

**MINOR SUBDIVISION COMMITTEE  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 03006

MINOR SUBDIVISION NO. 000360

A.P. # 267-041-003-000

In the matter of the application of  
**David N. Danbom (PLN000360)**

**FINDINGS & DECISION**

for a Minor Subdivision in accordance with Title 19, Chapter 19.04 of the Monterey County Code, consisting of a subdivision of a 14.8 acre parcel into four (4) 2.5 acre parcels and one (1) 4.8 acre remainder parcel with an existing house. The property is located at 1901 San Juan Road, Aromas, North County Non-Coastal area, came on regularly for meeting before the Minor Subdivision Committee on March 13, 2003.

Said Minor Subdivision Committee, having considered the application and the evidence presented relating thereto,

1. **FINDING:** The project proposed in this application consists of a minor subdivision (PLN000360), which does not conform with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1901 San Juan Road, Aromas. The parcel is zoned "LDR/2.5 VS" or Low Density Residential 2.5 acres per unit Visual Sensitivity District.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan
- b) The North County Area Plan
- c) Section 19.03.015.L (as referred by Section 19.04.015) of the Monterey County Subdivision Ordinance, which requires that the Health Director recommend denial of the project based on a potential health and safety threat.

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the applicable Fire Department. The Water Resources Agency and Environmental Health Division have submitted memorandums that conclude that the project does not have an adequate water to assure a long-term, sustainable water supply. The memorandums also detail that nitrates for wells on the project site exceed State and Federal Maximum Contaminant Levels (see below).

**EVIDENCE:** Hydro geological report prepared by PES Environmental, Inc. in May 2002.

**EVIDENCE:** Memorandum from Howard Franklin, Monterey County Water Resources Agency, to Laura Lawrence, Monterey County Environmental Health, dated May 7, 2002. The memorandum outlines the current overdraft situation for the groundwater basin (aquifer) underlying the project and addresses water quality issues related to the existing nitrate levels in the groundwater underlying the project, measured at levels exceeding the State

and Federal Maximum Contaminant Levels for drinking water. The memorandum states that the project will represent potential sources of local nitrate contamination that have the potential to adversely affect the groundwater quality of the underlying aquifer.

**EVIDENCE:** Memorandum from Laura Lawrence, Environmental Health to Taven M. Kinison Brown, Planning Department dated July 19, 2002. The memorandum states that the project-specific hydro geologic report (PES Environmental, Inc., May 2002) documents that a long-term, sustainable water supply for the project cannot be assured.

**EVIDENCE:** Evidence for Finding 2, below.

**EVIDENCE:** Written and verbal public testimony submitted at public hearings before the decision-making body.

**EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

**2. FINDING:** The project is inconsistent with the following General Plan and North County Area Plan policies:

**EVIDENCE:** General Plan policies (summarized):

6.1.1 Manage groundwater use, especially in areas of known overdraft

6.1.4 (NC) New development phased until safe, long-term water supply can be demonstrated

21.1.1. Growth policies integrated with natural limitations of groundwater bodies

21.2 Enhance water quality by regulation type, location, and intensity of land use

26.1.4.3 Assurance of a long term water supply

27.1.2 Limit residential development in areas unsuited for more intensive development

**EVIDENCE:** Over drafting of the aquifer has caused seawater intrusion, which is a water quality concern.

**EVIDENCE:** Evidence for Finding 1.

**3. FINDING:** The proposed recommendation of staff is Categorically Exempt under the California Environmental Quality Act (CEQA).

**EVIDENCE:** Section 15270 (a) of the California Environmental Quality Act: CEQA does not apply to projects which a public agency rejects or disapproves.

**4. FINDING:** That several of the findings found in Section 19.04.025.I of the Subdivision Ordinance can be made, requiring that the project be denied.

**EVIDENCE:** Section 19.04.025.I requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are not consistent with the County General Plan and the applicable Area Plan (see Evidence for Findings 1 and 2). No specific plan has been prepared for this area. The site has been determined to not be physically suitable for the type and density of development (see Evidence for Finding 1 and below). The design and improvements are likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Environmental Health memorandum dated July 19,

2002 (see Evidence for Findings 1 and 2). The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.

**EVIDENCE:** Hydro geological report dated April 4 2002 prepared by PES Environmental, Inc. and submitted to Monterey County for the proposed development.

**EVIDENCE:** Evidence for Finding 1, above.

5. **FINDING:** The project is appealable to the Board of Supervisors

**EVIDENCE:** Section 19.16.020.B of the Monterey County Subdivision Ordinance (Title 19).

### **DECISION**

THEREFORE, it is the decision of the Minor Subdivision Committee that said application for a Minor Subdivision be denied.

**PASSED AND ADOPTED** this 13th day of March, 2003.

Original Signed By:

---

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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.

NOTES

1. You will 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 and Building Inspection Department office in Salinas.

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