

**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. 16-025

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Statutorily Exempt per CEQA Section 15270; and
- 2) Denying a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres.

[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)]

REVISED
December 16, 2016,
(This resolution supersedes
the previous resolution mailed
on December 9, 2016.)

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:** **INCONSISTENCY/SITE SUITABILITY** – The Lot Line Adjustment, is inconsistent 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);Conflicts were found to exist.
 - 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 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 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), and have been determined to not be considered “clustered development”. Therefore the proposed reconfigured lot pattern is not consistent with the minimum lot size requirement of 5 acres.
- f) 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, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres.
 - 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 inconsistent with the Monterey County Zoning Ordinance (Title 20), and 1982 Monterey County General Plan, which remains in effect for properties within the Coastal Zone. The proposed reconfigured lot pattern is not in compliance with the minimum lot size requirement found with the Rural Density Residential Coastal Zone zoning designation (see Finding 1.e above). Based on this information, requirement 3 above cannot be made.
 - d) See preceding and following Findings and Evidence.

3. **FINDING:** **CEQA (Exempt):** - The project is Statutorily exempt from environmental review.

EVIDENCE: California Environmental Quality Act (CEQA) Guidelines Section 15270, Statutorily exempts projects which a public agency rejects or disapproves.

4. **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 Statutorily Exempt per Section 15270;
2. Deny a Coastal Development Permit for a Lot Line Adjustment between three existing conforming parcels of 13.5 acres, 7.4 acres, and 19.1 acres resulting in three reconfigured parcels of 2.9 acres, 3.6 acres, and 33.5 acres.

PASSED AND ADOPTED this 9th day of November, 2016 upon motion of Commissioner Roberts seconded by Commissioner Diehl and passed by the following vote:

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


Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DECEMBER 9, 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 DECEMBER 19, 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.