MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 14, 2011 Time: 1:30 p.m.	Agenda Item No.: 5				
Project Description: Zoning Reclassification to: 1) rezone an approximately 598.41 acre parcel					
(APNs 241-221-012-000 and 243-201-012-000) from the "WSC/40 (CZ)" and "WSC/80 (CZ)"					
[Watershed and Scenic Conservation, 40 acres per u	[Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and				
	"WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per				
unit and 80 acres per unit, Special Treatment Overla					
"WSC/199.47 (CZ)" [Watershed and Scenic Conser					
zoning classification (per Condition #4 in Minor Subdivision Committee Resolution No. 96007					
· k	and Condition #5 in Minor Subdivision Committee Resolution 03009); and 2) rezone an				
approximately 11.46 acre parcel (APN 243-201-013-000) from the "WSC/40 SpTr (CZ)"					
[Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone]					
zoning classifications to the "WSC/11.46 (CZ)" [Wa	-				
per unit, Coastal Zone] zoning classification (per Co					
Resolution No. 96007). The parcels are located at and near 200 Crest Road and 30 Mentone Drive,					
Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone.					
Project Location: 200 Crest Road and 30 Mentone	APN: 241-221-012-000, 243-201-012-000,				
Drive, Carmel	and 243-201-013-000				
Planning File Number: PLN110318	Owners: Daniel J. Keig Trust				
	Rebecca Dazai Costa Trust				
Planning Area: Carmel Area Land Use Plan	Flagged and staked: No				
Zoning Designation: "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation,					
40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" [Watershed and					
Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone]					
CEQA Action: Exempt per CEQA Guidelines Section 15308					

RECOMMENDATION:

Department: RMA - Planning Department

Staff recommends that the Planning Commission adopt a resolution (Exhibit A) recommending that the Board of Supervisors issue a resolution of intent to adopt an ordinance amending Section 20.08.060 of Title 20 (Coastal zoning) of the Monterey County Code reclassify an approximately 598.41 acre parcel from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify an approximately 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification.

PROJECT OVERVIEW:

On February 8, 1996, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 96007) for a lot line adjustment between two parcels: adjusting Parcel 1 from 450.1 acres to 598.68 acres and adjusting Parcel 2 from 160.27 acres to 11.69 acres. Condition No. 4 in Resolution No. 96007 required the applicant, Daniel Keig, to request a rezoning of Parcel 1 to the "WSC/199 (CZ)" [Watershed and Scenic Conservation, 199 acres per unit, Coastal Zone] zoning classification and a rezoning of Parcel 2 to the "WSC/11.69 (CZ)" [Watershed and Scenic Conservation, 11.69 acres per unit, Coastal Zone] zoning classification in order to limit the maximum density of development on Parcel 1 to three dwelling units and Parcel 2 to one dwelling unit pursuant to the slope density analysis contained

in the Wildcat Mountain Ranch Management Plan, approved by Monterey County and the California Coastal Commission in 1991.

According to the file, the request was made by the applicant's agent on March 15, 1996, effectively clearing the condition. However, the Planning Department has not completed the rezoning on the parcels. The lot line adjustment was recorded and the final lot sizes on the Record of Survey (recorded in Volume 20 of Surveys at page 28) were slightly different, but in substantial conformance with the approval, at 598.91 acres and 11.46 acres. The 11.46 acre parcel was subsequently sold to another property owner, Rebecca Dazai Costa Trust.

On June 26, 2003, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 03009) for a lot line adjustment between two parcels: adjusting Parcel 1 from 598.91 acres to 598.26 acres and adjusting an adjoining parcel (not the same parcel in the 1996 lot line adjustment) from 1 acre to 1.65 acres. Because the rezoning was never completed after the 1996 lot line adjustment, Condition No. 5 in Minor Subdivision Committee Resolution 03009 required the applicant, Daniel J. Keig Trust, to request a rezoning of Parcel 1 to the "WSC/199.67 (CZ)" (598.91 acres ÷ 3 dwelling units = 199.67 acres per unit) [Watershed and Scenic Conservation, 199.67 acres per unit, Coastal Zone] zoning classification.

According to the file, the request was made by the applicant's agent on October 29, 2004, effectively clearing the condition. However, the Planning Department, again, never completed the rezoning on the parcels. The lot line adjustment was recorded and the final lot size of Parcel 1 on the Record of Survey (recorded in Volume 27 of Surveys at page 109) was slightly different, but in substantial conformance with the approval, at 598.41 acres.

CEQA:

The rezoning of these parcels was required to limit the density on the parcels. More importantly, the limitations on density were necessary to facilitate the easements required to preserve viewshed, sensitive habitat, and slopes greater than 30%, consistent with the policies in the Carmel Area Land Use Plan policies 2.2.3.9 and 2.3.3.6 and Coastal Implementation Plan (Part 4) Section 20.146.120.A.6. Therefore, the proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.

Steve Mason, Assistant Planner

Lux Max

(831) 755-5228, masons@co.monterey.ca.us

December 1, 2011

cc: Front Counter Copy; Planning Commission; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Steve Mason, Project Planner; Carol Allen, Senior Secretary; Daniel J. Keig Trust, Owner; Rebecca Dazai Costa Trust, Owner; The Open Monterey Project; Landwatch; Planning File PLN110318.

Attachments: Exhibit A Draft Planning Commission Resolution

Attachment "A" – Draft Ordinance with Exhibit 1 (Zoning Map)

Exhibit B Vicinity Map

Exhibit C Minor Subdivision Committee Resolution No. 96007

Exhibit D Minor Subdivision Committee Resolution No. 03009

This report was reviewed by Laura Lawrence, Rlanning Services Manager

EXHIBIT A

DRAFT RESOLUTION TO RECOMMEND AMENDMENT OF LOCAL COASTAL PROGRAM (ZONING RECLASSIFICATION) PLN110318/KEIG AND COSTA

RESOLUTION NO. ----

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors issue a resolution of intent to adopt an ordinance amending Section 20.08.060 of Title 20 (zoning) of the Monterey County Code to rezone an approximately 598.41 acre parcel (APNs 241-221-012-000 and 243-201-012-000) from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification (per Condition #4 in Minor Subdivision Committee Resolution No. 96007 and Condition #5 in Minor Subdivision Committee Resolution 03009); and 2) rezone an approximately 11.46 acre parcel (APN 243-201-013-000) from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification (per Condition #4 in Minor Subdivision Committee Resolution No. 96007). The parcels are located at and near 200 Crest Road and 30 Mentone Drive, Carmel Highlands, Carmel Area Land Use Plan, Coastal Zone

The amendment to Section 20-22 and 20-16 of the Monterey County Sectional District Maps to rezone two parcels came on for public hearing before the Monterey County Planning Commission on December 14, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission recommends that the Monterey County Board of Supervisors issue a resolution of intent to approve the following amendment with reference to the following facts:

RECITALS

1. On February 8, 1996, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 96007) for a lot line adjustment between two parcels: adjusting Parcel 1 from 450.1 acres to 598.68 acres and adjusting Parcel 2 from 160.27 acres to 11.69 acres. The lot line adjustment was recorded and the final lot

sizes on the Record of Survey (recorded in Volume 20 of Surveys at page 28) were slightly different, but in substantial conformance with the approval, at 598.91 acres and 11.46 acres.

- 2. On June 26, 2003, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 03009) for a lot line adjustment between two parcels: adjusting Parcel 1 from 598.91 acres to 598.26 acres and adjusting an adjacent parcel from 1 acre to 1.65 acres. The lot line adjustment was recorded and the final lot size of Parcel 1 on the Record of Survey (recorded in Volume 27 of Surveys at page 109) was slightly different, but in substantial conformance with the approval, at 598.41 acres.
- 3. The proposed zoning ordinance would reclassify Parcel 1 from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and reclassify Parcel 2 from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification.
- 4. Parcel 1 is located at 200 Crest Road (APNs: 241-221-012-000 and 243-201-012-000) and Parcel 2 is located at 30 Mentone Drive, (APN: 243-201-013-000), Carmel Highlands, in the unincorporated area of Monterey County.
- 5. The rezoning of these parcels was required to limit the maximum density of development on Parcel 1 to three dwelling units and Parcel 2 to one dwelling unit pursuant to the slope density analysis contained in the *Wildcat Mountain Ranch Management Plan*, approved by Monterey County and the California Coastal Commission in 1991. More importantly, the limitations on density were necessary to facilitate the easements required to preserve viewshed, sensitive habitat, and slopes greater than 30%, consistent with policies 2.2.3.9 and 2.3.3.6 in the Carmel Area Land Use Plan and Section 20.146.120.A.6 in the Coastal Implementation Plan (Part 4).
- 6. The proposed rezoning is exempt per CEQA Guidelines Section 15308 which exempts actions by regulatory agencies for the protection of the environment where the regulatory process involves procedures for protection of the environment.
- 7. Section 20.08.060 of the Monterey County Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Section 20-22 and 20-16 of the Sectional District Maps of the Monterey County Zoning Plan provides a graphic representation of the zoning designations in this portion of the planning area.
- 8. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the CIP portion of the Local Coastal Program (LCP). The proposed change to amend the CIP, reclassify the subject parcels, and apply the "WSC/199.47 (CZ)" and "WSC/11.46 (CZ)" zoning classifications over the parcels is consistent with the adopted Land Use Plan (LUP).

- 9. On December 14, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the *Monterey County Herald* and were also posted on and near the property and mailed to the property owners within 300 feet of the subject property.
- 10. The proposed Zoning Ordinance is attached to this Resolution as **Attachment "A"** and is incorporated herein by reference. The ordinance would amend Section 20-22 and 20-16 of the Sectional District Maps of Section 20.08.060 of Title 20 of the Monterey County Code to apply the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification to Parcel 1 and to apply the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification to Parcel 2.

DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors issue a resolution of intent to adopt an ordinance amending Section 20.08.060 of Title 20 (zoning) of the Monterey County Code reclassify an approximately 598.41 acre parcel from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify an approximately 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification as shown on Exhibit 1 to Attachment "A".

PASSED AND ADO	PTED this 14th day of December, 20	-
	, seconded by Commissioner	, and passed by
the following vote:		
AYES:		
NOES:		•
ABSENT:		
ABSTAIN:		
	Mike I	Novo, Planning Commission Secretary
COPY OF THIS DECISE	ON MAILED TO APPLICANT ON	•

ATTACHMENT "A" DRAFT ORDINANCE TO AMEND COUNTY CODE

	ORDIN.	ANCE NO.	
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AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.08.060 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-22 and 20-16 of the Zoning Maps of the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to rezone a 598.41 acre parcel from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify a 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. ZONING DISTRICT MAP. Section 20-22 and 20-16 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 598.41 acre parcel located at 200 Crest Rd, Carmel, north of Kasler Point, Big Sur (APN: 243-251-014-000) from the "WSC/40 (CZ)" and "WSC/80 (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Coastal Zone] and "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit and 80 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classifications to the "WSC/199.47 (CZ)" [Watershed and Scenic Conservation, 199.47 acres per unit, Coastal Zone] zoning classification and to reclassify an approximately 11.46 acre parcel from the "WSC/40 SpTr (CZ)" [Watershed and Scenic Conservation, 40 acres per unit, Special Treatment Overlay, Coastal Zone] zoning classification to the "WSC/11.46 (CZ)" [Watershed and Scenic Conservation, 11.46 acres per unit, Coastal Zone] zoning classification. as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 2. FINDINGS. On February 8, 1996, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 96007) for a lot line adjustment between two parcels: adjusting Parcel 1 from 450.1 acres to 598.68 acres and adjusting Parcel 2 from 160.27 acres to 11.69 acres. Condition No. 4 in Resolution No. 96007 required the applicant, Daniel Keig, to request a rezoning of Parcel 1 to the "WSC/199 (CZ)" [Watershed and Scenic Conservation, 199 acres per unit, Coastal Zone] zoning classification and a rezoning of Parcel 2 to the "WSC/11.69 (CZ)" [Watershed and Scenic Conservation, 11.69 acres per unit, Coastal Zone] zoning classification in order to limit the maximum density of development on Parcel 1 to three dwelling units and Parcel 2 to one dwelling unit pursuant to the

slope density analysis contained in the *Wildcat Mountain Ranch Management Plan*, approved by Monterey County and the California Coastal Commission in 1991.

On June 26, 2003, the Monterey County Minor Subdivision Committee approved a Coastal Development Permit (Resolution No. 03009) for a lot line adjustment between two parcels: adjusting Parcel 1 from 598.91 acres to 598.26 acres and adjusting an adjoining parcel (not the same parcel in the 1996 lot line adjustment) from 1 acre to 1.65 acres. Because the rezoning was never completed after the 1996 lot line adjustment, Condition No. 5 in Minor Subdivision Committee Resolution 03009 required the applicant, Daniel J. Keig Trust, to request a rezoning of Parcel 1 to the "WSC/199.67 (CZ)" (598.91 acres ÷ 3 dwelling units = 199.67 acres per unit) [Watershed and Scenic Conservation, 199.67 acres per unit, Coastal Zone] zoning classification.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption by the Board of Supervisors.

PASSED AND ADOPTED on this	_ day of	, 2012 by the following
vote:		
AYES:		
NOES: ABSENT:		
ABSTAIN:		
		•
	Clasic Na	antenna Compta Doord of Companion
	Chair, Mo	onterey County Board of Supervisors
ATTEST:		· · · · · · · · · · · · · · · · · · ·
Gail T. Borkowski, Clerk of the Board of Super	visors	APPROVED AS TO FORM
By:		MUTALDY CTDIMILIAIC
Deputy		WENDY STRIMLING Deputy County Counsel

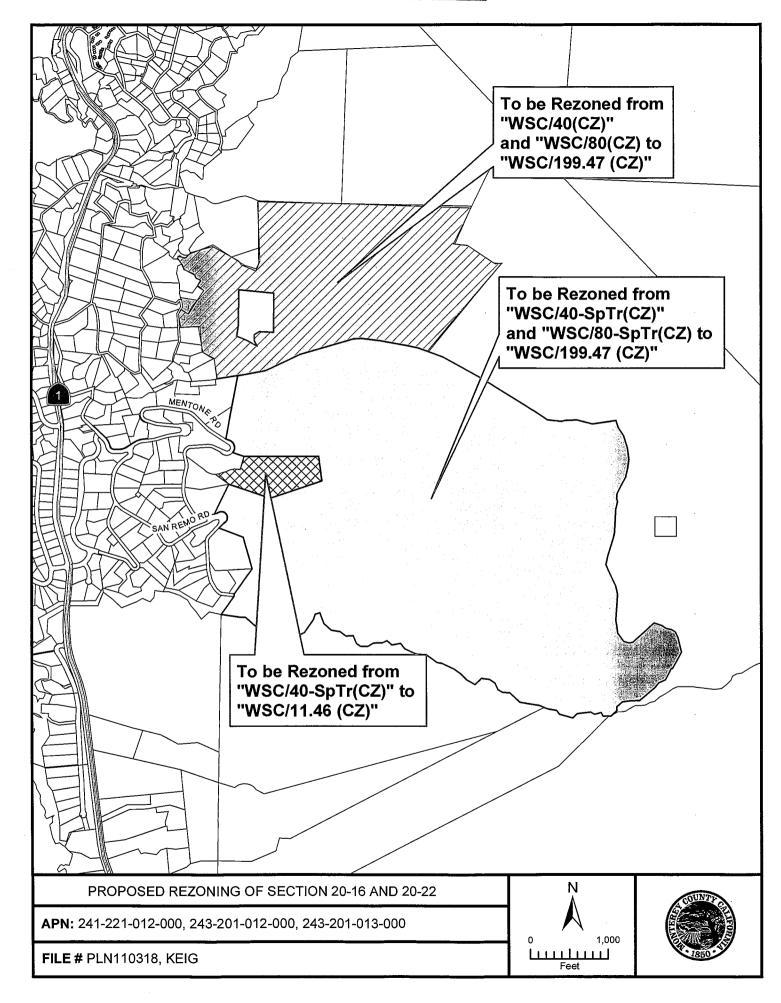


Exhibit B

Vicinity Map

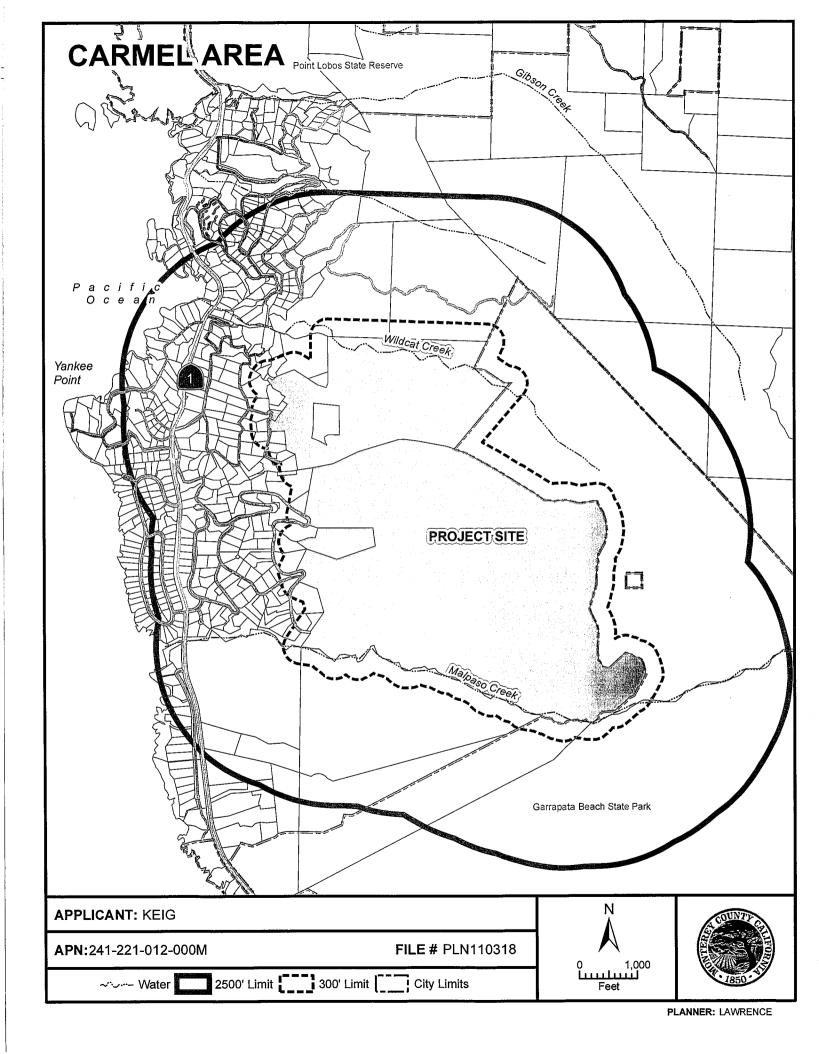


Exhibit C

Minor Subdivision Committee Resolution No. 96007

MINOR SUBDIVISION COMMITTEE COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 96007

MINOR SUBDIVISION #LL95032

A.P. # 241-221-007-000

FINDINGS AND DECISIONS

In the matter of the request of DANTEL KEIG

for a Combined Development Permit pursuant to regulations established by local ordinance and state law, to allow a Combined Development Permit for a Minor Lot Line Adjustment and a Coastal Development Permit, located on a portion of Lots 5, 6, 7 and 9, San Jose Y Chiquito Rancho, Carmel Highlands area fronting on and easterly of Mentone Drive, Coastal Zone; came on regularly for hearing before the Minor Subdivision Committee on February 8, 1996.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

The proposed Combined Development Permit consists of a Coastal FINDING: 1. Development Permit to allow the minor lot line adjustment of parcels 241-221-007 (Parcel 1) and 243-201-011 (Parcel 2). The proposed project is located in the Carmel Highlands area of the coastal zone The parcels are zoned as follows: Parcel 241-221-007 is zoned "WSC/40 (CZ)" and "WSC/80 (CZ)" or Watershed Scenic Conservation (40 acre minimum) and (80 acre minimum), respectively. Parcel 243-201-011 is zoned "WSC/40 SpTr (CZ)" and "WSC/80 SpTr (CZ)" or Watershed Scenic Conservation (40 acre minimum) and (80 acre minimum), with a Special Treatment Overlay designation. The proposed minor lot line adjustment would increase parcel 241-221-007 (Parcel 1) from 450.1 acres to 598.68 acres and would decrease parcel 243-201-011 (Parcel 2) from 160.27 acres to 11.69 acres. The proposed project does not create any new building sites, and is consistent with the requirements of the Carmel Area Land Use Plan and Coastal Implementation Plan.

EVIDENCE: The Planning and Building Inspection staff reviewed the application and accompanying materials for conformity with the certified Carmel Area Land Use Plan, the regulations for development in the Watershed Scenic Conservation or the "WSC/40-80 SpTr (CZ)" Zoning District found in Chapter 20.17 of the Monterey County Coastal Zoning Ordinance, and Chapter 20.146 of the Carmel Area Coastal Implementation Plan.

EVIDENCE: The on-site inspection of the subject parcel by the project planner pursuant to Section 20.146.030 of the Carmel Area Coastal Implementation Plan.

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, found in File No. LL 95032.

2. FINDING: The Carmel Unicorporated/Highlands Advisory Committee recommended approval of the proposed minor lot line adjustment on December 4, 1995, by a vote of 3 to 2.

EVIDENCE: Advisory Committee recommendation found in File No. LL95032, attached as Exhibit "C".

- 3. FINDING: The proposed project will not have a significant adverse environmental impact.
 - EVIDENCE: Section 15305(a) of the Monterey County CEQA Guidelines categorically exempts the proposed project from environmental review. No adverse environmental impacts were identified during review of the proposed project.
- 4. FINDING: The minor lot line adjustment is between two adjacent legal parcels of record.
 - EVIDENCE: Minor Subdivision Committee File No. LL 95032
 - EVIDENCE: Parcel 241-221-007 legalized pursuant to Section 66424.2 of the Subdivision Map Act and requirements of County Ordinances.
 - EVIDENCE: Parcel 243-201-011 legalized pursuant to1972 separate ownership and requirements of County Ordinances.
- 5. FINDING: A greater number of parcels than originally existed will not be created as a result of the minor lot line adjustment.
 - EVIDENCE: The application and plans submitted for the proposed project, as found in File No. LL 95032 of the Monterey County Planning and Building Inspection Department..
- 6. FINDING: Approval of the Coastal Development Permit, as conditioned, is consistent with the visual policies contained Section 2.2 of the Carmel Area Land Use Plan and Section 20.146.030 of the Carmel Area Coastal Implementation Plan.
 - EVIDENCE: The Planning and Building Inspection Department staff reviewed the application and accompanying materials for consistency with Section 2.2 of the Carmel Area Land Use Plan and Section 20.146.030 of the Carmel Area Coastal Implementation Plan.
 - EVIDENCE: The on-site inspection of the subject parcel by the project planner pursuant to Section 20.146.030 of the Carmel Area Coastal Implementation Plan.
 - EVIDENCE: Condition No. 6 requires that the record of survey contain the established building envelopes, as approved by the County of Monterey in the Wildcat Mountain Ranch Management Plan. Relocation of established building envelopes shall require an amendment of the Wildcat Mountain Ranch Management Plan, subject to the review and approval by the Monterey County Planning and Building Inspection Department.
- 7. FINDING: The project as proposed is considered a minor lot line adjustment because it does not result in the relocation of established building areas, nor does it have the potential to result in the creation of additional lots. This is consistent with Section 19.02.150 and 19.09.005 of the Monterey County Subdivision Ordinance.
 - EVIDENCE: Letter prepared by Anthony Lombardo & Associates, applicant's representative, dated December 28, 1995, attached as Exhibit "D", which states that the project applicant agrees to a condition that requires the applicant to request a rezoning of Parcel 1 to "WSC/199 (CZ)" and Parcel 2 to "WSC/11.69 (CZ)".
 - EVIDENCE: Letter prepared by Anthony Lombardo & Associates, applicant's representative, dated December 20, 1995, attached as Exhibit "E", which includes an overall development plan, approved by

the County of Monterey, that establishes building areas on Parcel 241-221-007.

EVIDENCE: Condition No. 6 requires that the record of survey contain the established building envelopes, as approved by the County of Monterey in the Wildcat Mountain Ranch Management Plan, approved by the County of Monterey, that establishes building areas on Parcel 241-221-007.

8. FINDING: The parcels resulting from the minor lot line adjustment conform to the Monterey County Zoning and Building Ordinances.

EVIDENCE: Sections 20.16 and 20.146 of the Monterey County Coastal Implementation Plan.

9. FINDING: The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements, and standards of the Monterey County Local Coastal Program.

EVIDENCE: 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 in the county in general.

10. FINDING: The project, as approved by the Coastal Development Permit, is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: Section 20.140.080(G) and (J) of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Minor Subdivision Committee that said request for a Combined Development Permit is hereby approved as shown on the attached sketch, subject to the following conditions:

- 1. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' 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 any such action; but such participation shall not relieve applicant of his obligations under this condition. Said indemnification agreement shall be recorded upon demand of County Counsel or prior to the issuance of building permits or use of the property, whichever occurs first. (Planning and Building Inspection)
- 2. Obtain survey of the new line and have the line monumented. (Department of Public Works)
- 3. File a Record of Survey showing new line and its monumentation. (Department of Public Works)

- 4. The applicant shall request in writing that Parcel 1 be rezoned to "WSC/199 (CZ)") and Parcel 2 be rezoned to "WSC/11.69 (CZ)" to allow a maximum development of four dwelling units; three on Parcel 1 and one on Parcel 2. This request shall be submitted prior to recordation of the new line and its monumentation.
- 5. That the record of survey contain the established building envelopes, as approved by the County of Monterey in the overall development plan prepared for Parcel 241-221-007. Relocation of established building envelopes shall require an amendment of the Wildcat Mountain Ranch Management Plan, subject to the review and approval by the Monterey County Planning and Building Inspection Departent. (Planning and Building Inspection)
- 6. The applicant shall record a notice which states: "A permit (Resolution 96007) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 243-201-011 and 241-221-007 on February , 1996. The permit was granted subject to six (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)

PASSED AND ADOPTED THIS 8th day of February, 1996, by the following vote:

AYES: Chiulos, Dias, McPharlin, Marci, Naslund

NOES: None

ABSENT: Hawkins

NICHOLAS CHIULOS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO APPLICANT ON: FEB 1 4 1996

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEB 2 4 1996

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS AND THE COASTAL COMMISSION.

ULESS EXTENDED AS PROVIDED BY CHAPTER 19.03.035, TITLE 19 (SUBDIVISIONS), MONTEREY COUNTY CODE, THIS APPROVAL EXPIRES ON FEB 0 8 1998 . EXTENSION REQUESTS MUST BE MADE IN WRITING 30 DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.

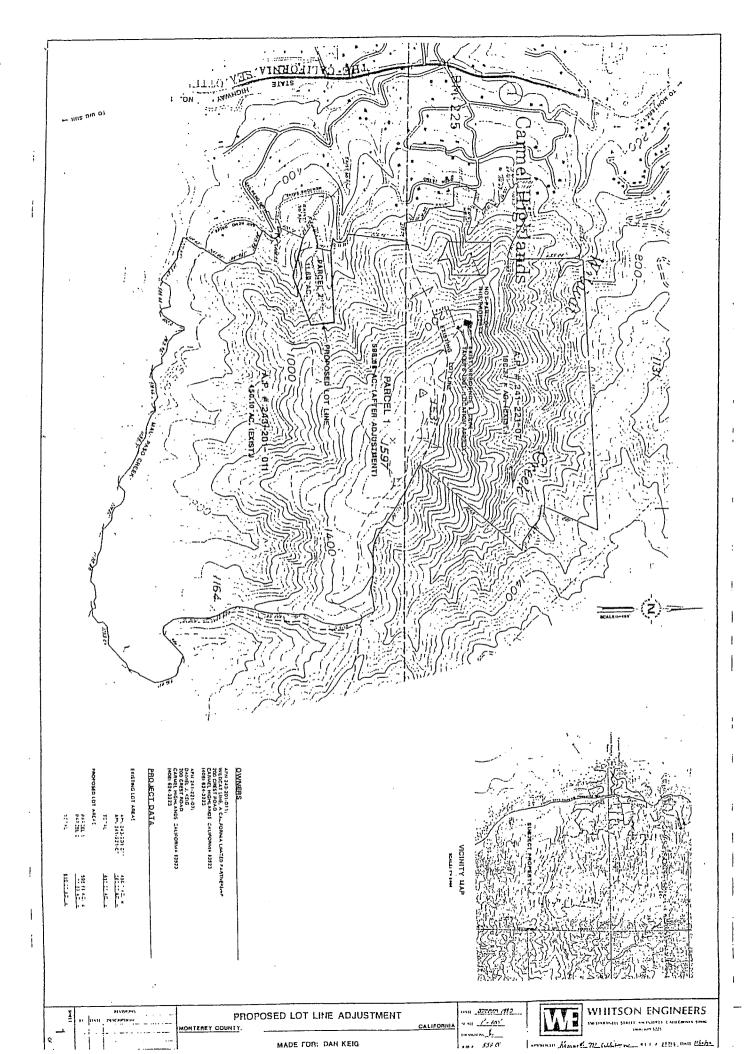


Exhibit D

Minor Subdivision Committee Resolution No. 03009

MINOR SUBDIVISION COMMITTEE COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 03009

MINOR SUB DIVISION # 020110

A. P. # 241-221-007-000

In the matter of the application of **Daniel J. Keig TR (PLN020110)**

FINDINGS AND DECISION

to allow a Coastal Development Permit in accordance with Title 20, Chapter 20.70 (Coastal Development Permits), of the Monterey County Code, consisting of a Lot Line Adjustment between two contiguous legal lots of record resulting in Parcel 2 increasing from 1 acre to 1.65 acres (241-221-002-000), Parcel 1 decreasing from 598.91 acres to 598.26 acres (APNs 241-221-007-000 & 243-201-012-000); located at and near 200 Crest Road, Carmel, Carmel Highlands area, Coastal Zone, came on regularly for meeting before the Minor Subdivision Committee on June 26, 2003.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

- 1. FINDING: The project, as conditioned, is consistent with applicable plans and policies, including the Monterey County Coastal Subdivision Ordinance (Title 19), the Carmel Area Land Use Plan, the Regulations for Development in the Carmel Area Land Use Plan, Part 6 (Appendices) of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.
 - EVIDENCE: PBI staff has reviewed the project as contained in the application and accompanying materials for consistency the Carmel Area Land Use Plan, the Regulations for Development in the Carmel Area Land Use Plan, Part 6 (Appendices) of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Coastal Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 20) and has determined that the project is consistent with these plans and ordinances, which designate this area as appropriate for residential development. Staff notes contained in Project File PLN020110.
 - **EVIDENCE:** Project planner conducted an on-site inspection on December 20, 2002, to verify that the project on the subject parcel conforms to the plans and ordinances listed above.
 - **EVIDENCE:** The Carmel Highlands Land Use Advisory Committee recommended approval of the project by a vote of 7 to 0; LUAC meeting minutes dated January 6, 2003.
 - **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, found in Project File PLN020110.

- **EVIDENCE:** Consistency with Policies 2.2.3.9 & 2.3.3.6 of the Carmel Area Land Use Plan and Sections 20.146.040.B.7 & 20.146.120.A.6 of the Regulations for Development in the Carmel Area Land Use Plan.
- 2. **FINDING:** 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:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.
- 3. FINDING: 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 was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Highlands FPD. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.
- 4. **FINDING:** The site is suitable for the use proposed.
 - **EVIDENCE:** The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks Department and the Carmel Highlands FPD. Conditions recommended have been incorporated.
 - **EVIDENCE:** A technical report by an outside qualified biology consultant indicates that there are no environmental constraints on Parcel 2 (APN 241-221-002-000) such as environmentally sensitive habitats or species that would indicate the site is not suitable for the use proposed. PBI staff concurs. "Keig Property Biological Assessment" prepared by Dale Hameister of Rana Creek Habitat Restoration, dated February 7, 2003. Report contained in Project File PLN020110.
 - **EVIDENCE:** Staff conducted a site visit on December 20, 2002, to verify that the site is suitable for this use.
 - **EVIDENCE:** Necessary public facilities are available and will be provided.
- 5. **FINDING:** The project is exempt from environmental review.
 - **EVIDENCE:** CEQA Guidelines Section 15305 allows minor lot line adjustments to be categorically exempted from environmental review.
 - **EVIDENCE:** No adverse environmental effects were identified during staff review of the development application during site visits on December 20, 2002.
 - **EVIDENCE:** The lot line adjustment allows future development to occur on Parcel 2 (APN 241-221-002-000) that will require less grading and other site disturbance.

EVIDENCE: A technical report by an outside qualified biological consultant indicates that there are no potentially significant impacts to any sensitive habitat or species on Parcel 2 (APN 241-221-002-00). "Keig Property Biological Assessment" prepared by Dale Hameister of Rana Creek Habitat Restoration, dated February 7, 2003. Report contained in Project File PLN020110.

6. FINDING: 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: The subject property is not described as an area where the Local Coastal Program requires access.

EVIDENCE: The subject property is not indicated as part of any designated trails or shoreline access areas as shown in Figure 3, the Public Access Map, of the Carmel Area Land Use Plan.

EVIDENCE: No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

EVIDENCE: Staff site visit on December 20, 2002.

7. **FINDING:** The lot line adjustment is between two existing adjacent parcels. **EVIDENCE:** Application and plans for a lot line adjustment found in the Project File PLN020110.

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

EVIDENCE: Two contiguous separate legal parcels of record will be adjusted and two adjacent contiguous separate legal parcels of record will result from the adjustment.

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

EVIDENCE: The proposed lot line adjustment is consistent with the site development standards for parcels within the LDR/1(CZ) Zoning District (Parcel 2) and the WSC/40(CZ) & WSC/80 (CZ) Zoning Districts (Parcel 1), pursuant to Sections 20.14.060 and 20.17.060 of the Monterey County Zoning Ordinance (Title 20). The application and plans for a lot line adjustment found in Project File PLN020110.

10. FINDING: Condition 4 of Minor Subdivision Committee Resolution No. 96007 required a rezoning of Parcel 1 (APNs 241-221-007-000 & 243-201-012-000), to be rezoned to "WSC/199" (from WSC/40 & WSC/80) to allow a maximum development of 3 dwelling units on this parcel. The rezoning request was made prior to recordation of the adjusted lot lines and their monumentation, pursuant to Condition 4 of MSC Resolution 96007, but the rezoning was never applied. Condition 6 of the current permit requires the applicant to request a rezoning of the parcel to WSC/199.42 consistent with the requirements of MSC Resolution No. 96007.

EVIDENCE: Minor Subdivision Committee Resolution No. 96007

EVIDENCE: Letter from Anthony Lombardo & Associates, dated March 15, 1996, requesting rezoning of Parcel 1 (APNs 241-221-007-000 & 243-201-012-000) to "WSC/199" to allow a maximum development of 3 dwelling units on this parcel, in file LL95032.

11. FINDING: The Wildcat Mountain Ranch Management Plan, approved in 1991 by Monterey County and the California Coastal Commission, requires the recordation of viewshed, sensitive habitat, and slope (30%+) easements prior to occupancy of any future development on the ranch. The subject ranch has increased in acreage since 1991. The Carmel Area Land Use Plan policies (2.2.3.9 & 2.3.3.6) and regulations (20.146.040.B.7 & 20.146.120.A.6) also encourage viewshed easements and require sensitive habitat, and slope easements as Conditions of Approval for development, as applicable; "development" as defined in Section 20.146.020.H of the Regulations for Development in the Carmel Area Land Use Plan. Condition 8 is required pursuant to this Finding.

EVIDENCE: Wildcat Mountain Ranch Management Plan Section 2.2.5 (Long-Range Development Plans), Pages 45 & 46 (in file PLN020110).

EVIDENCE: Carmel Area Land Use Plan, policies 2.2.3.9 & 2.3.3.6

EVIDENCE: Regulations for Development in the Carmel Area Land Use Plan sections 20.146.040.B.7 & 20.146.120.A.6.

12. FINDING: The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE: Section 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan

(Part 1) and Section 19.01.040 of the Monterey County Coastal Zone Subdivision

Ordinance (Title 19).

DECISION

It is the decision of the Minor Subdivision Committee of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

This permit allows a Coastal Development Permit for a Lot Line Adjustment between 2 contiguous legal lots of record resulting in Parcel 2 increasing from 1 acre to 1.65 acres (APN 241-221-002-000), and Parcel 1 decreasing from 598.91 acres to 598.26 acres (APNs 241-221-007-000 & 243-201-012-000); The parcels are located at and near 200 crest road, Carmel, Carmel Highlands 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)

2. No land clearing or grading, if any, shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)

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

- 3. The applicant shall record a notice which states: "A permit (Resolution 03009) was approved by the Minor Subdivision Committee for Assessor's Parcel Numbers 241-221-002-000, 241-221-005-000, and 241-221-007-000 & 243-201-012-000 on June 26, 2003. The permit was granted subject to 8 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 Department)
- 4. Obtain a survey of the new lines and have the lines monumented. (Public Works)
- Consistent with the intent of Minor Subdivision Committee Resolution No. 96007, the applicant shall request a zoning change to re-zone "Parcel 1" (APNs 241-221-007-000 & 243-201-012-000) to WSC/199.42-D (i.e., one unit per 199.42 acres). (Planning and Building Inspection Department)
- 6. File a record of survey [with the Monterey County Recorder's Office] showing the new lines and their monumentation. (Public Works)
- 7. That the applicant shall record a deed notification concurrently with the record of survey stating that (for Parcel 2):
 - "Assessor's Parcel Number 241-221-002-000 may be limited in respect to the total area available for septic system installation and repair. Residential development shall not exceed a maximum of a two bedroom single family dwelling unless otherwise approved by the Director of Environmental Health based on appropriate soils testing. All septic system improvements shall comply with Chapter 15.20 of the Monterey County Code (Septic Ordinance)." (Division of Environmental Health)
- 8. Pursuant to Finding & Evidence #11, prior to recordation of Grant Deeds or a Record of Survey, the applicant shall convey a Scenic & Conservation Easement to the County over all areas on Parcel 2 (APN 241-221-002-000) that have slopes of 30% or greater.

PASSED AND ADOPTED this 26th day of June, 2003.

ANN TOWNER, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON JUN 2 7 2003

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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

JUL 7 2003

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Marina.
- 2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

