

ATTACHMENT E
PLANNING COMMISSION RESOLUTION 14-003

PLN040529

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**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

VASQUEZ (PLN040529)

RESOLUTION NO. 14-003

Resolution by the Monterey County Planning
Commission:

- 1) Finding that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
- 2) Denying a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

(PLN040529, Vasquez, 34735 Metz Road, Soledad, Central Salinas Valley Are Plan (APN: 257-121-019-000))

The Vasquez application (PLN040529) came on for public hearing before the Monterey County Planning Commission on January 8, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review because the County is denying the application.
 EVIDENCE: A project that will be disapproved by the lead agency is statutorily exempt from CEQA. (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)). The project is exempt from CEQA because the County is disapproving the project.

2. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:
 1. That the proposed map is not consistent with the applicable general plan and specific plans.
 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
 3. That the site is not physically suitable for the type of development.
 4. That the site is not physically suitable for the proposed density of development.
 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

3. **EVIDENCE:**
- a) Consistency. The subject application was initially filed August 24, 2004 and deemed incomplete September 22, 2004, and has remained incomplete. A revised application was filed February 14, 2012 and deemed incomplete March 13, 2012. Subdivision maps deemed complete prior to October 16, 2007 are subject to the 1982 General Plan; all others are subject to the 2010 Monterey County General Plan. The project as designed must be consistent with the 2010 Monterey County General Plan including the Central Salinas Valley Area Plan. The application as revised has not provided sufficient information to prove that there is an adequate water supply. New development shall be prohibited without proof based on specific evidence that there is a long-term sustainable water supply, both in water quality and quantity to serve the development (2010 General Plan Policy PS-3.1). General Plan Policy PS-3.2 establishes specific criteria for new development, including residential subdivision, upon advice from the Director of the Environmental Health Bureau (*see evidence below*). General Plan Policy PS-3.3 includes criteria to determine the adequacy of new domestic wells including water quality, production capability, and capability for maintaining the system (*see evidence below*).
 - b) Site Suitability. This 9.24-acre parcel, located just outside the Soledad City limits, is designated LDR/2.5 [Low Density Residential, 2.5 acres per unit] and currently has three residential units plus one mobile home as a caretaker unit. The site is not physically suitable for the proposed subdivision because there is not a proven long-term sustainable water source to serve a 2-lot subdivision with a remainder parcel (*see evidence below*).
 - c) Health and Safety. The proposed project would be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Water data for the subject site indicates multiple water quality standards that are not met (Section 64431 of the California Code of Regulations); and therefore, would require treatment. Smaller water systems are severely challenged to maintain the necessary Technical, Managerial, and Financial (TMF) capabilities to operate and maintain a water system. Without TMF capabilities, the health and safety of any person purchasing the newly created lots could be at risk.
 - d) Water Supply. Section 19.10.070 MCC requires that provisions shall be made for such domestic water supply as may be necessary to protect public health, safety, or welfare, that the source of supply is adequate and potable, and that there is proof of a long term water supply with the proposed project. Three wells have been drilled that do not meet water standards:

Well #1 (existing well): Capacity unknown. Water exceeds primary inorganic standards for arsenic and nitrates. Water also exceeds secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.

Well #2 (drilled April 2005): Capacity (5 .1 gpm). Water exceeds

primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, manganese, chloride, color, TDS and conductivity.

Well #3 (drilled January 2008): Capacity unknown. Water exceeds primary inorganic standards for fluoride. Water also exceeds secondary general mineral/physical standards for iron, chloride, color, TDS and conductivity.

Based on this evidence, upon recommendation of the Monterey County Environmental Health Bureau, there is not a long-term sustainable water supply for the proposed subdivision.

- e) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN040529.

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

EVIDENCE: Section 19.16 and 21.80, Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

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

1. Find that the project is Statutorily Exempt from CEQA (Public Resources Code Section 21080(b) (5); CEQA Guidelines Section 15061(b) (4)); and
2. Deny a Minor Subdivision Vesting Tentative Map to allow the division of an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.

PASSED AND ADOPTED this 8th day of January, 2014 upon motion of Commissioner Rochester, seconded by Commissioner Roberts, by the following vote:

AYES: Vandevere, Getzelman, Rochester, Mendez, Roberts, Diehl, Hert

NOES: Brown, Padilla

ABSENT: Salazar

ABSTAIN: None



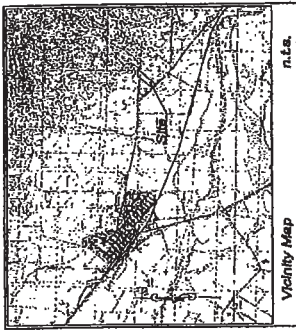
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 15 2014**

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 **JAN 27 2014**

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:**
- DISTANCES AND BEARINGS SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 - DATA FROM AMPLIMETERS OPERATED IN ACCORDANCE WITH THE MONTEREY COUNTY RECORD MAPS AT PAGE 74, MONTEREY COUNTY RECORDS.
 - CORNER INTERVALS OF ONE FOOT.
 - CORNER INTERVALS, CORNERS, BEARINGS, DISTANCES OF SECTIONS, SECTIONS FROM THE USGS 2.5 QUADRANGLE SHEET "SEASIDE".
 - THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD NOT SHOWN UPON THIS MAP, THE OWNER HEREBY WAIVES ANY OBJECTION TO THE RECORDING OF THIS REPORT TO DISCLOSE SUCH EASEMENTS WHETHER ANY OF THEM MAY BE CLAIMED BY ANY PARTY AND ACCEPTS FULL RESPONSIBILITY FOR ANY EASEMENTS OF RECORD NOT SHOWN UPON THIS MAP.
 - BOUNDARY LOCATION IS BASED UPON RECORD DATA, FIELD MEASUREMENTS AND A COMPARED UNDER THE CONTRACTED ASPECT OF WORK.



PLAN 040592
 MONTEREY COUNTY SURVEYORS, INC.
 235 Salinas St., Salinas, CA 93901-3834 (510) 638-4444
 2011-2012, which shall remain in full force and effect until the expiration of the term of the contract.

Vesting Tentative Parcel Map

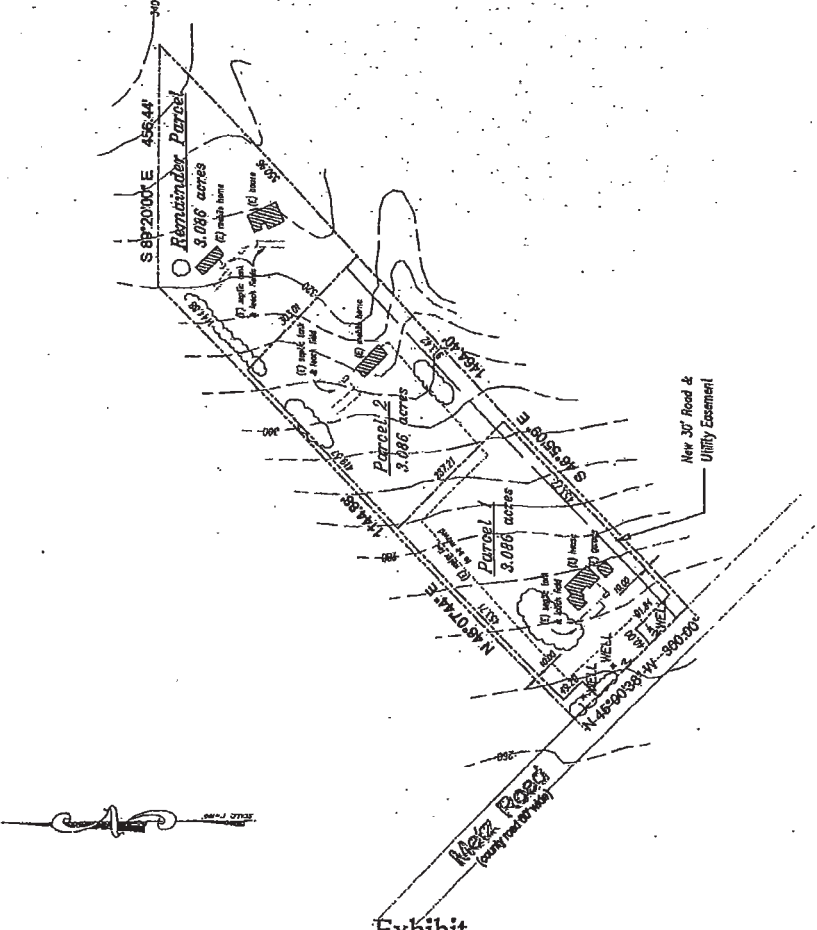
A Plan of Part of Section 24, Township 24N, Range 12E, Merced 21st Map of Map 18

MADE FOR: VASSALLOS, et al.

SCALE: 1"=100' JOB NO. 2011097 DATE: JANUARY 2012
 SHEET 1 OF 1

Parcel Boundary Courses:

- CORNER 1**
- North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - North 45°30'37" West 10.00
 - North 45°30'37" West 10.00
 - South 45°30'37" West 10.00
 - South 45°30'37" West 10.00
- Containing 3.086 acres, more or less.
- CORNER 2**
- North 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - South 45°30'37" East 10.00
 - North 45°30'37" West 10.00
 - North 45°30'37" West 10.00
- Containing 3.086 acres, more or less.
- CORNER 3**
- North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
 - North 45°30'37" East 10.00
- Containing 3.086 acres, more or less.



Exhibit

TYPE OFFICE