

Attachment No. 4  
Minor Subdivision Committee  
Resolution No. 11-013  
December 8, 2011

Gordon J. Steuck  
PLN080454

Board of Supervisors  
February 7, 2012

**REVISED**  
12/12/11

**Before the Minor Subdivision Committee in and for the  
County of Monterey, State of California**

In the matter of the application of:

**STEUCK (PLN080454)**

**RESOLUTION NO. 11-013**

Resolution by the Monterey County Minor Subdivision Committee to:

- 1) Adopt a Negative Declaration; and
- 2) Approve the Lot Line adjustment between two legal lots of record of approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 2004079692 Northerly Parcel) and 4.3 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 2004079684 Southerly Parcel), resulting in two newly reconfigured lots of 4.6 acres (Westerly Parcel to be identified as Parcel A) and 4.3 acres (Easterly Parcel to be identified as Parcel B) respectively, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**).

[PLN080454, Gordon J. Steuck, Property is located at 570 and 570-a, Aguajito Road, Greater Monterey Peninsula Area, non-Coastal Zone (Assessor's Parcel Number 103-061-015-000).]

**The Steuck application (PLN080454) came on for public hearing before the Monterey County Minor Subdivision Committee on December 8, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee 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) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- The 2010 Monterey County General Plan;
- The Greater Monterey Peninsula Area Plan;
- Monterey County Zoning Ordinance (Title 21); and
- Monterey County Subdivision Ordinance (Title 19)

Communications were received during the course of review of the project. (See Finding Number 5)

- b) The properties are located at 570 and 570-a, Aguajito Road Greater Monterey Peninsula Area. The parcels are zoned: "RDR/5.1-UR-D-S" or [Rural Density Residential, 5.1 acres/unit Urban Reserve, Site Plan Review

- and Design Control District Overlays], which allows for lot line adjustments. The project site is zoned for residential land uses.
- c) The current zoning for Assessor's Parcel Number 103-061-015-000 requires a density of one unit per every 5.1 acres. The existing parcels are less than the 5.1 acres each but remain consistent with the following General Plan (GP) Policies:
- LU-1.14 "Consistent with the provisions of the State Subdivision Map Act, lot line adjustments shall be between four or fewer existing adjoining parcels." *The Lot Line Adjustment is between two adjoining parcels.*
  - LU-1.15 "Where Lot Line adjustment may be configured to result in lots conforming to the policies and standards of this General Plan, that configuration is required. Lot Line Adjustments that may compromise the location of wells, on-site wastewater systems or envelopes should not be approved." *As both the 4.3 acre and 4.6 acre parcels are presently less than 5.1 acres in area, it is not possible to configure both to 5.1 acres. The present proposal will not compromise the location of wells or on-site wastewater systems. No building envelopes are recorded on the subject parcels.*
  - LU-1.16 "Lot line adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, Zoning and Building Ordinances, and the lot line adjustment would produce a superior parcel configuration." *The Lot Line Adjustment would allow the second lot of record to be developed without violating the General Plan policies restricting development on slopes in excess of 25% thereby rendering a superior lot configuration which meets the zoning development standards.*
  - LU-1.18 states "If the standards in this General Plan render a legal lot of record substandard in size, the substandard Size of the parcel shall not by itself render the parcel a legal nonconforming use. Any proposed expansion, enlargement, extension, or intensification of uses on such a lot shall not be prohibited due to its substandard size unless there are overriding public health impacts." *No such issues remain unresolved with regard to the proposed lot line adjustment.*
- d) The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review on June 3, 2009. The LUAC recommended approval; of the Steuck Lot Line Adjustment application by a vote of 3-0. Staff reviewed the concerns and suggested changes made by the LUAC. The LUAC minutes and public comments taken are reflected within the minutes contained in **Exhibit D** of the December 8, 2011 staff report.
- e) The project was referred to the City of Monterey for comment. The Planning Department commented in an email dated March 15, 2011 that the City of Monterey does not have any opposition to the proposal for the Steuck Lot Line Adjustment.
- f) The project planner conducted a site inspection on May 12, 2009 to verify that the project on the subject parcel conforms to the plans listed above
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department

for the proposed development found in Project File PLN080454.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by the Public Works Department, Environmental Health Bureau and Planning Department have been incorporated.
  - b) Through staff's review of the proposed project and resource material (Greater Monterey Peninsula Area Plan and the Monterey County Geographic Information System), no potential impacts caused by the project were identified. In addition, an Initial Study was prepared for the project and found that there were no significant environmental issues (See Finding No. 5).
  - c) Staff conducted a site inspection on May 12, 2009 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080454.

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:**
1. The project was reviewed by the Cypress Fire Protection District, Public Works Department, the Environmental Health Bureau, and the Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  2. Water and septic systems already exist on the property; therefore the necessary public facilities exist on the project site. No additional facilities are required for the project.

4. **FINDING:** **NO VIOLATIONS** - The subject property complies 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 as determined with zoning and building records.

**EVIDENCE:** Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property. However, the project was referred to a public hearing due to communications received during the course of review with

the Land Use Advisory Committee meeting, questioning consistency with County policies, and regulations. The aforementioned issues were identified and address in this report.

- c) Staff conducted a site inspection on May 12, 2009 and researched County records to assess if any violation exists on the subject property.
- d) While the code violation for grading has been resolved to the satisfaction of the County Planning and Building Services Departments, the adjacent property owner continues to disagree. On November 10, 2008, a notice of violation was filed on the subject property. The property owner was required to obtain a grading-restoration permit. The permit (GP090013) was issued February 11, 2009 to remove undocumented fill and restore the site to its pre-violation state. This permit was granted a final clearance on April 2, 2009, and the associated code enforcement case (CE090292) was closed.
- e) The adjacent property owner filled an appeal against the Building Official's decision to clear the violation. The Building Official ruled against the appeal and allowed the grading permit to be finalized and determined that the violation had been abated.
- f) There are currently no known violations on the subject parcel.
- g) Communication were received during the course of project review at the Greater Monterey Peninsula Land Use Advisory Committee as contained in the minutes and in Exhibit D of the December 8, 2011 staff report.
- h) The application plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed Lot Line Adjustment are found in Project File PLN080454.

**5. FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, there is no substantial evidence that the proposed project as designed and conditioned, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a) Categorically Exempts minor lot line adjustments that do not result in the creation of a new parcel. The applicant consulted with staff and voluntarily requested that a more thorough environmental review be conducted by the County to allay uncertainty.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080454).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
  - d) The Draft Negative Declaration ("ND") for PLN080454 was prepared in accordance with CEQA and circulated for public review from October 13, 2011 through November 1, 2011.
  - e) Evidence that has been received and considered includes:
    - Interdepartmental Review Comments from Monterey County Land Use Agencies.

- Letter from the California Regional Water Quality Control Board, Central Coast Region to Anthony Lombardo, Dated August 23, 2011.
- Letter from the Monterey County Department of Health; Environmental Health Bureau to Anthony Lombardo, dated August 1, 2011 (Revised).
- Letter from the Monterey County Department of Health; Environmental Health Bureau to Los Ranchitos de Aguajito Mutual Water Company, dated August 31, 2011.
- Geotechnical, Soils and Percolation Investigation for Allan Fox for Assessor's Parcel Number 103-061-015-000, by Pacific Land Services, Inc., dated July 11, 1984.
- Geotechnical Engineering Report Steuck Residences 596-A Aguajito Road, Carmel by Earth Systems Pacific, dated May 20, 2008.
- Phase I Historic Review of the residential property located at 570 Aguajito Road, Monterey. Letter Report from Kent L. Seavey to Aaron Johnson, dated July 8, 2011.
- Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 103-061-015-000 in an unincorporated area of Monterey County, California." Prepared by Susan Morley, dated May 2008.
- Monterey County Geographical Information Systems (GIS) database.

These documents are on file in the RMA-Planning Department (PLN080454) and are hereby incorporated herein by reference.

- f) Issues that were analyzed in the Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, and utility/service systems.
- g) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project would not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.
- i) No adverse environmental effects were identified during staff review of the development application during a site visit on May 12, 2009.
- j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- k) See preceding and following findings and supporting evidence.

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

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

- EVIDENCE:**
- a) The parcel is zoned: "RDR/5.1-UR-D-S" or [Rural Density Residential, 5.1 acres/unit within an Urban Reserve, Site Plan Review and Design Control District Overlays].
  - b) The subject parcels have a total area of 8.9 acres and the proposed adjustments will not adjust the current acreage. The adjustment would result in two parcels of: 4.3 acres (Parcel A), 4.6 acres (Parcel B), respectively.
  - c) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.1) the lot line adjustment is between two or more existing adjacent parcels.
  - d) Pursuant to Government Code Section 66412 (Subdivision Map Act) and Monterey County Subdivision Ordinance (Section 19.09.025.B.2) a greater number of parcels than originally existed will not be created because of the lot line adjustment.
  - e) The proposed lots are consistent with the Monterey County Zoning Ordinance (Title 21). With regard to the site, development standards and uses allowed. Staff verified that the subject property complies with all rules and regulations pertaining to the use of the property and that no open violations exist on the property. The lots are nonconforming to the minimum building site as required by Section 21.16.060.A of the Current Monterey County Zoning Ordinance. However LU-1.16 provides that lot line adjustments, between or among lots that do not conform to minimum parcel size standards, may be allowed if the resultant lots are consistent with all other General Plan policies, Zoning and Building Ordinances and the lot line adjustment would produce a superior parcel configuration. The existing residence meets the site development standards under Section 21.16.060. Additionally General Plan (GP) Policies LU-1.18 states "If the standards in this General Plan render a legal lot of record substandard in size, the substandard Size of the parcel shall not by itself render the parcel a legal nonconforming use. Any proposed expansion, enlargement, extension, or intensification of uses on such a lot shall not be prohibited due to its substandard size unless there are overriding public health impacts." No such issues remain unresolved with regard to the proposed lot line adjustment. The proposed lot line adjustment will not include the relocation of a building site.
  - f) The proposed lot line adjustment complies with health and safety standards for septic system requirements. To insure that the newly reconfigured lots would have individual water sources, the Environmental Health Bureau required a deed notice to be recorded on the property with the existing

approved well as a condition of approval. The notice states that, well yields in fractured rock aquifer systems over time may not be sustainable therefore a notice putting the current and future property owners on notice that additional water sources may be required in the future.

- g) The County reviewed all the title documents including descriptions in the grant deeds and each deed of trust for the current road right of way (easement), across the Steuck properties. No restrictions were identified regarding the number of houses that may have access to the easement. Therefore, no additional easements will be required to access the newly reconfigured lots.
- h) There are no recorded easements located within the area to be adjusted, nor will the lot line adjustment affect existing recorded easements.
- i) No tentative map, parcel map, or final map is necessary to record for a Lot Line Adjustment. Instead, the lot line adjustment shall be reflected in a deed or record of survey. To appropriately document the boundary changes, a Certificate of Compliance for each new lot will be required (**Condition 5**).
- j) The project planner conducted a site inspection on May 12, 2009 to verify that the project would not conflict with zoning or building ordinances.
- k) The lot line adjustment is between more than one and less than four existing adjacent parcels. The two adjacent parcels maintain contiguous property lines, two legal lots of record of approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Number 040006) and 4.3 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Number 040004).
- l) The lot line adjustment is between more than one and less than four existing adjacent parcels the two parcels share one property line, two legal lots of record of approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Number 040006) and 4.3 Acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance Number 040004).
- m) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment.
- n) The applications, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080454.

**7. FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

**EVIDENCE:** Monterey County Subdivision Ordinance Title 19 per Section (19.16.020 B.)



**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

- A. Adopt a Negative Declaration; and
- B. Approve the Lot Line adjustment between two legal lots of record of approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 040006 Northerly Parcel) and 4.3 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 040004 Southerly Parcel), resulting in two newly reconfigured lots of 4.6 acres (Westerly Parcel to be identified as parcel A) and 4.3 acres (Easterly Parcel to be identified as parcel B) respectively in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of December 2011 upon motion of Committee Member Hickman, seconded by Committee Member Alinio, by the following vote:

AYES: McPharlin, Moss, Hickman, Alinio  
NOES: None  
ABSENT: Vandevere  
ABSTAIN: Faulk

Wanda A. Hickman  
Wanda Hickman, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON December 13, 2011.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE December 19, 2011.

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.

**RESOLUTION 11-013 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Gordon Steuck  
 File No: PLN080454 APNs: 103-061-015-000  
 Approved by: Minor Subdivision Committee Date: December 8, 2011

\*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)
<b>RMA – Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Lot Line Adjustment (PLN080454) allows an exchange between two legal lots of record of approximately 4.6 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 2004079692 Northerly Parcel) and 4.3 acres (Assessor's Parcel Number 103-061-015-000 Certificate of Compliance No. 2004079684 Southerly Parcel), resulting in two newly reconfigured lots of 4.6 acres (Westerly Parcel to be identified as parcel A) and 4.3 acres (Easterly Parcel located at 570 and 570-a, Aguajito Road (Assessor's Parcel Number 103-061-015-000), Greater Monterey Peninsula Area, non-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 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cont. Number	Ming. 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)
		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.		<b>PD002 - NOTICE OF APPROVAL (NON-STANDARD)</b> The applicant shall record a notice which states: "A Lot Line Adjustment (Resolution 11-013) was approved by the Minor Subdivision Committee for (Assessor's Parcel Number: 103-061-015-000) on December 8, 2011. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the recordation of Record of Survey	
3.		<b>PD032(A) - EXPIRATION DATE (NON-STANDARD)</b> The Lot Line Adjustment shall be granted for a period of 2 years to expire on December 8, 2013 unless the Record of Survey has been recorded before that date. (RMA - Planning Department)	Owner's surveyor shall prepare a Record of Survey and submit to Planning for review and approval. Owner shall record such document prior to the December 8, 2011 expiration of this approval.  Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		<b>PD004 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend,	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.  Proof of recordation of the	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

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)
		<p>indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify 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. <b>(RMA - Planning Department)</b></p>	<p>Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>		<p>issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable</p>	
5.		<p><b>PD045 – CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS)</b> The applicant shall request unconditional certificates of compliance for the newly configured parcels. <b>(RMA – Planning Department)</b></p>	<p>The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i>, for the appropriate fees to record the certificates.</p>	<p><u>Owner/ Applicant/ Surveyor</u></p>	<p><u>Concurrent with recording the Record of Survey</u></p>	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed when applicable or certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		<p><b>PD005 - FISH AND GAME FEE-NEG DECE/ER</b> Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval.</p> <p>This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. <b>(RMA - Planning Department)</b></p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	Owner/ Applicant	Within 5 working days of project approval.	
<b>RMA – Public Works Department</b>						
7.		<p><b>PW0034 – LOT LINE ADJUSTMENT</b> Obtain a survey of the new line and have the line monumented. <b>(Public Works)</b></p>	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	
8.		<p><b>PW0035 – RECORD OF SURVEY</b> File a Record of Survey showing the new line and its monumentation. <b>(Public Works)</b></p>	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	
<b>RMA – Division of Environmental Health</b>						
9.		<p><b>EHSPD01 - DEED NOTICE LONG-TERM WATER SUPPLY (NON STANDARD)</b> The applicant shall record a deed notification as a condition of project approval stating: "Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future." <b>(Environmental Health)</b></p>	<p>Obtain Deed Notice form from EHB.</p> <p>Record the deed notice with the Monterey County Recorder for the parcel with the well to the satisfaction of EHB.</p>	Owner	Prior to recordation of the map	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party/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)
10.		<p><b>EHPD02 - DEED NOTICE - WATER SOURCE (NON STANDARD)</b>  The property owner, concurrently with recordation of the record of survey, will record a deed notification for each parcel indicating that:</p> <p>"The owner of the well on Parcel A (as identified on the record of survey as Parcel A and hereafter known as Parcel A) shall, in perpetuity, grant access and use of the well to serve future development on the newly configured vacant lot (hereafter known as Parcel B and identified as such on the record of survey) resulting from PLN080454.</p> <p>A 72 hour source capacity test was completed on the well located on Parcel A in September 2010. The Environmental Health Bureau (EHB) credited the well capacity at 8.5 gallons per minute. This yield is sufficient to serve a maximum of two single family dwellings. Parcel B is to be served by the onsite well located on Parcel A. Access to the well water for Parcel B can only be severed if a separate sustainable water source that meets capacity consistent with County requirements is developed and approved by EHB.</p> <p>In the event of sale of either lot, water easements shall be recorded to maintain access to the well water for both lots." <b>(Environmental Health)</b></p>	<ul style="list-style-type: none"> <li>• Obtain form from EHB.</li> <li>• Record notarized Deed Notification.</li> <li>• Submit evidence of recordation to EHB.</li> </ul>		Concurrent with the recordation of the record of survey	

**END OF CONDITIONS**

**PROOF OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California.

On **December 13, 2011** I served a true copy of the following document:

**Subdivision Committee Resolution No. 11-013  
Gordon J & Sandra Lee Steuck, TRS**

on the interested parties to said action by the following means:

- (BY HAND-DELIVERY)** By causing a true copy thereof, enclosed in a sealed enveloped, to be hand-delivered.
  
- (BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Resource Management Agency Planning Department, 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
  
- (BY OVERNIGHT DELIVERY)** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Resource Management Agency, Planning Department, to be delivered by Overnight Delivery.
  
- (BY FACSIMILE TRANSMISSION)** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 757-9516 to the interested parties to said action at the facsimile number(s) shown below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 13, 2011, at Salinas, California.

  
Linda M. Rotharmel

---

Gordon & Sandra Steuck  
570 Aguajito Rd.  
Carmel, CA 93923

Aaron Johnson  
c/o Johnson & Moncrief  
295 S Main Street, Suite 600  
Salinas, CA 93901

Attachment No. 5  
Exhibit C  
Letters from the Building Official

Gordon J. Steuck  
PLN080454

Board of Supervisors  
February 7, 2012



# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



## BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.  
Director of Building Services

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5027  
Fax: (831) 757-9516  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

BY REGULAR MAIL AND PERSONAL SERVICE

November 18, 2009

Gordon John & Sandra Lee Steuck Trs  
570 Aguajito Road  
Monterey Ca 93940

Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013  
Notice of Intent to Rescind Final Inspection Approval and Permit

### Summary and Decision

As we previously discussed, an appeal was filed on June 9, 2009 contesting the granting of final inspection approval on April 2, 2009 for the above permit. On July 13, 2009, we met with you and your representative to conduct an inspection of your property related to this appeal. Since then we have conducted an investigation of available records and information provided by you, the appellant and our own County records for your property.

Based on this investigation, we have concluded that the work required under Grading Permit No. GP090013 has not been completed. As such, we intend to rescind the previously issued final inspection approval and revoke your permit on December 18, 2009 because you have failed to complete the required work as described in your permit and the permit was based on incorrect information supplied. This incorrect information included the extent of existing fill and the location of existing natural grade elevations. Prior to December 18, 2009, you may provide any additional information as to why you believe this decision should not be made final on that date.

### Basis of Decision

On February 11, 2009, your contractor obtained grading permit number GP090013 with an approved description of work "to clear CE080413: remove existing fill and restore site back to original grades." This permit was issued and approved based on plans dated "Jan, 2009" that were prepared by Richard Dante, a licensed civil engineer. These plans showed that 369 cubic yards of new slope fill were to be removed to restore the site to their original grade elevations.

#### Permit Center Locations

Salinas Office: 168 W. Alisal St., 2<sup>nd</sup> Floor, Salinas, CA 93901; Fax: (831)757-9516; Phone: (831) 755-5027  
Coastal Office: 2620 First Ave., Marina, CA 93933; Fax: (831) 384-3261; Phone: (831) 883-7500  
King City Office: 52-North Second St., King City, CA 93930; Fax: (831) 385-8387; Phone: (831) 385-8315

Re: Action on Appeal of Final Inspection Approval for Grading Permit No. GP090013  
Notice of Intent to Rescind Final Inspection Approval and Permit

However, during the course of construction, considerable additional fill was encountered and placed as engineered fill (as referenced in the Construction Testing and Inspection Services letter dated March 17, 2009, attached). The terms of the permit required the removal of all such fill materials without exception. You must have completed this task prior to obtaining final inspection approval.

Our review of County records also showed that Grading Permit No. 46619 was issued on August 20, 1992 to correct these same violations but work did not commence (see attachment). On April 20, 1998, this permit was renewed but work did not commence. Plans approved for this permit are dated 04/24/1991 and were prepared by David J. Messmer, a licensed civil engineer. These plans showed the amounts of existing fill to be removed were 1,410 cubic yards. They also show that some fill was placed on slopes that exceed 30 per cent.

Our review also included observation of existing slopes on adjacent properties that have maintained or substantially maintained their natural grade elevations at adjoining property lines to your parcel. This review and comparison supports the finding that considerable fill continues to exist on the site, that some of this fill is located on slopes exceeding 30 percent slopes and that placement of this fill has altered the natural drainage patterns at adjoining property lines contrary to County regulations. We also have remaining concerns about the placement of fill near protected oak trees.

Yours truly,



Timothy P. McCormick, P.E. & C.B.O.  
Director of Building Services

Attachments: Construction Testing and Inspection Services letter dated March 17, 2009  
Grading Permit No. G-46619

cc: Randy Herrington, Lou Fiori, Beth Shrik, Les Girard, Dale Ellis, Anthony Lombardo,  
James Rummonds, Mudslinger Engineering & Excavation

# CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR  
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

561-A Brunken Ave.

Salinas, CA 93901

Tel: 831-757-0735

Fax: 831-422-1896

March 17, 2009  
File No. 1765

Mr. Albert Salvador  
Department of Planning and Building Inspection  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, Ca 93901

Project: Steuck Residence  
570 Aguajito Road  
Monterey, CA  
A.P.N. 103-061-015

Subject: Restoration Grading Report

Dear Mr. Salvador:

We were contacted to provide grading observation and field density testing at the above mentioned project site on February 25<sup>th</sup> 2009. Our representative was involved in a preconstruction meeting prior to the commencement of the grading restoration of previously filled areas of the site. The restoration plan and accompanying letter prepared by Richard Dante of H.D. Peters Co., Inc. were discussed at this meeting.

The initial grading operations began on February 26<sup>th</sup> and were performed as detailed in the recommendation letter and consisted of removing the previously placed fill soils to firm native Monterey Shale in the area referred to as the westerly fill. A keyway was established at that time around the perimeter of the fill. The excavated fill soils were moisture conditioned and stockpiled. Large pieces of concrete and miscellaneous building rubble were removed from the fill and stockpiled to be hauled from the site.

During the excavation of the loose material it was noted that the amount of uncontrolled fill was significantly larger than that was detailed by H.D. Peters Co., Inc or Earth Systems Inc., who prepared a Geotechnical Report for this site. At the deepest area approximately 6 feet of loose fill was discovered which extended easterly approximately 40 feet, gradually tapering to original grade. These soils were also excavated moisture conditioned and placed as engineered fill. Density tests were taken and were meeting or exceeding the required specifications.

GP090013

March 17, 2009  
File No. 1765  
Page 2

The slopes of the re-compacted fill were trimmed to 2:1 and in some areas flatter. At this point the westerly fill was approximately 3 to 4 feet below the finished subgrade as detailed in the restoration plan. As seasonal storms were forecasted the exposed soils were tracked with a bull dozer to aid in erosion control. The forecasted rains occurred and work was halted for one week.

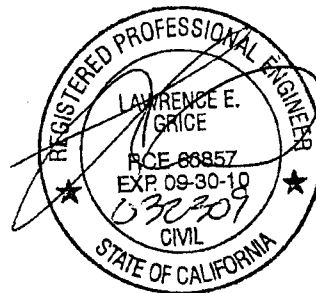
Grading work commenced on March 9<sup>th</sup> after the rain had past and the site was more accessible. The loose fill soils at the northerly location were stripped to firm original grade. Once again large debris was encountered. The debris was removed from the fill and exported from the project site. The soils removed from the northerly fill were placed at the westerly fill as that location was still several feet below finish subgrade as detailed on the restoration plan. To this point all density tests taken were passing the required specifications.

The project site was shaped to blend with the surrounding environment, as the finish grade as detailed in the restoration plan would have appeared to have been a building pad or parking area, with sharp slopes and a relatively flat pad at finished subgrade.

It is our opinion that the stripping and excavation of loose fill soils, moisture conditioning and compaction of the newly placed fill soils were completed in general accordance with the project plans and specifications.

Thank you for your time. Should you have any questions regarding this letter please feel free to contact our office.

Very truly yours,  
CONSTRUCTION TESTING and INSPECTION SERVICES



Lawrence E. Grice P.E.  
R.C.E. 66857

LEG/jjo

# CTI CONSTRUCTION TESTING & INSPECTION SERVICES

A QUALITY CONTROL COMPANY FOR  
ENGINEERED FILLS & OTHER EARTH STRUCTURES, CONSTRUCTION WORK & MATERIALS

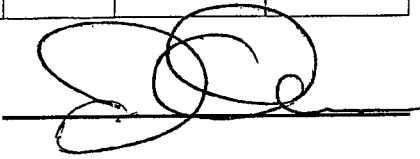
561-A Brunken Ave.  
Salinas, CA 93901  
Tel: 831-757-0735  
Fax: 831-422-1896

## DENSITY TESTING LOG

PROJECT: Steuck Residence - Site Restoration PROJECT ADDRESS: 570 Agujito Road  
FILE NO: 1765 Monterey, Ca  
GRADING CONTRACTOR: Mudslinger / Trinity

DATE	NO.	LOCATION	ELEVATION	IN-PALCE WEIGHT	IN-PLACE MOISTURE	MAX. WEIGHT	OPTIMUM MOISTURE	RELATIVE DENSITY %
		See Sketch						
10/30/08	1	Site Restoration W Fill	-7	109.5	15.9	113.6	15	96.4%
10/30/08	2	Site Restoration W Fill	-7	110.5	14	113.6	15	97.3%
10/30/08	3	Site Restoration W Fill	-7	109	14.5	113.6	15	96.0%
10/31/08	4	Site Restoration W Fill	-5.5	108.9	16.5	113.6	15	95.9%
10/31/08	5	Site Restoration W Fill	-5.5	107.9	18.2	113.6	15	95.0%
10/31/08	6	Site Restoration W Fill	-5.5	106.5	18	113.6	15	93.8%
11/03/08	7	Site Restoration W Fill	-4	106.4	17.9	113.6	15	93.7%
11/03/08	8	Site Restoration W Fill	-4	107	17.5	113.6	15	94.2%
11/03/08	9	Site Restoration W Fill	-4	110	18.2	113.6	15	96.8%
11/03/08	10	Site Restoration W Fill	-3	110.2	18	113.6	15	97.0%
11/03/08	11	Site Restoration W Fill	-3	110	15	113.6	15	96.8%
11/03/08	12	Site Restoration W Fill	-3	109	14.4	113.6	15	96.0%
11/04/08	13	Site Restoration W Fill	-1.5	109.3	15.5	115.9	13.2	94.3%
11/04/08	14	Site Restoration W Fill	-1.5	109.2	15.8	115.9	13.2	94.2%
11/04/08	15	Site Restoration W Fill	-1.5	109	16.2	115.9	13.2	94.0%
11/12/08	16	Site Restoration W Fill	FSG	110	16	115.9	13.2	94.9%
11/12/08	17	Site Restoration W Fill	FSG	111	15.2	115.9	13.2	95.8%
11/12/08	18	Site Restoration W Fill	FSG	110.5	15.6	115.9	13.2	95.3%
11/12/08	19	Site Restoration W Fill	FSG	110.5	115.2	115.9	13.2	95.3%

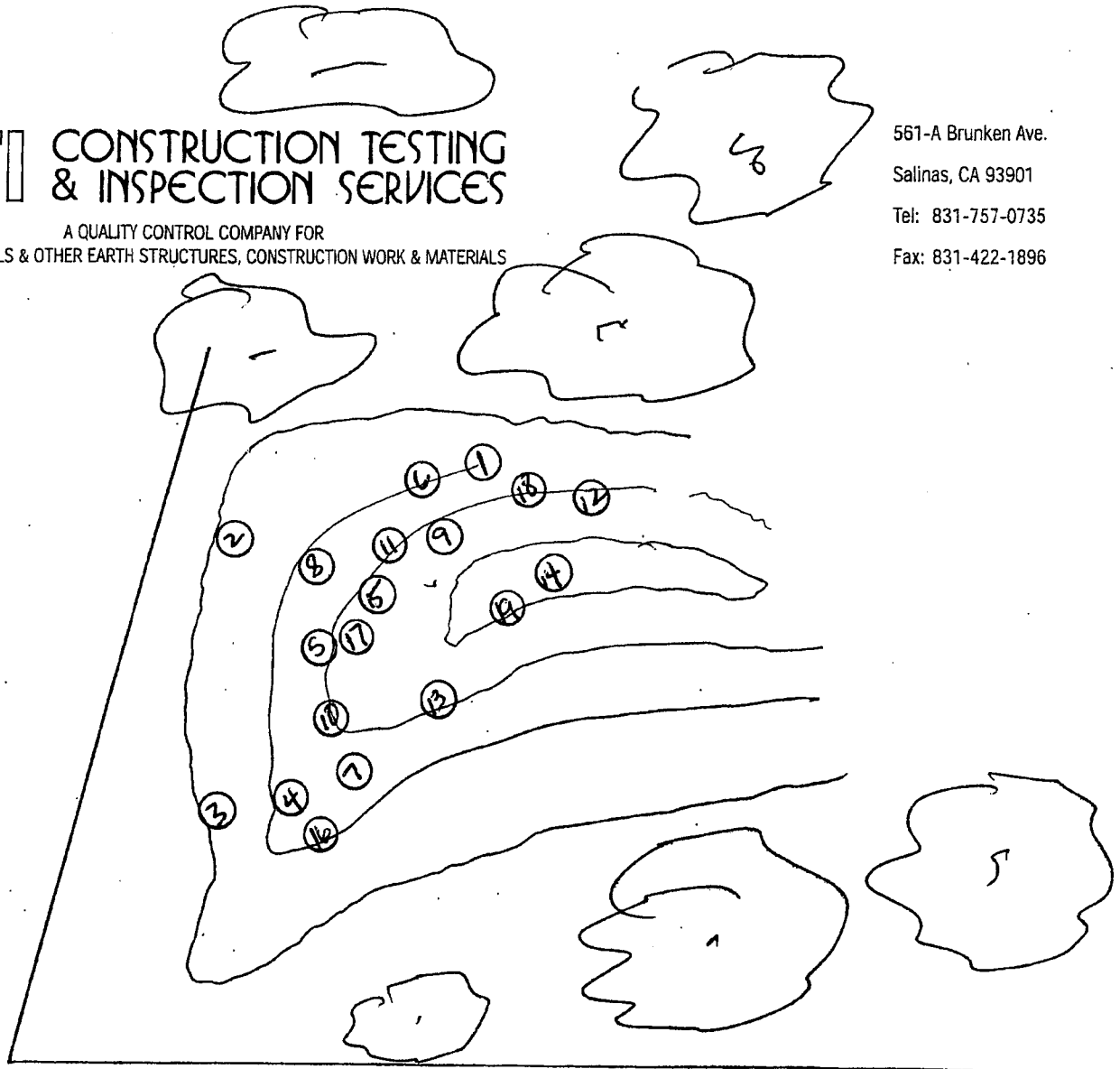
TESTING PERFORMED BY:



# CTI CONSTRUCTION TESTING & INSPECTION SERVICES

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561-A Brunken Ave.  
Salinas, CA 93901  
Tel: 831-757-0735  
Fax: 831-422-1896



DRIVEWAY

W.O. 1765  
O=TEST LOC.  
NO SCALE

PC 05/03/91 PCM 91-628

PROPERTY LOCATION: Los Ranchito de Aguajito

LOT BLOCK TRACT/SUBD. 569A Aguajito Road

STREET (ADDRESS) ASSESSOR'S PARCEL NO. 103-061-15

NEAREST CROSS STREET POST OFFICE Monhollan Road Carmel

OWNER PHONE Valerie Carlton Tr. 373-2128

MAILING ADDRESS CITY 1062 Cass Street Monterey, CA 93940

ARCHITECT OR ENGINEER PHONE Messner & Assoc., Inc. 394-5936

CONTRACTOR PHONE OIB CD REC'D 8/14/92 #38501 #1000% HI

USE OF STRUCTURE Grading for restoration & landscaping fill

TYPE OF IMPROVEMENT:  SOLAR  PLUMBING  ELEC.  MECH.  GRADING CU. YDS. 1200  BUILD  REMODEL  ADD TO  REPAIR  MOVE  CONVERT  DEMOLISH

SIZE: SQ. FT. NO. OF STORIES NO. OF FAMILIES

DATE ISSUED 8/20/92 PERMIT NO. 619970 AREA 2 COI 000

46619

SET BACKS (IN FEET) FRONT SIDE SIDE REAR

VALUATION FEES: DUE 10.00 PLAN CHECK \$ 35.00 RESIDENTIAL COMMERCIAL GRADING 400.00 PLUMBING ELECTRICAL MECHANICAL STRONG MOTION FEE PLAN MAINT. FEE 2.00 TOTAL \$

RECEIPT NO. PC-86139 BP-93611

CATEGORICALLY EXEMPT  ASSESSMENT REQ'D.  NEG. DEC. ADOPTED  CERTIFIED EIR REV.

APPLICATION APPROVED BY [Signature] FOR BUILDING INSPECTOR

Reviewed Removal of pendency 7/14/93 [Signature] JSC [Signature] [Signature]

RENEWAL \$10 131000 4/20/98 [Signature]

OTHER PERMITS	PERMIT NUMBER	FEE
POWER POLE		
GRADING		
PLUMBING		
ELECTRICAL		
MECHANICAL		
SOLAR		

OFFICE RECORD OF INSPECTIONS

BUILDING	ELECTRICAL	PLUMBING	PLASTERING
FOUNDATION FORMS	TEMPORARY SERVICE	ROUGH PLUMBING	LATH-EXTERIOR
GARAGE FORMS	UNDERGROUND OR		LATH-INTERIOR
CONCRETE SLAB FLOOR	UNDER CONCRETE	ROUGH HEATING	LATH-SHOWER & TUB
CONCRETE BLOCKS	ROUGH ELECTRIC	GAS PRESSURE	SHEET ROCK NAILING
	ELECT. SERVICE		FIRE SEPARATION
	FINAL ELECTRIC	SEWER	SCRATCH
ROOF SHEATHING		FINAL PLUMBING	
UNDERFLOOR FRAMING	ELECTRIC METER AUTH.	FINAL HEATING	OTHER
FRAMING	PG & E CALLED	FINAL GAS	ALTER
INSULATION		SEPTIC TANK	REPAIR
ROOFING		GAS METER AUTH.	MOVE
FIREPLACE FOUNDATION		PG & E CALLED	GRADING
THROAT/DAMPER			
COMBUSTION AIR			
CHIMNEY			
ENCROACHMENT			

HOLD FINISH - OAKS + 30%

Pend out

OK TO OCCUPY DATE

FINAL INSPECTION DATE

OWNER GENERAL CONTRACTOR PROPERTY FILE NO. GRADING FOR DATE PERMIT NO.

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY



## BUILDING SERVICES

Timothy P. McCormick P.E. & C.B.O.  
Director of Building Services

168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
(831) 755-5027  
Fax: (831) 757-9516  
[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

September 14, 2010

Anthony L. Lombardo  
Lombardo and Gilles  
318 Cayuga Street  
Salinas, CA 93902-2119

Re: Request for Final Decision on Appeal Filed June 9, 2009

Dear Mr. Lombardo:

On November 18, 2009, we sent you a copy of our letter to the permit holder for GP090013, John and Sandra Lee Steuck, Trs (hereafter Steuck). This letter notified them of our intent to rescind the final inspection approval. In response to our letter, Steuck agreed to revise the scope of work shown their permit to fully conform to Monterey County requirements. As such we rescinded the final inspection approval and required the submittal of corrected plans and performance of additional work. We consider these actions to constitute a granting of your appeal.

Subsequently, Steuck's engineer submitted revised plans that showed the removal of all fill placed on slopes exceeding thirty percent, removal and recompaction (addition) of new fill on locations not exceeding thirty percent slope and revised drainage devices to divert surface runoff from the adjacent property (of your client). These plans were approved and the work was performed. We also sent a licensed arborist (Erin Nickerson) to the site to verify the maintenance and health of the protected oak trees. She found no violations related to removal or damage to the protected oak trees. We gave final inspection of the corrected work on July 1, 2010.

As a result of the above actions, we believe that no further violations of the Monterey County Code continue to exist at this site related to the grading work done previously done without a permit. If you have any remaining concerns, please advise us at your earliest convenience.

Yours truly,

Timothy P. McCormick, P.E. & C.B.O.  
Director of Building Services

cc: AA, Gordon and Sandra Lee Steuck, Aaron Johnson

Permit Center Locations

Salinas Office: 168 W. Alisal St., 2<sup>nd</sup> Floor, Salinas, CA 93901; Fax: (831)757-9516; Phone: (831) 755-5027