



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

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|----------------------|---------------------|----------------------|-------------------------------|
| File #: | 13-0865 | Name: | Cathrein Estates (Don Chapin) |
| Type: | General Agenda Item | Status: | Passed |
| File created: | 8/16/2013 | In control: | Board of Supervisors |
| On agenda: | 8/27/2013 | Final action: | 8/27/2013 |

Title:

a. Approve the Final Map for a Standard Subdivision to divide a 143 acre parcel into 28 residential lots ranging in size from 1.23 acres to 5.2 acres, and 3 open space parcels totaling 79 acres;

b. Accept the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; the Agreement Re: Drainage and Flood Control Systems; and the Subdivision Improvement Agreement;

c. Authorize the Chair to execute the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; and the Subdivision Improvement Agreement; and

d. Direct the Clerk of the Board to submit the Final Map for a Standard Subdivision Vesting Tentative Map to the County Recorder for filing; and the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; the Deed Restriction for Lot 25; the Deed Restriction for potential cumulative water impacts; the Notice for Lots 5-19, 22 & 23; the Notice of Traffic Mitigation Fee to mitigate potential traffic and regional circulation impacts; the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; the Agreement Re: Drainage and Flood Control Systems; the Subdivision Improvement Agreement; and the Mitigation Monitoring Agreement for recording.

(Final Map for a Standard Subdivision Vesting Tentative Map - PLN990330/Catherein Land LLC, located at the terminus of Pesante Road, southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale, North County Area Plan)
(ADDED VIA ADDENDUM)

Sponsors:

Indexes:

Code sections:

Attachments:

1. Attachment A - Cover letter to the Clerk of the Board, 2. Attachment B - Vicinity Map, 3. Attachment C - Final Map, 4. Attachment D - Subdivision Guarantee, 5. Attachment E - Property Tax Clearance Certification, 6. Attachment F - Subdivision Improvement Agreement, 7. Attachment G - Conservation & Scenic Easement Deed, 8. Attachment H - Conservation & Scenic Easement Deed, 9. Attachment I - Notice of Traffic Mitigation Fee, 10. Attachment J - Mitigation Monitoring Agreement, 11. Attachment K - Deed Restriction, 12. Attachment L - Deed Restriction, 13. Attachment M - Agricultural Buffer Easement Deed, 14. Attachment N - Notice for Lots 5-19, 22 & 23, 15. Attachment O - Agreement - Drainage & Flood Control System, 16. Completed Board Order

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 8/27/2013 | 1 | Board of Supervisors | approved | |

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(Final Map for a Standard Subdivision Vesting Tentative Map - PLN990330/Catherein Land LLC, located at the terminus of Pesante Road, southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale, North County Area Plan)

(ADDED VIA ADDENDUM)

PROJECT INFORMATION:

Planning File Number: PLN990330

Owner: Catherein Land LLC; William M. Kelley and Nicole F. Kelley, Owners of Open Space Parcel "C"

Project Location: Located at the terminus of Pesante Road, southerly of the Hidden Canyon Ranch subdivision and east of Crazy Horse Canyon Road, Prunedale

APN: 125-291-001-000 and 125-621-017-000

Agent: Sue Putnam

Plan Area: North County Area Plan

Flagged and Staked: No

CEQA Action: Statutorily Exempt per CEQA Guidelines Section 15268 (b)(3)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve the Final Map for a Standard Subdivision to divide a 143 acre parcel into 28 residential lots ranging in size from 1.23 acres to 5.2 acres, and 3 open space parcels totaling 79 acres;
- b. Accept the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; and the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; and the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; the Agreement Re: Drainage and Flood Control Systems; and the Subdivision Improvement Agreement;
- c. Authorize the Chair to execute the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; the Subdivision Improvement Agreement; and

- d. Direct the Clerk of the Board to submit the Final Map for a Standard Subdivision to the County Recorder for filing; and the Conservation and Scenic Easement Deed for slopes that exceed 30 percent; the Conservation and Scenic Easement Deed for Biological Resources to include Open Space Parcels A, B, and C, slopes over 30 percent, and the wetland/riparian areas; the Deed Restriction for Lot 25; the Deed Restriction for potential cumulative water impacts; the Notice for Lots 5-19, 22 & 23; the Notice of Traffic Mitigation Fee to mitigate potential traffic and regional circulation impacts; the Agricultural Buffer Easement Deed to mitigate potential conflict with Land Use and Planning Policies of the County of Monterey for Lots 9, 10, 27, and 28; the Agreement Re: Drainage and Flood Control Systems; the Subdivision Improvement Agreement; and the Mitigation Monitoring Agreement for recording.

SUMMARY:

This project is subject to the 1982 General Plan. The developer has submitted a Property Tax Clearance Certification (Subdivision) in accordance with Government Code Section 66492 and the Final Map Guarantee in accordance with Government Code Section 66465 of the Subdivision Map Act and has met all the conditions of approval required for clearance prior to recording the Final Map. The Final Map is in substantial compliance with the approved Vesting Tentative Map.

DISCUSSION:

On February 25, 2004, the Planning Commission approved a Combined Development Permit (Cathrein Estates PLN990330) consisting of 1) a Standard Subdivision Vesting Tentative Map for the division of a 143 acre parcel into 28 residential lots ranging in size from 1.23 to 5.2 acres, and 3 open space parcels totaling 79 acres; 2) a Use Permit for an addition to a Mutual Water System, 3) a Use Permit for tree removal (156 Oak trees, including two over 24" diameter); and 4) a Grading Permit for approximately 20,000 cubic yards of cut and 46,000 cubic yards of fill for roads and infrastructure (hereafter, "project"). The property is located at the terminus of Pesante Road (Assessor's Parcel Numbers 125-291-001-000 and 125-621-017-000), southerly of the Hidden Canyon Ranch Subdivision and east of Crazy Horse Canyon Road, Prunedale.

On March 19, 2004, an appeal was filed by LandWatch Monterey County. On or about March 29, 2004, LandWatch Monterey County filed a Petition for Writ of Mandamus (alleging violation of the California Environmental Quality Act) in an attempt to set aside the County's decision to approve the project. On May 4, 2004, the Board of Supervisors denied an appeal (Resolution No. 04-151) of LandWatch Monterey County of the February 25, 2004 Planning Commission decision to approve the Cathrein Estates Subdivision proposal, and adopted the Mitigated Negative Declaration, adopted the Mitigation Monitoring Program and approved the Combined Development Permit for the Cathrein Estates Subdivision (PLN990330). On or about January 25, 2005, the Superior Court of the County of Monterey issued a ruling denying LandWatch Monterey County's Petition for Writ of Mandamus, in favor of the County of Monterey and real parties in interest. On or about March 2, 2005, a Notice of Entry of Judgment Denying the Petition for Writ of Mandamus was filed and served by real parties in interest. On or about March 25, 2005, LandWatch Monterey County filed a Notice of Appeal with the State of California Sixth Appellate District (Appellate Court). On or about January 23, 2007, the Appellate Court issued an Opinion denying LandWatch Monterey County's appeal of the Superior Court's decision. On or about March 20, 2007, the Appellate Court issued a Notice of Denial of LandWatch Monterey County's Petition for Rehearing. On June 13, 2007, an Order Denying Review of the Appellate Court's decision was issued by the California Supreme Court.

On July 12, 2005, the Board of Supervisors confirmed that the litigation period of the court challenge would "toll" or "stay" the map. On May 1, 2007, the Board of Supervisors approved pre-grading of the property and the removal of 154 trees. On January 17, 2008, the County confirmed that the map would expire on

June 15, 2009. Since July 2008, the Legislature has approved three extensions for tentative or vesting tentative maps that had not expired. These extensions have extended the term for these maps for a total of 4 years (48 months) beyond their original expiration date. Cathrein Estates qualified for all of these extensions.

The proposed Final Map has been reviewed and determined by staff to be in substantial compliance with the approved Standard Subdivision Vesting Tentative Map and project conditions of approval. Staff has verified that the applicant has met all conditions of approval required prior to recording the Final Map. Therefore, staff recommends that the Board approve the Catherein Land LLC Final Map for recording.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project and have cleared their recommended conditions for recording of the final map:

- Environmental Health Bureau
- RMA-Public Works Department
- Parks Department
- Water Resources Agency
- North County Fire Protection District

FINANCING:

Funding for staff time associated with this project is included in the FY13-14 Adopted Budget for the Planning Department.

Prepared by: Cynthia Bettencourt, Land Use Technician, ext. 5237
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
Benny Young, Director Resource Management Agency

This report was reviewed by Laura Lawrence, Planning Services Manager

cc: Front Counter Copy; Assessor's Office; Environmental Health Bureau; RMA-Public Works; Water Resources Agency; Laura Lawrence, Planning Services Manager; Catherein Land LLC, Applicant/Owner; Sue Putnam, Agent; William M. Kelley and Nicole F. Kelley, Owners of Open Space Parcel "C"; The Open Monterey Project; LandWatch Monterey County; Project File PLN990330

The following attachments are on file with the Clerk of the Board:

- Attachment A Cover letter to the Clerk of the Board
- Attachment B Vicinity Map
- Attachment C Final Map
- Attachment D Subdivision Guarantee
- Attachment E Property Tax Clearance Certification (Subdivision)
- Attachment F Subdivision Improvement Agreement
- Attachment G Conservation and Scenic Easement Deed (Mitigation Measure #8)
- Attachment H Conservation and Scenic Easement Deed (Condition #10)
- Attachment I Notice of Traffic Mitigation Fee
- Attachment J Mitigation Monitoring Agreement
- Attachment K Deed Restriction (Mitigation Measure #21)
- Attachment L Deed Restriction (Mitigation Measure #41)
- Attachment M Agricultural Buffer Easement Deed
- Attachment N Notice for Lots 5-19, 22 & 23

Attachment O Agreement Re: Drainage and Flood Control Systems