

Exhibit E

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STAFF REPORT
Monterey County Administrative Lot Line Adjustment
Resource Management Agency - Planning
168 W. Alisal St. 2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: November 5, 2015

To: Merrill Susan W Trust, Property Owner
Wayland F Warren Et Al, Property Owner
Law Office of Brian Finegan, Agent

From: David J. R. Mack, Associate Planner
(831) 755-5096
mackd@co.monterey.ca.us

cc: Front Counter Copy; Monterey County Regional Fire Department; RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; David J. R. Mack, Planner; John H. Ford, RMA Services Manager; Merrill Susan W Trust, Property Owner; Wayland F Warren Et Al, Property Owner; Brian Finegan, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN150624

Re: Merrill/Wayland (PLN150624)
Lot Line Adjustment between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000), resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B).

Location: Assessor's Parcel Number: 173-062-007-000 & 173-062-008-000
24915 Boots Road, Monterey, CA
Greater Monterey Peninsula Area Plan

Staff is recommending approval of the Lot Line Adjustment subject to the findings, evidence and conditions in **Exhibit B**. Please read these carefully and contact the planner if you have any questions. Unless otherwise noted in the conditions, the applicant will be required to satisfy all permit conditions prior to the issuance of a building/grading permits and/or commencement of the approved use.

On November 25, 2015, an administrative decision will be made. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, its findings, or conditions, based on a substantive issue, is 5:00 p.m. on Tuesday, November 24, 2015. The permit will be administratively approved the following day, if we do not receive any written comments by the deadline. You will receive a copy of your approved permit in the mail. We will notify you as soon as possible in the event that we receive correspondence in opposition to your project or if the application is referred to a public hearing.

Note: This project will be referred to the Monterey County Planning Commission, if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors.

Attachments: Exhibit A Project Data Sheet
Exhibit B Resolution

- Recommended Conditions of Approval
- Site Plan

Exhibit C Vicinity Map

This report was reviewed by John H. Ford, RMA Services Manager



EXHIBIT A

Project Information for PLN150624

Application Name: Merrill Susan W Tr & Wayland F Warren Et Al
Location: 24915 Boots Rd, Monterey
Applicable Plan: Greater Monterey Peninsula
Primary APN: 173-062-007-000
Advisory Committee: Greater Monterey Peninsula Advisory Committee
Coastal Zone: No
Permit Type: Lot Line Adjustment
Final Action Deadline (884): 1/4/2016
Environmental Status: Categorical Exemption
Zoning: RDR/5.1-VS(20)(see note)
Land Use Designation: Residential - Rural Density
5 Acres+/Unit

Project Site Data:

| | |
|------------------------------------|-------------------------------|
| Lot Size: 42.5 | Coverage Allowed: N/A |
| Existing Structures (sf): 0 | Coverage Proposed: N/A |
| Proposed Structures (sf): 0 | Height Allowed: N/A |
| Total Sq. Ft.: 0 | Height Proposed: N/A |
| Special Setbacks on Parcel: | FAR Allowed: N/A |
| | FAR Proposed: N/A |

Resource Zones and Reports:

| | |
|---|--------------------------------------|
| Seismic Hazard Zone: II UNDETERMINED | Soils Report #: N/A |
| Erosion Hazard Zone: High Moderate | Biological Report #: N/A |
| Fire Hazard Zone: Very High | Forest Management Rpt. #: N/A |
| Flood Hazard Zone: X (unshaded) | Geologic Report #: N/A |
| Archaeological Sensitivity: moderate | Archaeological Report #: N/A |
| Visual Sensitivity: Highly Sensitive | Traffic Report #: N/A |

Other Information:

| | |
|--|--------------------------------------|
| Water Source: N/A | Grading (cubic yds.): 0 |
| Water Purveyor: N/A | Sewage Disposal (method): N/A |
| Fire District: Monterey County Regional FPD | Sewer District Name: N/A |
| Tree Removal: 0 | |

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Director of RMA-Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

Merrill Susan W Trust/Wayland F Warren Et Al (PLN150624)

RESOLUTION NO. ----

Resolution by the Monterey County Director of
RMA-Planning:

- 1) Finding the project Categorically exempt from CEQA per Section 15305(a) of the CEQA Guidelines; and
- 2) Approving a Lot Line Adjustment between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000), resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B).

(PLN150624), Merrill Susan W Trust, 24915 Boots Road, Monterey, CA, Greater Monterey Peninsula Area Plan (APN: 173-062-007-000 AND 173-062-008-000)

The Merrill Susan W Trust/Wayland F Warren Et Al application (PLN150624) for a Lot Line Adjustment came on for an administrative hearing before the Monterey County Director of RMA-Planning on November 25, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Director of RMA-Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Lot Line Adjustment between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000), resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B).

 EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150624.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

 EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan;
 - Monterey County Zoning Ordinance (Title 21);
 - Monterey County Subdivision Ordinance (Title 19);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 24915 Boots Road, Monterey, CA (Assessor's Parcel Number 173-062-007-000 and 173-062-008-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "RDR/5.1-VS (20')" or (Rural Density Residential), which allows residential development. Each lot is currently undeveloped, however residential development is anticipated to be proposed under a future discretionary permit. The proposed lot line adjustment will comply with result in both lots being in compliance with the 5.1 acre minimum standard.
- c) The project was not referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because it does not involve conflicts (slopes, views, etc).
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150624.

3. **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, Monterey Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, 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) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150624.

4. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conforms to the County's general plan, any applicable specific plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The lot line adjustment will transfer approximately 13.65 acres between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000),

resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B).

- b) The lot line adjustment is between two existing adjoining parcels and will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- c) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject properties are in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
- d) There are no recorded easements on either portion of land involved in this lot line adjustment application. Therefore the lot line adjustment will not impact or change any easements recorded on either parcel.
- e) A 60 foot wide road and utility easement will be recorded across the northern portion of both newly created parcels to provide adequate access to each lot.
- f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- g) See preceding and following Findings and Evidence.

5. **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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) See preceding and following Findings and Evidence.

6. **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(a), categorically exempts minor lot line adjustments not resulting in the creation of any new parcel(s).
 - b) The project is an adjustment of approximately 13.65 acres between two existing legal lots of record. No new parcels will be created by this application.
 - c) No adverse environmental effects were identified during staff review of the development application.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - e) See preceding and following Findings and Evidence.

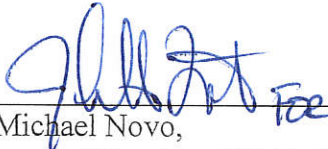
7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 19.16.020.A of the Monterey County Zoning Ordinance (Title 19 Inland).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of RMA-Planning does hereby:

- A. Find the project exempt from CEQA per Section 15305(a) of the CEQA Guidelines; and
- B. Approve a Lot Line Adjustment between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000), resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B), in general conformance with the attached sketch and subject to the conditions, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 25th day of November, 2015.



Michael Novo,
Director of RMA-Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

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 SECRETARY OF THE PLANNING COMMISSION 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 90th day following the date on which this decision becomes final.

NOTES

- 1. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County RMA Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN150624

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Lot Line Adjustment (PLN150624) allows an exchange of approximately 13.65 acres between two legal lots of record of approximately 4.64 acres (APN: 173-062-007-000) and 37.84 acres (APN: 173-062-008-000), resulting in two lots of 18.29 acres (Parcel A) and 24.19 acres (Parcel B).. The property is located at 24915 Boots Road, Monterey, Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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 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)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Lot Line Adjustment (Resolution Number ***) was approved by the Director of RMA-Planning for Assessor's Parcel Numbers 173-062-007-000 & 173-062-008-000 on December 9, 2015]. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

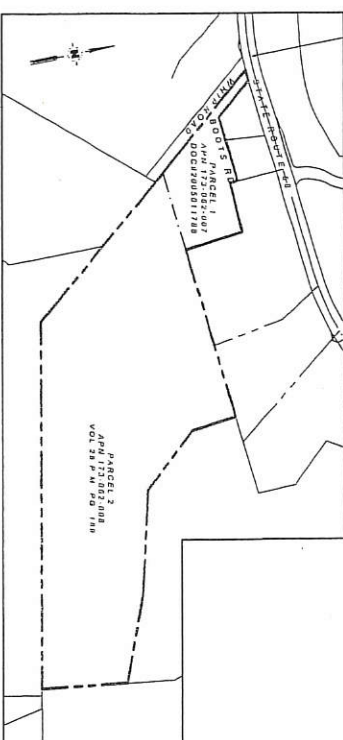
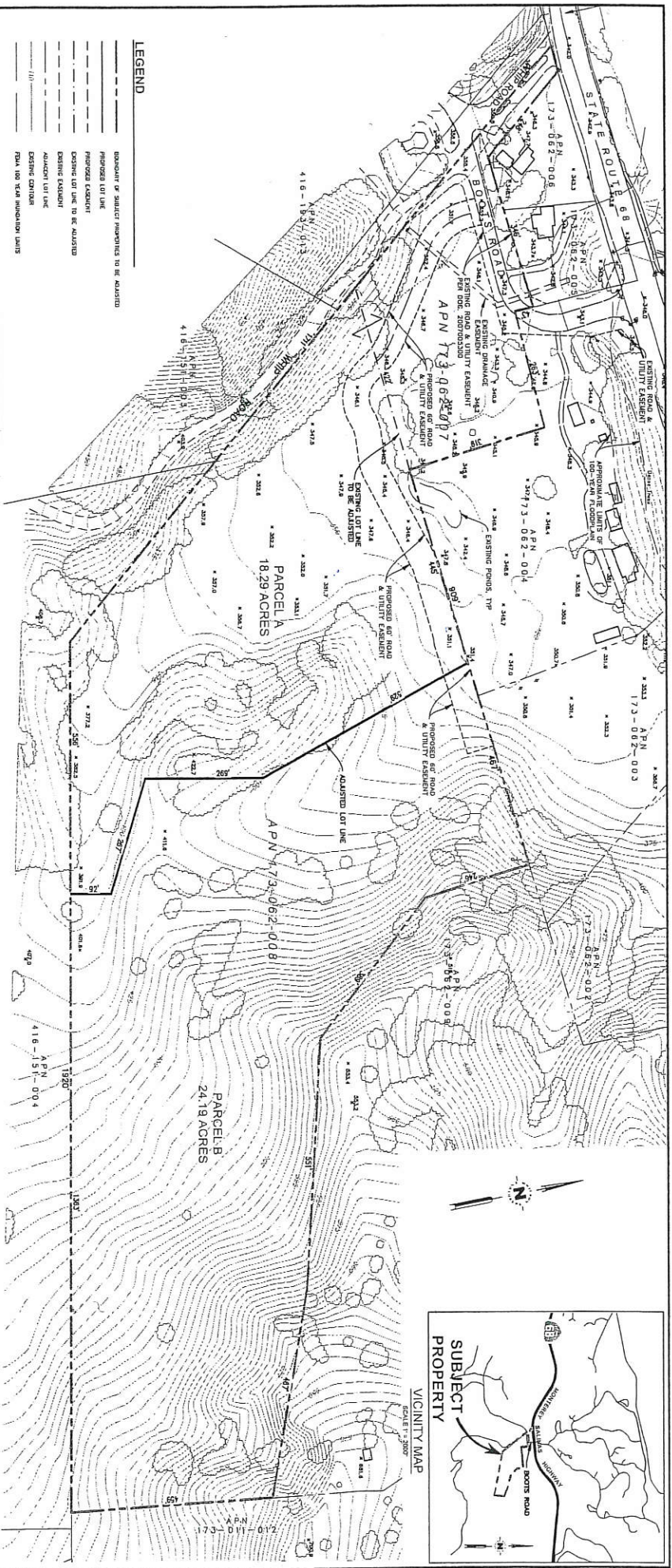
4. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. 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 Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

Prior to the expiration of the entitlement and after the Certificates are recorded, the Owner/Applicant shall file a request and pay the fees for separate assessments or combination assessments (for lot mergers) with the Assessor's Office.



LEGEND

- BOUNDARY OF SUBJECT PROPERTIES TO BE ADJUSTED
- PROPOSED LOT LINE
- EXISTING LOT LINE TO BE ADJUSTED
- EXISTING EASEMENT
- ADJUSTED LOT LINE
- EXISTING EASEMENT
- ROAD 100 YEAR FLOODPLAIN LIMITS

PROPOSED LOT CONFIGURATION

PROJECT TEAM

OWNER / APPLICANT:
 MONTREY COUNTY
 2000 BROADWAY
 MONTEREY, CA 93940
 (831) 948-2525

DATE SUBMITTED:
 MONTREY COUNTY ENGINEERS
 2000 BROADWAY
 MONTEREY, CA 93940
 (831) 948-2525

PROJECT DATA

EXISTING (A)
 PARCEL 1: 4.64 ACRES
 PARCEL 2: 37.24 ACRES
 CURRENT ZONING: MDTV-1-A (207)

PROPOSED (A)
 PARCEL A: 18.29 ACRES
 PARCEL B: 24.18 ACRES

GENERAL NOTES

1. A.P.N. 173-062-007 & 173-062-008
2. SITE ADDRESS: 100 YEAR FLOOD ROAD, MONTEREY, CA 93940
3. SUBJECT PROPERTIES ARE NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
4. NO IMPROVEMENTS ARE PROPOSED AS A PART OF THIS LOT LINE ADJUSTMENT.
5. NO VEGETATION REMOVAL IS PROPOSED AS A PART OF THIS LOT LINE ADJUSTMENT.
6. WATER SUPPLY, PRIVATE WELLS, SEWER COLLECTION/INFILTRATION, ON-SITE SEPTIC TANKS AND FIELDS, TELEPHONE, FIBER OPTIC AND ELECTRIC.
7. THE SIZE, LOCATION AND TYPE OF ALL UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY.

LOT LINE ADJUSTMENT

OF
 A.P.N. 173-062-007 & 173-062-008
 MONTEREY COUNTY, CALIFORNIA

PREPARED BY:

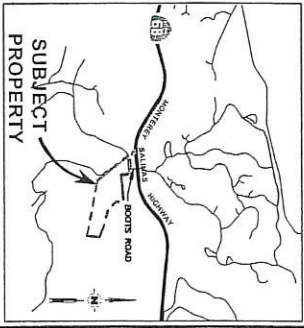


MONTREY COUNTY ENGINEERS
 2000 BROADWAY
 MONTEREY, CA 93940
 (831) 948-2525
 AUGUST 3, 2015

RECEIVED

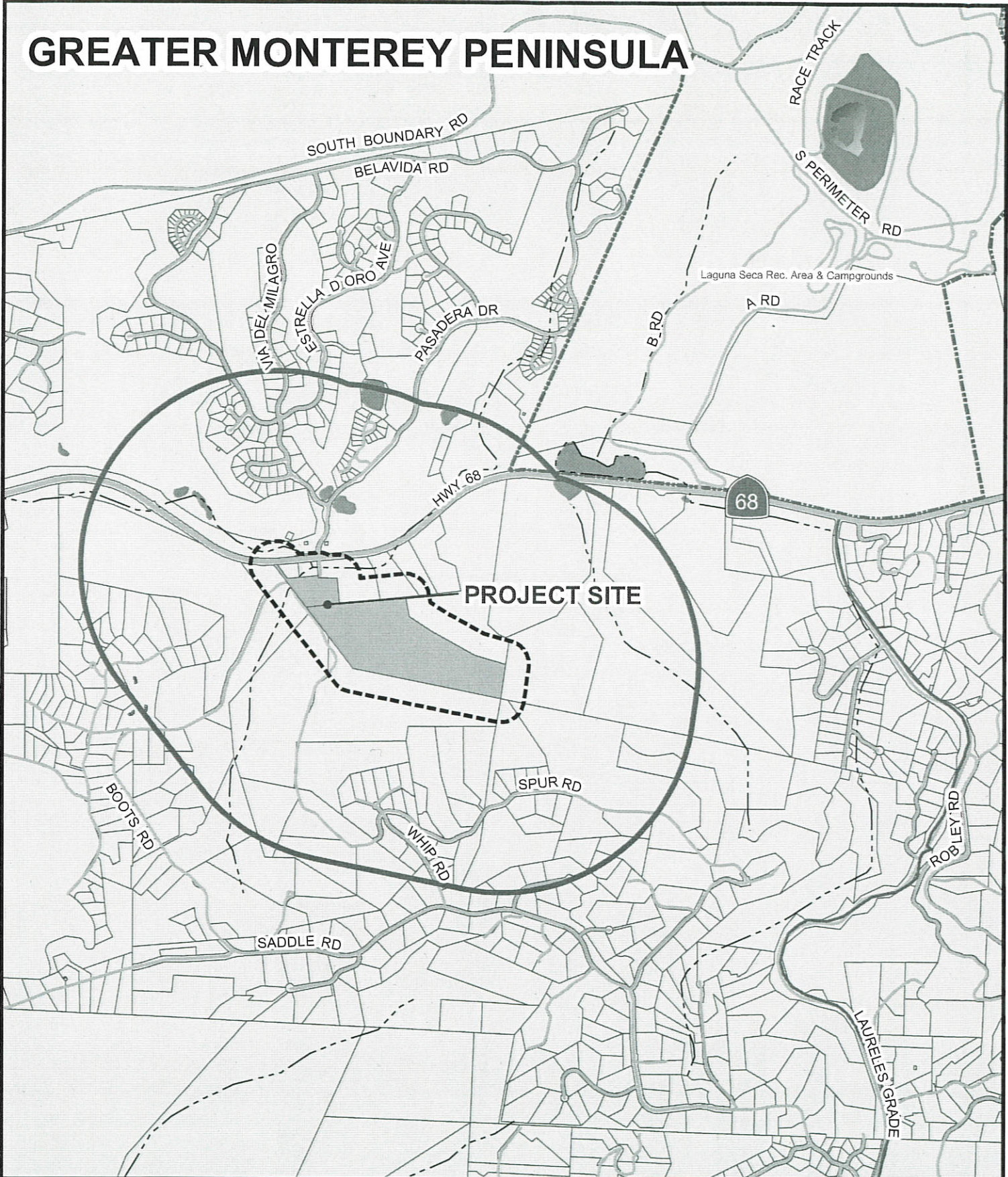
OCT 05 2015

MONTEREY COUNTY
 PLANNING DEPARTMENT



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GREATER MONTEREY PENINSULA

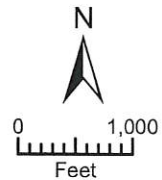


APPLICANT: MERRILL SUSAN W TR & WAYLAND F WARREN ET AL

APN: 173-062-007, 008

FILE # PLN150624

Project Site **300' Limit** **2500' Limit** **Water**



PLANNER: MACK

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