

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

In the matter of the application of:

**MARY M DOUD DETELS TR & DOUD RANCH LLC (PLN140587)**

**RESOLUTION NO. 16-021**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding the project Categorically Exempt per CEQA Section 15305 (a); and
- 2) Approving a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A) and 123.75 acres (Parcel B) resulting in two legal lots of 110 acres (Parcel 1) and 173.75 acres (Parcel 2); based on the findings and evidence and subject to 5 conditions of approval.

[Mary M Doud Detels TR & Doud Ranch LLC  
PLN140587, Highway 1, North of Garrapata Creek  
Bridge, Big Sur (APN: 417-021-061-000 and 417-  
021-031-000), Big Sur Coast Land Use Plan, Coastal  
Zone]

**The Mary M Doud Detels TR & Doud Ranch LLC application (PLN140587) came on for public hearing before the Monterey County Planning Commission on October 12, 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** – 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 1982 Monterey County General Plan;
    - Big Sur Coast Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 3;
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. Communications were received from the Coastal Commission during the course of review of the project indicating possible inconsistencies with the text, policies, and regulations in these documents.
  - b) The properties are located off Highway 1, North of Garrapata Creek Bridge, Big Sur (Assessor's Parcel Numbers 417-021-031-000 and 417-021-062-000) Big Sur Coast Land Use Plan. The parcels are zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation/40 acre minimum-Design Control District in the Coastal Zone. The proposed Lot Line Adjustment is consistent with the Monterey County Zoning

Ordinance (Title 20). Under the zoning district “WSC”, Lot Line adjustments are allowed subject to a Coastal Development Permit. The Lot Line Adjustment consists of the reconfiguration of two existing legal parcels. The zoning requires a minimum area of 40 acres and the resulting parcels are 110 acres and 173.75 acres. Therefore, the Lot Line adjustment is in compliance with zoning regulations and consistent with the Big Sur Land Use policies.

- c) The application consists of a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A), and 123.75 acres (Parcel B) resulting in two legal lots of 110 acres (Parcel 1 - Upper parcel) and 173.75 acres (Parcel 2 - Lower parcel). The purpose of the adjustment is to place Joshua Creek/Silver Falls on a single parcel and to place the existing trail head for an existing walking path on the same parcel. Currently, Joshua Creek/Silver Falls crosses both parcels. The line will be adjusted to just above an existing road in order to retain path access to the creek for recreational purposes on Parcel 2. The adjustment would provide road access to Parcel 2 – (Lower parcel) where currently there is none.
- d) Policy 5.4.2.5 of the Big Sur Land Use Plan (BSLUP) states that *existing parcels of record are considered buildable parcels and are suitable for development of uses consistent with the plan map provided all resource protection policies can be fully satisfied, there is adequate building areas of less than 30% cross slope, and they are not merged by provisions elsewhere in this plan.* This parcel contains primarily steep slopes, stream/riparian and possible other terrestrial resources that would significantly constrain any development. Policy 5.4.3.H.4 (BSLUP) states that *re-subdivisions and lot line adjustments are encouraged when no new developable lots are created and when plan policies are better met by this action.* No development is proposed for this project. The owner wants to retain the creek/falls on one parcel for the sole purpose of recreational activities and enjoying the beauty of the natural resource for years to come.
- e) Concern that the Lot Line Adjustment would provide road access to parcel 2 would encourage development on that parcel is mitigated by the applicants proposed Scenic and Conservation Easement over the newly created 173+ acre parcel limiting development on the parcel to what is existing consistent with the resource protection objectives of the Big Sur land Use Plan.
- f) The project planner conducted a site inspection on April 27, 2015 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The Lot Line Adjustment does not include any tree removal, development on slopes exceeding 30%, ESHA, viewshed issues or any archaeological resources.
- h) 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.
- i) The Big Sur Land Use Advisory Committee (LUAC) recommended approval (4-0 vote) of the project as proposed. Their only concern was



if the upper parcel had any water rights to Joshua Creek, that they wouldn't lose their water rights. The applicants will add a sentence to the new deed that the upper parcel does not lose any riparian rights to the creek.

- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140587.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, CDF-Coastal, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Other than the standard conditions of approval from RMA-Planning, no other recommended conditions were incorporated.
  - b) The resulting lots conform to the Land Use and Zoning pattern of the Big Sur Coast Land Use Plan.
  - c) There were no potential environmental impacts as a result of the proposed Lot Line Adjustment. Therefore, no reports were required for submittal.

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 the RMA - Planning, CDF - Coastal, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies confirm 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) There are no public or private facilities that would be required for this lot line adjustment.
  - c) See Preceding Findings #1 and #2 and supporting 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 alterations in land use limitations in area with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.
  - b) This is a minor lot line adjustment between two contiguous parcels for the purpose including all of Joshua Creek on the lower parcel (Parcel 2).

Currently, a portion of Joshua Creek is located on both parcels. The lot line will be adjusted to retain the creek for access and recreational purposes.

- c) No adverse environmental effects were identified during staff review of the development application during a site visit on April 27, 2015.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

5. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) 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.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 Shoreline Access Plan in 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.

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 conform to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.
- EVIDENCE:**
- a) The parcels are zoned “WSC/40-D (CZ)” Watershed and Scenic Conservation /40 acre minimum-Design Control District in the Coastal Zone. The Lot Line Adjustment is between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A), and 123.75 acres (Parcel B) resulting in two legal lots of 110 acres (Parcel 1) and 173.75 acres (Parcel 2), respectively, for the purpose of including all of Joshua Creek on the lower parcel. The proposed Lot Line Adjustment is consistent with the Monterey County Code (Title 19).
  - b) The Lot Line Adjustment is between less than four existing adjoining parcels. The two parcels are contiguous legal lots of record.
  - c) 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. No new parcels will be created.
  - 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 reconfigured lot is required per a standard condition of approval (**Condition #4**).

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
  - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses in the underlying zone (Coastal Development Permits), such as Lot Line Adjustments.

### **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) of the CEQA Guidelines; and
2. Approve a Coastal Development Permit to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Parcel A) and 123.75 acres (Parcel B) resulting in two legal lots of 110 acres (Parcel 1) and 173.75 acres (Parcel 2); based on the findings and evidence and subject to 5 conditions of approval, in general conformance with the attached sketch, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 12th day of October, 2016 upon motion of Commissioner Rochester, seconded by Commissioner Getzelman, by the following vote:

**AYES:** Duflock, Getzelman, Mendez, Padilla, Roberts, Rochester  
**NOES:** None  
**ABSENT:** Ambriz, Hert, Vandever  
**ABSTAIN:** Diehl

  
\_\_\_\_\_  
Carl P. Holm, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **OCT 12 2016**.

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 **OCT 24 2016**

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 RMA-Planning and RMA-Building Services Department office in Salinas.

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

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN140587

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Coastal Development Permit is to allow a Lot Line Adjustment between two (2) contiguous legal lots of record of approximately 160 acres (Assessor's Parcel Number 417-021-062-000 - Parcel A), and 128 acres (Assessor's Parcel Number 417-021-031-000 - Parcel B) resulting in two legal lots of 116 acres (Parcel 1 - Upper) and 172 acres (Parcel 2 - Lower), respectively. The property is located at Highway 1, North of Garrapata Creek Bridge, Big Sur (Assessor's Parcel Numbers 417-021-062-000 and 417-021-031-000), 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 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** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:**

"A Coastal Development Permit (Resolution Number 16-021) was approved by Planning Commission for Assessor's Parcel Numbers 417-021-062-000 and 417-021-031-000 on September 14, 2016. The permit was granted subject to 5 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. PD022(A) - EASEMENT-CONSERVATION & SCENIC

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

The County of Monterey accepts a conservation and scenic easement over Parcel 2 to preserve the natural scenic beauty and existing openness, natural condition and present state of use of the Property. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (RMA - Planning)

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

Prior to recordation of the approval of a Certificate of Compliance and recordation of a new Deed, the Scenic and Conservation Easement shall be recorded on the property.

## 4. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (RMA - Planning)

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

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

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



## 5. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**Condition/Mitigation  
Monitoring Measure:**

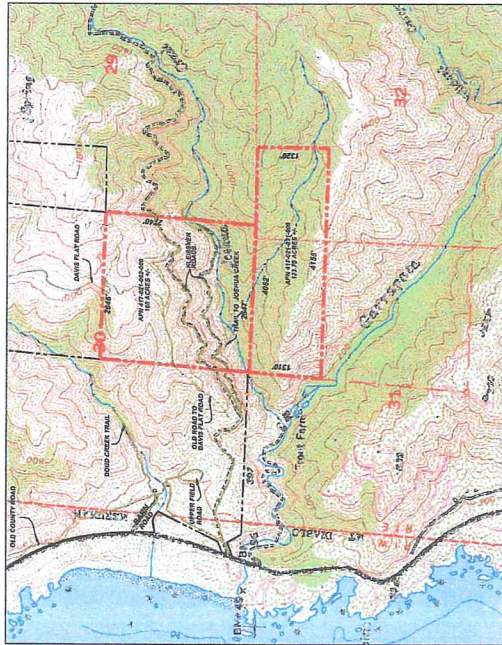
The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County 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:**

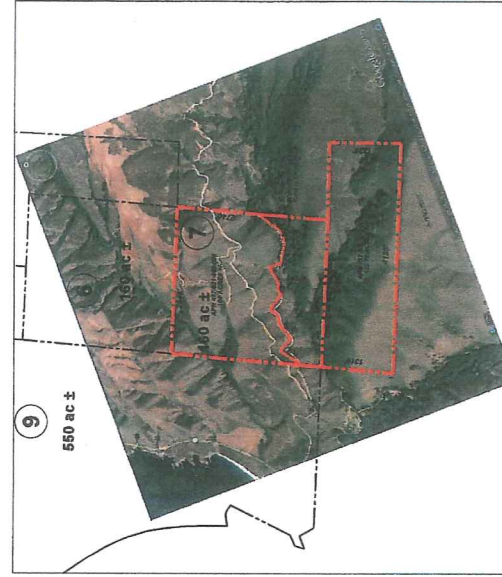
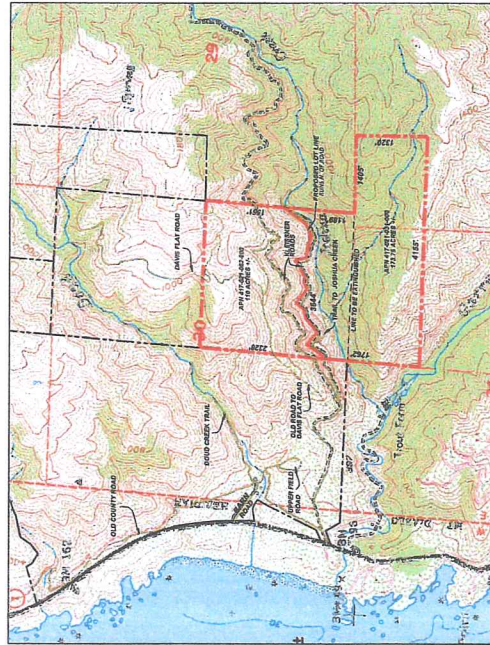
Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement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

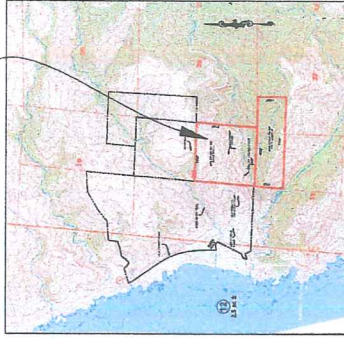
EXISTING CONFIGURATION



PROPOSED CONFIGURATION



SUBJECT  
PROPERTY



VICINITY MAP

**NOTES:**

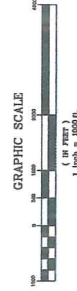
CONTOURS ARE FROM USGS QUAD MAPS AND ARE APPROXIMATE ONLY.  
DISTANCES ARE EXPRESSED IN FEET AND ARE APPROXIMATE ONLY.  
ACREAGE SHOWN IS APPROXIMATE ONLY.  
PARCELS ARE SITUATE IN FLOOD PLAIN "ZONE C" ("AREA OF MINIMAL FLOODING")  
SEE F.E.M.A. RATE MAP, PANEL #060195 0450 D, MONTEREY COUNTY, CA. EFFECTIVE DATE JANUARY 30, 1984.  
= APPROXIMATE LOCATION OF EXISTING DIRT ROAD.  
= EXISTING AND PROPOSED BOUNDARY (APPROX.)

**PROPERTY OWNERS:**

APN 417-021-082-000 APN 417-021-031-000  
DOUD RANCH LLC MARY MADEINE DOUD DETELS TRUST  
4215 ROMA COURT 4215 ROMA COURT  
MARINA DEL REY, CA 90232 MARINA DEL REY, CA 90232  
BEFORE: 160 ACRES +/- BEFORE: 123.75 ACRES +/-  
AFTER: 110 ACRES +/- AFTER: 173.75 ACRES +/-

**OWNERS' REPRESENTATIVE:**

CHRISTINE G. KEMP  
NOLAND, HAMERLY, ETIENNE & HOSS  
A Professional Corporation  
4000 CALIFORNIA STREET  
MONTEREY, CA 93940  
(831) 372-3622



GRAPHIC SCALE  
(in feet)  
1 inch = 1000 ft.

PROJECT NO.  
27001

PROPOSED LOT LINE  
ADJUSTMENT  
OF CERTAIN PROPERTIES IN SECTIONS 30, 31 & 32, T.17 S.,  
R.1E, M.D.B. & M. COUNTY OF MONTEREY, CALIFORNIA

RLS

RASMUSSEN LAND SURVEYING, INC.  
P.O. BOX 3135  
MONTEREY, CALIFORNIA 93942  
(831) 375-7240 (831) 375-2545 FAX

DATE DRAWN: 04/28/2014  
SCALE: 1" = 1000'  
DRAWN BY: RP  
REVISED: OCT. 6, 2014