

MIKE NOVO  
ZONING ADMINISTRATOR

STATE OF CALIFORNIA  
COUNTY OF MONTEREY

RESOLUTION NO. 070239

APN# 424-404-031-000  
424-404-077-000

In the matter of the application of  
**COX JOEL E / JUDITH A (PLN070239)**

**FINDINGS & DECISION**

This Combined Development permit (PLN070239) allows a change in a legal non-conforming residential use to a legal non-conforming residential use of a similar nature and; 2) a Lot Line Adjustment between two legal lots of record of 12.38 acres (Parcel 1) and 40.79 acres (Parcel 2) resulting in two legal lots of record of 14.42 acres (New Parcel 1) and 38.78 acres (New Parcel 2). . The property is located at 79540 and 79545 Watkins Lane, San Miguel (Assessor's Parcel Numbers 424-404-031-000 and 424-404-077-000), South County Area Plan. The project came on regularly for hearing before the Zoning Administrator on February 26<sup>th</sup>, 2009.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

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, South County Area Plan and the Monterey County Zoning Ordinance (Title 21), 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 properties are located at 79540 Watkins Lane, San Miguel and 79545 Watkins Lane, San Miguel (Assessor's Parcel Numbers 424-404-031-000 and 424-404-077-000), South County Area Plan. The parcels are zoned Permanent Grazing, 160 acres per unit or ("PG/160"). Parcel 1 was created in 1920 through the Ranchita Almond Heights subdivision (Volume 2, Page 18 of Maps). The property was not zoned until April 22, 1975 in which time it was zoned Agricultural Preserve or "AP" which required 40 acre lots, rendering the property legal non-conforming. The current configuration of Parcel 2, which does not meet minimum lot size, was created in 2004 through Lot Line Adjustment No. PLN040195; therefore Parcel 2 is also legal non-conforming. Both properties were re-zoned in April of 1979 to Agricultural Preserve with a B-5 overlay and a 160 acre minimum building site; the properties remained as such until the adoption of Title 21 on March 3, 1993 when they were re-zoned to Permanent Grazing, 160 acre minimum or "PG/160" which remains the zoning to date.  
(c) The Monterey County Zoning Ordinance (Title 21), Section 21.68.020.C, states, "The legal non-conforming use may be changed to a use of a similar or more

restricted nature, subject to a Use Permit in each case.” In accordance with Section 21.68.020 the legal non-conforming use is not being intensified, expanded, enlarged, increased or extended to occupy an area greater than that occupied when the legal non-conformity was established due to both lots being non-conforming in relation to lot size from the time the lots were first zoned; and because approval of the Combined Development Permit would not result in any conforming lots becoming non-conforming in regards to parcel size.

- (d) The project planner conducted a site inspection to verify that the project on the subject parcel conforms to the plans listed above.
- (e) The project was referred to the South County Land Use Advisory Committee (LUAC) for review; based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project consists of a Lot Line Adjustment with conflicts (parcels non-conforming as to parcel size). The referenced LUAC unanimously recommend that the Zoning Administrator approve the project.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070239.

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: RMA - Planning Department, CDF – South County Fire, 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 to verify that the site is suitable for this use.
  - (c) Materials in Project File PLN070239.

3. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15305, categorically exempts minor lot line adjustments, such as the one proposed for this project.
  - (b) No adverse environmental effects were identified during staff review of the development application during the site visit conducted by staff for the project.
  - (c) See preceding and following findings and supporting evidence.

4. **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:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. **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:** The project has been reviewed for Health and Safety compliance by the following departments/agencies: RMA – Planning Department, CDF – South County, Public Works, Environmental Health Division and the 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.

6. **FINDING: SUBDIVISION ORDINANCE (TITLE 19) LOT LINE ADJUSTMENT (CHAPTER 19.09)** – In order to approve a Lot Line Adjustment; the Appropriate Authority must make the following findings: 1) That the Lot Line Adjustment is between legal lots of record, 2) That the Lot Line Adjustment is between contiguous lots of record and 3) That the Lot Line Adjustment does not create additional parcels than what existed prior to the Lot Line Adjustment.

**EVIDENCE:**

- (a) Parcel 1 was created in 1920 through the Ranchita Almond Heights subdivision (Volume 2, Page 18 of Maps). The property was not zoned until April 22, 1975 in which time it was zoned Agricultural Preserve or “AP” which required 40 acre lots, rendering the property legal non-conforming.
- (b) The current configuration of Parcel 2, which does not meet minimum lot size, was created in 2004 through Lot Line Adjustment No. PLN040195; therefore Parcel 2 is also legal non-conforming.
- (c) The Lot Line Adjustment is between two legal lots of record; and will result in two legal lots of record.
- (d) Application plans and information contained in Planning File No. PLN070239.

7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

**EVIDENCE:** Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21) states, “The Planning Commission is the Appeal Authority to consider appeals from the discretionary decisions of the Zoning Administrator made pursuant to this Title. The decision of the Planning Commission shall be final and may not be appealed, except as provided for in Section 21.80.040 C.”

## DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit and a Design Approval be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 26<sup>th</sup> day of February, 2009.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON APR 23 2009

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 03 2009

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 2 years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management  
Agency Planning Department  
Condition Compliance and/or Mitigation  
Monitoring Reporting Plan**

Project Name: COX JOEL E / JUDITH A

File No: PLN070239

APNs: 424-404-031-000

424-404-077-000

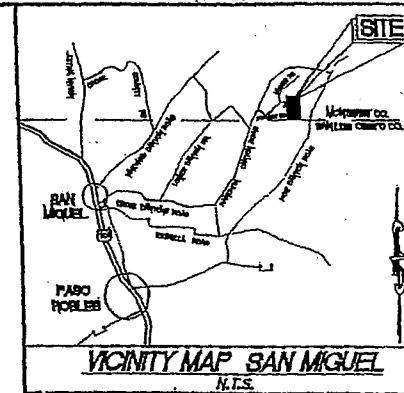
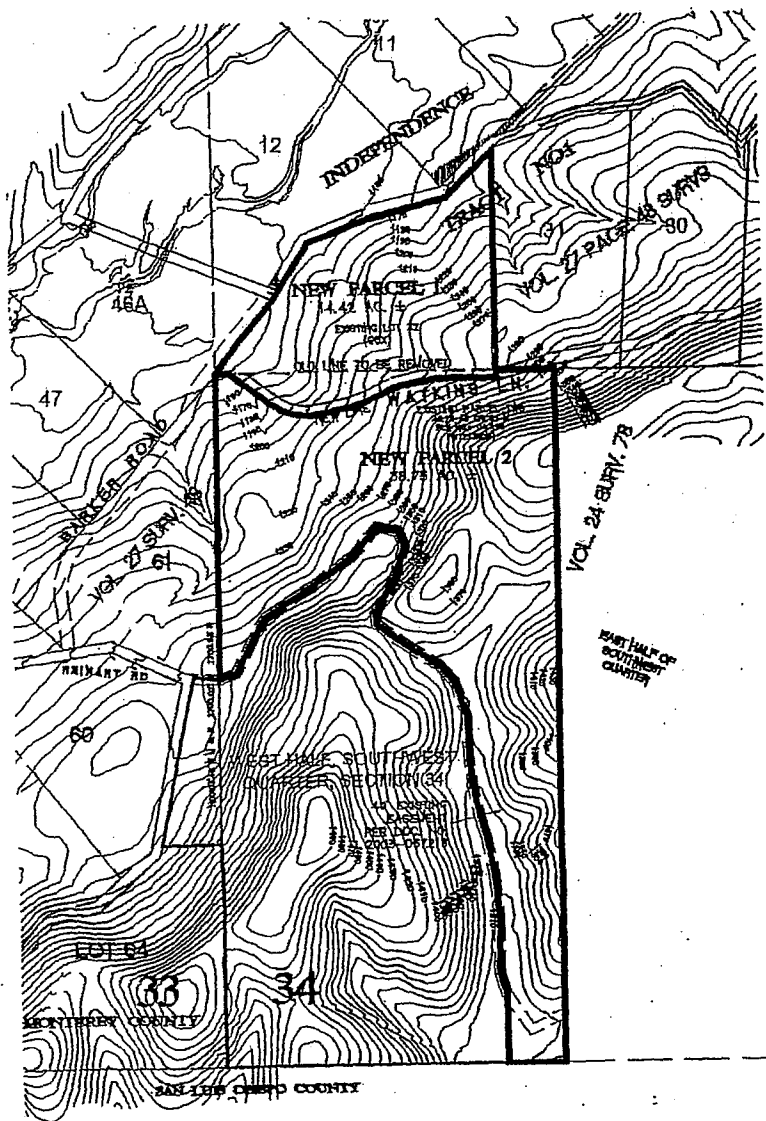
Approved by: ZONING ADMINISTRATOR Date: February 26, 2009

*\*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>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---------------------------------|---|
| 1.                         |                      | <p><b>PD001 - SPECIFIC USES ONLY</b><br/>           This Combined Development permit (PLN070239) allows a change in a legal non-conforming residential use to a legal non-conforming residential use of a similar nature and; 2) a Lot Line Adjustment between two legal lots of record of 12.38 acres (Parcel 1) and 40.79 acres (Parcel 2) resulting in two legal lots of record of 14.42 acres (New Parcel 1) and 38.78 acres (New Parcel 2). . The property is located at 79540 and 79545 Watkins Lane, San Miguel (Assessor's Parcel Numbers 424-404-031-000 and 424-404-077-000), South County Area Plan. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide</p> | Adhere to conditions and uses specified in the permit.   | Owner/<br>Applicant                     | Ongoing unless otherwise stated |   |

| <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> |
|----------------------------|----------------------|---|--|---|---|---|
|                            |                      | all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)   |  |   |   |   |
| 2.                         |                      | <b>PD002 - NOTICE-PERMIT APPROVAL</b><br>The applicant shall record a notice which states: "A permit (Resolution <b>070239</b> ) was approved by the Zoning Administrator for Assessor's Parcel Numbers <b>424-404-031-000</b> and <b>424-404-077-000</b> on <b>February 26, 2009</b> . The permit was granted subject to <u>7</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County 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/<br>Applicant                     | Prior to the issuance of grading and building permits or commencement of use. |   |
| 3.                         |                      | <b>PD004 - INDEMNIFICATION AGREEMENT</b><br>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 | Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.<br><br>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department. | Owner/<br>Applicant                     | Prior to the filing of the map.   |   |

| <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> |
|----------------------------|----------------------|--|---|---|--|---|
|                            |                      | 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. (RMA - Planning Department) |   |   |  |   |
| 4.                         |                      | <b>PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS)</b><br>The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA – Planning Department)   | The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates. | Owner/<br>Applicant/<br>Surveyor        | Concurrent with recording the Record of Survey |   |
| 5.                         |                      | <b>PW0034 – LOT LINE ADJUSTMENT</b><br>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/<br>Applicant/<br>Surveyor        | Prior to Recordation of Survey                 |   |
| 6.                         |                      | <b>PW0035 – RECORD OF SURVEY</b><br>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/<br>Surveyor                      | Prior to Recordation of Record of Survey       |   |
| 7.                         |                      | <b>EHSP01 – WELL IDENTIFICATION</b><br>All existing wells and proposed well sites shall appear as part of the final parcel map. Submit map to the Environmental Health Division for review and approval.   | Submit map to EHD for review and approval. Once approved all wells shall appear as part of the final parcel map.  | CA Licensed Engineer/Owner/Applicant    | Prior to Recordation of the record of survey.  |   |



**EXISTING PARCELS**

|                  |                   |
|------------------|-------------------|
| LOT 32           | 12.39 AC ±        |
| PARCEL 2         | 40.79 AC ±        |
| <b>TOTAL AC.</b> | <b>53.17 AC ±</b> |

**PROPOSED PARCELS**

|              |                   |
|--------------|-------------------|
| PARCEL 1     | 14.42 AC ±        |
| PARCEL 2     | 38.75 AC ±        |
| <b>TOTAL</b> | <b>53.17 AC ±</b> |

**OWNER/APPLICANT**  
 JOEL COX  
 22167 GUARIZ MESA LANE  
 VALENCIA, CA 91381  
 PHONE No. 1-861-433-7723

## TENTATIVE LOT LINE ADJUSTMENT MAP

PLN 07-

BEING AN ADJUSTMENT OF THE LINES  
 BETWEEN 2 PARCELS LOCATED IN THE  
 RANCHITA CANYON AREA

MONTEREY COUNTY  
 CALIFORNIA

EMK & Associates, Inc.



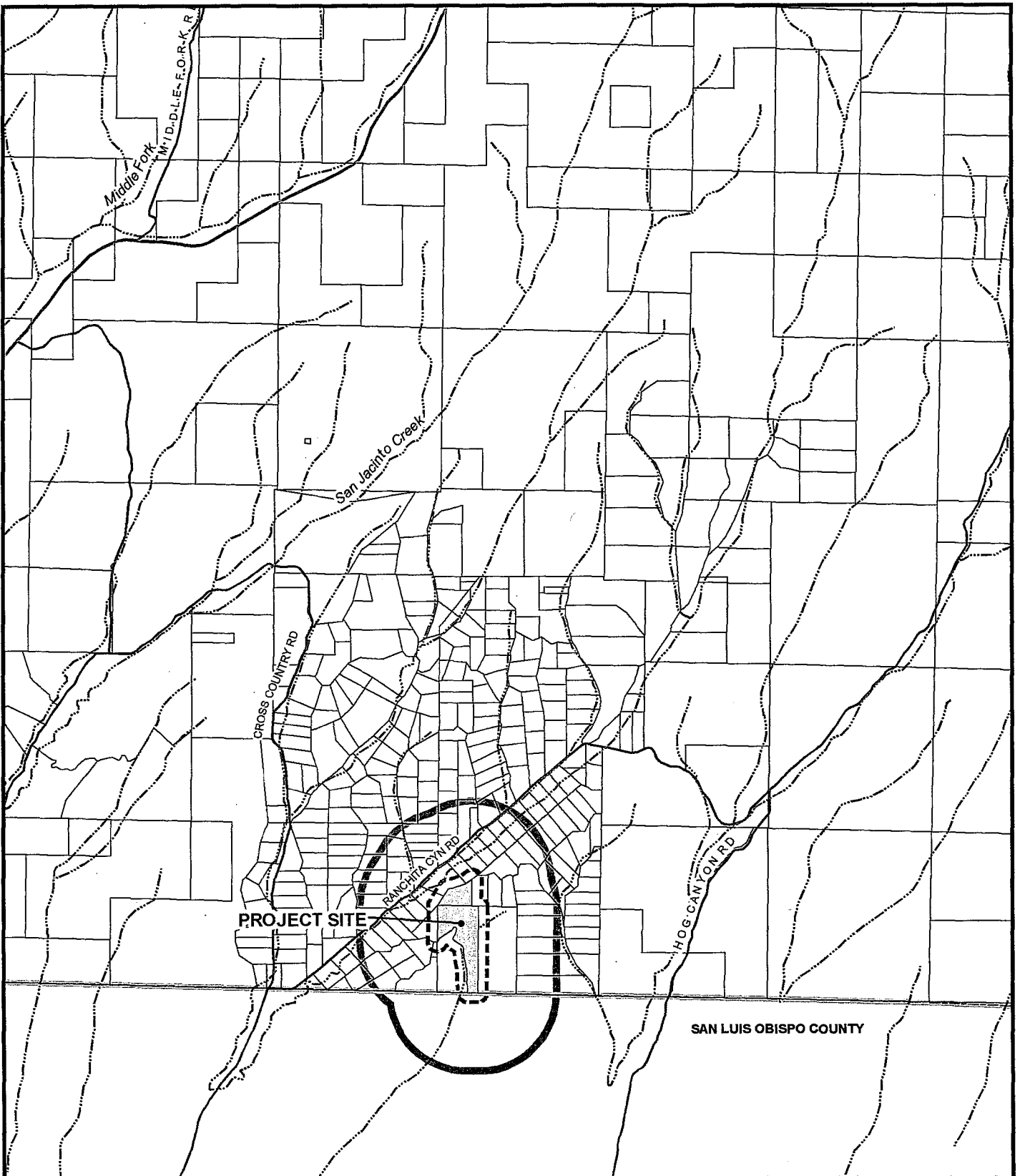
ENGINEERING • PLANNING • SURVEYING  
 1006 RAILROAD ST. PASO ROBLES, CA (805)238-6427

JOB NO. 07-362

SHEET 1 OF 1 SHEETS

TITLE INSURANCE COMPANY # NA



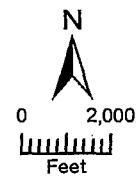


**APPLICANT: COX**

**APN: 424-404-031-000 & 424-404-077-000**

**FILE # PLN070239**

  300' Limit  
   2500' Limit  
   City Limits



PLANNER: NICHOLSON