

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 9, 2011	Time: 9:00 AM	Agenda Item No.: 2
Project Description: Zoning Reclassification to rezone a 57.24 acre parcel and a 5.0 acre parcel from "RDR/10 (CZ)" [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)] zoning classification to the "RDR/10-B-8 (CZ)" [Rural Density Residential, 10 acre per unit minimum, with B-8 Building Site Overlay (Coastal Zone)] zoning classification.		
Project Location: 2579 and 2575 San Juan Road, Aromas		APNs: 141-062-021-000 & 141-062-022-000
Planning File Number: PLN100297 (Related to PLN070505)		Owner: John P. Walworth Family Trust
Planning Area: North County Land Use Plan		Flagged and staked: Not required.
Zoning Designation: RDR/10 (CZ) [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)]		
CEQA Action: Negative Declaration per CEQA Guidelines Section 15070 prepared for PLN070505		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) recommending the Board of Supervisors adopt an ordinance to reclassify the subject site from the "RDR/10 (CZ)" [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)] zoning classification to the "RDR/10-B-8 (CZ)" [Rural Density Residential, 10 acre per unit minimum, with B-8 Building Site Overlay (Coastal Zone)] zoning classification.

PROJECT OVERVIEW:

On April 30, 2009, the Minor Subdivision Committee approved a minor subdivision (PLN070505) to subdivide a 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres). The parcels are currently zoned "RDR/10 (CZ)" (Rural Density Residential, 10 acre minimum). The parcels are located outside of Zone 2C, in the Highlands North water basin area (North County Sub-Watershed No. 5). Therefore, the Minor Subdivision Committee imposed a condition of project approval to require the applicant to apply for a rezone to add the B-8 Overlay District to both newly created parcels. The proposed ordinance would add the "B-8" Overlay to both newly created parcels to limit development and intensification of water use.

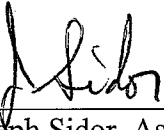
Chapter 2.5 (Water Resources) of the North County Land Use Plan identifies that the North Monterey County area experiences serious overdraft in the aquifers, seawater intrusion problems in the North County Coastal Zone, and nitrate pollution problems throughout the planning area. Application of the B-8 overlay would limit the potential intensification of water use to that already committed to the properties (a residence already exists on each parcel), and would restrict the intensity of development until such time that water supply and water quality issues can be resolved.

Reclassification may be considered when the identified constraints no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole. The B-8 overlay could only be

removed through a future LCP amendment certified by the Coastal Commission, if findings can be made that limitations with regard to adequate long-term water supply are no longer an issue.

CEQA:

Monterey County, as Lead Agency, prepared, circulated, considered, and adopted an Initial Study and Negative Declaration (IS/ND)(SCH#2009031010) for the Walworth Minor Subdivision (PLN070505) project (**Exhibit F**). Potential impacts were analyzed and the County concluded that the minor subdivision, as proposed and conditioned, would result in less than significant impacts. The County then considered the proposed LCP Amendment and determined its scope does not alter the analysis or conclusions in the IS/ND prepared for PLN070505. The County has determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, that there are no new significant environmental effects or increase in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines, and there is no new information of substantial importance that was not known at the time the previous IS/ND was adopted, per Section 15162(a)(3) of the CEQA Guidelines.



Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
February 28, 2011

cc: Front Counter Copy; Planning Commission (10); County Counsel; Aromas Tri-County Fire Protection District; Parks Department; Public Works Department; Environmental Health Bureau; Water Resources Agency; Office of Redevelopment and Housing; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joe Sidor, Project Planner; Carol Allen, Senior Secretary; John and Patricia Walworth, Owners; The Open Monterey Project; Planning File PLN100297

Attachments: Exhibit A Draft Planning Commission Resolution w/attached Ordinance
Exhibit B Location Map
Exhibit C Zoning Map
Exhibit D Minor Subdivision Committee Resolution for PLN070505
Exhibit E Advisory Committee Minutes for PLN070505
Exhibit F Negative Declaration (SCH#2009031010)

This report was reviewed by Laura Lawrence, Planning Services Manager.

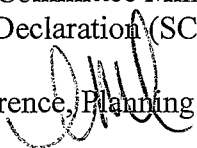


EXHIBIT A
DRAFT PLANNING COMMISSION
RESOLUTION w/attached Ordinance

PLN100297 – Walworth

Planning Commission
March 9, 2011

EXHIBIT A
DRAFT RESOLUTION TO RECOMMEND AMENDMENT OF
LOCAL COASTAL PROGRAM (ZONING RECLASSIFICATION)
PLN100297/Walworth

Before the Planning Commission in and for the
County of Monterey, State of California

Resolution No. _____

Resolution of the Monterey County
Planning Commission recommending that
the Board of Supervisors amend Section
20.08.060 of Title 20 (zoning) of the
Monterey County Code to reclassify a 57.24
acre parcel and a 5.0 acre parcel from
“RDR/10 (CZ)” to “RDR/10-B-8 (CZ).”

An amendment to Section 20-2 of the Monterey County Sectional District Maps (Coastal Implementation Plan) to add the B-8 zoning overlay district to two parcels came on for a public hearing before the Planning Commission on March 9, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby recommends that the Monterey County Board of Supervisors make the following amendment with reference to the following facts:

RECITALS

1. The John P. Walworth Family Trust was required to apply for imposition of a B-8 Zoning Overlay District as a condition of the Minor Subdivision Committee’s approval of the Trust’s application for a minor subdivision to subdivide one 62.24 acre parcel into two parcels, a 57.24 acre parcel located at 2579 San Juan Road (Assessor’s Parcel Number 141-062-021-000) and a 5.0 acre parcel located at 2575 San Juan Road (Assessor’s Parcel Number 141-062-022-000), at the northeast corner of Summerland Road, approximately 1.4 miles northwest of State Route (SR) 101, approximately 1,000 feet northwest of Carpenteria Road, and approximately 6.0 miles east of SR 1, Aromas, North County Coastal Zone (Walworth/PLN070505; Resolution No. 09004).
2. The proposed zoning ordinance would reclassify the subject parcels from the “RDR/10 (CZ)” [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)] Zoning District to the “RDR/10-B-8 (CZ)” [Rural Density Residential, 10 acre per unit minimum with B-8 Building Site Overlay (Coastal Zone)] Zoning District.

3. The subject sites are located at 2579 and 2575 San Juan Road, Aromas (Assessor's Parcel Numbers 141-062-021-000 and 141-062-022-000, respectively), in the unincorporated area of Monterey County.
4. The subject parcels are located outside of Zone 2C, in the Highlands North water basin area. Chapter 2.5 (Water Resources) of the North County Land Use Plan identifies that the North Monterey County area experiences serious overdraft in the aquifers, seawater intrusion problems in the North County Coastal Zone, and nitrate pollution problems throughout the planning area. Therefore, the Minor Subdivision Committee imposed a condition of project approval on PLN070505 to require the applicant to apply for a rezone to add the B-8 Overlay District to both newly created parcels. The proposed ordinance would add the "B-8" Overlay to both parcels to limit development and intensification of water use. Application of the B-8 overlay would limit the potential intensification of water use to that already committed to the properties (a residence already exists on each parcel), and would restrict the intensity of development until such time that water supply and water quality issues can be resolved. Reclassification may be considered when the identified constraints no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.
5. Monterey County, as Lead Agency, prepared, circulated, considered, and adopted an Initial Study and Negative Declaration (IS/ND) for the Walworth Minor Subdivision (PLN070505). Potential impacts were analyzed and the County concluded that the minor subdivision, as proposed and conditioned, would result in less than significant impacts. The County then considered the proposed LCP Amendment and determined its scope does not alter the analysis or conclusions in the IS/ND prepared for PLN070505. The County has determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, that there are no new significant environmental effects or increase in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines, and there is no new information of substantial importance that was not known at the time the previous IS/ND was adopted, per Section 15162(a)(3) of the CEQA Guidelines. The Planning Commission considered the IS/ND before making the recommendation herein
6. Section 20.08.060 of the Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Sheet 2 (Section 20-2) of the Monterey County Zoning Map provides a graphic representation of the zoning designations in this portion of the planning area.
7. Pursuant to Public Resources Code sections 30000 et seq., the County may amend the adopted Local Coastal Program provided the County follows certain procedures, including that the County Planning Commission hold a noticed public hearing and make a written recommendation to the Board of Supervisors on the proposed amendment of the CIP portion of the Local Coastal Program (LCP). The proposed change to amend the CIP reclassify the subject parcels and apply a RDR/10-B-8 zoning designation over the parcels is consistent with the adopted Land Use Plan (LUP).

8. On March 9, 2011, the Monterey County Planning Commission held a duly noticed public hearing to consider and make recommendations to the Board of Supervisors regarding the proposed zoning ordinance. At least 10 days before the first public hearing date, notices of the hearing before the Planning Commission were published in the Salinas Californian and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.
9. The proposed zoning ordinance is attached to this Resolution as **Attachment A** and is incorporated herein by reference. The ordinance would amend Section 20-2 of the Sectional District Maps of Section 20.08.060 of Title 20 of the Monterey County Code to apply the "RDR/10-B-8 (CZ)" [Rural Density Residential, 10 acre per unit minimum with B-8 Building Site Overlay (Coastal Zone)] to the two parcels.
10. This amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519).

DECISION

NOW, THEREFORE, the Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors adopt an ordinance to amend Section 20.08.060 of Title 20 (zoning) of the Monterey County Code from Rural Density Residential, 10 acre per unit minimum (Coastal Zone) [RDR/10 (CZ)] to Rural Density Residential, 10 acre per unit minimum, with B-8 Building Site Overlay (Coastal Zone) [RDR/10-B-8 (CZ)] on a 57.24 acre parcel located at 2579 San Juan Road and a 5.0 acre parcel located at 2575 San Juan Road, Aromas (APNs 141-062-021-000 and 141-062-022-000), North County Coastal Zone, in the North County Coastal Implementation Plan (CIP) as shown on Attachment "A".

PASSED AND ADOPTED this 9th day of March, 2011, upon motion of Commissioner _____, seconded by Commissioner _____, and passed by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	

Mike Novo, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO THE APPLICANT ON _____.

ATTACHMENT A
DRAFT ORDINANCE TO AMEND COUNTY CODE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 20.08.060 OF TITLE 20 (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) OF THE MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

County Counsel Summary

This ordinance amends Section 20-2 of the Zoning Maps of the Monterey County Coastal Implementation Plan (Title 20 of the Monterey County Code) to rezone a 57.24 acre parcel located at 2579 San Juan Road and a 5.0 acre parcel located at 2575 San Juan Road from the RDR/10 (CZ) [Rural Density Residential, 10 acre per unit minimum (Coastal Zone)] zoning classification to the RDR/10-B-8 (CZ) [Rural Density Residential, 10 acre per unit minimum, with B-8 Building Site Overlay (Coastal Zone)] zoning classification. The two parcels were created under the approved Walworth Minor Subdivision (PLN070505) and are located at the northeast corner of Summerland Road, approximately 1.4 miles northwest of State Route (SR) 101, approximately 1,000 feet northwest of Carpenteria Road, and approximately 6.0 miles east of SR 1, Aromas, North County Coastal Zone.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. ZONING DISTRICT MAP. Section 20-2 of the Sectional District Maps of Section 20.08.060 of the Monterey County Code is hereby amended to change the zoning of a 57.24 acre parcel located at 2579 San Juan Road (Assessor's Parcel Number 141-062-021-000) and a 5.0 acre parcel located at 2575 San Juan Road (Assessor's Parcel Number 141-062-022-000) from Rural Density Residential, 10 acre per unit minimum (Coastal Zone) [RDR/10 (CZ)] to Rural Density Residential, 10 acre per unit minimum with B-8 Building Site Overlay (Coastal Zone) [RDR/10-B-8 (CZ)], as shown on the map attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. FINDINGS. The B-8 overlay zone is added to these properties because additional development and/or intensification of land use would be detrimental to the health, safety, and welfare of the residents of the North County area. The subject parcels are located outside of Zone 2C, in the Highlands North water basin area. Chapter 2.5 (Water Resources) of the North County Land Use Plan identifies that the North Monterey County area experiences serious overdraft in the aquifers, seawater intrusion problems in the North County Coastal Zone, and nitrate pollution problems throughout the planning area. Application of the B-8 overlay would limit the potential intensification of water use to that already committed to the properties, and would restrict the intensity of development until such time that water supply and water quality issues can be resolved. Reclassification may be considered when the identified constraints no longer exist and additional development and/or intensification of land use will not

be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption by the Board of Supervisors following certification by the California Coastal Commission.

PASSED AND ADOPTED on this ___ day of _____ 2011 by the following vote:

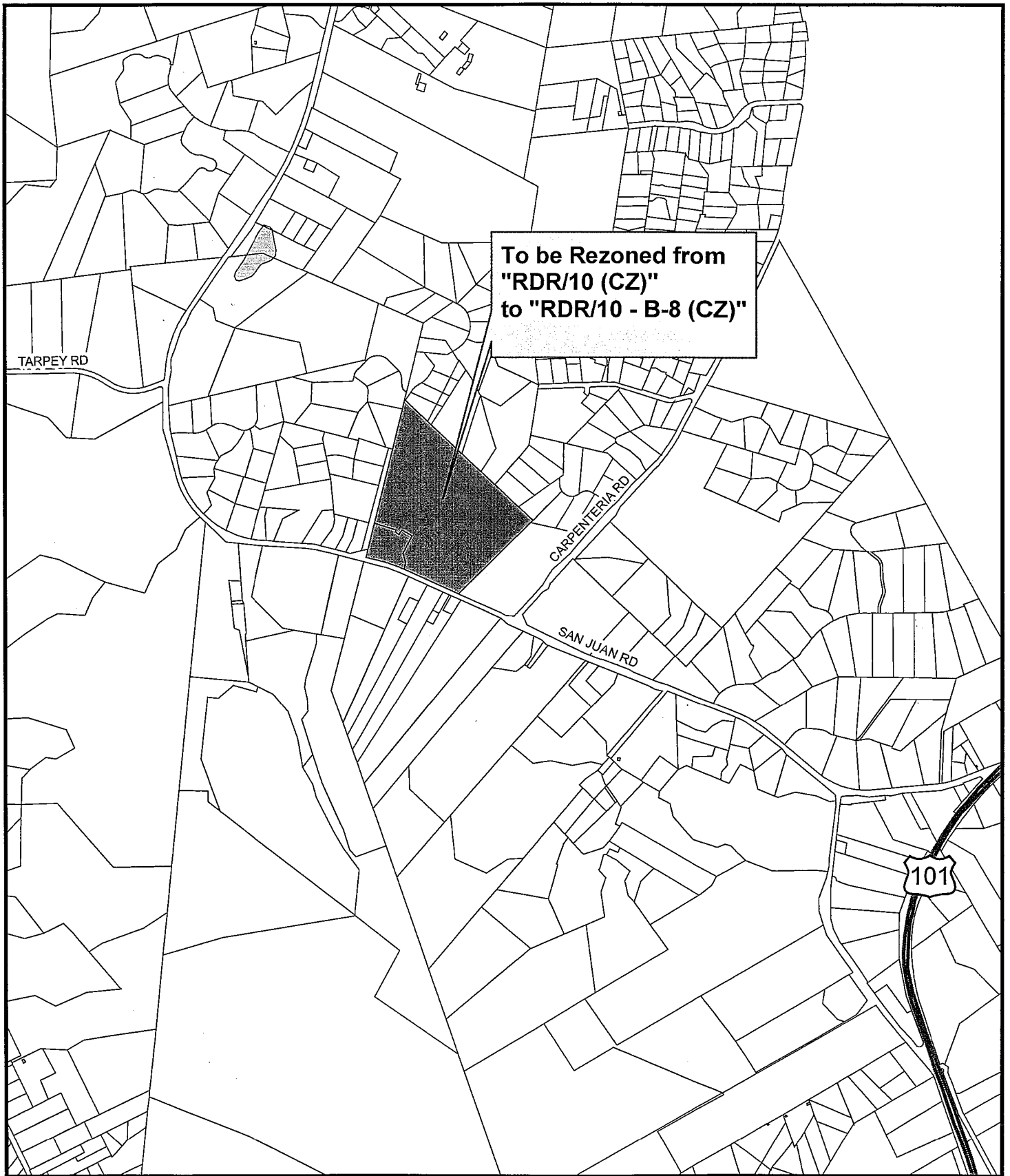
AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Jane Parker, Chair
Monterey County Board of Supervisors

ATTEST:
Gail T. Borkowski, Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM
LEROY W. BLANKENSHIP Assistant to County Counsel



To be Rezoned from
"RDR/10 (CZ)"
to "RDR/10 - B-8 (CZ)"

PROPOSED REZONING

APN: 141-062-021-000 & 141-062-022

FILE # PLN100297, WALWORTH

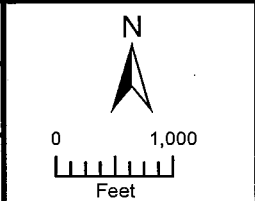
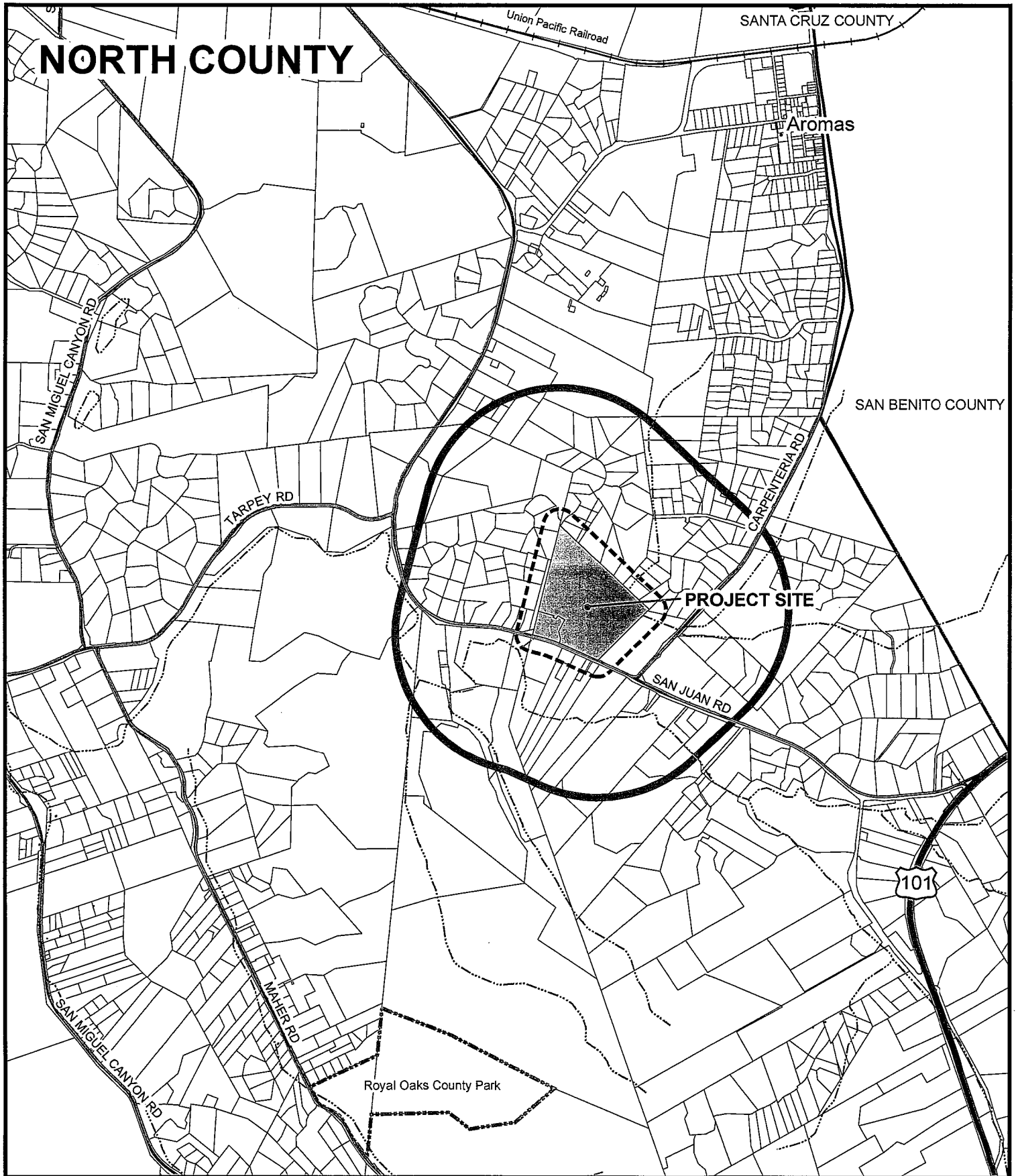


EXHIBIT B
LOCATION MAP

PLN100297 – Walworth

Planning Commission
March 9, 2011

NORTH COUNTY



APPLICANT: WALWORTH

APN: 141-062-021-000 & 141-062-022

FILE # PLN100297

Water



2500' Limit



300' Limit



City Limits



PLANNER: SIDOR

EXHIBIT C
ZONING MAP

PLN100297 – Walworth

Planning Commission
March 9, 2011



PROPOSED REZONING

APN: 141-062-021-000 & 141-062-022

FILE # PLN100297, WALWORTH

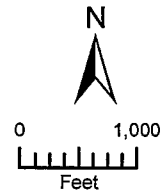


EXHIBIT D
MINOR SUBDIVISION COMMITTEE
RESOLUTION for PLN070505

PLN100297 – Walworth

Planning Commission
March 9, 2011

**Before the Minor Subdivision Committee in and for the
County of Monterey, State of California**

In the matter of the application of:

WALWORTH (PLN070505)

RESOLUTION NO. 09004

Resolution by the Monterey County Minor
Subdivision Committee:

- 1) Adopting a Negative Declaration (with Errata),
and
- 2) Approving a Coastal Development Permit for a
Minor Subdivision Tentative Map to subdivide
one 62.24 acre parcel into two parcels (Parcel A:
57.24 acres and Parcel B: 5.0 acres), and a Local
Coastal Program Amendment to rezone the
parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ).
(PLN070505, Walworth, 2579 San Juan Road,
Aromas, North County Coastal Land Use Plan (APN:
141-062-002-000))

FILE COPY

The Walworth application (PLN070505) came on for public hearing before the Monterey County Minor Subdivision Committee on April 30, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Minor Subdivision Committee finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in the:
 - Monterey County General Plan,
 - North County Coastal Land Use Plan,
 - Monterey County Coastal Implementation Plan Part 2 (North County Coastal),
 - Monterey County Zoning Ordinance (Title 20),
 - Monterey County Coastal Subdivision Ordinance (Title 19)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - b) The property is located at 2579 San Juan Road, Aromas (Assessor's Parcel Number 141-062-002-000), North County Coastal Land Use Plan. The parcel is zoned Rural Density Residential, 10 acres per unit, Coastal Zone ["RDR/10 (CZ)"], which allows minor subdivisions as a conditional use subject to a Coastal Development Permit. Therefore, the project is an allowed land use for this site.
 - c) The total project area consists of one 62.24-acre parcel with two existing single family dwellings. Based on current land use

designations, the property could allow a density of 10 acres per unit. As designed, this minor subdivision would create two parcels, each with its own existing single family dwelling. Pursuant to Section 20.16.060, the minimum building site in the RDR zoning classification shall be 5 acres, unless otherwise approved as part of clustered residential development. This subdivision is consistent with the North County Coastal Land Use Plan which designates the area for rural residential uses.

1900

- d) The project planner conducted a site inspection on May 2, 2008, to verify that the project on the subject parcel conforms to the plans listed above.
- e) The legality of the subject parcel identified as Assessor's Parcel Number 141-062-002-000 is supported by Parcel Map MS 81-94, recorded August 6, 1982 (Volume 15, Page 83) and Final Map Tract No. 1219, recorded September 12, 1994 (Volume 18, Page 45). In addition, the property is developed with two single family residences and numerous accessory structures, and is therefore a legal parcel (section 19.14.045.A.2).
- f) Visual Resources. This project is consistent with North County Coastal Land Use Plan (LUP) policies regarding visual resources. No new structural development is proposed; therefore, the project will not create impacts to visual resources. In addition, per LUP policy 2.2.2.3, the property has existing scenic and conservation easements over those portions of the property containing 25 percent slope or more.
- g) Environmentally Sensitive Habitat Areas (ESHA). The project, as proposed and conditioned, is consistent with LUP policies regarding ESHA. The property contains no mapped ESHA. Specifically, per LUP policy 2.3.2.3, significant impacts to ESHA will not occur as a result of this minor subdivision because no new structural development is proposed.
- h) Water Resources. The project, as proposed and conditioned, is consistent with LUP policies regarding water resources. Key Policy 2.5.1 directs that groundwater aquifers shall be protected, and new development shall be controlled to a level that can be served by identifiable, available, long-term water supplies. Therefore, new habitable structural development shall be limited by application of a B-8 overlay, until such time that water supply issues are resolved for the area.
- i) Agricultural Resources. The project, as proposed and conditioned, is consistent with LUP policies regarding agricultural resources. The property is not designated as prime agricultural soils, nor is it designated for agricultural preservation or conservation.
- j) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves development requiring CEQA review. The North County Coastal LUAC unanimously recommended approval at a public meeting held on February 2, 2009.

- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070505.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Aromas Tri-County Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, Redevelopment and Housing Office, 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 May 2, 2008, to verify that the site is suitable for this use.
 - c) The property is located in an area of low to moderate archaeological sensitivity. No tree removal or structural development is proposed as part of this minor subdivision. The property contains no mapped environmentally sensitive habitat. Areas of slope greater than 30 percent have been placed in scenic easement. All existing structures are either residential or accessory in use, and compatible with the existing zoning. New habitable structural development shall be limited by application of a B-8 overlay, until such time that water supply issues are resolved for the area. As proposed and conditioned, the project is suitable for this site.
 - d) The North Monterey County area suffers from a groundwater overdraft and contamination problem that represents development constraints within the area. The North County Land Use Plan Specific Policies Section 2.5.3 direct the County to limit groundwater use to safe-yield levels and set a build-out limitation until safe-yields have been established. The proposed project is within the build-out limitation and is being adequately served by a well on the property (see Finding 8 and supporting evidence).
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070505.

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 RMA - Planning Department, Aromas Tri-County Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, Redevelopment and

Housing Office, and Water Resources Agency. The respective departments/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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).

- b) Necessary public facilities are available. The existing development is, and will continue to be, serviced by an existing well and water system (San Juan Rd #26) that will remain on Parcel A. Both single family dwellings have existing septic systems. The Environmental Health Division reviewed the project application, and did not impose any conditions.
- c) Findings 1, 2, 4, 5, 6, 7, and 8; and supporting evidence for PLN070505.

4. **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 Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on May 2, 2008, and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070505.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Minor Subdivision Committee, there is no substantial evidence that the proposed project as designed and conditioned, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN070505).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) Issues that were analyzed in the Negative Declaration include: land use and planning. Substantial evidence supports the conclusion that impacts will be less than significant.

- e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**.
- f) The Draft Negative Declaration for PLN070505 was prepared in accordance with CEQA and circulated for public review from March 5 through April 6, 2009 (SCH#: 2009031010). Issues that were analyzed in the Draft Negative Declaration include land use and planning.
- g) Evidence that has been received and considered includes: the application, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN070505) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The County received a letter of exemption from the Department of Fish and Game for the proposed project (dated April 13, 2009). A copy of this letter is in the project file for PLN070505. Therefore, the project will not be required to pay the State fee; however, a fee of \$50 payable to the Monterey County Clerk/Recorder is required for posting the Notice of Determination (NOD).
- i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration. An Errata memorandum has been attached to the Negative Declaration. Information added to Section VI.9 (Land Use and Planning) clarifies/amplifies the analysis.
- j) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Coastal Land Use Plan).
- c) Documentation has been submitted showing the existence of historic public use or trust rights over this property. There is an existing 15-foot hiking and riding (equestrian) easement that runs for approximately 650 feet in the northwest corner of the proposed Parcel A.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070505.
- e) The project planner conducted a site inspection on May 2, 2008.

7. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Coastal Subdivision Ordinance) of the Monterey County Code requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 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 is 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.

- EVIDENCE:** a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, North County Coastal Land Use Plan, Monterey County Coastal Implementation Plan Part 2 (North County Coastal), Monterey County Zoning Ordinance (Title 20), and the Monterey County Coastal Subdivision Ordinance (Title 19) (*Finding 1*).
- b) Design. The lot design is consistent with the Lot Design Standards of Section 19.10.030 County Codes. Section 19.10.030.B establishes minimum and maximum lot dimensions for newly created parcels unless they are created as part of a planned unit development. The minimum lot width required is 60 feet and the minimum depth required is 85 feet, but not more than three times the width. Parcel 'A' is proposed at approximately 753 feet in width and at its longest point approximately 1,307 feet in depth, meeting the minimum and maximum lot dimensions. Parcel 'B' is proposed at approximately 344 feet in width and approximately 443 feet in depth. All proposed lots will meet the minimum lot width and depth requirement. There are no hardships or unusual circumstances imposed by allowing a

- parcel of the sizes and dimensions requested.
- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (*Finding 2 and following evidence*).
 - d) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County (*Finding 3 and following evidence*).
 - e) Easements. The subdivision or the type of improvements will not conflict with easements. Planning staff reviewed applicable documents to identify all easements and ensure that the project does not conflict with existing easements. The property contains several existing easements. There are two existing septic easements, one associated with each residence. An existing scenic easement covers approximately 349,406 square feet or 8 acres and includes the majority of areas of slope greater than 30% on the current parcel. This scenic easement would remain on the proposed Parcel A. An existing riparian easement covers approximately 172,500 square feet or 4 acres. This riparian easement traverses from the northeast corner of the property to the southwest corner and across Summerland Road, and would continue to cross both proposed parcels. This riparian easement protects the existing natural drainage channel on the property. In addition, there is a 20-foot storm drainage easement which connects the existing retention basin to the riparian easement/drainage channel. An existing 40-foot road and utility easement runs along the entire length of the eastern boundary of the current parcel (split evenly between the property and the adjacent parcel), which would remain on the proposed Parcel A. In addition, there is an existing 60-foot road, drainage, and utility easement (i. e., Summerland Road) along the western boundary of the property, which traverses the proposed Parcel A in the northwest corner of the parcel. There is also an existing 15-foot hiking and riding (equestrian) easement that runs for approximately 650 feet in the northwest corner of the proposed Parcel A.
 - f) Water Supply. Section 19.10.070 MCC requires provision be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. The applicant shall prove there is along term water supply with the proposed project. Sections 19.03.015.L and 19.07.020.K MCC require Water Supply and Nitrate Loading Information in order to asses these conditions. The applicant submitted an Initial Water Use/Nitrate Impact Questionnaire to the Environmental Health Division (EHD), along with supporting well and septic documentation. Necessary water facilities are available. The existing development is, and will continue to be, serviced by an existing well that will remain on Parcel A. EHD reviewed the project application, and did not impose any conditions. In addition, the applicant has obtained a water system permit from the EHD. (*see Finding 8*)
 - g) Sewage Disposal (Sections 19.03.015.K and 19.07.020.J MCC).

Existing septic systems for both proposed parcels are available. The Environmental Health Division reviewed the project application, and did not impose any conditions. (see Finding 3)

- h) Traffic. Access shall be via an existing driveway used by both proposed parcels, which connects to San Juan Road. North Monterey County contains some road segments and intersections that operate at unacceptable levels. The proposed minor subdivision would not make a commitment to increased traffic in the area because no structures are proposed and each newly created lot would contain an existing legally constructed single family dwelling. Regional/TAMC and/or County fees are not required for this project application.
- i) Affordable Housing. Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code. The project is exempt under the Inclusionary Housing Ordinance, per Chapter 18.40 of the County Code. The RMA-Planning Department received a memorandum from the Housing and Redevelopment Office, dated May 15, 2008. A copy of this memorandum is in the project file for PLN070505.
- j) Parks and Recreation. The Monterey County Parks Department reviewed the project application and determined that the applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. (Condition No. 5).
- k) The application, tentative parcel map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070505.
- l) The project planner conducted a site inspection on May 2, 2008.
- m) This subdivision is consistent with North County Coastal LUP Policy 4.3.3. See Finding 8, evidence (e).

8. **FINDING:** **WATER SUPPLY** – The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

- EVIDENCE:**
- a) The existing dwellings and structures at the site are supplied domestic water service by an existing well (San Juan Road Water System No. 26). The existing well was found to have an adequate capacity and water quality to serve the structures connected to the system. The water system only serves the two existing residences, and is supplied by an existing well that would remain on Parcel A.
 - b) Potential changes in land use were evaluated in the Negative Declaration prepared for this project. No new habitable structures are proposed or are implicitly permitted as a result of the subdivision. With the proposed rezoning, RDR/10-B-8 (CZ), and the existence of two single family dwellings on the subject parcel (proposed to be located on their own lots through this minor subdivision) there is no

- potential for an increase of water demand due to this subdivision.
- c) The property is located outside of Zone 2C, in the Highlands North water basin area (North County Sub-Watershed No. 5).
 - d) The Monterey County Water Resources Agency has jurisdiction for this property. The existing and proposed parcels are served by an existing well (San Juan Road Water System No. 26) that would remain on Parcel A.
 - e) Chapter 2.5 (Water Resources) of the North County Land Use Plan identifies that the North Monterey County area has a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the planning area. As such, the North County LUP and CIP direct that studies be made to determine the safe-yield of the North Monterey County aquifers, and procedures and projects thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption. The proposed project is consistent with the North County Coastal LUP Policy 2.5.3.A.2 and Section 20.144.140.B.3.a of the Monterey County Coastal Implementation Plan. These establish a 50% build-out figure which is permitted as the first phase of new development in the North County Land Use Planning Area in an effort to limit groundwater use to the safe yield level. Approximately 252 units out of a maximum of 2,043 new lots or units (excluding one single family dwelling on a vacant lot of record) remain that could be allowed within the 50% build-out limit approved July 1987 in the North County Land Use Planning Area. This project, as proposed and conditioned, will not change the number of units remaining to buildout.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors: Section 19.01.050.A of Title 19, Monterey County Subdivision Ordinance (Coastal), and Section 20.86.030.A of Title 20, Monterey County Zoning Ordinance.
 - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance. The project is subject to appeal by/to the California Coastal Commission because the proposed project involves approval of a conditional use.

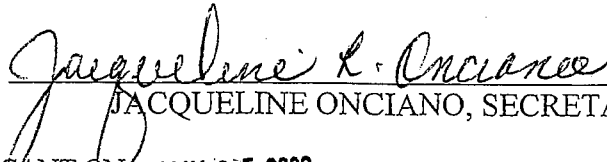
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Minor Subdivision Committee does hereby:

- A. Adopt the Negative Declaration, with Errata;
- B. Approve a Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres), and a Local Coastal Program Amendment to rezone the parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ), in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 30th day of April, 2009, by the following vote:

AYES: McPharlin, Vandevere, Moss, Onciano, VanHorn, Alinio
NOES: None
ABSENT: None
ABSTAIN: None


JACQUELINE ONCIANO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON MAY 05 2009

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ON OR BEFORE MAY 15 2009

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You may need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 09004 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan

Project Name: WALWORTH
File No: PLN070505 **APN:** 141-062-002-000
Approved by: Minor Subdivision Committee **Date:** April 30, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA - Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Coastal Development Permit (PLN070505) allows a Minor Subdivision Tentative Map for the division of a 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres), and a Local Coastal Program Amendment to rezone the parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ). The property is located at 2579 San Juan Road, Aromas (Assessor's Parcel Number 141-062-002-000), North County Coastal Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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.</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing, unless otherwise stated.</p>	
2.		<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 09004) was approved by the Minor Subdivision Committee for Assessor's Parcel Number 141-062-002-000 on April 30, 2009. The permit was granted subject to eleven (11) conditions of approval</p>	<p>Obtain appropriate form from the RMA- Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	<p>Prior to the recordation of the parcel map.</p>	

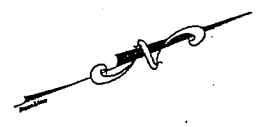
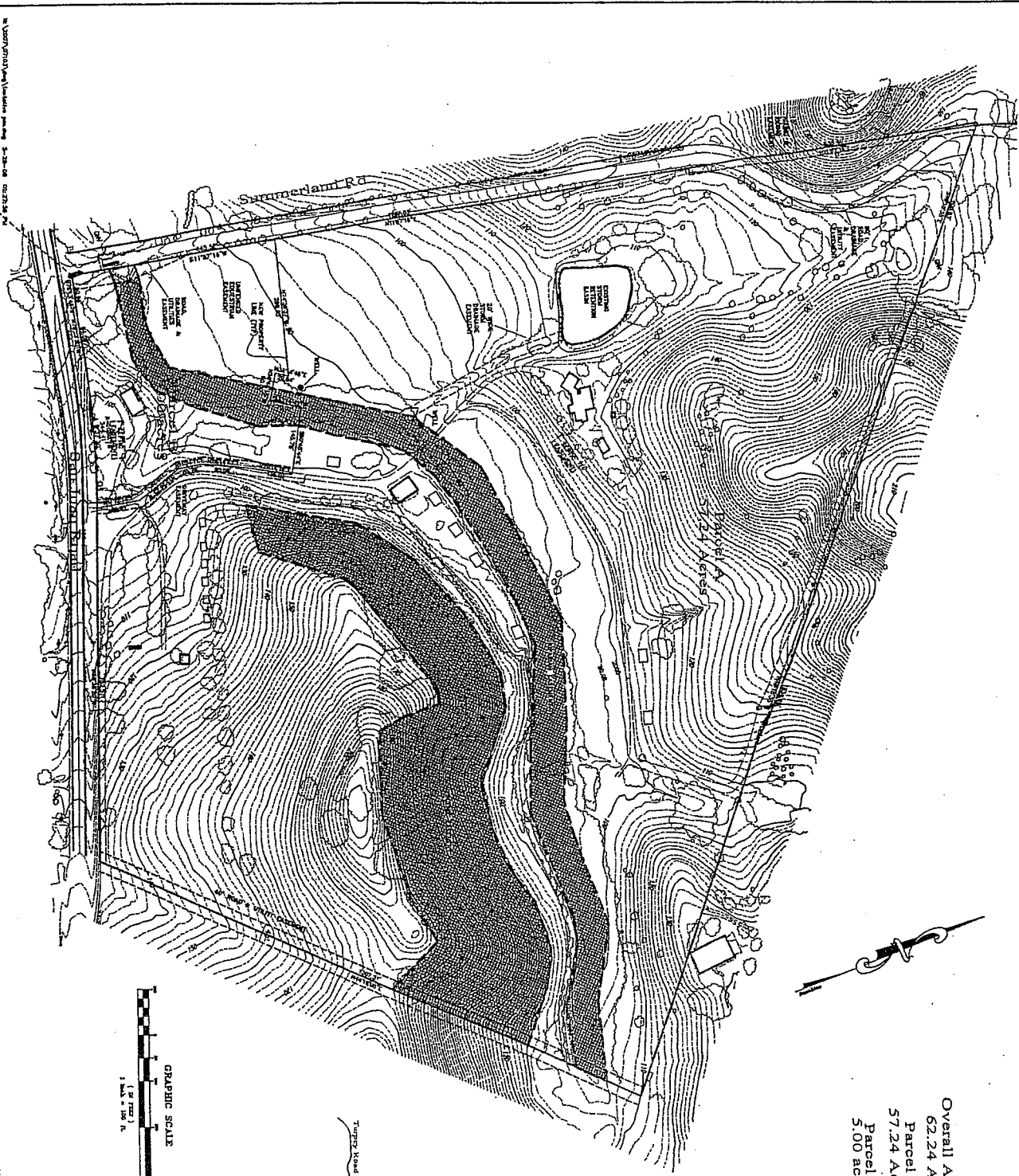
		which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."	notice to the RMA - Planning Department.			
3.		<p>PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 2 years, to expire on April 30, 2011.</p>	<p>The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning.</p> <p>Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.</p>	Owner/ Applicant	As stated in the conditions of approval	
4.		<p>PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the 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. 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 the 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the parcel map, whichever occurs first and as applicable.	

		cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless.				
5.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR (NON-STANDARD) Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.</p> <p>All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The County received a letter of exemption from the Department of Fish and Game for the proposed project (dated April 13, 2009). A copy of this letter is in the project file for PLN070505. Therefore, the project will not be required to pay the State fee; however, a fee of \$50 payable to the Monterey County Clerk/Recorder is required for posting the Notice of Determination (NOD).</p>	<p>The applicant shall submit a check for \$50.00, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Within 5 working days of project approval.</p> <p>Prior to the recordation of the parcel map, the start of use or the issuance of building or grading permits.</p>	
6.		<p>PDSP001 – “B-8” COMBINING DISTRICT (NON-STANDARD) Prior to recording the parcel map, the applicant shall request in writing that the property currently zoned Rural Density Residential/10 acres per unit “RDR/10 (CZ)” be rezoned to “RDR/10-B-8 (CZ).</p>	Applicant shall submit an application to the County of Monterey to rezone the property.	Engineer / Owner / Applicant	Prior to recordation of parcel map.	
RMA – Public Works Department						
7.		<p>PW0015 – UTILITY’S COMMENTS Submit the approved tentative map to impacted utility companies. Sub-divider shall submit utility company recommendations, if any, to the Department of Public</p>	Sub-divider shall provide tentative map to impacted utility companies for review. Sub-divider shall submit utility comments to DPW	Owner / Applicant	Prior to recordation of the parcel	

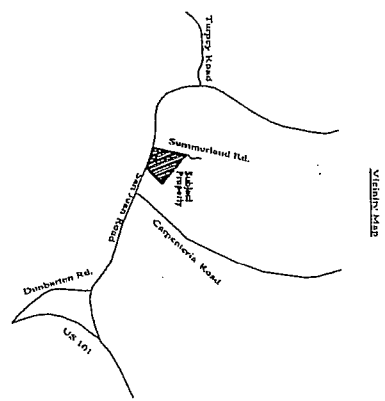
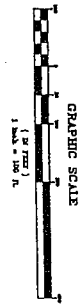
		Works for all required easements.			map.	
8.		PW0031 – PARCEL MAP File a parcel map delineating all existing and required easements or rights-of-way and monument new lines.	Applicant's surveyor shall prepare a parcel map, and submit it to DPW for review and approval.	Owner / Applicant / Engineer	Prior to recordation of the parcel map.	
9.		PW0036 – EXISTING EASEMENTS AND ROW Provide for all existing and required easements or rights of way.	Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.	Subdivider / Surveyor	Prior to recordation of the parcel map.	
Parks Department						
10.		PKS002 – RECREATION REQUIREMENTS/FEES The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D).	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner / Applicant	Prior to recordation of the parcel map.	
Monterey County Water Resources Agency						
11.		WRSP001 - FLOODPLAIN RECORDATION (NON-STANDARD) A Floodplain Notice shall be recorded for each newly created parcel stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." Prior to recordation of the parcel map, the applicant shall submit signed and notarized Floodplain Notices to the Water Resources Agency for review and approval. The approved notices shall be recorded concurrently with the parcel map.	Prior to recordation of the parcel map, the applicant shall submit the signed and notarized Floodplain Notices to the Water Resources Agency for review and approval.	Owner / Applicant	The approved notices shall be recorded concurrently with the parcel map.	

END OF CONDITIONS

APN 141-062-002



Overall Acreage
62.24 Acres
Parcel A
57.24 Acres
Parcel B
5.00 acres

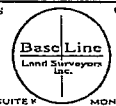


1 SHEETS
OF
SHEET 1

Tentative Parcel Map
APN 141-062-002
2579 San Juan Road, Aromas, Ca
prepared for:
John Walworth

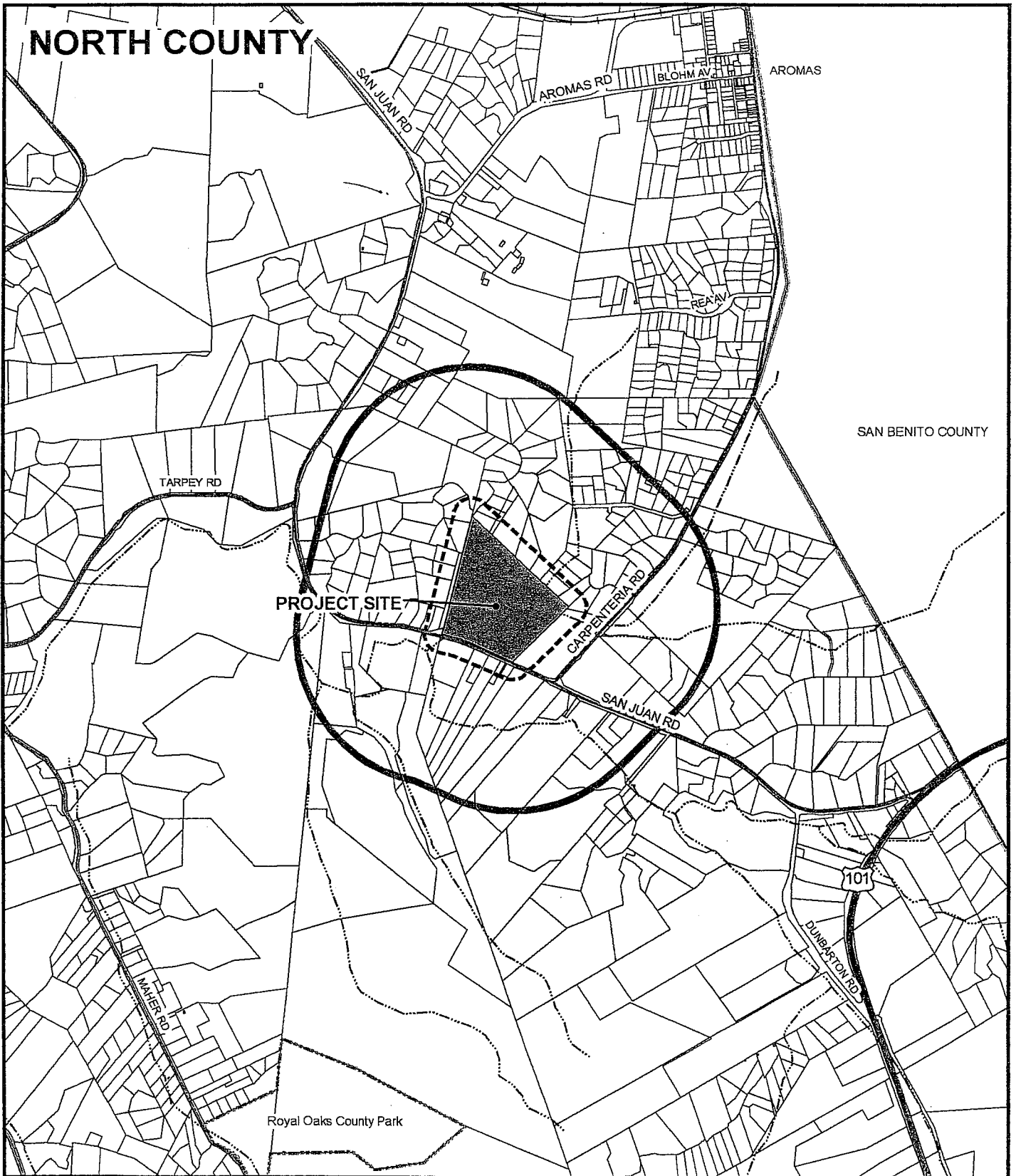
DRAWN BY: MS
APPROVED BY: MTD
M. DOOLITTLE
L.S. 6332
REVISION: 1"=100'
SCALE: 08-25-07
DATE:

TOPOGRAPHIC SURVEYS
ALTA SURVEYS
831-373-3293 P.O. Box
201 HUFFMAN AVENUE, SUITE 7



CONSTRUCTION STAKING
LAND DEVELOPMENT
FAX 831-373-3294
MONTEREY, CALIFORNIA 93940


NORTH COUNTY





APPLICANT: WALWORTH

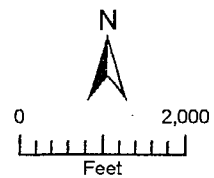
APN: 141-062-002-000

FILE # PLN070505

 300' Limit

 2500' Limit

 City Limits



PLANNER: SIDOR

EXHIBIT E
ADVISORY COMMITTEE MINUTES
for PLN070505

PLN100297 – Walworth

Planning Commission
March 9, 2011

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA
(831) 755-5025

Advisory Committee: North County Coastal

Please submit your recommendations for this application by **February 20, 2009**

Project Name: WALWORTH JOHN P & PATRICIA FAYE WALWORTH TRS

File Number: PLN070505

File Type: MS

Project Planner: JOE SIDOR

Project Location: 2579 SAN JUAN RD AROMAS

Project Description: COASTAL DEVELOPMENT PERMIT FOR A MINOR SUBDIVISION TENTATIVE MAP TO SUBDIVIDE ONE 62.24 ACRE PARCEL INTO ONE 57.24 ACRE PARCEL (PARCEL A) AND ONE 5 ACRE PARCEL (PARCEL B). THE PROPERTY IS LOCATED AT 2579 SAN JUAN ROAD, AROMAS. (ASSESSORS PARCEL NUMBER 141-062-002-000), NORTH COUNTY AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

The Walworths gave us a brief history of the project.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

RECEIVED
 MONTEREY COUNTY PLANNING DEPARTMENT
 SALINAS, CALIFORNIA
 FEB 19 2009

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

We heard this item first as no interested parties for the Dolan Road project were in attendance.
The request was straight forward and reasonable and not uncommon. It involves only existing usage and we saw no problems with the request.

ADDITIONAL LUAC COMMENTS

RECOMMENDATION : recommend approve

Motion by Greg Burch _____ (LUAC Member's Name)

Second by Ed Centeno _____ (LUAC Member's Name)

Support Project as proposed

_____ Recommend Changes (as noted above)

_____ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: David Evans, Ken Walker, Ed Centeno, Greg Burch (4) _____

NOES: (0) _____

ABSENT: Peter Nowak (1) (had not arrived at the time of vote) _____

ABSTAIN: (0) _____

Handwritten mark

EXHIBIT F
NEGATIVE DECLARATION

PLN100297 – Walworth

Planning Commission
March 9, 2011

COPY

County of Monterey

State of California

NEGATIVE DECLARATION

FILED

MAR 04 2009

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

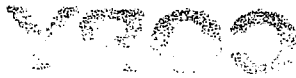
Project Title:	Walworth Minor Subdivision
File Number:	PLN070505
Owner:	John Walworth Trust, et al
Project Location:	2579 San Juan Road Aromas, Monterey County, California 95004
Primary APN:	141-062-002-000
Project Planner:	Joseph Sidor, Associate Planner
Permit Type:	Coastal Development Permit
Project Description:	Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres), and a Local Coastal Program (LCP) Amendment to rezone the parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ). The property is located at 2579 San Juan Road, Aromas (Assessor's Parcel Number 141-062-002-000), North County Coastal Land Use Plan, Coastal Zone.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	Monterey County Minor Subdivision Committee
Responsible Agency:	Resource Management Agency - Planning Department
Review Period Begins:	March 5, 2009
Review Period Ends:	April 3, 2009

Further information, including a copy of the application and Initial Study are available at the Monterey County Resource Management Agency - Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA 93901 (831) 755-5025.



MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY - PLANNING DEPARTMENT
168 W. ALISAL STREET 2ND FLOOR, SALINAS, 93901
(831) 775-7505 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION MONTEREY COUNTY MINOR SUBDIVISION COMMITTEE

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency - Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Coastal Development Permit (Walworth PLN070505) at 2579 San Juan Road, Aromas, California. The project also proposes to add a B-8 zoning overlay to the real property. The project will require amendment of Title 20 (Zoning Ordinance) of the Monterey County Code to create the B-8 zoning overlay district and add the B-8 zoning overlay to the affected properties. See the Project Description below.

The Negative Declaration and Initial Study are available for review at the following locations:

Monterey County Resource Management Agency – Planning Department
168 West Alisal, 2nd Floor, Salinas

or on the internet at:

<http://www.co.monterey.ca.us/pbi/docs/environmental/circulating.htm>

(Referenced documents available at the Planning Department only)

Selected branches of the Monterey County Free Libraries

The Monterey County Minor Subdivision Committee will consider this project at a public hearing on April 30, 2009. The public hearing will be held in the Board of Supervisor's Chamber at 168 W. Alisal Street, Salinas, California. The Planning Commission and the Board of Supervisors will also consider this proposal at a meeting on a date yet to be determined. Written comments on this proposed Negative Declaration will be accepted from March 5, 2009, to April 3, 2009. Comments may also be made during the public hearing.

Project Description: Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres), and a Local Coastal Program (LCP) Amendment to rezone the parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ). The property is located at 2579 San Juan Road, Aromas (Assessor's Parcel Number 141-062-002-000), North County Coastal Land Use Plan, Coastal Zone.

FOR ADDITIONAL INFORMATION CONTACT:

Joseph Sidor, Associate Planner
Monterey County Resource Management Agency - Planning Department
168 W. Alisal Street 2nd Floor, Salinas, Ca 93901
(831) 755-5262

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to: CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Joseph Sidor, Associate Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: File Number PLN070505

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- ___ No Comments provided.
- ___ Comments noted below.
- ___ Comments provided in separate letter.

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. California Coastal Commission
3. California Regional Water Quality Control Board, Region #3
4. County Clerk's Office
5. Association of Monterey Bay Area Governments
6. Monterey Bay Unified Air Pollution Control District
7. Monterey County Agricultural Commissioner
8. Aromas Tri-County Fire Protection District
9. Monterey County Public Works Department
10. Monterey County Water Resources Agency
11. Monterey County Environmental Health Division
12. Monterey County Parks Department
13. Monterey County Free Libraries (Aromas Branch)
14. Aromas School
15. John Walworth Trust; Owner
16. John Bailey, Agent
17. Property Owners within 300 feet of the project (Notice of Intent only)

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title:	WALWORTH MINOR SUBDIVISION
File No.:	PLN070505
Project Location:	2579 San Juan Road, Aromas, North County
Name of Property Owner:	John Walworth Trust, et al
Name of Applicant:	Mr. John Walworth
Assessor's Parcel Number(s):	141-062-002-000
Acreage of Property:	62.24 acres (approximately 2,711,174 square feet)
General Plan Designation:	RESIDENTIAL
Zoning District:	RDR/10 (CZ) (Rural Density Residential, maximum gross density of 10 acres/unit, Coastal Zone)
Lead Agency:	Monterey County Resource Management Agency - Planning Department
Prepared By:	Joseph Sidor
Date Prepared:	March 4, 2009
Contact Person:	Joseph Sidor, Associate Planner SidorJ@co.monterey.ca.us
Phone Number:	(831) 755-5262

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

PLN070505 is a request for a Coastal Development Permit for a Minor Subdivision Tentative Map to subdivide one 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres), and a Local Coastal Program (LCP) Amendment to rezone the parcels from RDR/10 (CZ) to RDR/10-B-8 (CZ). The property is located at 2579 San Juan Road, North County Land Use Plan, Coastal Zone. The proposed project involves no structural development and all existing structures will remain.

B. Environmental Setting and Surrounding Land Uses:

The project site is located at 2579 San Juan Road in the North County Coastal area of Monterey County, approximately 1.4 miles west of State Route (SR) 101 and approximately 6.0 miles east of State Route (SR) 1. At its closest point, the project site is approximately 2.4 miles northeast of the average drainage of the Elkhorn Slough. Consistent with its rural setting, the site is bordered by agricultural uses to the south, and rural residential uses to the east, west, and north.

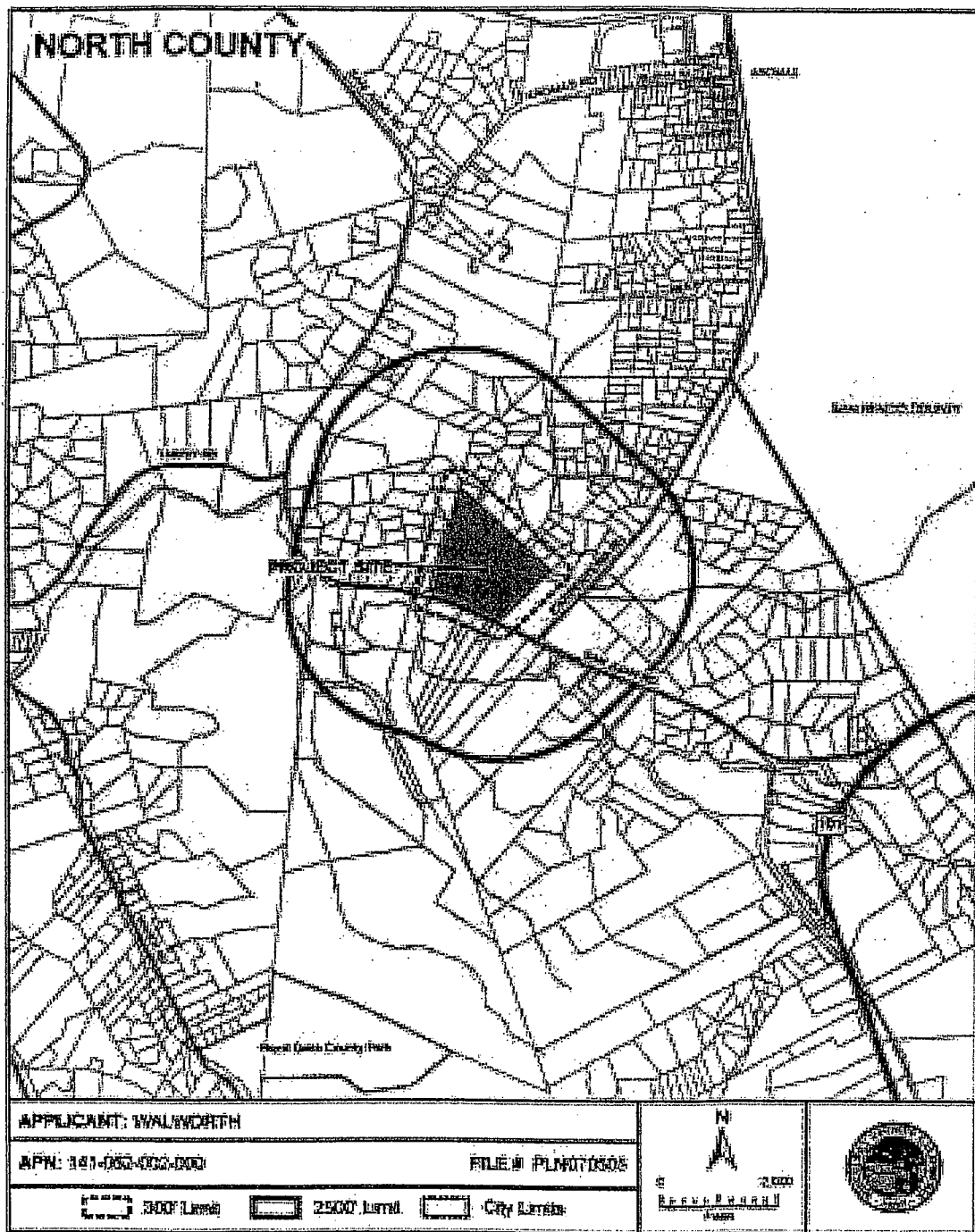
According to County of Monterey records, the site is within an area of low to moderate archaeological sensitivity, does not contain any historical structures, and is in a moderately high seismic hazard zone. The fire hazard is designated "Agricultural."

Existing development on the property includes two existing single family residences, sixteen accessory structures (two barns, tack room, and thirteen horse shelters), a well, two water tanks, and a retention basin. Each of the two proposed parcels would contain a single family residence. The existing residences on the property are served by a well on the property and individual septic systems.

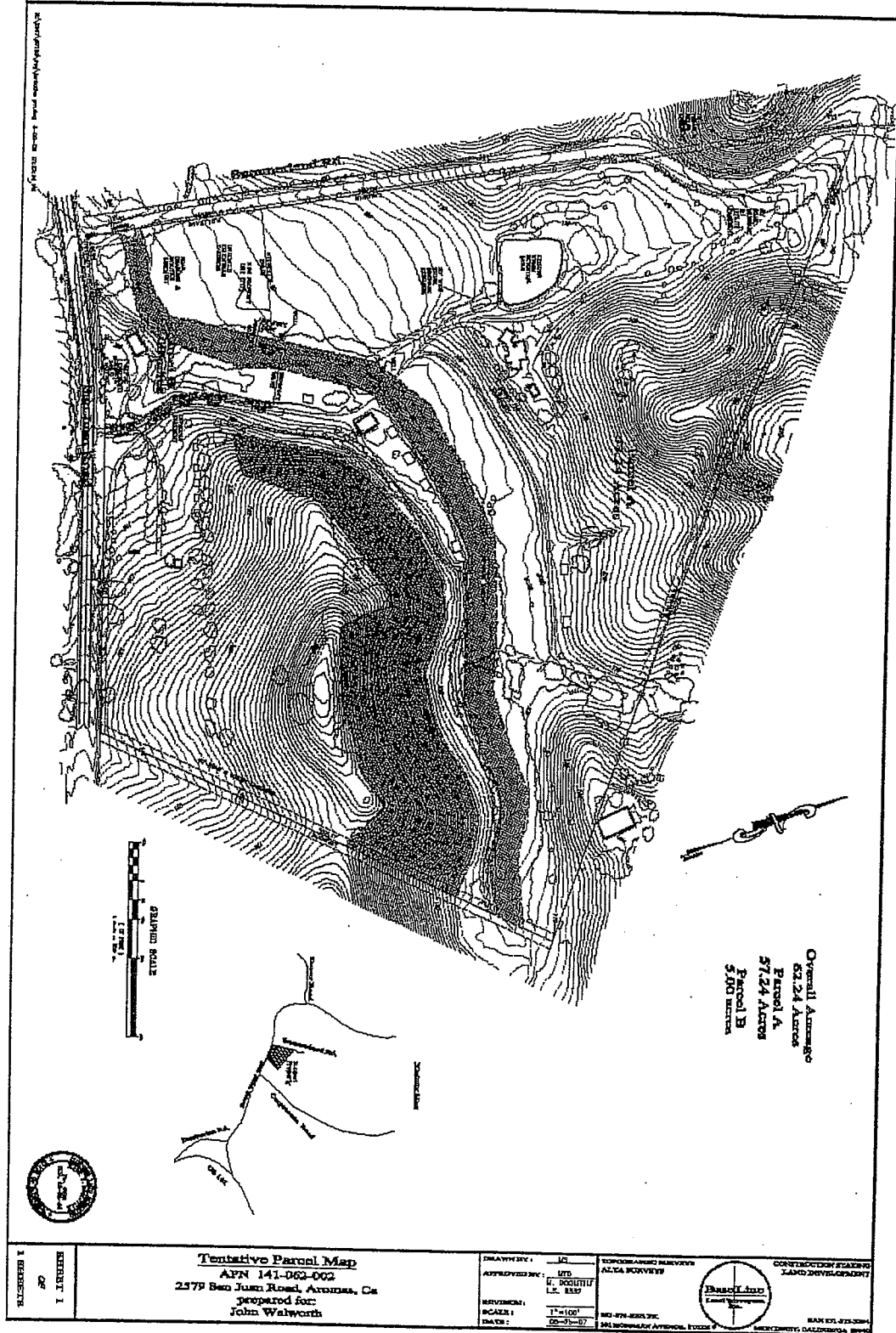
The property contains several existing easements. There are two existing septic easements, one associated with each residence. An existing scenic easement covers approximately 349,406 square feet or 8 acres and includes the majority of areas of slope greater than 30% on the current parcel. This scenic easement would remain on the proposed Parcel A. An existing riparian easement covers approximately 172,500 square feet or 4 acres. This riparian easement traverses from the northeast corner of the property to the southwest corner and across Summerland Road, and would continue to cross both proposed parcels. This riparian easement protects the existing natural drainage channel on the property. In addition, there is a 20-foot storm drainage easement which connects the existing retention basin to the riparian easement/drainage channel.

An existing 40-foot road and utility easement runs along the entire length of the eastern boundary of the current parcel (split evenly between the property and the adjacent parcel), which would remain on the proposed Parcel A. In addition, there is an existing 60-foot road, drainage, and utility easement (i. e., Summerland Road) along the western boundary of the property, which traverses the proposed Parcel A in the northwest corner of the parcel. There is also an existing 15-foot hiking and riding (equestrian) easement that runs for approximately 650 feet in the northwest corner of the proposed Parcel A.

1) Vicinity Map:



2) Site Plan:



III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans are applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan. Section IV.9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT**

Water Quality Control Plan. The Regional Water Quality Control Board incorporates the County's General Plan in its preparation of regional water quality plans. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast and, therefore, is consistent with the Regional Water Quality Control Plan. Section VI.8 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Air Quality Management Plan. Consistency of a project with regional population and employment forecasts will result in consistency of the project with the Air Quality Management Plan (AQMP). The Monterey Bay Unified Air Pollution Control District (MBUAPCD) incorporates the Association of Monterey Bay Area Governments (AMBAG) population forecasts in its preparation of regional air quality plans, making this project consistent with the applicable Air Quality Plan. The AQMP addresses the attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). The proposed project will not increase the population of the area nor generate additional vehicle trips. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the North County Coastal Land Use Plan (LUP). Section IV.9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed therein, the proposed project is consistent with the North County Coastal LUP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

- 1) Aesthetics. The project site is not visible from scenic roadways or public viewpoints, would not damage any scenic resources, would not result in ridgeline development, and San Juan Road is not a designated scenic roadway (Source: IX. 1, 3, 5, 6). There are no other significant visual resources, scenic corridors, or significant views or vistas in the immediate project vicinity, and the project site is not part of a scenic vista or panoramic view (Source: IX. 3, 5, 6). The project would not change nor substantially degrade the existing visual character of the site and its surroundings (Source: IX. 1, 3, 5, 6). The project as proposed will not

result in the demolition of existing or the construction of new structures (Source: IX. 1). There is no change proposed to the existing residential uses, and the project would not create any new sources of substantial light or glare which would adversely affect views in the area (Source: IX. 1, 3, 5). The project is consistent with the Visual Resource policies of the North County Coastal Land Use Plan, specifically Policy 2.2.2.3, which requires scenic and conservation easements over areas of 30% slope or more. An existing scenic easement covers approximately 349,406 square feet, or 8 acres, and includes the largest area of contiguous slope greater than 30% (Source: IX. 1). The project will have no impacts to visual or aesthetic resources.

- 2) Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance (Source: IX. 1, 2, 3, 4, 6), and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project is consistent with LUP Policy 2.6.3.4 (Development of Rural Residential lands....), which directs the locating of residential uses to conserve lands suitable for cultivation. The project will not change the existing residential uses on the property. The project will have no impacts to agricultural resources.
- 3) Air Quality. The project involves no demolition or construction of new structures. It would not conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment (Source: IX. 1, 2, 7). Moreover, the project would not result in any construction-related air quality impacts, would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors (Source: IX. 1, 7). The project as proposed would have no impacts to air quality.
- 4) Biological Resources. The project site, at its closest point, is approximately 2.4 miles northeast of the Elkhorn Slough (Source: IX. 3, 5, 6). The site is bordered by agricultural fields, open space, and residential uses (Source: IX. 1, 5, 6). The property does not contain any mapped environmentally sensitive habitat areas (Source: IX. 1, 3, 6); however, there is a natural drainage channel across the property that is included in an existing riparian easement. The project is consistent with LUP Policy 2.3.2.3, which states "New subdivisions shall be approved only where significant impacts to environmentally sensitive habitats from development of proposed parcels will not occur." The project involves no tree removal, no structural development (e.g., demolition or construction), and no clearing and/or grading (Source: IX. 1, 5). The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community (Source: IX. 1, 3, 5, 6). The project will have no impacts on biological resources.

- 5) Cultural Resources. The project site is in an area identified in County records as having a low to moderate archaeological sensitivity, and it is not within an existing cultural resources buffer zone (Source: IX. 1, 3, 6). No changes or modifications are proposed to the existing structures. The project as proposed will have no impacts related to historic or prehistoric cultural resources, paleontological resources or a unique geologic feature, nor will it disturb any human remains.
- 6) Geology and Soils. County records did not identify any on-site faults. Therefore, the risk of direct surface rupture would be minimal and would not expose people or structures to potential substantial adverse effects (Source: IX. 1, 3, 6). In addition, the project would not result in substantial soil erosion or loss of topsoil. It does not involve the construction of new structures, and would not result in structures located on a geologic unit, or soil that is unstable or expansive (Source: IX. 1, 3, 6). The Monterey County Environmental Health Division reviewed the project application and deemed that the project complies with applicable regulations related to the use of septic systems (Source: IX. 1, 3). The project as proposed will have no impacts related to geology and soils.
- 7) Hazards/Hazardous Materials. The project does not involve new structural development nor the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. The site is located in an agricultural/rural residential area and would not be subject to wildland fire hazards (Source: IX. 1, 2, 3, 5, 6). The project would have no impacts regarding hazards or hazardous materials.
- 8) Hydrology and Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements. The parcel is currently served by the San Juan Road #26 water system that meets water quality standards. The water system only serves the two existing residences, and is supplied by an existing well that would remain on Parcel A. The existing structural development is served by septic systems, and the proposed parcels meet the minimum size requirements for septic systems in the North County Land Use Plan. The property is partially located within Zone A, 100-year floodplain of the Elkhorn Slough as shown on FEMA Flood Insurance Rate Map 060195-0020 D, revision date 01/30/84. The Monterey County Water Resources Agency (WRA) and Environmental Health Department have reviewed the project application and, as conditioned, deemed that the project complies with applicable ordinances and regulations (Source: IX. 1, 3, 5, 6). The project will not expose people or structures to a significant risk involving flooding (Source: IX. 1, 5, 6). The project will not alter the existing drainage pattern of the site or area, nor create or

contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems (Source: IX. 1, 3, 5, 6). Since no structural development is proposed, the project would not provide additional sources of polluted runoff or degrade water quality, or place a structure within an area that would impede or redirect flood flows (Source: IX. 1, 3, 5, 6). The project, as proposed, will also not deplete groundwater supplies or interfere with groundwater recharge. The project as proposed would have no impacts related to hydrology and water quality.

- 9) Land Use and Planning. See Section VI for detailed analysis.
- 10) Mineral Resources. No mineral resources have been identified or would be affected by the project (Source: IX. 1, 2, 3, 6). The project would result in no impacts to mineral resources.
- 11) Noise. The project would not change the existing residential uses of the property, would not expose the surrounding properties to noise levels that exceed standards or to vibration from construction activity, and would not increase ambient noise levels (Source: IX. 1, 2, 3, 5, 6). The project site is not located in the vicinity of an airport or private airstrip. The proposed project would have no noise impacts.
- 12) Population/Housing The project does not include the construction of new residential housing. It would not induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor create a demand for additional housing, or displace people (Source: IX. 1, 3, 5). The Monterey County Office of Housing and Redevelopment determined the project to be exempt from the requirements of the County's Inclusionary Housing Ordinance, and did not impose any conditions on the project. There would be no impacts to population or housing.
- 13) Public Services. The project would not change the existing structures served by existing services and utilities. The project would have no measurable effect on existing public services in that there would be no increase in demand, and it would not require expansion of any services to serve the project. The project site uses an existing permitted water system and septic systems. County Departments reviewed the original project application and have provided recommended Conditions of Approval. None of the County agencies or service providers indicated that this project would result in significant impacts (Source: IX. 1, 5, 6). The proposed project would have no impacts related to public services.
- 14) Recreation. The project does not include any new development that would result in an increase in the use of existing recreational facilities causing substantial physical deterioration (Source: IX. 1, 5, 6). No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The project would not create significant recreational demands. Per the Monterey

County Subdivision Ordinance, Coastal Zone (Title 19), Section 19.12.010, the project will be required to pay a standard in-lieu fee for recreation requirements. The proposed project would have no impacts related to recreation.

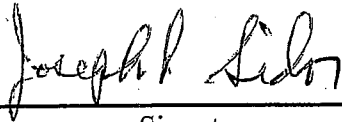
- 15) Transportation/Traffic. The project does not involve new structural development that would generate new traffic or increase the number of vehicle trips (Source: IX. 1). The roadways in the immediate area are not at degraded levels of service, and the contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded (Source: IX. 1, 2, 3, 4, 5, 6). The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity (Source: IX. 1, 5, 6). The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation (Source: IX. 1, 2, 3). The proposed project would have no impacts related to transportation or traffic.
16. Utilities and Service Systems. The project does not propose to add any new structures that would require increases to service from existing systems. (Source: IX. 1, 3, 6). Utilities such as electricity, gas, and phone service are already in place, and the proposed project would not generate additional demand nor warrant the expansion of the current infrastructure. The project would have no impacts related to utilities and service systems.

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

March 4, 2009

Date

Joseph Sidor

Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis/Mitigations: See Sections II and IV.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

2. AGRICULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis/Mitigations: See Sections II and IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 2, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1, 3, 6) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements? (Source: IX. 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 1,5,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV. See also Section VI.9 (Land Use and Planning).

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1, 2, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 1, 2, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Land Use and Planning 9(a) – No Impact. The proposed project involves the minor subdivision of an existing 62.24 acre parcel currently in rural density residential use; therefore, the project would not physically divide an existing community. The current zoning of the property is RDR/10 (CZ) or Rural Density Residential, 10 acres per unit maximum gross density, Coastal Zone. RDR zoning allows for minimum building sites of 5 acres, unless approved as part of a clustered residential development. The proposed minor subdivision would create one 5 acre site and one 57.24 acre site. All of the proposed sites would meet the minimum size requirement. The project as proposed would have no impacts. (Source: IX. 1, 2, 3, 6)

Land Use and Planning 9(b) – Less than Significant. The existing 62.24 acre parcel is zoned RDR/10 (CZ) [Rural Density Residential, maximum gross density of 10 acres per unit (Coastal Zone)]. Existing development on the property includes two existing single family residences, sixteen non-habitable accessory structures (two barns, tack room, and thirteen horse shelters), a well, two water tanks, and a retention basin. All existing structures meet the development standards of Title 20, Section 20.16.060. The proposed minor subdivision would retain one existing residence on each lot.

The existing 62.24 acre parcel could accommodate the following additional habitable development, based on current zoning guidelines (Source: IX. 3, 4):

- 2 Single Family Dwellings and/or Caretaker Unit
- 1 Guesthouse
- 1 Senior Citizen Unit
- 4 Total Additional Units Allowable (Existing)**

Without the LCP Amendment to restrict future development, the proposed minor subdivision could potentially allow the following additional habitable development, based on current zoning guidelines (Source: IX. 3, 4):

Parcel A (57.24 acres):

- 3 Single Family Dwellings and/or Caretaker Unit
- 1 Guesthouse
- 1 Senior Citizen Unit
- 5 Additional Habitable Units**

Parcel B (5.0 acres):

- 1 Guesthouse
- 1 Senior Citizen Unit
- 2 Additional Habitable Units**

Potential Aggregate Increase:

- 3 Single Family Dwellings and/or Caretaker Units
- 2 Guesthouses
- 2 Senior Citizen Units
- 7 Total Additional Units Allowable**

This reflects the most intensive land use scenario under the existing theoretical maximum density on the proposed parcels; however, this level of development has not been proposed at this time.

The North County Coastal LUP protects the coastal resources associated with the affected property, including groundwater, as well as the rural character of the general area. Development densities that would exacerbate the region's groundwater overdraft problems and impact water quality of the North County aquifers are explicitly prohibited in the North County's rural density residential areas. Without an LCP Amendment to apply a B-8 overlay, the project could increase the existing parcel's development potential by three habitable units. As proposed, the LCP Amendment will be required in order to prevent development densities which are inconsistent with and could exacerbate the long term protection of the area's groundwater supply. Specifically, LUP Policy 4.3.5.7 states "New subdivision and development dependent upon groundwater shall be limited and phased over time until an adequate supply of water to meet long-term needs can be assured."

To ensure long-term protection of the area's groundwater supply, and to prevent development densities that would exacerbate the region's groundwater overdraft problems, the project includes rezoning the proposed parcels to apply a B-8 overlay. Application of a B-8 overlay would limit the potential intensification of water use to that already committed to the property, and would restrict the intensity of development until such time that water supply and water quality issues can be resolved. Reclassification may be considered when the identified constraints no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole. The B-8 overlay could only be removed through a future LCP amendment certified by the Coastal Commission, if findings can be made that limitations with regard to adequate long-term water supply are no longer an issue.

Land Use and Planning 9(c) – No Impact. The project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site (Source: IX. 1, 2, 3, 5, 6). The project, as proposed, would have no impacts.

10. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

11. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

12. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

15. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: IX. 1, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity? (Source: IX. 1, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Sections II and IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: IX. 1, 3, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?) (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1, 3, 4, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) No Impact. Based upon the analysis throughout this Initial Study, the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The biological resources analysis above indicates there would be no impacts to special-status plants and animals and sensitive natural communities, including environmentally sensitive habitat (ESHA). The cultural resources analysis above indicates that the site does not contain a significant cultural, archaeological, or historical resource as defined by the California Environmental Quality Act (CEQA).

(b) Less than Significant. The project involves the minor subdivision of a 62.24 acre parcel into two parcels (Parcel A: 57.24 acres and Parcel B: 5.0 acres) on a site that allows such development (Source: IX. 1, 3, 4, 6). The project as proposed involves no structural development, and all existing structures will remain (Source: IX. 1). As a result, impacts relating to air quality, noise,

population/housing, public services, recreation, transportation/traffic, and utilities and service systems attributable to the project have been addressed in the General Plan EIR. Implementation of the project, as proposed and conditioned, would not result in an increase of development potential for the project site and its subdivided lots. The project includes a requirement to apply an LCP Amendment to rezone the property to restrict the future development potential until issues related to land use and water quality have been resolved. As described in this Initial Study, incremental impacts to land use/planning, when considered in combination with the effects of past projects, current projects, and probable future projects in the planning area, would result in less than significant impact upon incorporation of County Conditions of Approval.

(c) No Impact. The project has no significant adverse impact. See Sections II and IV.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at www.dfg.ca.gov.

Conclusion: The project will not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN070505 and the attached Initial Study / Negative Declaration. The project as proposed would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The project as proposed and conditioned will not have the potential to degrade the environment (Source: IX. 1, 3, 5, 6).

IX. REFERENCES

1. Project Application/Plans for Planning File No. PLN070505
2. Monterey County General Plan
3. North County Coastal Land Use Plan and Coastal Implementation Plan
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. Site Visit conducted by the project planner on May 2, 2008.
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – APN 141-062-002-000.
7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004.

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT



ERRATA MEMORANDUM

Date: April 30, 2009

To: Minor Subdivision Committee

From: Joseph Sidor, Associate Planner

Subject: Agenda Item #3 – Walworth (PLN070505)

Per telephone discussion with Molly Erickson, The Open Monterey Project, information has been added to the Initial Study for the subject project in order to clarify/amplify the analysis provided. The additions are shown in underlined type.

The Initial Study, Section VI.9 (Land Use and Planning), shall be revised to read as follows:

“The North County Coastal LUP protects the coastal resources associated with the affected property, including groundwater, as well as the rural character of the general area. Development densities that would exacerbate the region’s groundwater overdraft problems and impact water quality of the North County aquifers are explicitly prohibited in the North County’s rural density residential areas. Without an LCP Amendment to apply a B-8 overlay, the project could increase the existing parcel’s development potential by three habitable units (from four to seven). As proposed, the LCP Amendment will be required in order to prevent development densities which are inconsistent with and could exacerbate the long term protection of the area’s groundwater supply. Specifically, LUP Policy 4.3.5.7 states “New subdivision and development dependent upon groundwater shall be limited and phased over time until an adequate supply of water to meet long-term needs can be assured.”

“To ensure long-term protection of the area’s groundwater supply, and to prevent development densities that would exacerbate the region’s groundwater overdraft problems, the project includes rezoning the proposed parcels to apply a B-8 overlay. Application of a B-8 overlay would limit the potential intensification of water use to that already committed to the property, and would restrict the intensity of development until such time that water supply and water quality issues can be resolved. The B-8 overlay would still allow the construction of the first single family dwelling on a building site (a residence already exists on each proposed parcel), additions to existing dwellings, guesthouses, non-habitable structures accessory to a dwelling use, or addition and/or expansion of existing commercial uses. The project, as proposed and conditioned, would allow a net increase of one guesthouse. However, the construction of a guesthouse (although not proposed nor included in this project) is viewed as an addition to the single family dwelling and as such is not considered intensification of water use pursuant to B-8 guidelines (Section 20.42.030.H.1). Therefore, the impact would be less than significant.”

“Reclassification may be considered when the identified constraints no longer exist and additional development and/or intensification of land use will not be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole. The B-8 overlay”