

Exhibit B

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DRAFT RESOLUTION

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

In the matter of the application of:

VAN GREUNEN, JOHANNES AND KRISTI (PLN150489)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorical Exempt per CEQA Section 15305(a); and
- 2) Approving a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres (Parcel C), 7.4 acres (Parcel A), and 19.1 acres (Parcel B) resulting in three reconfigured parcels of 2.9 (Lot 1) acres, 3.6 acres (Lot 2), and 33.5 acres (Lot 3).

[PLN150489, VAN GREUNEN, Johannes and Kristi, 6820 Long Valley Road, Royal Oaks, North County Coastal Land Use Plan (APN: 129-201-052-000 and 129-201-006-000)]

The Van Greunen Lot Line Adjustment application (PLN150489) came on for public hearing before the Monterey County Planning Commission on September 28, 2016, October 26, 2016, and November 9, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY/SITE SUITABILITY** – The Lot Line Adjustment, 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 1982 Monterey County General Plan;
 - North County Coastal Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 2;
 - Monterey County Zoning Ordinance (Title 20);
 - Monterey County Subdivision Ordinance (Title 19);Staff has applied the provision of the zoning ordinance that allows parcels of less than 5 acres to accommodate “clustered residential development”. Staff supports the concept of clustering, in this particular case, because it will concentrate development on portion of that site that will preserve, Environmental Sensitive Habitat areas (ESHA), Maritime Chaparral, slopes in excess of 25%; and prohibit development on highly erodible soil (Arnold Loamy Sand). Approval of

the lot line adjustment better meets the policies of the North County Land Use Plan. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 6820 Long Valley Road, Royal Oaks (Assessor's Parcel Number 129-201-052-00 AND 129-201-006-000), North County Coastal Land Use Plan. The parcel is zoned "RDR/10(CZ)" or Rural Density Residential, 10 acre maximum density, Coastal Zone, which allows Lot Line Adjustments as a conditionally permitted use, subject to a Coastal Development.
- c) The proposed project is a Coastal Development for a Lot Line Adjustment between three existing conforming parcels of 13.5 (Parcel C) acres, 7.4 acres (Parcel A), and 19.1 acres (Parcel B) resulting in three reconfigured parcels of Lot 1 (2.9 acres), Lot 2 (3.6 acres), and Lot 3 (33.5 acres). Therefore, the project is an allowed land use for this site.
- d) Neither parcel is under Williamson Act contract or used for agricultural purposes.
- e) Rural Density Residential (RDR) Site Development Standards.
The RDR/10 zoning designation, allows residential development subject to specific development standards (coverage, height, and setbacks), and requires a minimum building site of five acres unless otherwise approved as part of clustered residential development and a maximum gross density of 10 acres/unit. Each of the existing lots are sized larger than the 5 acre minimum. The reconfigured lots will result in a two of the three new lots being under the 5 acre minimum (2.9 and 3.6 acres), but due to the "clustering" of the future residential developable areas, these lots can be approved. The overall density of development will not change and will continue to be consistent with the 10 acres/unit requirement (3 lots on 40 acres = 13.3 acres/unit). The application of a the "B-6" overlay (Condition 7) to the reconfigured 33.6 acre parcel will ensure not future subdivision, which will also maintain the 10 acres/unit density development of the overall 40 acre area.
- f) North County Coastal Land Use Plan Development Policies.
Policies 2.3.2.6 and 2.3.3.2 of the North County Coastal Land Use Plan require the County to ensure preservation of environmental sensitive habitat areas, including Maritime Chaparral. Preservation shall be achieved through the establishment of deed restrictions and/or conservation easements. The subject property contains Maritime Chaparral which are considered an uncommon environmentally sensitive habitat. Approval of the lot line adjustment would result in a reconfigured lot line pattern, with all development clustered in the northwest corner of the site, which would eliminate potential degradation of Maritime Chaparral. Condition 6 requires that all areas mapped and identified as Maritime Chaparral be placed into a Scenic and Conservation Easement, which ensure preservation of these areas.
- g) Policy 4.3.6.D.7 of the North County Coastal Land Use Plan requires protection of Arnold Loamy Sand, a highly erodible soil type. The southern extent of the project site is composed primarily of Arnold Loamy Sand. Approval of the Lot Line Adjustment with all

development clustered in the northwest corner of the site, would eliminate potential degradation and impacts to the highly erodible Arnold Loamy Sand, particularly with the requirement that the areas consisting of Arnold Loamy Sand be covered with a conservation easement (Condition 6).

- h) Policy 2.2.3.1 of the North County Coastal Land Use Plan in part requires “...slopes adjacent to scenic corridors and viewpoints, and ridges shall be zoned for scenic conservation treatment.” The northern most portion of the project site is an upper elevation ridge which is visible from public roads. This portion of the project site is being placed in to a Scenic and Conservation Easement (Condition 6) which will preserve this portion of the land in an undeveloped state.
- i) Policy 20.144.030.B.7 of the North County Implementation Plan specifies that new subdivisions and lot line adjustment shall allow reconfiguration(s) which creates a building site what will result in ridgeline development. In this particular case, the ridgeline located in the northern portion of the property is being placed into a Scenic and Conservation Easement (Condition 6), which prohibits development within this area. The placement of these areas into a Scenic and Conservation is consistent with the intent of Policy 20.144.030.B.7 and ensures that the reconfigured lots will not result in building sites that will result in ridgeline development.
- j) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the Lot Line is not consistent with applicable regulations/policies. Conditions recommended have been incorporated.
- k) See preceding and following Findings and Evidence.

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

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

- EVIDENCE:**
- a) The Lot Line Adjustment between existing parcels of 13.5 acres (Parcel C), 7.4 acres (Parcel A), and 19.1 acres (Parcel B) resulting in three reconfigured parcels of 2.9 (Lot 1) acres, 3.6 acres (Lot 2), and 33.5 acres (Lot 3).
 - b) The lot line adjustment is between three existing adjoining parcels and will not create a greater number of parcels than originally existed. Three contiguous separate legal parcels of record will be adjusted and three contiguous separate legal parcels of record will result from the

- adjustment. No new parcels will be created.
- c) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20), North County Coastal Land Use Plan, and 1982 Monterey County General Plan, which remains in effect for properties within the Coastal Zone. Staff verified that the subject properties are in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
 - d) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
 - e) See preceding and following Findings and Evidence.
3. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA-Planning and RMA-Building Services records and is not aware of any violations existing on subject property.
 - b) See preceding and following Findings and Evidence.
4. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15305(a), categorically exempts minor lot line adjustments not resulting in the creation of any new parcel(s).
 - b) The project is a lot line adjustment between three existing conforming parcels of 13.5 acres (Parcel C), 7.4 acres (Parcel A), and 19.1 acres (Parcel B) resulting in three reconfigured parcels of 2.9 acres (Lot 1), 3.6 acres (Lot 2), and 33.5 acres (Lot 3). No new parcels will be created by this application.
 - c) The project does not involve land with an average slope of more than 20% and will not result in any changes to land use or density for the subject parcels.
 - d) No adverse environmental effects were identified during staff review of the development application.
 - e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - f) See preceding and following Findings and Evidence.
5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:**
- a) Board of Supervisors: Section 19.01.050.A of the Monterey County

Subdivision Ordinance (Title 19 – Coastal Zone) and Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allow an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.

- b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

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

1. Find the project Categorically Exempt per Section 15305(a);
2. Approve a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres (Parcel C), 7.4 acres (Parcel A), and 19.1 acres (Parcel B) resulting in three reconfigured parcels of 2.9 acres (Lot 1), 3.6 acres (Lot 2), and 33.5 acres (Lot 3).

PASSED AND ADOPTED this 9th day of November, 2016 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Planning Commission Secretary

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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

Monterey County RMA Planning

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

PLN150489

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN150489) allows a Lot Line Adjustment between three existing conforming parcels (13.5 acres [Parcel C], 7.4 acres [Parcel A], and 19.1 acres [Parcel B]) resulting in three reconfigured lots of 2.9 acres (Lot 1), 3.6 acres (Lot 2), and 33.5 acres (Lot 3). The property is located at 6820 Long Valley Road, Royal Oaks (Assessor's Parcel Numbers 129-201-052-000 and 129-201-006-000), North County Coastal 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 RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Development Permit for Lot Line Adjustment (Resolution Number ***) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 129-201-052-000 and 129-201-006-000 on November 9, 2016. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to recordation of any Certificates of Compliance. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the recordation of any certificates of compliance, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

4. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on November 9, 2016 unless recordation of the new Certificates of Compliance for each new lot has occurred. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall record new certificates of compliance, the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

5. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: RMA-Planning

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

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall prepare legal descriptions for each newly configured parcel and submit them to RMA-Planning for review and approval. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the Certificates of Compliance.

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

6. PDSP01 - EASEMENT - CONSERVATION AND SCENIC (SLOPES, CHAPARRAL, RIDGELINE, ERODIBLE SOILS) (NON-STA

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where:

- 1) the slope exceeds 25% percent.; and
- 2) Maritime Chaparral habitat and potential habitat is located (full extent to be determined by a certified Ecologist/Biologist); and
- 3) Arnold Sandy Loam (erodible soil) is located and mapped; and
- 4) the ridgelines are visible from public roadways (see Map located at Exhibit ___ of the November 9, 2016 Planning Commission Staff report).

The easement shall be developed in consultation with appropriate certified professionals. A conservation and scenic easement deed shall be submitted to, and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the parcel map. (RMA – Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation, the Owner/Applicant shall submit the conservation and scenic easement deed and corresponding map, showing the exact locations of all protected areas, along with metes and bound description(s) developed in consultation with appropriate certified professional, to the Director of RMA-Planning for review and approval.

Prior to recordation of the Certificates of Compliance the owner/applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the Director of RMA-Planning.

7. PDSP02 - "B-6" ZONING OVERLAY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of the Certificate of Compliance, the Owner/Applicant shall apply ensure that a "B-6" Zoning Overlay is added to the reconfigured 33.6 acre parcel (Parcel 3). An application for the required zoning change/overlay shall be made, along with applicable fees, to the RMA-Planning Department.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Certificate of Compliance for any new lot configuration, the Owner/Applicant shall apply for a receive approval for a zoning change/overlay, adding a "B-6" Zoning Overlay to the reconfigured 33.6 acre parcel (Parcel 3).

8. CC01 INDEMNIFICATION AGREEMENT

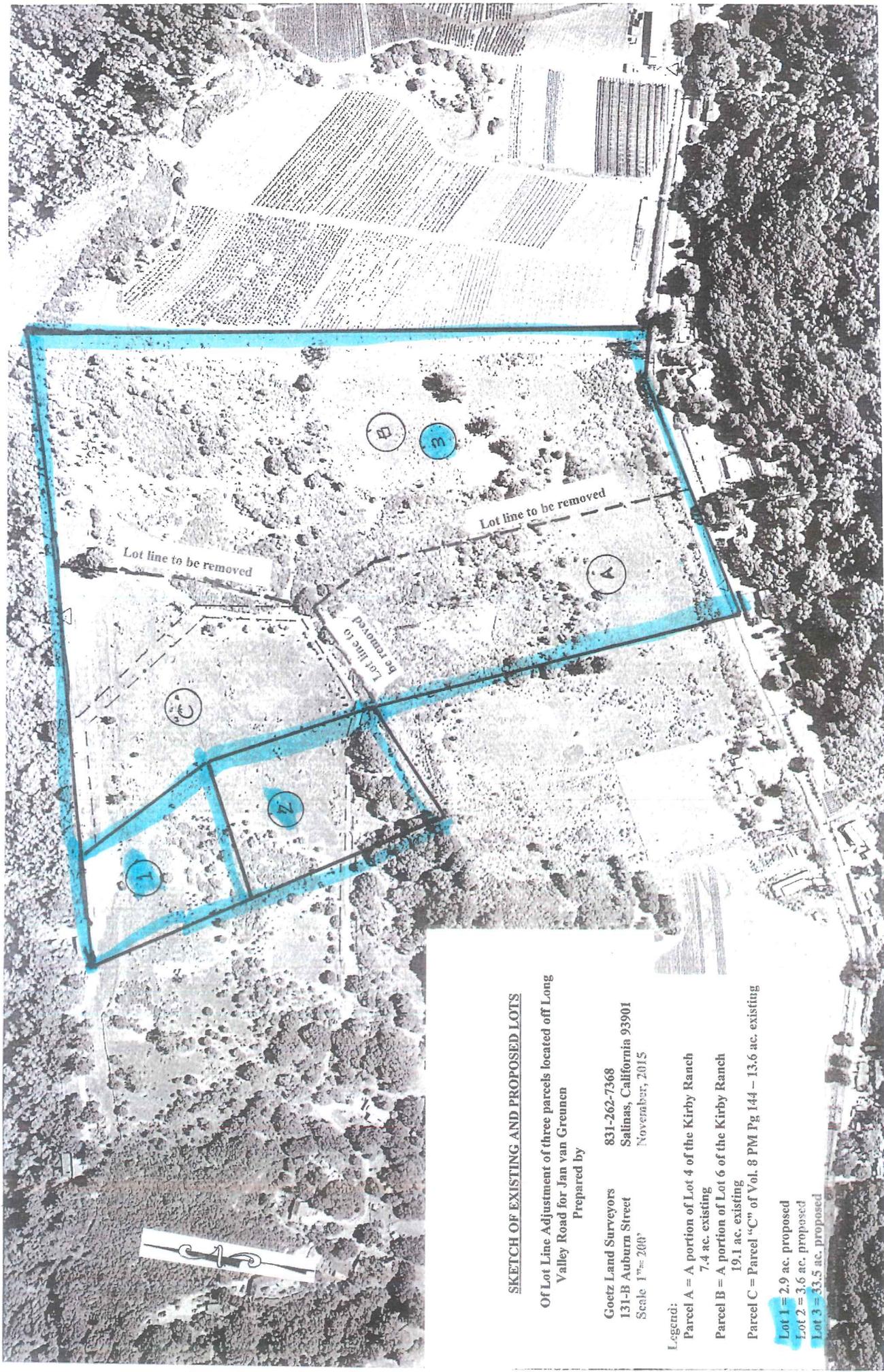
Responsible Department: County Counsel

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)

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 County Counsel 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.

Proposed



SKETCH OF EXISTING AND PROPOSED LOTS

Of Lot Line Adjustment of three parcels located off Long Valley Road for Jan van Greunen
Prepared by

Goetz Land Surveyors 831-262-7368
131-B Auburn Street Salinas, California 93901
Scale 1" = 200' November, 2015

- Legend:
- Parcel A = A portion of Lot 4 of the Kirby Ranch
7.4 ac. existing
 - Parcel B = A portion of Lot 6 of the Kirby Ranch
19.1 ac. existing
 - Parcel C = Parcel "C" of Vol. 8 PM Pg 144 - 13.6 ac. existing
 - Lot 1 = 2.9 ac. proposed
 - Lot 2 = 3.6 ac. proposed
 - Lot 3 = 33.5 ac. proposed

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