



County of Monterey

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

Board Report

File #: RES 16-044, **Version:** 1

PLN040529 - Vasquez

Adopt a resolution rescinding the April 08, 2014 Board of Supervisors action on the appeal by Maria A. Vasquez Et Al (PLN040529) of the Planning Commission's denial of a three lot parcel map.

Proposed CEQA Action: Statutorily exempt per Section 15270 of the CEQA Guidelines.

34735 Metz Road, Soledad, Central Salinas Valley Area Plan

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Determine that rescinding the 2014 Board action is Statutorily Exempted by CEQA Guidelines Section 15270
- b. Rescind the April 08, 2014 Board of Supervisors action on the appeal by Maria A. Vasquez Et Al (PLN040529) of the Planning Commission's denial of a three lot parcel map.

PROJECT INFORMATION:

Owner: Maria A. Vasquez Et Al (Fermin and Tony Vasquez)

APN: 257-121-019-000

Zoning: LDR/2.5

Lot Size: 9.24 acres

Agent: Jacqueline M. Zischke

Plan Area: Central Salinas Valley Area Plan

Flagged and Staked: No

SUMMARY:

On April 08, 2014, the Board of Supervisors considered an appeal of the subject application for a minor subdivision (PLN040529). A tie vote resulted in a determination that the minor subdivision was not approved. The Superior Court of California remanded the subject application (PLN040529) back to the Board of Supervisors for further consideration. This action would simply rescind the prior action thereby allowing the project to be reconsidered by the Board. Consideration of the project merits will be brought back to the Board of Supervisors at a future date.

DISCUSSION:

On April 8, 2014, the Board of Supervisors considered an appeal of the Planning Commission's denial of a three lot minor subdivision. The Planning Commission decision was based on the inability to prove adequate water quality and quantity. The Board of Supervisors voted 2-2 on a motion to approve the minor subdivision. This tie vote would not uphold or deny the appeal, so

the Board then voted on a motion to determine that the tie vote was the final action. The result of this vote was that the minor subdivision was not approved.

The appellant filed a lawsuit against the County. On November 23, 2015, the Superior Court heard the case (Attachment A). The court decided that there was ample evidence to support findings to deny the minor subdivision, but found that there were procedural irregularities in the action by the County and decided to

remand the matter back to the Board of Supervisors.

The action of the Board of Supervisors to rescind the decision made on April 8, 2014 will allow staff to consider any new information the applicant submits, and bring the item back to the Board of Supervisors at a public hearing. A resolution has been prepared which rescinds the prior Board of Supervisor's action. Adoption of this resolution will not act on the application other than to set aside the prior action so that the project can be reconsidered.

OTHER AGENCY INVOLVEMENT:

County Counsel was involved in framing this report to comply with the court order arising from litigation.

FINANCING:

Funding for staff time associated with this project is included in the FY16/17 Budget adopted for RMA Planning.

Prepared by: John Ford, RMA Services Manager, Ext. 5158

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

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

Attachment A - Resolution Rescinding April 8, 2014 Board Action.

cc: Front Counter Copy; John Ford, RMA Services Manager; Environmental Health Bureau; Fermin and Tony Vasquez, Applicant/Owner; Jacqueline M. Zischke, Attorney; Joel Panzer, Representative; The Open Monterey Project (Molly Erickson); LandWatch; Project File PLN040529