



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution No. 18-317

Upon motion of Supervisor Salinas, seconded by Supervisor Adams and carried by those members present, the Board of Supervisors hereby:

PLN040529 - Maria A Vasquez, Fermin Vasquez, and Juan Antonio Vasquez (Continued from July 24, 2018 and August 28, 2018)

Adopted Resolution No. 18-317: Conducted a public hearing to consider a Minor Subdivision Vesting Tentative Map to subdivide an approximately 9.26 acre parcel into three parcels of 3.086 acres each with minor clarifying language that Mr. Panor brought in.

Proposed CEQA Action: Categorically Exempt pursuant to CEQA Guidelines Section 15305

Location: The project is located 2.7 miles east of the City of Soledad at 34735 Metz Road, Soledad, CA 93960.

PASSED AND ADOPTED on this 11th day of September 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams

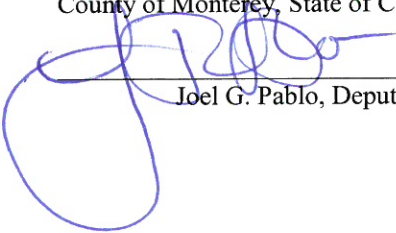
NOES: None

ABSENT: None

I, Valerie Ralph, 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 81 for the meeting September 11, 2018.

Dated: January 10, 2019
File ID: RES 18-122

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Joel G. Pablo, Deputy

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

Resolution No. 18-317

Resolution of the Monterey County Board of Supervisors)
to approve a Minor Subdivision Vesting Tentative Map)
to divide an approximately 9.26 acre parcel into three)
parcels of 3.086 acres each.....)

The Vasquez application (PLN040529) came on for public hearing before the Board of Supervisors of the County of Monterey on July 24, August 28, and September 11, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development. The Project is a vesting tentative map to subdivide an approximately 9.26 acre parcel into three parcels of 3.086 acres each. The current owners of the real property are Fermin Vasquez, Maria A. Vasquez, and Juan Antonio (“Applicant”).

EVIDENCE: a) The project has been reviewed for consistency with the text, policies, and regulations in:

- The 2010 Monterey County General Plan
- Central Salinas Valley Area Plan
- Monterey County Zoning Ordinance (Title 21)
- Monterey County Subdivision Ordinance (Title 19)

No conflicts were found to exist. No communications were received during the course of this round of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The resulting parcels will meet minimum density requirements for the LDR/2.5 zoning category. All parcels will be 3.086 acres. One single family dwelling and a detached garage exists on Parcel 1 and one single family dwelling exists on Parcel 2. Parcel 3 contains one single family dwelling and one accessory dwelling unit. All structures will meet minimum setback requirements.
- c) The minimum building site in the LDR Zoning District is 1 acre. All resulting parcels will be greater than one acre.
- d) The maximum coverage for the LDR category is 25 percent, which equals 33,606 square feet for the resulting 3.086 acre parcels. The largest structure on any of the resulting parcels is only 2,315 square feet.
- e) The project is consistent with General Plan Policies PS-3.1 and PS-3.2 for Long Term Sustainable Water Supply (see Finding 5).
- f) The project meets all requirements of the Monterey County Subdivision Ordinance (Title 19) Section 19.04 (Minor Subdivisions) of the Monterey County Code. None of the findings requiring denial can be made. (See Finding 4).

- g) The project is returning to the Board of Supervisors following litigation. On April 8, 2014, on an appeal by Maria Vasquez et al from the Planning Commission's decision to deny the application for a Minor Subdivision Vesting Tentative Map (Vasquez/ PLN040529), a motion was made to allow the subdivision to proceed with a proposed water quality treatment system. The motion failed on a tie vote. The Board then voted 3 to 1 to deem the action a final action on the appeal, effectively denying the appeal. Applicants brought suit against the County to challenge that action, and the Superior Court ruled in Applicants' favor. (Vasquez et al v. County of Monterey, et al (Superior Court Case No. M128437). On August 23, 2016, pursuant to the Judgment Granting Peremptory Writ of Mandate (filed Feb. 3, 2016), the County rescinded the Board's 2014 action (Resolution No. 16-228).
- h) The applicant has provided new information since 2016, including source capacity testing demonstrating adequate water supply to serve the existing dwellings, a proposal for water treatment systems, and water quality testing information after the treatment systems were installed to demonstrate that water quality meets drinking water standards.
- i) A Public Hearing was scheduled before the Board of Supervisors on July 24, 2018. Notice of the public hearing was published in the Monterey Coast Weekly on July 12, 2018 and mailed to property owners within 300 feet of the project site on July 12, 2018. The hearing was continued to August 28, 2018 on applicant's request. On August 28, 2018, the Board continued the hearing to September 11, 2018 to enable staff to complete the draft conditions. The public hearing was held on September 11, 2018.

- 2. **FINDING** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
 - a) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Environmental Health Bureau, RMA-Public Works, Mission Soledad Rural Fire Protection Department, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site inspection on June 26, 2018 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the applicant to Monterey County RMA-Planning for the proposed development found in PLN040529.
- 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 the RMA-Planning, Mission Soledad Rural Fire Protection Department, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. 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) All parcels are served by their own onsite waste water treatment system. The Environmental Health Bureau determined that adequate onsite wastewater dispersal system replacement area exists for each dwelling based on the proposed parcel configuration and has added a condition of approval (Condition No. 6) to require a revised parcel map which indicates the future Onsite Wastewater Treatment System replacement area for each of the existing dwellings showing that it meets all minimum horizontal setback, including water wells and labels each of the three wells.
 - c) Source capacity tests for each well indicated the wells have adequate capacity to serve the existing dwellings on site.
 - d) Water quality tests for each well indicated that treatment is necessary because the water exceeds the state's Maximum Contaminant Levels. The tests show that Well 1, to serve Parcel 1, is high in nitrates and arsenic, Well 2, to serve Parcel 2, is high in Fluoride, and Well 3, to serve Parcel 3, is high in Fluoride. . The Subdivision Map Act requires denial of a tentative map if the subdivision is likely to cause serious public health problems. Hence, in this case, continuous treatment of the water is required in order to approve the tentative map because, untreated, the water poses a serious threat to health. The applicant has proposed and subsequently installed Point of Use treatment for Parcel 1 and Parcel 2. Based on the recent information from the State Water Resources Control Board, EHB determined that the Point of Use treatment systems, submitted in November 2017, and installed in March of 2018, would be sufficient to ensure that the water meets drinking water standards. Point of Use systems treat the water directly at the sink. Well 1 (to serve parcel 1) is being treated for high nitrates and arsenic. Well 2 (to serve parcel 2) is being treated for high Fluoride. Well 3 (to serve the two dwellings on Parcel 3) is being treated for high Fluoride through a Point of Entry Reverse Osmosis treatment system.
 - e) On March 15, 2016 the State Water Resources Control Board adopted regulations (Resolution No. 20016-0015) to permit Point of Entry and Point of Use treatment systems for Public Water Systems. The Monterey County Environmental Health Bureau reviewed the treatment strategy and determined that the proposed treatment systems would be sufficient to meet primary drinking water standards for the existing dwellings. In August of 2018 the applicant notified the County that the systems had been installed and submitted water quality information showing that the water on all three parcels meets primary drinking water standards. Additionally, Condition No. 7 and No. 8 have been added to

require recordation of deed restrictions to notify all future property owners of water treatment system and associated wastewater system maintenance requirements.

- f) The parcel is fully developed with a single-family dwelling on Parcel 1, a single-family dwelling on Parcel 2, and a single family dwelling and an accessory dwelling unit on Parcel 3. The LDR/2.5 zoning designation does not allow for any additional units to be developed on the resulting 3 acre parcels. Although Parcel 1 and Parcel 2 could potentially accommodate an accessory dwelling unit since accessory dwelling units are not subject to density requirements, any future proposal for an accessory dwelling unit would be required to demonstrate adequate health and safety services before a building permit could be issued.

4. **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 findings below are made. None of these findings are made.

1. That the tentative map is not consistent with the applicable General Plan, area plan, coastal land use plan or specific plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan, area plan, coastal land use plan or specific plan.
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 are 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. In this connection, the appropriate decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the decision-making body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title.

- EVIDENCE:**
- a) Consistency: The project as designed and conditioned is consistent with the 2010 Monterey County General Plan. (See Finding 1 and Finding 6.)
 - b) Design: the lot design is consistent with the Lot Design Standards of MCC Section 19.10.030. The resulting parcels meet minimum lot size, and dimensions.
 - c) Site Suitability: The site is suitable for the proposed project including the type and density of the development. See Finding 1 and 2.
 - d) Environment: The subdivision design and improvements will not cause environmental damage to fish or wildlife habitat. The property is located in a residential area and is already developed with residential structures.
 - e) Health and Safety: The proposed project as designed and conditioned is not likely to cause serious public health problems because the parcels are already developed, water treatment systems are in place, and the map has been conditioned to require deed restrictions notifying current and future property owners of requirements for water treatment system maintenance and restrictions.
 - f) Easements: The subdivision or the type of improvements will not conflict with easements. There are no existing easements on the property.
 - g) Subdivision Requirements: The subdivision meets the requirements or conditions imposed by the Subdivision Map Act and Title 19. (See Findings 4 and 5)
 - h) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040529.

5. **FINDING: GENERAL PLAN CONSISTENCY – WATER SUPPLY:** - The project is consistent with General Plan Policies PS-3.1 and PS-3.2 requiring proof of a Long Term Sustainable Water Supply and Adequate Water Supply System for new development requiring a discretionary permit.
- a) The property is located within Zone 2C of the Salinas Valley groundwater basin. Within this zone there is a rebuttable presumption of a long-term sustainable water supply, and there is a lack of substantial evidence to rebut the presumption of a long-term sustainable water supply for this project.
 - b) Source capacity testing for the existing onsite wells has proven adequate capacity to continue serving the existing dwelling units. The Environmental Health Bureau has reviewed the source capacity studies for the existing wells and found that the wells have adequate capacity to continue serving the existing on-site dwelling units.
 - a) Four dwelling units already exist on the subject property (Three single-family dwellings, and one accessory dwelling unit) and no intensification of use will occur. The parcel is zoned Low Density Residential/2.5 acres per unit. The proposed parcels will be 3.086 acres each, which will not accommodate any additional units.

- b) The density of the proposed parcels cannot accommodate any additional units. The only future development possibility is an Accessory Dwelling Unit, which is an allowed use in the LDR zoning designation and is not subject to density requirements. Any future proposal for an accessory dwelling unit would be required to demonstrate adequate water supply and septic capacity.

6. **FINDING:**

CEQA: - The Project is categorically exempt under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines because the project is a minor alteration in land use limitations in an area with an average slope of less than 20% which will not result in and changes in land use or density, and no unusual circumstances were identified to exist for the proposed project.

EVIDENCE :

- a) California Environmental Quality Act (CEQA) Guidelines Section 15305 categorically exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in in any change in land use or density.
- b) The subject application for the subdivision of residential property will result in three parcels that already have existing residential development. The proposed division will not increase the density of development because the parcels are already built out to the maximum density for the LDR/2.5 zoning designation.
- c) The property is zoned LDR/2.5. The resulting parcels will all be 3.086 acres. All parcels have an existing single family dwelling unit, and any additional units would not be permissible as this would exceed the density regulations. Accessory Dwelling Units do not count toward density restrictions. The resulting Parcel 3 already has one existing Accessory Dwelling Unit and does not have any additional potential for development. Any proposal for an Accessory Dwelling Unit on Parcel 1 or Parcel 2 would not be considered an increase in density and is a use allowed in the LDR zoning category subject to a ministerial permit. Any proposal for an ADU in the future would be required to demonstrate adequate water and wastewater capacity through the building permit process.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on June 26, 2018.
- e) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN040529.

7. **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 Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) No correspondence was received indicating the property may be out of compliance with County Code or regulations.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN040529.

NOW, THEREFORE, BE IT FURTHER RESOLVED, based on the above findings and evidence and the record as a whole, that the Board of Supervisors does hereby:

- A. Find the project qualifies for a Categorical Exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines; and
- B. Approve a vesting tentative map to allow the division of an approximately 9.26 acre parcel into three parcels of 3.086 acres, as shown on the vesting tentative map (Exhibit A) and subject to the conditions of approval (Exhibit B), both being attached hereto and incorporated herein by reference.

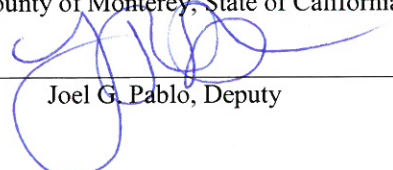
PASSED AND ADOPTED on this 11th day of September 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips, Parker and Adams
NOES: None
ABSENT: None

I, Valerie Ralph, 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 81 for the meeting September 11, 2018.

Dated: January 10, 2019
File ID: RES 18-122

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Joel G. Pablo, Deputy

Monterey County RMA Planning

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

PLN040529

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: 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 the RMA - Planning Department. 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.
(RMA - Planning Department)

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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Minor Subdivision Vesting Tentative Map was approved by the Board of Supervisors for Assessor's Parcel Number 257-121-019-000 on September 11, 2018 (Resolution No. 18-317). The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. FIRE-DRIVEWAY IMPROVEMENTS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: As a condition of this application, the applicant shall roll, compact and grade the existing roadway to remove and compact the large chunks of recycled road materials. Also, the eucalyptus tree clump that is encroaching the roadway shall either be cut back and pruned up to provide a roadway clearance height of 13'6" which shall be maintained across the entire roadway width, or be removed. Future applications for new construction will result in the roadway being up to county roadway standards and will require that a road maintenance agreement be developed and titled to all parcels gaining access or egress across the road.

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, the applicant shall submit evidence to Mission Soledad Rural Fire Protection Department that the driveway improvements detailed above have been completed as described.

5. PW0031 - PARCEL MAP

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: File a parcel map delineating all existing and required easements or rights-of-way and monument new lines.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Parcel Map Owner/Applicant/Engineer Applicant's surveyor shall prepare Parcel Map submit to DPW for review and approval.

6. EHSP01 – PARCEL MAP NOTATIONS (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The existing parcel currently has 4 dwellings, each served by a separate, existing onsite wastewater treatment system (OWTS). The Environmental Health Bureau (EHB) has determined that adequate onsite wastewater dispersal system replacement area exists for each dwelling based on the proposed parcel configuration. Domestic water is provided to the existing dwellings from three (3) existing onsite wells, specifically:

- Well 1 serves proposed Parcel 1 (34727 Metz Road)
- Well 2 serves proposed Parcel 2 (34731 Metz Road)
- Well 3 serves proposed Parcel 3 (34735 and 34733 Metz Road)

The parcel map shall be updated to reflect the OWTS dispersal system replacement area for each dwelling and label the existing wells in accordance with this condition.

- Parcel 1 shall indicate 1000 square feet (s.f.) of area for future OWTS replacement.
- Parcel 2 shall indicate 1000 s.f. of area for future OWTS replacement.
- Parcel 3 shall indicate 1700 s.f. of area for future OWTS replacement for each of the existing dwellings.
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, submit a revised parcel map which indicates the future OWTS dispersal system replacement area for each of the existing dwellings that meets all minimum horizontal setbacks, including water wells. In addition, label each of the three (3) wells.

7. EHSP02– DEED RESTRICTION FOR PROPOSED PARCELS 1 AND 2 (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Proposed Parcel 1 is served by Well No. 1; water quality analyses indicate that the water exceeds the primary drinking water standards for nitrates and arsenic. Proposed Parcel 2 is served by Well No. 2; water quality analyses indicate that the water exceeds the primary drinking water standards for fluoride. The Environmental Health Bureau (EHB) has required the installation of water treatment systems to serve the existing dwellings on Proposed Parcel Nos. 1 and 2.

An EHB-approved deed restriction shall be recorded to notify the current and all future property owners of the requirements and restrictions for domestic water use on the Proposed Parcel Nos. 1 and 2, including but not limited to the following:

- An EHB-approved Point of Use (POU) water treatment system with pretreatment water softener has been installed by a qualified professional;
- Water quality analysis of water from the POU water treatment system collected August 13, 2018 confirms that the treatment system produces water that meets primary drinking water standards;
- Owner is responsible to operate and maintain the EHB-approved POU water treatment system to keep it in good working order, including the pretreatment water softener; and
- Owner acknowledges and understands that a portable exchange tank service is required for the pretreatment water softener system and that onsite discharge is prohibited.

(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to filing the parcel map, the applicant shall provide a legal description for the existing parcel, with a copy of the Grant Deed, to the EHB. The EHB will prepare the deed restriction form. Once approved, the property owner shall sign and notarize the EHB-approved deed restriction form and return it to the EHB for approval to form.

Once the deed restriction is approved to form by the EHB and County Counsel, the document will be returned to the applicant to be recorded by the Monterey County Recorder; owner/applicant is responsible to pay all Recorder's fee. The applicant shall provide proof of recordation to the EHB.

8. EHSP03 – DEED RESTRICTION FOR PROPOSED PARCEL 3 (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Environmental Health Bureau (EHB) has determined that the water distribution system on Proposed Parcel 3 (that is served by Well No. 3) is exempt from Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and is not required to obtain a water system permit until one of the existing dwelling units is occupied exclusively by non-family members. If either of the dwelling units is occupied exclusively by non-family members, a water system permit shall be required from EHB.

Proposed Parcel 3 is served by Well No. 3; water quality analyses indicate that the water exceeds primary drinking water standards for fluoride. Applicant has installed an EHB-approved Reverse Osmosis (RO) system that provides water to the two dwellings (34735 Metz Road and 34733 Metz Road) on Proposed Parcel 3. The wastewater from the RO system (also called concentrate flow) has been directed to the existing OWTS dispersal system that serves 34735 Metz Road, which was not originally designed to accommodate the additional wastewater from the RO system and may result in premature dispersal system failure. The applicant reserves the right to obtain EHB approval of a Point of Use (POU) treatment system to be installed at each dwelling that would replace the RO system that currently serves both dwellings.

An EHB-approved deed restriction shall be recorded to notify the current and all future property owners of the requirements and restrictions for domestic water use on the Proposed Remainder Parcel, including but not limited to the following:

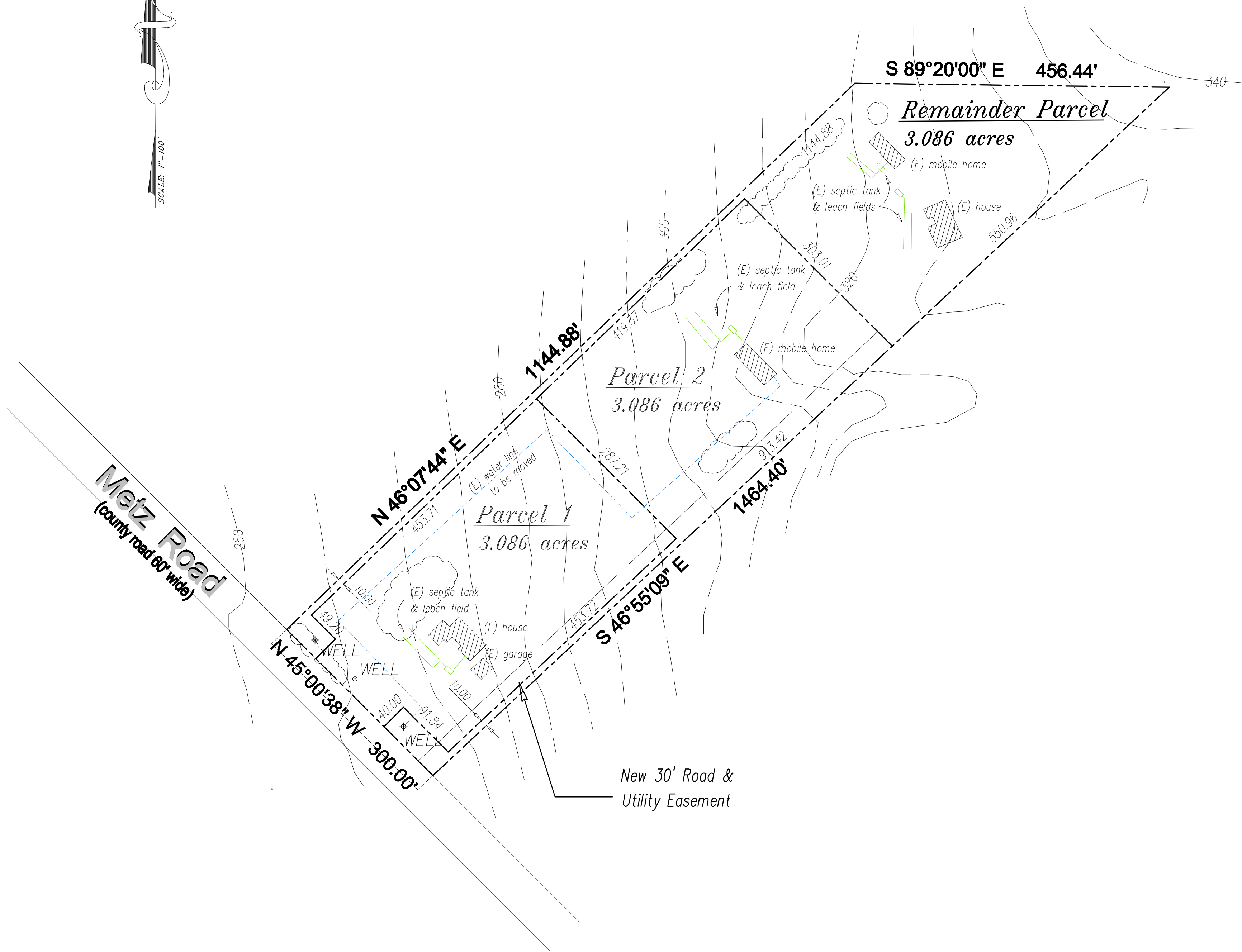
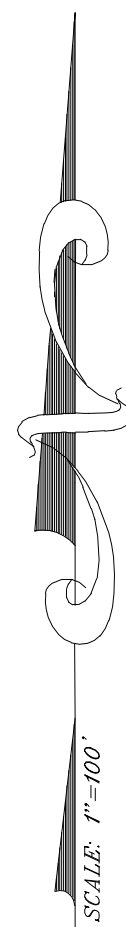
- Declaration for an Unregulated Domestic Water System
- Owner had an EHB-approved water treatment system installed by a qualified professional;
- Owner has submitted water quality analysis of treated water provided to each dwelling on Parcel 3 to demonstrate the treatment system is capable of producing water that meets primary drinking water standards;
- Owner is responsible to operate and maintain the EHB-approved water treatment system to keep it in good working order.
- Owner may elect to obtain EHB approval of a Point of Use treatment system to be installed at each dwelling to replace the RO system that currently serves both dwellings, provided it is capable of producing water that meets all primary drinking water standards.
- Owner acknowledges that the wastewater from the Reverse Osmosis (RO) water treatment system (also called concentrate flow) has been directed to the existing OWTS dispersal system that serves 34735 Metz Road, which was not originally designed to accommodate the additional wastewater from the RO system and may result in premature dispersal system failure.
- Owner acknowledges and agrees that future OWTS dispersal system replacements for 34735 and 34733 Metz Road shall be designed to accommodate the additional volume of wastewater from the RO system.

(Environmental Health)

**Compliance or
Monitoring
Action to be Performed:**

Prior to filing the parcel map, the applicant shall provide a legal description for the existing parcel, with a copy of the Grant Deed, to the EHB. The EHB will prepare the deed restriction form. Once approved, the property owner shall sign and notarize the EHB-approved deed restriction form and return it to the EHB for approval to form.

Once the deed restriction is approved to form by the EHB and County Counsel, the document will be returned to the applicant to be recorded by the Monterey County Recorder. The applicant shall provide proof of recordation to the EHB.



Parcel Boundary Courses:

PARCEL 1

1.1	North 44°59'22" East	40.00
1.2	North 45°00'38" West	49.20
1.3	North 46°07'44" East	453.71
1.4	South 44°58'44" East	287.21
1.5	South 46°55'09" West	453.72
1.6	North 45°00'38" West	91.84
1.7	South 44°59'22" West	40.00
1.8	North 45°00'38" West	139.91

Containing 3.086 acres, more or less.

PARCEL 2

2.1	North 44°59'22" East	40.00'
2.2	South 45°00'38" East	91.84'
2.3	North 46°55'09" East	453.72'
2.4	North 44°58'44" West	287.21'
2.5	North 46°07'44" East	419.37'
2.6	South 45°00'38" East	303.01'
2.7	South 46°55'09" West	913.42'
2.8	North 45°00'38" West	100.50'

Containing 3.086 acres, more or less.

REMAINDER PARCEL

R.1	North 44°59'22" East	40.00'
R.2	North 45°00'38" West	49.20'
R.3	North 46°07'44" East	873.08'
R.4	South 45°00'38" East	303.01'
R.5	North 46°55'09" East	50.96'
R.6	North 89°17'46" West	456.73'
R.7	South 46°07'44" West	1144.88'
R.8	South 71°20'42" East	67.61'

Containing 3.086 acres, more or less.

Owner & Applicant:
Vasquez et al
34735 Metz Road
Soledad, CA 93960

County File No. PLN040529

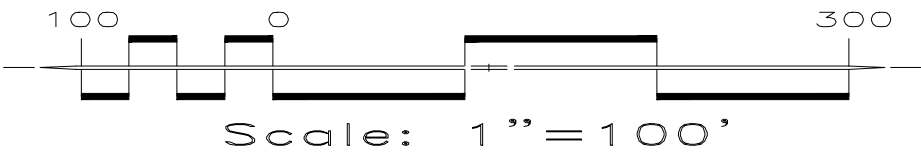


Vicinity Map

n.t.s.

NOTES:

- DISTANCES AND DIMENSIONS SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- DATA WITHIN PARENTHESES (N46°07'44"E) REFERS TO RECORD FROM MAP RECORDED IN VOLUME 2 OF PARCEL MAPS AT PAGE 76, MONTEREY COUNTY RECORDS.
- CONTOUR INTERVAL IS FIVE FOOT.
- DATUM IS NATIONAL GEODETIC VERTICAL DATUM OF 1929, SOURCED FROM THE USGS 7.5' QUADRANGLE SHEET 'SOLEDAD'.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD NOT SHOWN UPON THIS MAP. THE OWNER SHALL BE RESPONSIBLE FOR FURNISHING A TITLE REPORT TO DISCLOSE SUCH EASEMENTS WHICH MAY OR MAY NOT EXIST, AND MONTEREY COUNTY SURVEYORS, INC. SHALL BEAR NO RESPONSIBILITY FOR NON DISCLOSURE OF SAID EASEMENT(S), THEIR EXISTENCE OR LOCATION.
- BOUNDARY LOCATION IS BASED UPON RECORD DATA. NO BOUNDARY SURVEY HAS BEEN COMPLETED UNDER THE CONTRACTED SCOPE OF WORK.



PLN 040529



MONTEREY COUNTY SURVEYORS, INC.
235 Salinas St., Salinas, CA 93901-3854 831.424.1984
831.424.4099f. email: info@montereycountysurveyors.com

Vesting Tentative Parcel Map

A division of APN 257-121-019, known as Parcel D as shown on map filed in volume 2 of Parcel Maps at page 76, in the Rancho San Vicente, Monterey County, CA

MADE FOR: Vasquez, et al

SCALE: 1"=100' JOB NO. 2011.067 DATE: JANUARY 2012

APN 257-121-019

SHEET 1 OF 1