



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 14-1205

December 02, 2014

Introduced: 10/21/2014

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Public hearing, continued from August 26, 2014, to:

- a. Consider the appeal by Harper Canyon Realty LLC from the Planning Commission's denial of their application for a Combined Development Permit consisting of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval; and
- b. Receive update on testing of wells for the project; and
- c. Provide direction to staff and continue the hearing to a date certain.

(Appeal of Combined Development Permit - PLN000696/Harper Canyon Realty LLC, San Benancio Road and Meyer Road, Salinas, Toro Area Plan area)

### PROJECT INFORMATION:

**Planning File Number:** PLN000696

**Owner:** Harper Canyon Realty LLC

**Project Location:** San Benancio Road and Meyer Road, Salinas

**APN:** 416-611-001-000, 416-621-001 and 416-611-002-000

**Agent:** Mike Cling

**Plan Area:** Toro Area Plan

**Flagged and Staked:** No

**CEQA Action:** EIR prepared (SCH #2003071157)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Consider the appeal by Harper Canyon Realty LLC from the Planning Commission's denial of their application for a Combined Development Permit consisting of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval; and
- b. Receive update on testing of wells for the project; and
- c. Provide direction to staff and continue the hearing to a date certain.

SUMMARY:

On May 13, 2014, the Board of Supervisors conducted a public hearing on the Harper Canyon project and its associated Environmental Impact Report. The project consists of: 1) A Vesting Tentative Map for the subdivision of 344 acres into 17 residential lots ranging in size from 5.13 acres to 23.42 acres on 164 acres with one 180-acre remainder parcel; 2) Use Permit for the removal of approximately 79 Coast live oak trees over six inches in diameter for road and driveway construction; 3) Use Permit for development on slopes in excess of 30 percent; 4) Use Permit for the creation of a public water system with a stand-alone treatment facility (Option B); 5) grading for net cut and fill of approximately 2,000 cubic yards; and Design Approval. The Board took public testimony, requested the Applicant, Harper Canyon Realty LLC, to provide updated water quality and quantity testing data on the Applicant's well ("New well"), directed staff to return with a draft resolution with findings and evidence to deny the appeal and deny the project, and continued the public hearing open to August 26, 2014.

On August 26, 2014, staff returned to the Board with a draft resolution with findings and evidence to deny the appeal and deny the project. Attorney Michael Cling, on behalf of the Applicant, requested a continuance to a later date in order to schedule and perform the well testing and to prepare a written analysis of the results. The Board directed staff to return on October 28, 2014 with a status update on the progress of the well testing and continued the public hearing open to December 2, 2014.

On October 28, 2014, Environmental Health Bureau (EHB) staff provided an update on the progress of the well testing to the Board. A 72-hour pump test was conducted on the Oaks well from October 24-27, 2014. At the time of the Board hearing on October 28, the well test was in the recovery phase. The pump test had not yet been conducted on the Harper Canyon (New) well. The Board accepted the report.

As of the writing of this staff report, EHB has not received a written analysis on the 72-hour pump test conducted on the Oaks well. According to attorney Michael Cling, the pump test on the New well will not be conducted until December 2, 2014. Therefore, there is no new information to present on the water quality and quantity analysis for the Oaks and New wells at this hearing.

Staff requests that the Board of Supervisors provide direction to staff and continue the hearing on the project to a date certain. One option is to adopt a motion of intent with regard to the final decision on the project. Staff will then return to the Board on the date certain with findings and evidence to support the motion of intent. Another option is to continue the hearing to a date certain until after the well testing is completed.

FINANCING:

Funding for staff time associated with this project is included in the FY 14-15 Adopted Budget for RMA-Planning.

Prepared by: Laura Lawrence, RMA Services Manager ext. 5148 *LL*

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192 *MN*

Carl Holm, Acting Director, Resource Management Agency *CH*

cc: Front Counter Copy; Laura Lawrence, RMA Services Manager; EHB, RMA-Public Works; MCWRA; Monterey County Regional Fire Protection District; County Counsel; Sheriff's Office; Harper Canyon Realty LLC, Owner; Mike Cling, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Richard Rosenthal; Rachel Saunders (Big Sur Land Trust); David Raye; Lauren and Bill Keenan; Beverly and Steve Bean; Julie Garvin; Mike Thompson; David Erickson; Steven Schmiess; Lowell Webster; Marianne Gennis; Raymond Lino Belli; Richard Dampier; Meyer Community Group; Laura Carley; Mike Weaver (The Highway 68 Coalition); Native American Heritage Commission; CRWQCB; MBUAPCD; TAMC; MPWMD; Caltrans District 5; Anthony Lombardo & Associates; Project File PLN000696

(Note: The EIR was distributed with the May 13, 2014 staff report.)