by the Planning Commission for Assessor's Parcel Numbers 119-301-005 and 119-301-006 on October 9, 2002. The permit was granted subject to 6 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. **(Planning and Building Inspection)**
5. Obtain a survey of the new line and have the line monumented. **(Public Works Department)**

**Recordation of Grant Deeds or a Record of Survey:**

6. File a Record of Survey showing the new line and its monumentation. **(Public Works Department)**

**PASSED AND ADOPTED** this 9th day of October, 2002 by the following vote:

AYES: Errea, Sanchez, Brennan, Parsons, Diehl, Hernandez, Engell, Wilmot  
NOES: None  
ABSENT: Hawkins, Pitt-Derdivanis

Original Signed By:

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DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF 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 90<sup>th</sup> day following the date on which this decision becomes final.