

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:

**KARL F. AND MICHELE A HEISLER TRUST
(PLN190183)**

RESOLUTION NO. 20-

Resolution by the Monterey County Planning
Commission:

- a. Find that the project is adjustment of lot lines between two legal parcels, which qualifies as a Class 5 Categorical Exemption pursuant to Sections 15305 of the CEQA Guidelines, and that there are no exceptions pursuant to Section 15300.2; and
- b. Approve a Coastal Development Permit to allow lot line adjustments between two legal parcels consisting of 7.24 acres (Parcel A – APNs 241-231-001, 241-231-003, 241-231-007), and 1.63 acres (Parcel B – APN 241-231-008) resulting in two legal parcels of 7.06 acres (Parcel 1), and 1.81 acres (Parcel 2) respectively.

The Karl F. and Michele A Heisler Trust application (PLN190183) came on for public hearing before the Monterey County Planning Commission on July 29, 2020. 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:
 - 1982 Monterey County General Plan;
 - Carmel Area Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 4 (Carmel Area);
 - Monterey County Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19 - Coastal)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 215 Upper Walden Road & 90 Crest Road, Carmel (Assessor's Parcel Numbers 241-231-001-000, 241-231-003-000, 241-231-007-000 and 241-231-008-000), Carmel Area Land Use Plan. The parcels are zoned LDR/1-D (CZ) [Low Density Residential, one acre per unit, Design Control Overlay (Coastal Zone)]. This zoning allows for lot line adjustments between parcels if the resultant parcels meet the minimum one (1) acre parcel size. The project site is two principal parcels of 7.24 acres and 1.63 acres. The proposed lot line adjustment would result in two principal parcels: Parcel A, at 7.06 acres, and Parcel B at 1.81 acres. Both parcels would comply with the minimum parcel size established for the zone district. Moreover, all parcels that make up the property would remain in excess of one (1) acre as a result of lot line adjustment. All structural development of Parcel A would meet development standards regarding setbacks, with the detached garage located approximately 50 feet from the nearest property line and approximately 67 feet to the post-adjustment property line. Reasonably foreseeable future development of Parcel B would be for residential use. Any future development of Parcel B will be subject to separate permits and review. Therefore, the project is an allowed land use for this site.
- c) Public Access: No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated. The project site does not have coastal or shoreline frontage. The project is not located near any coastal trails, existing or proposed, as depicted in Figure 3 of the Carmel Area Land Use Plan. Furthermore, the proposed project does not interfere with any form of historic public use or trust rights. Therefore, 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).
- d) Slope Exceeding 30 Percent: The existing parcels include portions of land with slopes in excess of 30 percent. Parcel A is currently developed, and no further development is proposed at this time. Parcel B is undeveloped, but it is reasonable to expect that the parcel would be developed in the foreseeable future. Parcel B is characterized by varying slopes of up to 30 percent or greater. There is an area, roughly in the middle of the parcel, that contains slopes of approximately 20 percent that would accommodate a future building site. Adequate space with slopes of less than 30 percent will exist on both Parcels A and B to accommodate existing and reasonably foreseeable future development.
- e) Environmentally Sensitive Habitat Areas (ESHA): The project is located in the Carmel Highlands, a predominately built-out neighborhood characterized by residential development on larger lots, many being one (1) acre or larger. There is ample but fragmented forestation of Monterey pine and live oak in the Highlands. The proposed Lot Line Adjustment is not located in an area of Native Monterey Pine Forest specifically designated as ESHA in the County GIS maps or the Carmel Area Land Use Plan. Since not all Monterey

Pine Forest areas are environmentally sensitive habitat, the restrictions associated with ESHA apply where such forests are determined to be sensitive on a case by case basis. The proposed lot line adjustment, which is between two (2) parcels and considered legal lots within a residential neighborhood. No structural development is proposed at this time; however, it is reasonable to consider that Parcel B would be developed at a future time. Any future development of Parcel B would be subject to development standards and policies contained within the Carmel Area Plan and the Monterey County Coastal Implementation Plan (Part 4, Carmel) and Title 20, MCC. The lot line adjustment will not commit future development to areas that are considered ESHA.

- f) Title 19, Coastal Subdivision Ordinance: See Finding No. 7.
- g) Wildfire Protection: The property is located within a State Responsibility Area (SRA). Fire protection is provided by the Carmel Highlands Fire Department through the Monterey County Fire Protection District. There are two (2) existing residential uses of the site that will remain with the proposed lot line adjustment; the Fire Department did not have any comments or conditions associated with the proposed lot line adjustment. The Fire Department would review any future development on Parcel B to ensure that the proposed development meets all applicable fire codes pertaining to defensive fire protection measures.
- h) Cultural Resources: The project site is in an area identified in County records as having a high archaeological sensitivity. The project proposal is for a lot line adjustment between two principal parcels, Parcel A and Parcel B. There is no structural development, grading, or other form of site disturbance proposed at this time. Any future development of Parcel B would be subject to the policies and development standards found in the Carmel Area Land Use Plan, the Monterey County Coastal Implementation Plan, Part 4 (Carmel Area), and Title 20, the Monterey County zoning ordinance.
- i) Water Resources: The project site is located within the California Water service area. Water for the existing residential development located on Parcel A will continue to be provided by California American Water (Cal-Am). There is no development proposed on Parcel A. Any future development of Parcel B would potentially be provided by a well located on that property. As proposed and conditioned, the project is consistent with applicable policies of the Carmel Area Land Use Plan, Chapter 2.4, Water Resources. (See Finding Nos. 3 and 7)
- j) Viewshed: The project location is not within a designated viewshed and is not located in an area designated as visually sensitive, as depicted in Map A of the Carmel Area Land Use Plan.
- k) The total project area consists of four (4) contiguous parcels under singular ownership totaling 8.87 acres. The property is depicted on the Accessor's Parcel pages as Lot A, approximately 7.24 acres, and Lot B, approximately 1.63 acres in its current configuration. The proposed lot line adjustment redistributes the land such that Lot A would be 7.06 acres and Lot B approximately 1.81 acres. The LDR zoning district in this area designates 1 acre per unit; the proposed lot line results in two

principal parcels of two (2) lots of 7.08 acres (Lot A) and 1.81 acres (Lot B).

- l) The project was not referred to the Carmel Unincorporated / Highlands Land Use Advisory Committee (LUAC) for review. The lot line adjustment was not required to be presented to the LUAC because the lot line adjustment is not considered to be controversial and does not increase the number of parcels. The lot line adjustment does not increase development proposal as Lot B in its current configuration meets the minimum lot size for development in the LDR zone district.
- m) The project planner conducted a site inspection on July 17, 2020, to verify that the project on the subject parcel conforms to the plans and ordinances listed above.
- n) 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 PLN190183.

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, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed lot line adjustment. Any conditions recommended have been incorporated.
 - b) Adequate land is available for existing and any potential future development to support residential use and development of the site without impacting coastal resources. Two existing residential structures will remain on Parcel A; Parcel B, currently undeveloped, can be developed for residential use without impacts to slopes, sensitive habitat and vegetation, public viewing areas, public access, or other resources at the site. Public water is available to serve Lot A; the parcel has a septic system serving the two single-family dwellings on the property. An application for a test well located on Parcel B has been submitted to RMA and will be processed separately.
 - c) Staff conducted a site inspection on July 17, 2020, 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 PLN190183.

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 Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Services, and the Environmental Health Bureau. The respective agencies did not recommended conditions associated with the lot line adjustment. The project, as proposed, will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities are provided. The existing parcel and residential dwellings water supply is provided by California American Water (Cal Am). Parcel B is within the Cal Am service area, however, the applicant has submitted an application for a test well on Parcel B that would potentially provide water for any future development of the parcel. Parcel B, if developed, would be served by a septic system or other waste disposal system that would meet State and Monterey County disposal standards. The Environmental Health Bureau (EHB) reviewed the proposed project lot line adjustment application and placed no conditions on the project.
 - c) See Finding Nos. 1, 2, 5, 7 and supporting evidence.
 - d) Staff conducted a site inspection on July 17, 2020, to verify that the site is suitable for the proposed use.
 - e) 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 PLN190183.

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. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject property.
 - b) Staff conducted a site inspection on July 17, 2020, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN190183.

5. **FINDING:** **CEQA (Exempt)** - California Environmental Quality Act (CEQA) Guidelines Section 15305(a), categorically exempts minor lot line adjustments not resulting in the creation of any new parcel.

- EVIDENCE:**
- a) The proposed lot line adjustment would result in an uneven redistribution of land between two (2) parcels that currently meet minimum lot size for the zone district (LDR-1) and would continue to meet the minimum lot size for the zone district. The lot line adjustment would not create an additional parcel.
 - b) Pursuant to Monterey County Code Title 19 (Subdivision Ordinance – Coastal) Section 19.09.005.C, lot line adjustments which do not result in the relocation of the building area are consistent with the intent of the

categorical exemption for minor lot line adjustments. The proposed lot line adjustment does not relocate or expand any potential building site associated with Parcel B.

- c) The proposed lot line adjustment would not increase the development potential of any parcel. The proposed lot line adjustment relocates lot lines such that a detached garage associated with the residential development on Parcel A would be located wholly on Parcel A and that the access road to Parcel B would be wholly located on Parcel B.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, or a hazardous waste site. The project site is located in a low-density residential area approximately 1,600 feet east of Highway 1. Therefore, there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in cumulative significant impacts.
- e) No adverse environmental effects were identified during staff review of the development application.
- f) 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 PLN190183.

6. 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 20.146.130 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- c) Staff conducted a site inspection on July 17, 2020.
- 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 PLN190183.

7. FINDING: LOT LINE ADJUSTMENT – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for a lot line adjustment may be granted if:

- 1. That the proposed map is consistent with the applicable general plan and specific plans.
- 2. That the lot line adjustment is between two or more existing adjacent parcels.

3. That a greater number of parcels than originally existed will not be created as a result of the lot line adjustment.
4. That the parcels resulting from the lot line adjustment conforms to County Zoning and Building Ordinances.

- EVIDENCE:**
- a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan, Part 4, and Title 19 (Coastal) of the Monterey County Code (MCC) (see Finding No. 1).
 - b) Design. The adjusted lot designs are consistent with the Lot Design Standards of MCC Section 19.10.030 (Coastal). The lots, as proposed, meet all County requirements for minimum lot size, lot width, and lot depth. All existing development on Parcel A meets current setbacks and coverage standards; Parcel A would continue to meet all development standards on Monterey County.
 - c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (see Finding No. 2). The subject parcels are a cumulative 8.87 acres and is zoned such that built-out density of 1 acre per single-family dwelling would still exist (two SFDs on Parcel A (7.06 acres) and one potential SFD on Parcel B (1.81 acre). The proposed lot line adjustment would not create an additional parcel(s). The proposed lot line adjustment would not increase development potential of either Parcel A or Parcel B. No further adjustments or subdivision would take place.
 - d) Environment. The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat (see Finding No. 1, 5).
 - e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (see Finding No. 3).
 - f) Water Supply. The project site is within the California American Water service area. Parcel A, 215 Upper Walden Rd, has adequate water supply provided by Cal Am. Parcel B, 90 Crest Rd, is within the Cal Am service area, however, the applicant submitted an application for a test well on this property. That application, PLN190184, would be processed if the proposed lot line adjustment is approved. (see Finding No. 1 and 3).
 - g) Sewage Disposal. The existing Parcel A and residential dwellings have the required sanitary service provided by an on-site septic system and there is no development proposed for this parcel. There is no development proposed at this time for Parcel B. However, there is adequate land available for a septic system on Parcel B. Any future development of Parcel B must conform to the MCC zoning ordinance, Title 20, and Title 19, Monterey County Coastal Subdivision Ordinance. The Environmental Health Bureau (EHB) reviewed the proposed lot line adjustment application and placed no conditions on the project. (see Finding No.1 and 3).
 - h) Traffic. The project, as proposed, would not generate a significant amount of new traffic nor significantly increase the number of permanent vehicle trips. The project is limited to the adjustment of a lot

line between two existing parcels; the proposed lot line adjustment does not create additional parcels or increase the development potential of any parcel. There is no construction associated with this project. However, it is reasonable to expect future development of Parcel B with a single-family dwelling and uses. Any future construction would be subject to review by Public Works and require payment of the Regional Development Impact Fee.

- i) Parks and Recreation. The Monterey County Parks Department did not review the project because the lot line adjustment does not create any additional parcels. No development is proposed; the lot line adjustment reconfigures the lot lines, or parcel boundaries, between two parcels. No additional lots would result from the lot line adjustment. Therefore, the project complies with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code.
- j) Affordable Housing. The proposed project involves the adjustment of lot lines between two existing parcels that would not result in additional parcels. There is no subdivision of land proposed; there is no development or construction activities relating to new housing units proposed, therefore, the project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the Monterey County Code.
- k) The project planner conducted a site inspection on July 17, 2020.
- l) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN190183.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- 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.1, A.2, and A3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea and 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:

- a. Find that the project is adjustment of lot lines between two legal parcels, which qualifies as a Class 5 Categorical Exemption pursuant to Sections 15305 of the CEQA Guidelines, and that there are no exceptions pursuant to Section 15300.2; and
- b. Approve a Coastal Development Permit to allow lot line adjustments between two legal parcels consisting of 7.24 acres (Parcel A – APNs 241-231-001, 241-231-003, 241-231-

007), and 1.63 acres (Parcel B – APN 241-231-008) resulting in two legal parcels of 7.06 acres (Parcel 1), and 1.81 acres (Parcel 2) respectively.

PASSED AND ADOPTED this 29th day of July 2020 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Brandon Swanson, 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 OF 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. You may 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 the Monterey County Planning Department and 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.

Monterey County RMA Planning

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

PLN190183

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN190183) allows a lot line adjustments between four (4) parcels. The property is located at 215 Upper Walden Road & 90 Crest Road, Carmel (Assessor's Parcel Number(s) 241-231-001-000, 241-231-003-000, 241-231-007-000 and 241-231-008-000), Carmel Area Plan/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 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 on-going 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 a lot line adjustment (Resolution Number _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Number(s) 241-231-001-000, 241-231-003-000, 241-231-007-000 and 241-231-008-000 on July 29, 2020. 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 RMA Chief of 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. 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.

4. 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-Risk Management)

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-Risk Management 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-Risk Management

5. LOT LINE ADJUSTMENT DEED (NON-STANDARD CONDITION)

Responsible Department: RMA-Planning

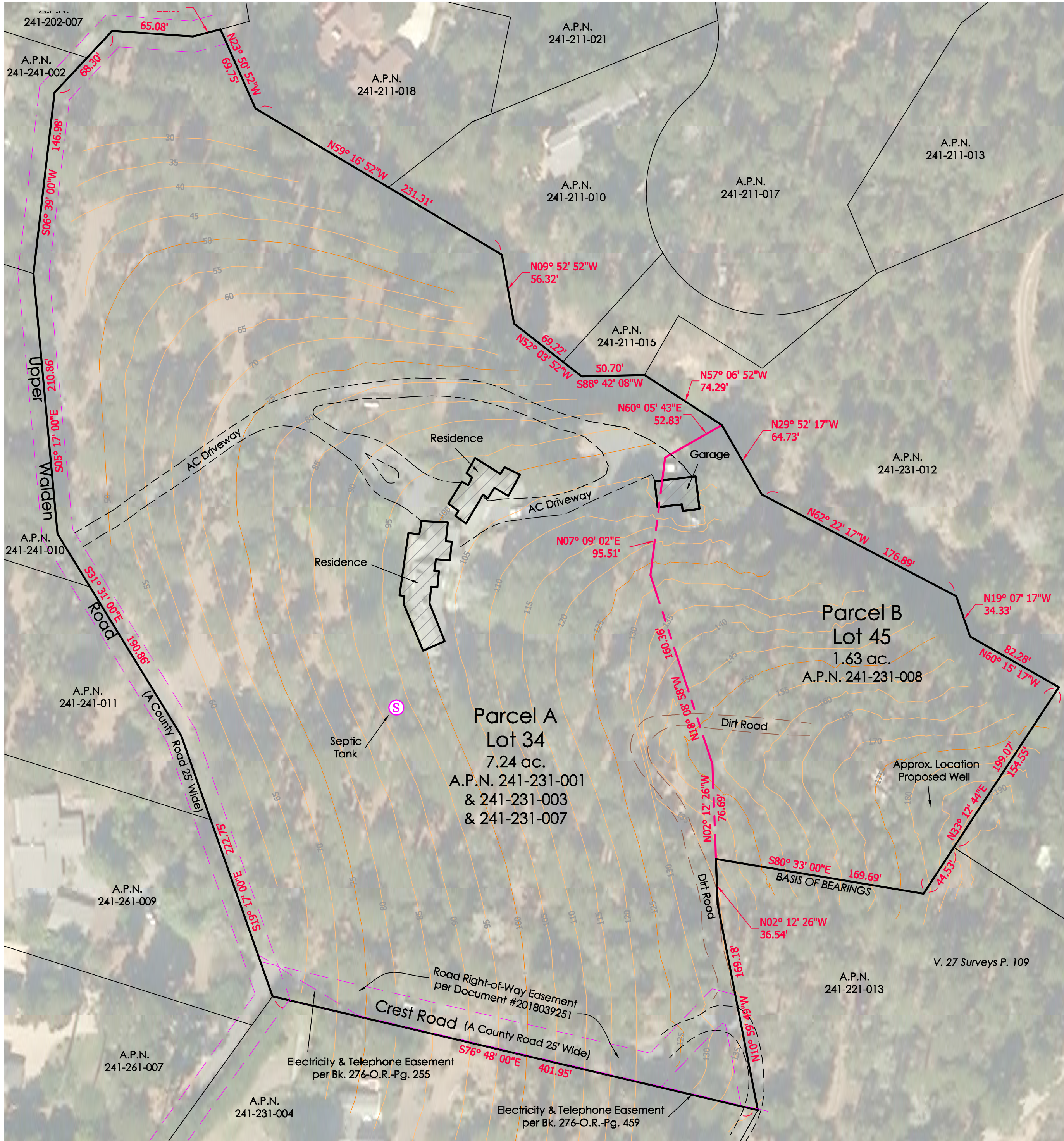
Condition/Mitigation Monitoring Measure: Owner(s)/Applicant(s) shall prepare, execute and record deeds that reflect the lot line adjustment as required by California Government Code §66412(d) and request an unconditional Certificate of Compliance for each of the adjusted parcels. (RMA-Planning)

Compliance or Monitoring Action to be Performed:

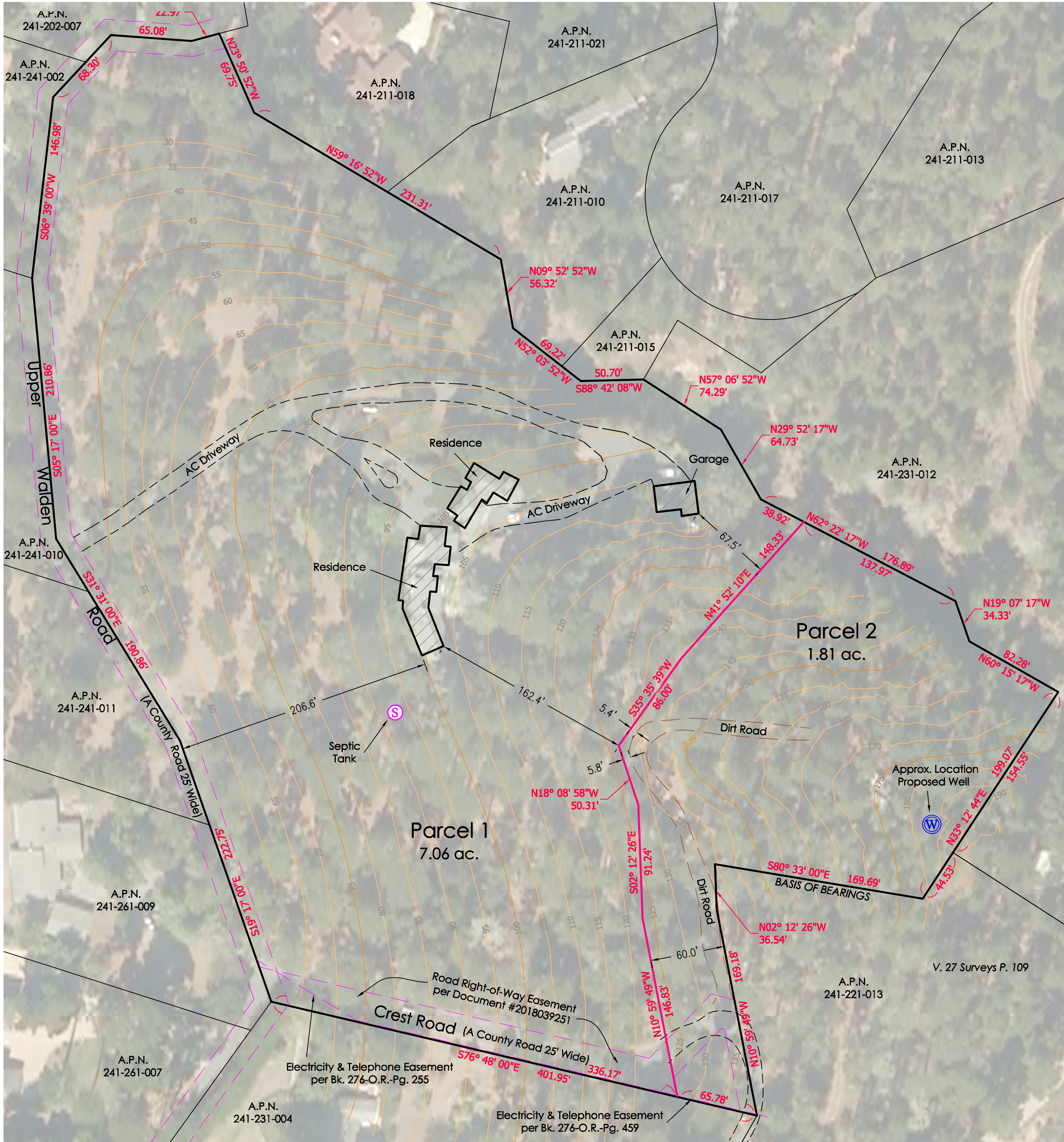
1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B."
3. Draft deeds for all adjustment parcels, being all areas being conveyed by Owners in conformance to the approved lot line adjustment. The deeds shall contain a legal description and plat of the areas to be conveyed in conformance to the approved lot line adjustment. The legal description, plat, and closure calculations shall be prepared by a professional land surveyor. The legal description shall be entitled "Exhibit A" and shall have the planning permit no. (PLN) in the heading. The plat may be incorporated by reference into Exhibit "A," or be entitled Exhibit "B." The deed shall comply with the Monterey County Recorder's guidelines as to form and content.
 - a. The Owner(s)/Applicant(s) shall be responsible for ensuring the accuracy and completeness of all parties listed as Grantor and Grantee on the deeds.
 - b. Each deed shall state in the upper left corner of the document the party requesting the recording and to whom the recorded document shall be returned.
 - c. The purpose of the deed shall be stated on the first page of the deed, as follows:
"The purpose of this deed is to adjust the parcel boundaries in conformance to the lot line adjustment approved by the County of Monterey, PLNxxxxxx. This deed is being recorded pursuant to §66412(d) of the California Government Code and shall reconfigure the subject parcels in conformance to said approved lot line adjustment."

PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

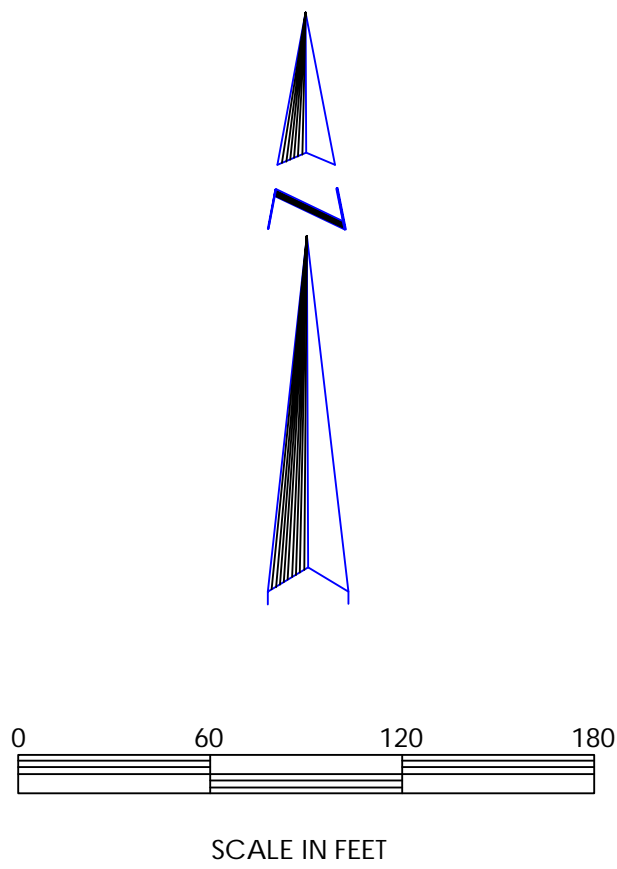
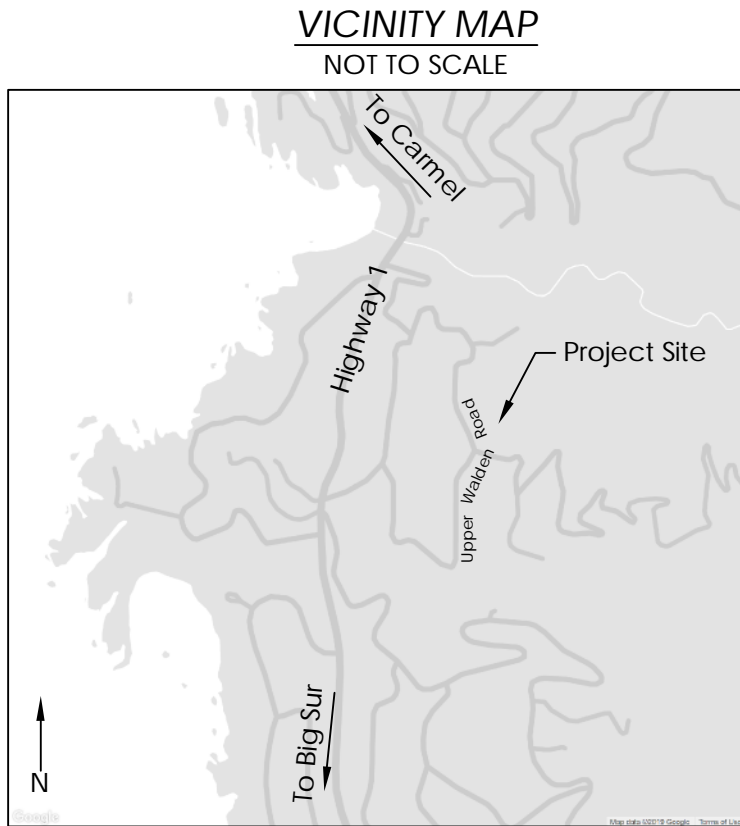
4. Following review and any corrections of the legal descriptions and plats by County Surveyor:
 - a. Owner/Applicant submit copies of the fully executed and acknowledged deed(s) for the adjustment parcels to the project planner for review & approval by County Surveyor
 - b. Owner/Applicant shall submit the legal description and plat for each Certificate of Compliance to RMA-Planning for final processing.
 - c. Using a title company, execute the deeds before a notary public, and have the deeds recorded.
 - d. Owner/Applicant shall submit copies of all recorded deeds to the project planner.



EXISTING LOT CONFIGURATION
Scale: 1" = 60'



PROPOSED LOT CONFIGURATION
Scale: 1" = 60'



OWNERS

KARL HEISLER
APNs 241-231-001, -003, -007 & -008
215 UPPER WALDEN RD
CARMEL VALLEY, CA 93923

REPRESENTATIVE

LYNN KOVACH, PLS 5321
831-659-9864
P.O. BOX 1378
CARMEL VALLEY, CA 93924

PREPARED FOR: Karl Heisler

SURVEYED BY: *POCARIS CONSULTING*
P. O. BOX 1378
CARMEL VALLEY, CA 93924
831-659-9564

SCALE: 1" = 60' VIEW: LLA DATE: MAY 14, 2019
FILE NAME: Heisler LLA.dwg JOB #18218 Sheet 1 of 1

STATEMENT

THIS PROPERTY IS LOCATED WITHIN RANCHO SAN JOSE Y SUR CHICUITO, AND INVOLVES THE LOT LINE ADJUSTMENT OF TWO PARCELS OF 7.24 ACRES AND 1.63 ACRES INTO TWO PARCELS OF 7.06 ACRES, AND 1.81 ACRES IN SIZE.

THE EXISTING ZONING ON THE PROPERTIES IS "LDR/1-D (CZ)".

THE PARCEL A OF THE PROPERTY IS CURRENTLY USED FOR RESIDENTIAL PURPOSES. THE PROPOSED USE OF BOTH NEW PARCELS IS FOR RESIDENTIAL PURPOSES.

THERE ARE CURRENTLY STRUCTURES ON THE PROPERTY AS SHOWN ON THE MAP.

NO TREES ARE TO BE PLANTED OR REMOVED.

THERE ARE NO PROPOSED COMMON AREAS OR AREAS TO BE DEDICATED TO PUBLIC USE.

THIS PROPERTY DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.

NO DEVELOPMENT STRUCTURES OR GRADING ARE BEING PROPOSED WITH THIS APPLICATION. SO NO EROSION CONTROL MEASURES ARE PROPOSED.

WATER IS PROVIDED BY CARMEL HIGHLANDS WATER DISTRICT. A NEW WELL IS PROPOSED FOR PARCEL 2, AS SHOWN ON MAP.

PARCEL A OF THE PROPERTY HAS PRIVATE SEPTIC AS SHOWN ON MAP. PRIVATE SEPTIC IS PROPOSED FOR PARCEL 2, NOT SHOWN.

CONTOUR INTERVAL IS 5 FEET.

SUMMARY TABLE

Subject Property	Property Owner	Existing Acreage	Existing Zoning
Parcel A	Karl Heisler	7.24	LDR/1-D (CZ)
Parcel B	Karl Heisler	1.63	LDR/1-D (CZ)

Proposed Property Designation	Property Owner	Proposed Acreage	Proposed Zoning
Parcel 1	Karl Heisler	7.06	LDR/1-D (CZ)
Parcel 2	Karl Heisler	1.81	LDR/1-D (CZ)

TENTATIVE LOT LINE ADJUSTMENT MAP OF

LANDS OF HEISLER
PARCELS A & B AS DESCRIBED IN REEL 1603 OF OFFICIAL
RECORDS AT PAGE 799
ALSO SHOWN AS ASSESSOR'S LOTS 34 & 45

CARMEL HIGHLANDS
MONTEREY COUNTY, CALIFORNIA

SLOPE ANALYSIS
OF
LOT 45 WITHIN
MAP NO. 2 OF PART OF
CARMEL HIGHLANDS
A.P.N. 241-231-008

MONTEREY COUNTY, CALIFORNIA

LEGEND

	PROPOSED PROPERTY LINE		BUILDING
	EXISTING LOT LINE		AC PAVEMENT
	LOT LINE		STONE WALL
	WIRE FENCE LINE		BENCHMARK
	CHAINLINK FENCE LINE		
	EDGE OF PAVEMENT		
	TOP OF BANK		
	TOE OF BANK		
	EDGE OF DIRT ROAD		
	EASEMENT LINE		

Slopes Table			
Range	Minimum Slope	Maximum Slope	Color
1	0%	25%	
2	25%	30%	
3	30%	100%	

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF KARL HEISLER, IN FEBRUARY, 2019.

DATED _____
LYNN A. KOVACH
P.L.S. 5321



BASIS OF BEARINGS

THE BEARING OF S 80°33'00" E ALONG THE SOUTHERLY BOUNDARY LINE OF LOT 45 AS DESCRIBED IN THE DOCUMENT RECORDED IN REEL 1603 OF ORIGINAL RECORDS AT PAGE 799 AS FOUND MONUMENTED, WAS TAKEN AS BASIS OF BEARINGS SHOWN UPON THIS MAP.

NOTES

- DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- ELEVATION SHOWN HEREON ARE ON AN ASSUMED DATUM. PROJECT BENCHMARK IS A PK NAIL & WASHER, NEAR GARAGE. ELEVATION = 100.00'
- CONTOUR INTERVAL = 5'

PREPARED FOR: KARL HEISLER
SURVEYED BY: POLARIS CONSULTING
P.O. BOX 1378
CARMEL VALLEY, CA 93924
831-659-9564

SCALE: 1" = 20' VIEW: SLOPE DATE: MAY 24, 2019
FILE NAME: HEISLER.SLOPE.dwg JOB #18218 Sheet 1 of 1

