

Exhibit A

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DRAFT RESOLUTION

Before the Housing and Community Development Chief of Planning in and for the County of Monterey, State of California

In the matter of the application of:

ZARAGOZA RODOLFO (PLN240185)

RESOLUTION NO. 25--

Resolution by the Monterey County Chief of
Planning:

- 1) Finding that the project qualifies as a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303(d) and there are no exceptions pursuant to Section 15300.2.
- 2) Approving a Coastal Administrative Permit to allow the construction of a test well.

[PLN240185, Zaragoza Rodolfo, 264 Paradise Rd, Salinas, North County Land Use Plan, Coastal Zone (APN: 129-096-004-000)]

The ZARAGOZA RODOLFO application (PLN240185) came on for an administrative hearing before the Monterey County HCD Chief of Planning on January 15, 2025. Having considered all the written and documentary evidence, the administrative record, the staff report, written testimony, and other evidence presented, the Chief of Planning finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - 1982 Monterey County General Plan;
 - North County Land Use Plan (NC LUP);
 - Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20);
 - Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (NC CIP); and
 - Monterey County Public Services Ordinance (Title 15).No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) Allowed Use. The property is located at 264 Paradise Road, (Accessor's Parcel Number [APN]: 129-096-004-000), Salinas, within the North County Land Use Plan in the Coastal Zone. The parcel is zoned Low Density Residential with a density of 1 unit per 2.5 acres in the Coastal

Zone or “LDR/2.5(CZ)”, which allows for the construction of test wells pursuant to a Coastal Administrative Permit. Any future development of the parcel, including potential conversion of the test well to a domestic well and/or single-family residential development would be subject to separate discretionary permits and environmental review. Therefore, the project is an allowed land use for this site.

- c) Lot Legality. The subject property (14.5 acres in size) is illustrated in its current configuration and under separate ownership in Book 129, Page 9 of the 1964 Assessor’s Maps, and Book 129, Page 9-6 of the 1972 Assessor’s Maps. Therefore, the County recognizes the property as a legal lot of record.
- d) Development Standards. Monterey County Code Title 15 requires a 100-foot setback area from other wells, leaching fields, and septic tanks. The attached site plan indicates the well location is over 100 feet from each property line and there are no wells or septic systems on the vacant lot. Therefore, the proposed well meets the required setbacks.
- e) Biological Resources. A biological report (LIB240328) was requested as there are known biological resources onsite. The report confirmed there are no sensitive species within the project area and that the project will not have any adverse impacts on sensitive habitats. The environmentally sensitive habitat onsite is located more than 100 feet away from the proposed test well location, therefore, a coastal development permit is not required pursuant to section 20.144.040 of the North County Coastal Implementation Plan.
- f) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project is exempt from environmental review and does not involve a Lot Line Adjustment, Variance, or Design Approval requiring a public hearing.
- g) The application, project plans and related support materials submitted by the project applicant to Monterey County HCD- Planning for the proposed development found in Project File PLN240185.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, North County Fire Protection District, HCD-Environmental Services and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to biological resources. The following report was evaluated:
 - 264 Paradise Road Property Restoration Recommendations, prepared by Rob Thompson, Monterey, CA, November 25, 2024 (LIB240328).

The above-mentioned Biological Report prepared by outside an consultant indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) The project planner reviewed aerial satellite imagery and photos of the site, provided by the applicant, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN240185.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, 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 improvements in the neighborhood; or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, North County Fire Protection District, HCD- Environmental Services and the Environmental Health Bureau. The respective agencies 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. The Environmental Health Bureau imposed three Conditions of Approval that are included with the project Conditions of Approval including:
 - 1. Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the property owner.
 - 2. Prior to approving the conversion of the test well to a production well, the applicant shall contact Drinking Water Protection Services of the Environmental Health Bureau to schedule a Source Capacity Test.
 - 3. Prior to approving the conversion of the test well to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau for review.
 - b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development found in Project File PLN240185.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff researched County records to assess if any violation exists on the subject properties. There are no open code enforcement cases associated with any of the properties related to this project. Thus, the subject property appears to be in compliance with all codes and policies.

- b) The project planner reviewed aerial satellite imagery and photos of the site, provided by the applicant, to verify that no violations exist on the property.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN240185.

5. **FINDING:** **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15303(d) categorically exempts construction of appurtenant structures.
 - b) This project qualifies for a Class 3 Categorical Exemption because it is the construction of a test well. This small development project is consistent with the exemption parameters of CEQA Guidelines Section 15303 and therefore qualifies for a Class 3 exception.
 - c) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project:
 - The location of a project site is not considered an environmentally sensitive area. The project site is located in a eucalyptus forest that does not contain any significant biological resources or habitats;
 - Successive projects of the same type and in the same place (conversion of the test well to a domestic well) would not contribute to a significant cumulative impact;
 - There are no unusual circumstances regarding this project that would cause a significant effect on the environment (see Findings 1 and 2, and supporting evidence);
 - The project site is not visible from any scenic highways, and the proposed development would not result in damage to scenic resources; and
 - The project site is not located on or near any hazardous waste sites listed in Section 65962.5 of the Government Code.
 - d) There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.
 - e) Staff reviewed satellite aerial imagery and photos of the site to verify that the site and proposed project meet the criteria for an exemption.
 - f) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN240185.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in

Section 20.144.150 of the Monterey County Coastal Implementation Plan (Part 2) can be demonstrated.

- b) No evidence or documentation has been submitted, or found, showing the existence of historic public use or trust rights over this property.
- c) The subject property is not described as an area where the Local Coastal Program requires physical public access. The project is located approximately 5 miles east of the Pacific Ocean. The project site is not in proximity to access to the coast or include public or historical trails linking to access to the coast.
- d) The application, plans and supporting materials submitted by the project applicant to Monterey County HDC-Planning for the proposed development are found in Project File PLN240185.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20 section 20.86.020, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission. This project is not appealable to the California Coastal Commission as it is not located between the sea and the first through public road, or within 300 feet of the beach, mean high tide line or coastal bluff, is not within 100 feet of any wetland, and does not include a conditional use or constitute a major public works project.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the HCD Chief of Planning does hereby:

- 1) Find that the project qualifies as a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303(d) and there are no exceptions pursuant to Section 15300.2.
- 2) Approve a Coastal Administrative Permit to allow the construction of a test well.

All of which are in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 15th day of January 2025:

Melanie Beretti, AICP
HCD, Chief of Planning

COPY OF THIS DECISION MAILED TO 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 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 90th 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 Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 1-27-2021

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN240185

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Administrative permit (PLN240185) allows construction of a test well. The property is located at 264 Paradise Rd (Assessor's Parcel Number 129-096-004-000), North County Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Administrative Permit (Resolution Number _____) was approved by Chief of Planning for Assessor's Parcel Number 129-096-004-000 on January 15, 2025. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. EHSP01- WELL CONSTRUCTION PERMIT (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Obtain a water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells.

Compliance or Monitoring Action to be Performed: Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the property owner.

5. EHSP02 - NEW WELL SOURCE CAPACITY TEST (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: In order to determine the yield of the well and demonstrate compliance with Section 601.1 of the Uniform Plumbing Code, all new or rehabilitated wells that are proposed to serve as the sole source or be added to a potable water distribution system shall first undergo a source capacity test, witnessed by the Environmental Health Bureau (EHB). The testing shall conform to Source Capacity Test Procedure, available from the EHB. The source capacity testing must yield a sufficient quantity to support the proposed development, as determined by the EHB. The applicant shall pay all associated fees to the EHB. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to the EHB recommending that the test well being approved for conversion to a production well, contact Drinking Water Protection Services of the EHB to schedule a Source Capacity Test and obtain procedure guidelines. A qualified professional shall perform the test and prepare a report as detailed by the EHB Source Capacity Testing Procedure to demonstrate minimum standards have been met. Submit the report to EHB for review and acceptance.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

6. EHSP03 - NEW DOMESTIC WELL: WATER QUALITY (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to demonstrate a potable supply, a new domestic well shall first undergo water quality testing. Sample collection shall be done after development of the well and shall include analysis of coliform bacteria, and primary inorganics and secondary compounds as listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). If water quality results indicate that the well exceeds a primary drinking water standard(s), an EHB approved water treatment system shall installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards. (Environmental Health)

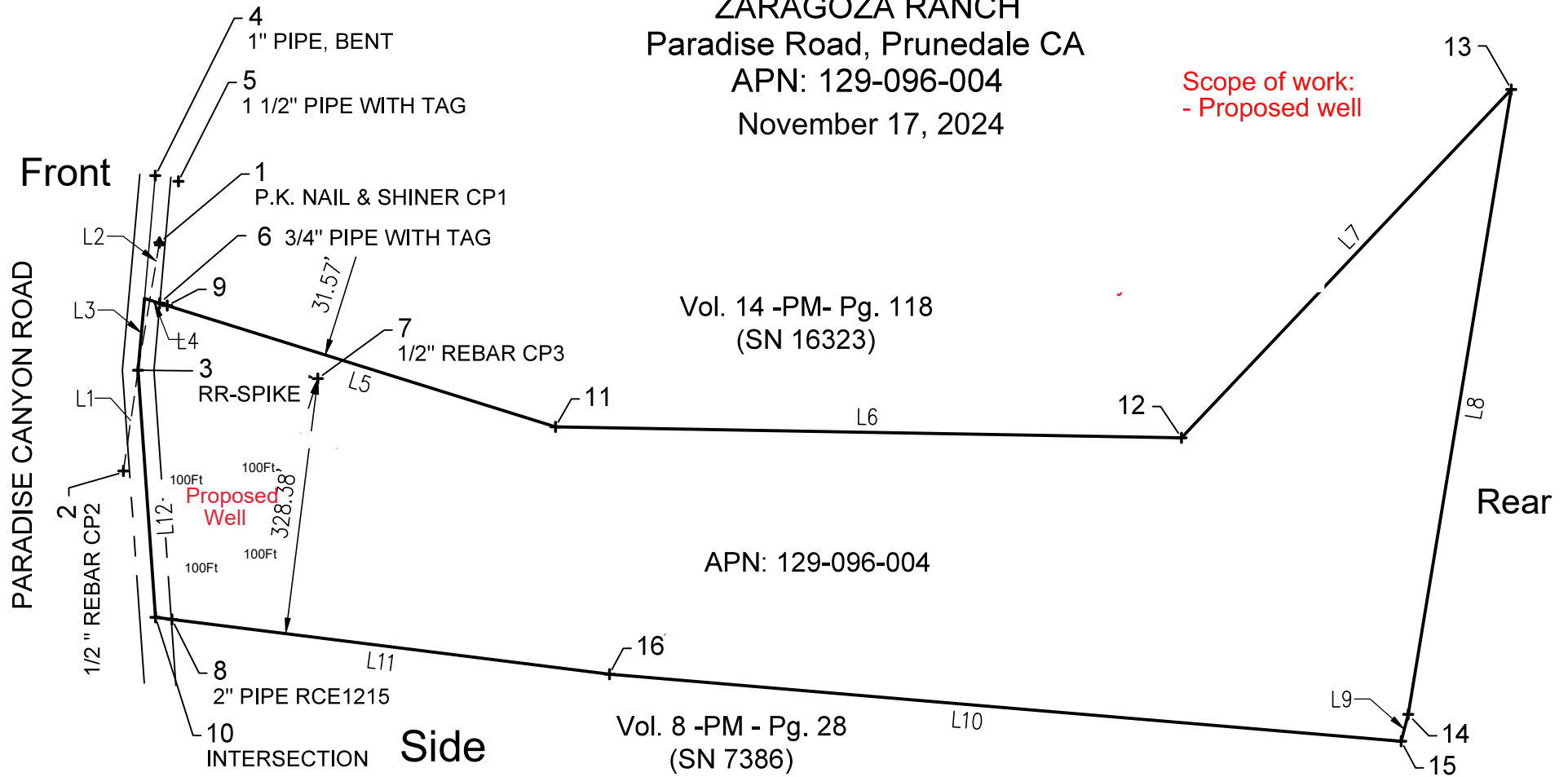
Compliance or Monitoring Action to be Performed: Prior to the EHB recommending that the test well be approved for conversion to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau (EHB) for review. If EHB determines that the water quality is adequate, no further action is required.

If EHB determines that treatment is necessary, prior to the EHB recommending that the test well be approved for conversion to a production well the applicant shall provide to EHB for review and acceptance preliminary water treatment system plans, including treatment waste management/disposal, prepared by a qualified professional.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

ZARAGOZA RANCH
Paradise Road, Prunedale CA
APN: 129-096-004
November 17, 2024

Scope of work:
- Proposed well



LINE DATA		
L#	BEARING	DISTANCE
L1	N08°18'20"E	129.95'
L2	N09°27'03"E	165.45'
L3	N05°04'00"E	92.19'
L4	N72°38'32"W	550.01'
L5	N72°38'32"W	550.01'
L6	S89°00'00"E	800.05'

LINE DATA		
L#	BEARING	DISTANCE
L7	N43°25'45"E	612.84'
L8	S09°22'57"W	809.08'
L9	S14°21'17"W	35.61'
L10	N85°09'35"W	1015.08'
L11	N82°50'12"W	584.56'
L12	S04°01'00"E	316.15'

GRAPHIC SCALE



(IN FEET)
1" = 200'

PREPARED BY:



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