

# Exhibit B

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## **EXHIBIT B DISCUSSION**

### Background:

The project was originally scheduled for administrative approval on October 4, 2017, but pulled from that agenda due to a letter of opposition that was sent to the County by certain property owners/neighbors residing on Valle Pacifico Road, requesting a public hearing. The opposition also requested that the County analyze the project with an Environmental Impact Report and that the County require a cultural resource review of the project. See **Exhibit F** for opposition letter dated September 22, 2017. The letter cites a “2008 Regional Water Supply-Engineer’s Report” and the letter states that the subject property lies in the “Granite Ridge” area of North Monterey County, an area determined to have limited water and that the drilling of a new well on this property would threaten the health and property values of the homeowners the letter is signed by. The opposition letter also contends that the subject property has two (2) unpermitted wells and that the existing access road for the subject lots is unsuitable for well drilling or construction equipment and any widening of the access road would require the destruction of mature oaks. Staff responses to these contentions are provided in the “*Staff’s response to opposition letter by neighbors*” section.

### Analysis:

**Lot Line Adjustment-** Section 66412 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment; and
3. The parcels resulting from the lot line adjustment conform to the County’s general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

The proposed lot line adjustment meets the abovementioned criteria in the following ways: The lot line adjustment is between four (or fewer) existing adjoining parcels. The lot line adjustment will not create a greater number of parcels than originally existed. Three (3) contiguous separate legal parcels of record will be adjusted and three (3) contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created. The adjusted parcels are in conformance with the County’s general plan, zoning and building codes in the following manner: The project is consistent with Policy No. LU-1.16 of the 2010 Monterey County General Plan, which specifies that lot line adjustments between or among lots that do not conform to minimum parcel size standards may be allowed if the resultant lots are consistent with all other General Plan policies, zoning and building ordinances and the lot line adjustment would produce a superior parcel configuration and better achieve the goals, policies and objectives of the General Plan. The RC Zoning District requires a minimum lot size of 10 acres. The existing parcels are 1.007 acres (Parcel A); 4.108 acres (Parcel B); 5.75 acres (Parcel C) and currently do not meet the minimum lot size requirement. The proposed reconfiguration would result in the following parcel sizes: 2.041 acres (Parcel 1); 5.05 acres (Parcel 2); and 5.84 acres (Parcel 3). The parcels would not be able to be adjusted in a manner to meet minimum lot size requirements,

nevertheless the resultant parcels would produce a superior parcel configuration, and better achieve the goals policies and objectives of the 2010 General Plan in the following manner: Enlarging existing Parcel A from 1.007 acres to 2.041 (Proposed Parcel 1) would allow for a less impactful residential development on flat terrain requiring minimal grading and oak tree removal (2 or less trees) and the proposed driveway corridor would be located on flatter terrain void of major vegetation. This situation better achieves the goals and policies of the 2010 General Plan which policies require avoiding slope development (GP Policy OS-3.5) to reduce impacts to water quality and biological resources and the removal of healthy, native oak and madrone trees to the minimum required for the development (NC-3.4). The parcels do not currently have an existing single family dwelling. One parcel, existing Parcel C has an old barn structure that will be demolished with a future demolition permit from the Building Services Division of the Resource Management Agency. Therefore, the resultant parcels will comply with the County's general plan, any applicable specific plan, and zoning and building ordinances.

#### **Administrative Permit for new well-**

Policy NC-3.8 and Policy NC-5.4 of the North County Area Plan Supplemental Policies, which is a part of the 2010 Monterey County General Plan, requires a discretionary permit for all new wells proposed in fractured rock or hard rock areas of the North County Planning Area (NC-3.8) or if the property is within the North County Area Plan, regardless is the property is in fractured or hard rock (NC-5.4), in order to address serious public health concerns regarding water quality and quantity and in order to provide for case by case review of potential water quality and overdraft concerns. The proposed project includes the proposal for a new well on existing Parcel C (Proposed Parcel "3"- APN 127-035-026-000) which sits on fractured and hard rock in the North County Area Plan, requiring an Administrative Permit entitlement (i.e. discretionary permit). The application for the lot line adjustment and well have been reviewed by applicable land use agencies, including the Environmental Health Bureau (EHB) and was found to be consistent with Policies NC-3.8 and NC-5.4 and that the site is in Zone 2C which means that there is a rebuttable presumption of long-term water supply.

#### **Staff's response to opposition letter by neighbors-**

The following in response to the opposition letter dated September 22, 2017 (See **Exhibit F**):

##### **1. Opposition letter requested that the County analyze the project with an Environmental Impact Report.**

County Response: The Administrative Permit for a new well is a requirement of the 2010 Monterey County General Plan, Supplemental Policy No. NC-3.8, which states that a discretionary permit is required for all new wells in fractured or hard rock areas in the North County Area Plan to provide for case by case review of potential water quality and overdraft conditions. The subject project has been analyzed in accordance to the 2010 Monterey County General Plan stated policies by the County departments, including the EHB and the Monterey County Water Resources Agency. The Water Resources Agency has, in accordance with Monterey County 2010 General Plan Policy PS-3.3, completed a domestic well impact assessment and found that the proposed well does not indicate potential for significant adverse impact to existing domestic / water system wells or in-stream flows. Therefore, the County has determined that the project, as proposed and subject to the recommended conditions, is suitable and that an Environmental Impact Report is not required.

**2. Opposition letter requested that the County require a cultural resource review of the project.**

County Response: The project lies in a Low Archaeological Sensitivity Zone as mapped on current County resource maps. Pursuant to MCC Chapter 21.66.050- *Standards for archaeological and tribal cultural resource protection*, in this zone, a Phase I Inventory of Archaeological Resources (aka an archaeological report) is required if there is specific information already known to exist which states that archaeological resources are present or if the development is within two hundred and fifty (250) feet of a known archaeological or tribal cultural resource. In this case, there is no known information already known to exist which states that archeological resources are present and the development is not within 250 feet of a known archaeological or tribal cultural resource. Therefore, County staff did not require a Phase I Inventory of Archeological Resources. Nevertheless, planning's standard cultural resources condition PD003A (Condition No. 4) has been added to the project in the event that during the course of construction, cultural resources are uncovered at the site, in which case, the condition establishes specific actions for the protection of such resources.

**3. Opposition letter contends that the subject property has two (2) unpermitted wells.**

County Response: As previously noted, EHB has permit records for these two wells and these are not unpermitted as stated in the opposition letter. The two wells were constructed in 1981 and appear to corroborate with the existing onsite wells (EHB Well Permit No. W2837 and W2833). Therefore, County staff concludes that there is no merit to the opposition's contention of two (2) unpermitted wells on the subject property.

**4. Opposition letter contends that the existing access road for the subject lots is unsuitable for well drilling or construction equipment and any widening of the access road would require the destruction of mature oaks.**

County Response: Based on County staff's site visits, the existing access road (see **Exhibit G** for pictures) is suitable and ample for construction equipment. The area of the proposed well location is for the most part clear of major vegetation. Condition of approval PD011-TREE AND ROOT PROTECTION (Condition No. 6) has been added to this project to ensure that trees located close to the development site (access road and proposed well location) shall be protected from inadvertent damage from construction equipment by fencing of the canopy of the driplines or critical root zones. Therefore, County staff concludes that there is no merit to the opposition's contention.

**Recommendation:**

Based on the above analysis, staff concludes that the proposed project is consistent with the California Government Code Section 66412, 2010 Monterey County General Plan, the North County Area Plan, the Subdivision Ordinance (Title 19) and the Zoning Code (Title 21). Therefore, staff recommends that the Zoning Administrator find the project categorically exempt from CEQA and approve the Combined Development Permit for a Lot Line Adjustment and an Administrative Permit for a new well, subject to attached recommended conditions of approval (**Exhibit C**).

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