Exhibit C

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MINOR SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 07002

A.P. # 243-211-023-000,
243-211-022-000,
417-011-016-000, and
417-021-002-000

In the matter of the application of

FINDINGS AND DECISION

John Edward and Jane Devine Doud TRS (PLN050722)

for a **Coastal Development Permit** in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, for a Lot Line Adjustment between four lots of 555 acres (Parcel A, assessor's parcel number 243-211-023-000), 530 acres (Lot 10, assessor's parcel number 243-211-022-000), 144 acres (Lot 2, assessor's parcel number 417-011-016-000) and 146 acres (Lot 3, assessor's parcel number 417-021-002-000) to result in four parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), 256 acres (Parcel JD4). The property is located at Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, Big Sur Area, Coastal Zone, and came on regularly for hearing before the Minor Subdivision Committee on February 22, 2007.

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

FINDINGS OF FACT

1. **FINDING – CONSISTENT WITH PLAN/POLICIES:** The project proposed in this application consists of a Coastal Development Permit for a Lot Line Adjustment (PLN050722/Doud). The proposed project conforms to the plans, policies, requirements and standards of the Big Sur Coastal Area Plan.

EVIDENCE:

(a) The property is located east of Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, which is the Big Sur Coastal area of the Coastal Zone.

(b) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
   1. Big Sur Coastal Land Use Area Plan.
   2. Monterey County Coastal Implementation Plan - Part 3 (Chapter 20.145 MCC).
   3. Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance - Title 20.

(c) Project Description. The project area is designated for Watershed and Scenic Conservation (40 acres/unit) under the Big Sur, Local Coastal Program, Land Use Plan. Proposed parcels total 1,375 acres and consist of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2) and 146 acres (Lot 3). Proposed amendments include relocate potentially development sites from a long distance into the hills to newly created parcels near Highway One. The site is located on the inland side of Highway One.

(d) Easements. Detailed plans including soils and other types of reports will be required with any proposed future development of these sites. Big Sur Land Use Plan regulations require the properties to identify and establish scenic and conservation easements over areas that include critical viewshed, slopes greater then 30% and environmentally sensitive habitat. **Conditions 3 and 4** have been included that require the applicable owner to address this separate for each lot when development is proposed.

(e) Necessary public facilities are available to the project site.

(f) LUAC. On May 23, 2006, the Big Sur Land Use Advisory Committee conducted a site visit of the project and voted 6-0 to recommend approval of the project as proposed. Comments include noting the difficulty of developing the proposed new sites as a trade for significant grading of access roads on steep slopes.

(g) As conditioned, the subject property is in compliance with all rules and regulations pertaining to the use of the property and no violations exist on the property.

(h) No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

(i) Materials in project file PLN050722/Doud.

2. **FINDING - CONFORMS TO REGULATIONS**: The parcels resulting from the lot line adjustment conform to County's zoning and building ordinances. The proposed lot line adjustment is consistent with the Monterey County Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE:

(a) The RMA - Planning Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

1. Monterey County Coastal Subdivision Ordinance (Title 19).
2. Chapter 20.17 of the Monterey County Zoning Ordinance regulations for development in the Watershed and Scenic Conservation zone.
3. Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.

(b) All of the Parcels are zoned "WSC/40(CZ)" Watershed and Scenic Conservation (minimum 40 acres), Coastal Zone. All development in this area is subject to design approval. No development is proposed at this time.

(c) The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program (See Finding 5).

(d) There is no actual change in the use or proposed development at this time. Future developers will be required to process plans prior to development of these sites.

(e) That the lot line adjustment is between four existing adjacent legal lots of record. Parcel A was part of a 2-lot Lot Line Adjustment approved by Monterey County in 2003 (PLN030027) and recorded on October 28, 2003 (Volume 27 of surveys at page 16) Certificates of Compliance were recorded for Parcel 2 (APN: 417-011-016-000, Document #9803638, CC970005), Parcel 3 (APN: 417-021-002-000, Document #9803639, CC970006), and Parcel 10 (APN: 243-211-022-000, Document #9803646, CC970012) on January 22, 1998. Copies of said documents are located in the project file.

(f) The proposed project has been reviewed by the Monterey County RMA - Planning Department, Water Resources Agency, Public Works Department, Environmental Health Division, and the California Department of Forestry and Fire Prevention. There

has been no indication from these agencies that the site is not suitable for the proposed development.

(g) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. A condition is included to assure that all zoning abatement costs, if any, have been paid.

(h) Application materials contained in File PLN050722/Doud.

3. **FINDING – NO NEW PARCELS**: The proposed lot line adjustment will not create a greater number of parcels than originally existed.

EVIDENCE:

(a) Four contiguous separate legal parcels of record will be adjusted and four contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.

(b) The project area has a total of approximately 1,375 acres. There are currently four lots of 555 acres (Parcel A, assessor's parcel number 243-211-023-000), 530 acres (Lot 10, assessor's parcel number 243-211-022-000), 144 acres (Lot 2, assessor's parcel number 417-011-016-000) and 146 acres (Lot 3, assessor's parcel number 417-021-002-000). The project would result in four parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), 256 acres (Parcel JD4).

(c) Application materials contained in File PLN050722/Doud.

4. **FINDING – HEALTH AND SAFETY:** The establishment, maintenance, or operation of the subdivision and 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 of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE:

(a) The project as described in the application and accompanying materials was reviewed by the RMA – Planning Department, Environmental Health Division, Public Works Department, California Department of Forestry and Fire Prevention, 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.

(b) Application materials contained in File PLN050722/Doud.

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). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.145.150 of the Big Sur Coastal Land Use Plan and Coastal Implementation Plan.

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 shown in Figure 2, the Shoreline Access Map, of the Big Sur Coast 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) 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 (Section 20.70.050.B.4 CIP). 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.
(e) Staff site visit.

6. **NO VIOLATION**: 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 cost, if any, have been paid.

EVIDENCE:

(a) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

7. **FINDING - CEQA/EXEMPTION**: Lot Line Adjustment (PLN050722/Doud) is exempt from the requirements of the California Environmental Quality Act (CEQA).

EVIDENCE:

(a) Section 15305(a) is a Categorical Exemption (Class 5) for minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The project consists of adjusting the lot lines for four legal lots of record and resulting in four lots that meet the minimum lot size (minimum 40 acres). There is no increase in the number of lots, density, or potential development. No development is proposed at this time.
(b) A site visit determined that all new parcels include area that with proper design can be developed without impacting the critical viewshed. No new access would be required beyond existing ranch roads. A slope analysis map submitted with this application illustrates that this adjustment would reduce potential development on steep slopes and allow preservation of those areas in conservation easements thereby better meeting the objectives of the Big Sur Land Use Plan (LUP).
(c) A letter by Kent Seavy (dated August 10, 2006) addresses the remains of a retaining wall on new Parcel JD1 that was part of an abandoned military seacost surveillance radar site. Based on research and telephone conversation with the California Office of Historic Preservation, the report concludes that the radar site has lost too much of its physical integrity and the subject property does not meet the requirements of CEQA to designate this as a historic resource. A copy of this report is in the project fole for PLN050722/Doud.
(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. The proposed Lot Line Adjustment would not require a change in building or access locations that could cause environmental impacts over the existing conditions.
(e) File No. PLN050722/Doud; administrative record.

8. **FINDING - APPEAL:** The project is appealable to the Board of Supervisors and California Coastal Commission.

EVIDENCE:

(a) Section 19.01.040 of the Monterey County Coastal Zone Subdivision Ordinance (Title 19).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1). The project requires a Coastal Development Permit making it subject to appeal by the California Coastal Commission.

DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee of the County of Monterey that said application for a Coastal Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this **22nd** day of **February, 2007,** by the following vote:

AYES: Mulholland, Onciano, McPharlin, Hori, Treffry
NOES: None
ABSENT: Vandevere

Jacqueline L Onciano
JACQUELINE ONCIANO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 0 1 2007

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 MAR 1 1 2007

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.

Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: *John Doud* *File No*: *PLN050722* *APNs:* 243-211-023-000; 243-211-022-000; 417-011-016-000; and 417-021-002-000 Approval by: Minor Subdivision *Date:* *February 22, 2007*

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

Permit Cond. Number	*Mitig. Number*	*Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department*	*Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.*	*Responsible Party for Compliance*	*Timing*	*Verification of Compliance (name/date)*
		RESOURCE MANAGEMENT AGENCY **PLANNING DEPARTMENT**				
1.		**PD001 - SPECIFIC USES ONLY** This *Coastal Development Permit (PLN050722/Doud) allows a Lot Line Adjustment between four lots of 555 acres (Parcel A, assessor's parcel number 243-211-023-000), 530 acres (Lot 10, assessor's parcel number 243-211-022-000), 144 acres (Lot 2, assessor's parcel number 417-011-016-000) and 146 acres (Lot 3, assessor's parcel number 417-021-002-000) to result in four parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), 256 acres (Parcel JD4). The project is located on the east side of Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, Big Sur Area, coastal zone.* This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the	Adhere to conditions and uses specified in the permit.	Owner/ Applicant RMA-PD	Ongoing unless other-wise stated	

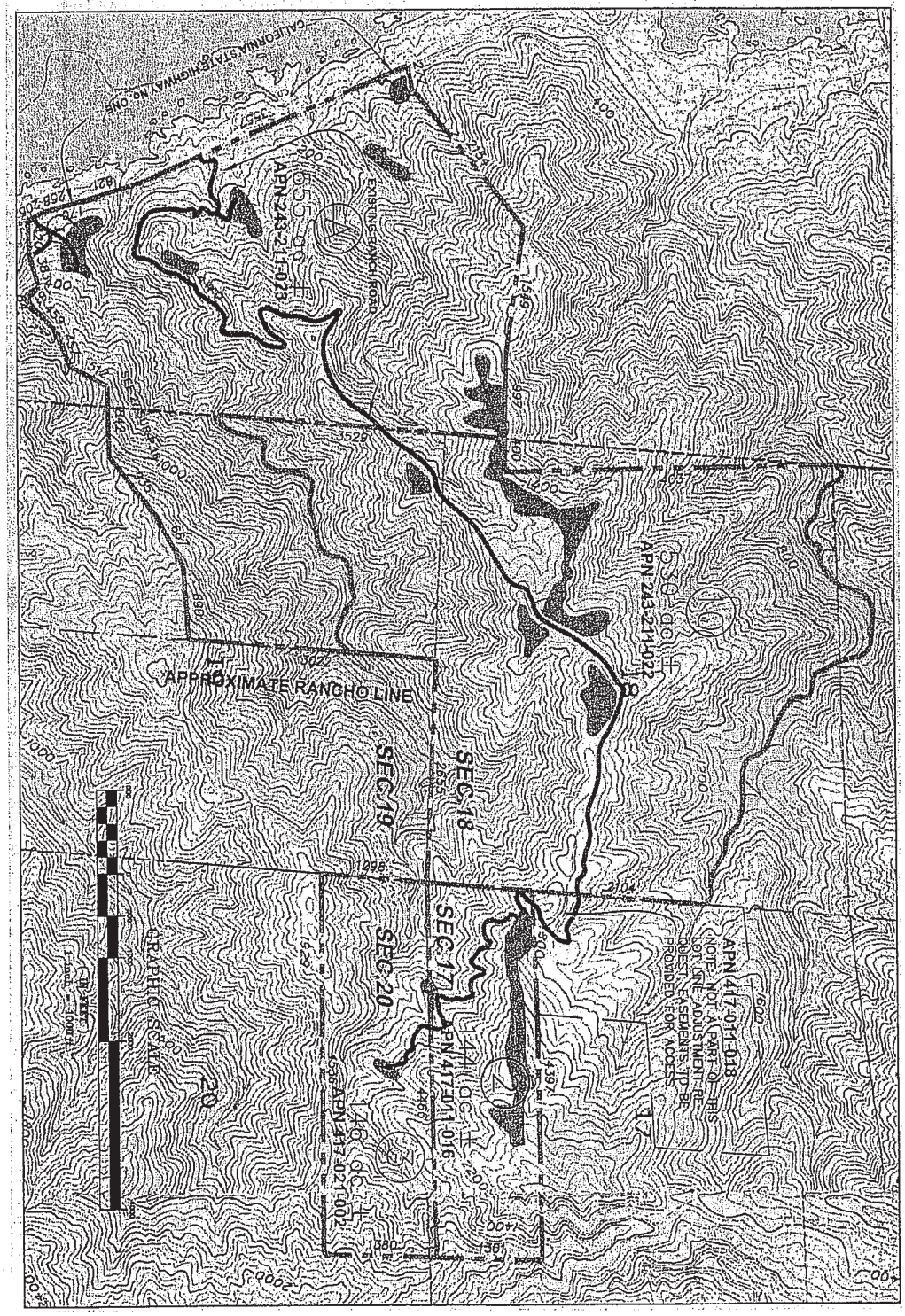
		terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. 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 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.		**PD002 - NOTICE-PERMIT APPROVAL** The applicant shall record a notice which states: "A permit (Resolution 07002) was approved by the **Minor Subdivision Committee** for Assessor's Parcel Numbers 243-211-023-000; 243-211-022-000; 417-011-016-000; and 417-021-002-000 on **February 22, 2007**. The permit was granted subject to 7 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/ Applicant RMA-PD	Prior to the issuance of grading and building permits or com-mence-ment of use.	
3.		**PD-SP001 – SURVEY OF RESOURCES (NON-STANDARD)** When each subject lot is developed, the owner of the lot being developed shall contract with a qualified biologist and licensed surveyor to accurately map the lot being developed in order to cartographically depict all areas: within the critical viewshed (as defined by Section 20.146.020.V of	Submit copies of the reports and maps to the County for approval by the Director of the RMA - Planning Department prior to conveyance of the easements to the County.	Owner/ Applicant PBI	Prior to any building permit for future residential developmen t of any of the four	

		the *Big Sur Land Use Plan*); with environmentally sensitive habitat (as defined by Section 20.145.020.EE of the *Big Sur Land Use Plan*, as well as all other applicable State, federal, and local criteria); and/or with slopes of 30% or greater for that lot. **(RMA - Planning Department)**			subject lots of record	
4.		**PD-SP002 - SCENIC & CONSERVATION EASEMENT (NON-STANDARD)** The owner of the lot being developed shall convey a Scenic & Conservation Easement to the County over all areas within the lot being developed identified under Condition 3 that: are located within the critical viewshed; contain environmentally sensitive habitat; and/or that have slopes of 30% or greater. Easements shall allow for the approved future residential development. **(RMA - Planning Department)**	Submit approved and recorded easement to the RMA-Planning Department.	Owner/ Applicant RMA-PD	Prior to the future residential development of any of the four subject lots of record	
5.		**PD-SP003 – DEED RESTRICTION(NON-STANDARD)** Text of Conditions 3 and 4 shall be recorded as a deed restriction on each lot.	Submit draft deed restriction to the RMA-Planning Department for review and approval. Record final deed restriction.	Owner/ Applicant Owner/ Applicant	Prior to recordation of the Lot Line Adjustment Concurrently with recordation of the Lot Line Adjustment	

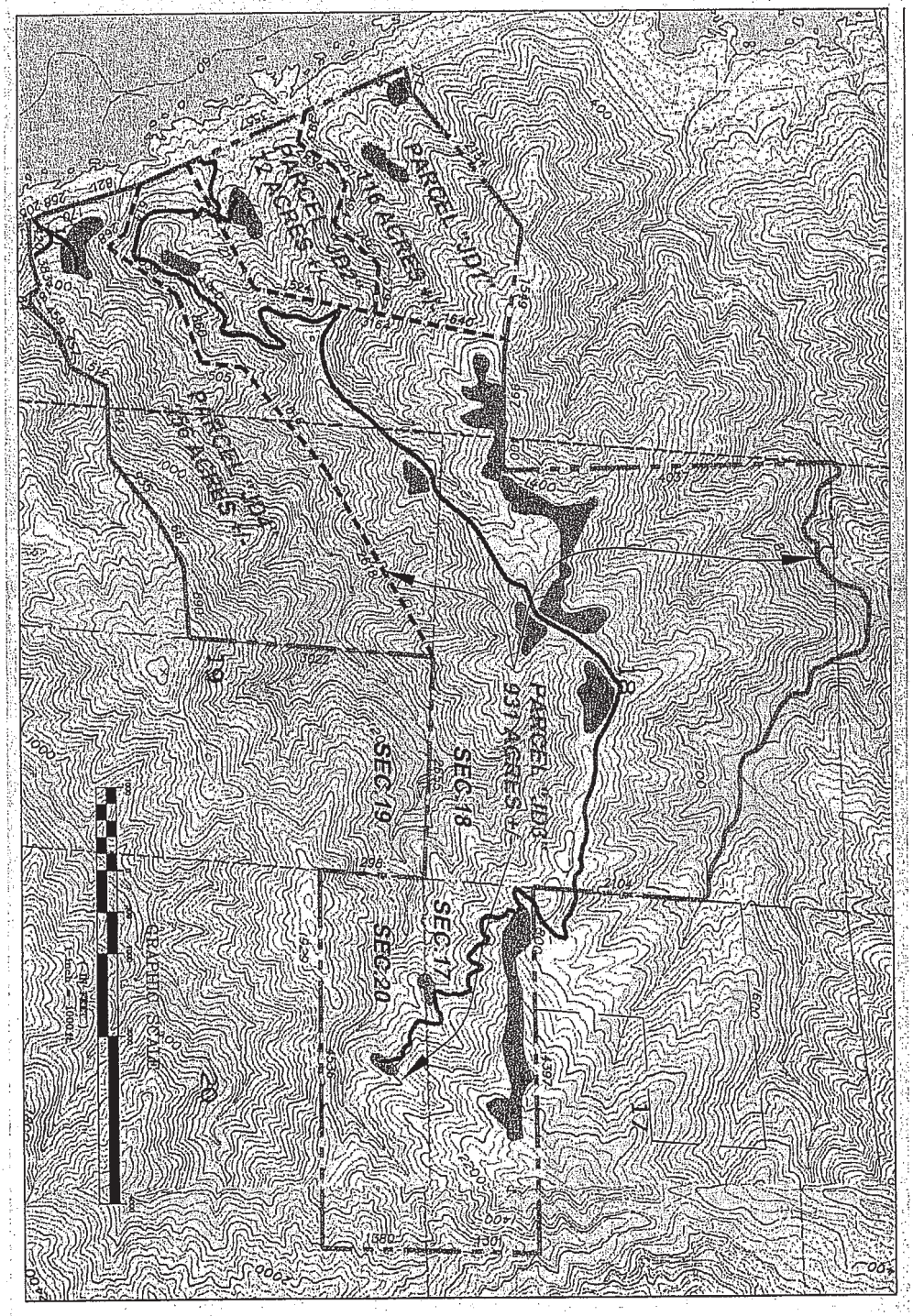
RESOURCE MANAGEMENT AGENCY PUBLIC WORKS DEPARTMENT						
6.		**PW0034 – LOT LINE ADJUSTMENT** Obtain a survey of the new line and have the line monumented. **(Public Works)**	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Recordation of Survey	
7.		**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	

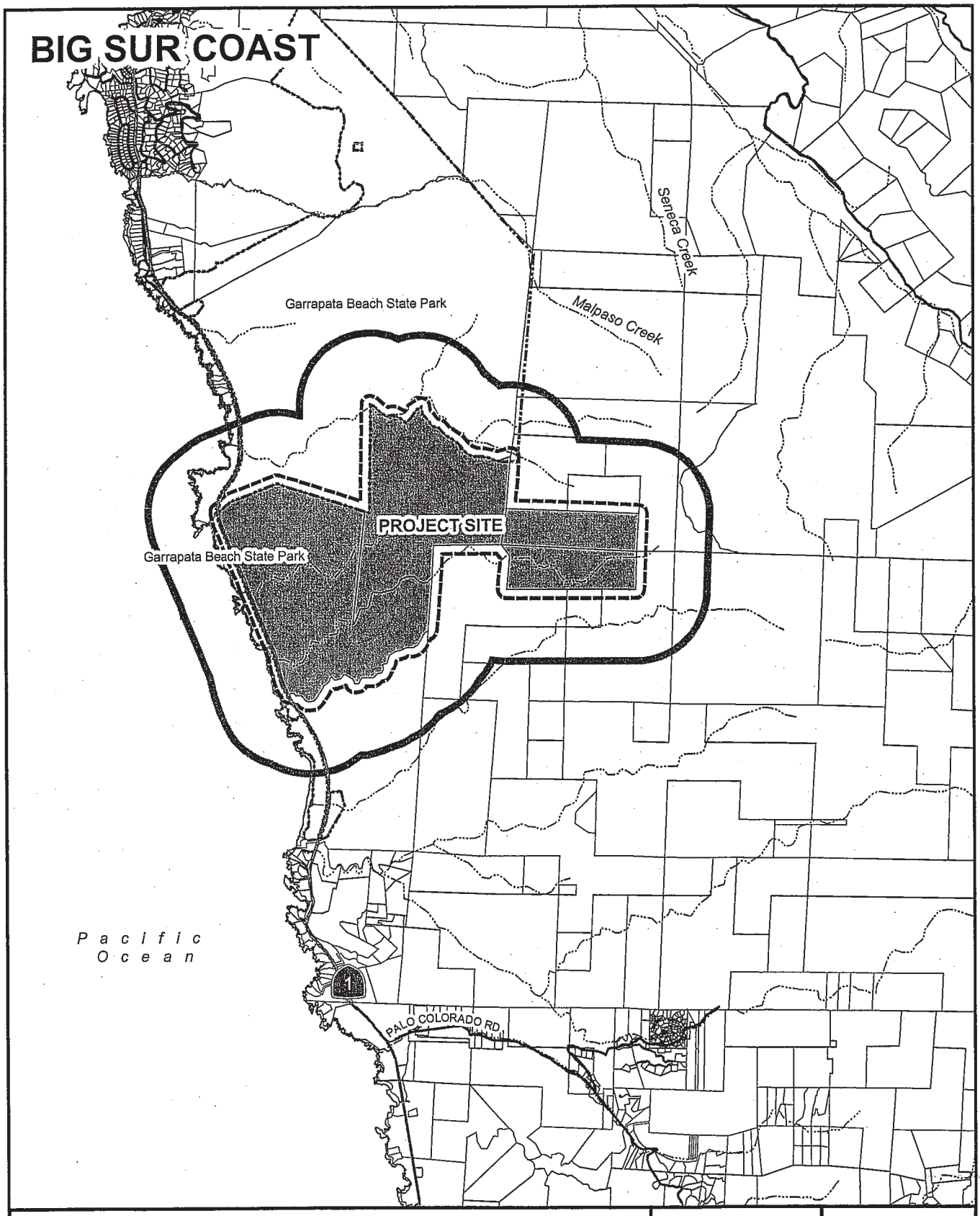
END OF CONDITIONS

EXISTING CONFIGURATION



PROPOSED CONFIGURATION





APPLICANT: DOUD

APN: 243-211-023-000M **FILE #** PLN050722

300' Limit 2500' Limit City Limits

N

0 4,000

Feet

MONTEREY COUNTY CALIFORNIA 1850

PLANNER: HOLM