

**Public Comment submitted on February 7, 2017 to the Clerk of the Board to include with the Agenda packet.**

# **Rebuttal to the Appeal to the 11/09/16 Resolution on PLN150489 (Van Greunen)**

In response to the section: THE PLANNING COMMISSION'S DECISION IS NOT SUPPORTED BY THE FACTS.

Response to item 1, paragraph #2 on the definition of “cluster”:

- How do lots that are 2.9, 3.6 and 33.5 acres (without legally binding building envelopes) fit the definition of “clustered development”?
- The applicants indicate that the conservation easements will be used as “common recreation areas”. Conservation easements are not intended for “common recreation areas”. They are intended for habitat conservation.

Response to item 1, paragraph #3 on the size of the lots:

- Applicant acknowledges the ridgeline soils are highly erodible.
- Applicant indicates that lots could not be made smaller due to septic requirements but did not provide an ordinance or policy. The only ordinance found referring to septic and lot size was *Monterey County Zoning Ordinance 2.5.3.B.3 - In order to minimize cumulative impacts on groundwater and surface water reservoirs, two and one-half acres shall be considered the maximum density for parcels resulting from a subdivision of property that will require septic systems. In areas where there is evidence that groundwater quality is being degraded due to contamination by on-site systems, and sewer service is not available, development shall be allowed only on parcels with adequate area and soil characteristics to treat and absorb the wastewater without causing further degradation of local ground and surface waters.*
- Zoning ordinance 3.2 Waste Water Management Facilities, identifies areas in North County that are most appropriate for high density development due to septic issues. The applicant’s site is not on this list.
- The applicant then states, “If lots cannot be clustered in this case, then the provisions for clustering in the zoning district regulations are meaningless.” It is unclear why the minimum requirements for subdivision lots result in a meaningless clustering provision for a lot line adjustment unless the clustering provision is really geared towards subdivisions and not lot line adjustments.

Response to item 2, paragraph #2 on the need for clustering to benefit habitat and soils:

- According to the Planning Commission (November 9<sup>th</sup> meeting) the applicant has not demonstrated that the proposed configuration provides benefits over the existing configuration. In fact, the proposed configuration likely provides less benefits (natural, visual, and community) than the existing configuration.

Response to item 2, paragraph #4 on the biological report:

- The biological report did not consider the required 100' setback from all Environmentally Sensitive Habitat Areas (ESHA)
- The biological report reviewed putting 5 (of the 7 adjacent) lots onto parcel 052
- “Nonnative annual grasslands”. The annual grasslands are the closest available habitat for the nearby breeding population of the Endangered Santa Cruz Long Toed Salamanders on Strawberry road.
- All of the “nonnative annual grasslands” in the project area were historically maritime chaparral.

In response to the section: THE PLANNING COMMISSION'S DECISION IS CONTRARY TO THE LAW.

- Bullet 3 asks: “Do the lots conform to the general plan (in this case the North County Land Use Plan) zoning and building codes?” While the applicant seems to think the project conforms to the general plan policies and zoning codes, the Planning Commission on Nov. 9<sup>th</sup>, specifically discussed why the project does not conform to the general plan policies and zoning codes (although not all these findings and evidence made it into the resolution). The primary reasoning was that the proposed lot configuration would not provide better resource protection or more benefits than the current lot line configuration.