

Exhibit B

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Exhibit B
Draft Resolution
Before the Planning Commission
in and for the County of Monterey, State of California

In the matter of the application of:

PLN230308 MAEHR TED H AND RAINER RICHARD SCOTT

RESOLUTION No. 24-

Resolution by the Monterey County Planning Commission:

- 1) Adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- 2) Approving Coastal Development Permit for a Lot Line Adjustment between two legal lots of record consisting of the “Maehr Parcel”, containing 43.65 acres (Assessor’s Parcel Number 418-151-005-000), and the “Rainer Parcel” containing 7.25 acres (APN 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Maehr Parcel) and 10.35 acres (Adjusted Rainer Parcel), respectively; and
- 3) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan.

(PLN230308), 38829 and 1122 Palo Colorado Road, Carmel, CA (APNs 418-151-005-000 and 418-151-006-000) Big Sur Coast Land Use Plan.

The Maehr and Rainer application (PLN230308) for a Coastal Development Permit for a Lot Line Adjustment came on for hearing before the Monterey County Planning Commission on March 27, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, 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.
 - 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan, Part 3, Regulations for Development in the Big Sur Coast Land Use Plan (CIP);
 - Monterey County Zoning Ordinance (Title 20); and
 - Monterey County Subdivision Ordinance (Title 19).

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.

- EVIDENCE:**
- a) The project includes a Coastal Development Permit to allow a Lot Line Adjustment between two legal lots of record consisting of the Maehr Parcel (Parcel 1), 43.65 acres (Assessor's Parcel Number [APN] 418-151-005-000) and the Rainer Parcel (Parcel 2), 7.25 acres (APN 418-151-006-000). The adjustment would result in two parcels of 40.55 acres (Adjusted Parcel 1) and 10.35 acres (Adjusted Parcel 2). The properties are located at 38829 and 1122 Palo Colorado Road, Carmel (APNs 418-151-005-000 and 418-151-006-000), Big Sur Coast Land Use Plan, Coastal Zone.
 - b) The two adjacent properties proposed for adjustment are zoned Watershed and Scenic Conservation with a minimum building site of 40 acres, coastal zone (WSC/40(CZ)). The Maehr parcel (APN 418-151-005-000) would retain conformance to the requirement for minimum lot size. The Rainer parcel (APN 418-151-006-000) would retain legal non-conforming size as a parcel less than 40 acres. The project is consistent with the WSC zone density because no construction or site improvements are proposed with this application.
 - c) Lot Legality. The subject property for the Rainer parcel (APN 418-151-006-000) and the Maehr parcel (APN 418-151-005-000) and are shown in the current configuration as lots C and 6, respectively, in Volume 418, page 15 of the 1964 Assessor's Maps. The Subdivision Map Act did not require subdivisions for lots of this size until 1972. Therefore, the County recognizes the subject properties as legal lots of record. An inaccuracy in the boundary line of the subject parcel was clarified in the recent past. In 2005, the common boundary line between the Maehr parcel and the Rainer parcel was labeled "ACCEPTED LOT LINE AS RETRACED BY D.C. RASMUSSEN, 1961, BEING THE EAST LINE DESCRIBED IN REEL 3266- O.R.- P.G. 1399", as shown and depicted on that certain RECORD OF SURVEY showing boundary conflict in line between U.S. Lots 5 & 6, situate in Section 11 of Township 18 S., Range E., M.D.B.&M., County of Monterey, State of California, prepared by Rasmussen Land Surveying, Inc. dated October 1, 2005 and recorded in the official records of Monterey County at Volume 28 of Surveys, Page 91."
 - d) Development Standards. As proposed, the project meets all required development standards. The development standards for the WSC zoning district are identified in Monterey County Code (MCC) section 20.17.060. Minimum setbacks for main structures are 30 feet front, 20 feet side and 20 feet rear. Accessory structure minimum setbacks are 50 feet front, six feet side and rear, and the height is a maximum of 15 feet. Barn minimum setbacks are 50 feet front, 20 feet side and rear.

The existing development on Parcel 1 is within required yard setbacks. The smallest setback from the main dwelling to the nearest

parcel boundary line, the side to the south, is 100 feet. The smallest setback from any existing accessory structure is 36 feet from the south side parcel boundary line. Minimum distances between main and accessory structures for the zoning district is 10 feet, and between accessory structures it is six feet. Project includes several accessory structures which are over 10 feet from the main. ADU is approximately 16 feet from the main house and workshop is twelve feet from storage shed. Other inter-structural distances are larger.

The existing development on Parcel 2 is also within required yard setbacks. The smallest setback from the existing dwelling is approximately 45 feet from the side parcel boundary line. The smallest setback from any existing accessory structure is 6 feet from the rear and 10 feet from the side parcel boundary lines; there are no barns on Parcel 2.

Building site coverage in WSC zoning district is limited to 10%. Currently, site coverage on both parcels is well below the maximum. After the LLA, the site coverage of Parcel 1 is less than 3% (5,098 sq. ft. buildings and tanks within a 1,766,358 square foot lot). The site coverage of Parcel 2 is less than 1% (1,938 sq. ft. buildings and tanks within a 450,846 square foot lot).

- e) As demonstrated in Finding No. 4 and supporting evidence, the lot line adjustment is consistent with the requirements set forth in Title 19 Section 19.09.
- f) The parcels are designated with Design Control (D) overlay and are subject to regulations in the Big Sur LUP for Scenic Resources. No portion of either adjusted parcel is in the Big Sur Critical Viewshed as defined in the Big Sur LUP as there is no visibility along scenic Highway 1.
- g) Staff site inspection on March 17, 2022 to confirm that the proposed building areas will not be located within the Critical Viewshed.
- h) The lot line adjustment proposal was reviewed by the Big Sur Coast Land Use Advisory Committee (LUAC) on January 9, 2024. The LUAC voted unanimously to recommend approval of the project as proposed (4 yeas, 0 noes).
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

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: HCD-Planning, Carmel Fire Protection on behalf of Cal Fire Coastal, HCD-Development Services, HCD-Environmental Services, and the Environmental Health Bureau. There has been no indication from these departments/agencies that the sites are not suitable for the proposed development. Conditions recommended have been incorporated.

- b) No technical reports were required to review this application because no construction or site improvements are proposed as part of the lot line adjustment.
- c) Access to the existing residential development areas on the adjusted parcels is available from Palo Colorado Road via a shared driveway that is maintained by all neighbors. Access for Parcel 2 (APN 418-151-006-000) is made independent of the Parcel 1 through the action of this adjustment.
- d) Staff site inspection on March 17, 2022 confirms the site is suitable for the proposed lot line adjustment.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

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, Carmel Fire Protection on behalf of Cal Fire Coastal, HCD-Development Services, HCD-Environmental Services, and Environmental Health Bureau. The respective agencies found 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) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

4. FINDING: **LOT LINE ADJUSTMENT** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Coastal Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

- 1. The lot line adjustment (LLA) is between four (or fewer) existing adjoining parcels;
- 2. A greater number of parcels than originally existed will not be created as a result of the LLA;
- 3. The parcels resulting from the LLA conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The two subject properties are in the WSC zone which allows LLAs subject to issuance of a Coastal Development Permit in each case.
 - b) The lot line adjustment between the two existing adjoining parcels will not create a greater number of parcels than originally existed. Two separate legal parcels of record will be adjusted and two

contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.

- c) Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property that are not resolved within the action of the Planning Commission in the same hearing. See Finding No. 5 and supporting evidence.
- d) The adjustment will not affect any existing access and/or farm roads, domestic water wells, septic facilities, or other utilities.
- e) As an exclusion to the Subdivision Map Act, no map is recorded for a LLA. To appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval.
- f) Staff site inspection on March 17, 2022 confirms the site is consistent with the requirements for approval of the proposed lot line adjustment.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

5. FINDING: **NO VIOLATIONS** – The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. There are no violations on the subject parcels not resolved within the March 27, 2024 Planning Commission hearing.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and there are violations existing on subject properties. A violation existed on Parcel 1 (APN 418-151-005-000); the violation is corrected by after-the-fact permitting granted during the same hearing as this LLA permit. As a result of the Planning Commission’s action in adoption of Resolution No. 24-XX and the subsequent ministerial permits that will be required after appeal periods are exhausted, the existing violation on the property shall be resolved. No violations exist on Parcel 2 (APN 418-151-006-000).
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

6. FINDING: **PUBLIC ACCESS** - The project is consistent with the ordinances related to public trust or public use, and is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program pursuant to 20.145.150 of Monterey County Code Title 20 Coastal Implementation Plan Part 3 for the Big Sur Coast Land Use Plan.

- EVIDENCE:**
- a) *Section 20.145.150.B.1.a.2* – Neither of the subject parcels have existing public access or prescriptive rights of public access.

- b) *Section 20.145.150.B.1.b* – Provision of lateral access, vertical access, upland trail, or scenic overlook is not needed on either of the subject parcels.
- c) *Section 20.145.150.B.1.c* – Neither of the trails on the Trails Plan (Figures 2 and 3) of the Big Sur Coast Land Use Plan are proposed on the subject parcels.
- d) The primary form of access in the Big Sur area is visual access to the coast and mountains visible from Highway 1. This project is not within the Critical Viewshed.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

7. FINDING: **CEQA (MITIGATED NEGATIVE DECLARATION)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, would have a significant effect on the environment. The Mitigated Negative Declaration (MND) reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study (IS) to determine if the project may have a significant effect on the environment, and shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment. The LLA was reviewed in this manner due to the connection to the after-the-fact development on Parcel 1. Although CEQA Guidelines Section 15305 (Category 5) categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes to land use or density, that is the case with this LLA, the two projects were considered together in the IS as it “whole of the action.”
 - b) The County prepared an IS pursuant to CEQA. The IS/MND is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN160856).
 - c) There is no substantial evidence, based upon the whole record, that the project may have a significant effect on the environment. The IS identified a few potential significant effects. Based upon the analysis of the IS, HCD-Planning prepared a MND. The applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) The Draft Initial Study and Mitigated Negative Declaration for HCD-Planning File No. PLN160856 was prepared in accordance with the CEQA Guidelines, filed with the County Clerk on March 27, 2023, and circulated for public review from March 27, 2023 to April 26, 2023. (State Clearinghouse No. 2023030674).
 - e) Pursuant to Public Resources Code Section 21080.3.1, the County (HCD-Planning staff) initiated consultation notification on October 25,

2022, with the Kakoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria, the Esselen Tribe of Monterey County, and the Ohlone/Costanoan-Esselen Nation (OCEN). On November 18, 2022, the County consulted with the Kakoon Ta Ruk Band regarding the proposed project. No tribal cultural resources were identified through the consultation. The tribal representatives reviewed the IS/MND and made no comment. No mitigation relating to such resources is required.

- f) Resource areas that were analyzed in the Draft IS/MND included: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, tribal cultural resources, and wildfire.
- g) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, comment letters, and information and testimony presented during public meetings and the Planning Commission hearing. These documents are on file in HCD-Planning (File No. PLN160856) and are hereby incorporated herein by reference.
- h) The County identified no impacts to agriculture and forest resources, mineral resources, population and housing, public services, recreation, and transportation and traffic.
- i) The County identified potentially significant impacts to biological resources. Due to the nature of the potential impacts, staff consulted with California Department of Fish and Wildlife (CDFW) and California Coastal Commission during the preparation of the IS. Mitigation measures have been proposed to reduce the identified impacts to a level of less than significant. Mitigation Measure BIO-1 would cause the owner of Parcel 1 (APN 418-151-005-000) to restore the madrone trees that were impacts and cause five years of 1:1 replanted tree monitoring to be performed. During the five years of monitoring, HCD staff will attend the site visits at least three of the site visits to ensure the requirements of the Mitigation Measure and all the other conditions of approval for PLN160856 are met.
- j) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with Monterey County regulations which is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and Reporting Plan" as a condition of project approval (Condition No. 6).
- k) Analysis contained in the IS and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the CDFW regulations. The project is subject to a State filing fee plus the County recording fee. Initial Study was sent to CDFW for review and comment and no comments were received. The applicants will pay the State fee and the processing fee payable to the Monterey County Clerk/Recorder for posting the Notice of Determination (Condition No. 16 of PLN160856, Planning Commission Resolution No. 24-XX).

- l) County received comments on the IS/MND during the public review period from three parties. The comment letters identified concerns regarding available water supply and consistency with fire protection requirements. These comments were relative to the development related in PLN160856 (Planning Commission Resolution No. 24-XX) and not the LLA.
- m) No re-circulation is required. Revisions to the IS/MND to clarify and amplify the analysis have been made in response to comment letters from the public and agencies discussed in Evidence “l” above. As with the comments, the revisions were relative to the development related in PLN160856 (Planning Commission Resolution No. 24-XX) and not the LLA. No additional mitigation measures were proposed as a result of the IS/MND revisions. Pursuant to CEQA Guidelines section 15073.5(c), recirculation of the IS/MND is not required because the project revisions were added in response to comments on the public draft that did not present new avoidable significant effects or significantly alter recommended mitigations. The County prepared an Errata Memorandum that includes revisions to the text of the Draft IS/MND, in full. The revisions are listed numerically by page number. All additions to the text are shown underlined and all deletions from the text are shown stricken. The IS/MND with Errata Memorandum was reviewed by the Planning Commission as part of the decision without recirculation pursuant to CEQA Guidelines section 15164. The IS/MND with Errata Memorandum is the adopted IS/MND.
- n) The Monterey County Planning Commission considered the MND, along with the Coastal Development Permit, at a duly noticed public hearing held on March 27, 2024.
- o) Monterey County HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based.
- p) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File Nos. PLN160856 and PLN230308.

8. FINDING: **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors. The decision on the appeal made by the Board of Supervisors may be appealed to the California Coastal Commission (CCC).

EVIDENCE: a) Pursuant to Section 20.86.030.A of the Monterey County Zoning Ordinance Title 20, the Board of Supervisors is the appropriate authority to whom the decision may be appealed.

b) The project includes a Coastal Development Permit for a Lot Line Adjustment which is listed as a conditional use allowed in the WSC zone (Title 20 Section 20.17.050.JJ). Pursuant to Section 20.86.080 of Title 20, projects that are listed as a conditional use allowed may be appealed to the CCC.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines;
- B. Approve Coastal Development Permit for a Lot Line Adjustment between two (2) legal lots of record consisting of the “Maehr Parcel”, containing 43.65 acres (Assessor’s Parcel Number 418-151-005-000), and the “Rainer Parcel” containing 7.25 acres (APN 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Maehr Parcel) and 10.35 acres (Adjusted Rainer Parcel) in general conformance with the attached map and subject to conditions, being both attached hereto, and incorporated herein, by reference.
- C. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

PASSED AND ADOPTED this 27th day of March 2024 upon motion of _____, seconded by _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Melanie Beretti, AICP, Planning Commission 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 SECRETARY OF THE PLANNING COMMISSION 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 will need to process a Certificate of Compliance and must comply with the Monterey County Zoning Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no Certificate of Compliance 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.

2. This permit expires 3 years after the above date of granting thereof.

County of Monterey HCD Planning

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

PLN230308

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This Coastal Development permit (PLN230308) allows a lot line adjustment involving two legal lots, transferring 3.1 acres from Parcel 1, containing 43.65 acres (Assessor's Parcel Number 418-151-005-000) to Parcel 2 containing 7.25 acres (Assessor's Parcel Number 418-151-006-000), resulting in two legal lots of approximately 40.55 acres (Adjusted Parcel 1) and 10.35 acres (Adjusted Parcel 2), respectively. . The property is located at 38829 Palo Colorado Rd. (Parcel 1) and 1122 Palo Colorado (Parcel 2), Carmel, Big Sur Coast Land Use Plan, Coastal Zone. 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 ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Coastal Development Permit (Resolution Number _____) was approved by the Planning Commission for Assessor's Parcel Numbers 418-151-005-000 and 418-151-006-000 on March 27, 2024. The permit was granted subject to six 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 Prior to the issuance of grading and building permits, certificates of compliance, or
Action to be commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Performed: shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation If, during the course of construction, cultural, archaeological, historical or
Monitoring Measure: paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

Compliance or Monitoring The Owner/Applicant shall adhere to this condition on an on-going basis.

Action to be Prior to the issuance of grading or building permits and/or prior to the recordation of the
Performed: final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

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

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. (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, PLN230308. 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.

5. 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.

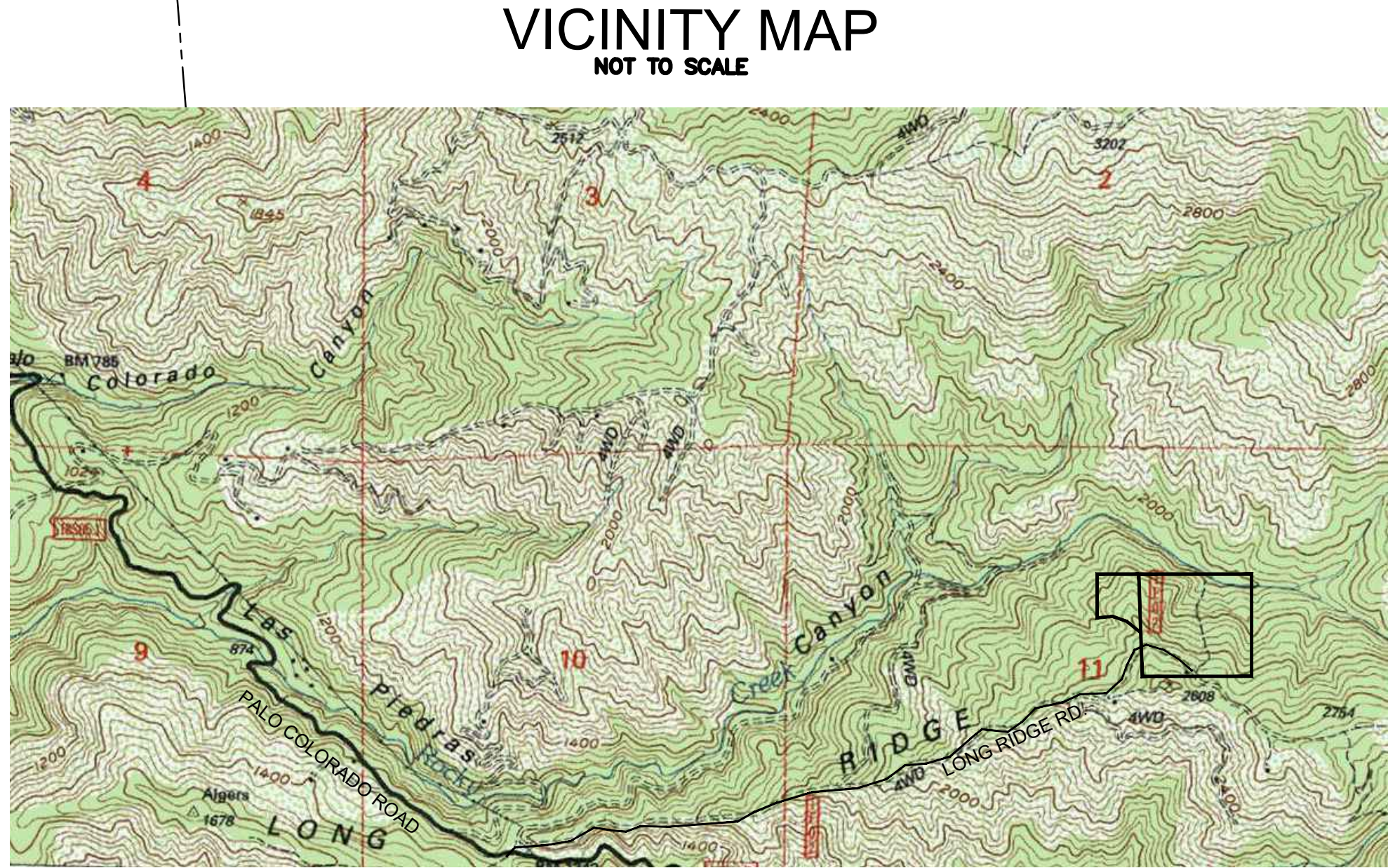
6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.



OWNER INFORMATION

APN 418-151-005-000
THEODORE MAEHR
38059 PALO COLORADO ROAD
CARMEL, CA 93923
831-625-5868

BEFORE: 43.65 ACRES +/-
AFTER: 40.55 ACRES +/-

APN 418-151-006-000
RICHARD SCOTT RAINER
1122 PALO COLORADO ROAD
CARMEL, CA 93923
831-625-3546

BEFORE: 7.25 ACRES +/-
AFTER: 10.35 ACRES +/-

RAINIER PARCEL
7.25 ACRES +/- (CURRENT)
10.35 ACRES +/- (PROPOSED)

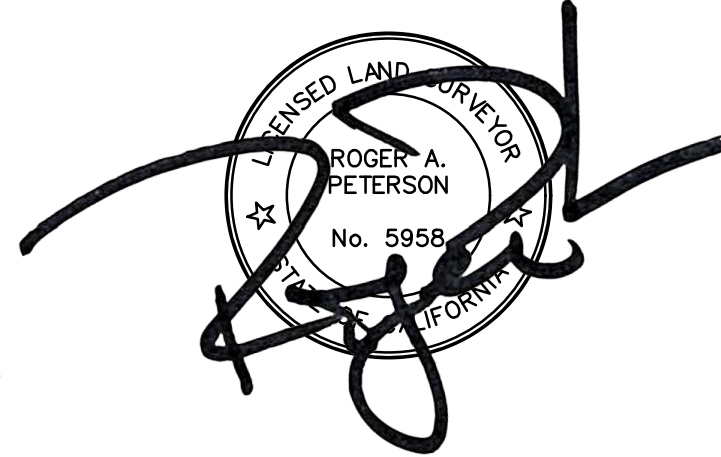
ADJUSTMENT AREA

MAEHR PARCEL

43.65 ACRES +/- (CURRENT)
40.55 ACRES +/- (PROPOSED)

ROAD EASEMENT

0 100 200 Feet



NOTES:

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

ELEVATIONS WERE TAKEN FROM U.S.G.S. QUADRANGLE MAP AND ARE ONLY APPROXIMATE.

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES DENOTE RECORD DATA.

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