



Legislation Details (With Board Report)

File #: ZA 18-049 **Name:**
Type: Zoning Administrator **Status:** Agenda Ready
File created: 7/27/2018 **In control:** Monterey County Zoning Administrator
On agenda: 8/9/2018 **Final action:**
Title: PLN170624 - GREER
Public hearing to consider conversion of an existing test well to a permanent well for a future single connection which is not part of this application.
Project Location: 124 Fern Canyon, Carmel, Carmel Area Land Use Plan
Proposed CEQA Action: Categorical Exemption pursuant to Section 15301(b) of the CEQA Guidelines.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Draft Resolution, 4. Exhibit C - Letter from Fenton & Keller, 5. RESza_18-046_PLN170624_080918

Date	Ver.	Action By	Action	Result
8/9/2018	1	Monterey County Zoning Administrator		

PLN170624 - GREER

Public hearing to consider conversion of an existing test well to a permanent well for a future single connection which is not part of this application.

Project Location: 124 Fern Canyon, Carmel, Carmel Area Land Use Plan

Proposed CEQA Action: Categorical Exemption pursuant to Section 15301(b) of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Zoning Administrator:

- Find that the project is the conversion of a test well to a permanent well, which qualifies as a Class 3 Categorical Exemption pursuant to Section 15301(b) of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- Approve a Coastal Administrative Permit to allow the conversion of an existing test well to a permanent well with one connection for supplying potable water to a future single-family dwelling (not yet proposed and subject to a separate permit).
- Approve the Design Approval as it applies to the appurtenant components: Two (2) 119-gallon bladder tanks and water filtration system, and a 5,000 gallon polyurethane water storage tank.

A draft resolution, including findings and evidence, is attached for consideration (**Exhibit B**).

Staff recommends approval subject to five (5) conditions.

PROJECT INFORMATION:

Project Owner: William L. Greer Tr, et al

APN: 241-131-024-000

Zoning: Low Density Residential, 1 unit per acre, Design Control Overlay (Coastal Zone) [LDR/1-D (CZ)]

Parcel Size: 0.6215 acre (27,072.54 square feet)

Flagged and Staked: N/A

SUMMARY:

The proposed project involves the conversion of an existing test well to a permanent well for a single connection that will provide potable water for a yet to-be-built single-family residence (subject to a future application and review). The well conversion also includes appurtenant devices: an electric powered pump, two (2) 119-gallon bladder storage tanks to regulate water pressure, a water filtration system that removes iron and manganese from the water, and a 5,000-gallon polyurethane water storage tank installed on a gravel pad. Based on staff review of the planning application materials, the property complies with all rules and regulations pertaining to zoning uses and other applicable provisions of the 1982 Monterey County General Plan, Carmel Area Land Use Plan, and applicable sections of the Monterey County coastal zoning ordinance (Title 20).

DISCUSSION:

The property is currently undeveloped. The zoning designation of this property is Low Density Residential/1 acre per unit, with a Design Control Overlay (LDR/1-D-CZ). The 'D' Overlay provides heightened review by staff of development proposals with a more critical eye involving architectural details of proposed structures, and subordination to neighborhood character. Location of the proposed water tank and supporting components - bladder tanks to regulate pressure, and water filtration system - are located such to protect public views to the maximum extent feasible. This application, PLN170624, is for the conversion of a test well to a permanent well in anticipation of construction of a single-family home at an undetermined future date. Any future development of the site beyond converting the well to a permanent well, would be subject to various department and agency review and land use entitlements from the RMA. The applicant has demonstrated that the location of the well is such that any future development of the site would be sensitive to its surroundings and the immediate neighborhood.

Pursuant to the development standards for the LDR zoning district, identified in MCC Section 20.14.060, and as proposed, the well and appurtenant structures meet or exceed all required setbacks. The structures are also within the corresponding maximum structure heights.

Development Standards

Pursuant to the development standards for the LDR zoning district, identified in MCC Section 20.14, and as proposed, the structures meet or exceed all required setbacks, and are also within the corresponding maximum structure heights. Required setbacks in the LDR district for non-habitable accessory structures are 50 feet (front), one (1) foot (rear), and six (6) foot (sides) on front one-half of property (sides). As proposed, the facilities (structures) meet or exceed all required setbacks.

Setbacks: Non-Habitable

	Required	Proposed
FRONT:	50 ft.	>50 ft.
SIDE:	6 ft.	> 6 ft.
REAR:	1 ft.	> 1 ft.

Corresponding maximum accessory structure heights are 15 feet. The proposed height for the 5,000-gallon water tank is 8 feet.

PROJECT BACKGROUND

The test well was approved by the Zoning Administrator July 7, 2004, PLN030642 (Resolution 04-307). In addition to the test well, the approval included a septic system and the removal of 10 oaks trees to

accommodate the septic system leach fields. A driveway was constructed to access the site and to allow for access for the drilling rig. This application was appealed to the Board of Supervisors and presented to the Board on September 14, 2004. The Appeal was denied and the test well was approved.

The appeal was based on the appellant requesting that a hydrological report be prepared for the test well. The appellant asserted that the applicant should have to demonstrate that water was available in sufficient quantity and quality to support a test well, that the drought conditions would preclude sufficient water supply and that an additional well would incrementally impact available water in a negative way. The appellant also questioned the need of a septic system if there would not be enough water to support a residential dwelling, and objected to the removal of 10 oak trees to accommodate the leach field, and objected to construction of a swale to direct surface water runoff.

The well was installed as approved with a pump, concrete pad and tank. The septic system was not installed and is not part of this well conversion proposal. Staff requested that the proposed septic system be divorced from the well conversion application because the current application does not include a proposed single-family residence, therefore, it cannot be determined what an appropriate septic system would be for a future residence. The water tank and concrete pad associated with the test well have subsequently been removed.

The present application, PLN170624, was filed July 24, 2017 and deemed complete April 12, 2018. The project was scheduled for the June 20, 2018 Administrative Hearing before the RMA Chief of Planning. On June 15, 2018, an interested party requested a public hearing before the Zoning Administrator. The request is based upon the neighbor's concern regarding water rights and concern that they are losing possible rights. However, the test well and conversion to a permeant well is for a well located on an undeveloped parcel with no association with the neighboring properties, other than common property boundaries. The test well was approved to determine if there was sufficient water quality and water quantity to provide water for the subject property. The application does not include a request to form a mutual water company.

The Monterey County Environmental Health Bureau (EHB) reviewed the test well results and did impose a condition relating to potential future availability based on the geologic surroundings. Additionally, EHB concluded that the quantity of water delivered by the test well was not sufficient to provide water for two (2) single-family residences, despite the zoning allowing this density. The test well has been given a credit of 4.98 gallons per minute which is adequate capacity to serve any future residential development of the property.

CEQA:

California Environmental Quality Act (CEQA) Guidelines Section 15301(b), Class 3, categorically exempts operation and minor alterations of existing facilities. The proposed project involves the conversion of a test well to a permanent well to deliver potable water to a future single-family residential dwelling. Therefore, the project qualifies as and is consistent with the parameters of the Class 3 categorical exemption. No evidence of significant adverse environmental effects were identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT:

The following County agencies or departments reviewed this project:

- RMA-Public Works
- RMA-Environmental Services
- Environmental Health Bureau
- Carmel Highlands FPD (Fire Protection District)
- Water Resources Agency

LUAC

The project was not referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. This application was not required to be presented to the LUAC because the project is exempt from environmental review, does not involve a Lot Line Adjustment, Variance, or Design approval requiring a public hearing.

Prepared by: R. Craig Smith, Associate Planner, x6408

Reviewed by: Brandon Swanson, RMA Planning Services Manager

Approved by: John M. Dugan, FAICP, RMA Deputy Director of Land Use and
Development Services

The following attachments are on file with the RMA:

Exhibit A Project Data Sheet

Exhibit B Draft Resolution, including:

- B-1 Recommended Conditions of Approval
- B-2 Site Plan
- B-3 Vicinity Map

Exhibit C Letter, Fenton & Keller

cc: Front Counter Copy; Carmel Highlands FPD (Fire Protection District); RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; R. Craig Smith, Associate Planner; Brandon Swanson, RMA Services Manager; William L. Greer Tr, et al, Property Owner; Nancy Isakson, Agent; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN170624