

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

RESOLUTION # 04008

MINOR SUBDIVISION NO. 990181

A.P. # 416-191-001-000

In the matter of the application of  
**Lit Ng TR (PLN990181)**

**FINDINGS & DECISION**

for a Minor Subdivision in accordance with Chapter 19.04 of the Monterey County Code, to allow the division of a 410 acre parcel into two-ten acre parcels, a 190 acre parcel and a 200 acre parcel and a waiver of policies to allow for overhead utilities. The property is located at the end of Camino Nuevo, south of Highway 68, Hidden Hills area, came on regularly for meeting before the Minor Subdivision Committee on May 13, 2004.

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

- 1. FINDING: CONSISTENCY.** The Project, as conditioned is consistent with applicable plans and policies of the Greater Monterey Peninsula Area Plan; Title 19, Subdivision Ordinance; and the Monterey County Zoning Ordinance, Title 21 that designate and set development standards for this area as appropriate for rural density residential development.
- EVIDENCE:** (a) Project Site. The property is located at the west end of Camino Nuevo (10600) fronting and south from Highway 68 in the hidden Hills area of the Greater Monterey Peninsula area Plan
- (b) Regulations. The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
1. Greater Monterey Peninsula Land Use Area Plan.
  2. Monterey County Coastal Subdivision Ordinance (Title 19).
  3. Chapter 21.16.060B of the Monterey County Zoning Ordinance regulations for development in the rural density residential zone.
  4. Chapter 21.50.030C of the Monterey County Zoning Ordinance regulations for referral to the City of Monterey.
  5. Chapter 21.46.060C Development standards for subdivisions
  6. Chapter 18.40 of the Monterey County Codes relative to Inclusionary Housing (Ordinance 04185).
- (a) Land Use Plan. The project area is designated for Rural Density Residential 10 acres/unit) under the Greater Monterey Peninsula Land Use Plan.
- (b) Zoning. The parcel is zoned "RDR/10-UR-D and RDR/10-UR-VS (Rural Density Residential 10 Acres/unit, Urban Reserve, Design Control and Visually Sensitive.
- (c) Existing Conditions. The existing lot has a total of 410 acres and two existing residential units. The existing structures have all necessary public facilities.

- (d) Minimum Lot Size. The minimum building site that may be created is 10 acres (Title 21.16.060B. Parcel 1 would have 10.1 and Parcel 2 would have 10.2 acres, Parcel 3 would have 190.18 acres and parcel 4 would have 204.28 acres.
- (e) Access. The project is in conformance with access requirements in that it abuts El Camino Nuevo, a private road with access to Highway 68 via Boots and Bit Roads.
- (f) Inclusionary Housing. There are two existing residences located on the subject property. The project consists of dividing one existing lot of record into four lots with one existing residence on two of the new lots. Section 18.40.060C Monterey County Codes (Ordinance 04185, effective May 23, 2003) exempts projects that create one or two lots or units. The proposed project will create two new lots containing two existing housing units.
- (g) No Violations. Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. A condition is included to assure that all zoning abatement costs, if any, have been paid.
- (h) LUAC. On February 7, 2001, the Greater Monterey Peninsula Land Use Advisory Committee voted 2 to 0 to recommend approval of the project. The Committee approved the application with the understanding that it was proposed for estate planning purposes.
- (i) Public Testimony. No testimony, either written or oral was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.
- (j) Materials in project file PLN990181/Ng.

**2. FINDING: HEALTH AND SAFETY.** The establishment, maintenance, or operation of the minor subdivision will not, under the circumstances of the 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 improvement in the neighborhood, or to the general welfare of the County.

**EVIDENCE:** (a) The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, applicable Fire Department, and Water Resources Agency. The respective departments 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; or the County in general. There has been no indication from these agencies that the site is not suitable for the proposed development.

**3. FINDING: WATER IMPACT/HIDDEN HILLS AREA:** There presently exists in the Hidden Hills area of Monterey County area a serious overdraft in the aquifers, together with water quality problems throughout the area. Review and conditions for water treatment of the pumped water for these lots is available in the planning file and through the review of the project by the Environmental Health Division of the Monterey County Health Department.

**EVIDENCE:** (a) Since each lot will have one residence with one well, there is no creation or expansion of water demanding uses at this time. The PES Environmental Inc. report of

March 28, 2003 described the geo-hydrology and impact of two additional wells drilled on each of the 200 acre and 190-acre parcels proposed for this minor subdivision. The two 10 acre parcels are already served by a well and mutual water system. The report concluded that there is adequate water in the Monterey shale aquifers and of adequate quality to provide water for two additional homes on wells without jeopardizing surrounding wells or well fields. See the PES Environmental Inc Report dated March 28, 2003 in PLN 990181 file. The summary of their findings begins on page 12, and the recommendations for mitigation begin on page 14. They are careful to point out that location of septic systems and careful evaluation is critical to the continued health and well-being of well systems. Requiring water-conserving devices on all new development is also important. It should be noted that the Environmental Health Division of the Health Department has already issued well permits for lots 3 & 4 and the wells have been installed. It is now important and should be conditioned that the leach fields be specifically sited on the map to prevent contamination of the wells.

(b) Materials in project file PLN990181/Ng, Project Specific Hydrogeologic Report for Lit Ng 4 lot minor subdivision, prepared by PES Environmental, Inc. 1682 Novato Boulevard Suite 100, Novato, California 94947-7021, prepared March 28, 2003.

4. **FINDING: SITE SUITABILITY.** The site is suitable for the use proposed.  
**EVIDENCE:** (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, North County Fire District, Parks Department, and Environmental Health Division. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.  
(b) Staff conducted on-site visits to verify that the site is suitable for this use.  
(c) Necessary public facilities are required by condition of the minor subdivision.  
(d) Required easements for existing facilities (e.g. water, sewer, etc.) crossing property lines will be established on the final map (Conditions 6 and 7).
5. **FINDING: FISH & GAME FEE.** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.  
**EVIDENCE:** (a) Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. The biological assessment indicates that the undeveloped land provides significant habitat for many plant and animal species including listed species. While the development entitlement will affect only a miniscule portion of the property, it will nevertheless have a small impact that will require further review by the Department of Fish and Game. See Initial Study section 4, and the Biological Assessment dated November 8, 1999 prepared by Zander and Associates 150 Ford Way Suite 101 Novato, California 94945. (415) -897-8781
6. **FINDING:** The project may be appealed to the Planning Commission.  
**EVIDENCE:** (a) Section 19.16.020B Monterey County Subdivision Ordinance (Title 19).

## DECISION

THEREFORE, it is the decision of the Minor Subdivision Committee that the Negative Declaration be adopted and that said application for a Minor Subdivision be granted as shown on the attached sketch, subject to the attached conditions.

**PASSED AND ADOPTED** this 13th day of May, 2004.

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ANN TOWNER, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

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

### 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.