

# Exhibit A

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# DRAFT RESOLUTION

## Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

**SAXTON DANNY L & DEBRA M (PLN240052)**

### **RESOLUTION NO. 24-**

Resolution by the County of Monterey HCD Chief of Planning:

- 1) Finding the project Categorical Exempt pursuant to CEQA Guidelines Section 15305(a), Minor Alterations in Land Use Limitations, and no exceptions to Section 15300.2 can be made; and
- 2) Approving a Lot Line Adjustment between two legal lots of record consisting of Parcel 1 (APNs 189-491-005-000 and 189-491-006-000; 169,701 square feet) and Parcel 2 (APNs 189-501-014-000 and 189-501-015-000; 23,166 square feet), resulting in Parcel A (122,802 square feet) and Parcel B (70,065 square feet), respectively.

[PLN240052 Saxton, 40 Upper Circle, Carmel Valley, Carmel Valley Master Plan (APNs 189-491-005-000 & 189-491-006-0000)]

**The SAXTON DANNY L & DEBRA M application (PLN240052) came on for an administrative decision hearing before the County of Monterey HCD Chief of Planning on November 6, 2024 and December 4, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the County of Monterey HCD Chief of Planning 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:

- The 2010 County of Monterey General Plan;
- Carmel Valley Master Plan;
- County of Monterey Subdivision Ordinance (Title 19); and
- County of Monterey Zoning Ordinance (Title 21).

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) Project Scope/Existing Site Context. The project consists of a lot line adjustment between two legal lots of record to accommodate a property line that is more aligned with the existing land contours. Existing Parcel 1 is developed with a single-family residence and a detached garage while existing Parcel 2 is an undeveloped lot. Resulting Parcel A would contain the existing residential development while resulting Parcel B would remain vacant.
- c) Allowed Use. The properties are located at 40 Upper Circle, Carmel Valley Master Plan (APNs: 189-491-005-000; 189-491-006-000; 189-501-014-000 and 189-501-015-000). The properties are zoned Low Density Residential with a density of 2.5 acres a unit, a Design Control overlay, a Site Plan Review overlay, and a Residential Allocation Zoning overlay or “LDR/2.5-D-S-RAZ”. This zoning district allows one single-family dwelling unit per lot (Title 21 Section 21.14.030.A), and therefore the existing residence is an allowable use. The lot line adjustment does not include any new development or the addition of new land uses. All uses on the sites are consistent with the property’s underling zoning.
- d) Lot Legality. The 1964 Assessor’s Parcel Map delineates existing Parcel 1 as “Lot 4 of Sub O of Parcel 7 of Rancho Los Laureles” (former APN 189-491-004-000). The 1964 Assessor’s Parcel Map delineates existing Parcel 2 as “Lot S of Robles Del Rio Carmelo No. 3” (former APN 189-501-004-000). Parcels 1 and 2 match in size and configuration and were shown under separate ownership. Therefore, the County recognizes Parcels 1 and 2 as legal lots of record.
- e) Minimum Building Site. Development standards for the LDR zoning districts are codified in Title 21 section 21.14.060. Pursuant to subsection “A”, the minimum building site in this district is one acre. Consistent with this requirement, resulting Parcels A and B exceed one acre in size.
- f) Setbacks. The existing single family dwelling on Parcel 1 (resulting Parcel A) has legal non-conforming side setback of 5 feet along the eastern property line as the minimum setback is 20. The lot line adjustment does not affect this lot line and is allowable pursuant to Title 21 section 21.68.040.A. All other setbacks for resulting Parcel A affected by the adjustment meet the minimum required. Resulting Parcel B is void of development and there is no indication that establishment of future structures would not be able to maintain the required development standards.
- g) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240052.

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

**EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey County Regional FPD. County staff reviewed the application materials and plans to verify that the project on the subject site

conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development.

- b) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240052.

**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 HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Monterey Regional Fire Protection District. The respective agencies have recommended conditions, where appropriate, to ensure that the project 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 exist and presently serve the residential development that will be contained within resulting Parcel A. Resulting Parcel A will maintain road access off Upper Circle, the existing domestic well and septic tank. Access to resulting Parcel B would be obtained via an existing 60 foot right of way and public utility easement.
  - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240052.

**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 County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
  - b) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN240052.

**5. FINDING: LOT LINE ADJUSTMENT** – The adjustment of the parcels is consistent with Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision ordinance – Inland) of the Monterey County Code.

- EVIDENCE:**
- a) The lot line adjustment is between two (or more) existing adjacent parcels. Existing Parcel 1 and Parcel 2 share their western and eastern property lines, respectively.
  - b) As demonstrated in Finding 1, Evidence “b”, a greater number of parcels than originally existed will not be created as a result of the lot line adjustment.

- c) As demonstrated in Findings 1, 3, 4 and supporting evidence, resulting Parcels A and B conform to County zoning and building ordinances. No demolition, construction, or other type of development is proposed under this entitlement.

**6. FINDING: CEQA (Exempt)** – The project Categorically Exempt pursuant to Section 15305 (a), Minor Alterations in Land Use Limitations, of the California Environmental Quality Act (CEQA) Guidelines.

- EVIDENCE:**
- a) CEQA Guidelines Section 15305 categorically exempts minor alterations to land use limitations, including minor lot line adjustments.
  - b) The applicant proposes a minor lot line adjustment between two legal lots of record. See Finding 1, Evidence “d”.
  - c) No new lots would be created by the lot line adjustment. No demolition, construction, or other type of development is proposed under this entitlement.
  - d) The lot line adjustment would not intensify the level of development allowed on the parcels. Although existing Parcel 2 does not meet the minimum building site of one acre, potential residential development could be supporting. However, resulting Parcel B will increase to approximately 1.6 acres in size, providing additional room to accommodate residential development, installation of a well for potable water and an onsite wastewater treatment system for wastewater service. Also see Finding 3, Evidence “b”.
  - e) As demonstrated in the preceding findings and supportive evidence, none of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. No adverse environmental effects were identified during staff review of the development application. The project does not involve alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, nor development that would result in a cumulatively significant impact.
  - f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in Project File PLN240052.

**7. FINDING: APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) In accordance with Title 19 section 19.16.025 an appeal may be made by any person aggrieved by a decision of an appropriate authority other than the Board of Supervisors. Title 19 Section 19.16.020.A designates the Board of Supervisors as the appropriate authority to consider appeals of decisions of the Chief of Planning.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the HCD Chief of Planning does hereby:

1. Find the project, a minor lot line adjustment, qualifies for a Class 5 Categorical Exemption pursuant to CEQA Guidelines Section 15305 (a), and that none of the exceptions from Section 15300.2 apply to the project; and
2. Approve a Lot Line Adjustment two legal lots of record consisting of Parcel 1 (APNs 189-491-005-000 and 189-491-006-000; 169,701 square feet) and Parcel 2 (APNs 189-501-014-000 and 189-501-015-000; 23,166 square feet), resulting in Parcel A (122,802 square feet) and Parcel B (70,065 square feet ), respectively.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 4th day of December 2024.

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Melanie Beretti, ACIP  
HCD, Chief of Planning

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE \_\_\_\_\_.

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. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 10-22-2024

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# County of Monterey HCD Planning

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

PLN240052

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** This Lot Line Adjustment (PLN240052) allows an adjustment between two legal lots of record consisting of Parcel 1 (APNs 189-491-005-000 and 189-491-006-000; 169,701 square feet) and Parcel 2 (APNs 189-501-014-000 and 189-501-015-000; 23,166 square feet), resulting in Parcel A (122,802 square feet) and Parcel B (70,065 square feet), respectively. The properties are located at 40 Upper Circle, Carmel Valley, Carmel Valley Master 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 Director of HCD - 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. (HCD - 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:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Lot Line Adjustment (Resolution Number \_\_\_\_\_) was approved by the HCD Chief of Planning for Assessor's Parcel Numbers 189-491-005-000; 189-491-006-000; 189-501-014-000 and 189-501-015-000 on December 4, 2024. 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 HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - 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 HCD - Planning.

## 3. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** 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. PD045 - COC (LOT LINE ADJUSTMENTS)

**Responsible Department:** Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall request unconditional Certificates of Compliance for the newly configured parcels. (HCD - 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 HCD -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.

## 5. PDSP001 - LOT LINE ADJUSTMENT DEED (NON-STANDARD)

**Responsible Department:** 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. (HCD-Planning)

**Compliance or Monitoring Action to be Performed:**

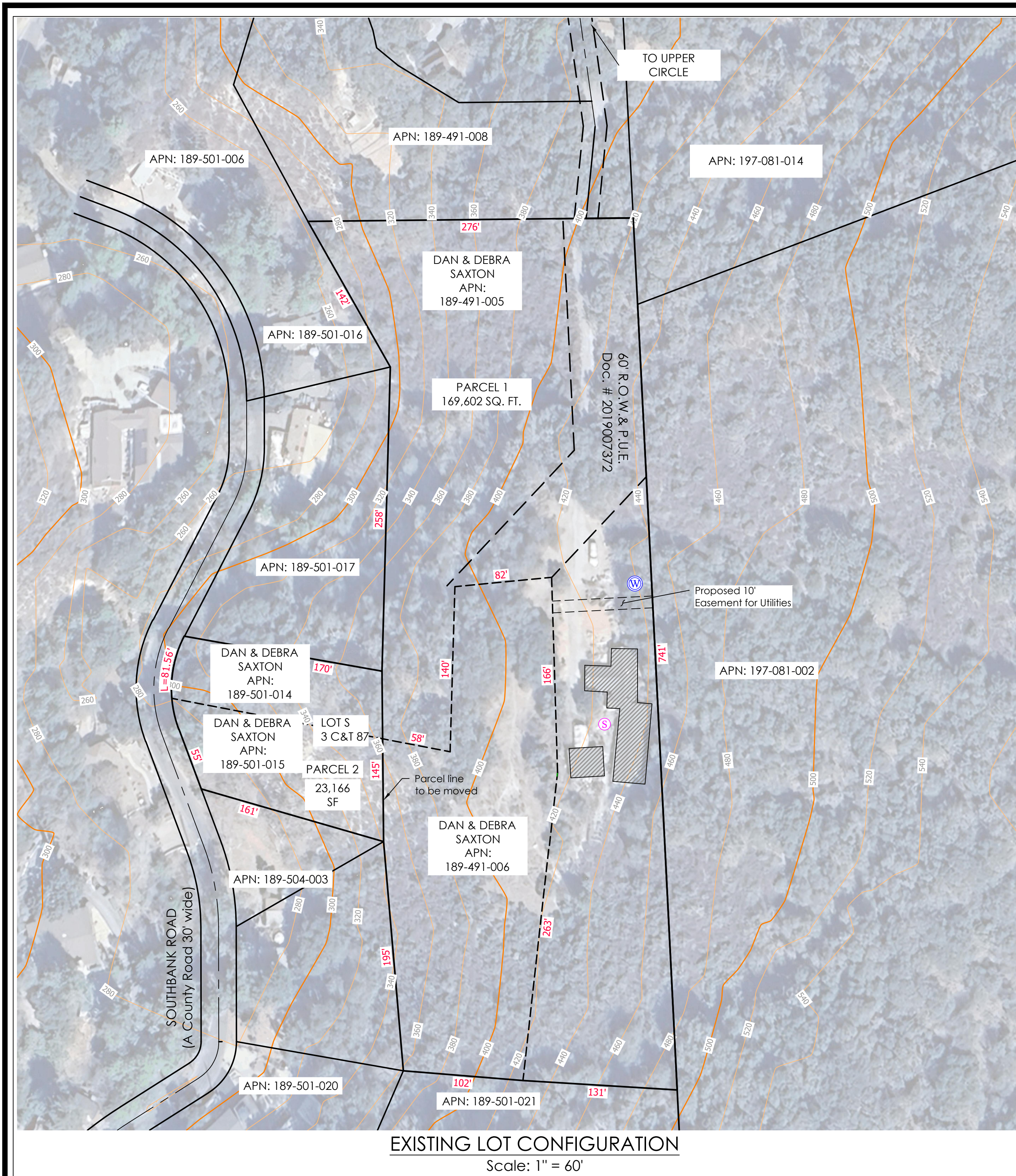
1. An updated title report (current within 30 days) for each subject parcel of the lot line adjustment.
2. Draft legal descriptions, plats and closure calculations for each newly adjusted parcel of the lot line adjustment for which a Certificate of Compliance will be issued. The legal description, plat, 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. (PLN240052) 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. (PLN240052) 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, PLN240052. 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."

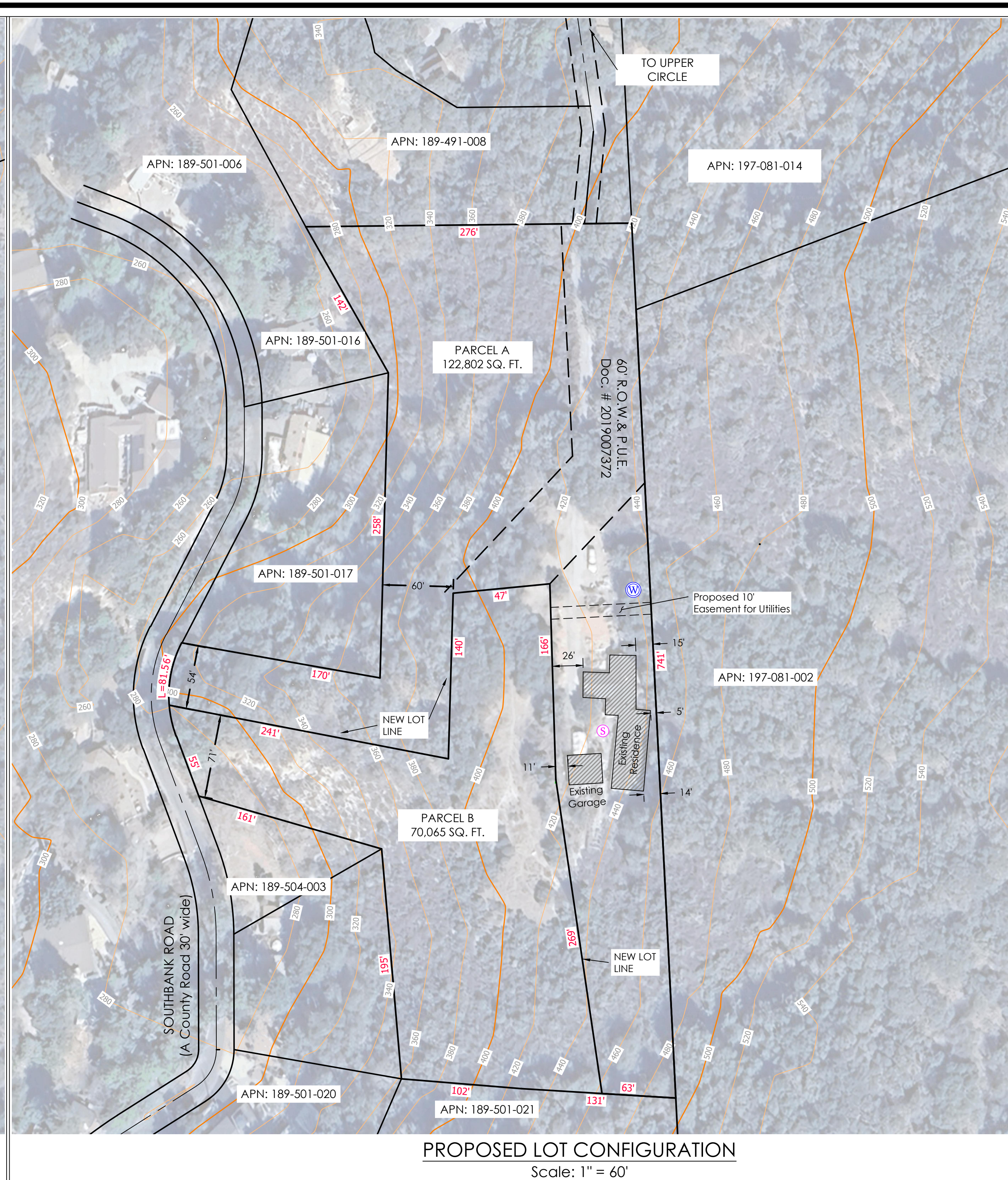
PLEASE NOTE: Owner(s) is/are responsible for securing any reconveyance, partial reconveyance and/or subordination in connection with any loan, mortgage, lien or other financial obligation on all property being transferred between parties.

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 HCD-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.

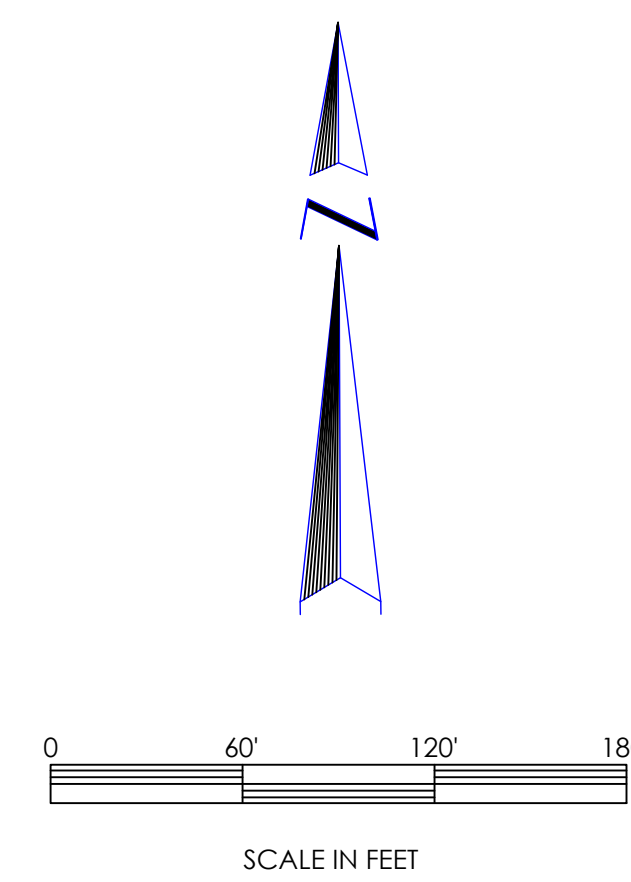
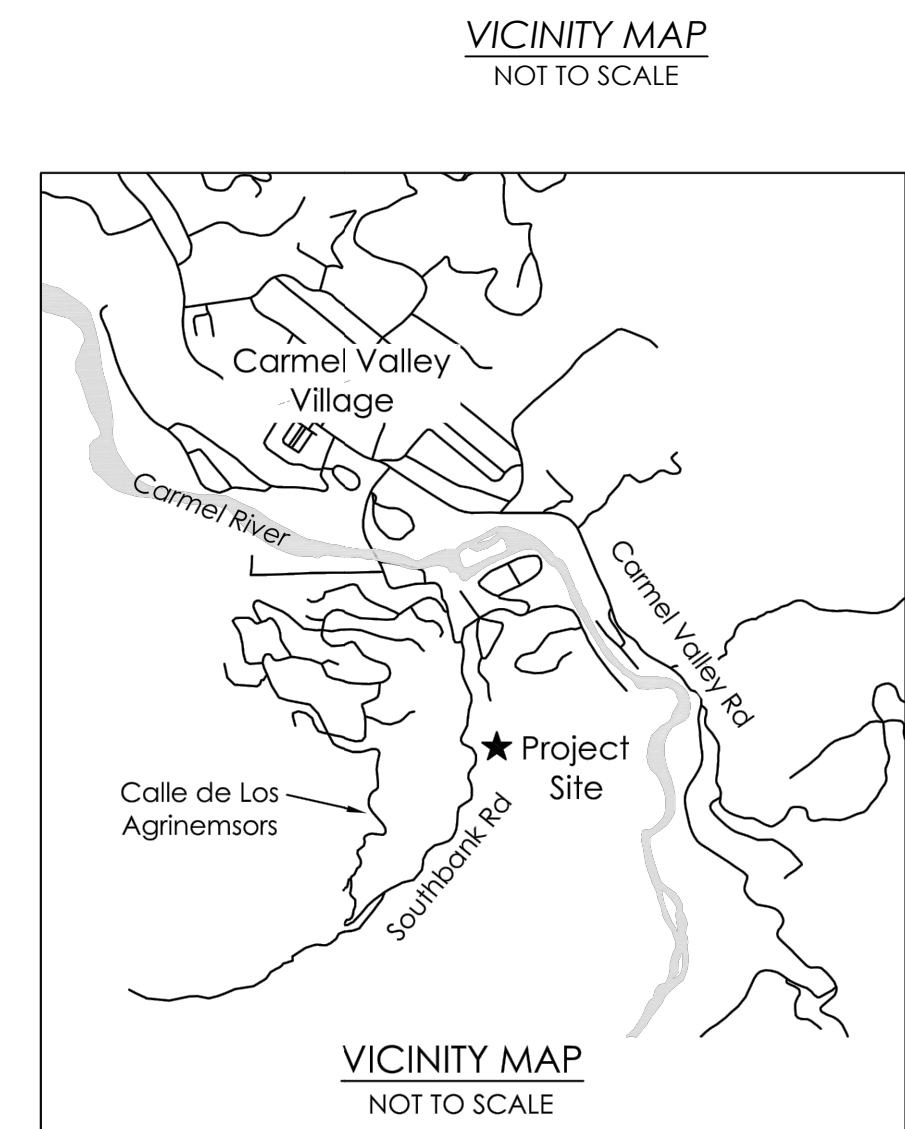




**EXISTING LOT CONFIGURATION**  
Scale: 1" = 60'



**PROPOSED LOT CONFIGURATION**  
Scale: 1" = 60'



**OWNERS**

DAN & DEBRA SAXTON  
APN 189-491-005 & -006  
APN 189-501-014 & -015  
40 UPPER CIRCLE  
CARMEL VALLEY, CA 93924

**REPRESENTATIVE**

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

PREPARED FOR: DAN SAXTON  
SURVEYED BY: *POCARIS LAND SURVEYING*  
P. O. BOX 1378  
CARMEL VALLEY, CA 93924  
831-659-9564

SCALE: 1" = 60' VIEW: LLA DATE: Nov. 25, 2024  
FILE NAME: SAXTON TM LLA.DWG JOB #24-124 Sheet 1 of 1

**STATEMENT**

THIS PROPERTY IS LOCATED WITHIN RANCHO LOS LAURELES, AND INVOLVES THE LOT LINE ADJUSTMENT OF TWO EXISTING PARCELS OF 169,602 SQ. FT. AND 23,166 SQ. FT. INTO TWO PROPOSED PARCELS OF 122,802 SQ. FT., AND 70,065 SQ. FT. IN SIZE.

THE EXISTING ZONING ON THE PROPERTIES IS "LDR/2.5-D-S-RAZ".

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 CALIFORNIA AMERICAN WATER COMPANY FOR PARCEL B. THERE IS A WELL ON PARCEL A.

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

CONTOUR INTERVAL IS 20 FEET.

**LEGEND**

- SEPTIC
- WELL
- PROPERTY LINE
- EXISTING STRUCTURE

**SUMMARY TABLE**

PARCEL	Subject Property	Property Owner	Existing Acreage	Existing Zoning	Proposed Property Designation	Property Owner	Proposed Acreage	Proposed Zoning
PARCEL 1	APN 189-491-005 APN 189-491-006	DAN & DEBRA SAXTON	169,701 SQ. FT.	LDR/2.5-D-S-RAZ	Parcel A	DAN & DEBRA SAXTON	122,802 SQ. FT.	LDR/2.5-D-S-RAZ
PARCEL 2	APN 189-501-014 APN 189-501-015	DAN & DEBRA SAXTON	23,166 SQ. FT.	LDR/2.5-D-S-RAZ	Parcel B	DAN & DEBRA SAXTON	70,065 SQ. FT.	LDR/2.5-D-S-RAZ

**PLN 240052**  
**TENTATIVE LOT LINE ADJUSTMENT MAP**  
OF  
LANDS OF SAXTON  
A PORTION OF RANCHO LOS LAURELES  
40 UPPER CIRCLE, CARMEL VALLEY  
APN: 189-491-005 & 189-491-006  
  
CARMEL VALLEY  
MONTEREY COUNTY, CALIFORNIA