

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863

**Th13b**

**Prepared December 20, 2007 (for January 10, 2008 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Katie Morange, Coastal Planner

**Subject: Monterey County LCP Major Amendment Number 1-06 (Petersen Rezoning).** Proposed major amendment to the Monterey County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's January 2008 meeting.

## Summary

Monterey County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) to rezone a 23-acre parcel from RDR/B-7(CZ) to RDR/10(CZ). The rezoning would establish a zoning density of one unit per 10 acres and would allow for the subject parcel to be subdivided into two parcels. The subject parcel contains one existing residence and a barn, and a second residence is currently under construction and nearing completion. The owner of the property, Mr. James Petersen, indicates he intends to subdivide the 23-acre parcel so that each existing residence is located on its own 11.5-acre parcel if the rezoning is approved. The proposed subdivision cannot be approved absent the proposed LCP amendment because the current B-7 zoning overlay prohibits subdivision.

The parcel is located at 16770 Blackie Road, approximately four miles east of Castroville and approximately six miles inland from the shoreline in the North County planning area of Monterey County. North Monterey County aquifers are the water supply source for development in the area, and these aquifers are severely overdrafted and adversely impacted by seawater intrusion. These water supply problems are acknowledged in LCP Land Use Plan (LUP) policies that attempt to manage the demand for water for new development in North County. The LUP includes policies that phase development relative to safe aquifer yield, and limit increased residential development (beyond one home per legal parcel) through an interim threshold that only allows up to 50% of the LCP-established residential buildout until the safe yield level can be clearly established and water supply solutions are clearly identified and put in place. LUP policies also require groundwater to be protected for coastal priority agricultural uses.

County studies from 1995 calculated groundwater overdraft to be on the order of 11,700 acre-feet per year (af/y), and a second study conducted in 2002 found the overdraft to be as much as 16,340 af/y in the North Monterey County area. These studies not only estimated sustainable yield, but they also showed that the current overdraft is more than what was first estimated when the LUP was certified and that, as a result of continued overdraft, the extent and severity of the resultant problems (e.g., extent of seawater intrusion, increased water contamination problems, number of abandoned wells, adverse effects on



**California Coastal Commission**

**January 2008 Meeting**

Staff: Katie Morange Approved by: *KM 12/20/07*

coastal agriculture, etc.) have increased over time.

In their LCP amendment submittal, the County found that removal of the B-7 zoning overlay and subsequent subdivision would have a minimal impact on groundwater and seawater intrusion, and that the parcel is within the zone of benefit of the future Salinas Valley Water Project (SVWP), a region-wide project that is intended to balance the inland Salinas Valley groundwater basin and to halt seawater intrusion along the coast. The County's LCP analysis is problematic because any additional demand on the groundwater basin would contribute to cumulative effects and presents inconsistencies with LUP policies that restrict groundwater use to a safe yield level, since the safe yield has been and continues to be exceeded. Furthermore, reliance on the SVWP as a long term fix to water supply problems is premature, since this project is only in the construction stages and the effect it will have on resolving these problems has yet to be realized and is still largely unknown.

Despite LUP inconsistencies inherent in the County's water analysis, this LCP amendment request presents a unique situation where the creation of a new parcel, facilitated by the removal of the B-7 overlay, would not result in an increase in land use density, or an intensification of water use. The maximum theoretical development potential,<sup>1</sup> and therefore the potential for water use intensification, under the existing zoning is actually greater than under the proposed amendment. Under existing zoning, the most intensive land use scenario under the theoretical maximum density is four residences, one guesthouse, and one senior unit on the existing parcel; a total of six units. Under the proposed rezoning, each of the two new parcels would be allowed a theoretical maximum of one residence, one guesthouses, and one senior unit; again, a total of six units. In other words, the same number of overall units would be allowed at the maximum in both cases, but the types of units would be less water-use intensive under the proposed rezoning.

Because two residences already exist (one nearing completion, for which water has already been allocated) on the property, removing the B-7 and adding the ten-acre limitation (RDR/10) would simply allow for a subdivision that would result in two lots, each with an existing residence. The rezoning would not allow for any potential intensification of water use beyond that already committed to the site, and absent resolution of water supply problems for the area, even the theoretical guesthouse and senior units could not be approved (as they could not be approved under the existing scenario for the same reason). In other words, the rezoning corrects an anomaly to allow for each existing residence on the subject property to be located on its own parcel, and it does not establish any right to the use of additional water for additional units because it does not allow for any new legal lots that would be without a residence (i.e., the LUP allows for the first residence on a legal lot notwithstanding groundwater limitations).

In sum, staff recommends the proposed IP amendment can be found consistent with the LUP parameters

---

<sup>1</sup> In other words, applying the LCP's maximum allowed density to the site, and bracketing constraints that may dictate that a lesser density would actually be allowed per the LCP. Of course, actual development potential under the LCP is contingent on natural resource constraints and the availability of public services (e.g., water, sewer, road capacity), and the LCP states as much. However, the theoretical maximum exercise is useful at a conceptual level to be able to understand the proposed amendment and its potential effects.



that limit groundwater use and prohibit development that will generate water demand exceeding the safe yield because, in this particular case, a subdivision facilitated by removal of the B-7 overlay would not result in an increase in residential density, and would not result in a commitment to allow additional units and associated additional water withdrawals from the overtapped system. There would thus be no effect on resources from removing the B-7 and adding the RDR/10 in this case, and it would in fact allow for a lesser maximum intensity of development at this location over the long term should water supply issues be resolved in the future for North Monterey County.

Staff recommends that the Commission find that the proposed amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan.

## Staff Report Contents

	page
I. Staff Recommendation – Motion and Resolution.....	3
II. Findings and Declarations.....	4
A. Proposed LCP Amendment.....	4
1. Description of Proposed LCP Amendment.....	4
2. Procedural History .....	4
3. Effect of Proposed Amendment.....	4
B. LUP Consistency Analysis.....	6
1. Standard of Review.....	6
2. LUP Consistency Requirement.....	6
3. Consistency Analysis .....	9
4. Conclusion .....	16
C. California Environmental Quality Act (CEQA) .....	16

## I. Staff Recommendation – Motion and Resolution

### 1. Approval of Implementation Plan Major Amendment Number 1-06 as Submitted

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the rezoning and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion.** I move that the Commission reject Major Amendment Number 1-06 to the Monterey County Local Coastal Program Implementation Plan as submitted by Monterey County.

**Certification Resolution.** The Commission hereby certifies Major Amendment Number 1-06 to the Monterey County Local Coastal Program Implementation Plan as submitted and adopts the findings set forth in this staff report on the grounds that Major Amendment Number 1-06 as submitted is consistent with and adequate to carry out the certified Land Use Plan, and



certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act, because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.

## **II. Findings and Declarations**

The Commission finds and declares as follows:

### **A. Proposed LCP Amendment**

#### **1. Description of Proposed LCP Amendment**

The proposed LCP amendment would amend Sheet 20-4 of Section 20.08.060 of Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan, Part 1) to rezone a 23-acre parcel from RDR/B-7 to RDR/10. The subject parcel is located at 16770 Blackie Road, approximately four miles east of Castroville and approximately six miles inland from the shoreline in the North County planning area of Monterey County (see Exhibit A). Most of the subject parcel is located in the Coastal Zone except for a small portion of the southern edge of the property. See Exhibit B for the proposed amendment and Board of Supervisors resolution submitted by Monterey County.

#### **2. Procedural History**

In 1979, the Petersen family split their 100-acre property into two lots. The family retained the subject 23-acre lot (Lot 1) and sold the remaining 77-acre lot (Lot 2) located south of the subject parcel and outside the Coastal Zone. Lot 2 was subsequently subdivided into 18 residential lots (ranging in size from 3.5 to 6.4 acres) and was placed in a B-6 zone designation, which restricts any further subdivision. At that time, Lot 1 was placed in a B-7 designation. When the Monterey County Implementation Plan (IP) was certified in 1988, the B-7 designation remained in place. The subject parcel contains one existing residence and a barn. A second residence is under construction and nearing completion.<sup>2</sup> The owner of the property, Mr. James Petersen, indicates that he intends to subdivide the 23-acre parcel so that each existing residence is located on its own 11.5-acre parcel.

#### **3. Effect of Proposed Amendment**

The LCP's B-7 designation prohibits subdivision. As a result, rezoning the parcel from RDR/B-7(CZ) to

---

<sup>2</sup> The second residence was approved by the County on October 26, 2005.



RDR/10(CZ) would allow the subject parcel to be subdivided, and would establish a zoning density of one unit per 10 acres. The B-7 overlay is an LCP combining designation that is typically applied to parcels as a condition of land divisions, and prohibits further subdivision unless first reclassified, as described under IP Section 20.42.030.G. This section of the LCP indicates that the B-7 overlay may be removed through an LCP amendment certified by the Coastal Commission if findings can be made that limitations with regard to adequate water supply, drainage, sewage disposal, parcel size and design, and traffic circulation are not an issue. The proposed subdivision (described above) cannot be approved absent the proposed LCP amendment.

**a. Development Potential under Existing Zoning**

The existing zoning for the site (RDR/B-7(CZ)) is not assigned a specific maximum development density (acres/unit) by the IP. As such, the site is subject to other density requirements and limitations of the LCP, namely those prescribed in the LUP, and in IP Chapter 20.16 (RDR district zoning). The LUP land use designation assigned to this parcel is rural density residential (RDR), which allows development densities ranging from 5-40 acres/unit according to an evaluation of existing resource and public facilities constraints, and the residential character of the area (LUP Policy 4.3.1.G). Bracketing consideration of resource constraints on and/or adjacent to the parcel, the theoretical maximum development density<sup>3</sup> of the 23-acre parcel using the LUP development density is four units (23 acres/5 = 4.6 units).<sup>4</sup> This theoretical maximum also falls under the maximum allowed by Chapter 20.16 of the IP which allows the first single family dwelling per legal lot of record in this zoning district and second residential units not exceeding the zoning density of the property as principally permitted uses, and conditionally allows additional residential units up to a maximum of four on any lot, and not exceeding the zoning density of the property.

In addition, the total development potential includes habitable accessory structures, including guesthouses, caretaker units, and senior units. The RDR zoning allows one guesthouse and one senior unit per lot in addition to the maximum number of residential units. In North Monterey County, caretaker units count towards density requirements of the zoning districts (IP Chapter 20.64); as such, the parcel is theoretically allowed either a maximum of four residential units or three residential units and one caretaker unit. Because this is a calculation of maximum development potential under the existing zoning, and caretaker units are generally a less intensive use than residential units, they are not counted towards the theoretical maximum in this equation. As such, and again bracketing resource constraints, the most intensive land use scenario under the existing theoretical maximum density on the 23-acre parcel is **four residences, one guesthouse, and one senior unit.**

**b. Development Potential under the LCP Amendment**

With the B-7 overlay lifted, the 23-acre parcel could be subdivided. The proposed rezoning of the

---

<sup>3</sup> Id.

<sup>4</sup> Where the IP does not specify a precise maximum density but rather a range, as is the case here, the low end of the range identified by the LUP can be presumed to be the maximum IP density for this exercise.



property to RDR/10(CZ) at the same time as the removal of the B-7 overlay would allow for a maximum of two parcels because each would have to be at least ten acres in size. As such, if the site were to be subdivided, the theoretical maximum density allowed under the proposed zoning would be 10 acres per unit, resulting in a maximum of two total parcels with one residential unit each (23 acres/10 = 2.3 units).<sup>5</sup> In addition to one residential unit, the LCP also allows one guesthouse and one senior unit on each parcel in this zoning district, as described above. Again, assuming the theoretical maximum (no resource constraints on the parcels), the site would be allowed a total of **two residences, two guesthouses, and two senior units**. As discussed above, the subject parcel already supports one residence and a second residence is currently under construction and nearing completion.

## **B. LUP Consistency Analysis**

### **1. Standard of Review**

The standard of review for proposed modifications to the County's IP is that they must be consistent with and adequate to carry out the provisions of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. Implementation Plan (zoning) standards then typically further refine LUP policies to provide guidance on a parcel-by-parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LUP.

### **2. LUP Consistency Requirement**

The Monterey County LCP is divided into four segments, each with their own LUP. The subject property is located within the North Monterey County LUP segment. The North Monterey County LUP protects coastal resources, including groundwater, sensitive habitats, coastal-dependent agriculture, and visual resources. It also distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act. Selected LUP policies include:

#### **Land Use Density/Priority Uses**

*LUP 4.3.4 Key Policy All future development within the North County coastal segment must be clearly consistent with the protection of the area's significant human and cultural resources, agriculture, natural resources, and water quality.*

*LUP 4.3.5.1. The rural character of the coastal area of North County with its predominant agricultural, low-density residential and open space land uses shall be retained. Prime and productive agricultural soils shall be protected for agricultural use.*

---

<sup>5</sup> The parcels could only be subdivided whereby each parcel had one of the existing units because that is the only way the resultant properties could meet the density requirement of ten acres (minimum) per unit.



*LUP 4.3.5.4 Where there is limited land, water, or public facilities to support development, coastal-dependent agriculture, recreation, commercial and industrial uses shall have priority over residential and other non-coastal-dependent uses.*

*LUP 4.3.5.7 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. In order to minimize the additional overdraft of groundwater accompanying new development, water conservation and on-site recharge methods shall be incorporated into site and structure design.*

*LUP 4.3.5.9 Development and use of the land, whether public or private, must conform to the policies of the plan, must be consistent with the availability of public services and with established urban service lines, and must meet resource protection standards set forth in the plan.*

*LUP 4.3.6.D.1 Land divisions for residential purposes shall be approved at a density determined by evaluation of site and cumulative impact criteria set forth in this plan. These include geologic, flood, and fire hazard, slope, vegetation, environmentally sensitive habitat, water quality, water availability, erosion, septic tank suitability, adjacent land use compatibility, public service and facility, and where appropriate, coastal access and visual resource opportunities and constraints.*

*LUP 4.3.6.D.3 Low density residential areas should be located in rural areas where an essentially residential character exists. These areas should be developed and infilled to the extent that site and cumulative impact constraints allow before Rural Residential areas are designated for low density residential development. Housing densities and lot sizes shall be consistent with the ability of septic systems to dispose of waste without contamination of groundwater or the creation of hazards to public health on an individual site and cumulative basis.*

*LUP 4.3.6.D.5 Where public facilities or water supply necessary to support residential development are limited, residential growth should be phased to allow sufficient time for these essential elements to be provided.*

## **Water Resources**

*LUP 2.5.1 Key Policy The water quality of the North County 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. The estuaries and wetlands of North County shall be protected from excessive sedimentation resulting from land use and development practices in the watershed areas.*

*LUP 2.5.2.1 The County shall limit the kinds, locations and intensities of new development, including agriculture to minimize further erosion in the watersheds of Elkhorn and Moro Cojo*



*Sloughs and sedimentation of the Sloughs. All development shall incorporate all available mitigation measures to meet these goals, including, at a minimum, the measures identified in Policy 2.5.3.C.6.*

*LUP 2.5.2.2 Point and non-point sources of pollution of coastal waters shall be controlled and minimized. Restoration of the quality of degraded surface waters shall be encouraged.*

*LUP 2.5.2.3 New development shall be phased so that the existing water supplies are not committed beyond their safe long term yields. Development levels that generate water demand exceeding safe yield of local aquifers shall only be allowed once additional water supplies are secured.*

*LUP 2.5.2.5 New rural development shall be located and developed at densities that will not lead to health hazards on an individual or cumulative basis due to septic system failure or contamination of groundwater. On-site systems should be constructed according to standards that will facilitate long-term operation. Septic systems shall be sited to minimize adverse effects to public health, sensitive habitat areas, and natural resources.*

*LUP 2.5.3.A.1 The County's Policy shall be to protect groundwater supplies for coastal priority agricultural uses with emphasis on agricultural lands located in areas designated in the plan for exclusive agricultural use.*

*LUP 2.5.3.A.2 The County's long-term policy shall be to limit ground water use to the safe-yield level. The first phase of new development shall be limited to a level not exceeding 50% of the remaining buildout as specified in the LUP. This maximum may be further reduced by the County if such reductions appear necessary based on new information or if required in order to protect agricultural water supplies. Additional development beyond the first phase shall be permitted only after safe-yields have been established or other water supplies are determined to be available by an approved LCP amendment. Any amendment request shall be based upon definitive water studies, and shall include appropriate water management programs.*

*LUP 2.5.3.B.5 New on-site waste disposal systems shall not be allowed on slopes exceeding 30 percent as required by the Regional Water Quality Control Board Basin Plan. Potential point sources of pollution such as industrial discharges and community wastewater treatment systems shall be examined on a regular basis to monitor water quality impacts. Expansion of facilities generating point sources of pollution shall only be allowed if pollution levels remain at acceptable standards compatible with protection of public health and biological habitats.*

*LUP 2.5.3.C.5 Maximum permissible densities for the various areas of the plan are shown on the land use plan map and in Section 4.3.1 of the text and range from .10 acres per residence in the High Density Residential areas to 5 acres per residence in the Rural Residential areas. These densities are maximum that may be approved under ideal conditions where all resource considerations of the plan can be fully met. In order to minimize erosion and consequent sedimentation of Elkhorn and Moro Cojo Sloughs, reductions in maximum permissible densities*



shall be made as follows:

a. In areas designated for Rural and Low Density Residential development:

*Densities shall be reduced as necessary in order to site all development in Non-Critical Erosion Areas and to maintain cumulative development within the LDT for the subwatershed.*

*Existing parcels containing no land suitable for development within the Non-Critical Erosion classification shall be limited to a single residence or to the existing development on the parcel or if there is none, a single residence. Division of the parcel shall not be permitted that creates an additional vacant parcel(s) intended for development.*

### **Conclusion**

In sum, the North Monterey County LUP protects the coastal resources associated with the affected property, including groundwater, and coastal water systems such as the Elkhorn and Moro Cojo Sloughs, as well as the rural character of the general area. Inappropriate development and development densities that would exacerbate the region's groundwater overdraft problems and impact water quality of the North County aquifers, Elkhorn and Moro Cojo Sloughs, and the Monterey Bay are explicitly prohibited in North County's rural and low density residential areas. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act.

### **3. Consistency Analysis**

#### **North Monterey County Water Supply and LUP Context**

The subject site is located in North Monterey County, which has severe groundwater overdraft problems. Virtually all of the agricultural, commercial and residential development in North Monterey County relies on groundwater pumped from local wells, with agriculture accounting for approximately 85 percent of the water demand.

When the North Monterey County LUP was certified in 1988, it acknowledged that the area had been experiencing overdraft problems for some time, but was not able to quantify the amount of overdraft or determine what the safe yield was at the time. Rather, the LUP notes that:

*A study for the State Department of Water Resources in 1977 indicated a general groundwater overdraft of about 15,500 acre-feet annually in the North County area. A more detailed study by the U.S. Geological Survey in 1980 confirmed the overdraft of the Aromas Sand Aquifer. The report estimated a study area annual overdraft in the North County area of about 1,500 to 8,000 acre-feet. However, due to the depth of the water-bearing Aromas Sands, its high storage capacity, and the overall complexity of geologic and hydrologic considerations, the long-term safe yield of the aquifer is difficult to estimate...*

*It is evident that continued overdraft in the North County will lead to increasing saltwater intrusion and lower water tables. In some areas, water shortages may occur. Managing the*



*demand for water generated by agricultural use and residential and commercial development within the limits of attainable long-term water supply sources will be a major challenge for the area in the coming years. Additional information is urgently needed to help determine the long-term safe yield of North County aquifers. The opportunities for obtaining a surface water supply should also be investigated.*

Thus, while there was no agreement on the magnitude of the problem or on how to quantify the safe yield at the time the LUP was certified, the LUP attempted to manage the demand for water by establishing policies that phased development relative to safe yield and limited increased residential development (beyond one home per legal parcel) by placing an interim threshold on residential development, until that safe yield level could be determined. An interim threshold of 50% of residential build-out was established,<sup>6</sup> to allow for partial build-out while the County pursued efforts to quantify the problem and arrive at a solution.

LUP Policy 2.5.3.A.2 thus potentially allows up to 50% of maximum build-out to occur (i.e., 1,351 units or lots) prior to the availability of a new water supply.<sup>7</sup> Currently, approximately 500 units or lots remain until that threshold is reached. However, that is a maximum threshold, and LUP policy 2.5.3.A.2 includes a caveat that requires the remaining build-out threshold to be reduced to limit groundwater use to the safe-yield level, or if required in order to protect agricultural water supplies. Thus, while the 50% build-out level may have been an optimistic threshold to use, the LCP did have the foresight to establish this threshold not as an absolute number, but rather as a maximum that could be changed in order to protect groundwater resources once more was known.

Since the time that the LUP was certified, the County has sponsored more definitive studies to determine the safe yield and, in the meantime, has allowed some new development to occur while studies were conducted to more thoroughly address the issue.

The first study commissioned by the County, conducted in 1995 by Fugro-West,<sup>8</sup> calculated the groundwater overdraft on the order of 11,700 acre-feet per year (af/y).<sup>9</sup> Since that time, the 2002 *Comprehensive Water Resources Management Plan* (CWRMP), prepared by Monterey County Water

---

<sup>6</sup> The 50% buildout density figures were derived from multiplying plan densities by area acreage. These buildout numbers bracket potential resource constraints that might be identified when additional units or subdivision are proposed, and that might dictate a lower density (e.g., significant wetland areas that could not be developed). The LUP is clear that actual development potential is contingent on natural resource constraints and the availability of public services (e.g., LUP Policies 2.5.3.C.5, 4.3.1.G, 4.3.5.9, 4.3.6.D.1, 4.3.6.D.3, and 4.3.6.D.5).

<sup>7</sup> This policy applies to new lots and second units on existing lots; one home per vacant parcel is allowed independent of the 50% buildout number.

<sup>8</sup> Fugro West, Inc., 1995. *North Monterey County Hydrogeologic Study, Vol. 1: Water Resources*; Table 11. Prepared for Monterey County Water Resources Agency, October 1995.

<sup>9</sup> The 1995 Fugro West study estimated a sustainable yield of 14,410 af/y, but with extraction of 26,110 af/y resulted in an overdraft in North Monterey County of 11,700 af/y.



Resources Agency and EDAW,<sup>10</sup> updated the 1995 analysis and calculated the overdraft to be as much as 16,340 af/y.<sup>11</sup>

Thus these studies not only quantified the estimated sustainable yield for the basin, but the most recent (c. 2002) study also showed that the current overdraft is more than what was first estimated and that as a result of continued overdraft, the extent and severity of the resultant problems (e.g., extent of seawater intrusion, increased water contamination problems, number of abandoned wells, adverse effects on coastal agriculture, etc.) have increased over time.

For example, in the Highlands South hydrogeologic sub-area, in which the subject 23-acre parcel is located, the 1995 Fugro-West study calculated a sustainable yield of 4,390 af/y and historical groundwater demand of 5,020 af/y, resulting in a deficit of 630 af/y. The report states that a 13 percent reduction in withdrawal would be needed to prevent overdraft conditions. Updated values, provided in the 2002 CWRMP, identified a sustainable yield of 4,390 af/y, but updated the water demand estimates for the sub-area to be 6,497 af/y, resulting in an estimated overdraft of 2,107 af/y (with the need for a 32 percent reduction in withdrawal to prevent overdraft conditions).

The 2002 CWRMP also shows that long-term over-commitment of the aquifer threatens water supplies and other existing users due to the risk of lowered groundwater levels and seawater intrusion. Water level trend analysis conducted as part of the Fugro West study identified a general long-term trend of declining water levels in the area over the last 20 years, with 1994 water levels in some portions of the Highlands area being more than 40 feet below mean sea level (near Prunedale). Seawater intrusion results when wells pumped near the coast cause the water table elevation (or groundwater level) to drop below sea level. Once the water table elevation drops below sea level, seawater can migrate into the aquifer (from the ocean as well as from the tidally influenced Elkhorn Slough system) and mix with freshwater, which increases the chloride concentrations in the groundwater pumped from these wells. A concentration of 500-mg/l of chloride is the Secondary Drinking Water Standard upper limit and so is used as a measure of impairment of water, and is therefore used as a basis for determining seawater intrusion in wells. CWRMP Figure 8 includes a map of Seawater Intrusion in North Monterey County, showing that the 500-mg/l-chloride contour has moved landward over time, from between 1,650 feet inland of the coast to 3,300 feet inland of the coast over the period between 1979 and 1993.

Seawater intrusion threatens both agricultural and residential water uses. According to the CWRMP, the Springfield Terrace area (in the northwestern portion of North Monterey County) and other areas near Elkhorn Slough have been the most impacted by elevated chloride ion concentrations as a result of seawater intrusion, and many agricultural producers have had to abandon their water supply wells, mix salty well water with fresher water to reduce the chloride concentrations, or purchase reclaimed water for

---

<sup>10</sup> Monterey County Water Resources Agency and EDAW, Inc., 2002. *North Monterey County Comprehensive Water Resources Management Plan*, January 2002.

<sup>11</sup> The 2002 *Comprehensive Water Resources Management Plan* identified the same sustainable yield of about 14,410 af/y as the 1995 Fugro-West study, but estimated extraction to 30,750 af/y, resulting in an overdraft in North Monterey County of 16,340 af/y.



irrigating agricultural lands. Other agricultural and residential wells have had to be abandoned or drilled to deeper depths to reach unaffected portions of the aquifer.

The Commission's recent draft Periodic Review also reviewed the hydrogeologic studies conducted to date and past permit activity in North Monterey County, and noted that in light of the continuing worsening groundwater overdraft, it is clear that a multi-pronged approach is needed to work toward preventing groundwater depletion and also giving priority to agricultural production on suitable soils. The draft Periodic Review thus recommended the County clarify and implement a policy against further subdivision until there is an adequate water supply, only allow development on vacant lots that does not further contribute to groundwater overdraft, continue to work with farmers on conserving water for agricultural use, establish and adopt a policy that governs any attempts to fallow agricultural land to ensure that such programs protect prime agricultural land and result in actual water reductions rather than just offsets that would allow for more subdivisions (or increased use elsewhere). The draft Periodic Review also recommended that the County work to bring new water supplies on line and/or reduce existing demand to achieve a groundwater balance without adverse impacts, and that such programs be accomplished in a manner that protects coastal resources.

As a result of studies requested by the County and additional new information since the LCP was certified, more is known now than was previously known at the time the LUP was certified and put into effect. The 2002 CWRMP shows that current water demand already exceeds safe yield throughout North County by more than 16,000 af/y. LUP Policy 2.5.3.A.2 provides that the 50% threshold may be further reduced if such reductions appear necessary, based on new information or if required to protect agricultural water supplies. Since new information shows that groundwater extractions are harming agricultural water supplies, and the trend is that continued groundwater withdrawals will lead to increased overdraft and seawater intrusion, it now appears necessary that buildout needs to be commensurately reduced to protect these supplies.

The County at least temporarily implemented this requirement of LUP Policy 2.5.3.A.2 by establishing an urgency moratorium on new subdivisions from September 2000 to August 2002. But State law allows moratoria established by urgency ordinances to last only two years. For a more permanent solution, County staff and Planning Commissioners crafted a new General Plan/LCP that would have mostly extended the ban on creating new residential lots within rural North County by increasing minimum parcel sizes to 40 acres; however the Board of Supervisors has not yet adopted a new General Plan. The County is also in the construction phase of the Salinas Valley Water Project (SVWP), a large-scale project that is intended to balance the Salinas Valley groundwater basin and halt seawater intrusion. The EIR and hydrologic models prepared for the SVWP indicate that at least a portion of the North County area, specifically the Highlands South subarea, will benefit from the project. However, as discussed below, the SVWP is only in the construction stages, and although the reports and models show basinwide improvements over a 46-year hydrologic cycle, the project's effect on groundwater overdraft and seawater intrusion have yet to be realized, and are still largely unknown. Meanwhile, subdivisions in the Highland South subarea are now being approved by the County based on models that show that the SVWP will ameliorate overdraft problems and replenish the groundwater basin.



**Water Supply Analysis is Problematic**

The subject parcel is on the very southern end of the Highlands South hydrogeologic subarea (also roughly contiguous with the Coastal Zone boundary in this area). Domestic water needs of the existing residence are served by an existing well (the Blackie Road Water System #18) located just south of the parcel on an adjacent property outside the Coastal Zone. This well system is operated as a satellite system by the Pajaro-Sunny Mesa Community Services District, and will also provide water service to the second residence nearing completion on the Petersen property.

In the LCP amendment submittal, the County acknowledged the existence of aquifer overdraft, seawater intrusion, and nitrate pollution in North Monterey County, and acknowledged that an assured long-term water supply is a concern. However, the Board of Supervisors, as required by IP Section 20.42.030.G, was satisfied that the minimum requirements with respect to water supply on this parcel had been met, and the B-7 overlay could be removed. The County found that in both the recent approval of a second residence on the property and the removal of the B-7 overlay, the minor increase in water demand could be met by the adjacent well that has adequate supply and quantity.

However, any increase in demand on the overdrafted, seawater-intruded North County aquifers is problematic, and presents inconsistencies with LCP policies that restrict groundwater use to a “safe yield” level. As mentioned previously, the 2002 CWRMP shows that current water demand already exceeds safe yield throughout North County by more than 16,000 af/y. Evidence suggests that groundwater continues to be depleted and not replenished. In fact, in 2006, wells in the Granite Ridge sub-area (located partially within the Coastal Zone) went dry, prompting an emergency development moratorium. While LUP Policy 2.5.3.A.2 requires that build-out not exceed the interim maximum threshold of 50%, it is clear that even that maximum number is beyond what the groundwater resources can support. Further residential development would commit to long-term withdrawals, which, without a concomitant reduction in groundwater pumping and comprehensive water conservation program, will continue to increase groundwater overdraft, and exacerbate the saltwater intrusion problems that adversely affects priority agricultural use.

The County’s LCP amendment submittal analysis also relies on a potential future water supply project to provide long-term sustainable water supply for the Highlands South sub-area. The subject parcel is located within the Zone 2c area of benefit of the SVWP. The County states in their amendment submittal that due to the benefit of this regional project, projects that do not result in significant water demand and that can be provided water by the local system are consistent with County policy and ordinance. The County anticipates that the SVWP would provide an additional assurance of a long-term sustainable water supply by the year 2008.

While the SVWP has the potential to lessen the groundwater overdraft in the North County area over time, it would not directly supply potable water to the subject neighborhood, or any areas of North County for that matter, but would instead use surface water to substitute for agricultural wells and replenish aquifers hydraulically linked to the Salinas River. Furthermore, at this time, there is no assurance that the SVWP will actually be implemented in full as envisioned. This project is still in the construction stage, and no estimates have even been given as to how long it will take to resolve the



seawater intrusion problem and recharge the groundwater aquifers back to an equilibrium condition, let alone to increase the water table levels so that additional groundwater storage can occur to serve the LCP's planned buildout. Monitoring would then need to be conducted for some period of time to determine if the SVWP actually stops groundwater overdraft, and builds up groundwater levels to a point where there is more water available than is being withdrawn, before allowing additional, non-priority development to depend on this water as an assured long-term water supply. Only then could a determination be made that there was an adequate long-term water supply available to serve additional development. Thus the Commission does not agree that the SVWP can be counted and relied upon at this time as a secure, available long-term water supply until it has been constructed and found to actually increase groundwater levels so that saltwater intrusion is halted and groundwater resources are available to supply safe yield for planned development.

Because of severe overdraft of a groundwater supply that is, at best, tenuously low, and because no additional long-term water supplies have been secured (required by LUP Policies 2.5.1 and 2.5.2.3), it is inappropriate and inconsistent with LUP policies to create new parcels that will add to existing demand, no matter how small the amount. If the County and the Commission proceed to incrementally remove zoning overlays (such as the B-7 in this case) intended to protect imperiled coastal aquifers and other resources, and approve residential subdivisions without addressing the known water planning problems, the result will be a groundwater basin that is still in severe overdraft, with the limited water being allocated to residential development, rather than priority agricultural use, in a haphazard fashion.

Furthermore, until the groundwater basin is brought back into equilibrium, future water use by even existing users will continue to exacerbate the already critical and chronic situation. Cumulatively, new development, particularly the creation of additional undeveloped (with residences) residential lots, will draw groundwater levels into further overdraft. Required payment of in-lieu fees to the Water Resources Agency may help fund further study, and perhaps partially fund implementation of possible solutions, but it does not adequately mitigate for the continued overdrafting of the North Monterey County aquifers, based on what is now known about the severity of the problem.

**Removal of B-7 Zoning Overlay in this Case Would Not Result in Water Use Intensification**

Despite problematic aspects of the County's analysis, this LCP amendment request presents a unique situation where the creation of a new parcel, facilitated by the removal of the B-7 overlay, would not result in an increase in land use density, or an intensification of water use. The 23-acre parcel contains an existing residence, and in October 2005, the County granted approval for a second residence on the parcel. A second residence is a principally permitted use in the RDR zoning district provided that it would not exceed the zoning density of the property. At the time the second residence was approved, the County found that it represented a minor increase in water demand and could be served by the existing well that had adequate supply, and also that it is located in the zone of benefit of the SVWP, described above. In their approval, the County also conditioned the second residence to pay a Water Impact Fee to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.



While the Commission does not agree with the analysis and rationale for approval of the second residence, for the reasons described above, the project was not appealed to the Commission and the residence is now nearing completion. The Commission must now assess whether or not replacing the B-7 designation (and thus allowing subdivision of the parcel) with the minimum 10 acre lot size designation for the subject property will result in additional water use intensification that would be inconsistent with the LUP. As outlined above under Sections A.3.a and b of this report, the theoretical maximum development potential (assuming no resource constraints) of the existing lot under the existing zoning is four residences, one guesthouse, and one senior unit. If the B-7 overlay is removed and a new RDR/10 zoning is placed on the new parcels, the theoretical maximum development potential (again, assuming no resource constraints) is two residences, two guesthouses, and two senior units on two lots instead of one.

Although these theoretical maximums are just that, they show that a more intensive development scenario is possible under the current zoning than would be possible under the proposed RDR/10 zoning. Although the total number of theoretical maximum habitable units in both scenarios is six, single family residences are considered to be more water intensive than guesthouses and senior units. As such, four residential units (under the existing zoning) versus two (under the proposed rezoning) is a more water intensive development scenario.

One residence already exists on the subject parcel and another residence is under construction and is nearing completion. For better or worse, additional water use associated with the second residence has already been approved. The removal of the B-7 and adding the ten-acre limitation (RDR/10) simply allows for subdivision that would result in two lots, each with an existing residence. The rezoning would not allow for any potential intensification of water use beyond that already committed to the site, and absent resolution of water supply problems for the area, even the theoretical guesthouse and senior units could not be approved (as they could not be approved under the existing scenario for the same reason). In other words, the rezoning corrects an anomaly to allow for each existing residence on the subject property to be located on its own parcel, and it does not establish any right to the use of additional water for additional units because it does not allow for any new legal lots that would be without a residence (i.e., the LUP allows for the first residence on a legal lot notwithstanding groundwater limitations).

In sum, the site is (will be) developed with two single-family residences that are (will be) drawing water independent of any LCP decision on lifting the B-7. Whether or not the B-7 is lifted is immaterial to the water question. In this particular case, a subdivision facilitated by removal of the B-7 overlay and replacement with the RDR/10 would not result in an increase in residential density, and would not result in a commitment to allow additional units and associated additional water withdrawals from the overtapped system. There would thus be no effect on resources from removing the B-7 in this case, and replacing it with the RDR/10 would in fact allow for a lesser maximum intensity of development at this location over the long term should water supply issues be resolved in the future for North Monterey County.

In terms of the latter, the new RDR/10 zoning designation establishes an appropriate density requirement for this site (10 acres/unit) that is consistent with the existing density on the site and consistent with the



LUP density requirements. In that respect, the new density designation represents the least amount of density that could be found LUP consistent in this case, and it is appropriate for this area inasmuch as existing residential lots in the subdivision to the south range in size from approximately 3.5 to 6.4 acres and include zoning designations primarily of RDR/5 with some RDR/20 to the north of Blackie Road. The County found that the proposed zoning designation of RDR/10 is consistent with the LUP residential density designation of RDR/5-40 for the property, would be compatible with surrounding residential designations and densities, and would be a lower density than the residential lots immediately to the south; the Commission can concur on this point.

#### **4. Conclusion**

It is clear that the North Monterey County area is in a chronic groundwater overdraft and seawater intrusion situation, and there is inadequate water to serve new development. Under such circumstances, the Commission cannot support removal of a B combining district overlay (in this case, B-7) where it would result in additional development density and commitment to water use intensification. It is clear to the Commission that safe yield is already exceeded, and the LCP requires, and good planning and public policy dictate, that development not exacerbate the coastal resource impacts already occurring.. In this case, however, the proposed IP amendment can be found consistent with the LUP parameters that limit groundwater use and prohibit development that will generate water demand exceeding the safe yield because a potential subdivision facilitated by removal of the B-7 overlay and combined with the establishment of a ten-acre density limitation would not result in an increase in residential density (and in fact would represent a decrease) and would not result in a commitment to allow additional units and associated additional water withdrawals from the overtaxed system. As such, the Commission finds that the proposed amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan.

#### **C. California Environmental Quality Act (CEQA)**

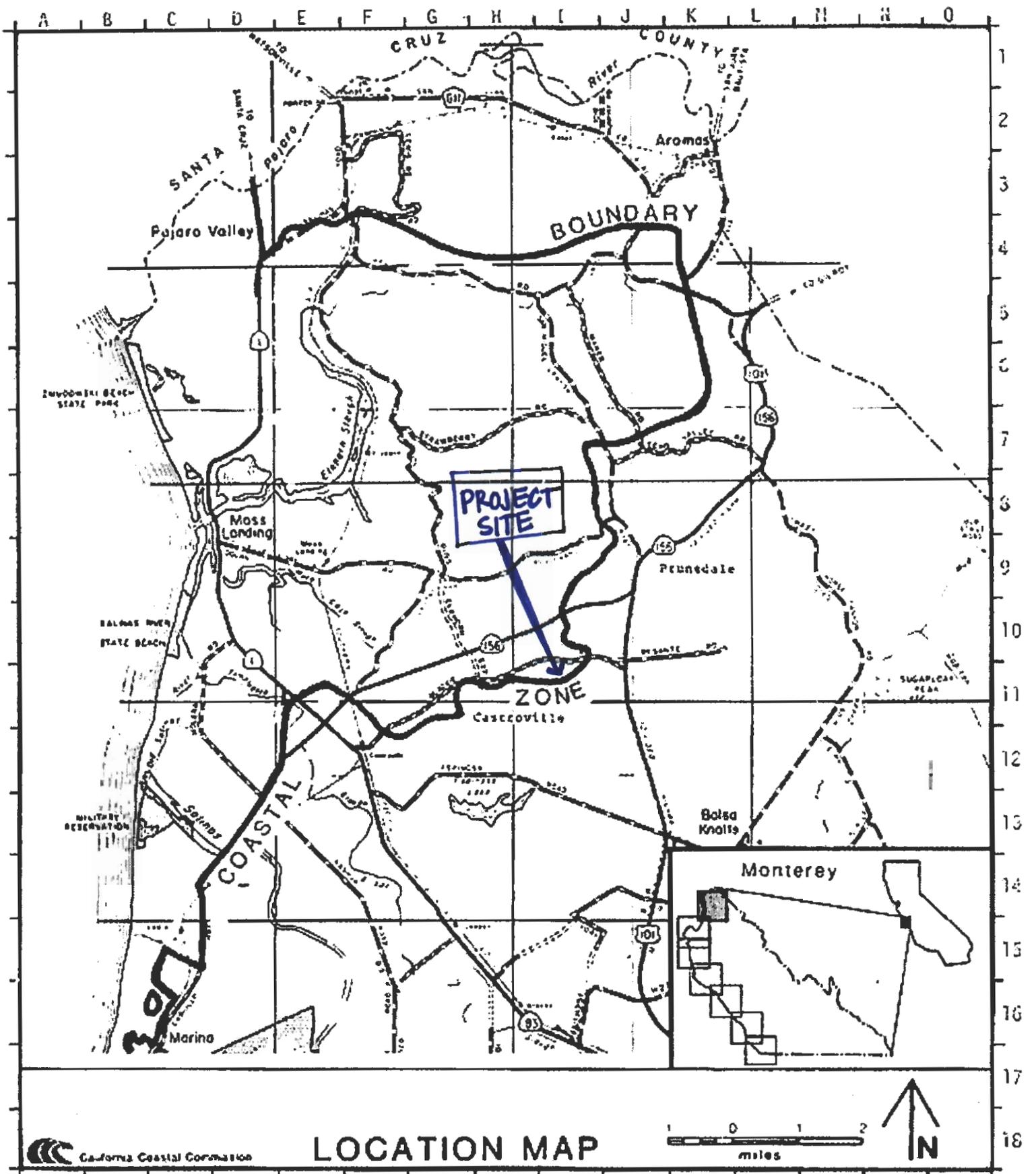
The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.



As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





**LOCATION MAP**

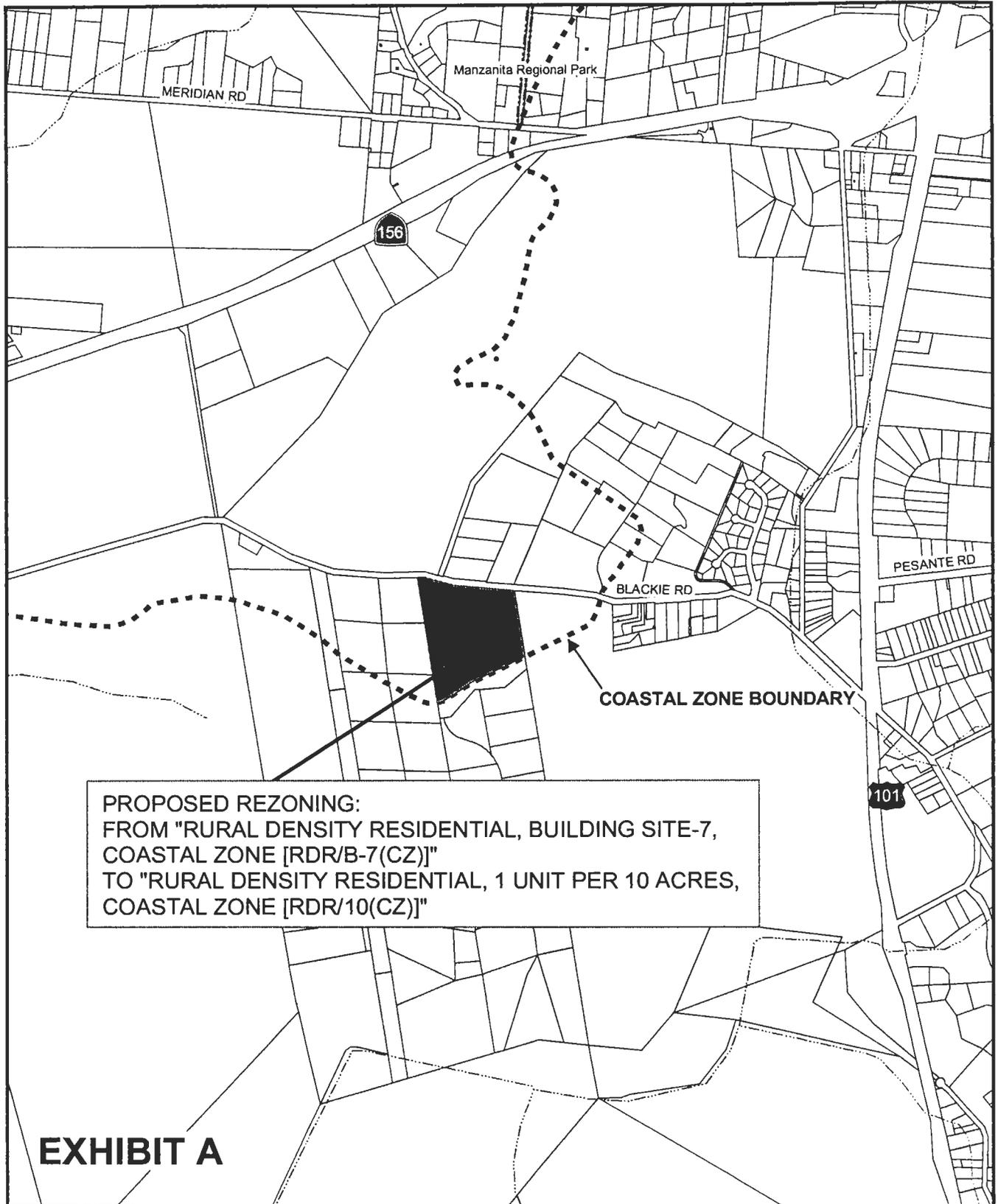


County of Monterey

**CCC Exhibit A** (Sheet 1 of 7)  
 (page 1 of 1 pages)

## SECTION 2 Adopted Amendment(s)

Amend Sheet 20-4 of Section 20.08.060 of Title 20 of the Monterey County Code (Monterey County Coastal Implementation Plan, Part 1) to rezone a 23-acre parcel located at 16770 Blackie Road, Salinas (APN: 133-014-020-000), from RDR/B-7 to RDR/10. Proposed zoning is consistent with certified LUP land use map. **A copy of the amended Zoning Map is attached.**



PROPOSED REZONING:  
 FROM "RURAL DENSITY RESIDENTIAL, BUILDING SITE-7,  
 COASTAL ZONE [RDR/B-7(CZ)]"  
 TO "RURAL DENSITY RESIDENTIAL, 1 UNIT PER 10 ACRES,  
 COASTAL ZONE [RDR/10(CZ)]"

**EXHIBIT A**

<b>APPLICANT: PETERSEN</b>		 0 1,000 Feet	
<b>APN: 133-014-020-000</b>	<b>FILE # PLN040079</b>		
 300' Limit	 2500' Limit	 City Limits	

PLANNER: HOLM

**EXHIBIT B**  
**RESOLUTION OF INTENT**  
**TO AMEND LCP AND COUNTY CODE**  
**PLN040079/Petersen**  
**June 13, 2006**

Before the Board of Supervisors in and for the  
County of Monterey, State of California

Resolution No. 06-134 Resolution of Intent by the Monterey County Board of Supervisors: Amend a portion of the Monterey County Coastal Implementation Plan by Amending Sheet 20-4 of Section 21.08.060 of Title 20 of the Monterey County Code to apply the Rural Density Residential, 10 acres per unit [RDR/10(CZ)] zoning to a 23-acre parcel located on the south side of Blackie Road approximately four miles east of Castroville (APN: 133-014-020-000), North County Area.	
--	--

An amendment to the Monterey County Coastal Implementation Plan to amend Sheet 4 of the Monterey County Zoning Maps (Coastal Implementation Plan) to designate a 23-acre parcel located on the south side of Blackie Road approximately four miles east of the Castroville (APN: 133-014-020-000) came on for a public hearing before the Board of Supervisors on June 13, 2006. The Board of Supervisors hereby resolves as follows with reference to the following facts:

**RECITALS**

1. Section 65300 et seq. of the California Government Code requires each county to adopt a comprehensive, long-term General Plan for the physical development of each county.
2. On September 30, 1982, the Board of Supervisors of the County of Monterey ("County") adopted a county-wide General Plan ("General Plan") pursuant to California Planning, Zoning and Development law.

3. Section 30500 of the Public Resources Code requires each County and City to prepare a Local Coastal Program for that portion of the coastal zone within its jurisdiction.
4. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan ("Land Use Plan") as part of the Local Coastal Program in the Coastal Zone pursuant the California Coastal Act.
5. On June 4, 1982 the California Coastal Commission acknowledged certification of the North County Land Use Plan ("Land Use Plan") as part of Monterey County's Local Coastal Program.
6. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan of the Local Coastal Program consistent with Section 30512.1 of the Public Resources Code.
7. Pursuant to Section 30514 of the Public Resources Code and the County Coastal Implementation Plan, the County may amend the Local Coastal Program if the County follows certain procedures and the Coastal Commission certifies the amendment.
8. On October 26, 2005, at the request of Mr. James Petersen, the Monterey County Planning Commission adopted a Negative Declaration and approved a coastal development permit to allow construction of a second home on a 23-acre parcel located on the south side of Blackie Road approximately four miles east of the Castroville, with a finding that the existing and second homes would result in a density consistent with densities permitted in the North County Land Use Plan.
9. Figure 1 (Land Use Plan) of the "Land Use Plan" in the North County Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in this planning area.
10. Section 20.08.060 of the Coastal Implementation Plan-Part 1 (CIP) references sectional district maps that show the Zoning Plan. Sheet 4 of the Monterey County Zoning Map Index provides a graphic representation of the zoning designations in this planning area. The proposed amendment would amend Sheet 20-4 of Section 20.08.060 of the Monterey County Zoning Code.
11. Pursuant to Government Code Section 65850 et seq., the County Planning Commission must hold a noticed public hearing and make a written recommendation to the Board of Supervisors on proposed zoning amendments. A public hearing was held before the Planning Commission on October 26, 2005, and the Planning Commission recommended denial of the amendment to the Coastal Implementation Plan to rezone the property because of concerns over maintaining a long-term water supply. The Planning Commission written

recommendation (Resolution 05057A) was provided to the Board as part of the staff report.

12. The Board finds that the proposed change to remove a RDR/B-7 zoning designation and apply a RDR/10 zoning designation is consistent with the adopted Land Use Plan (LUP) land use densities and requirements for removal of the B-7 designation.
13. All policies of the General Plan and the North County Land Use Plan have been reviewed to ensure that the proposed amendments maintain the compatibility and internal consistency of the General Plan and the Land Use Plan. The Board of Supervisors find that:
  - a. The approved second residence and the existing residence would result in a gross density of 11.5 acres/unit, which is consistent with the LUP land use designation of Rural Density Residential (5-40 acres/unit), which allows a range of one unit for each 5-40 acres. Thus, the proposed zoning designation of RDR/10 is also consistent with the LUP allowable density.
  - b. The rezoning would be compatible with surrounding residential designations and densities and would be a lower density than the residential lots immediately to the south. Existing residential lots in the subdivision to the south range in size from approximately 3.5 to 6.4 acres and include zoning designations primarily of RDR/5 with some RDR/20 north of Blackie Road.
  - c. The proposed rezoning would allow a future lot split on the site, but no additional development (beyond the existing and proposed homes) would be allowed under the proposed RDR/10 zoning.
14. Reclassification from "B-7" may be considered when it is demonstrated that minimum requirements with respect to water supply, drainage, sewage disposal, parcel size and design, and traffic circulation for the total area included in the "B-7" district have been met.
  - a. Water Supply.
    - (1) Aquifer overdraft, seawater intrusion and nitrate pollution problems currently exist in the North County Coastal Zone. The North County Land Use Plan and Coastal Implementation Plan recognize the existence of these problems and provide direction for future studies and management so as to minimize adverse effects on the aquifers. Chapter 18.51 to the Monterey County Code establishes a Water Impact Fee for development in the North Monterey County Area to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.
    - (2) The project site is located at the southern end of the Highlands South hydrogeologic sub-area within the North County. The project site and the water supply well serving the site are located within the area of benefit of the Salinas Valley Water Project (Zone 2C), which proposes modifications to existing reservoirs and associated improvements to

provide groundwater recharge. Due to the benefit of this regional project, which has been approved and is currently being implemented, staff has concluded that the projects that do not result in significant water demand and that can be provided water by the local system, would be consistent with County policy and ordinance. The County anticipates that the regional project would provide an additional assurance of a long-term sustainable water supply to project area. The regional project would provide long-term supply benefits to the Highland South sub-area and address overdraft conditions.

- (3) The project will be supplied domestic water service by the Blackie Road Water System # 18 that is operated by the Pajaro - Sunny Mesa Community Services District. A "can & will serve" letter for the new connection for the proposed home was received on February, 11, 2005. The Blackie Road Water System # 18 source well lot is located adjacent to the project parcel to the south and is within the area of benefit of the Salinas Valley Water Project. Review by County Environmental Health staff indicates that there are no water quality issues in this area, and the well has been evaluated and found to have the pumping capacity sufficient to serve all permitted connections, including the new connection that would be required for the project property. The latest nitrate analysis on the source well found nitrate levels well below the maximum contaminate level (MCL) of 45 mg/L.
- (4) The proposed project is consistent with Section 20.144.140.B.3.a, of the Monterey County Coastal Implementation Plan. This Section establishes a 50% buildout 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 500 units out of a maximum of 1,351 new lots or units (excluding one single family dwelling on a vacant lot of record) remain that could be allowed within the 50% buildout limit approved July, 1987 in the North County Land Use Planning Area.
- (5) At the Planning Commission hearing, staff from the Monterey County Water Resources Agency and Environmental Health Division indicated that the project site is located at the southern end of the Highlands South sub-area. The project site is served by an adjacent existing well system that is operated as a satellite system by the Pajaro-Sunny Mesa, and the existing well shows adequate quantity and quality to serve the project. The well supplying the project is within the Salinas Valley aquifer for which a regional project has been approved and is considered to be viable. This regional project would provide long-term supply benefits to the Highland South sub-area and address overdraft conditions. As a result, a second home can be provided water from existing adequate supplies (well system adjacent to the site) and is within a zone of benefit (Zone 2C) for the planned regional groundwater projects.

- b. Drainage. Project runoff will be detained on-site consistent with County requirements, and there are no identified storm water drainage concerns in the vicinity.
- c. Sewage. The project geotechnical report found no problems with suitability of the on-site soils to accommodate a second septic system. County Environmental Health Department staff reviewed the site plus related document and supports the proposed septic design.
- d. Traffic. Although North County has some road segments and intersections that operate at unacceptable levels, the addition of one peak hour trip from one new single-family home would not have a measurable adverse impact upon the traffic circulation for the surrounding area. Additionally, a series of planned improvements along Highway 101 in the project vicinity will improve safety and access in the project area.
- e. Parcel Size and Design. Although no subdivision is proposed at this time, the existing and approved residences would result in parcel sizes of approximately 11.5 acres/unit, which is consistent with the LUP designation and the proposed rezoning to RDR/10. Staff finds that the structures meet development standards relative to height, setbacks, site coverage and floor area ratio for the rural density residential zone.

Therefore, the proposed rezoning meets the criteria required for reclassification from the "B-7" zoning, and the rural residential density permitted by the proposed rezoning is consistent with the allowable density established in the North County Land Use Plan. The proposed rezoning would allow a future lot split on the site, but no additional development (beyond the existing and proposed homes) would be allowed under the proposed RDR/10 zoning.

- 15. An initial study has been prepared for the project which analyzed the environmental impacts associated with the Zoning Map amendments. This study did not identify any significant environmental impacts and a Negative Declaration for the proposed amendment (PLN040079/Petersen) was filed on September 12, 2005. The Monterey County Planning Commission adopted the Negative Declaration on October 26, 2005. The Board of Supervisors considered the information in the Negative Declaration before adopting this Resolution of Intent.
- 16. On June 13, 2006, the Monterey County Board of Supervisors held a duly noticed public hearing to consider and approve a resolution of intent to adopt proposed amendments to the County's zoning ordinance and Coastal Implementation Plan. At least 10 days before the first public hearing date, notices of the hearing before the Board of Supervisors were published in both the Monterey County Herald and were also posted on and near the property and mailed to property owners within 300 feet of the subject property.

#### DECISION

The Board of Supervisors of the County of Monterey, State of California, hereby resolves as follows:

1. Subject to certification by the Coastal Commission and having considered the Negative Declaration, the Board of Supervisors intends to adopt an ordinance (attached hereto as Attachment 1) amending Sheet 20-4 of the Zoning Maps of Section 20.08.060 of Title 20 (zoning) of the Monterey County Code and the Coastal Implementation Plan. Said ordinance reclassifies a 23-acre parcel located on the south side of Blackie Road approximately four miles east of the Castroville (APN: 133-014-020-000) from Rural Density Residential/Building Site-7, Coastal Zone [RDR/B-7(CZ)] to Rural Density Residential, 1 unit per 10 acres, Coastal Zone [RDR/10(CZ)].
2. 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).
3. This resolution is submitted with materials sufficient for a thorough and complete review by the Coastal Commission.
4. Staff is directed to submit this proposed amendment of the Local Coastal Program to the Coastal Commission for certification, together with materials for review of the amendment by the Coastal Commission.

**PASSED AND ADOPTED** on this 13<sup>th</sup> day of June 2006, upon motion of Supervisor Calcagno, seconded by Supervisor Lindley, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Potter, and Smith  
NOES: None  
ABSENT: None

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on June 13, 2006.

Dated: June 14, 2006

Lew C. Bauman, Clerk of the Board of Supervisors,  
County of Monterey and State of California.

By   
Cynthia Juarez, Deputy

**DRAFT ORDINANCE TO AMEND COUNTY CODE**  
**PLN040079/Petersen**  
**June 13, 2006**

**ORDINANCE NO. 5036**

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA AMENDING SHEET 20-4 OF SECTION 20.08.060 OF TITLE 20 OF THE MONTEREY COUNTY CODE (MONTEREY COUNTY COASTAL IMPLEMENTATION PLAN) TO RECLASSIFY CERTAIN PROPERTY IN THE COUNTY OF MONTEREY.

*County Counsel Summary*

*This ordinance amends Sheet 20-4 of the Zoning Maps of Title 20 of the Monterey County Code and the Coastal Implementation Plan to rezone a 23-acre parcel on the south side of Blackie Road approximately four miles east of the of Castroville (APN: 133-014-020-000) from Rural Density Residential/Building Site-7, Coastal Zone [RDR/B-7(CZ)] to Rural Density Residential, 1 unit per 10 acres, Coastal Zone [RDR/10(CZ)].*

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

**SECTION 1. ZONING DISTRICT MAP.** Sheet 20-4 of Section 21.08.060 of Title 20 of the Monterey County Code and Coastal Implementation Plan is hereby amended as shown on the map attached hereto as Attachment 1A and incorporated herein by reference. Said amendment reclassifies a 23-acre parcel located on the south side of Blackie Road approximately four miles east of the Castroville (APN: 133-014-020-000) from Rural Density Residential/Building Site-7, Coastal Zone [RDR/B-7(CZ)] to Rural Density Residential, 1 unit per 10 acres, Coastal Zone [RDR/10(CZ)].

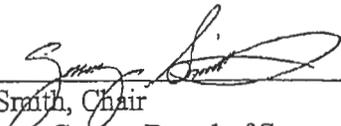
**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this 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 3. EFFECTIVE DATE.** This Ordinance shall become effective on the 31<sup>st</sup> day after adoption by the Board of Supervisors.

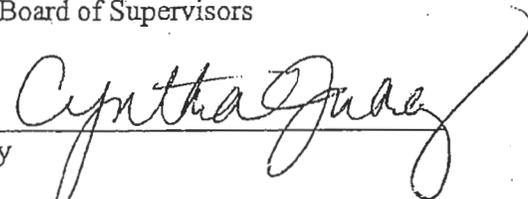
**PASSED AND ADOPTED** on this 13 day of June 2006, upon motion of Supervisor Calcagno seconded by Supervisor Lindley, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Potter and Smith  
NOES: None

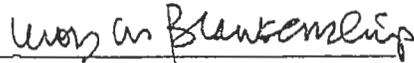
ABSENT: None

  
\_\_\_\_\_  
Jerry Smith, Chair  
Monterey County Board of Supervisors

Attest:  
LEW C. BAUMAN, Clerk  
to the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
Charles McKee, County Counsel

By:   
\_\_\_\_\_  
Leroy W. Blankenship  
Assistant County Counsel