



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: RES 14-075, **Version:** 1

Public hearing, continued from May 13, 2014, to consider:

- a. Request received from Harper Canyon Realty LLC for continuance of the hearing to a later date in order to perform well testing and analysis; and
- b. A resolution with findings as directed by the Board of Supervisors to:
 1. Deny the appeal by Harper Canyon Realty LLC from the Planning Commission's denial of their application for a Combined Development Permit; and
 2. Deny the project consisting of a Combined Development Permit consisting of a Vesting Tentative Map for the subdivision of 344 acres into 17 lots and associated Use Permits.

(Appeal of Combined Development Permit - PLN000696/Harper Canyon Realty LLC, San Benancio Road and Meyer Road, Salinas, Toro Area Plan area)

PROJECT INFORMATION:

Planning File Number: PLN000696

Owner: Harper Canyon Realty LLC

Project Location: San Benancio Road and Meyer Road, Salinas

APN: 416-611-001-000, 416-621-001 and 416-611-002-000

Agent: Mike Cling

Plan Area: Toro Area Plan

Flagged and Staked: No

CEQA Action: EIR prepared

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider the request received from Harper Canyon Realty LLC for a continuance of the hearing to a later date in order to perform well testing and analysis; and
- b. Consider the resolution with findings as directed by the Board of Supervisors to:
 1. Deny the appeal by Harper Canyon Realty LLC from the Planning Commission's denial of their application for a Combined Development Permit; and
 2. Deny the project consisting of a Combined Development Permit consisting of a Vesting Tentative Map for the subdivision of 344 acres into 17 lots and associated Use Permits (PLN000696/Harper Canyon Realty LLC).

SUMMARY:

On May 13, 2014, the Board of Supervisors conducted a public hearing on the Harper Canyon project. The project consists of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval. The Board took public testimony, continued the public

hearing, requested the Applicant, Harper Canyon Realty LLC, provide updated water quality and quantity testing data on the Applicant's well (New well), and directed staff to return with a draft resolution with findings and evidence to deny the appeal and deny the project. As of the writing of this staff report, the Applicant has not conducted the pump test. Per the Board's direction, staff has prepared a resolution for denial (**Attachment A**).

On August 11, 2014, attorney Michael Cling, on behalf of the Applicant, submitted a letter requesting a continuance to a later date in order to schedule and perform the well testing and to prepare a written analysis of the results (**Attachment B**). According to the letter, the testing and analysis is estimated to take 90 to 120 days. This continuance request is technically the second continuance request, as the applicant requested to postpone the first hearing to May 13, 2014. Per the Board's continuance policy, the Board is to consider the second request for a continuance if it was received by 5:00 p.m. on the Tuesday preceding the hearing (**Attachment C**).

FINANCING:

Funding for staff time associated with this project is included in the FY 14-15 Adopted Budget for RMA-Planning.

Prepared by: Laura Lawrence, RMA Services Manager ext. 5148

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Benny Young, Director Resource Management Agency

This report was reviewed by Mike Novo.

cc: Front Counter Copy; Laura Lawrence, RMA Services Manager; EHB, RMA-Public Works; MCWRA; Monterey County Regional Fire Protection District; County Counsel; Sheriff's Office; Harper Canyon Realty LLC, Owner; Mike Cling, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Mike Weaver; Richard Rosenthal; Rachel Saunders (Big Sur Land Trust); David Raye; Lauren and Bill Keenan; Beverly and Steve Bean; Julie Garvin; Mike Thompson; David Erickson; Steven Schmiess; Lowell Webster; Marianne Gennis; Raymond Lino Belli; Richard Dampier; Meyer Community Group; Laura Carley; The Highway 68 Coalition; Native American Heritage Commission; CRWQCB; MBUAPCD; TAMC; MPWMD; Caltrans District 5; Anthony Lombardo and Associates (Tony Lombardo); Project File PLN000696

The following attachments on file with the Clerk of the Board:

Attachment A Draft Board Resolution

Attachment B August 11, 2014 letter from Michael Cling requesting a continuance

Attachment C Board policy relating to the Continuance of Public Hearings

(Note: The EIR was distributed with the May 13, 2014 staff report.)