Attachment B

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Draft Resolution

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. -

Resolution of the Monterey County Board of Supervisors:)

a. Certifying that an addendum together with an adopted Mitigated Negative Declaration prepared for the Cathrein Acres Subdivision was considered pursuant to Section 15164 of the California Environmental Quality Act Guidelines; and)

b. Approving a map amendment to reduce the agricultural buffer easement from 200 feet to 75 feet and to relocate the building envelope on Lot 10 of the Cathrein Acres Subdivision.)

PLN180149; 20530 Cathrein Court, Salinas area, North County Area Plan (Assessor's Parcel Number 125-291-028-000).)

I. RECITALS:

WHEREAS, On May 4, 2004, the Board of Supervisors, on appeal, adopted a Mitigated Negative Declaration and approved a tentative map for the Cathrein Acres Subdivision ("Subdivision") (Resolution No. 04-151); and

WHEREAS, On August 27, 2013, the Board of Supervisors approved a final map for the Subdivision (Resolution No. 13-0865), and said final map was filed for record at Volume 24, Cities and Towns, Page 35 at the Monterey County Recorder's Office; and

WHEREAS, The final map for the Subdivision specified future residential building areas on each lot created by the subdivision ("building envelopes") and established a 200-foot wide agrarian buffer on Lots 9, 10, 27 and 28 ("agricultural buffer") in accordance with plans and conditions approved in association with the tentative map; and

WHEREAS, On March 16, 2018 an application was filed on behalf of Cathrein Land LLC ("Owner") for a map amendment to reduce the agricultural buffer on Lot 10 of the Subdivision (Assessor's Parcel Number; 125-291-028-000) from 200-feet to 75-feet and to relocate the building envelope; and

WHEREAS, Policy AG-1.2 of the 2010 Monterey County General Plan requires that a well-defined buffer between non-agricultural development adjacent to agricultural lands be designated based on the type of non-agricultural use proposed, site conditions, and anticipated adjacent agricultural practices; and

WHEREAS, The type of non-agricultural use anticipated on Lot 10 of the Subdivision is residential and the type of adjacent agricultural use anticipated is grazing. Given the distance between the relocated building envelope to the future agricultural uses, topographical features including Lot 10 being located more than 20 feet in elevation above the adjacent agricultural use,

and prevailing wind patterns, a reduced Agricultural Buffer on Lot 10 would be sufficient to minimize conflicts between the future residential use and adjacent agricultural use; and

WHEREAS, Reducing the agricultural buffer is needed to accommodate the proposed relocation of the building envelope on Lot 10 of the Subdivision to preserve oak trees on the lot from future residential development. Preservation of oak trees and other native trees and vegetation is consistent with Open Space policies of the 2010 Monterey County General Plan.

WHEREAS, The Cathrein Land, LLC map amendment came on for a duly noticed public hearing before the Monterey County Board of Supervisors on March 19, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

II. FINDINGS

1. FINDING: **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the 2010 Monterey County General Plan, North County Area Plan, the Monterey County Zoning Ordinance (Title 21), and the Monterey County Subdivision Ordinance (Title 19 - Inland Subdivision Ordinance).

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of this application. No conflicts between these documents and this application were found to exist. No communications were received during the course of review of the project indicating any project inconsistencies with the text, policies, and regulations in these documents.

(b) The subject lot is located at 20530 Cathrein Court, Salinas, CA 93901, North County Area Plan in the unincorporated County of Monterey. The parcel configuration consists of approximately 2.56 acres (APN 125-291-028-000). The parcel is zoned RDR/5.1 (Rural Density Residential, 5.1 acres).

(c) The Owner has requested a reduction in the agricultural buffer easement from 200 feet to 75 feet and a relocation of the building envelope for Lot 10 of the Cathrein Acres subdivision filed for record at Volume 24, Cities and Towns, Page 35 of at the Monterey County Recorder's Office.

(d) Lot 10 of the Cathrein Acres subdivision is a vacant residentially zoned parcel. Foreseeable development on Lot 10 will be for single family residential use. Land to the South of Lot 10 is designated for agricultural use.

(e) The Cathrein Acres subdivision was approved under the 1982 General Plan and, pursuant to mitigations adopted in association with approval of the subdivision, a 200-foot agricultural buffer was established within the Subdivision to minimize conflicts between the residential use in the subdivision and agricultural lands to the south. This amendment is a new discretionary approval following the filing of the final map and therefore is subject to the 2010 General Plan. The 2010 General Plan allows for agricultural buffers of less than 200 feet based on the type of adjacent uses and specific site conditions (Policy AG-1.2). Lot 10 is intended for residential use and the adjacent agricultural use is grazing. Lot 10 is

separated from the adjacent agricultural use by a vegetated slope which will act as a natural berm between the two uses. Given the specific uses and site conditions, a 75-foot buffer is sufficient to reduce land use conflicts in this case.

(f) The proposed reduction in the agricultural buffer easement would continue to promote and preserve resource conservation by protecting oak trees and produce a better, more effective building envelope. The building envelope shown on the recorded final map is located in an area that has a dense stand of coast live oak trees. The proposed relocated building envelope will allow development in an area with an opening in the oak canopy which will reduce impacts to oaks from future development consistent with Open Space Policy OS-5.3.

(h) The application, plans, and related support materials found in Planning File No. PLN180149.

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

EVIDENCE:(a) The project was reviewed for site suitability by the RMA-Planning Division. The project was not reviewed for site suitability by the following departments and agencies: North County Regional Fire Protection District, RMA-Public Works, Water Resources Agency and Environmental Health Bureau

(b) In this case, the reduced agricultural buffer is suitable to minimize conflicts between future residential use and adjacent agricultural use (See Finding 1, Evidence e).

(c) The amending map will not change the septic envelope established under the original subdivision approval and will not affect the type, nature, or intensity of the use of the site or surroundings.

(d) The application, plans, and related support materials are found in Planning File No. PLN180149

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 proposed project is the reduction of an agricultural buffer easement and relocation of a building envelope. Evidence provided in findings nos. 1, 2, and 3 support the conclusion that the amended map will not result in new health or safety impacts.

4. 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 (Title 21). No violations exist on the property.

EVIDENCE: (a) Staff has reviewed Monterey County RMA - Planning Division and Building Services Division records and is not aware of any violations

existing on the subject property. The subject property is a vacant lot with no improvements.

5. FINDING: **MAP AMENDMENT** – Pursuant to Government Code section 66472.1 (of the Subdivision Map Act) and Chapter 19.08 of the Monterey County Code, the Board finds there are changes in circumstances that make the recorded building envelope and agricultural buffer no longer appropriate or necessary and warrant the revised building envelope and buffer. The modifications do not impose any additional burden on the fee owners of the real property reflected on the recorded map and do not alter any right, title or interest in the real property reflected on the recorded map.

EVIDENCE: (a) The subject application for Lot 10 (PLN180149) is a vacant parcel containing approximately 2.5 acres. The reduction of the agricultural buffer easement and relocation of the building envelope will not change the size or anticipated future use of Lot 10. The building envelope will remain its current size, approximately 17,010 square feet, and will allow future residential development but will be relocated away from oak woodland.

(b) An amendment of the final map, through an amending map or certificate of correction, is required because the building envelope is recorded on the final map; changing that building envelope requires a public hearing and findings to make the modification to the final map. (Monterey County Subdivision Ordinance (Chapter 19.08.015 of the County Code) and the Subdivision Map Act (Sections 66469 and 66472.1 of the Government Code).

(b) Circumstances have changed that warrant revisions to the map. The approved building envelope is located in an area containing a dense stand of oak woodland. Area to the south of the current building envelope location contains openings in the oak canopy that could accommodate future residential development with fewer impacts to oak trees on the site. In order to move the building envelope, the agricultural buffer must be amended. Specific circumstances applicable to the lot support a reduction in the agricultural buffer in this case (See Finding 1).

(c) The modification (relocation) of the building envelope would not impose any burden on the fee owner of the subject property. Existing easements will remain with minor modifications to their location and no new restrictions are included.

(d) The amendment will not alter any right, title, or interest in the real property reflected on the recorded map. Cathrein Lands, LLC will remain the owner of the property. Other than the changes described herein with respect to the building envelope location and the change in the agricultural buffer location, all easements restrictions, and other interests will remain unchanged.

(e) Conditions and mitigations associated with approval of the original final map for Cathrein Acres have been satisfied, and no new guarantees, improvements, or dedications are required for this correction.

(f) The Monterey County Subdivision Ordinance (Title 19, Inland) allows revisions to a recorded final map through recordation of an amending final map or a certificate of correction. Given that the proposed amendments are limited to revisions to boundaries specific to one lot in the subdivision and no other conditions of the map are changing, the

County Surveyor has determined that the appropriate mechanism to reflect the amendments is a certificate of correction in this case. A condition requiring the applicant to submit a certificate of correctio to the County Surveyor for review and approval has been added to the project.

(g) The Monterey County Subdivision Ordinance, (Title 19, Inland) and the Subdivision Map Act allow amendments and modifications to a recorded final map with an amending map or certificate of correction, provided certain findings can be made. Because the proposed changes are limited to minor adjustments affecting only Lot 10 of the subdivision, a certificate of correction has been determined to be the appropriate mechanism to modify the map in this case. This correction/modification does not impose any additional burden on the fee owners of real property because it will not change the ultimate use, density, or development potential within or adjacent to the subdivision.

6. FINDING: CEQA (Addendum): An Addendum to a previously certified Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines) to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

EVIDENCE:(a) A MND for Cathrein Acres Subdivision was prepared and adopted by the Board of Supervisors on August 27, 2013 (Board Resolution 13-0865).

(b) An Addendum to the Cathrein Acres Subdivision MND was prepared pursuant to Section 15164 of the CEQA Guidelines for this map amendment.

(c) The Addendum attached as **Attachment D** to the March 19, 2019, Staff Report to the Board of Supervisors, reflects the County's independent judgment and analysis.

(d) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR have occurred.

(e) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND. Revisions required to the certified MND as a result of this amendment are limited to changes to mitigation measure No. 39 of the adopted MND (agricultural buffer easement mitigation) to reduce the buffer on Lot 10 from 200-feet to 75 feet due to specific circumstances applicable to the property and to relocate the building envelope on Lot 10 which will result in removal of fewer coast live oak trees from foreseeable residential development of Lot 10. The reduction in the buffer and minor change in building envelope location on Lot 10 does not substantially change the project description and will not result in new or substantially more sever impacts from those analyzed in the adopted MND. The reduced agricultural buffer has been found to be sufficient to minimize conflicts between residential and adjacent agricultural uses (See Finding 1) and the building envelope relocation will promote preservation of oak and oak woodland on the site.

(f) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the prior MND.

Changes in circumstances applicable to this action include adoption of the 2010 Monterey County General Plan. The original subdivision was approved under the 1982 General Plan, and this correction is subject to the 2010 General Plan Policies. As described in Finding 1, the map modification is consistent with the 2010 General Plan and no new impacts or an increase in the severity of previously identified impacts have been identified.

(g) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. Revisions are limited to consideration of modifications requested by the property owner to move the building envelope and reduce the agricultural buffer on Lot 10 of the Cathrein Acres Subdivision. There will be no change to the nature, density, or intensity of the project that was the subject of the original MND.

7. FINDING: PUBLIC NOTICE - Public notice of the hearing on the pending Amendment to the Cathrein Acres Subdivision was provided pursuant to Monterey County Code, Title 19 (Inland Subdivision Ordinance).

EVIDENCE: (a) On March 7, 2019, notice of the hearing before the Board of Supervisors was published in the *Monterey County Weekly*, sent to all owners of real property as shown on the latest equalized assessment roll within three hundred (300) feet of the real property that is the subject of the public hearing, and copies of the notice were posted on or near 20530 Cathrein Court, Salinas area.

(b) The application, plans, and related support materials are found in Planning in Planning File No. PLN180149; records associated with the Board hearing are also found in the files of the Clerk of the Board.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby:

a. Certify that the Board considered an addendum together with an adopted Mitigated Negative Declaration prepared for the Cathrein Acres Subdivision pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines; and
b. Approve an amendment to final map to reduce the agricultural buffer easement on Lot 10 from 200 feet to 75 feet and to relocate the building envelope, as shown on the attached map (Attachment B2-Amending Map – PLN180149).

In general conformance with the attached sketch and plans**,** and subject to the attached conditions all being attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED this 19th day of March, 2019, upon motion of Supervisor_____, seconded by Supervisor_____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____

Deputy

Monterey County RMA Planning

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

PLN180149

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Amendment to the final map (PLN180149) for Cathrein Acres Subdivision to reduce the agricultural buffer from 200 feet to 75 feet and to relocate the building envelope on Lot 10. The property is located at 20530 Cathrein Court, Salinas (Assessor's Parcel Number 125-291-028-000), North County Area 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 RMA - Chief of 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:
"An Amendment to the final map for Cathrein Acres Subdivision to reduce the agricultural buffer from 200 feet to 75 feet and to relocate the building envelope (Resolution Number _____) was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number 125-291-028-000 on March 19, 2019. 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the 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. PW - SPO1 - CERTIFICATE OF CORRECTION

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The Applicant/Owner shall file a Certificate of Correction prepared and signed by a registered civil engineer or licensed land surveyor pursuant to Government Code Section 66469-66470. The Certificate of Correction shall set forth in detail the reduction of the agricultural buffer easement from 200 feet to 75 feet and relocation of the building envelope on Lot 10, Cathrein Acres Subdivision. The property is located at 20530 Cathrein Court, Salinas (Assessor's Parcel Number 125-291-028-000), North County Area Plan. The Certificate of Correction shall show the name (s) of the fee owner (s) of the real property affected by the correction on the date of the filing or recording of the original recorded map.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Certificate of Correction, the Certificate shall be submitted to RMA-Public Works for review and approval.

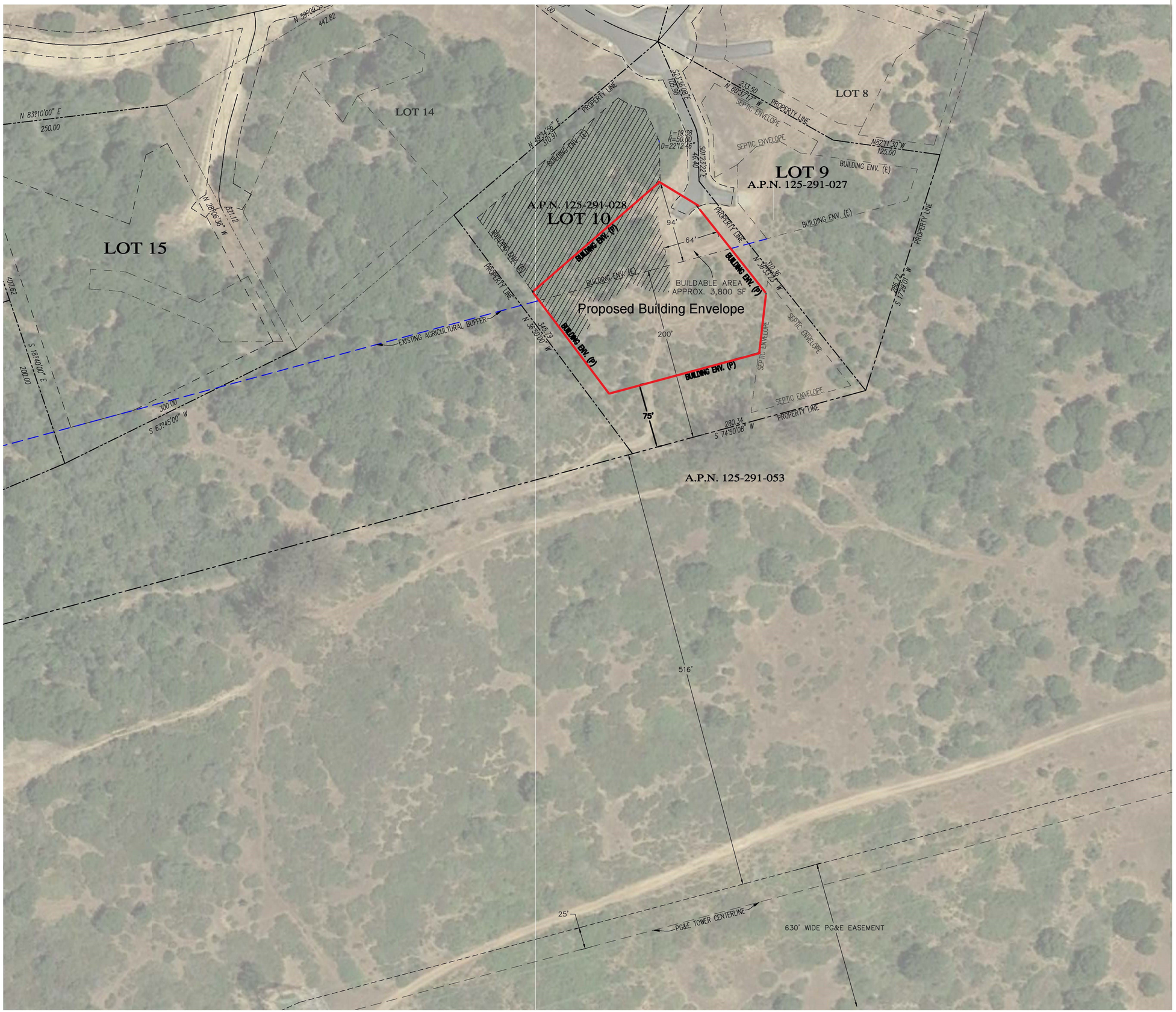
5. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel)

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



GRAPHIC SCALE

0 50 75 100 150 250

(IN FEET)
1 inch = 50 ft.

LEGEND:

- = PROPERTY LINE
- = EXISTING BUILDING ENVELOPE
- = PROPOSED BUILDING ENVELOPE
- = EXISTING AGRICULTURAL BUFFER BOUNDARY
- = ROADWAY RIGHT OF WAY
- = SEPTIC ENVELOPE
- = DENSE OAK CANOPY

EXHIBIT "B"

CATHREIN LAND, LLC
PERMIT NO. PLN990330
LOT "10"

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