



County of Monterey

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

Legislation Details (With Board Report)

File #: ZA 18-004 **Name:**
Type: Zoning Administrator **Status:** Agenda Ready
File created: 1/16/2018 **In control:** Monterey County Zoning Administrator
On agenda: 1/25/2018 **Final action:**
Title: PLN170509 - MAYR AND VILAFRANCA - Public hearing to consider a lot line adjustment between three legal lots of record with the following adjustments: from 1.007 acres (Parcel A) to 2.041 acres (Parcel 1); from 5.05 acres (Parcel B) to 4.108 acres (Parcel 2); and from 5.84 acres (Parcel C) to 5.75 acres (Parcel 3) and the construction of a new well on existing Parcel C. Project Location: 750 feet north of the intersection of Valle Pacifico Road and Joshua Drive, Salinas (APN 127-035-024-000; 127-035-025-000; 127-035-026-000). Proposed CEQA action: Categorically Exempt per Sections 15303(d) and 15305(a) of the CEQA Guidelines.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Discussion, 4. Exhibit C - Draft Resolution, 5. Exhibit D - Vicinity Map, 6. Exhibit E - Parcel Map, Volume, Page 185 MS 75-223, 7. Exhibit F - Letter from neighbors dated September 22, 2017, 8. Exhibit G - Site Visit Photographs by County Staff, 9. RESza_18-004_PLN170509_012518, 10. RESza_18-004_PLN170509_012518_REVISED_013118

Date	Ver.	Action By	Action	Result
1/25/2018	1	Monterey County Zoning Administrator		

PLN170509 - MAYR AND VILAFRANCA - Public hearing to consider a lot line adjustment between three legal lots of record with the following adjustments: from 1.007 acres (Parcel A) to 2.041 acres (Parcel 1); from 5.05 acres (Parcel B) to 4.108 acres (Parcel 2); and from 5.84 acres (Parcel C) to 5.75 acres (Parcel 3) and the construction of a new well on existing Parcel C.

Project Location: 750 feet north of the intersection of Valle Pacifico Road and Joshua Drive, Salinas (APN 127-035-024-000; 127-035-025-000; 127-035-026-000).

Proposed CEQA action: Categorically Exempt per Sections 15303(d) and 15305(a) of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a resolution to:

- 1) Find the project is for a lot line adjustment and well construction (on one of the subject parcels), which qualifies as a Class 5 and Class 3, respectively Categorically Exemption pursuant to Sections 15305(a) and 15303(d), respectively of the CEQA Guidelines, and there are not exceptions pursuant to Section 15300.2; and
- 2) Approve a Combined Development Permit consisting of:
 - a. A Lot Line Adjustment between three legal lots of record with the following adjustments: from 1.007 acres (Parcel A) to 2.041 acres (Parcel 1); from 5.05 acres (Parcel B) to 4.108 acres (Parcel 2); and from 5.84 acres (Parcel C) to 5.75 acres (Parcel 3); and
 - b. An Administrative Permit for construction of a new well proposed on existing Parcel C.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to nine (9) conditions of approval.

PROJECT INFORMATION:

Property Owners: Robert S. and Linda M. Mayr; Anthony F. and Pat C. Villafranca

APN: 127-035-024-000; 127-035-025-000; 127-035-026-000

Parcel Sizes: 1.07 acres; 4.108 acres; and 5.75 acres

Zoning: Resource Conservation, B-8 Zoning District or RC/B-8

Plan Area: North County Area Plan, Non-Coastal

Flagged and Staked: Yes

SUMMARY/ISSUES:

The three subject parcels are located approximately 750 feet north of the intersection of Valle Pacifico Road and Joshua Drive in unincorporated Salinas (Prunedale area) in the North County Area Plan. See **Exhibit D** for Vicinity Map. The site has mild to steep slopes (5 to 20 percent) and is primarily covered with coast live oaks, non-native eucalyptus trees and grassland.

This project area was originally subdivided in 1977 creating four lots of record (see **Exhibit E** for 1977 Parcel Map). The applicants currently own all four lots, but the subject application involves only three of the four lots: Parcel A (1.007 acres); Parcel B (5.84 acres); and Parcel C (5.84 acres). Parcel D is not part of the Lot Line Adjustment, and therefore will remain as “Parcel D”. The property area has recorded road and utility right-of-way easements that access the four parcels, including the subject three lots of record. The subject parcels currently do not have single family residences. Existing Parcel C does contain an old barn that will be demolished.

The Combined Development Permit consists of the following entitlements:

1. Lot line adjustment between three legal lots of record of 1.007 acres (Parcel A); 5.05 acres (Parcel B) and 5.84 acres (Parcel C), resulting in the following: 2.041 acres (Parcel 1); 4.108 acres (Parcel 2) and 5.75 acres (Parcel 3); and
2. An Administrative Permit for the construction of a new well proposed on existing Parcel C.

This project area was purchased in 2017 by the Mayr’s and Villafranca’s with the intent to construct single family residences on each of the parcels and sell the developed properties. The zoning for the subject parcels is Resource Conservation with a B-8 zoning overlay. 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 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 lot line adjustment is proposed in order to make existing Parcel A larger and in doing so, produce a superior parcel configuration for development that would minimize future tree removal. See **Exhibit B-Discussion** for additional information.

There are two existing wells to serve the four properties:

- The first well, pumping water at eight (8) gallons per minute is located on the boundary line of existing Parcels A and B and has enough yield to serve the new parcels (resultant Parcels 1 and 2). This well will remain, and no changes are needed.
- The second well, pumping water at only three (3) gallons a minute is located wholly on existing Parcel C, but is not currently operational. This well does not pump a sufficient quantity of water to serve the other two (2) parcels (resultant Parcels 3 and existing parcel D which is not part of the Lot Line

Adjustment)

Therefore, the applicant is requesting an Administrative Permit for the drilling of a new well on existing Parcel C to provide water to these both resultant parcel 3 and existing parcel D. 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. See **Exhibit C** for lot line adjustment/well map.

Environmental Health Bureau (EHB) records include permits for two wells that were constructed in 1981 and appear to corroborate with the existing onsite wells (EHB Well Permit No. W2837 and W2833). The Water Well Driller Reports on file for each well, indicate that the perforated section of their casings is in an alluvial formation. Water quality is unknown for both wells. It is important to note that the EHB does not support development of the first-single family dwelling on an existing, vacant lot of record unless it has first obtained a water supply that meets water quality requirements and can produce three (3) gallons per minute per connection. Based on the owner's source capacity estimate, the well on existing Parcel 3 may not produce enough water to supply a single-family dwelling and would not produce enough water to supply a two (2) connection water system.

The EHB has added condition EHSP01 - STATUS OF EXISTING WELL (Condition No. 7) to ensure that the proposed well will either replace the existing well on existing Parcel 3 or, upon redevelopment of the existing well, the proposed well will serve as a supplemental source of supply to provide water to a forthcoming water system that will serve Parcel 3 and Parcel 2 and/or 4. Condition of approval EHSP04 - SOURCE CAPACITY TESTING (Condition No. 10), will require that prior to issuance of a construction permit that will utilize the proposed well, it shall first undergo testing in accordance with the EHB's Source Capacity Testing Requirements, which includes monitoring nearby wells within 1000' on the same or neighboring parcels for drawdown.

This application has been referred to the Zoning Administrator because of public controversy. This application was originally scheduled for administrative approval on October 4, 2017, but subsequently pulled from this administrative approval agenda when the County received a letter from neighbors dated September 22, 2017 (see **Exhibit F**) objecting to the project and requesting a public hearing to address concerns, primarily with the well proposal. The letter contends that allowing the new well to be drilled would further deplete the water supply in the vicinity. County staff, including members of the Environmental Health Bureau have reviewed the concerns noted, analyzed the project and continue to recommend approval of the subject application for the following reasons: 1) the project is within Zone 2C (rebuttable presumption of long-term water supply); 2) 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; and 3) the proposed well will serve as either the sole source of supply for vacant existing Parcel 3 or serve as a secondary source of supply for a water system that will serve Parcel 3 and other vacant lots in the project. Establishing a local small water system to serve undeveloped parcels discourages proliferation of individual wells and is consistent with Monterey County Code, Section 15.04.006.

ADDITIONAL DISCUSSION:

Additional discussion is provided in **Exhibit B**.

CEQA

The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project. California Environmental Quality Act (CEQA) Guidelines Section 15305(a) categorically exempts minor lot line adjustments. California Environmental Quality Act (CEQA) Guidelines Section 15303(d) categorically exempts water mains and other utilities serving future construction. The project does not meet any of the exceptions to exemptions listed in Section 15300.2 of the guidelines where ordinarily insignificant projects may have an impact if, by location of development, there is potential to effect environmental resources of hazardous or critical concern or if the project would result in a significant effect or cumulative impact and therefore would warrant environmental review.

The project, as proposed and conditioned, meets County requirements and policies for development of a well and a lot line adjustment within the Resource Conservation zoning district.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- RMA-Public Works
- RMA-Environmental Services
- Water Resources Agency
- North County Fire Protection District

When the proposed application was elevated to public hearing, it was referred to the North County Land Use Advisory Committee (LUAC) meeting on December 6, 2017. At this meeting, the LUAC did not have a quorum and the item was re-scheduled for the next available meeting on January 3, 2018. At the January 3rd meeting, the application was not heard again due to another lack of a quorum. Pursuant to LUAC Procedures, applications that are not reviewed due to lack of quorum shall be continued to the next regular scheduled meeting and there shall be no further continuance unless requested by the applicant. Applications that are not reviewed at that continuance shall be returned to the Planning Department without comment. In the case of the subject application, the applicants did not request a third continuance and therefore, the application was returned to the Planning Department without comment by the North County LUAC.

FINANCING:

Funding for staff time associated with this project is included in the FY16-17/17-18 Adopted Budgets for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner, x5114

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Duggan, AICP, RMA Deputy Director

The following attachments are on file with the RMA:

- Exhibit A Project Data Sheet
- Exhibit B Discussion
- Exhibit C Draft Resolution including:
 - Conditions of Approval
 - Lot Line Adjustment Map/Well Location Map
- Exhibit D Vicinity Map
- Exhibit E Parcel Map, Volume 11, Page 185, MS 75-223
- Exhibit F Letter from neighbors dated September 22, 2017
- Exhibit G Site Visit Photographs by County Staff

cc: Front Counter Copy; Zoning Administrator; Brandon Swanson, RMA Services Manager; Robert S. Mayr Applicant/Owner; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Interested Party List in Accela; Project File PLN170509.