

Attachment A

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**ATTACHMENT A
DRAFT BOARD RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. _____

Resolution by the Monterey County Board of Supervisors:

1. Determining that rescinding the 2014 Board action is Statutorily Exempt by CEQA Guidelines Section 15270)
)
)
2. Rescinding the April 08, 2014 Board of Supervisors action on the appeal by Maria A. Vasquez Et Al (PLN040529) of the Planning Commission's denial of a three lot parcel map.)
)
)

Consideration to rescind the April 08, 2014 Board of Supervisors action of the appeal by Maria A. Vasquez Et Al (PLN040529) of the Planning Commission's denial of a three lot parcel map came on for public hearing on August 23, 2016 before the Board of Supervisors of the County of Monterey. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and all other evidence presented, the Board of Supervisors hereby finds and decides as follows:

FINDINGS

1. 1 **FINDING:** The Board of Supervisors finds it necessary to rescind it's prior action on the minor subdivision map for Vasquez (PLN040529) due to the finding of the Superior Court of the state of California's that there were procedural irregularities in the action by the County.
EVIDENCE: a) An application was submitted for a minor subdivision map on August 24, 2004 to subdivide the property into three lots. The project was never deemed complete because of the inability to demonstrate that the onsite wells could provide adequate water quality and quantity.
b) On February 2012 the applicant's submitted a revised tentative map proposing a two lot subdivision with a remainder. The modification sought to place a separate well on each parcel and not be subject to the requirements of a small water system. The results of the testing for the individual wells did not demonstrate that the wells could provide adequate water quality or quantity.
c) On October 30, 2013, the Planning Commission considered the applicant's revised tentative map and continued the hearing to allow the applicant to conduct additional water testing. The meeting was continued to January 8, 2014 at which time the applicant requested permission to use a point of entry treatment system. County staff recommended this not be used due to the Technical Managerial and Financial obligations this would place on future homeowners to provide safe drinking water. The Planning Commission denied the application due to the inability to find that the project had adequate water quality or quantity as required by General Plan Policy PS-3.1 and PS-3.2 requiring

- finding of a Long Term Sustainable Water Supply.
- d) The applicants appealed the Planning Commission decision to the Board of Supervisors. On March 18, 2014 the Board considered this appeal and a motion was made to approve a water quality treatment conditioning system to meet quality standards; prove and substantiate quantity of 12 gallons per minute flow and create a Deed Notification to future owners that the water required treatment. The motion failed by a tie vote of 2-2. The Board then voted 3-1 to deem the tie vote the final action taken by the Board. The appeal was effectively denied, but without findings to support a denial.
 - e) The Court found that there was sufficient evidence in the record to deny the application but that there were procedural irregularities in the action by the county.
 - f) The Court remanded the project back to the Board of Supervisors for further proceeding consistent with the findings of the Court.

2. **FINDING:** **CEQA (Exempt):** - The project is statutorily exempt from environmental review.
- EVIDENCE:** Section 15270 of the CEQA Guidelines exempts projects which are not approved from environmental review. This action rescinds the prior action of the Board of Supervisors to not approve an appeal of the Planning Commission's decision. There is no approval in this action, as it will simply remove any prior decisions. Consideration of the minor subdivision map will be subject to further environmental review.

II. DECISION

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS AND EVIDENCE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a Determine that rescinding the 2014 Board action is Statutorily Exempted by CEQA Guidelines Section 15270
- b Rescind the April 08, 2014 Board of Supervisors action on the appeal by Maria A. Vasquez Et Al (PLN040529) of the Planning Commission's denial of a three lot parcel map.

PASSED AND ADOPTED on this 23rd day of August, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book___ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy