



# County of Monterey Zoning Administrator

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

**Agenda Item No. 3**  
**Legistar File Number: ZA 23-003**

February 09, 2023

**Introduced:** 1/31/2023

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Zoning Administrator

## **PLN190184 - HEISLER**

Continued from January 26, 2023. Public hearing to consider the installation of a test well on an undeveloped parcel and the removal of four protected trees within 750 feet of a known archaeological resource.

**Project Location:** 90 Crest Road, Carmel, Carmel Area Land Use Plan

**Proposed CEQA Action:** Categorical Exemption pursuant to Section 15303(e) of the CEQA Guidelines.

### RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

- a. Finding that the project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2 and;
- b. Approving a Combined Development Permit consisting of:
  - a. a Coastal Administrative Permit to allow the installation of a test well that would determine water quantity and quality sufficient to serve a future single-family dwelling (not yet proposed and subject to a separate permit);
  - b. a Coastal Development Permit to allow the removal of four protected (4) trees; and
  - c. a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**). Staff recommends approval subject to thirteen (13) conditions.

### PROJECT INFORMATION:

**Project Owner:** Karl Heisler

**APN:** 241-231-010-000

**Parcel Size:** 1.63 acre (71,023 square feet)

**Zoning:** Low Density Residential, 1 unit per acre, Design Control Overlay (Coastal Zone)  
[LDR/1-D (CZ)]

**Plan Area:** Carmel Area Land Use Plan

**Flagged and Staked:** N/A

### SUMMARY:

The project is located at 90 Crest Rd, Carmel Highlands within the Carmel Area Land Use Plan. The proposed project involves the installation of a well for testing purposes and the removal of 4 protected trees. The water produced by the proposed well would be tested for quantity and quality for the purpose of providing potable water for potential future single-family

development. No other use of the well is proposed. A single connection would result if tests met minimum County Health Department and State standards.

On January 26, 2023, the Zoning Administrator continued the hearing to February 9, 2023, at the request of the applicant in order to allow additional time to post notices on and near the subject property. Due to inclement weather, traveling to the site was not feasible.

An arborist's report with an incorporated Forest Management Plan was prepared for this project in 2019. At the time of the report, the applicant had initiated a lot line adjustment. Though the report notes the Upper Walden address, the assessment for tree impacts was concentrated on that portion of the new lot, AKA 90 Crest Road. The four (4) trees identified for removal are located within the area of disturbance associated with the construction of the test well, these trees are showing signs of declining health or structural issues. The Forestation Plan for the project recommends replacement of the removed trees in an appropriate number for the site's conditions.

Proposed grading quantities would be less than 20 cubic yards and be contained on site. An archaeological report was prepared for this project (LIB230030), the report found no evidence of archaeological significance and concluded that development should not be delayed due to archaeological resources.

Based on staff review of the planning application materials, the property complies with all policies and regulations pertaining to zoning uses and other applicable provisions of the 1982 Monterey County General Plan, Carmel Area Land Use Plan, Monterey County Coastal Implementation Plan (Part 4), and applicable sections of the Monterey County Coastal Zoning ordinance (Title 20).

#### DISCUSSION:

##### Design Review

Pursuant to MCC Chapter 20.44, the proposed project site and surrounding area are designated as a Design Control Zoning District ("D" zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. The property is currently undeveloped while the neighborhood is developed with single-family uses on lots of one (1) acre or more. The proposed well does not include any structural elements or architectural features, however, design criteria can be applied to the disposal methods of the drilling spoils and test waters to ensure that the development is subordinate to its surroundings and does not impact neighborhood character.

The drilling apparatus is temporary and would be removed once the water source is reached and any bore casings are installed. Drill spoils - the earthen bore materials and test waters - would be disposed on site. No drilling spoils or test waters would encroach on any neighboring properties. The applicant has demonstrated that the location of the well is such that any future development of the site would be sensitive to its surroundings and the immediate neighborhood.

##### Development Standards

Pursuant to the development standards for the LDR zoning district, identified in MCC Section 20.14.060, and development standards for wells MCC Section 15.08.110, the proposed test well

and spoils disposal area meet or exceed all required setbacks.

MCC Title 15 requires a 100-foot setback area from other wells, leaching fields and septic tanks. The proposed test well is located 188 feet from the nearest well that is located on an adjacent property east of the project site.

Consistent with the applicable Monterey County policies and regulations, the project incorporates Best Management Practices (BMPs) and is conditioned to minimize tree loss, limit grading to the minimum amount feasible and control erosion during the grading activities (See Condition No. 9).

#### Tree Removal

The project would require the removal of four (4) protected trees to accommodate the mechanical drilling and pumping equipment:

- One (1) Monterey pine, 18-inches diameter.
- One (1) Monterey pine, 22-inches diameter.
- One (1) Monterey pine, 24 inches diameter. This is a landmark tree as defined by the Monterey County Coastal Implementation Plan (Part 4), 20.146.020.D.
- One (1) Monterey cypress, 13 inches diameter.

The trees proposed for removal are within the area of disturbance related to the construction of the test well. These four (4) trees are in fair condition and showing signs of degraded health and in some instances structural damage. An arborist's report which includes a forest management plan (FMP) was prepared for this project (**Exhibit C**, LIB220291). The Forestation Plan for the project recommends replacement of the removed trees with an appropriate number for the site conditions in conformance to the Monterey County Coastal Implementation Plan (Part 4), Section 20.146.060, in this instance, a 1:1 ratio for those trees with a diameter less than 24 inches, and 2:1 for the landmark tree with a 24-inch diameter. The five (5) replacement trees shall be consistent with the species that have been removed, five-gallon in size and planted in the vicinity of the removed trees. The FMP also includes Best Management Practices relating to tree protection, including the erection of security fencing to demark areas of no construction of storage of tools or supplies, pruning schedules for the trees in the vicinity of the area of disturbance, and watering protocols.

#### CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15303(e), Class 3, categorically exempts construction of appurtenant structures (test wells). The arborist report concluded that the removal of the 4 protected trees would not have an adverse impact on the environment; therefore, the project is consistent with the parameters of the Class 3 categorical exemption.

#### OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- HCD-Engineering Services
- HCD-Planning
- HCD-Environmental Services

Environmental Health Bureau  
Carmel Highlands FPD (Fire Protection District)

LUAC

The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review at its December 5 meeting. The LUAC members, at a duly noticed public meeting on December 5, voted 6-0 to support the project as propose.

Prepared by: Zoe Zepp, Assistant Planner x5198

Reviewed by: Anna Quenga, AICP, Principal Planner

Approved by: Craig Spencer, HCD Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan

Exhibit C - Arborist's report and Forest Management Plan (LIB220291)

Exhibit D - Vicinity Map

cc: Front Counter Copy; Carmel Highlands FPD (Fire Protection District); HCD-Engineering Services; HCD-Environmental Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Quenga, AICP, Principal Planner; Karl Heisler, Property Owner; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN190184