

Attachment B

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**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:

REY ERIC J & CLARK HARVEY C. (PLN220339-DEP)

RESOLUTION NO. 24-040

Resolution by the County of Monterey HCD Chief
of Planning:

- 1) Adopting a Negative Declaration pursuant to CEQA Guidelines section 15074; and
- 2) Approving a Minor Subdivision and Tentative Parcel Map to divide one legal lot of record containing 153 acres into two parcels: Parcel A (75.5 acres) and Parcel B (77.5 acres).

[PLN220339-DEP, REY ERIC J & CLARK HARVEY C, 27650 Via Quintana Road, Carmel (Assessor's Parcel Numbers 185-052-005-000, 185-052-006-000 and 185-052-019-000), Carmel Valley Master Plan].

The REY ERIC J & CLARK HARVEY C. application (PLN220339-DEP) came on for an administrative decision before the County of Monterey HCD Chief of Planning on October 16, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, including the conditions of approval and project plans, 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 (General Plan);
 - Carmel Valley Master Plan (CVMP);
 - 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) The Project Site is approximately 153 acres and is largely undeveloped, except for four above-ground 4,900-gallon water tanks and a small wood utility enclosure. The Project proposes a Minor Subdivision and Tentative Parcel Map to allow the division of the existing 153-acre legal lot of record, resulting in two irregularly-shaped parcels, Parcel A (75.5 acres) and Parcel B (77.5 acres). In February 2022, the County of Monterey approved an Administrative Permit and Design Approval

(HCD-Planning File No. PLN210109; Resolution No. 22-009) to allow construction of an approximately 3,765 square foot single family dwelling with an attached 1,235 square foot two-car garage inclusive of an art studio and associated site improvements on 153-acre subject property. This approved construction will be located on Parcel B and is immediately east of the building envelope (on Parcel A) proposed with this subdivision. Proposed development involves the installation of necessary water lines to service the future homesite on Parcel A; no residential development is proposed on Parcel A. The proposed building envelope on Parcel A has been sized to accommodate the installation of a future private septic system including a 2,000-gallon tank and primary and secondary leach fields. Access to the building envelope on Parcel A will involve improving (grading and paving) an existing dirt access road that extends from Via Quintana Road via a 40-foot-wide road and utility easement through Parcel B. The property would retain its existing land use designation and underlying zoning.

- c) Allowed Use. The property is located at 27650 Via Quintana Road, Carmel (Assessor's Parcel Numbers 185-052-005-000, 185-052-006-000 and 185-052-019-000), Carmel Valley Master Plan. The Project Site is primarily zoned Low Density Residential, 2.5 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning district overlays ("LDR/2.5-D-S-RAZ"). However, the northern tip of the Project Site is zoned Rural Density Residential, 10 acres per unit, with Design Control, Site Plan Review, and Residential Allocation Zoning district overlays. Future development would be sited within the portion of Parcel A that is zoned LDR/2.5-D-S-RAZ, which allows for the creation of residential lots exceeding 2.5 acres. Pursuant to Title 19, the Chief of Planning is the appropriate authority to consider the proposed subdivision and tentative Parcel Map. The Board of Supervisors is the appropriate authority to accept and record the Parcel Map. Therefore, the project is an allowed land use for this site.
- d) Lot Legality. The subject property (153 acres) is identified as Lot 7 on a Record of Survey Map, filed February 06, 2003, at Volume 24, Page 54. This Record of Survey Map recognizes the lot boundaries approved by a Lot Line Adjustment for the Via Quintana residential area (Coyote Creek Ranch) (HCD-Planning File No. PLN000206). Therefore, the County recognizes the subject property as a legal lot of record.
- e) Design/Neighborhood and Visual Resources. The Project site is subject to Design Control standards contained in Title 21 Chapter 21.44, Regulations for Design Control Districts or "D" Districts. No structural development is proposed and therefore a Design Approval is not required. The property is also subject to the visual resource policies of the CVMP, which prohibits development from significantly blocking views of the viewshed, Carmel Valley River, or the distant hills, as seen from key public viewing areas such as Garland Ranch Regional Park, along Carmel Valley Road, and along Laureles Grade Road. As confirmed via site visits on November 8, 2021, March 25, 2022, and September 6, 2022, the proposed 4.53 acre building envelope of Parcel A is visible from a turn out along Carmel Valley Road, located 1 mile

west. The proposed building envelope of Parcel A is not visible from other portions of Carmel Valley Road or other public viewing areas due to elevation changes. While the subject future building envelope is visible from Carmel Valley Road, future improvements in this location are not expected to block, interfere, or have a substantial adverse effect from a defined scenic vista or scenic point. Further, the elevations of the building envelope are lower than the top of the hillside, and therefore, future development will not create ridgeline development. Due to distance, intervening hillsides, vegetation, and topography, views of foreseeable development on Parcel A would not be highly visible, create ridgeline development, or be out of scale with similar development on nearby parcels. Future development of Parcel A would be subject to separate discretionary review and approval. Development on Parcel B was previously approved under Resolution No. 22-009; no additional development is proposed on Parcel B.

- f) Development Standards. The project meets all required development standards. The development standards for LDR Zoning District are identified in Title 21, section 21.16.060. The development approved under Resolution No. 22-009 met the applicable site development standards and would continue to meet these standards as a result of the subdivision. No development is proposed as part of this project and therefore no conflicts with Title 21 section 21.16.060 exist.
- g) Site Plan Review. The subject property is within a Site Plan Review (S) district overlay and standards contained in Title 21, Chapter 21.45 are intended to provide regulations where development, by reason of its location, has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. A tentative parcel map was included with the application. While no architectural plans have been proposed for Parcel A, the proposed building envelope contains an area of vacant land that will ensure that future development will not create a substantial visual impact, specifically from Carmel Valley Road, and will minimize or avoid disturbance of steeper slopes and forest resources. As proposed, division of the subject property and future development on Parcel A will not adversely affect resources at the site or be adversely affected by those resources. Therefore, the project is consistent with the requirements of the S district overlay.
- h) Residential Allocation Zoning. The property is located within a Residential Allocation Zoning (RAZ) overlay district which denotes a specific area that is subject to policies or ordinances which specify limitations on the number of lots or units which may be created in a given period of time. In accordance with CVMP Policy CV-1.5, development of Parcel A is subject to the maximum density shown on the Carmel Valley Land Use Map, which is 5-1 acres per unit. Foreseeable development on Parcel A (75.5 acres) includes the construction of the first single-family dwelling. Parcel B was approved for development under Resolution No. 22-009 and no additional development is proposed on this parcel. Therefore, the project is

consistent with unit limitations in the CVMP of the General Plan and the RAZ zoning overlay regulations.

- i) Carmel Valley Master Plan Policy CV-1.6. CVMP Policy CV-1.6 limits residential subdivisions to the creation of 190 new units (“units” meaning lots created by subdivision (including condominiums), apartments, and single-family dwellings beyond the first single-family dwelling on a lot). Newly created lots are then limited to being developed with the first single-family dwelling. County records indicate that 17 lots or units beyond the first single-family dwelling remain in Carmel Valley as of September 2024. The Proposed Project would create a new lot, which would be limited to the first single family dwelling. The resulting unit count would be reduced to 16 remaining lots/units.
- j) Carmel Valley Master Plan Policy CV-3.1. Consistent with the requirements of CVMP Policy CV-3.1, the homesite on Parcel A is setback over 100 feet from Carmel Valley Road.
- k) Environmentally Sensitive Habitat Area. California Ecological Analytics prepared a Biotic Assessment Report for the Project in June 2022 (County of Monterey Library No. LIB220377). The purpose was to assess potential impacts resulting from future development of Parcel A. Based on the assessment, there is no evidence of any special-status wildlife or plant species occurring within the Project site’s building envelope or within the immediate surrounding areas. In addition, there are no California Natural Diversity Data Base (CNDDB) records of special-status wildlife or plant occurrences documented at or immediately adjacent to the site. Though several bird species were identified at the project site in the vicinity of the proposed improvements, future development of Parcel A would be required to adhere to the County’s standard “Raptor/Migratory Bird Nesting” condition of approval that required the Applicant/Owner avoid the nesting season February 22nd to August 1st, or obtain a nest survey to determine if any active raptor or migratory bird nests are present and active within the project site. Development of Parcel B was approved under Resolution No. 22-009 and therefore the prepared report did not address Parcel B. The Project would have a less than significant impact on sensitive biologist species, as required by CVMP Policy CV-3.7.
- l) Cultural Resources. The Project site is located within a region of moderate archaeological sensitivity as designated by County of Monterey GIS. The Phase 1 Inventory of Archaeological Resources (County of Monterey Library No. LIB220376) found that the subject property is not within 750 of a known archeological resource and concluded that no culturally sensitive or significant resources were identified within the proposed building envelope of Parcel A. Development of Parcel B was approved under Resolution No. 22-009 and therefore the prepared report did not address Parcel B.
- m) Traffic. As discussed in preceding Evidence “i,” the proposed project is within the residential unit/lot limitation of the CVMP. This build-out number was used to assess potential traffic impacts as a result of implementation of the CVMP. Analysis of these impacts and identified

mitigation measures are contained within the General Plan Environmental Impact Report (EIR). Consistency with the unit/lot restriction (CVMP Policy CV-1.6) would be consistent with the identified impacts and mitigations and would not require additional traffic impact analysis.

- n) General Plan Policy OS-1.5 states that new subdivisions shall avoid lot configurations that create building sites that will constitute ridgeline development. Foreseeable residential development on Parcel A, within the proposed building envelope, has been reviewed and found consistent with the County's ridgeline development policies (see Finding No. 1 Evidence "e" "and "g"). Slope density calculations submitted with the application indicated that approximately 16.7 acres of the 153-acre property contain slopes less than 25%. The remainder of the property contains slopes in excess of 25%, with a maximum slope of 260%. The proposed building envelope of Parcel A primarily contains slopes less than 25%. Development of these less steep areas would be consistent with General Plan Policy OS-3.5, which promotes the protection of steeper (>25%) slopes. Future development of principal uses on proposed Parcel A will require a site plan review pursuant to the "S" overlay district, further ensuring avoidance of ridgeline development and steeper slopes.
- o) Land Use Advisory Committee (LUAC) Review. Based on the LUAC Procedure guidelines adopted by the County of Monterey Board of Supervisors, this project was referred to the Carmel Valley LUAC for review because the project involved the preparation of an environmental document. On February 21, 2023, the Carmel Valley LUAC voted 6-0 to support the project as proposed. Members of the LUAC had comments regarding water supply and whether the new lot (Parcel A) would count against the unit cap established under CVMP Policy CV-1.6. No members of the public commented on the project. See Finding No. 1, Evidence "i" and Finding No. 3, Evidence "c".
- p) The Minor Subdivision is consistent with the requirements for approval contained in the County of Monterey Subdivision Ordinance, Title 19. See Finding No. 5 and supporting evidence.
- q) The project planner conducted a site inspection on November 8, 2021, March 25, 2022, and September 6, 2022 to verify that the project on the subject parcel conforms to the plans listed above.
- r) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN220339-DEP.

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 Fire Protection District. 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. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to archaeological resources, biological resources, soils and geologic hazards, and hydrogeologic resources. The following reports have been prepared:

- “Biotic Assessment Report, Proposed Minor Subdivision 27650 Via Quintana, Carmel Valley, CA” (LIB220377), prepared by California Ecological Analytics, June 10, 2022.
- “Phase 1 Inventory of Archaeological Resources for a Portion of 27650 Via Quintana, Carmel Valley, CA 93923 (APN: 185-052-019-000)” (LIB220376), prepared by Archives & Archaeology, September 4, 2022.
- “Geologic Hazards Evaluation, 2.02-Acre Building Envelope And Access Road on a Portion Of Lot 7, Quintana Subdivision Via Quintana Road Monterey County, California” (LIB220378) prepared by Craig S. Harwood, July 10, 2022.
- “Geotechnical and Percolation Investigation for The Proposed Single Family Residence And Septic System Within A Portion Of 27650 Via Quintana” (LIB220379), prepared by Soil Surveys Group Inc., January 4, 2021.
- “Comprehensive Hydrogeologic Evaluation, Via Quintana - Lot 7, Well#1, 27650 Via Quintana Road, Carmel Valley, Monterey County, California, APN: 185-052-019-000” (LIB240180), prepared by Bierman Hydrogeologic, May 23, 2024.

County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.

- c) Staff conducted a site inspection on November 8, 2021, March 25, 2022, and September 6, 2022 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN220339-DEP.

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 (EHB), and Monterey County 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 will be provided. The subject property is developed with an on-site well, which is located near the eastern property line and the entrance to the property off Via Quintana Road. EHB's Source Capacity letter dated November 26, 2019, found that the on-site well was credited at 7.35 gallons per minute, which is adequate for two domestic connections. Additionally, the Water Quality Analysis dated September 17, 2019, found that the on-site well's water met primary drinking water standards. Accordingly, the onsite well will serve Parcel B's development, as approved by Resolution No. 22-009, as well as the foreseeable development of Parcel A. The well will have two connections and therefore constitutes a small water system. The Project Proposed involves the installation of a small water system infrastructure (water lines and trenching). Future development of Parcel A would require the installation of an on-site wastewater treatment system and associated leach fields. Percolation testing was also performed at the proposed septic site by Soil Surveys Group Inc. (LIB220379), which confirmed sufficient soil types and an acceptable percolation rate for installation of conventional leach fields for the septic system. Conceptual OWTS plans (contemplated a 2,000-gallon tank with primary and secondary leach fields at 5 to 10 feet deep) were prepared and reviewed by EHB, who found that the plans complied with the County of Monterey County Code Chapter 15.20 Sewage Disposal, and the Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP).
- c) Development on Parcel A and B would be served by the existing well on the property. Although the Project Site is inside the Carmel Valley Watershed, the existing well is outside of Carmel Valley Groundwater Basin which consists of an alluvial basin; the Carmel Valley Alluvial Aquifer (CVAA). The existing well is considered an "Uplands Well" penetrated in fractured hardrock and not within or, withdrawing from the CVAA. Based on the analysis conducted as part of the Hydrogeology Report (LIB240180), groundwater demanded by the existing well is a long-term and sustainable water supply. Additionally, as determined in the Hydrogeology Report, even under multiple drought years conditions, the development of Parcel A and B will not materially contribute to, or result in, the significant reduction in groundwater storage or supply.
- d) The Project site is within a larger area than has been characterized as having a moderate potential for seismically induced landslides. However, the Parcel A building envelope and adjacent slopes are underlain at very shallow depths by dense to very dense geological material. Per LIB220378, the geologist found no evidence of existing landslides within or immediately adjacent to the proposed building envelope or access road. The natural slopes have a low potential for gross instability or debris flow activity in their undeveloped state, including seismically-induced landslides. Future development of Parcel A would be required to prepare a project-specific geotechnical report, implement the recommendations of that report pursuant to Monterey

County Code section 16.080.110, and meet California Building Code standards.

- e) Staff conducted a site inspection on November 8, 2021, March 25, 2022, and September 6, 2022 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN220339-DEP.

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) Staff conducted a site inspection on November 8, 2021, March 25, 2022, and September 6, 2022 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN220339-DEP.

5. FINDING: **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code 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.

- EVIDENCE:**
- a) Consistency. The Project as designed and conditioned is consistent with the 2010 County of Monterey General Plan and Carmel Valley Master Plan (see Finding No. 1 and supporting evidence).
 - b) Design. The lot design is consistent with the Lot Design Standards of Title 19 section 19.10.030. The resulting lots have widths that exceed 60 feet and depths of 85 feet. At 75.5 acres and 77.5 acres, the development of Parcels A and B will meet all applicable site development standards of the LDR zoning district, and exceed the underlying zoning district’s minimum allowed building site size and

density acreage. Therefore, the proposed project complies with applicable design standards.

- c) Site Suitability. The site is suitable for the Project including the type and density of the development (see Finding No. 2 and supporting evidence).
- d) Environment. The subdivision design and foreseeable development of Parcel A will not cause environmental damage to fish or wildlife habitat (see Finding No. 6 and supporting evidence). Potential environmental impacts associated with the development of Parcel B were analyzed under Resolution No. 22-009.
- e) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, 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 (see Finding No. 3 and supporting evidence).
- f) Water Supply. Title 19 section 19.10.070 requires provision shall be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. Title 19 sections 19.03.015.L require Water Supply and Nitrate Loading Information in order to assess these conditions and proof that there is a long-term water supply with the Project. The existing on-site well will provide domestic water to the building envelope of Parcel A. EHB's Source Capacity letter dated November 26, 2019, found that the on-site well was credited at 7.35 gallons per minute, which is adequate for two domestic connections (Parcel A and Parcel B). Additionally, the Water Quality Analysis dated September 17, 2019, found that the on-site well's water met primary drinking water standards. The prepared Hydrogeological Report concluded that the on-site well can provide sustainable long-term water supply because the well penetrates fractured hardrock and is not within or, drawing from the CVAA. See Finding No. 3, Evidence "b" and "c".
- g) Sewage Disposal. Future development will be served by an OWTS, and will be required to comply with County of Monterey County Code Chapter 15.20 (Sewage Disposal), and the Local Agency Onsite Wastewater Treatment Systems Management Program (LAMP) (see Finding No. 3, Evidence "b").
- h) Easements. The proposed subdivision will not conflict with easements as no easements are currently conveyed over the property. Acceptance and recordation of the Parcel Map will establish a 40 foot wide road and utility easement and a 20 foot wide water facilities easement.
- i) Traffic. Foreseeable development (single-family dwelling) on Parcel A will generate approximately 10 daily trips (per the Institute of Transportation Engineers (ITE) Manual), all of which will add to the existing traffic conditions of Carmel Valley Road. However, per General Plan Policy C-1.4, the construction and operation of the first single-family dwelling is not considered development that would have a significant impact on local roadways.

- j) Affordable Housing. The Project does not create four or more residential units and therefore is not required to meet the County's Inclusionary Housing Ordinance #04185 (Monterey County Code Chapter 18.40).
- k) Parks and Recreation. The Project does not create four or more residential units and therefore compliance with Section 19.12.010 of Title 19/Quimby Act is not required.
- l) The project planner conducted a site inspection on November 8, 2021, March 25, 2022, and September 6, 2022 to verify that the Project would not conflict with zoning or building ordinances.
- m) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the development are found in Project File PLN200212.

6. FINDING: **CEQA (Negative Declaration)** - On the basis of the whole record before the County of Monterey HCD-Chief of Planning, there is no substantial evidence that the project as designed and conditioned, will have a significant effect on the environment. The Negative Declaration 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 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.
 - b) County of Monterey as Lead Agency, through HCD-Planning, prepared an initial study pursuant to CEQA. The initial study is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN220339-DEP).
 - c) There is no substantial evidence, based upon the record as a whole, that the project may have a significant effect on the environment. The Initial Study identified several potentially significant effects, but as conditioned and designed, no significant effects would occur. No mitigated measures were identified. Based upon the analysis of the initial study, HCD-Planning prepared a negative declaration.
 - d) The Draft Initial Study and Negative Declaration for HCD-Planning File No. PLN220339-DEP was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on August 28, 2024; and circulated for public review from August 28, 2024, through September 27, 2024 (State Clearinghouse Number 2024081198).
 - e) Resource areas that were analyzed in the IS/ND and found to have a less than significant impact include: aesthetics, air quality, biological resources, cultural resources, geology and soil, hydrology and water quality, land use planning, wildfires, and tribal cultural resources. The remaining standard resource areas were found to have no impact.
 - f) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony

presented during public meetings and hearings. These documents are on file in HCD-Planning (HCD-Planning File No. PLN220339-DEP) and are hereby incorporated herein by reference.

- g) Pursuant to Public Resources Code section 21080.3.1 et seq., County of Monterey HCD-Planning formally notified the Esselen Tribe of Monterey County and Ohlone Costanoan Esselen Nation. No responses or formal consultation were requested during the 30-day period.
- h) Analysis contained in the initial study and the record as a whole indicates the project would not result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless CDFW determines that the project will have no effect on fish and wildlife resources. The initial study was sent to CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Although no comments from CDFW have been received, the project will be required to pay the state fee plus a fee payable to the County of Monterey Clerk/Recorder for processing said fee and posting the Notice of Determination (Condition No. 3).
- i) During the public review period for the draft Initial Study, the County received no comments from public members. Pacific Gas and Electric Company (PG&E) submitted initial comments stating that the project may interfere with local facilities and additional review would be required. PG&E submitted an additional letter noting that the project would not conflict with or interfere with their facilities or easement.
- j) The HCD Chief of Planning finds that there is no substantial evidence supporting a fair argument of a significant environmental impact.
- k) The HCD Chief of Planning considered the Negative Declaration, along with the Minor Subdivision and Tentative Parcel Map, at duly noticed public hearings held on October 16, 2024.
- l) No adverse environmental effects were identified during staff review of the development application during a site visit on November 8, 2021, March 25, 2022, and September 6, 2022.
- m) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning found in Project File PLN220339-DEP.

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

EVIDENCE: a) Pursuant to Title 19 section 19.16.020.A, the Board of Supervisors is the appropriate authority to consider appeals of decisions made by the Chief of Planning.

DECISION

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

- 1) Adopt a Negative Declaration pursuant to CEQA Guidelines section 15074; and
- 2) Approve a Minor Subdivision and Tentative Parcel Map to divide one legal lot of record containing 153 acres into two parcels: Parcel A (75.5 acres) and Parcel B (77.5 acres).

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 16th day of October, 2024.

DocuSigned by:

Melanie Beretti

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Melanie Beretti, AICP
HCD, Chief of Planning

COPY OF THIS DECISION MAILED TO APPLICANT ON OCTOBER 22, 2024.

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 NOVEMBER 1, 2024.

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 a building permit and must comply with the County of Monterey Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit 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.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from County of Monterey HCD-Planning and HCD-Building Services Department office in Salinas.

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

County of Monterey HCD Planning

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

PLN220339-DEP

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Minor Subdivision (PLN220339-DEP) allows the division of one legal lot of record (153 acres) into two parcels: Parcel A (75.5 acres) and Parcel B (77.5 acres). The property is located at 27650 Via Quintana Road, Carmel (Assessor's Parcel Numbers 185-052-005-000, 185-052-006-000 and 185-052-019-000), 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 ongoing 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 Minor Subdivision (Resolution Number 24-040) was approved by the HCD-Chief of Planning for Assessor's Parcel Numbers 185-052-005-000, 185-052-006-000 and 185-052-019-000 on October 16, 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. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

4. EHSP01 – NEW WATER SYSTEM PERMIT APPLICATION (SUBDIVISION)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 15.04, Domestic Water Systems, obtain a letter from Environmental Health Bureau that the water system application packet is complete, except for construction of the system. (Environmental Health)

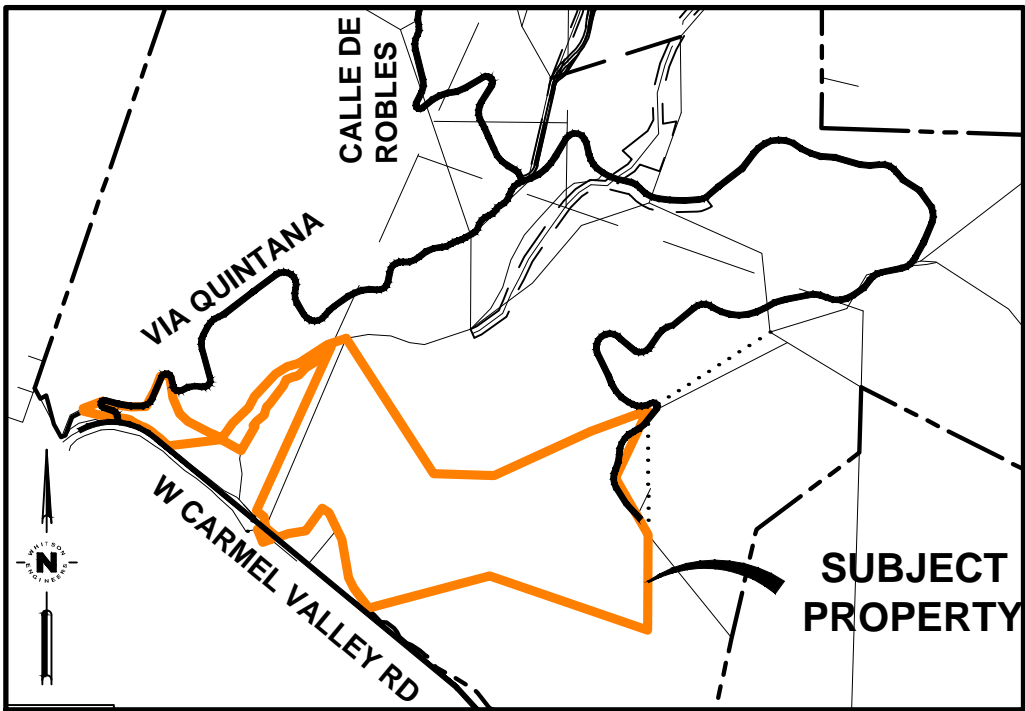
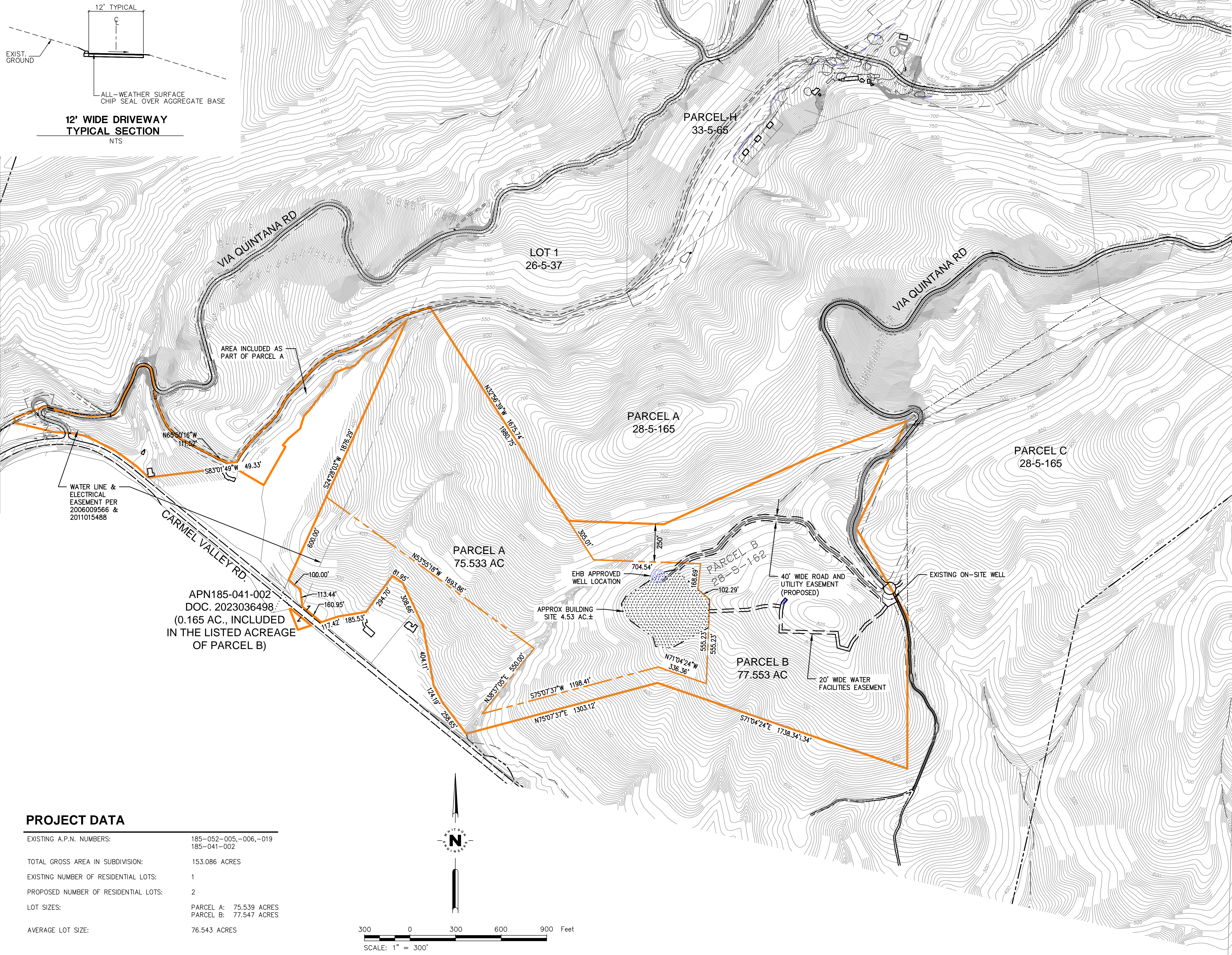
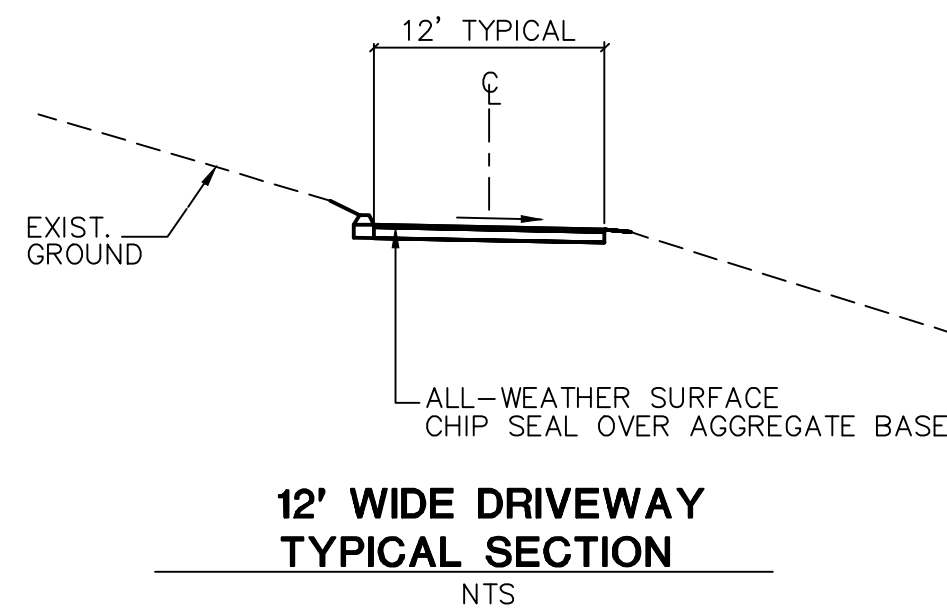
Compliance or Monitoring Action to be Performed: Prior to filing parcel map, submit necessary application, reports and testing results to Environmental Health Bureau for review and approval.

5. PDSP001 - NOTE ON PARCEL MAP

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to recordation of final/parcel map, the Owner Applicant shall submit the parcel map with a note stating that the parcel identified as APN:185-041-002-000 (Document No. 2023036498), 0.65 acres, is not recognized by the County of Monterey as a separate legal lot of record and shall be not subdivided from Parcel 2, The parcel map shall be reviewed and approved by HCD - Planning and HCD - Public Works.

Compliance or Monitoring Action to be Performed: Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with the required notes to the HCD - Planning and HCD - Public Works for review and approval.



VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- | | |
|--|----------------------------------|
| | PARCEL BOUNDARY |
| | PROPOSED LOT LINE |
| | EXISTING ELEVATION CONTOUR |
| | EXISTING ROAD / DRIVEWAY |
| | EXISTING EASEMENT |
| | PROPOSED EASEMENT |
| | APPROXIMATE LIMITS OF VEGETATION |
| | EHB APPROVED WELL LOCATION |

OWNER / APPLICANT

ERIC REY / HARVEY CLARK
27650 VIA QUINTANA
CARMEL VALLEY, CA 93924

SUBDIVIDER'S STATEMENT

- | | |
|--|--|
| A. EXISTING AND PROPOSED ZONING: | LDR/2.5-D-S-RAZ |
| B. USES OF THE LAND: | RESIDENTIAL SUBDIVISION |
| C. IMPROVEMENTS PROPOSED WITH SUBDIVISION: | NONE |
| D. WATER SUPPLY: | EXISTING ON-SITE WELL |
| E. SEWAGE DISPOSAL: | SEPTIC TANK AND LEACH FIELDS |
| F. PROPOSED TREE REMOVAL: | NONE |
| G. PROPOSED TREE PLANTING: | 2:1 RATIO |
| H. PUBLIC AREAS TO BE DEDICATED: | NONE |
| I. COMMON AREAS PROPOSED: | NONE |
| J. PROPOSED TYPE OF DEVELOPMENT: | RESIDENTIAL SUBDIVISION.
RESIDENTIAL PARCEL A WILL BE SOLD AS AN UNDEVELOPED LOT. |
| K. FEMA FLOOD ZONE DESIGNATION: | ZONE X |
| L. EROSION CONTROL SHALL BE IN ACCORDANCE WITH MONTEREY COUNTY EROSION CONTROL ORDINANCES AND REGULATIONS. | |
| M. BUILDING SITE SELECTED TO BE ON SLOPES OF 25% OR LESS. | |
| N. PARCEL B IS A REMAINDER PARCEL AND IS NOT FOR THE PURPOSE OF SALE, LEASE, OR FINANCING (PER SECTION 66424.6(a) SUBDIVISION MAP ACT AND SECTION 19.01.08 MONTEREY COUNTY SUBDIVISION ORDINANCE). | |

NON-PLOTTABLE EASEMENTS

1. A RIGHT OF WAY FOR THE BENEFIT OF PACIFIC IMPROVEMENT CO. PER VOLUME 13, PAGE 434 OF DEEDS, RECORDED MARCH 31, 1887
2. A WATER PIPE LINE EASEMENT FOR THE BENEFIT OF PACIFIC IMPROVEMENT CO. PER VOLUME 27, PAGE 335 OF DEEDS, RECORDED APRIL 3, 1890.
3. A WATER PIPE LINE EASEMENT FOR THE BENEFIT OF MONTEREY WATER WORKS PER VOLUME 93, PAGE 66 OF DEEDS, RECORDED JULY 5, 1906 AND VOLUME 156, PAGE 392 OF DEEDS, RECORDED MARCH 23, 1918
4. A BLANKET UTILITY EASEMENT FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC AS RECORDED AUGUST 29, 2003 AS DOCUMENT 2003105560 OF OFFICIAL RECORDS.
5. EQUESTRIAN TRAIL EASEMENTS ARE NOT SHOWN.



PLN220339-DEP

VESTING TENTATIVE PARCEL MAP

PROPOSED MINOR SUBDIVISION OF
PARCEL B AS FILED IN 28 OF SURVEYS, PAGE 162
APNs 185-052-005, -006, -019
AND A PORTION OF *PARCEL V* AS DESCRIBED IN DOC.
2000026174 APN 185-041-002
MONTEREY COUNTY, CALIFORNIA
PREPARED BY



**Whitson
ENGINEERS**

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