



County of Monterey

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

Legislation Details (With Board Report)

File #: RES 19-025 **Name:** PLN180149 - Cathrein Land LLC (Chapin)
Type: BoS Resolution **Status:** Passed
File created: 3/13/2019 **In control:** Board of Supervisors
On agenda: 3/19/2019 **Final action:** 3/19/2019
Title: PLN180149 - CATHREIN LAND, LLC (CHAPIN)
Public Hearing to consider amending the final map for Cathrein Acres subdivision (also known as Cathrein Estates) to reduce the agricultural buffer from 200 feet to 75 feet and to relocate the building envelope on Lot 10 of the Subdivision.
Project Location: 20530 Cathrein Court, Salinas area, (Assessor's Parcel Number 125-291-028-000), North County Area Plan.
Proposed (CEQA) Action: Consider Addendum to a previously adopted Mitigated Declaration (PLN990330).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Vicinity Map, 3. Attachment B - Draft Resolution, 4. Attachment C - Monterey County Board Order 13-0865, 5. Attachment D - Addendum to Mitigated Negative Declaration, 6. Attachment E - Mitigated Negative Declaration

Date	Ver.	Action By	Action	Result
3/19/2019	1	Board of Supervisors	approved as amended	Pass

PLN180149 - CATHREIN LAND, LLC (CHAPIN)

Public Hearing to consider amending the final map for Cathrein Acres subdivision (also known as Cathrein Estates) to reduce the agricultural buffer from 200 feet to 75 feet and to relocate the building envelope on Lot 10 of the Subdivision.

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

Proposed (CEQA) Action: Consider Addendum to a previously adopted Mitigated Declaration (PLN990330).

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- Certify that an Addendum together with a previously adopted Mitigated Negative Declaration has been considered pursuant 15164 of the California Environmental Quality Act (CEQA) Guidelines; and
- Approve 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 on Lot 10 of the Subdivision.

The attached draft resolution includes findings and evidence for consideration (**Attachment B**). Staff recommends approval of the project subject to 4 conditions of approval.

PROJECT INFORMATION:

Owner: Cathrein Land, LLC (Don Chapin)

Representative: Dale Ellis

APN: 125-291-028-000

Zoning: RDR/5.1 [Rural Density Residential, 5.1 acres per unit]

Plan Area: North County Area Plan

SUMMARY:

Cathrein Land, LLC owns a 2.5 acre parcel located at 20530 Cathrein Court, Salinas. The subject parcel is zoned "RDR/5.1" (Rural Density Residential, 5.1 acres per unit), and was created as part of a 28-lot subdivision. The final map for the subdivision was recorded in August 2013. An agricultural buffer was required by Mitigation Measure No. 39 of the Mitigated Negative Declaration adopted for the Cathrein Acres Subdivision. The purpose for the 200-foot easement was to protect agricultural operations on neighboring property from non-agricultural uses (residential use) created by the subdivision. Building and septic envelopes for future residential development on each of the 28 lots were also established as part of the subdivision and shown on the final map.

On March 16, 2018, Cathrein Land, LLC submitted an application (PLN180149/Cathrein Land, LLC) to reduce the 200-foot agricultural buffer to 75 feet and relocate the building envelope location on Lot 10 of the approved final map for the Cathrein Acres Subdivision. The reduction of the agricultural buffer will accommodate relocation of the building envelope for Lot 10. The present building envelope location would place future residential development on Lot 10 in a heavily wooded area. The applicant is requesting to move the building envelope approximately 94 feet south from its current location in order to minimize impacts to a stand of oak trees that exist within the current building envelope location and to take advantage of a natural opening in the oak tree canopy on the site. The proposed change applies to Lot 10 of the Subdivision only.

An agricultural buffer was recorded on Lots 9, 10, 27, and 28 of the Cathrein Acres Subdivision to protect the neighboring agricultural operations from new residential uses. In accordance with General Plan Policy AG-1.2, a reduced agricultural buffer is appropriate in this case given specific topographic conditions, screening vegetation, the type of adjacent agricultural uses, and other site conditions. Staff finds that a 75-foot buffer would be sufficient in this case to protect the adjacent agricultural interests. Additionally, the proposed building envelope relocation will help preserve oak trees in keeping with Open Space policies in the General Plan.

The Subdivision Map Act and Title 19 of the Monterey County Code allow amendments to a recorded final map upon making certain findings, following a public hearing. The amendment itself may be accomplished through an amending final map or a certificate of correction, either of which must be certified by the County Surveyor and recorded. Given the limited nature of the proposed revisions in the subdivision, the County Surveyor has determined that the map amendments can be adequately reflected in a certificate of correction in this case. A Condition has been added to this project that requires the applicant to submit a certificate of correction to the County Surveyor for review and approval prior to recordation.

DISCUSSION:

On May 4, 2004, the Monterey County Board of Supervisors adopted Resolution No. 04-151 approving a Standard Subdivision known as Cathrein Acres (or sometimes referred to as Cathrein Estates). A Mitigated Negative Declaration (MND) was adopted by the Board prior to approving the subdivision. The MND contained a total of 43 mitigation measures, including measure No. 39 that created a 200-foot wide agricultural buffer easement to separate potential conflict between non-agricultural and agricultural uses. The agricultural buffer for Lot 10 is a 200-foot wide easement that runs along the southern property line.

On August 27, 2013, the Monterey County Board of Supervisors approved 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 (Attachment C). The Final Map is recorded at Volume 24, Cities and Towns, Page 35). The Final Map shows the 200-foot agricultural buffer on Lot 10 and shows building envelopes for each of lots. Accordingly, a change

to the buffer and to the building envelope requires a modification to the Final Map.

On March 16, 2018, Cathrein Land, LLC submitted an application to reduce the agricultural buffer on Lot 10 of the Cathrein Acres subdivision and move the building envelope out of a densely-wooded building site.

The original subdivision was approved under the 1982 General Plan which required a 200-foot agrarian buffer between the proposed residential lots and adjacent agricultural lands. Under the 2010 Monterey County General Plan, Policy AG-1.2 requires that well-defined buffer areas be provided as partial mitigation for new development proposals that are located adjacent to agricultural land uses. There is no defined distance in the policy; rather buffers and easements are to be designed and established to protect current and reasonably foreseeable future agricultural operations based on the type of uses, weather patterns, crop type, topographical features, vegetation and state and local laws. In this case, a reduction in the agricultural buffer to 75 feet is sufficient to protect current and reasonably foreseeable adjacent agricultural uses because the residential lot is located north of the agricultural use, a natural buffer exists due to Lot 10 being located approximately 100 feet up slope from the adjacent agricultural use, vegetation on the slope provides a natural buffer between the uses, and the adjacent agricultural use is grazing which is not expected to be treated with pesticides. If the adjacent agricultural use were to be converted to row crop in the future, the smaller agricultural buffer would provide for reduced protections of the agricultural uses; however, based on all the factors described, staff recommends that 75 feet is sufficient in this case. This project also promotes Open Space policies of the 2010 General Plan by moving the building site out of an area with dense oak trees (Policy OS- 5.23).

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 if specific findings and circumstances exist. In this case, the findings can be made. This proposed modification of the final map does not impose any additional burden on the fee owners of real property. The certificate of correction will not change the ultimate use, density, or development potential within or adjacent to the subdivision. 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. 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 correction to the County Surveyor for review and approval has been added to the project.

If approved, the certificate of correction would reflect the revised agricultural buffer (75 feet) and the new building envelope location on Lot 10 of the Cathrein Acres subdivision.

CEQA REVIEW:

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared and a Mitigated Negative Declaration was adopted by the Monterey County Board of Supervisors for the Cathrein Acres subdivision (**Exhibit E**). An Addendum (**Exhibit D**) has been prepared for the proposed amending map to reflect the minor change in the project description and agricultural buffer mitigation which will now include a 75-foot agricultural buffer instead of a 200-foot agricultural buffer on Lot 10. The Addendum concludes that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted. No unresolved issues remain and the project, as proposed, is consistent with applicable policies regarding hazards and protection of environmental resources.

The reduced agricultural buffer zone for Lot 10 is sufficient to protect the long-term viability of adjacent agricultural lands and reduce conflicts between future residential uses and adjacent agricultural uses given the type of adjacent agricultural operations and unique site conditions in this case. No other changes to the previously adopted MND are required and no new impacts or an increase in the severity of impacts will result from approval of the amending map.

OTHER AGENCY INVOLVEMENT:

The project was not referred to the North County Land Use Advisory Committee or the Agricultural Advisory Committee for review.

FINANCING:

Funding for staff time associated with this project is included in the FY 2018-19 Adopted Budget for RMA-Planning, Fund 001, Appropriation Unit RMA001.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

RMA has Key Performance Measures to implement the Board's Strategic Initiatives by improving the permit process. This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper management of our land resources.

Check the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: S. Ted Lopez, Associate Planner, ext. 5198

Reviewed by: Craig Spencer, Interim Planning Services Manager ext. 5233 and
Brandon Swanson, Interim RMA Chief of Planning, ext. 5193

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Vicinity Map

Attachment B - Draft Resolution with:

- Conditions of Approval
- Proposed map revisions

Attachment C - Monterey County Board Order 13-0865

Attachment D - Addendum to Mitigated Negative Declaration

Attachment E - Mitigated Negative Declaration

cc: Front Counter Copy; Monterey County Regional Fire Protection District; Public Works Department; Environmental Health Division; RMA Environmental Services; Water Resources Agency; Brandon Swanson, Interim RMA Chief of Planning; Craig Spencer, Interim RMA Planning Services Manager, S. Ted Lopez, Associate Planner, Cathrein Land LLC, Property Owner (s); The Open Monterey Project (Molly Erickson); LandWatch (Director); Project File PLN180149.

