

**PLANNING COMMISSION**  
**COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06035

AP # 211-213-007-000

**FINDINGS AND DECISION**

In the matter of the application of the  
**California Water Service Company (PLN060180)**

for an amendment to the Pleasant View Subdivision Map of the County of Monterey, to remove the "Well Lot" designation from Lot 7, Block 3 as shown on the recorded map entitled "Tract No. 498, Pleasant View Subdivision." The property is located at the intersection of Jade Drive and Rogge Road, Bolsa Knolls area, Salinas, Greater Salinas Area Plan and came on regularly for hearing before the Planning Commission on May 31, 2006.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

**1. FINDING: CONSISTENCY WITH LOCAL REGULATIONS** - The proposed subdivision map amendment (PLN060180), as described in Condition No. 1, and as conditioned, is consistent with the policies, requirements, and standards of the General Plan, the Greater Salinas Area Plan, the Subdivision Ordinance (Title 19) and the Monterey County Zoning Ordinance (Title 21). The property is located at the intersection of Roggee Road and Jade Drive (Assessor's Parcel Number 211-213-007-000), Bolsa Knolls area, Greater Salinas Area Plan. The parcel is zoned "MDR/5" or Medium Density Residential, 5 Units per Acre. The subject property is in compliance with all rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21.

- EVIDENCE:**
- (a) Staff from the Planning and Building Inspection Department has reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County General Plan, the Greater Salinas Area Plan, the Subdivision Ordinance (Title 19) and the Zoning Ordinance (Title 21).
  - (b) The parcel is zoned "MDR/5" or Medium Density Residential, 5 Units per Acre. Removal of the "Well Lot" designation would allow residential development in compliance with the zoning requirements of this zoning designation.
  - (c) Potential future development of the lot will be subject to the regulations contained in Section 15.20 of the Monterey County Code related to provision of sewage disposal. The Division of Environmental Health has conditioned the removal of the "Well Lot" designation to the future connection of the lot to a sanitary sewer or provision of an alternative sewage disposal method that is approved by the County Health Department and the Central Coast Regional Water Quality Control Board.
  - (d) The project application plans, and support materials submitted as found in the project file (PLN06180).
  - (e) Site inspection conducted by staff.
  - (f) The subject lot was created in 1964 as part of the "Pleasant View Subdivision." The subject lot, as well as a number of additional lots within the subdivision, is located

adjacent to agricultural uses. A condition of project approval (Condition No. 8) has been added requiring disclosure of agricultural uses on the adjacent parcel(s) to potential owners of the subject lot.

**2. FINDING: CONSISTENCY WITH THE SUBDIVISION MAP ACT** - The proposed amendment to the Pleasant View Subdivision Final Map is consistent with the provisions of Section 66472.1 of the Subdivision Map Act (Amending of Final Maps). There are changes in circumstances that make the designation of the subject lot as a "Well Lot" no longer appropriate or necessary. The potential development of the subject lot for single family residential purposes would not impose any additional burden on the fee owners of the lot nor would it alter any right, title, or interest in the lot as reflected on the recorded Final Map of the subdivision.

**EVIDENCE:** The subject property was designated as a "Well Lot" with the purpose of providing a water source for the Pleasant View Subdivision. This designation was approved by the Department of Public Health at the time of approval of the subdivision. A water well on the property was built that provided water for the subdivision and other properties. The well's capacity has diminished to a point where it needs to be replaced to continue to provide water at current standards to the current users of the water service. All parcels in the subdivision are served by septic systems. Current regulations prohibit water wells near septic disposal systems; therefore, a replacement well must be constructed at a different location.

**3. FINDING: CONSISTENCY WITH THE SUBDIVISION MAP ACT** - The proposed amendment to the Pleasant View Subdivision Final Map would be consistent with the provisions of Section 66474 of the Subdivision Map Act.

**EVIDENCE:**

- (a) The proposed removal of the "Well Lot" designation from the subject parcel within the Pleasant View Subdivision would allow for residential development consistent with the lot's "MDR/5" zoning designation.
- (b) The proposed removal of the "Well Lot" designation would not include any improvements inconsistent with the General Plan or the Greater Salinas Area Plan. Any potential development on the property would be required to comply with all applicable regulations including zoning regulations, potable water regulations and sewer/septic disposal regulations.
- (c) The subject lot is similar in size to the rest of the lots within the subdivision (Tract No. 498, Pleasant View Subdivision, Page 66, Volume 8, Cities and Towns).
- (d) The subject lot is suitable for potential residential development similar to the rest of development within the subdivision (See Finding/Evidence No. 5).
- (e) The subject site is flat and improvements necessary for potential residential development in the future are limited to the provision of an access driveway, water connection and sewer connection. Development of these improvements would not result in substantial environmental damage or injure fish or wildlife and their habitat as the parcel is located within an urbanized subdivision.
- (f) Future development of the subject lot after removal of its "Well Lot" designation would be limited to single family residential use similar to that existing in the rest of the subdivision. Further, the Division of Environmental Health has conditioned the removal of the "Well Lot" designation so that future development is connected to a sanitary sewer or provided with other means of sewage disposal approved by the Division and the Central Coast Regional Quality Control Board. [See also Evidence (c) to Finding No. 1 above]
- (g) Removal of the "Well Lot" designation from the subject lot would not conflict with any easement, acquired by the public at large, for access or use of property within the

subdivision. There are no such easements affecting the subject lot (Tract No. 498, Pleasant View Subdivision, Page 66, Volume 8, Cities and Towns).

**4. FINDING: CEQA (EXEMPT)** - The proposed amendment to the Pleasant View Subdivision Final Map, the destruction of the existing water well on the lot, and the resulting potential for residential development are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Sections 15301 (b), 15303 (a), and 15304 (a) of the CEQA Guidelines. The amendment would not result in potential individual or cumulative environmental impacts.

**EVIDENCE:** The entire Pleasant View Subdivision, including the subject lot, is located within the "MDR/5" (Medium Density Residential/5 Units per Acre) zoning district. Potential development of a single family residential unit on the subject lot after removal of the "Well Lot" designation would not necessitate land use or zoning amendments nor result in additional density of development within the Pleasant View Subdivision resulting in significant cumulative impacts or necessitating additional infrastructure.

**EVIDENCE:** California Environmental Quality Act (CEQA) Guidelines Sections 15303 (a) and 15304 (a) categorically exempt single family dwellings and minor land alterations.

**EVIDENCE:** Staff has found that the destruction of the existing water well after removal of the "Well Lot" designation is categorically exempt from environmental review under Section 15301 (b) of California Environmental Quality Act (CEQA).

**EVIDENCE:** Future development of the subject lot would be required to comply with applicable development regulations—including provision of sewage disposal, water and right-of-way improvements—and would not result in potential impacts on the site, the subdivision or the overall area where it is located.

**5. FINDING: SITE SUITABILITY (NON STANDARD LANGUAGE)** - The site is suitable for the future development of a single family residential unit.

**EVIDENCE:** (a) The proposed removal of the "Well Lot" designation from the subject lot has been reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health and the Salinas Rural Fire Protection District. There has been no indication from these agencies that removal of the "Well Lot" designation would make the lot not suitable for residential development.

(b) Conditions recommended by the Division of Environmental Health have been incorporated into approval of the application which would assure that future residential development complies with health standards relative to wastewater disposal.

(c) Whereas the application does not include any actual development on the subject lot, review of the application by staff from the Planning and Building Inspection Department has found the subject lot to be suitable for future residential development comparable to that existing in the rest of the lots within the Pleasant View subdivision. Specifically, the project site has been found to be suitable for potential residential development in compliance with the site development standards of the Medium Density Residential Zoning District of the Monterey County Zoning Ordinance (Title 21).

(d) Staff conducted an on-site visit on February 15, 2006 to verify that the site is suitable for this use.

(e) Development of the lot would be subject to review of a building permit application. Compliance with all standards and regulations from the Monterey County Code and the Fire Code would be assured through review of the required building permit application.

6. **FINDING:** This project is appealable to the Board of Supervisors.

**EVIDENCE:** Chapter 19.16.020 C of the Subdivision Ordinance (Title 19).

**DECISION**

**THEREFORE**, it is the decision of the Planning Commission of the County of Monterey that said application for an amendment to the Pleasant View Subdivision Map is granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 31st day of May, 2006 by the following vote:

**AYES:** Errea, Brown, Isakson, Padilla, Vandevere, Diehl, Sanchez, Rochester, Wilmot

**NOES:** None

**ABSENT:** Salazar

  
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MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON: JUN - 7 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

JUN 17 2006

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 90<sup>th</sup> day following the date on which this decision becomes final.

**Monterey County Planning and Building Inspection**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: California Water Service Company**  
**File No: PLN060180** **APNs: 211-213-007-000**  
**Approval by: Planning Commission** **Date: May 31, 2006**

*\*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>Impact Addressed, 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>
1		<b>PBD029 - SPECIFIC USES ONLY</b> This Final Map Amendment (PLN060180) allows an amendment to the Pleasant View Subdivision Final Map to remove the "Well Lot" designation from the lot designated as Assessor Parcel Number 211-213-007-000. The property is located at the intersection of Roggee Road and Jade Drive in the Bolsa Knolls area, north of the City of Salinas. The amendment was approved in accordance with the County ordinances and land use regulations, subject to the following terms and conditions. Neither the amendment nor the potential construction allowed by this permit on the subject parcel shall become effective or commence unless and until all of the conditions of this amendment are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this amendment 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 amendment is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

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2		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A Final Map Amendment (Resolution 06035) was approved for the Pleasant View Subdivision by the <b>Planning Commission</b> for Assessor's Parcel Number 211-213-007-000 on May 31, 2006. The amendment removed the "Well Lot" designation from this parcel shown on the original recorded Final Map for the subdivision and was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b></p>	Proof of recordation of this notice shall be furnished to Planning and Building Inspection.	Owner/ Applicant	Concurrent with the recordation of the amended final map.	

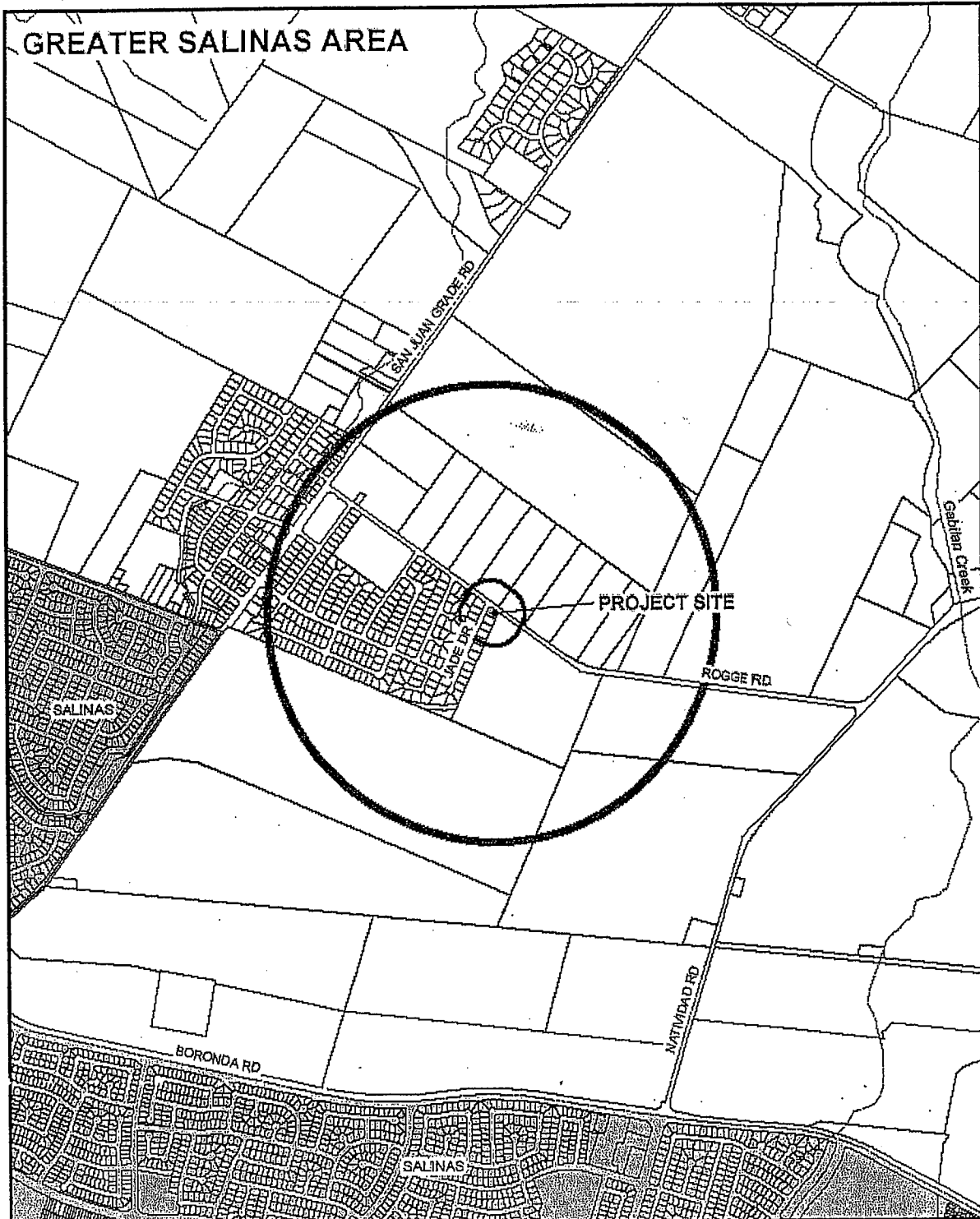
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
3		<p><b>PBD016 - INDEMNIFICATION AGREEMENT</b></p> <p>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 cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless.</p> <p><b>(Planning and Building Inspection)</b></p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Planning and Building Inspection Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to recordation of the amended final map</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Impact Addressed, 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>
4		<b>EH – WASTEWATER DISPOSAL (NON STANDARD)</b> Prior to the issuance of a building permit, the property shall connect to an approved sanitary sewer, unless other means are approved by both the Monterey County Health Department and the Central Coast Regional Water Quality Control Board. <b>(Environmental Health)</b>	Contact Environmental Health Review Program of the Division of Environmental Health and the Regional Water Quality Control Board	Owner / Applicant	Prior to the issuance of a building permit	
5		<b>EH – WASTEWATER DISPOSAL (NON STANDARD)</b> The applicant shall record a deed notification with the Monterey County Recorder for parcel APN 211-213-007-000 indicating that: "This property is subject to the environmental rules and regulations of the County of Monterey with regard to sewage disposal. Prior to the issuance of a building permit, the property shall connect to an approved sanitary sewer, unless other means are approved by both the Monterey County Health Department and the Central Coast Regional Quality Control Board." <b>(Environmental Health)</b>	1. Submit proposed wording and forms to be recorded to Environmental Health and Planning and Building Inspection for review and approval. 2. Record deed notification.	Owner / Applicant	Prior to recording the amending final map and/or prior to issuance of a building permit.	
6		<b>EH – WELL DESTRUCTION</b> Destroy the monitoring well that exists on the property according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. <b>(Environmental Health)</b>	1. Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a California licensed well contractor from the Division of Environmental Health. 2. After destruction submit the Well Completion Report to the Division of Environmental Health	California Licensed Engineer / Owner / Applicant	Prior to recording the amending final map and/or prior to issuance of a building permit.	



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7		<p><b>NON-STANDARD CONDITION</b></p> <p>File and record a certified amending Final Map delineating all existing and required easements. <b>(Public Works)</b></p>	Prepare amending final map and submit it to the County Surveyor for certification.	Owner / Applicant	Prior to recordation of amending final map	
8		<p><b>PBD – DEED RESTRICTION – PROTECTION OF AGRICULTURAL ACTIVITIES DISCLOSURE (NON-STANDARD CONDITION)</b></p> <p>The applicant shall record a deed restriction that states: "<i>As a property owner, you should be aware that Monterey County has an adopted Protection of Agricultural Activities Ordinance (Monterey County Code Chapter 16.40, Ord. 3728, 1993), and you should be prepared to accept agricultural practices that are operated in full compliance with applicable state and county laws and regulations and consistent with accepted customs and standards. Accepted agricultural practices that may cause inconveniences to property owners at any time include, but are not limited to, extended hours of operation, noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage, application and disposal of manure and the application of pesticides, herbicides, fertilizers and other chemicals by ground or air.</i>" <b>(Planning and Building Inspection)</b></p>	Submittal of approved and Recorded Deed Restriction to PBI.	Owner/ Applicant	Before or concurrently with recordation the amended final map	

VICINITY MAP / PLEASANT VIEW SUBDIVISION MAP / SUBJECT LOT



APPLICANT: BOLSA KNOLLS WATER COMPANY

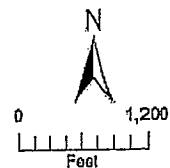
APN: 211-213-007-000

FILE # PLN050232

300' Limit

2500' Limit

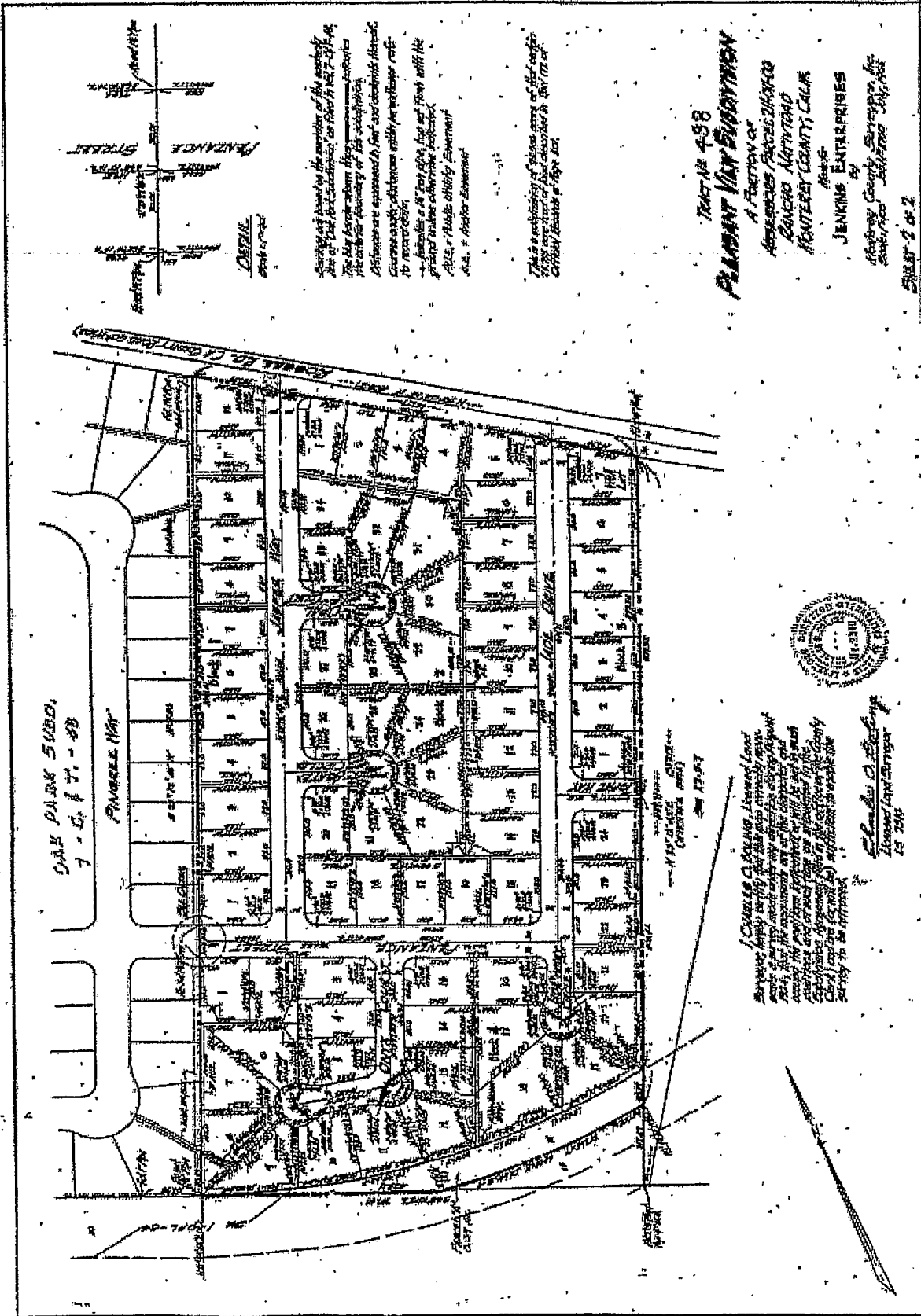
City Limits



PLEASANT VIEW SUBDIVISION MAP

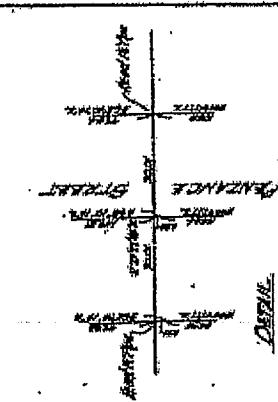
VOL. 8 C. & T. PG. 66

RECORDS



DAN PARK SUBD.  
7 - 5 - 8 7 1 - 43

PLEASANT VIEW



LEGEND

Surveyor is bound by the expiration of the statute... The City Engineer shall be notified of this survey... All easements are expressed in feet and decimals thereof...

This is a plat of a subdivision of lots... to be used for residential purposes... and shall be subject to the provisions of Chapter 24 of the Code of Ordinances of the City of...

TRACT NO. 458

PLEASANT VIEW SUBDIVISION

A TRACT OF

APPROXIMATELY 25 ACRES OF LAND

LOCATED IN MARTIN COUNTY

FLORIDA COUNTY, CALIF.

JENKINS ENTERPRISES

By  
Jenkins Enterprises, Inc.  
County Clerk, Martin County, Florida

SHEET 2 OF 2



Charles O. Bolger, Licensed Land Surveyor... My commission expires on 12-31-97... This map was prepared by me or under my supervision in accordance with the provisions of Chapter 24 of the Code of Ordinances of the City of...

Charles O. Bolger  
Licensed Land Surveyor  
12-31-97