

County of Monterey

County of Monterey Government Center
1441 Schilling Place, Salinas, CA 93901



Meeting Agenda - Final

Wednesday, May 21, 2025

8:00 AM

**Government Center
1441 Schilling Place
Salinas, CA 93901**

Administrative Permit

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Chief of Planning's alternative actions on any matter before it.

Notice is hereby given that on May 21, 2025 the Chief of Planning of the County of Monterey Housing and Community Development, is considering the project described on the following pages.

Any comments or requests that any of the applications be scheduled for public hearing must be received in writing in the office of the County of Monterey Housing and Community Development by 5:00 pm Tuesday, May 20, 2025. A public hearing may be required if any person, based on a substantive issue, so requests.

Si necesita la traducción de esta agenda, comuníquese con el Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey ubicado en el Centro de Gobierno del Condado de Monterey, 1441 Schilling Place, segundo piso, Salinas, o por teléfono al (831) 755-5025. Después de su solicitud, la Secretaria asistirá con la traducción de esta agenda.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the County of Monterey Housing and Community Development at (831) 755-5025.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report

SCHEDULED MATTERS**1.0 PLN050722-AMD1-EXT1 - DOUD JOHN P TR ET AL**

Continued from May 7, 2025 - Administrative hearing to consider a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

Project Location: East of Highway 1 between Soberanes Point and Kasler Point, Big Sur

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2.

Attachments:

[Staff Report](#)

[Exhibit A - Draft Resolution](#)

[Exhibit B - Extension Request Letters](#)

[Exhibit C - Monterey County Subdivision Committee Resolution No. 07002](#)

[Exhibit D - California Coastal Commission Appeal Resolution No. A-3-MCO-07-013](#)

[Exhibit E - Planning Commission Resolution No. 21-028](#)



County of Monterey

Item No.1.0

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: AP 25-027

May 21, 2025

Introduced: 5/8/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN050722-AMD1-EXT1 - DOUD JOHN P TR ET AL

Continued from May 7, 2025 - Administrative hearing to consider a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

Project Location: East of Highway 1 between Soberanes Point and Kasler Point, Big Sur

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATIONS

It is recommended that the Chief of Planning adopt a resolution to:

- a. Find that the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2; and
- b. Approve a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 1 condition of approval.

PROJECT INFORMATION

Agent: Laura Lawrence

Property Owner: John Doud

APNs: 243-211-022-000, 243-211-023-000, 417-011-016-000 and 417-021-002-000

Zoning: Watershed and Scenic Conservation with a minimum building site of 40 acres or "WSC/40"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

SUMMARY

Staff is recommending approval of a three-year Permit Extension subject to the findings and evidence in the attached Resolution (see **Exhibit A**). Please read the resolution carefully and contact the planner if you have any questions. The applicant will be required to satisfy all permit conditions of PLN050722 and PLN050722-AMD1 prior to the issuance of a building/grading permit and/or commencement of the approved use.

On May 21, 2025, 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, May 20, 2025. 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 Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors.

Prepared by: Kayla Nelson, Associate Planner, x6408

Reviewed and Approved by: Fionna Jensen, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including

- Draft Conditions of Approval

Exhibit B - Extension Request Letters

Exhibit C - Monterey County Subdivision Committee Resolution No. 07002

Exhibit D - California Coastal Commission Appeal Resolution No. A-3-MCO-07-013

Exhibit E - Planning Commission Resolution No. 21-028

cc: Front Counter Copy; Calfire Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Kayla Nelson, Planner; Mary Israel, Supervising Planner; John Doud, Property Owner; Laura Laurence, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN050722-AMD1-EXT1



County of Monterey Administrative Permit

Item No.1.0

Legistar File Number: AP 25-027

May 21, 2025

Introduced: 5/8/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Administrative Permit

PLN050722-AMD1-EXT1 - DOUD JOHN P TR ET AL

Continued from May 7, 2025 - Administrative hearing to consider a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

Project Location: East of Highway 1 between Soberanes Point and Kasler Point, Big Sur

Proposed CEQA action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATIONS

It is recommended that the Chief of Planning adopt a resolution to:

- a. Find that the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2; and
- b. Approve a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 1 condition of approval.

PROJECT INFORMATION

Agent: Laura Lawrence

Property Owner: John Doud

APNs: 243-211-022-000, 243-211-023-000, 417-011-016-000 and 417-021-002-000

Zoning: Watershed and Scenic Conservation with a minimum building site of 40 acres or "WSC/40"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

SUMMARY

Staff is recommending approval of a three-year Permit Extension subject to the findings and evidence in the attached Resolution (see **Exhibit A**). Please read the resolution carefully and contact the planner if you have any questions. The applicant will be required to satisfy all permit conditions of PLN050722 and PLN050722-AMD1 prior to the issuance of a building/grading permit and/or commencement of the approved use.

On May 21, 2025, 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, May 20, 2025. 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 Zoning Administrator if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors.

Prepared by: Kayla Nelson, Associate Planner, x6408

Reviewed and Approved by: Fionna Jensen, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including

- Draft Conditions of Approval

Exhibit B - Extension Request Letters

Exhibit C - Monterey County Subdivision Committee Resolution No. 07002

Exhibit D - California Coastal Commission Appeal Resolution No. A-3-MCO-07-013

Exhibit E - Planning Commission Resolution No. 21-028

cc: Front Counter Copy; Calfire Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Kayla Nelson, Planner; Mary Israel, Supervising Planner; John Doud, Property Owner; Laura Laurence, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Planning File PLN050722-AMD1-EXT1

Exhibit A

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Exhibit A
DRAFT RESOLUTION

**Before the Housing and Community Development Chief of Planning
in and for the County of Monterey, State of California**

In the matter of the application of:

DOUD JOHN P TR ET AL (PLN050722-AMD1-EXT1)

RESOLUTION NO. 25-

Resolution by the County of Monterey Chief of Planning:

- 1) Finding that the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

PLN050722-AMD1-EXT1, John Doud, East of Highway 1 between Soberanes Point and Kasler Point, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (Assessor's Parcel Numbers: 243-211-022-000, 243-211-023-000, 417-011-016-000 and 417-021-002-000)]

The DOUD JOHN P TR ET AL application (PLN050722-AMD1-EXT1) came on for an administrative hearing before the County of Monterey Chief of Planning on May 7, 2025, which was continued to May 21, 2025. Having considered all the written and documentary evidence, the Chief of Planning finds and decides as follows:

RECITALS

WHEREAS, on February 22, 2007, a Coastal Development Permit for a Lot Line Adjustment was approved by the Monterey County Subdivision Committee through Resolution No. 07002. The approved Lot Line Adjustment was among four legal lots of record: 555 acres (Parcel A, Assessor's Parcel Number 243-211-023-000), 530 acres (Lot 10, APN 243-211-022-000), 144 acres (Lot 2, APN 417-011-016-000) and 146 acres (Lot 3, APN 417-021-002-000) to result in four parcels with 116 acres (Parcel JDI), 72 acres (Parcel JD2), 931 acres (Parcel JD3), and 256 acres (Parcel JD4), respectively;

WHEREAS, on March 29, 2007, the approved Lot Line Adjustment (Monterey County Subdivision Committee Resolution No. 07002) was subsequently appealed by the California Coastal Commission staff (Appeal No. A-3-MCO-07-013), which raised concerns with the potential for development to occur within the Big Sur Critical Viewshed on the adjusted parcels;

WHEREAS, prior to the California Coastal Commission hearing on the appeal, the Applicant/Owner agreed to modify the previously approved Lot Line Adjustment to resolve raised concerns. Following this decision, California Coastal Commission staff withdrew Appeal No. A-3-MCO-07-013;

WHEREAS, on August 25, 2021, an amended Coastal Development Permit to modify the previous Lot Line Adjustment was approved by the Planning Commission through Resolution No. 21-028. As amended, the Coastal Development Permit adjusted four legal lots of record containing a total of 1,375 acres, and resulted in four parcels containing 497 acres (Parcel 1), 72 acres (Parcel 2), 573 acres (Parcel 3), and 233 acres (Parcel 4). The amendment also required the placement of much of the adjusted areas into a Conservation and Scenic Easement to protect the Big Sur Critical Viewshed and resolve the California Coastal Commission appeal. In accordance with the resolution, this entitlement was set to expire on August 25, 2023;

WHEREAS, pursuant to Title 20 section 20.70.110, the Applicant/Owner submitted a written request for an additional two-year extension on July 10, 2023, more than thirty (30) days prior to the expiration date of the Lot Line Adjustment. The written request for the extension was filed

by the Applicant/Owner's agent, Laura Lawrence. The extension was requested because the Applicant/Owner needed more time to work with the California Rangeland Trust to coordinate the bargain sale of a grazing easement for the property;

WHEREAS, on May 5, 2025, the project agent, Laura Lawrence, requested a three-year permit extension to allow additional time to work with the California Rangeland Trust;

WHEREAS, Lot Line Adjustments are excluded from the Subdivision Map Act requirements in state law pursuant to section 66412, and therefore, the Chief of Planning in section 2.30.030.C of the Monterey County Zoning Ordinance has the authority to provide administrative interpretations to allow the three-year extension which staff has determined is an appropriate amount of time given the circumstances;

WHEREAS, this extension does not change the previously approved Coastal Development Permit and Lot Line Adjustment, and all findings previously made in the Planning Commission Resolution No. 21-028 continue to apply to this extension;

WHEREAS, Monterey County HCD-Planning and HCD-Building Services records were reviewed, and the County is not aware of any violations existing on the subject property;

WHEREAS, conditions of approval contained in Planning Commission Resolution No. 21-028 continue to apply, except that this extension modifies the expiration date of the Coastal Development Permit Lot Line Adjustment from August 25, 2023 to August 25, 2026;

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15305 Categorically Exempts minor alterations in land use limitations, such as lot line adjustments between 5 and fewer lots. Therefore, the Planning Commission found PLN050722-AMD1 consistent with CEQA Guidelines Section 15305 and that none of the exceptions under section 15300.2 applied (Planning Commission Resolution No. 21-028). Other than the expiration date, there are no changes proposed in this extension, and the conditions on the ground have not changed since the original approval. Therefore, this extension to the previously approved Coastal Development Permit is also Categorically Exempt pursuant to CEQA Guidelines section 15305; and

WHEREAS, pursuant to Title 20 section 20.86.030.A, the discretionary decisions of the Chief of Planning are appealable to the Board of Supervisors. The decision of the Board of Supervisors would be final and may not be appealed.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above recitals, the County of Monterey Chief of Planning does hereby:

- 1) Find that the project qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines section 15305 and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a three-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record.

PASSED AND ADOPTED this 21st day of May 2025.

Melanie Beretti, AICP, Chief of 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 CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You must comply with the Monterey County Building Ordinance in every respect.
2. 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.
3. Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

County of Monterey HCD Planning

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

PLN050722-AMD1-EXT1

1. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A two-year permit extension to a previously approved Coastal Development Permit (PLN050722), as amended by PLN050722-AMD1, that allowed a lot line adjustment between four legal lots of record (Resolution Number _____) was approved by the Chief of Planning for Assessor's Parcel Numbers 243-211-022-000, 243-211-023-000, 417-011-016-000, and 417-021-002-000 on May 7, 2025. The permit was granted subject to 1 condition of approval which runs with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

Exhibit B

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THE LAW OFFICE OF AENGUS L. JEFFERS

A Professional Corporation
215 West Franklin Street, Fifth Floor
Monterey, California 93940

Phone: (831) 649-6100
Fax: (831) 325-0150
Email: Laura@aengusljeffers.com

July 10, 2023

VIA ELECTRONIC AND US MAIL DELIVERY

Craig Spencer, HCD Chief of Planning Services
Monterey County RMA-Planning
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901

Re: Application for Extension of Lot Line Adjustment PLN050722-AMD1, Highway 1, Big Sur (APN 243-211-022, -023, 417-011-016, and 417-021-002)

Dear Mr. Spencer:

At the request of our clients, the Doud Family ("Applicant"), I am submitting this letter as the formal written request for an extension of Lot Line Adjustment Permit PLN050722-AMD1 ("Application") approved for east of Highway 1 between Soberanes Point and Kasler Point, Big Sur, CA, Big Sur Coast Land Use Plan Planning Area (the "Property"). A signed and executed Development Project Application and a check in the amount of \$4,750.10 for the Tier 3 Permit Extension fee are also enclosed.

The Lot Line Adjustment Permit PLN050722-AMD1 was approved by the Monterey County Planning Commission on August 25, 2021 in Resolution No. 21-028 ("Permit") as an amendment to PLN050722. The Permit was granted for two years to expire on August 25, 2023.

Pursuant to Monterey County Code section 19.09.035, "The applicant may, upon written application, request extension of the lot line adjustment approval. Such application shall be filed with the Director of Planning and Building Inspection before approval is due to expire and shall state the reasons for requesting the extension..."

The Applicant has been working with the California Rangeland Trust to coordinate the bargain sale of a grazing easement for the Property. The purpose of this extension request is to allow the Applicant additional time to continue those efforts. Since Project Planner Jaime Scott-Guthrie has been assigned to the Long Range Planning Team, we are also requesting reassignment of the Application to a new planner for processing.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Laura M. Lawrence
Senior Planning and Development Analyst

LML
Enclosures

From: [Laura Lawrence](#)
To: [Nelson, Kayla](#)
Cc: [Aengus Jeffers](#)
Subject: PLN050722-AMD1-EXT1 - Request for Continuance
Date: Monday, May 5, 2025 2:20:50 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hello Kayla:

Thank you for the meeting and for clarifying the County's flexibility on extensions for lot line adjustments. We formally request a continuance for this project to the May 21, 2025 Administrative Hearing in order to re-notice the project for a 3 year extension instead of a two year extension. This will extend the permit expiration date to August 25, 2026.

Laura

Laura Lawrence, R.E.H.S., ret.

Senior Planning and Development Analyst

The Law Office of Aengus L. Jeffers

215 West Franklin Street, 5th Floor

Monterey, CA 93940

O: (831) 649-6100

F: (831) 325-0150

laura@aengusljeffers.com

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

John Edward and Jane Devine Doud TRS (PLN050722)

FINDINGS AND DECISION

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 than 30% and environmentally sensitive habitat. **Conditions 3 and 4** have been included that require the applicable owner to address this separately 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 seacoast 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 file 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 ONCIANO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 31 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 11 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 commencement 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 development of any of the four | |

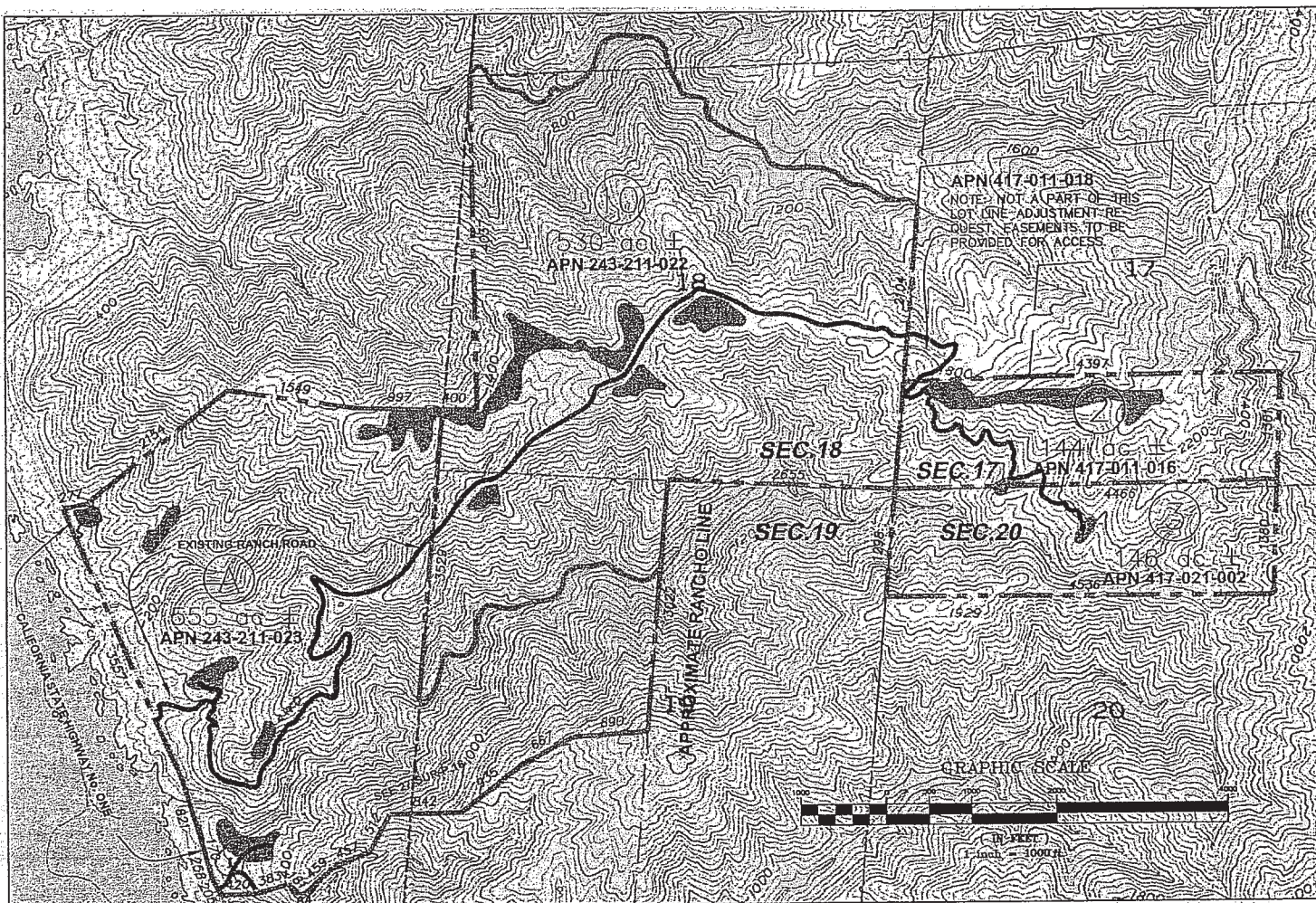
| | | | | | | |
|----|--|--|---|--|---|--|
| | | the <i>Big Sur Land Use Plan</i>); with environmentally sensitive habitat (as defined by Section 20.145.020.EE of the <i>Big Sur Land Use Plan</i> , as well as all other applicable State, federal, and local criteria); and/or with slopes of 30% or greater 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 Concurrentl y with recordation of the Lot Line Adjustment | |

**RESOURCE MANAGEMENT AGENCY
PUBLIC WORKS DEPARTMENT**

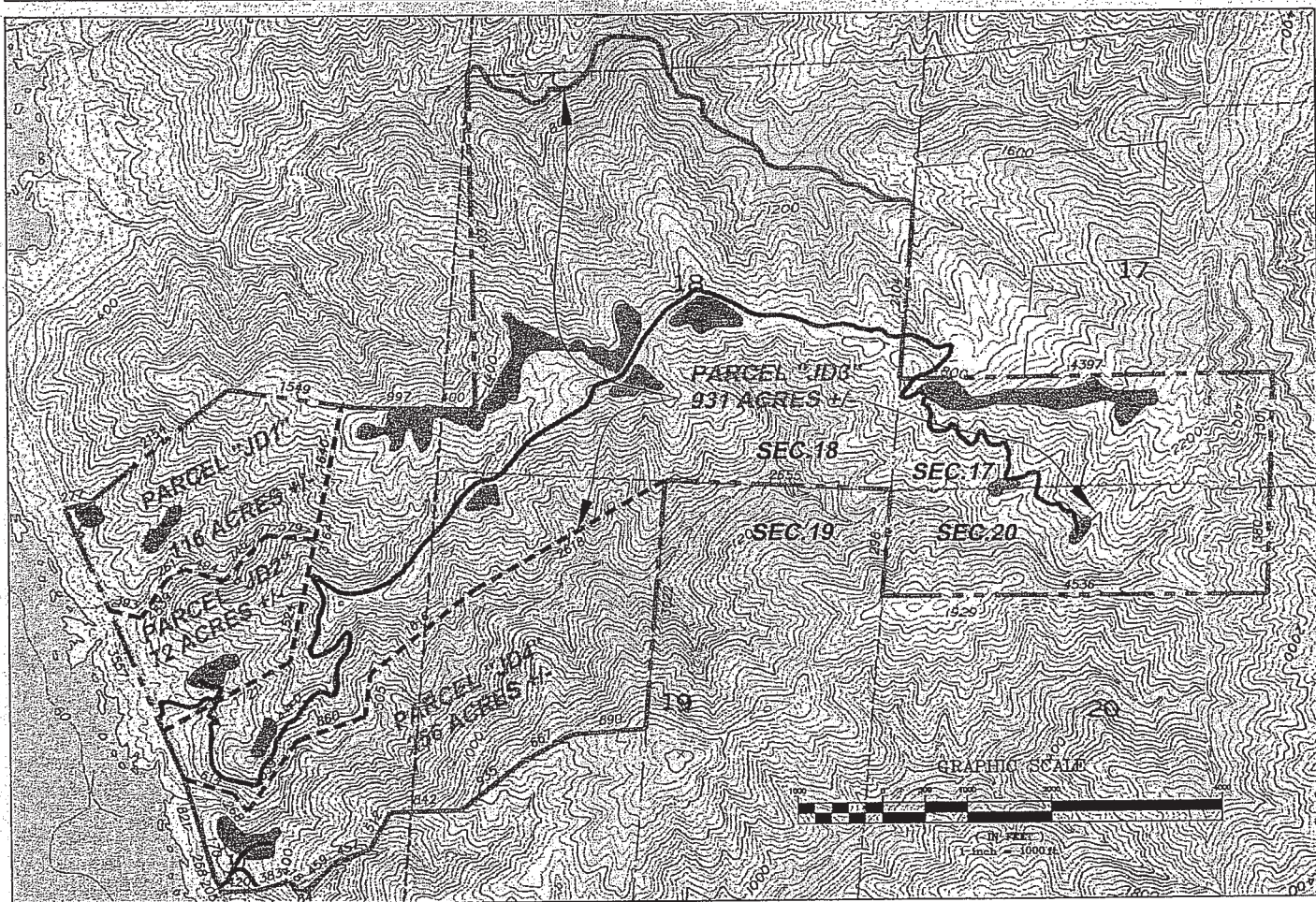
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| 6. | | PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works) | Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and 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

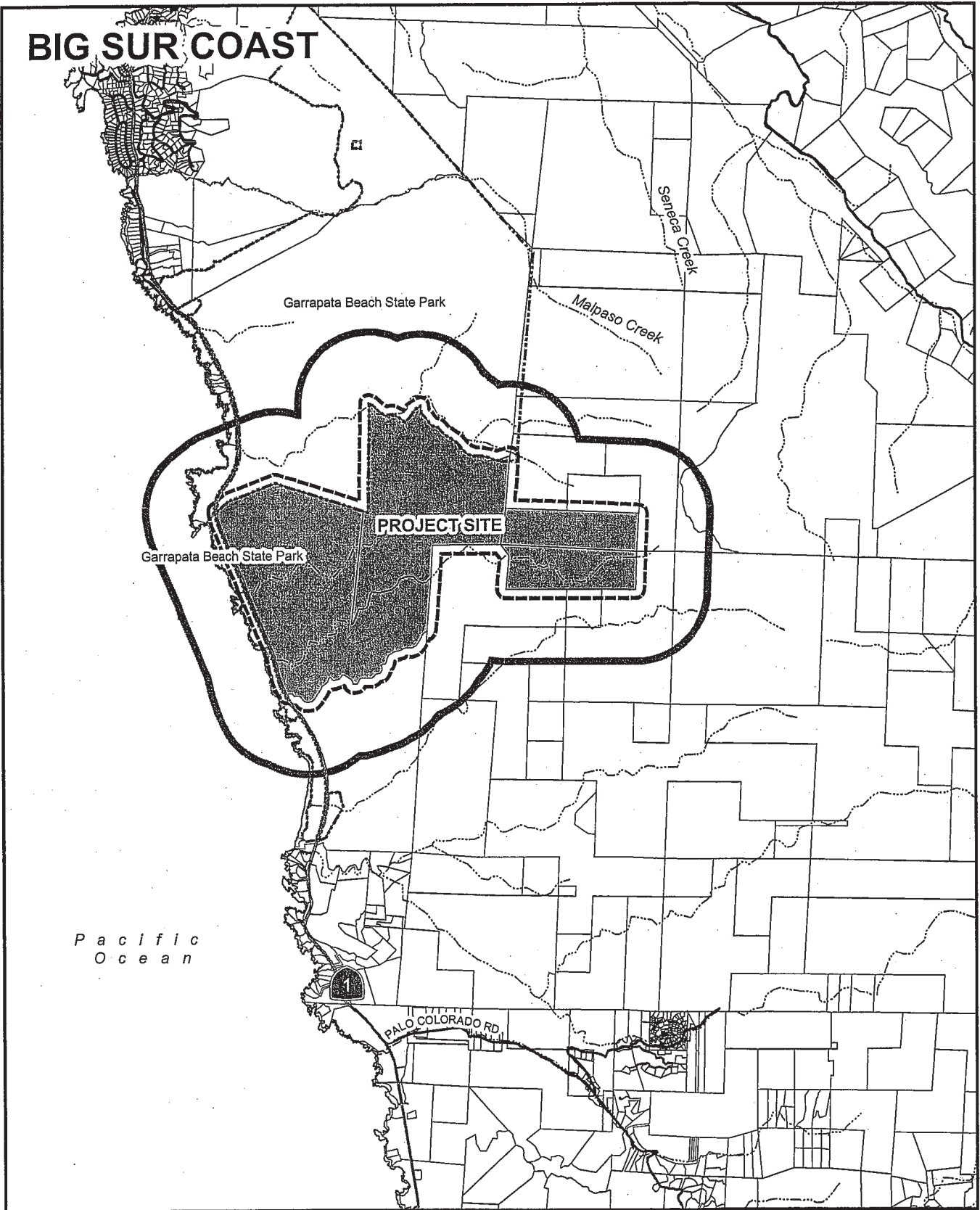
EXISTING CONFIGURATION



PROPOSED CONFIGURATION



BIG SUR COAST



APPLICANT: DOUD

APN: 243-211-023-000M

FILE # PLN050722



300' Limit



2500' Limit



City Limits



0 4,000
Feet



PLANNER: HOLM

Exhibit D

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CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863 FAX (831) 427-4877
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: March 30, 2007

TO: Carl Holm
County of Monterey, Planning Department
168 West Alisal St., 2nd Flr.
Salinas, CA 93901

FROM: Steve Monowitz, District Manager

RE: **Commission Appeal No. A-3-MCO-07-013**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN050722

Applicant(s): John Edward & Jane Devine Doud, Trs.

Description: Lot line adjustment among four contiguous legal lots of record of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2) and 146 acres (Lot 3) to result in four reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3) and 256 acres (Parcel JD4).

Location: Highway 1 (between Soberanes Point and Kasler Point, approximately two miles north of Palo Colorado Road), Big Sur (Monterey County) (APN(s) 243-211-022, 243-211-023, 417-011-016, 417-021-002)

Local Decision: Approved w/ Conditions

Appellant(s): Commissioner Mary Shallenberger; Commissioner Mike Reilly

Date Appeal Filed: 3/29/2007

The Commission appeal number assigned to this appeal is A-3-MCO-07-013. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Monterey's consideration of this coastal development permit must be delivered to the Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Katie Morange at the Central Coast District office.

cc: John Edward & Jane Devine Doud, Trs.
Michael D. Cling

1970-1971

1970-1971

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Commissioner Shallenberger

Commissioner Reilly

California Coastal Commission

California Coastal Commission

45 Fremont Street, Suite 2000

45 Fremont Street, Suite 2000

San Francisco, CA 94105-2219

San Francisco, CA 94105-2219

(415) 904-5200

(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

Monterey County

2. Brief description of development being appealed:

PLN050722 – Lot line adjustment among four contiguous legal lots of record of 555 acres

(Parcel A), 530 acres (Lot 10), 144 acres (Lot 2), and 146 acres (Lot 3) to result in four
reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel
JD3), and 256 acres (Parcel JD4).

3. Development's location (street address; assessor's parcel number, cross street, etc.):

APNs 243-211-023, 243-211-022, 417-011-016, and 417-021-002, located at Highway 1
between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado
Road, in the Big Sur Area of Monterey County.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: xx

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be
appealed unless the development is a major energy or public works project. Denial decisions
by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-MCO-07-013

DATE FILED: 3/29/07

DISTRICT: Central Coast District

RECEIVED

MAR 29 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of
Supervisors

d. ☒ Other: Minor Subdivision Cmte.

6. Date of local government's decision: February 22, 2007

7. Local government's file number: PLN050722 (Resolution No. 07002)

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

John Edward and Jane Devine Doud TR
134 Pine Canyon Road
Salinas, CA 93908

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Carl Holm
Monterey County Planning & Building Inspection
168 West Alisal Street, 2nd Floor, Salinas, CA 93902

(2) Michael D. Cling (Representative)
313 Main Street, Suite D
Salinas, CA 93901

(3) _____

SECTION IV. Reasons Supporting This Appeal

See attached "Reasons for Appeal"

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mary K. Challenberg
Appellant or Agent

Date: March 29, 2007

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Mike Ruff
Appellant or Agent

Date: March 29, 2007

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

**Reasons for Appeal of Monterey County Coastal Development Permit PLN050722
(Doud Lot Line Adjustment)**

Monterey County Coastal Development Permit PLN050722 authorizes a lot line adjustment among four parcels at Highway 1 between Soberanes Point and Kasler Point approximately two miles north of Palo Colorado Road, in the Big Sur Area of Monterey County. The approval allows a lot line adjustment (LLA) among four contiguous parcels of 555 acres (Parcel A), 530 acres (Lot 10), 144 acres (Lot 2), and 146 acres (Lot 3) to result in four reconfigured parcels with 116 acres (Parcel JD1), 72 acres (Parcel JD2), 931 acres (Parcel JD3), and 256 acres (Parcel JD4). The County's approval of the project is inconsistent with the Monterey County certified Local Coastal Program (LCP) for the following reasons:

1. The adjustment will increase the density of residential development beyond that which is allowed by the LCP.

CIP Section 20.145.140.A.6 establishes residential development density for lands designated Watershed and Scenic Conservation (WSC) east of Highway 1. This section requires an assessment using a parcel's zoning and a slope density analysis (and any other applicable LCP development standards) in order to determine the allowable residential development density. Whichever of the two resulting densities is lowest is then established as the maximum allowable density for the parcel. Using the slope density analysis outlined under LUP Policy 5.4.2.8 and CIP Section 20.145.140.A.7, it appears as though the LLA would result in an increase in the maximum allowable residential development density over the existing configuration. Three of the reconfigured lots would remain at a density of one unit, but the LLA would increase the density of Parcel JD3 from one unit to two. This parcel is proposed to be 931 acres, and a preliminary slope density analysis produced an average slope of approximately 34%, resulting in an allowable density of 1 unit per 320 acres, or two units for this particular parcel. The County did not perform this analysis required by the LCP, and instead found that the LLA would not result in an increase in density or potential development.

This increase in density facilitated by the County's approval of the LLA would cumulatively increase the level of residential development in Big Sur beyond that which is anticipated and allowed by the LCP. This will result in increased traffic on Highway One, which currently operates at the worst level of service (LOS F) at peak times, and would thereby interfere with the public's ability to access and recreate on the Big Sur Coast. Such an increase in residential development will also place greater demands on limited water supplies, which would, in turn, adversely impact riparian habitats. Furthermore, increases in residential development potential (over and above that already contemplated in the LCP) throughout the planning area could alter the unique character of Big Sur that makes it such a popular destination for coastal access and recreation. Because of these cumulative impacts, the lot line adjustment is inconsistent with Big Sur LUP Policy 5.4.3.G.3, as well as with Coastal Act Sections 30211 and 30213.

In addition, LLAs with the potential to result in the creation of additional lots (which could occur with the increase in density facilitated by the LLA) are to be considered major and subject to CEQA analysis under the Monterey County Subdivision Ordinance (Section 19.09.005.B). The County incorrectly processed the project as a minor LLA, inconsistent with the LCP, and subsequently determined that it was exempt from CEQA.

2. The project is inconsistent with LCP policies protecting the critical viewshed in Big Sur.

The County-approved LLA adjusts the existing lots such that 3 new lots would be located in the critical viewshed as opposed to one lot, creating the potential for increased critical viewshed impacts over the current configuration. The LCP prohibits all future public and private development visible from Highway 1 and major public viewing areas (the critical viewshed). This restriction applies to all structures, the construction of public and private roads, utilities, lighting, and grading. LUP Policy 3.2.3.A.1 and CIP Section 20.145.030.A.2.a. require all new parcels to contain building sites outside the critical viewshed, and when a proposed development cannot be made to conform to the basic critical viewshed policy, the site shall be considered environmentally inappropriate for development (LUP Policy 3.2.3.A.5).

In this case, the visual impacts of the proposed project have not been adequately evaluated to ensure that future development (including residences, driveways, access roads, ancillary facilities and structures, grading, and lighting from such development) on the reconfigured lots will not extend into the critical viewshed. As approved by the County, it appears as though up to five building sites on the four reconfigured lots could be located in the critical viewshed. The objective of policy 3.2.A.1 is to “avoid creating further commitment to development with the critical viewshed.” While the County staff report indicates that there are building sites on each of these parcels outside of the critical viewshed, evidence is not included that conclusively demonstrates that residential development, including road access that meets fire department criteria, can occur completely outside of the critical viewshed. Although a condition has been imposed by the County for the critical viewshed to be mapped and protected by a scenic easement, it is not explicitly written to prohibit all future development in the critical viewshed and it does not establish building sites and building height envelopes as required by IP Section 20.145.030.A.2.

Without demonstration that future development of these lots will not be visible, the County-approved project is inconsistent with the Big Sur key policy that prohibits new development within the critical viewshed, as well as with Policy 3.2.3.A.1 that requires new parcels to contain building sites outside the critical viewshed.

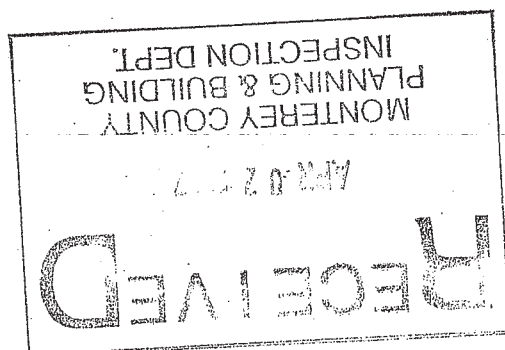


Exhibit E

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**Before the Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

DOUD JOHN P TR ET AL (PLN050722-AMD1)

RESOLUTION NO. 21-028

Resolution by the Monterey County Planning Commission:

- 1) Find the project categorically exempt per Section 15305 of the CEQA Guidelines as a minor lot line adjustment that does not result in new parcels and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines; and
- 2) Approve an amendment to a Lot Line Adjustment between four lots containing a total of 1,375 acres including Assessor's Parcel Number 243-211-023-000 (containing 555 acres before the adjustment), Assessor's Parcel Number 243-211-022-000 (containing 530 acres before the adjustment), Assessor's Parcel Number 417-011-016-000 (containing 144 acres before the adjustment), and Assessor's Parcel Number 417-021-002-000 (containing 146 acres before the adjustment). The proposed amendment would result in four parcels of 497 acres, 72 acres, 573 acres and 233 acres and include placement of much of the adjusted area in a conservation and scenic easement to protect the critical viewshed and resolve a Coastal Commission appeal.

(PLN050722-AMD1), east of Highway 1 between Soberanes Point and Kasler Point, Big Sur, CA, Big Sur Coast Land Use Plan (APNs: 243-211-022-000, 243-211-023-000, 417-011-016-000 and 417-021-002-000).

Corrected on September 17, 2021

(This resolution supersedes the previous resolution mailed on August 26, 2021)

The Doud application (PLN050722-AMD1) for an Amendment to a previously approved Lot Line Adjustment (PLN050722) came on for hearing before the Monterey County Planning Commission on August 25, 2021. Having considered all the written and documentary evidence, the administrative record, the staff report, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

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

-

- EVIDENCE:**
- a) The Project is a Lot Line Adjustment between four legal lots of record: Assessor's Parcel Number 243-211-023-000 of 555 acres before adjustment, Assessor's Parcel Number 243-211-022-000 of 530 acres before adjustment, Assessor's Parcel Number 417-011-016-000 of 144 acres before adjustment, and Assessor's Parcel Number 417-021-002-000 of 146 acres before adjustment, resulting in:
 - Parcel JD1 of 497 acres,
 - Parcel JD2 of 72 acres,
 - Parcel JD3 of 573 acres, and
 - Parcel JD4 of 233 acres.
 - b) During the course of review of this application, the project was reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan (LUP);
 - Monterey County Zoning Ordinance (Title 20); and
 - 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.

- c) The four adjacent properties proposed for adjustment are zoned Watershed and Scenic Conservation with a minimum building site of 40 acres (WSC/40). All four parcels would retain conformance to the requirement for minimum lot size. The project is consistent with the WSC zone because no construction or site improvements are proposed with this application. Development proposals in the future are subject to requirements for issuance of a coastal development permit, in each case.
- d) A lot line adjustment involving these four properties (PLN050722) was approved by the Monterey County Minor Subdivision Committee on February 22, 2007 (Resolution No. 07002) but that approval was subsequently appealed by the California Coastal Commission (CCC) due to concerns with the potential for development to occur within the critical viewshed on the adjusted parcels. This amended LLA proposal will dedicate future building areas on each of the newly formed parcels and the remainder of the properties will be placed in a conservation easement. With this change the CCC staff agreed to withdraw the appeal. As a result, Condition No. 5 has been added that requires a Conservation and Scenic Easement Deed (CSED) be recorded over each of the four parcels excluding those areas identified for potential residential development. The CSED will include grazing as a use allowed after conveyance.
- e) Amendment to the previously approved lot line adjustment (PLN050722, Resolution No. 07002) has considered at by the Planning Commission pursuant to Chapter 20.94.030 of MCC Title 20.
- f) As demonstrated in Finding No. 4, the lot line adjustment is consistent with the requirements set forth in Title 19 Section 19.09.
- g) The parcels are designated with Design Control (D) overlay and are subject to regulations in the Big Sur LUP for Scenic Resources.

Portions of each adjusted parcel are in the Big Sur critical viewshed as defined in the Big Sur LUP due to visibility along scenic Highway 1. All portions within the critical viewshed will be covered in the CSED. Future development on each adjusted parcel is subject to separate permitting and review for consistency with plans and policies governing development in place at the time such development is considered.

- h) Staff site inspection on July 16, 2021 to confirm that the proposed building areas will not be located within the critical viewshed.
- i) The amendment proposal was reviewed by the Big Sur Coast Land Use Advisory Committee (LUAC) on May 25, 2021. The LUAC voted unanimously to recommend approval of the project as proposed.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.

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: HCD-Planning, CalFire Coastal, HCD-Development Services, HCD-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the sites are not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) No technical reports were required to review this application because no construction or site improvements are proposed. Assessment of future development will be required at the time development is proposed on each adjusted parcel.
 - c) Access to the potential residential development areas on two adjusted parcels (JD1 and JD2) is available from Highway 1 along an existing unimproved dirt road. Access to potential residential development areas on the other two adjusted parcels (JD3 and JD4) on Highway 1 will be available with a improvements to an existing driveway and subject to issuance of an encroachment permit.
 - d) Assessment of site suitability on each adjusted parcel and issuance of appropriate permits shall be required for any future development project proposal.
 - e) Staff site inspection on July 16, 2021 confirms the site is suitable for the proposed lot line adjustment.
 - f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.

3. 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:**
- a) The project was reviewed by HCD-Planning, CalFire Coastal, HCD-Development Services, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies found that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.

4. **FINDING:** **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Coastal 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 conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The four subject properties are in the WSC zone which allows Lot Line Adjustments subject to issuance of a Coastal Development Permit in each case.
 - b) The lot line adjustment between the four existing adjoining parcels will not create a greater number of parcels than originally existed. 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.
 - c) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property. See Finding No. 8.
 - d) The adjustment will not affect any existing access and/or farm roads, domestic water wells, septic facilities, or other utilities.
 - e) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. To appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
 - f) Staff site inspection on July 16, 2021 confirms the site is consistent with the requirements for approval of the proposed lot line adjustment.
 - g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.

5. **FINDING:** **NO VIOLATIONS** - The subject properties are 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 properties.
- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject properties. There are no known violations on the subject parcels.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.
- 6. FINDING: PUBLIC ACCESS** - The project is consistent with the ordinances related to public trust or public use, and is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program pursuant to 20.145.150 of Monterey County Code Title 20 Coastal Implementation Plan Part 3 for the Big Sur Coast Land Use Plan.
- EVIDENCE:**
- a) *Section 20.145.150.B.1.a.2* – None of the subject parcels have existing public access or prescriptive rights of public access.
 - b) *Section 20.145.150.B.1.b* – Provision of lateral access, vertical access, upland trail, or scenic overlook is not needed on any of the subject parcels. The adjacent Garrapata State Park provides public access to two miles of beach front along with many miles of trails through peaks and valleys north of the subject properties.
 - c) *Section 20.145.150.B.1.c* – None of the trails on the Trails Plan (Figures 2 and 3) of the Big Sur Coast Land Use Plan are proposed on the subject parcels.
 - d) The primary form of access in the Big Sur area is visual access to the coast and mountains visible from Highway 1. This project will protect visual access by a conservation and scenic easement over all portions of land within the critical viewshed.
- 7. FINDING: ENVIRONMENTAL REVIEW (Categorically 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 (Category 5) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes to land use or density.
 - b) The project proposal would adjust lot lines in areas with an average slope of less than 20% resulting in no change to land use or density. Therefore, the project qualifies for the Category 5 exemption.
 - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Changing the parcel boundaries on a map would have no direct physical impact on the environments and potential indirect impacts from possible future development on the adjusted lots has been considered. The foreseeable development on these four lots would be for single family use. Future residential development will be subject to separate review and approval. A conservation easement is proposed to avoid potential impacts on scenic resources. This Lot Line Adjustment would not alter any sensitive environment; would not cause cumulative impacts or significant impact on the environment; would not damage

scenic or historical resources; and is not registered on the Cortese List as a Superfund cleanup site.

- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN050722-AMD1.

8. FINDING: APPEALABILITY - The decision on this project may be appealed to the Board of Supervisors. The decision on the appeal made by the Board of Supervisors may be appealed to the California Coastal Commission (CCC).

- EVIDENCE:**
- a) Pursuant to Section 20.86.030.A of the Monterey County Zoning Ordinance Title 20, the Board of Supervisors is the appropriate authority to whom the decision may be appealed.
 - b) The project includes a Coastal Development Permit for a Lot Line Adjustment which is listed as a conditional use allowed in the WSC zone (20.17.050.JJ). Pursuant to Section 20.86.080 of Title 20, projects that are listed as a conditional use allowed may be appealed to the CCC.

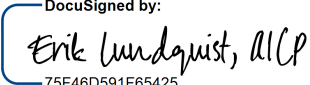
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Find the project categorically exempt per Section 15305 of the CEQA Guidelines as a minor lot line adjustment that does not result in new parcels and there are no exceptions pursuant to Section 15300.2 of the CEQA Guidelines; and
- B. Approve an amendment to a Lot Line Adjustment between four lots containing a total of 1,375 acres including Assessor's Parcel Number 243-211-023-000 (containing 555 acres before the adjustment), Assessor's Parcel Number 243-211-022-000 (containing 530 acres before the adjustment), Assessor's Parcel Number 417-011-016-000 (containing 144 acres before the adjustment), and Assessor's Parcel Number 417-021-002-000 (containing 146 acres before the adjustment). The proposed amendment would result in four parcels of 497 acres, 72 acres, 573 acres and 233 acres and include placement of much of the adjusted area in a conservation and scenic easement to protect the critical viewshed and resolve a Coastal Commission appeal, in general conformance with the attached map and subject to conditions, being both attached hereto, and incorporated herein, by reference.

PASSED AND ADOPTED this 25th day of August 2021 upon motion of Commissioner Daniels, seconded by Commissioner Diehl, by the following vote:

AYES: Ambriz, Coffelt, Monsalve, Mendoza, Getzelman, Gonzalez, Roberts, Daniels
 NOES: None
 ABSENT: None
 ABSTAIN: None

DocuSigned by:

 75E46D591E65425...
 Erik Lundquist, AICP, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON 08/26/21

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 09/07/21

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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 Monterey County HCD-Planning and HCD-Building Services 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 RMA Planning

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

PLN050722-AMD1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This permit (PLN050722-AMD1) for amendment to a previously approved lot line adjustment (PLN050722) allows lot line adjustment between four lots (1,375 acres total): Parcel A (Assessor's Parcel Number 243-211-023-000) of 555 acres, Lot 10 (Assessor's Parcel Number 243-211-022-000) of 530 acres, Lot 2 (Assessor's Parcel Number 417-011-016-000) of 144 acres, and Lot 3 (Assessor's Parcel Number 417-021-002-000) of 146 acres resulting in Parcel JD1 (497 acres), Parcel JD2 (72 acres), Parcel JD3 (573 acres), and Parcel JD4 (233 acres). The property is located East of Highway 1 between Soberanes Point and Kasler Point, Big Sur [NO ADDRESSES ASSIGNED TO PARCELS](Assessor's Parcel Numbers 243-211-023-000, 243-211-022-000, 417-011-016-000, & 417-021-002-000), Big Sur Coast Land Use 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 HCD - 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. (HCD - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure:

"An amendment to a previously approved lot line adjustment (PLN050722) (Resolution Number 21-028) was approved by the Planning Commission for Assessor's Parcel Numbers 243-211-023-000, 243-211-022-000, 417-011-016-000, & 417-021-002-000 on August 25, 2021. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD- Planning."

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

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

**Condition/Mitigation
Monitoring Measure:**

The property owner agrees as a condition and in consideration of 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify 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. (County Counsel-Risk Management)

**Compliance or
Monitoring
Action to be
Performed:**

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

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. (HCD- 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 HCD-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.

5. PD-SP002 - CONSERVATION AND SCENIC EASEMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Applicant/owner shall convey a Scenic & Conservation Easement to the County over all areas within each adjusted lot except for potential areas of development on each parcel. A metes and bounds survey shall be prepared by a professional surveyor for each easement area and each potential area for development. All potential areas for development shall not be visible in the Big Sur Critical Viewshed (as defined by Section 20.146.020.V of the Big Sur Land Use Plan) and shall be in substantial conformance with those areas provided on the lot line adjustment map. Grazing shall be an allowed use within the easement after conveyance. (HCD - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of deeds for each newly adjusted parcel and application of certificates of compliance, applicant/owner shall submit to the County Surveyor and HCD-Planning for review and approval the survey and legal descriptions of the areas for conveyance in the Scenic and Conservation Easement.

Prior to issuance of certificates of compliance, applicant/owner shall record the Conservation and Scenic Easement Deed (CSED).

6. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (HCD-Planning)

Compliance or Monitoring Action to be Performed:

1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:

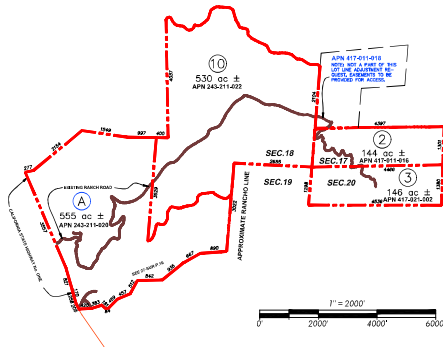
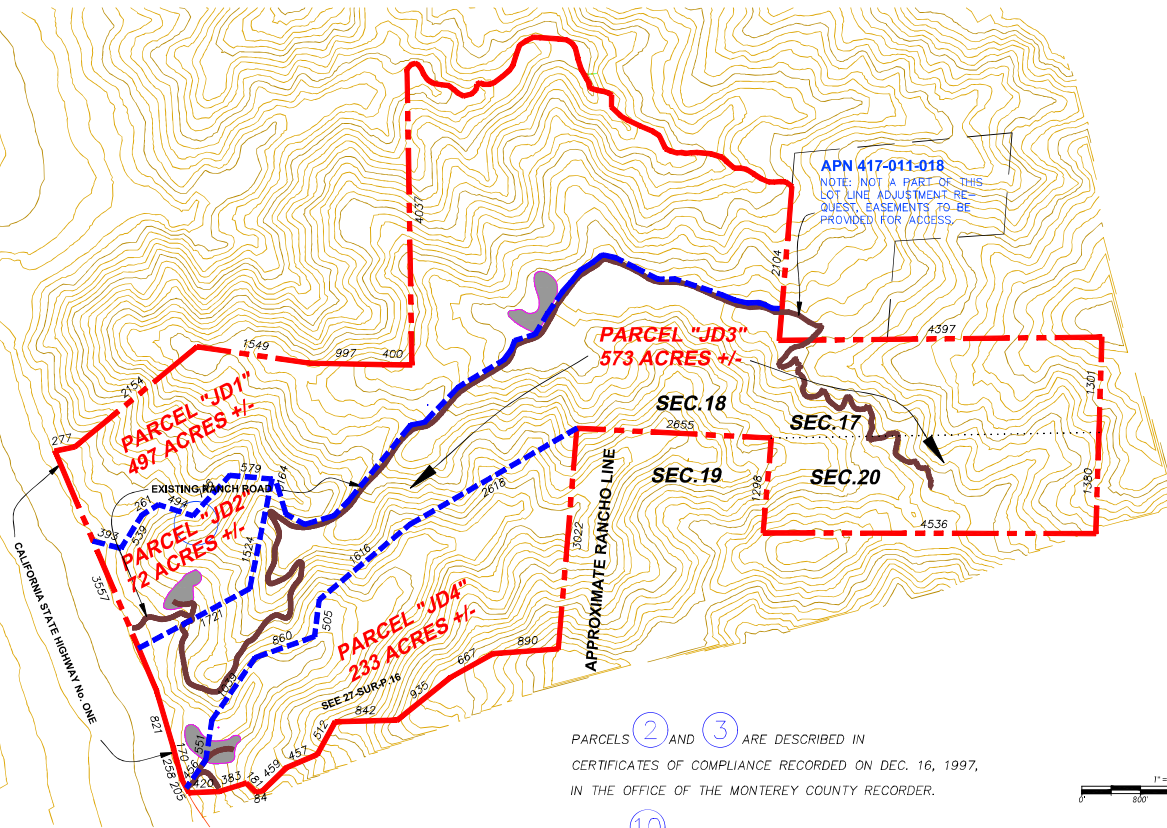
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLN050277-AMD1. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to HCD-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.

PROPOSED CONFIGURATION

EXISTING
CONFIGURATION



PARCELS ② AND ③ ARE DESCRIBED IN CERTIFICATES OF COMPLIANCE RECORDED ON DEC. 16, 1997, IN THE OFFICE OF THE MONTEREY COUNTY RECORDER.

PARCEL ⑩ IS DESCRIBED IN CERTIFICATE OF COMPLIANCE RECORDED ON JAN. 21, 1998, IN THE OFFICE OF THE MONTEREY COUNTY RECORDER.

Ⓐ = 555 ACRE PARCEL SHOWN AND SO DESIGNATED ON THAT CERTAIN MAP FILED FOR RECORD, OCTOBER 28, 2003, IN VOLUME 27 OF SURVEYS AT PAGE 16, MONTEREY COUNTY RECORDER'S OFFICE.

NOTES:

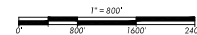
CONTOURS ARE FROM GOOGLE EARTH AND ARE APPROXIMATE ONLY.
ACREAGE SHOWN IS APPROXIMATE ONLY.

PARCELS ARE SITUATE IN FLOOD PLAIN 'ZONE C' ("AREA OF MINIMAL FLOODING")

SEE F.E.M.A. RATE MAP, PANEL #060195 0450 D, MONTEREY COUNTY, CA.
EFFECTIVE DATE JANUARY 30, 1984.

A BOUNDARY SURVEY WAS NOT DONE AT THIS TIME.

DIMENSIONS SHOWN ARE APPROXIMATE ONLY.

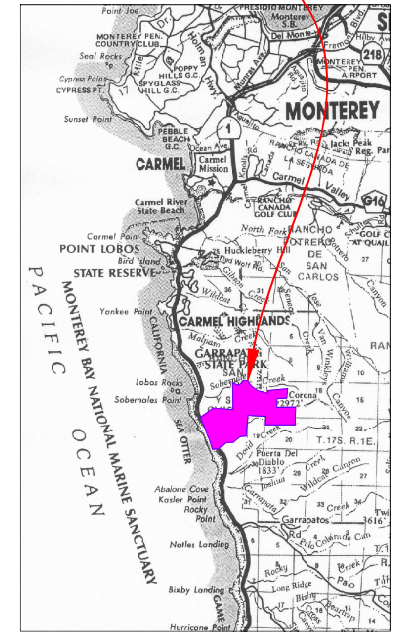


— = APPROXIMATE LOCATION OF EXISTING RANCH ROADS.

— = POTENTIAL BUILDING SITE, OTHERS MAY EXIST.

Approval of this Lot Line Adjustment does not entitle each parcel to be permitted for future residential development. All future development will have to be separately permitted consistent with the laws, regulations, and land use policies then in effect including the establishment of compliant wastewater utilities and a long term sustainable supply potable water and Critical Viewshed compliance.

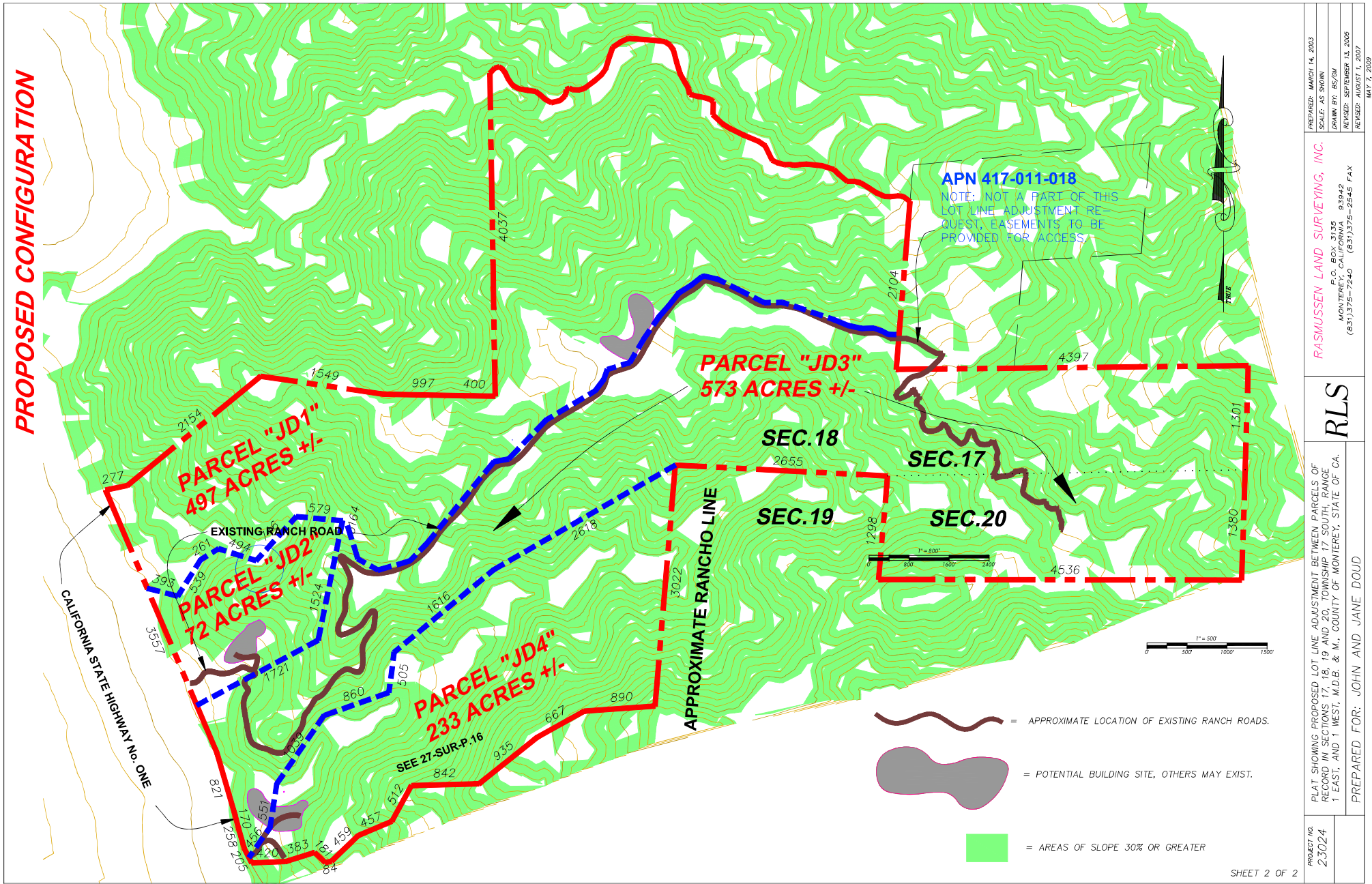
SUBJECT
PROPERTY



VICINITY MAP

NOT TO SCALE

| | | |
|----------------------|--|---|
| PROJECT NO. 23024 | PLAT SHOWING PROPOSED LOT LINE ADJUSTMENT BETWEEN PARCELS OF RECORD IN SECTIONS 17, 18, 19, AND 20, TOWNSHIP 17 SOUTH, RANGE 1 EAST, AND 1 WEST, M.D.B. & M., COUNTY OF MONTEREY, STATE OF CA. | PREPARED FOR: JOHN AND JANE DOUD |
| | | PREPARED: MARCH 14, 2003 SCALE: AS SHOWN DRAWN BY: BS/CM REVISED: SEPTEMBER 13, 2005 REVISED: AUGUST 1, 2007 MAY 7, 2009 |
| | | RASMUSSEN LAND SURVEYING, INC. P.O. BOX 3135 MONTEREY, CALIFORNIA 93942 (831)375-7240 (831)375-2545 FAX |
| | | RLS |



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