

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Thyme Conference Room
1441 Schilling Place, 2nd Floor



Meeting Agenda - Final

Thursday, June 27, 2024

9:30 AM

Monterey County Zoning Administrator

The Recommended Action indicates the staff recommendation at the time the agenda was prepared. That recommendation does not limit the Zoning Administrator alternative actions on any matter before it.

In addition to attending in person, public participation will be available by ZOOM and/or telephonic means:

PLEASE NOTE: IF THE ZONING ADMINISTRATOR IS PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE ZONING ADMINISTRATOR.

You may participate through ZOOM. For ZOOM participation please join by computer audio at:

<https://montereycty.zoom.us/j/92771458150?from=addon>

OR to participate by phone call any of these numbers below:

- + 1 669 900 6833 US (San Jose)
- + 1 346 248 7799 US (Houston)
- + 1 312 626 6799 US (Chicago)
- + 1 929 205 6099 US (New York)
- + 1 253 215 8782 US
- + 1 301 715 8592 US

Enter this Meeting ID number 927 7145 8150 when prompted.

PUBLIC COMMENT: Please submit your comment (limited to 250 or less) to the Clerk at zahearingcomments@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Zoning Administrator Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the meeting.

Public Comment Prior to Wednesday at 5:00 PM will be distributed to the Zoning Administrator via email.

Public Comment submitted during the meeting can be submitted at any time and every effort will be made to read your comment into the record, but some comments may not be read due to time limitations. Comments received after the agenda item will be made part of the record if received prior to the end of the meeting.

ALTERNATIVE FORMATS: If requested, the agenda shall be made available in appropriate

alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132) and the federal rules and regulations adopted in implementation thereof. For information regarding how, to whom and when a person with a disability who requires a modification or accommodation in order to participate in the public meeting may make a request for disability-related modification or accommodation including auxiliary aids or services or if you have any questions about any of the items listed on this agenda, please call the County of Monterey Housing and Community Development at (831) 755-5025.

INTERPRETATION SERVICE POLICY: The County of Monterey Zoning Administrator invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the County of Monterey Housing and Community Development Department located in the County of Monterey Government Center, 1441 Schilling Place, 2nd Floor South, Salinas - or by phone at (831) 755-5025. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting.

La medida recomendada indica la recomendación del personal en el momento en que se preparó la agenda. Dicha recomendación no limita las acciones alternativas del Administrador de Zonificación sobre cualquier asunto que se le haya sometido.

Además de asistir en persona, la participación del público estará disponible por ZOOM y/o medios telefónicos:

TENGA EN CUENTA: SI EL ADMINISTRADOR DE ZONIFICACIÓN ESTÁ PRESENTE EN PERSONA, LA PARTICIPACIÓN PÚBLICA DE ZOOM ES SOLO POR CONVENIENCIA Y NO ES REQUERIDA POR LA LEY. SI LA TRANSMISIÓN DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN PUEDE PAUSARSE MIENTRAS SE INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL ADMINISTRADOR DE ZONIFICACIÓN.

Puede participar a través de ZOOM. Para la participación de ZOOM, únase por computadora en:

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Presione el código de acceso de reunión: 927 7145 8150 cuando se le solicite.

COMENTARIO PÚBLICO: Por favor envíe su comentario (limitado a 250 palabras o menos) al personal de la reunión del Administrador de Zonificación al correo electrónico:

zahearingcomments@co.monterey.ca.us. En un esfuerzo por ayudar al personal, indique en la línea de asunto, la audiencia de la reunión (por ejemplo, Administrador de Zonificación) y el número de la agenda (por ejemplo, el No. de agenda 10). Su comentario se incluirá en el registro de la reunión del Administrador de Zonificación.

Los comentarios públicos recibidos antes de las 5:00 p.m. el miércoles antes de la reunión del Administrador de Zonificación del Condado de Monterey se distribuirán por correo electrónico.

El comentario público enviado durante la reunión se puede enviar en cualquier momento y se hará todo lo posible para leer su comentario en el registro, pero algunos comentarios pueden no leerse debido a limitaciones de tiempo. Los comentarios recibidos después del tema de la agenda se incluirán en el registro si se reciben antes de que finalice la junta.

FORMATOS ALTERNATIVOS: Si se solicita, la agenda se pondrá a disposición de las personas con discapacidad en formatos alternativos apropiados, según lo exige la Sección 202 de la Ley de Estadounidenses con Discapacidades de 1990 (42 USC Sec. 12132) y las reglas y regulaciones federales adoptadas en implementación de la misma. Para obtener información sobre cómo, a quién y cuándo una persona con una discapacidad que requiere una modificación o adaptación para participar en la reunión pública puede hacer una solicitud de modificación o adaptación relacionada con la discapacidad, incluidas las ayudas o servicios auxiliares, o si tiene alguna pregunta sobre cualquiera de los temas enumerados en esta agenda, llame al Departamento de Vivienda y Desarrollo Comunitario del Condado de Monterey al (831) 755-5025.

POLÍZA DE SERVICIO DE INTERPRETACIÓN: El Administrador de Zonificación del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con el Departamento de Vivienda y Desarrollo Comunitario localizado en el Centro de Gobierno del Condado de Monterey, (County of Monterey Government Center), 1441 Schilling Place, segundo piso sur, Salinas – o por teléfono al (831) 755-5025. La asistente hará el esfuerzo para acomodar los pedidos de asistencia de un intérprete. Los pedidos se deberán hacer lo más pronto posible, y a lo mínimo 24 horas de anticipo para cualquier reunión.

NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Staff Report.

9:30 A.M - Call to Order**ROLL CALL**

Mike Novo, Zoning Administrator
Representative from Environmental Health
Representative from Public Works
Representative from Environmental Services

PUBLIC COMMENT

This is a time set aside for the public to comment on a matter that is not on the agenda.

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Zoning Administrator Clerk will announce agenda corrections, deletions and proposed additions, which may be acted on by the Zoning Administrator as provided in Sections 54954.2 of the California Government Code.

ACCEPTANCE OF MINUTES

- A. Acceptance of the June 13, 2024, County of Monterey Zoning Administrator meeting minutes.

Attachments: [Cover Sheet](#)
 [Draft ZA Meeting Minutes 06-13-24](#)

9:30 A.M. - SCHEDULED ITEMS**1. PLN210165 - MARINOVICH JEAN AND BUTIER PETER**

Consider the construction of a 4,425 square foot single-family residence with a 300 square foot carport; and a 1,968 square foot barn, garage, and office, accessory to an agricultural use (lavender cultivation) and a Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8%.

Project Location: 264 Giberson Road, Moss Landing

Proposed CEQA Action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2.

Attachments: [Staff Report](#)
 [Exhibit A - Project Data Sheet](#)
 [Exhibit B - Draft Resolution](#)
 [Exhibit C - AAC Meeting Minutes](#)
 [Exhibit D - LUAC Minutes](#)
 [Exhibit E - Vicinity Map](#)

2. PLN230291 - RATAUL BALBIR TR

Consider the construction of a test well within 100 feet of environmentally sensitive habitat.

Project Location: 46820 Clear Ridge Road, Big Sur

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

Attachments: [Staff Report](#)
 [Exhibit A - Project Data Sheet](#)
 [Exhibit B - Draft Resolution](#)
 [Exhibit C - Biological Assessment \(LIB240075\)](#)
 [Exhibit D - Geological Assessment \(LIB240076\)](#)
 [Exhibit E - Vicinity Map](#)

OTHER MATTERS**ADJOURNMENT**



County of Monterey

Item No.A

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: MIN 24-044

June 27, 2024

Introduced: 6/21/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Acceptance of the June 13, 2024, County of Monterey Zoning Administrator meeting minutes.



County of Monterey

Item No.A

Zoning Administrator

Legistar File Number: MIN 24-044

June 27, 2024

Introduced: 6/21/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Minutes

Acceptance of the June 13, 2024, County of Monterey Zoning Administrator meeting minutes.

County of Monterey

Monterey County Zoning Administrator
Monterey County Government Center - Thyme Conference Room
1441 Schilling Place, 2nd Floor
Salinas, CA 93901



Meeting Minutes - Draft

Thursday, June 13, 2024

9:30 AM

Monterey County Zoning Administrator

9:30 A.M - Call to Order

Mike Novo called the meeting to order at 9:30 a.m.

ROLL CALL

**Mike Novo, Zoning Administrator
Conner Cappi and Kyler Asato, Environmental Health
Katherine Day, Environmental Services**

PUBLIC COMMENT

None

AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

The Clerk informed the Zoning Administrator of two letters received from the public for Agenda Item No. 1, PLN200097 – Wind and Sea Property LLC.

ACCEPTANCE OF MINUTES

- A.** Acceptance of the May 9, 2024, County of Monterey Zoning Administrator meeting minutes.

The Zoning Administrator accepted the May 9, 2024, County of Monterey Zoning Administrator meeting minutes.

9:30 A.M. - SCHEDULED ITEMS

1. PLN200097 - WIND & SEA PROPERTY LLC

Public hearing to consider restoration of approximately 11,750 square feet of Northern coastal bluff scrub habitat, removal of “Deck 2,” after-the-fact partial conversion of a detached garage into a 336 square foot guesthouse, and after-the-fact construction of outdoor sauna, hot tubs, an outdoor patio, and a deck within 50 feet of a coastal bluff and 100 feet of environmentally sensitive habitat area to partially clear Code Enforcement Violation No. 16CE00201.

Project Location: 54722 Highway 1, Big Sur.

Proposed CEQA Action: Find the project Categorical Exempt pursuant to CEQA Guidelines sections 15301 and 15333, and no exceptions apply pursuant to section 15300.1.

Fionna Jensen, Project Planner, presented the request for continuance.

Public Comment: Chris Gourlay, Applicant Agent; Marcus Foster

The Zoning Administrator continued the hearing on this item to July 11, 2024, and requested that Staff provide a status report and scope of the alleged violation from Code Compliance at that hearing.

OTHER MATTERS

None

ADJOURNMENT

The meeting was adjourned at 9:42 a.m.



County of Monterey

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ZA 24-024

June 27, 2024

Introduced: 6/18/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Zoning Administrator

PLN210165 - MARINOVICH JEAN AND BUTIER PETER

Consider the construction of a 4,425 square foot single-family residence with a 300 square foot carport; and a 1,968 square foot barn, garage, and office, accessory to an agricultural use (lavender cultivation) and a Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8%.

Project Location: 264 Giberson Road, Moss Landing

Proposed CEQA Action: Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Article 19 Section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2.

RECOMMENDATION:

It is recommended that the Zoning Administrator adopt a Resolution:

1. Considering the project exempt from CEQA pursuant to section 15303, New Structures, and there are no exceptions pursuant to Section 15300.2; and
2. Approving a Combined Development Permit consisting of a:
 - a) a Coastal Administrative Permit to allow the construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a detached 1,968 square foot two story barn, garage, and office, accessory to an agricultural use (lavender cultivation);
 - b) a Coastal Administrative Permit to allow alteration of an existing irrigation well to allow use as a domestic production well; and
 - c) a Variance to allow an increase in the maximum allowable building site coverage, from 3.0% to 8.0%.

PROJECT INFORMATION:

Property Owner: Marinovich Jean and Butier Peter

APNs: 413-012-011-000

Parcel Size: 45,540 Square Feet (1.05 Acres)

Zoning: Coastal Agricultural Preserve, Coastal Zone (CAP(CZ))

Plan Area: North County Land Use Plan

Flagged and Staked: Yes

SUMMARY:

The subject parcel is located at 264 Giberson Road, Moss Landing, (APN: 413-012-011-000) within the North County Land Use Plan area. The project consists of construction of a 4,425 square foot, three story single family dwelling with an attached 300 square foot carport, a detached 1,968 square foot barn, a 62 square foot pump house, a 75 square foot garden shed, two 10,000 gallon water

tanks, conversion of an irrigation well into a domestic production well and a Variance to increase the allowed site coverage from 3% to 8%. The project is consistent with applicable goals and policies in the 1982 General Plan, policies in the North County Land Use Plan (NC LUP), and regulations and development standards contained in the North County Coastal Implementation Plan (NC CIP) and Title 20 Zoning Ordinance.

DISCUSSION:

Land Use & Development Standards

The property is zoned Coastal Agricultural Preserve in the Coastal Zone or “CAP (CZ)”. This zoning allows all soil dependent agricultural uses, single family dwellings accessory to the agricultural use on the property, all non-habitable accessory structures including barns and water system facilities including wells and storage tanks serving 14 or fewer service connections. Due to the small size of the property, the 3% allowed lot coverage is quite restrictive. Properties zoned CAP are required to have a minimum building lot size of 40 acres, the subject parcel is approximately 1 acre. Under normal circumstances (a 40 acre parcel), the 3% lot coverage would not impact development as it would allow approximately 52,272 square feet of structural coverage. In this case, to allow a site coverage beyond 1,366 square feet (3% of 1 acre), the applicants have applied for a Variance to increase the site coverage from 3% to 8%. With the approval of the Variance, the proposed project would be consistent with all applicable site development standards. The applicants’ proposed site coverage of 8% (3,643 square feet) includes a single family dwelling, attached car port, barn, garden shed and water tanks with a pump house. The proposed development will be within all required setbacks from the property lines and road right of way and maintain the required setbacks between structures. The main dwelling will be setback 35 feet from the private road right of way and utilities easement. The dwelling also exceeds to the required 20 foot side and rear setbacks and a 46 foot setback from the barn. The barn also exceeds all required setbacks with a front setback of 120 feet (50 feet required), side setbacks of 10 feet and 104 feet (6 feet required) and a rear setback for 110 feet (6 feet required). The pump house is required to have 5 foot front, side and rear setbacks, the pump house will be located 6 feet from the closest property line. All proposed structures are in compliance with the 35 foot required height restriction, the main home will be 34 feet from the average natural grade, the barn will be 23 feet tall and the pump house, water tanks and garden shed will also be well below 35 feet.

Health and Safety

The property receives services via public utilities:

The project includes the installation of an onsite wastewater treatment system (OWTS). The applicant proposes to install a new 2,000 gallon septic tank and leach fields. The Environmental Health Bureau (EHB) reviewed the OWTS plan and confirmed the proposed system meets the required setbacks from nearby wells. The OWTS will feature supplemental treatment with nitrogen reduction to meet Monterey County’s Nitrogen Loading requirements, as well as to supplement very fast percing soils. Potable water will be supplied by a nearby well on the neighboring property (APN: 413-012-012-000). Source Capacity Testing witnessed by Isaiah Tuazon of EHB, credited the well with 18.18 gallons per minute of capacity. A Culligan Water centralized treatment plan dated 1/3/24 was submitted and reviewed by the EHB. The reverse osmosis plan was accepted by EHB staff and the well conversion was deemed feasible.

Variance (Site Coverage)

Approval of a Variance requires three specific findings to be made: special circumstances causing the application of development standards in the Monterey County Code to deprive the subject property of privileges enjoyed by other properties in the vicinity; that the Variance would not grant privileges inconsistent with the limitations upon other properties in the vicinity; and that the Variance would not grant a use or activity which is not authorized by the zone regulation governing the subject property. These findings have all been made and staff recommends the granting of the Variance.

In this case, the special circumstance is the small size of the subject parcel, the maximum 3% allowance on lot coverage, and all main and accessory structures are accessory to the agricultural use on the property. The applicants are proposing a single family dwelling and barn accessory to a proposed lavender farm which will be located on the eastern end of the property. The allowed 1,366 square feet of coverage for structures would hinder the viable agricultural use of the property as it significantly limits the applicants' ability to occupy the property, process the lavender onsite and store all of their necessary farming equipment.

There are only two nearby properties of the same size and zoning that may be considered regarding the granting of special privileges to one property but not others. One of these neighboring parcels was approved with a site coverage of 5.3% through a 2007 building permit. The other parcel applied for a Variance but removed the request prior to their project going to a public hearing. They ultimately were approved to build out to 3% but the same findings could be made for this property should they request additional development in the future. Additionally, at time of their development, neither one of these neighboring parcels had an agricultural use onsite that would require excess coverage to allow a storage shed or barn.

The granting of this Variance would not allow additional uses that are not expressly allowed in the CAP(CZ) zoning district. The requested increase in allowed lot coverage is to allow a barn and single family dwelling accessory to onsite agricultural activities, both of which are allowed with approval of a Coastal Administrative Permit.

CEQA:

The project is categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines, "New Construction". This exemption applies to construction of new structures and small facilities that would not result in any adverse impacts to the surrounding environmental resources as defined in the CEQA Guidelines. This project qualifies for a Class 3 exemption because it includes the construction of one single family residence and small non-habitable accessory structures. All of the necessary reports have been obtained and have determined that it is unlikely the project would result in impacts to archaeological resources or soil stability. There are no there are no exceptions pursuant to Section 15300.2 that can be made.

OTHER AGENCY INVOLVEMENT:

The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, the Environmental Health Bureau, and North County Fire Protection District. 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.

AAC:

This project went before the Agricultural Advisory Committee on April 25, 2024 at a duly noticed meeting (see **Exhibit C**). The project was unanimously supported by the committee. There was no public comment made regarding this project at the meeting.

LUAC:

The project was referred to the North County Land Use Advisory Committee (LUAC) for review (see **Exhibit D**). The LUAC reviewed the project at a duly noticed public meeting on April 19, 2023 and voted unanimously to support the project as proposed.

Prepared by: Zoe Zepp, Assistant Planner

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with the HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Recommended Conditions of Approval
- Site Plan, Floor Plans, Elevations

Exhibit C - AAC Meeting Minutes

Exhibit D - LUAC Minutes

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; Marinovich Jean and Butier Peter, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN210165



Zoning Administrator

Legistar File Number: ZA 24-024

June 27, 2024

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Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

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Exhibit D - LUAC Minutes

Exhibit E - Vicinity Map

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Zoe Zepp, Assistant Planner; Anna Ginette Quenga, AICP, Principal Planner; Marinovich Jean and Butier Peter, Property Owner; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Project File PLN210165

Exhibit A

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EXHIBIT A

Project Information for PLN210165

Application Name: Marinovich Jean And Butier Peter
Location: 264 Giberson Rd, Moss Landing
Applicable Plan: North County LCP
Advisory Committee: North County Advisory Committee
Permit Type: Combined Development Permit
Environmental Status: Categorical Exemption
Zoning: CAP(CZ)

Primary APN: 413-012-011-000
Coastal Zone: Yes
Final Action Deadline (884): 4/29/2024
Land Use Designation: Agricultural Preservation

Project Site Data:

Lot Size: 45302
Existing Structures (sf): 0
Proposed Structures (sf): 6996
Total Sq. Ft.: 6996

Coverage Allowed: 1,366
Coverage Proposed: 3643
Height Allowed: 35
Height Proposed: 34
FAR Allowed:
FAR Proposed:

Special Setbacks on Parcel:

Resource Zones and Reports:

Seismic Hazard Zone: VI
Erosion Hazard Zone: Moderate
Fire Hazard Zone: None
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: high
Visual Sensitivity: None

Soils Report #:
Biological Report #:
Forest Management Rpt. #:
Geologic Report #: LIB220118
Archaeological Report #: LIB220117
Traffic Report #:
Historic Report #:

Other Information:

Water Source: WELL
Water Purveyor:
Fire District: North County FPD
Tree Removal: 0

Grading (cubic yds.): 0
Sewage Disposal (method): OWTS
Sewer District Name:

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Exhibit B

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DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

MARINOVICH JEAN AND BUTIER PETER (PLN210165)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project exempt from CEQA pursuant to section 15303, new structures, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving a Combined Development Permit consisting of a:
 - a) a Coastal Administrative Permit to allow the construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a detached 1,968 square foot two story barn, garage, and office, accessory to an agricultural use (lavender cultivation);
 - b) a Coastal Administrative Permit to allow alteration of an existing irrigation well to allow use as a domestic production well; and
 - c) a Variance to allow an increase in the maximum allowable building site coverage, from 3.0% to 8.0%.

[PLN210165, Marinovich Jean and Butier Peter, 264 Giberson Road, Moss Landing, North County Land Use Plan, Coastal Zone (APNs: 413-012-011-000)]

The Marinovich Jean and Butier Peter application (PLN210165) came on for hearing before the Monterey County Zoning Administrator on June 27, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, written testimony, and other evidence presented, the Zoning Administrator 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:

- the 1982 Monterey County General Plan;
- North County Land Use Plan (NC LUP);
- Monterey County Coastal Implementation Plan, Part 1, Zoning Ordinance (Title 20); and
- Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (NC CIP).

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) Project Scope. The project consists of construction of a 4,425 square foot, three-story single family dwelling with an attached 300 square foot carport, a detached 1,968 square foot barn, a 62 square foot pump house, a 75 square foot garden shed, two 10,000 gallon water tanks, conversion of an irrigation well into a domestic production well and a Variance to increase the allowed site coverage from 3% to 8%.
- c) Allowed Use. The project is located at 264 Giberson Road, Moss Landing, (APN: 413-012-011-000) within the North County Land Use Plan area. The parcel is zoned Coastal Agricultural Preserve, Coastal Zone (CAP(CZ)) which allows the first single family dwelling accessory to the main agricultural use, subject to a Coastal Administrative Permit. In this case, the applicant is proposing a lavender farm as their main agricultural use. CAP(CZ) zoning also allows non-habitable accessory structures, such as barns, and water systems serving 14 or fewer connections subject to a Coastal Administrative Permits. The applicant has requested a Variance to increase the maximum lot coverage from 3% to 8%. As demonstrated in Findings 5, 6, 7 and supporting evidence, necessary findings to support granting the Variance in this case. All necessary entitlements have been added to this permit; therefore, the project is an allowed use for this site.
- d) Lot Legality. The subject parcel is shown in its current configuration as “Parcel B” on Pg 105 of Vol 4 of Parcel Maps. The Parcel Map is titled “MS-72-173, A Division of a Part of the NW1/4 of the SW ¼ of Sec. 6, T.13 S., R.2 E, MDM, in Monterey County, California, made for Mrs. Nola Yost”. The subject lot was created through a minor subdivision (MS-72-173) approved by the Monterey County Subdivision Committee on July 13, 1972. A Use Permit was approved on June 28, 1972 to allow a reduction of the required minimum building site from 2.5 acres to 1 acre. Therefore, the County recognizes it as a legal lot of record.
- e) Development Standards. Development standards for the Coastal Agricultural Preserve zoning district can be found in Title 20 section 20.30.060. With the approval of the requested Variance to increase the site coverage from 3% to 8%, the proposed development will conform with all regulated site development standards. The proposed site coverage is 3,643 square feet (8%), this includes the main dwelling and attached carport, barn, pump house, water tanks and garden shed. Consistent with the maximum allowed height of 35 feet for main structures, the proposed single family dwelling has a height of 34 feet from the average natural grade. The barn is also allowed a maximum

height of 35 feet and is proposed to be 23 feet from the average natural grade. The pump house, water tanks and garden shed will also be well below the 35 foot maximum height limit. The proposed development will be within all required setbacks. Consistent with required 30 foot front setback for main structures, the main dwelling will be setback 35 feet from the private road right of way and utilities easement. The dwelling also exceeds to the required 20 foot side and rear setbacks. The barn exceeds all required setbacks with a front setback of 120 feet (50 feet required), side setbacks of 10 feet and 104 feet (6 feet required) and a rear setback for 110 feet (6 feet required). The pump house is required to have 5 foot front, side and rear setbacks, the pump house will be 6 feet from the closest property line. Title 20 also requires non-habitable accessory structures to have a six foot setback from main structures on the property. The barn will be setback 46 feet from the main dwelling. Therefore, the proposed project is in conformance with all applicable development standards.

- f) Variance. The project includes a request for a Variance to increase the allowed site coverage from 3% to 8%. As demonstrated in Findings 5, 6, 7 and supporting evidence, the required findings for granting of a Variance have been made.
- g) Agricultural Advisory Committee (AAC). This project was referred to the AAC due to the request for a variance on an agriculturally zoned lot. The project went before the AAC on April 25, 2024 and was unanimously supported by the committee. There was no public comment made regarding this project at the meeting.
- h) Land Use Advisory Committee. The project was brought before the North County Land Use Advisory Committee on December 7, 2023. The committee unanimously recommended support of the application as proposed. Questions from the committee included the request for clarification between lot coverage and floor area of the proposed house and clarification regarding ownership and location of the proposed domestic well. No public comment was made at this meeting.
- i) The application, project plans, staking & flagging photos and related support materials submitted by the project applicant to Monterey County HCD- Planning for the proposed development are found in Project File PLN210165.

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 Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.
 - b) Staff identified potential impacts to soil stability and archaeological resources. The following reports have been prepared:
 - “Geotechnical Investigation” (LIB220118) prepared by John Kasunich, Watsonville, California, February 3, 2022.

- “Phase 1 Inventory of Archaeological Resources” (LIB220117) prepared by Ruben Mendoza, Salinas, California, September 21, 2021.

The above-mentioned technical reports by outside consultants 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. All development shall be in accordance with these reports.

- c) Staff conducted a site visit on May 10, 2022 and reviewed aerial imagery and site photos and determined the project site to be suitable for the proposed construction and 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 are found in Project File PLN210165.

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 Environmental Health Bureau (EHB). Conditions have been recommended, 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.
 - b) The project includes the installation of an onsite wastewater treatment system. The applicant proposes to install a new 2,000 gallon septic tank and leach fields. The EHB reviewed the onsite wastewater treatment system (OWTS) plan and confirmed the proposed system meets the required setbacks from nearby wells. The OWTS will feature supplemental treatment with nitrogen reduction to meet Monterey County’s Nitrogen Loading requirements, as well as to supplement very fast percing soils.
 - c) Potable water will be supplied by a nearby well on the neighboring property (APN: 413-012-012-000). Currently, the existing well is used exclusively for irrigation. The applicant confirmed no other domestic connections are proposed or currently in use for the existing irrigation well, and that it is to only serve the development proposed and an easement is already in place to allow the applicant’s use of the well. Source Capacity Testing witnessed by Isaiah Tuazon of EHB, credited the well with 18.18 gallons per minute of capacity. Water quality tests dated 9/6/22 and 9/26/22 were received and showed total coliform was present, and Nitrates were over their respective maximum contaminant level. Additional water quality from Soil Control lab dated 12/3/22 received showing absent results for Bacteria and Perchlorate. A Culligan Water centralized treatment plan dated 1/3/24 was submitted and

reviewed by the EHB. The reverse osmosis plan was accepted by the EHB staff and the well conversion was deemed feasible.

- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development are found in Project File PLN210165.

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 known violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site visit on May 10, 2022, reviewed aerial imagery and photos of the project site and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN210165.

5. **FINDING:** **VARIANCE (SPECIAL CIRCUMSTANCES)** – Special circumstances apply to the subject property, including the size, shape, topography, location or surroundings. Therefore, the strict application of development standards in the Monterey County Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

- EVIDENCE:**
- a) The subject 1 acre parcel is zoned for Coastal Agricultural Preserve which requires a 40 acre minimum building site and is subject to a 3% site coverage. Under normal circumstances, a 3% site coverage for CAP zoned lots is not restrictive as it is meant to control structural of development on 40 acre lots or larger to ensure viable agricultural uses. In 1972, a Use Permit was approved to reduce the required minimum building site size from 2.5 acres to 1 acre, back when the lot was zoned “Unclassified”. Immediately following the approval of this Use Permit, a subdivision was approved to create four lots from the original 6 acre parcel. The subdivision resulted in three 1 acre lots, and one 3 acre lot. All four lots have since been rezoned to Coastal Agricultural Preserve and are all subject to the 3% maximum lot coverage, despite being well under the required minimum lot size.
 - b) Due to the size of the subject parcel being much smaller than the required minimum size for the CAP zoning district, the 3% lot coverage is highly restrictive. A single family dwelling is an allowed use in this zoning district, but only as accessory to the main agricultural use on the property. The applicants are proposing a lavender farm as their main agricultural use, as well as fruit trees and a vegetable garden. The structures associated with this operation include a barn, garden shed, water tanks, pump house and single family dwelling. The 3% lot coverage would only allow for 1,366 square feet of development which would heavily encumber the size of each of the proposed structures. For

reference, 3% lot coverage on a 40 acre lot would allow 52,272 square feet of development. Increasing the lot coverage to 8% (3,643 square feet) would allow the applicant to live onsite while maintaining and supporting the proposed onsite agricultural activities.

- c) Besides the other three lots created under the same subdivision, the other nearby lots vary from 5 to 160 times the size of the subject parcel. Most of these lots are occupied by row crops and do not include any structures. However, they would be allowed at least 6,500 square feet of development or more, which is about 3,000 more square feet of coverage than is being requested in this variance. Due to the special circumstance of the inconsistency between the size of the subject parcel and the required minimum lot size, the application of the 3% maximum lot coverage deprives it of the privilege of larger development that is enjoyed by the adjacent, similarly zoned, lots.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development are found in Project File PLN210165.

6. **FINDING:** **VARIANCE (SPECIAL PRIVILEGES)** – Granting of this Variance does not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

- EVIDENCE:**
- a) There are two other 1 acre lots that resulted from the 1972 subdivision, however, these lots have already been built out and are currently exceeding the 3% allowed coverage. Therefore, the granting of this Variance would not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity under the same zoning.
 - b) The 1 acre parcel at 260 Giberson Road is currently built out to over 3%, County records show the property was permitted a site coverage of approximately 5.3%. The original home was built in 1986. County records show a building permit (BP072247) was approved for an addition and remodel of the single family dwelling and garage in 2007. This building permit approved a site coverage of 5.3%. However, there is no record that the property ever received a Variance for the excess site coverage and there was no agricultural use on the property at the time of issuance of the permit.
 - c) The neighboring 1 acre parcel at 262 Giberson Road was approved for development in 2017 through an amended permit (PLN090252). The homeowners had originally applied for a Variance to increase the allowed site coverage but were discouraged by the LUAC and ultimately removed the request from their application prior to hearing. The homeowners were approved to build to 3% coverage but without a main agricultural use on the property. Had the applicants gone through with their Variance request, the findings for a Variance could have been made considering the property it under the same circumstances as the project parcel.
 - d) As the other parcels nearby are either over the allowed site coverage or could qualify for a similar Variance, the proposed Variance does not

constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity.

- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development are found in Project File PLN210165.

7. **FINDING:** **VARIANCE (AUTHORIZED USE)** – The Variance does not grant a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The proposed Variance would not allow additional uses that are not expressly allowed for this zoning. The requested increase in allowed lot coverage is to allow a barn and single family dwelling accessory to onsite agricultural activities, both of which are allowed uses subject to Coastal Administrative Permits.
 - b) After the structures are built, the property will be at its maximum allowed site coverage. Additional structures could not be built unless the then existing structures are demolished, partially demoed or converted. Any future development would be reviewed for consistency with allowed uses and development within the property’s zoning district.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD- Planning for the proposed development are found in Project File PLN210165.

8. **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 Article 19 Section 15303 categorically exempts the construction of new structures including small habitable accessory structures.
 - b) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project:
 - The location of a project site is not located within an environmentally sensitive area;
 - Successive projects of the same type and in the same place (construction of structures and implementation of ag uses) would not contribute to a significant cumulative impact. The property is currently vacant and does not contain any sensitive habitat areas, any future development would be constructed on an occupied parcel that has undergone human disturbance. At that point, the property would be unlikely to contain sensitive habitat that could be impacted by additional development;
 - There are no unusual circumstances regarding this project that would cause a significant effect to the environment (see Findings 1, 2 and supporting evidence);
 - The project site is not visible from any scenic highways, and the proposed development would not result in damages 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.

- c) Staff conducted a site visit on May 10, 2022, reviewed aerial imagery and photos of the project site to verify that the site and proposed project meet the criteria for an exemption.
- d) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicants to Monterey County HCD-Planning for the proposed development are found in Project File PLN210165.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to/by the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Pursuant to Title 20 section 20.86.030, an aggrieved party may appeal a decision of the Zoning Administrator to the Board of Supervisors.
 - b) Pursuant to Title 20 section 20.86.080.A.3, the project is appealable to/by the California Coastal Commission because it involves a conditional use (Variance).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- 1) Find the project exempt from CEQA pursuant to section 15303, new structures, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approve a Combined Development Permit consisting of a:
 - a. a Coastal Administrative Permit to allow the construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a detached 1,968 square foot two story barn, garage, and office, accessory to an agricultural use (lavender cultivation);
 - b. a Coastal Administrative Permit to allow alteration of an existing irrigation well to allow use as a domestic production well; and
 - c. a Variance to allow an increase in the maximum allowable building site coverage, from 3.0% to 8.0%.

Said decision is to be in substantial conformance with the attached plan and subject to the attached conditions which are incorporated herein by reference.

PASSED AND ADOPTED this 27th day of June, 2024:

Mike Novo AICP, Zoning Administrator

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 PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

PLN210165

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN210165) allows construction of a 4,425 square foot three story single family residence with an attached 300 square foot carport and a detached 1,968 square foot two story barn accessory to an agricultural use (lavender cultivation), alteration of an existing irrigation well to allow use as a domestic production well and a Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8%. The property is located at 264 Giberson Road (Assessor's Parcel Number 416-012-011-000), 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 RMA - 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing 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 Combined Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 413-012-011-000 on June 27, 2024. The permit was granted subject to 9 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - 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 RMA - 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 RMA - 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.
(RMA - 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 RMA - 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. PD012(H) - LANDSCAPING PLAN (NO. COUNTY NATIVE)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from HCD - Planning. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the HCD - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

5. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

6. PD038 - WATER TANK APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of HCD - Planning, prior to the issuance of building permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proposed color of water tank and landscaping plans to HCD - Planning for review and approval.

Prior to final inspection or occupancy, the Owner/Applicant shall provide evidence to the Director of HCD - Planning that the water tank has been painted and the landscaping has been installed according to the plans approved by HCD - Planning.

On an on-going basis, the Owner/Applicant shall continuously maintain all landscaped areas and fences; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

7. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the HCD-Engineering Services.

8. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County HCD-Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to HCD-Engineering Services.

9. EHSP01 – Deed Restriction and Installation of Water Treatment (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.

Due to Title 22 water quality dated 9/6/22 and 9/26/22 showing nitrates over their respective MCL, it will be necessary to install a centralized treatment system prior to final inspection of the construction permit.

The treatment system shall be installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the domestic water source. The water treatment system shall be maintained by the owner in perpetuity.

Compliance or Monitoring Action to be Performed: Prior to issuance of a construction permit, the applicant shall provide the following to the Environmental Health Bureau (EHB):

- Grant Deed and Legal Description for the property.
- Drinking water treatment system design, prepared by a qualified individual, that includes filtration and disinfection.

Prior to final inspection of the construction permit, the applicant shall:

- Obtain the notarized signature(s) of the property owner(s) on the deed restriction form, obtained from the EHB.
- Record the notarized deed restriction with the Monterey County Recorder.
- Provide proof of recordation of the Deed Restriction to the EHB.
- Provide EHB with a copy of as-built plans, prepared by a qualified individual, for the water treatment system
- Collect a finished water sample and provide a copy of the water quality analysis lab results to the EHB for review and approval.

GENERAL NOTES

- The code editions to be followed:

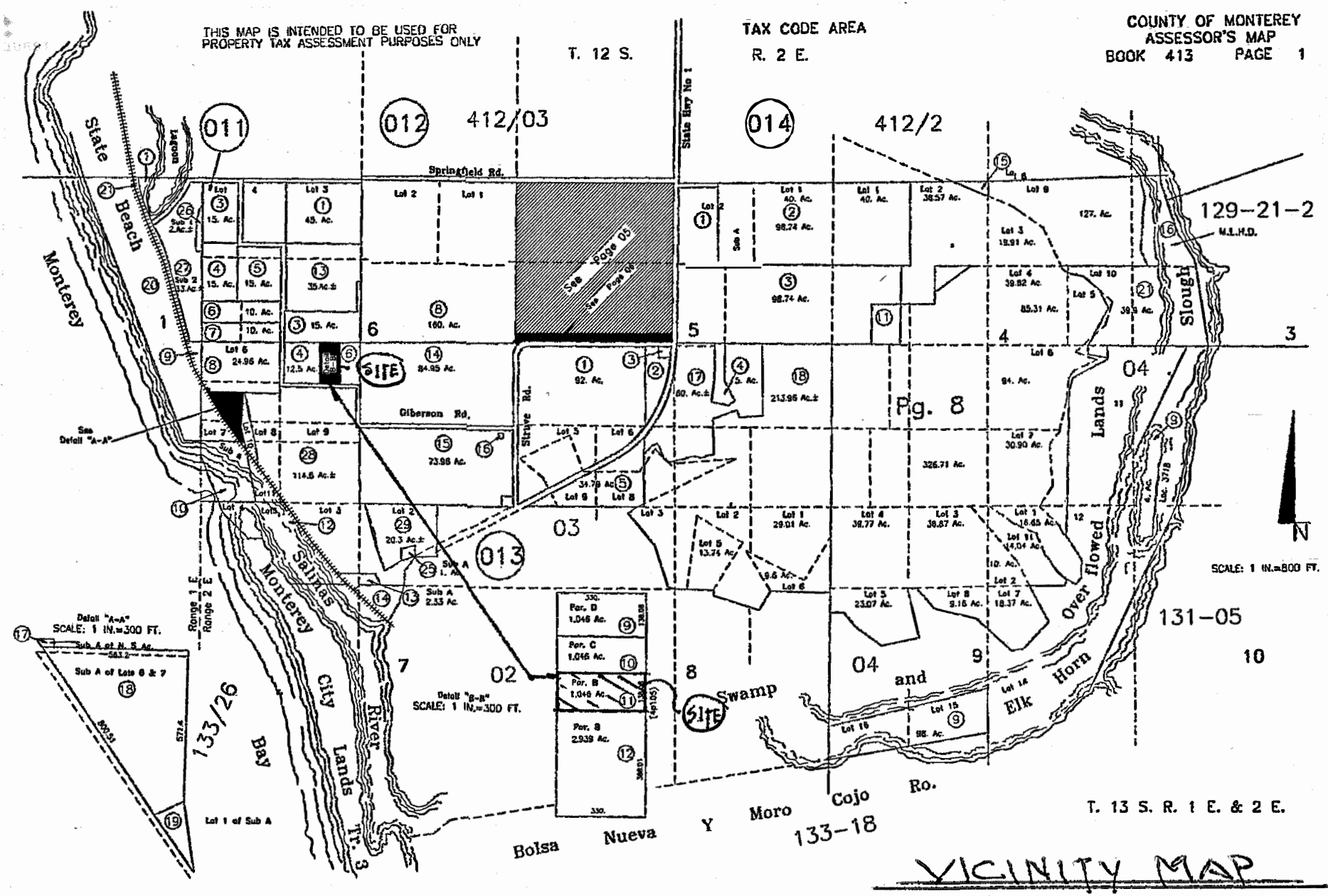
California Plumbing Code	2019 Edition	California Building Code	2019 Edition
California Electrical Code	2019 Edition	California Mechanical Code	2019 Edition
California Energy Standards	2019 Edition	California Green Building Standards Code	2019 Edition
California Residential Code	2019 Edition	California Fire Code	2019 Edition
- Hold down devices must be secured in place prior to foundation inspection.
- Fasteners in preservative-treated wood (anchor bolts, nails, screws, etc.) shall be of an approved silicon bronze or copper, stainless steel or hot-dipped zinc coated steel.
- Foundation sills shall be a naturally durable wood or a preservative-treated wood.
- Anchor bolts shall be a minimum of 1/2 inch diameter in SDC D and 5/8 inch minimum diameter in SDC E.
- Anchor bolts shall be embedded a minimum of 7 inches into foundation.
- Anchor bolts shall not be spaced more than 6 feet apart in SDC D and no more than 4 feet apart in SDC E.
- There shall be a minimum of 2 bolts per sill piece with one bolt not located more than 12 inches or not less than 4 inches of each end of the sill piece.
- Washers for anchor bolts shall be a minimum of 5 inches by 5 inches by 0.229 inch thick. Steel plate washers may be slotted.
- Minimum compression strength of concrete shall be 2,500 psi.
- Reinforcing Steel to be a minimum of ASTM A615 Grade 60.
- Framing lumber shall be Douglas Fir #2 (unless noted otherwise).
- Wall framing shall comply with CBC Table 2306.5.1.
- Nailing shall be in compliance with CBC Table 2304.10.1.
- Foundation vents to be 6"x14" @ 8'-0" o.c. max.
- Block or double joist under all walls. Blocking at 8'-0" o.c. max (not applicable with TJs).
- Attic and foundation venting shall be a minimum of 1/150 of the area to be vented.
- Smoke detectors and carbon monoxide alarms in new structures shall receive their primary power from the house primary wiring and shall have a battery backup.
- Egress requirements for sleeping rooms:
 - Min. net clear operable dimension of 24" in height.
 - Min. net clear operable dimension of 20" in width.
 - Min. net clear operable dimension of 5.7 square feet.
 - Maximum distance to floor is 44".
- Joints and other openings in the building envelope that are potential sources of air leakage shall be caulked, gasketed, weather-stripped or otherwise sealed to limit infiltration and exfiltration.
- The first 5' of hot and cold water pipes from the storage tank from non-recirculating systems shall be thermally insulated with a minimum of 1" (75%) thick insulation for hot (cold) water pipes with a diameter of less than or equal to 2" or 1.5" (1") for hot (cold) water pipes with a diameter of greater than 2" and conform to Cal Energy Code 150.0(12).
- The builder/contractor shall provide the owner and County Building Department a copy of the CF-2R Installation Certificate at the time of inspection.
- Air ducts installed under a floor in a crawl space shall be installed as to maintain a vertical clearance of 18" for all portions of the duct that would obstruct access to any part of the crawl space.
- Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, non-absorbent surface to a height of not less than 72" above finish floor. Ceramic tile is to be installed over fiber-cement or cementitious backer board.
- The maximum hot water temperature discharging from the bathtub, shower and whirlpool bathtub filler shall be limited to 120 degrees Fahrenheit. The water heater thermostat shall not be considered a control for the meeting of this provision.
- Plumbing fixtures are required to meet the following maximum flow rates: shower heads 1.8 gpm @ 80 psi, kitchen faucet 1.8 gpm @ 60 psi, lavatory faucets 1.2 gpm @ 60 psi and water closets 1.28 gallons per flush.
- The shower valve shall be a pressure balance valve, thermostatic mixing type or a combination pressure balance/thermostatic mixing type.
- Fiber-cement, fiber-mat reinforced cementitious backer units, glass mat gypsum backers of fiber-reinforced gypsum backers in compliance with ASTM C 1288, C 1825, C 1178 or C 1278 respectively and installed in accordance with manufacturer's recommendations shall be used as backers for wall tile in tub and shower areas and wall panels in shower areas (CRC R702.4.2).
- Ceramic tile surfaces shall be installed in accordance with ANSI A108.1, A108.4 through A108.6, A108.11, A118.1, A118.3, A136.1, and A137.1. (CRC R702.4.1)
- The waste outlet and tailpiece for the shower shall be a minimum 2" in diameter.

FIRE DEPARTMENT NOTES - (SPRINKLED)

- These plans are in compliance with the 2019 California Fire and Building Codes and with applicable National Fire Protection Association Standard 13D and district amendments.
- This building is R-3, Type V-B, and Sprinkled.
- A public fire hydrant is within 600 feet of any portion of the building meeting the minimum required fire flow.
- The required available fire flow on this property is 1,000 gallons per minute for 120 minutes.
- Before construction begins, temporary or permanent address numbers shall be posted. Permanent numbers must be posted prior to final inspection. Address numbers shall be posted on property so as to be clearly visible from the road. Address numbers must be in "Arabic" (1,2,3, etc.), not "Roman" (I,II,etc.) or written out in words. Address numbers shall be a minimum of 6" tall, with wide stroke, and posted on a contrasting background, and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street.
- Roof construction shall be Class A (min.) as defined by Uniform Building Code Standard 15-2.
- There shall be a minimum of a 30 foot clearance maintained with non-combustible vegetation around all structures. Exception: Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure.
- Electric gates shall be provided with a key switch meeting fire department specifications. Gate entrances shall be at least the width of traffic lane, but in no case less than 12 feet in width. Gates must be 2 feet wider than required road width. Unobstructed vertical clearance shall not be less than 15 feet.
- The installation of an approved spark arrester shall be placed on top of the chimney. Wire mesh not to exceed 1/2 inch. (When adding a new fireplace or wood stove).
- All requirements of the Single Family Dwelling Guide must be met.
- Smoke detectors are required in all sleeping rooms and in hallways outside of sleeping rooms within 10 feet of sleeping room doors.
- Carbon Monoxide Alarms (CMA) are required outside all sleeping rooms within 10 feet of sleeping room doors.
- All buildings shall be equipped with an automatic sprinkler system complying with the latest edition of NFPA 13D currently adopted standards of the Santa Cruz County Fire Chief's Association.
- Fire alarm flow switch shall be wired to kitchen refrigerator circuit. Any deviations require fire dept. approval.
- A 48 hour minimum notice to the fire department is required prior to any inspection and/or test.
- The sprinkler installer shall submit three (2) sets of plans and calculations for the automatic sprinkler system to the fire agency for approval.
- The copies of the building and fire system plans and permits must be on site during construction.
- All underground piping systems shall comply with the County Standard FPO-005 and shall require plan submittal and permit approval prior to installation. The standard is available at the Monterey County Fire Marshall's Office.
- An UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Underground plan submittal and permit will be issued to a Class C-16, owner-builder of an owner-builder occupied SFD, or a C-36 plumbing contractor.
- The driveway/access road shall be in place prior to any framing construction, or construction will be stopped.

NOTE

FIRE SUPPRESSION SYSTEM FOR ALL STRUCTURES TO BE NFPA-13D PER CALIFORNIA FIRE CODE OR NFPA 1142 AS APPROVED BY FIRE CODE



OWNER: Pete Butier & Jeannie Marinovich
9679 Madras Court
Salinas, CA 93907

PROJECT DATA:

A.P.N. 413 - 012 - 011 - 000
Zoning CAP(CZ)
Construction Type V-B Sprinkled
Parcel Size 45,540 (1.05 Acre)
Lot Coverage 3,643 sq. ft. 8.0%
Residential Coverage 1,900 sq. ft. 4.2%

Residence - Occupancy R-3 / U
Lower Floor 1,600 sq. ft.
Middle Floor 1,600 sq. ft.
Upper Floor 1,225 sq. ft.
Total Heated 4,425 sq. ft. Total
Porte-cochere 300 sq. ft.

Barn, Office Home Gym & Storage - Occupancy U
Lower Level 1,440 sq. ft.
Upper Level 964 sq. ft.
Total 1,968 sq. ft.

Pump House 62 sq. ft.
Water Tanks 166 sq. ft.
Garden Shed 75 sq. ft.

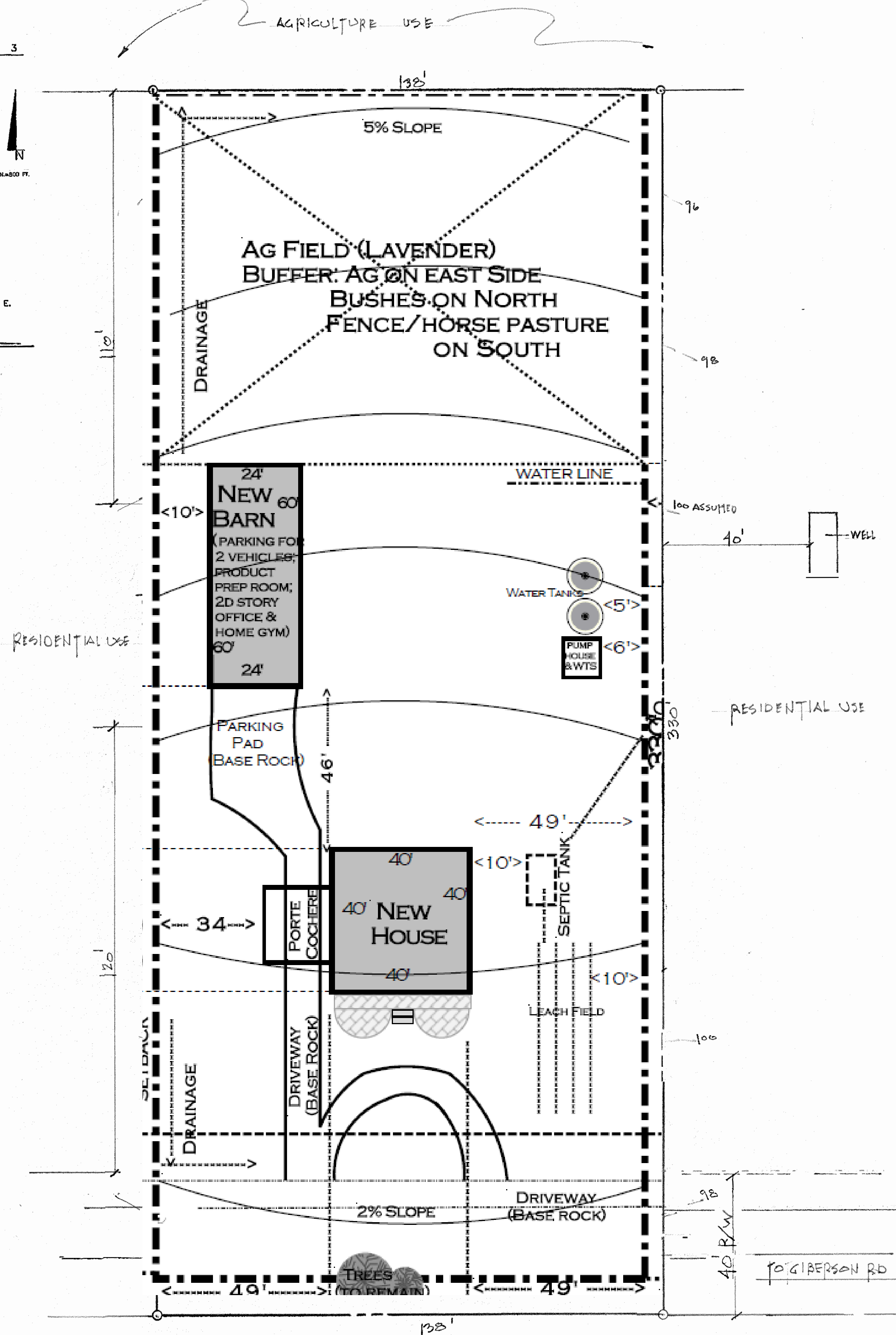
SCOPE OF WORK:

Construct a new 4,425 sq. ft. 3 story single family residence with 2 bedrooms, 3.5 baths, an office and an attached 300 sq. ft. porte-cochere.

Construct a barn with a garage, storage, and prep room at the lower level (1,400 sq. ft.) and office, home gym, bath and storage at the upper (964 sq. ft.)

SHEET INDEX:

- Site plan, Vicinity Map and Notes
- Landscape Plan
- Residence Lower Level
- Residence Middle and Upper Level Plans
- Residence Elevations
- Barn Lower & Upper Floor Plans
- Barn Elevations
- Septic Plan & Details



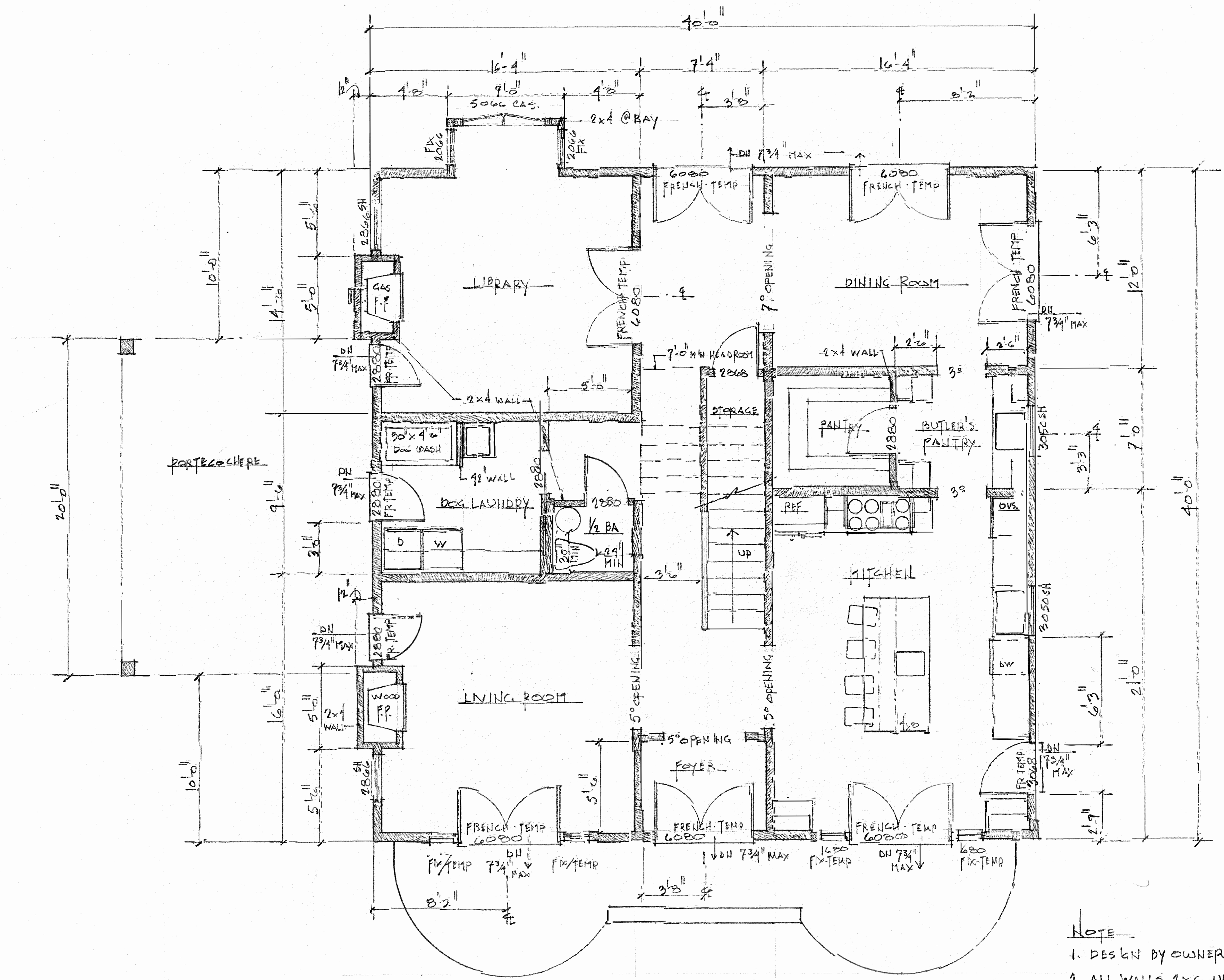
SITE PLAN NOT A SURVEY - LAYOUT BY OWNER
SCALE: 1/4" = 20'

REVISIONS	BY

ROBIN ALAGA
250 Evening Hill Lane, Corralitos, CA 95076
Phone: (831) 724-4994 Call: (831) 619-4919
e-mail: alagaline@gmail.com

BUTIER-MARINOVICH PROJECT
Pete Butier & Jean Marinovich jeannie.marinovich@gmail.com
9679 Madras Court Salinas, CA 93907
SITE: O GIBBERSON ROAD MOSS LANDING
A.P.N. 413 - 012 - 011 - 000

DRAWN
ROBIN
CHECKED
DATE
17 FEBRUARY 23
SCALE
NOTED
JOB NO.
22-21
SHEET
1
SHEETS



LOWER LEVEL PLAN

SCALE: 1/4" = 1'-0"

NOTE

1. DESIGN BY OWNER
2. ALL WALLS 2x6 UNLESS NOTED OTHERWISE (LOWER LEVEL ONLY)

REVISIONS	BY

BUTLER-MARINOVICH PROJECT
 Pete Butler & Jean Marinovich | jenniemarinovich@gmail.com
 9679 Madras Court Salinas, CA 95907
 SITE: O GIBERSON ROAD MOSS LANDING
 A.P.N. 415 - 012 - 011 - 000

ROBIN ALAGA
 250 Evening Hill Lane Corralitos, CA 95076
 Phone: (831)724-0994 Call: (831)419-4919
 e-mail: alagarus@gmail.com

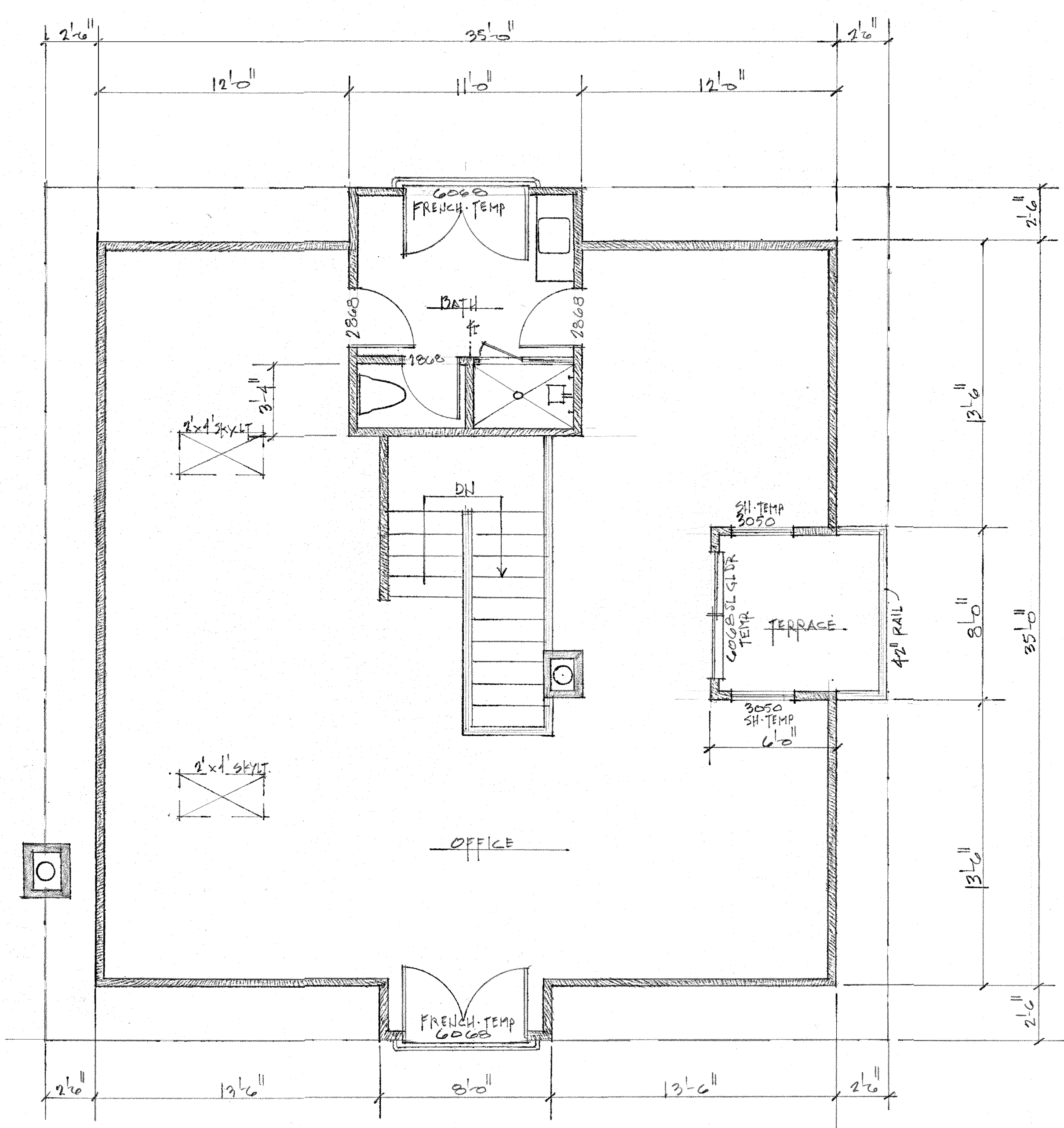
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DATE	28.11.2022
SCALE	1/4" = 1'-0"
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SHEET	

REVISIONS	BY

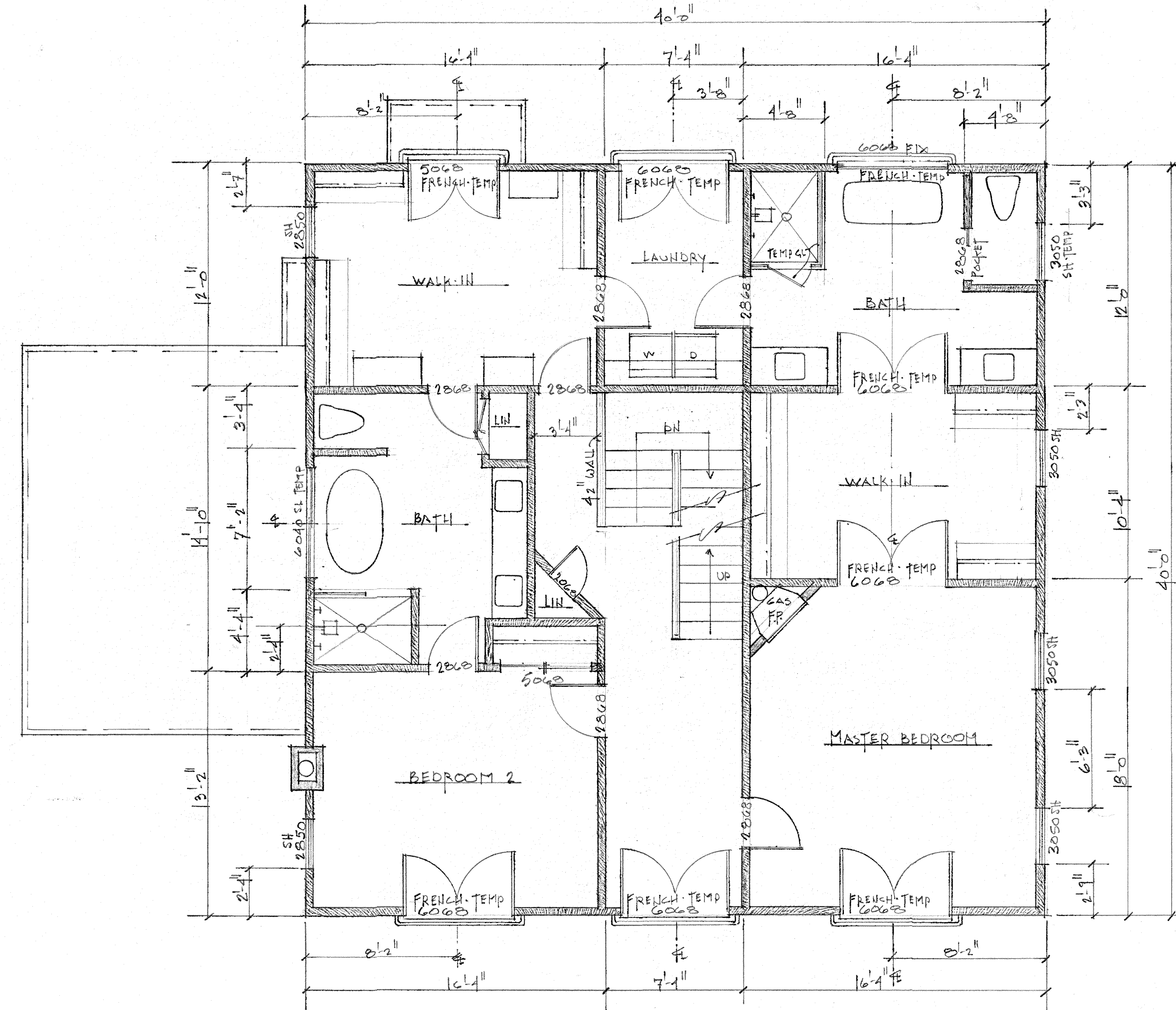
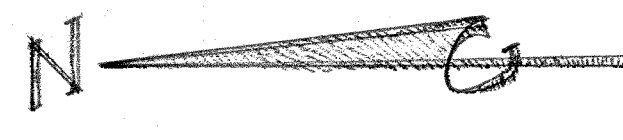
BUTIER-MARINOVICH PROJECT
 Pete Butier & Jean Marinovich jeannie.marinovich@gmail.com
 9879 Madras Court Salinas, CA 95907
 SITE: O GIBERSON ROAD MOSS LANDING
 A.P.N. 4-13 - 012 - 011 - 000

DRAWN	CHECKED	DATE	SCALE	JOB NO.	SHEET
Robin		18-MARCH-2022	1/4"=1'-0"	22-21	

ROBIN ALAGA
 250 Evening Hill Lane
 Corralitos, CA 95076
 Phone: (831) 724-4994 Cell: (831) 419-4919
 e-mail: alagars@gmail.com



UPPER LEVEL PLAN
 SCALE: 1/4"=1'-0"



MIDDLE LEVEL PLAN
 SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

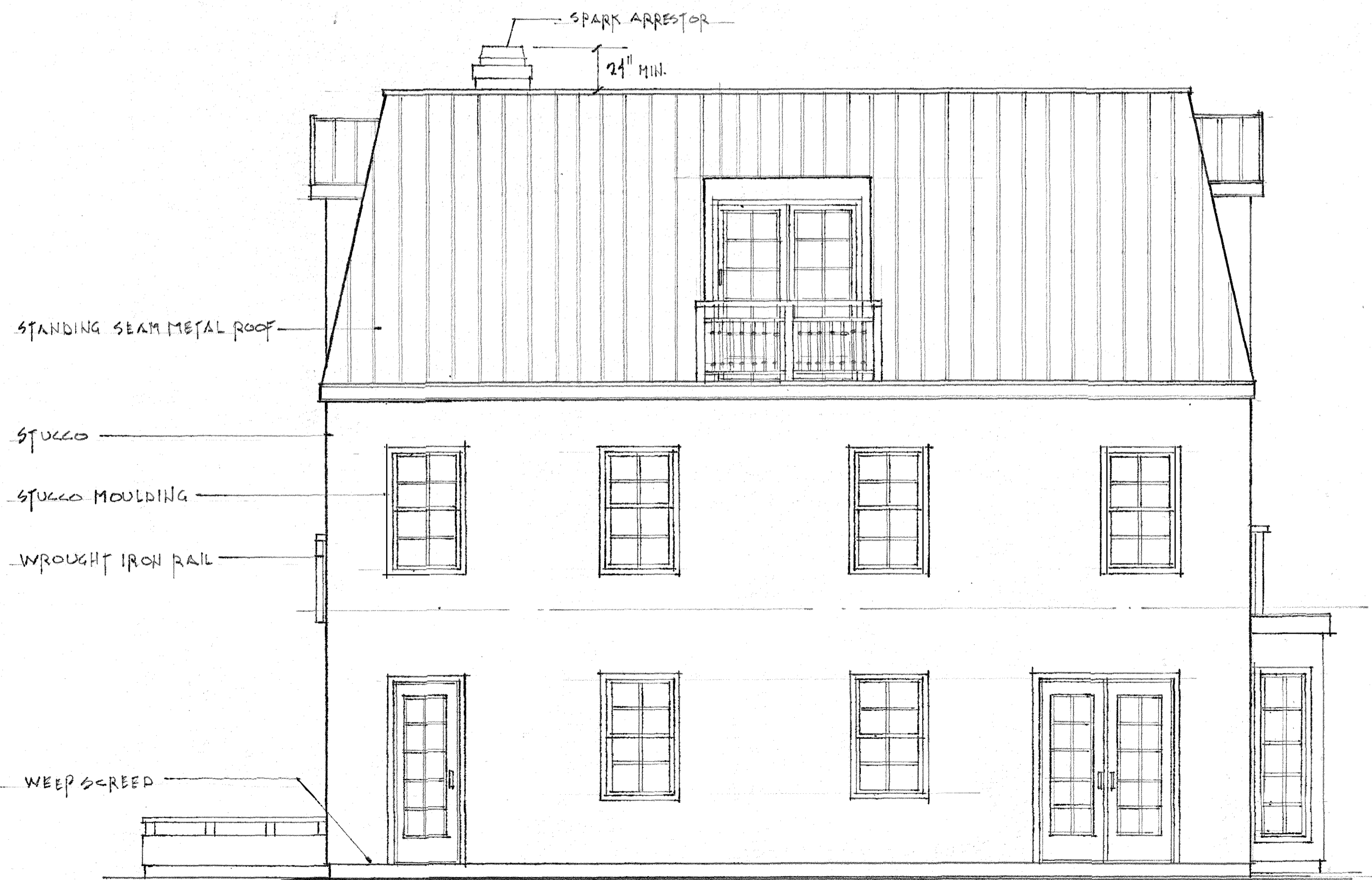


WEST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE
LOT IS FLAT @ AREA OF RESIDENCE
NO GRADING REQUIRED
NO AVERAGE GRADE



EAST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

STANDING SEAM METAL ROOF

STUCCO

STUCCO MOULDING

WROUGHT IRON RAIL

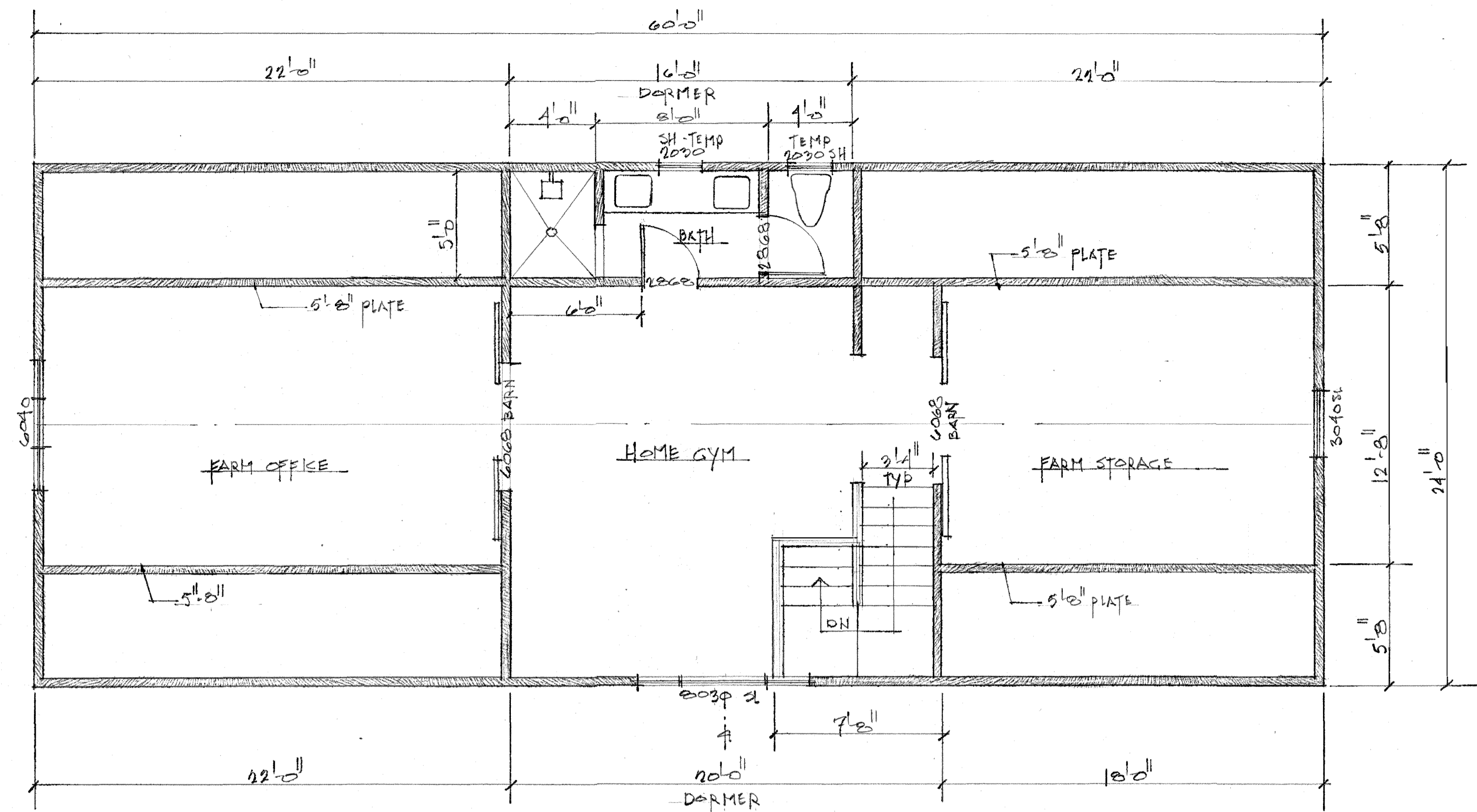
WEEP SCREED

REVISIONS	BY

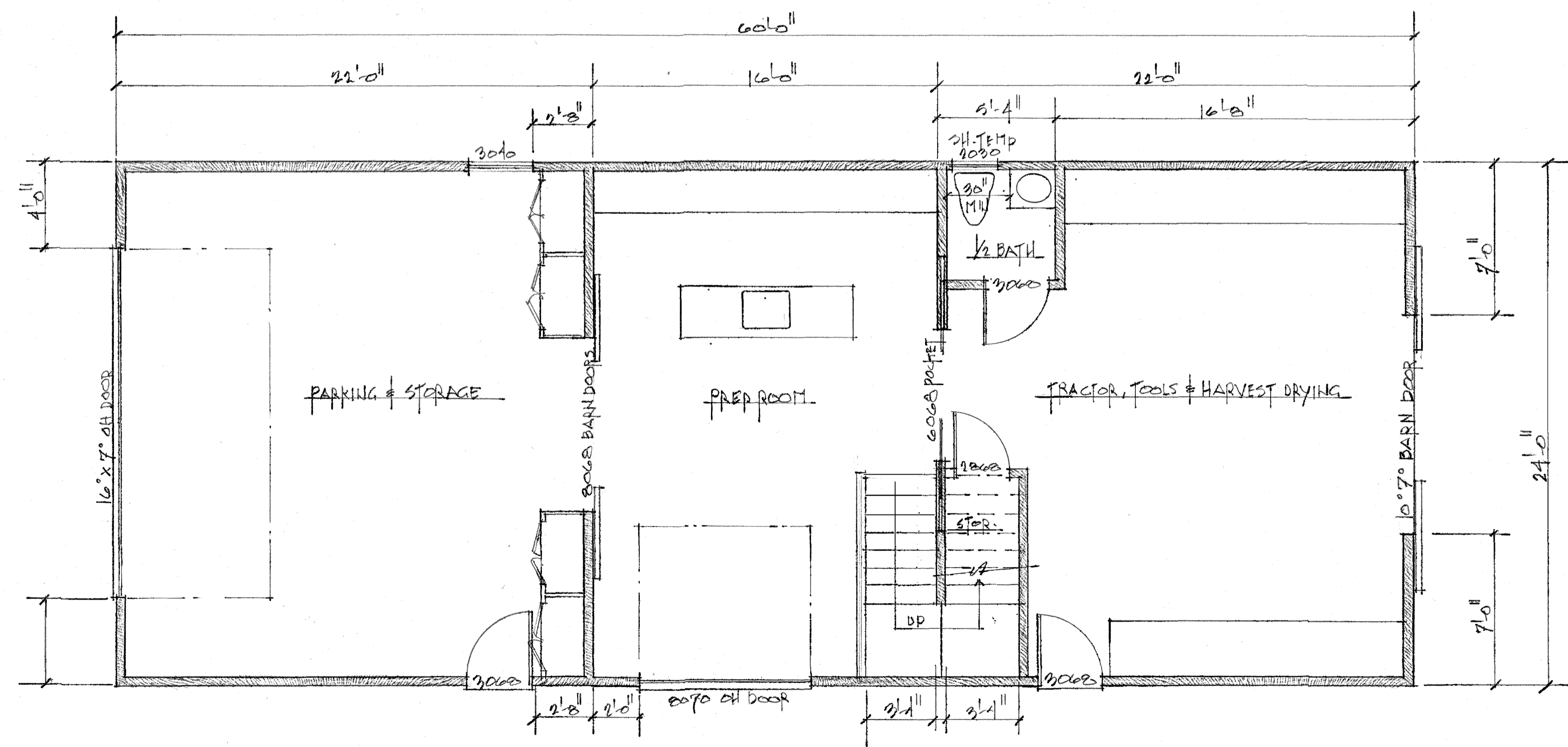
ROBIN ALAGA
250 Evening Hill Lane, Conaltos, CA 95076
Phone: (651) 724-4974 Cell: (651) 419-4919
e-mail: alagair@gmail.com

BUTLER-MARINOVICH PROJECT
Pete Butler & Jean Marinovich jeanmarinovich@gmail.com
9679 Madras Court Salinas, CA 95907
SITE: O GIBERSON ROAD MOSS LANDING
A.P.N. 413 - 012 - 011 - 000

DRAWN ROBIN
CHECKED
DATE 18-MAR-2022
SCALE 1/4" = 1'-0"
JOB NO. 22-21
SHEET
OF 5 SHEETS



BARN - UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"



BARN - LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

REVISIONS	BY

ROBIN ALAGA
 250 Evening Hill Lane, Covellitos, CA 95076
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 e-mail: alagait@gmail.com

BUTIER-MARINOVICH PROJECT
 Pete Butier & Jean Marinovich jeanmarinovich@gmail.com
 9679 Madras Court Sallinas, CA 95907
 SITE: O GIBERSON ROAD MOSS LANDING
 A.P.N. 413 - 012 - 011 - 000

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ROBIN

CHECKED

DATE
17 FEBRUARY 2009

SCALE
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JOB NO.
24-21

SHEET

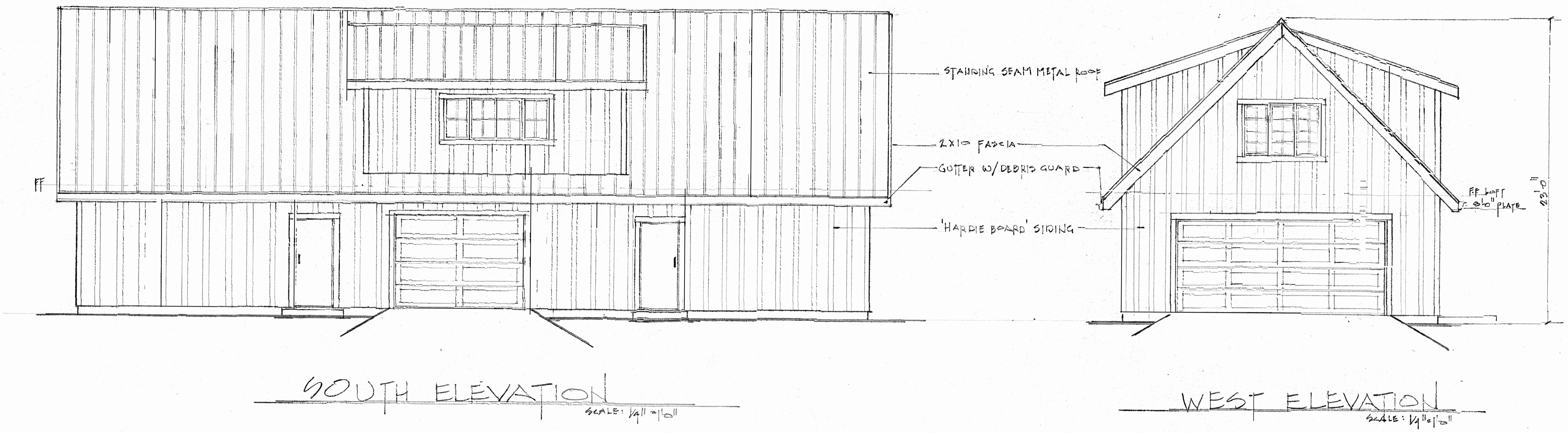
6 OF SHEETS

REVISIONS	BY

BUTIER-MARINOVICH PROJECT
 Pete Butier & Jean Marinovich jeanmarie.marinovich@gmail.com
 9679 Madras Court Salinas, CA 95907
 SITE: O GIBERSON ROAD MOSS LANDING
 A.P.N. 413 - 012 - 011 - 000

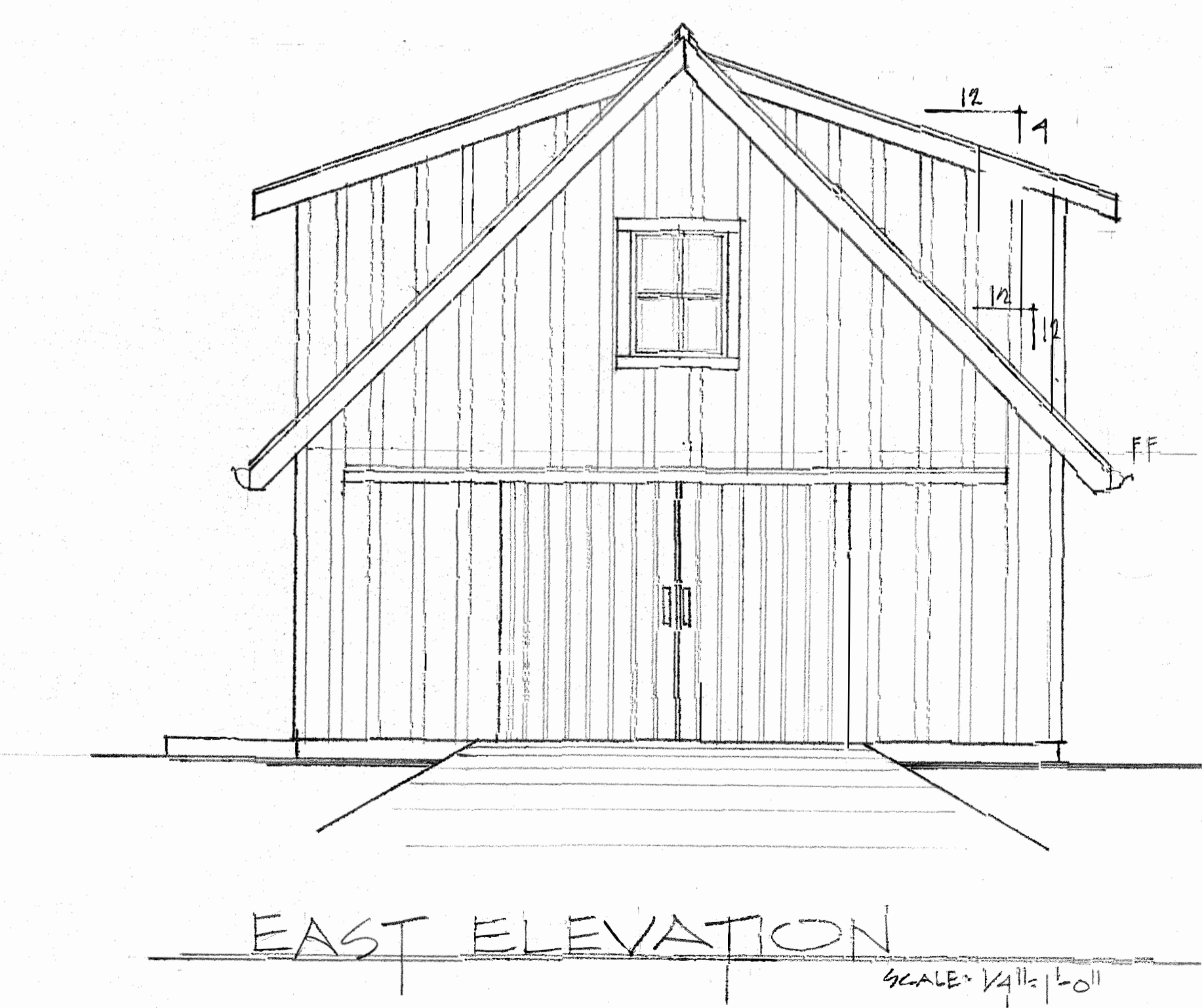
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22-21
SHEET

ROBIN ALAGA
 250 Evening Hill Lane Cotati, CA 95076
 Phone: (831)724-4994 Cell: (831)419-4919
 e-mail: alagair@gmail.com

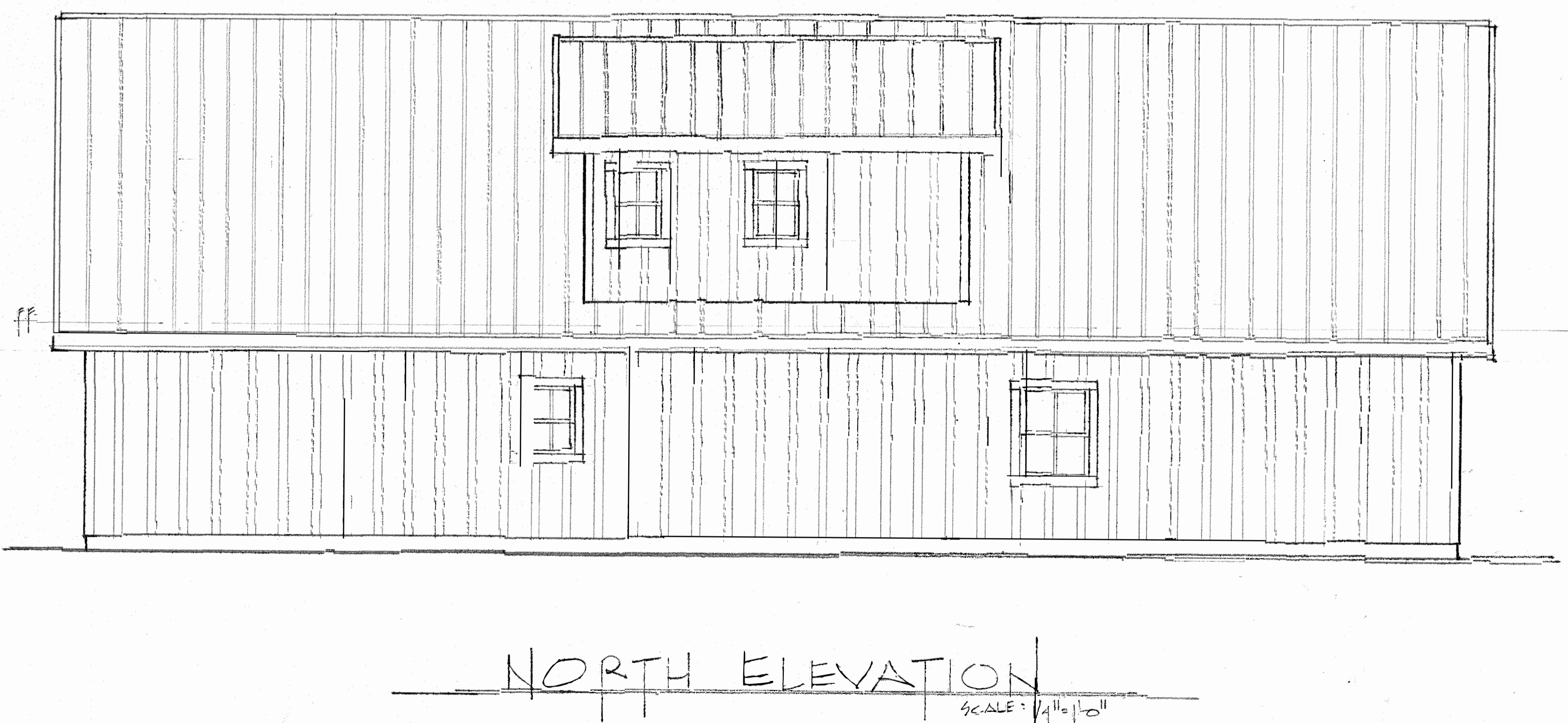


SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

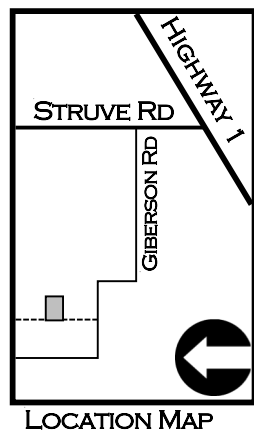
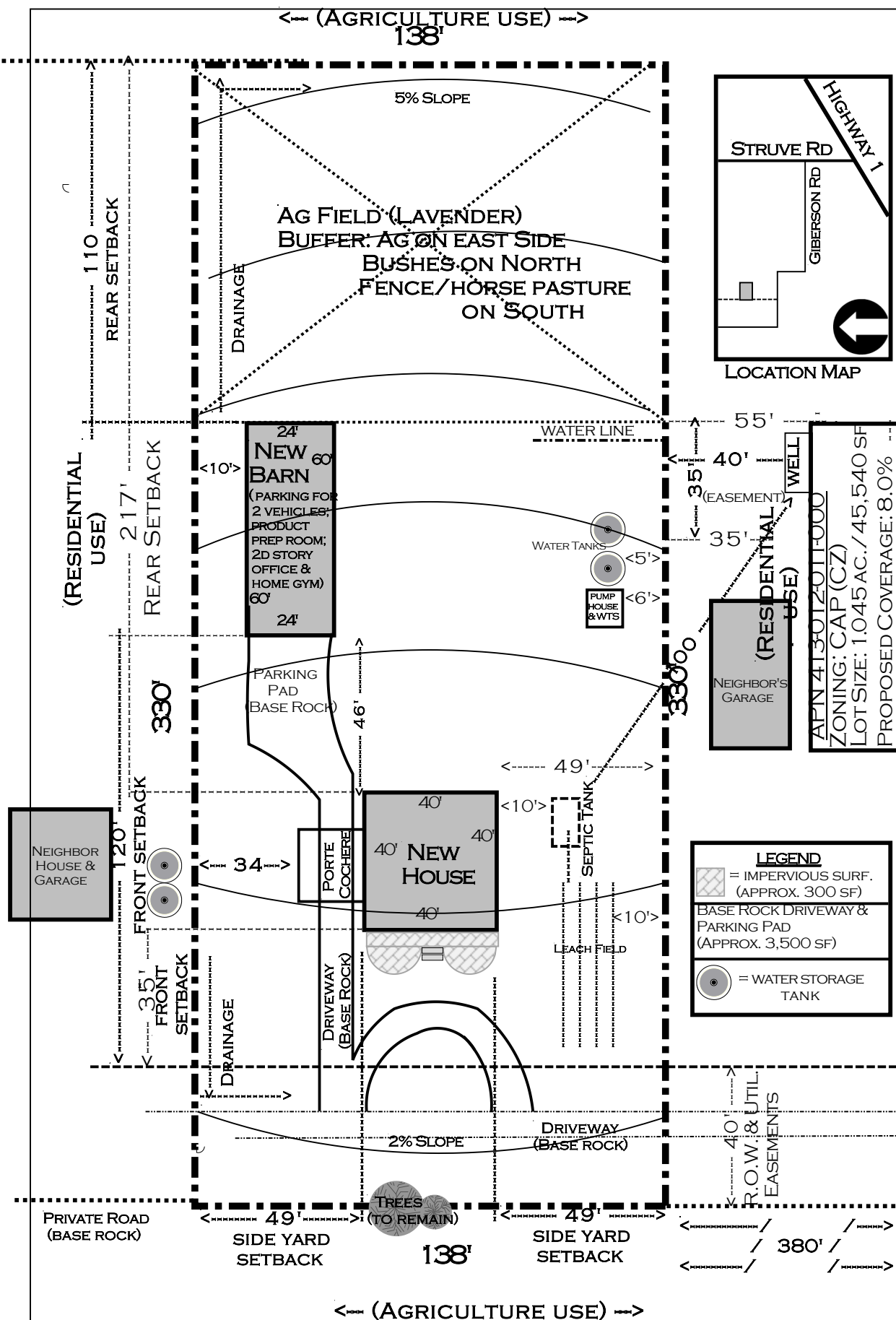
WEST ELEVATION
 SCALE: 1/4" = 1'-0"



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



DRAWN BY OWNERS:
 JEAN MARINOVICH (831) 214-7466
 PETE BUTIER (847) 204-6555
 9679 MADRAS CT, SALINAS, 93907

(RESIDENTIAL USE)
 APN 41301201100
 ZONING: CAP (CZ)
 LOT SIZE: 1.045 AC. / 45,540 SF
 PROPOSED COVERAGE: 8.0%
 (3% LIMIT; SEE VARIANCE REQUEST) PROJECT PROPOSED:
 NEW SINGLE FAM. RES.
 NEW GARAGE/GUEST/OFFICE
 NEW BARN

LEGEND

- [Hatched Box] = IMPERVIOUS SURF. (APPROX. 300 SF)
- [Dashed Box] = BASE ROCK DRIVEWAY & PARKING PAD (APPROX. 3,500 SF)
- [Circle with Center] = WATER STORAGE TANK

GIBERSON ROAD

SCALE 1" = 40'
 CONTOUR INTERVAL = 2'

LANDSCAPE PLAN
264 GIBERSON RD.
MOSS LANDING
95039

APN: 413-012-011-000
 SIZE: 1.045 ACRES

PREPARED BY OWNERS:
 JEAN MARINOVICH & PETE BUTIER
 9679 MADRAS CT, SALINAS, CA 93907
 (831) 214-7466 & (847) 204-6555

LEGEND:

-  = WATER STORAGE TOWER
-  = OAK TREE
-  = FRUIT TREE
-  = LEMON/LIME TREE
-  = AVOCADO TREE
-  = NATIVE PLANTS
-  = PARTERRE
-  = CLOVER LAWN
-  = 2.5' CMU WALL W/ IRON TOP
-  = EXISTING SPLIT RAIL FENCE
-  = 6' WOOD FENCE
-  = 3' PICKET FENCE
-  = VEGETABLE GARDEN

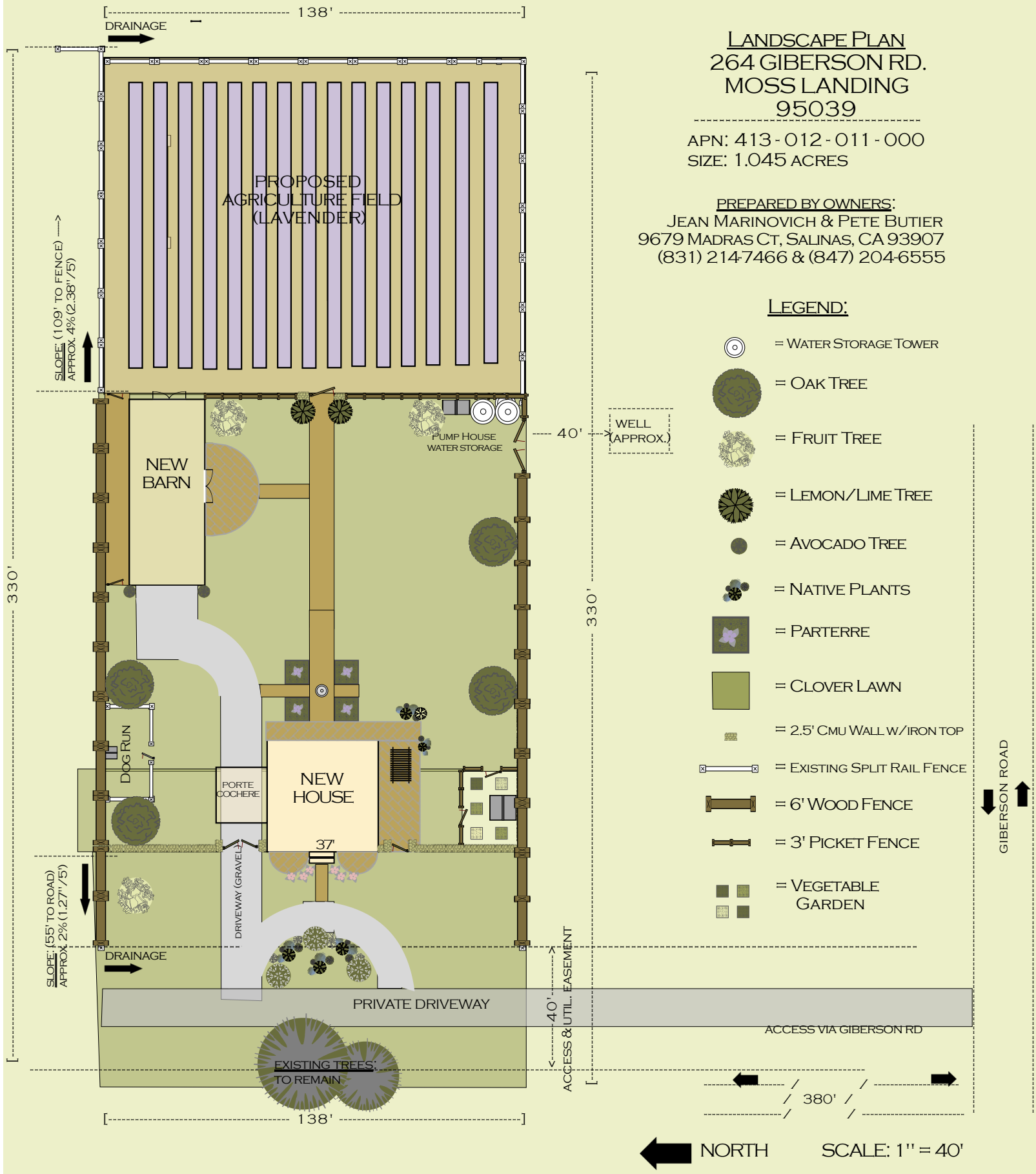


Exhibit C

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Agricultural Advisory Committee (AAC)

ACTION MINUTES

Location:	<i>Ag Conference Center, 1428 Abbott Street, Salinas, CA. 93901</i>	
Date:	April 25, 2024	
Time:	2:30 p.m. to 4:30 p.m.	
Present:	<i>Committee Members</i>	<i>Staff and Guests</i>
	Scott Violini - <i>Chair*</i> Alex Eastman - <i>Vice Chair*</i> Sherwood Darington CJ Miller Marc Del Piero Otto Kramm Nick Huntington Kevin Pearcy – (arrived at 2:35pm; after Item V.)	Juan Hidalgo, Agricultural Commissioner, ACO Nadia Ochoa, Ag Programs Manager, ACO Berlina Nunez, Administrative Secretary-Confidential, ACO Brianna Rico, Office Assistant III, ACO Mary Grace Perry, Deputy County Counsel Taylor Price, HCD Planning Zoe Zepp, HCD Planning Norm Groot, Farm Bureau Jean Marinovich, <i>Item VI. A applicant</i>
Absent:	Erik Heacox, Kurt Gollnick, Mike Ferguson, Scott Storm	

I. Call to Order

The meeting was called to order by Scott Violini at 2:31 pm.

II. Additions and Corrections

There were none.

III. Consent- Committee Business

A. Minutes from Jan. 25, 2024

MOTION: Approval of consent items moved and seconded by Committee Members Mark Del Piero and CJ Miller and **passed** by the following vote:

AYES: Del Piero, Miller, Violini, Darington, Eastman, Kramm, Huntington

NOES: None

ABSENT: Heacox, Ferguson, Storm, Pearcy, Gollnick

ABSTAIN: None

IV. Public Comment- On items not on the agenda.

- *None*

V. Agricultural Commissioner’s Update

-Influenza in dairy cattle, 8 states reported.

- *Influenza reported in birds, cows, and now humans. However, humans are showing mild symptoms.*
- *USDA new requirements in moving cattle into state.*
- *Border station checks*
- *New restrictions, CDPR*

VI. Monterey County Housing and Community Development -Planning

A. MARINOVICH JEAN & BUTIER PETER

Project Planner: Zoe Zepp, Assistant Planner

Project Title: Marinovich Jean & Butier Peter

Planning File No.: PLN210165

APN(s): 413-012-011-000

Project Location: 264 Giberson Road, Moss Landing

Zoning/Area Plan: North County Land Use Plan, Coastal Zone

Project Description: Combined Development Permit consisting of a Coastal Administrative Permit for the construction of a single-family residence with attached carport, detached barn; Variance to increase the maximum allowed building site coverage from 3 to 8 percent; Altering an existing agricultural well to a domestic well.

ACTION REQUESTED: Recommend support approval of the Combined Development Permit.

Proposed CEQA Action: Find the project categorically exempt from CEQA pursuant to section 15303, *New Structures* with no exceptions to section 15000.2.

PUBLIC COMMENT:

- None

MOTION: Item VI.A was moved and seconded by Committee Members Marc Del Piero and Sherwood Darington and **passed** by the following vote to recommend support approval of the project:

AYES: Del Piero, Violini, Miller, Darington, Eastman, Kramm, Huntington, Piearcy

NOES: None

ABSENT: Heacox, Ferguson, Storm, Gollnick

ABSTAIN: None

B. VACATION RENTAL ORDINANCES-- WILLIAMSON ACT COMPATIBLE USES AMENDMENT

Project Planner: Taylor Price, Associate Planner

Project Title: Vacation Rental (aka Short-Term Rental) Ordinances Williamson Act Compatible Uses Amendment

Planning File No.: REF100042/REF130043

APN(s): N/A

Project Location: County-wide Unincorporated Areas

Zoning/Area Plan: Coastal zoning and inland zoning

Project Description: Monterey County began policy outreach and the process of drafting ordinances pursuant to Vacation Rentals (also known as short-term rentals for overnight

Agricultural Advisory Committee

accommodations) in 2015. This process resulted in significant public input as well as comments and direction from the Board of Supervisors (Board), the Planning Commission (Commission), and the Land Use Advisory Committees (LUACs).

ACTION REQUESTED: Recommend to the Planning Commission amending the Compatible Uses for Williamson Act Contracts (Agricultural Preserves and Farmland Security Zones) by adding “Vacation Rentals within a single-family dwelling” as a permitted compatible use.

Proposed CEQA Action: The proposed Vacation Rental Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15308, which exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment.

PUBLIC COMMENT:

- Norm Groot, Farm Bureau

-

MOTION: Item VI. B was moved and seconded by Committee Members Alex Eastman and Marc Del Piero and **passed** by the following vote to recommend support approval of the project

AYES: Eastman, Darington, Del Piero, Huntington, Miller, Violini

NOES: Kramm, Piercy

ABSENT: Heacox, Ferguson, Storm, Gollnick

ABSTAIN: None

VII. Administrative Matters

- Ag Commissioner Update

VIII. Agricultural Advisory Committee Comments

- None

IX. Adjournment

There being no further business before the Committee, the meeting was adjourned at 3:32 p.m.

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Exhibit D

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MINUTES
North County Land Use Advisory Committee
April 19, 2023

1. Meeting called to order by David Evans at 5:30 pm

2. Roll Call

Members Present:

John Robinett, Michael Mastroianni, David Evans, Sheri Owen

Members Absent:

Leslie Noble, Emily Tafoya

3. Approval of Minutes:

A. April 5, 2023 minutes

Motion: Minutes not available to members (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

N/A

5. Scheduled Item(s)

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

N/A

B) Announcements

Committee member John Robinett suggested opening up Kirby park and repair it's access road.

7. Meeting Adjourned: 6:07 pm

Minutes taken by: Michael Mastroianni

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Housing & Community Development
1441 Schilling Place 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: North County

1. **Project Name:** MARINOVICH JEAN AND BUTIER PETER
 File Number: PLN210165
 Project Location: 264 GIBERSON RD, MOSS LANDING, CA 95076
Assessor's Parcel Number(s): 413-012-011-000
 Project Planner: Philip Angelo
 Area Plan: North County Land Use Plan, Coastal Zone
Project Description: A Coastal Administrative Permit to allow the construction of a 4,425 square foot two-story single family residence with an attached 300 square foot carport, and a detached 1,968 square foot barn accessory to an agricultural use (lavender cultivation); and
 A Variance to allow an increase in the maximum allowable building site coverage, from 3% to 8.2%.

Was the Owner/Applicant/Representative present at meeting? YES X NO

(Please include the names of the those present)

Applicant Jean Marinovich, Marcy McKearn (neighbor), Nancy Jobst (neighbor) Brad Twadle

Was a County Staff/Representative present at meeting? Phil Angelo (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

--	--	--	--

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

Sheri Owen asked for clarification regarding Sq. Ft. of living space vs building site footprint.

Michael Mastroianni asked about ownership of and location of water well and storage tanks.

RECOMMENDATION:

Motion by: Sheri Owen (LUAC Member's Name)

Second by: John Robinett (LUAC Member's Name)

- Support Project as proposed
- Support Project with changes
- Continue the Item

Reason for Continuance: _____

Continue to what date: _____

Ayes: Sheri Owen, Michael Mastroianni, John Robinett, David Evans

Noes: _____

Absent: Emily Tafoya, Leslie Noble

Abstain: _____

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Exhibit E

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NORTH COUNTY LCP

SPRINGFIELD RD

McClusky Slough

GIBERSON RD

Zmudowski State Beach


Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA


APPLICANT: MARINOVICH JEAN AND BUTIER PETER

APN: 413-012-011-000

FILE # PLN210165

 Project Site

 300 FT Buffer

 2500 FT Buffer



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County of Monterey

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ZA 24-025

June 27, 2024

Introduced: 6/20/2024

Current Status: Agenda Ready

Version: 3

Matter Type: Zoning Administrator

PLN230291 - RATAUL BALBIR TR

Consider the construction of a test well within 100 feet of environmentally sensitive habitat.

Project Location: 46820 Clear Ridge Road, Big Sur

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exceptions to the exemptions listed in 15300.2 can be made; and
- b. Approve a Combined Development Permit consisting of:
 1. Coastal Administrative Permit for a test well; and
 2. Coastal Development Permit for the development within 100 feet of environmentally sensitive habitat.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions of approval.

PROJECT INFORMATION

Agent: Michael Linder

Property Owner: Ratual Balbir TR

APN: 419-271-001-000

Parcel Size: 57 acres

Zoning: Watershed and Scenic Conservation Residential Zoning District, 40 acres per unit, with a Design Control zoning overlay in the coastal zone or "WSC/40-D"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: N/A

SUMMARY/DISCUSSION

The proposed project is the construction of a test well within 100 feet of environmentally sensitive habitat area (ESHA) for use as fire suppression and irrigation. The existing well onsite shows signs of diminishing supply, and therefore a new well is necessary at this time.

Development Standards

The subject parcel is zoned as Watershed and Scenic Conservation Residential with one unit per 40 acres with a Design Control Overlay in the Coastal Zone, or “WSC/40-D(CZ)”. The proposed test well is not required to meet setbacks and height restrictions unless a structure is proposed to be constructed over the well head.

Cultural Resources

County records identify that the project site is within an area of high sensitivity for cultural resources. The Big Sur Coast Land Use Plan requires that a survey be conducted where development is to occur in areas having a probability of containing archaeological sites. On May 18, 2023, an archaeological pedestrian survey was conducted at the site in areas that would be impacted by construction of the test well. The project parcel was surveyed for evidence of prehistoric or historic resources. No indicators were present in the area of the well site. The report recommended that in the event that unexpected traces of historic or prehistoric materials are encountered during development that a qualified archaeologist should be retained for appropriate archaeological mitigation. A standard condition of approval has been incorporated into this project to assure construction work would be halted if archaeological resources are accidentally uncovered.

Biological Resources

The project parcel was observed as having several natural habitat communities throughout the area. The Biologist and Hydrologist met several times to identify a feasible area for the well construction while having minimal impact to ESHA. A Biological Assessment (see **Attachment C**) identified an area where existing landscaping and planted/boxed Monterey Cypress trees are located adjacent to an existing access road and 30 foot easement. The landscaped area is located next to coastal prairie grassland. While the coastal prairie grassland is ESHA, the landscaped area is not and while the landscaped area will be the primary area for staging, any vehicles parked on the grassland during staging/construction will not have any short-term or long-term negative impacts to the grassland itself. The Biological Assessment also recommends to remove fix boxed Monterey cypress trees as they are not indigenous to the Big Sur area. Pursuant to Big Sur Coast Land Use Plan Policy 5.4.2.13.a and Monterey County Coastal Implementation Plan, Part 3, Section 20.145.140.A.12, a discretionary permit is not required for trees that have been planted. Therefore, no permit is required and replanting of trees are not recommended at this time.

Geological Hazards

County Records identified a fault in proximity to the proposed well location. Further investigation has been reported (see **Attachment D**) and confirmed that the fault, identified as the Pfeiffer Fault, is no longer active and does not pose a hazard or threat to the proposed project or surrounding area.

CEQA Review

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts new construction of small new facilities. The proposed project is to allow a test well for the purpose of determining if sufficient water supply exists on site to support future fire suppression and irrigation. Therefore, the project qualifies for a Class 3 categorical exemption. None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic

highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

Note: This project will be referred to the Monterey County Board of Supervisors if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

HCD-Engineering Services

Environmental Health Bureau

HCD-Environmental Services

Carmel Fire Protection Associates

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans

Exhibit C - Biological Assessment (LIB240075)

Exhibit D - Geological Assessment (LIB240076)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Carmel Fire Protection Association; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Planner; Anna Ginette Quenga, AICP, Principal Planner; Balbir Rataul, Property Owner; Michael Linder, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230291



County of Monterey

Item No.2

Zoning Administrator

Legistar File Number: ZA 24-025

June 27, 2024

Introduced: 6/20/2024

Current Status: Agenda Ready

Version: 3

Matter Type: Zoning Administrator

PLN230291 - RATAUL BALBIR TR

Consider the construction of a test well within 100 feet of environmentally sensitive habitat.

Project Location: 46820 Clear Ridge Road, Big Sur

Proposed CEQA action: Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and there are no exceptions pursuant to section 15300.2.

RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

- a. Find the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exceptions to the exemptions listed in 15300.2 can be made; and
- b. Approve a Combined Development Permit consisting of:
 1. Coastal Administrative Permit for a test well; and
 2. Coastal Development Permit for the development within 100 feet of environmentally sensitive habitat.

The attached draft resolution includes findings and evidence for consideration (**Exhibit A**). Staff recommends approval subject to 6 conditions of approval.

PROJECT INFORMATION

Agent: Michael Linder

Property Owner: Ratual Balbir TR

APN: 419-271-001-000

Parcel Size: 57 acres

Zoning: Watershed and Scenic Conservation Residential Zoning District, 40 acres per unit, with a Design Control zoning overlay in the coastal zone or "WSC/40-D"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: N/A

SUMMARY/DISCUSSION

The proposed project is the construction of a test well within 100 feet of environmentally sensitive habitat area (ESHA) for use as fire suppression and irrigation. The existing well onsite shows signs of diminishing supply, and therefore a new well is necessary at this time.

Development Standards

The subject parcel is zoned as Watershed and Scenic Conservation Residential with one unit per 40 acres with a Design Control Overlay in the Coastal Zone, or “WSC/40-D(CZ)”. The proposed test well is not required to meet setbacks and height restrictions unless a structure is proposed to be constructed over the well head.

Cultural Resources

County records identify that the project site is within an area of high sensitivity for cultural resources. The Big Sur Coast Land Use Plan requires that a survey be conducted where development is to occur in areas having a probability of containing archaeological sites. On May 18, 2023, an archaeological pedestrian survey was conducted at the site in areas that would be impacted by construction of the test well. The project parcel was surveyed for evidence of prehistoric or historic resources. No indicators were present in the area of the well site. The report recommended that in the event that unexpected traces of historic or prehistoric materials are encountered during development that a qualified archaeologist should be retained for appropriate archaeological mitigation. A standard condition of approval has been incorporated into this project to assure construction work would be halted if archaeological resources are accidentally uncovered.

Biological Resources

The project parcel was observed as having several natural habitat communities throughout the area. The Biologist and Hydrologist met several times to identify a feasible area for the well construction while having minimal impact to ESHA. A Biological Assessment (see **Attachment C**) identified an area where existing landscaping and planted/boxed Monterey Cypress trees are located adjacent to an existing access road and 30 foot easement. The landscaped area is located next to coastal prairie grassland. While the coastal prairie grassland is ESHA, the landscaped area is not and while the landscaped area will be the primary area for staging, any vehicles parked on the grassland during staging/construction will not have any short-term or long-term negative impacts to the grassland itself. The Biological Assessment also recommends to remove fix boxed Monterey cypress trees as they are not indigenous to the Big Sur area. Pursuant to Big Sur Coast Land Use Plan Policy 5.4.2.13.a and Monterey County Coastal Implementation Plan, Part 3, Section 20.145.140.A.12, a discretionary permit is not required for trees that have been planted. Therefore, no permit is required and replanting of trees are not recommended at this time.

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County Records identified a fault in proximity to the proposed well location. Further investigation has been reported (see **Attachment D**) and confirmed that the fault, identified as the Pfeiffer Fault, is no longer active and does not pose a hazard or threat to the proposed project or surrounding area.

CEQA Review

California Environmental Quality Act (CEQA) Guidelines section 15303 categorically exempts new construction of small new facilities. The proposed project is to allow a test well for the purpose of determining if sufficient water supply exists on site to support future fire suppression and irrigation. Therefore, the project qualifies for a Class 3 categorical exemption. None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic

highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.

Note: This project will be referred to the Monterey County Board of Supervisors if a public hearing is necessary. The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- Carmel Fire Protection Associates

Prepared by: Hya Honorato, Assistant Planner, x5173

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution including:

- Recommended Conditions of Approval
- Site Plans

Exhibit C - Biological Assessment (LIB240075)

Exhibit D - Geological Assessment (LIB240076)

Exhibit E - Vicinity Map

cc: Front Counter Copy; Carmel Fire Protection Association; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Hya Honorato, Planner; Anna Ginette Quenga, AICP, Principal Planner; Balbir Rataul, Property Owner; Michael Linder, Agent; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Planning File PLN230291

Exhibit A

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EXHIBIT A

Project Information for PLN230291

Application Name: Rataul Balbir Tr
Location: 46820 Clear Ridge Rd, Big Sur
Applicable Plan: Coast-Big Sur
Advisory Committee: Big Sur Coast Advisory Committee
Permit Type: Combined Development Permit
Environmental Status: To Be Determined
Zoning: WSC/40-D(CZ)

Primary APN: 419-271-001-000
Coastal Zone: Yes
Final Action Deadline (884): 12/30/1899
Land Use Designation: Watershed & Scenic Conservation

Project Site Data:

Lot Size: 57
Existing Structures (sf):
Proposed Structures (sf):
Total Sq. Ft.: 0

Coverage Allowed: 248292
Coverage Proposed: 1000 SF
Height Allowed: N/A
Height Proposed: N/A
FAR Allowed: N/A
FAR Proposed: N/A

Special Setbacks on Parcel:

Resource Zones and Reports:

Seismic Hazard Zone: No Data
Erosion Hazard Zone: High|Moderate
Fire Hazard Zone: Very High
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: high
Visual Sensitivity: None

Soils Report #:
Biological Report #: LIB240075
Forest Management Rpt. #:
Geologic Report #: LIB240076
Archaeological Report #: LIB240028
Traffic Report #:
Historic Report #:

Other Information:

Water Source: Test Well
Water Purveyor: N/A
Fire District: Big Sur VFB
Tree Removal: 0

Grading (cubic yds.):
Sewage Disposal (method): N/A
Sewer District Name: N/A

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Exhibit B

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DRAFT RESOLUTION

Before the Zoning Administrator in and for the County of Monterey, State of California

In the matter of the application of:

RATAUL BALBIR TR (PLN230291)

RESOLUTION NO. ----

Resolution by the Zoning Administrator:

1. Finding the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exceptions to the exemptions listed in 15300.2 can be made; and
2. Approving a Combined Development Permit consisting of:
 - a. Coastal Administrative Permit for a test well; and
 - b. Coastal Development Permit for development within 100 feet of environmentally sensitive habitats.

[PLN230291, Rataul Balbir TR, 46820 Clear Ridge Road, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APN: 419-271-001-000)]

The Rataul Balbir TR application (PLN230291) came for a public hearing before the Monterey County Zoning Administrator on June 27, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Zoning Administrator 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 the:
 - 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Coastal Implementation Plan, Part 3 (CIP); and
 - Monterey County Zoning Ordinance (Title 20).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 46820 Clear Ridge Road, Big Sur (Assessor's Parcel Number [APN]: 419-271-001-000), within the Big Sur Coast Land Use Plan (BSCLUP). The parcel is zoned as Watershed and Scenic Conservation Residential Zoning District, 40 acres per unit

with a Design Control zoning overlay in the coastal zone [WSC/40-D(CZ)], which allows for wells and small water systems serving 14 or fewer connections with approval of a Coastal Administrative Permit (Title 20 section 20.17.040.J). The project involves drilling a test well on a residential lot (APN 419-271-001-000), which is intended for use as fire suppression and irrigation. The project does not require a Design Approval since no new structures are proposed. Therefore, the project is an allowed land use for this site.

- c) Lot Legality. The parcel is shown in its present size and configuration as Parcel 17 in the supplemental map of the B. Pfeiffer Subdivision, Minor Subdivision No. MS-78-1H to the T19 S., R1E map recorded in Volume 2 Parcel Map, Page 39. Therefore, the County recognizes it as a legal lot of record.
- d) Development Standards. The proposed test well is required to be setback 100 feet from a septic system. The test well will be located in an open area that is slightly sloped. It has been confirmed that the proposed development is located on slopes that are less than 30% and is therefore exempt from a discretionary permit. The Applicant (Rataul) owns the parcel in which the test well will be drilled. The well will be situated approximately 217 feet from an existing location of a septic tank on the adjacent parcel to the south of the proposed well location, and approximately 130 feet from the leach field and expansion field of the adjacent parcel. The location of the well maintains the required 100-foot radius from existing septic systems and expansion leach fields in the area.
- e) Biological Resources. Consistent with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); Big Sur Coast Land Use Plan (BSC LUP); CIP; and Title 20, a Biological Assessment (LIB240075 – see Finding 2, Evidence “b”) has been provided with the application. A site visit was conducted on October 17, 2023, and several natural communities were observed around the parcel. In order to locate a feasible potential well site, several meetings were conducted onsite with both the hydrologist and biologist. Several challenges were considered for the well site placement, including maintaining setbacks from existing septic fields, avoiding soil disturbance to existing coastal prairie grasslands, avoiding removal of indigenous and protected trees, and minimizing disturbance of existing native plant communities on the property. The proposed location has been identified as being ideal due to the location meeting setback requirements, and the ability to set up the equipment to drill the well within an already landscaped area that runs parallel to the access road. This location is adjacent to a coastal prairie grassland habitat, however, the proposed project will have minimal and temporary impact to the grassland habitat. All recommendations included in the Biological Assessment shall be implemented through the County’s standard condition for a notice of report.
- f) Tree Removal. There are five boxed Monterey Cypress trees that are proposed to be removed, however, pursuant to Big Sur Coast Land Use Plan Policy 5.4.2.13.a and CIP section 20.145.140.A.12, a Coastal Development Permit is not necessary for trees that have been planted. A

Biological Assessment (LIB240075 – see Finding 2, Evidence “b”) has confirmed that the five trees identified for removal are not native grown and therefore do not need a permit. The Biological Assessment has also confirmed that the Monterey cypress trees are not indigenous to the Big Sur area and recommends removal without replacement of new trees.

- g) Cultural Resources. According to Monterey County Geographic Information System (GIS) records, the subject parcel has a high archaeological sensitivity for cultural resources. The Big Sur Coast Land Use Plan requires that impacts to archaeological resources be avoided or minimized to the extent feasible. On May 18, 2023, archaeologist Susan Morley conducted a physical survey at the site in areas that would be impacted by construction of the test well (see Finding 2, Evidence “b”). Reconnaissance did not reveal any of the indicators expected of a prehistoric archaeological site in the region. The report also states that there are no archaeological sites, either historic or prehistoric, within at least a half mile radius of the project parcel. The Archaeological Assessment confirmed that a previous cultural resources assessment conducted in 1994 yielded negative results. Consistent with BSC LUP Key Policy 3.11.1, the scope of the project is minimized to avoid excessive ground disturbance. Minimal grading and no imported fill is needed to perform the test well installation. The proposed location for staging and construction of the well, including spoils retention, has been designated within an area that was previously disturbed and landscaping installed. In addition, the County standard condition of approval has been incorporated into this project to assure construction work would be halted if archaeological resources are accidentally uncovered.
- h) Land Use Advisory Committee (LUAC) Review. Based on the Land Use Advisory Committee (LUAC) procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application does not meet any of the criteria in the guidelines requiring LUAC review because the project does not require Design Approval where the appropriate authority is the Zoning Administrator, Planning Commission, or Board of Supervisors and/or the project does not require environmental review.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and Carmel Fire Protection Associates. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to biological and cultural resources and geological hazards. The following reports have been prepared:
 - “Biological Resource Review” (LIB240075) prepared by Fred Ballerini, Pacific Grove, California, October 25, 2023.
 - “Phase I Archaeological Assessment” (LIB240025) prepared by Achasta Archaeological Services, Marina, California, October, 2023.
 - “Geologic Evaluation (Supplemental)” (LIB240076) prepared by Craig Harwood, Ben Lomond, December 19, 2023.
 - Includes “Geologic Hazard Assessment Letter” prepared by Aaron Bierman, Aptos, CA, January 25, 2024.

County staff independently reviewed these reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. All development shall be in accordance with these reports.

- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.

3. FINDING: HEALTH AND SAFETY – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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, HCD-Environmental Services, Environmental Health Bureau (EHB), and Carmel Fire Protection Associates. 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.
 - b) Potable water is available via the Clear Ridge Water Association. The Environmental Health Bureau (EHB) reviewed the application and confirmed that the subject parcel shows up on Monterey County’s Public Water System List under the “Clear Ridge WA.”
 - c) The Property has an existing Onsite Waste Management System (OWTS) and EB confirmed that the setbacks are met between the OWTS and the proposed well location.
 - d) Geologic Faulting. In accordance with the CIP Policy 20.145.080.A.1.b.4, a geologic report shall be required if the project site is in any area of known or suspected geologic hazards. The GIS records show that the Pfeiffer Fault is a U-shaped fault surrounding the proposed well location. A Geologic Evaluation (LIB240076 – see Finding 2, Evidence “b”) confirmed that the fault is not active and does not pose a threat to the proposed development.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.

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 reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
- b) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.
5. **FINDING:** **BIOLOGICAL RESOURCES** – The project minimizes impacts on environmentally sensitive habitat areas (ESHA) in accordance with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); Big Sur Coast Land Use Plan (BSC LUP); Monterey County Coastal Implementation Plan, Part 3 (CIP); and the Monterey County Zoning Ordinance (Title 20).
- EVIDENCE:** a) Consistent with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP); Big Sur Coast Land Use Plan (BSC LUP); CIP; and Title 20, a Biological Assessment (LIB240075 – see Finding 2, Evidence “b”) has been provided with the application. A site visit was conducted on October 17, 2023, and several natural communities were observed around the parcel. In order to locate a feasible potential well site, several meetings were conducted onsite with both the hydrologist and biologist. Several challenges were considered for the well site placement, including maintaining setbacks from existing septic fields, avoiding soil disturbance to existing coastal prairie grasslands, avoiding removal of indigenous and protected trees, and minimizing disturbance of existing native plant communities on the property.
- b) The proposed location for the well has been identified as being ideal due to the location meeting setback requirements, and the ability to set up the equipment and staging to drill the well within an already landscaped area that runs parallel to the access road. This location is adjacent to a coastal prairie grassland habitat and is not considered ESHA. The Biological Assessment addresses that any vehicles that are parked within ESHA during staging/construction will not have any short-term or long-term negative impacts to the grassland itself.
- c) All recommendations included in the Biological Assessment shall be implemented through the County’s standard condition for recordation of a notice of report.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.
6. **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 categorically exempts construction of small new facilities.

- b) The proposed project qualifies for a Class 3 categorical exemption because the project involves a test well for the purpose of determining if sufficient water supply exists onsite to support the future establishment of fire suppression and irrigation, which is a small and temporary facility.
- c) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. A Biological Assessment was provided with the project application and a careful analysis of the parcel was conducted to minimize impacts to environmentally sensitive habitats (see Finding 5 and supporting evidence). The proposed well is located within a landscaped area that runs parallel to the 30-foot access easement and will have to long term impacts to the coastal prairie grassland adjacent to the proposed development. An Archaeological report was provided with the project application due to the project site located within an area of high archaeological sensitivity. The archaeological report concluded that there was no evidence of cultural resources within the project development area (see Finding 1, Evidence “g”). A fault was identified as being within 660 feet of the proposed development, however, staff has reviewed a geologic evaluation submitted with the development application (see Finding 3, Evidence “d”) and found that the fault is inactive and poses no threat to the proposed development. Therefore, there is no significant effect on the environment due to unusual circumstances. There are no successive projects of similar size and location and no new land use is proposed. The test well is a temporary condition to determine the feasibility of a permanent well due to the diminishing water supply of the previous fire suppression well, and the test well itself would not contribute to a cumulative impact.
- d) The project proposes to remove trees, however the trees identified for removal are not native planted trees and are not indigenous to the Big Sure area (see Finding 1, Evidence “f”). The removal of trees will not impact visual resources. The closest scenic highway is Highway 1, which is approximately 1.7 miles east of the site. No development from this project will be visible from the scenic highway.
- e) The project is not on a hazardous waste site compiled pursuant to section 6592.5 of the Government code.
- f) The project does not have the potential to affect any historical resources.
- g) See supporting Finding Nos. 1 and 2. The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.

7. 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 public access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in section 20.145.150 of the Big Sur Coastal Implementation Plan 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. The subject property is not described as an area where the Local Coastal Program requires visual or physical public access to the shoreline (Figure 2, Shoreline Access Plan, in the Big Sur Coast Land Use Plan).
- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN230291.

8. 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 20.86.030, the project is subject to appeal 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. Pursuant to section 20.86.080.A.3 of Title 20, the project is subject to appeal by/to the California Coastal Commission because the project is located between the sea and the first through public road paralleling the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines section 15303 and none of the exceptions to the exemptions listed in 15300.2 can be made; and
2. Approving a Coastal Administrative Permit to allow 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 27th day of June, 2024.

Mike Novo, AICP
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

PLN230291

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN230291) allows the construction of a test well within 100 feet of environmentally sensitive habitat. The property is located at 46820 Clear Ridge Rd, Big Sur (Assessor's Parcel Number 419-271-001-000), Big Sur 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 ongoing 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 Combined Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 419-271-001-000 on June 27, 2024. 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. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant/Agent shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant/Agent shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Biological Resource Review (Library No. 240075) has been prepared by Fred Ballerini, dated October 25, 2023 and is on record in Monterey County HCD - Planning. All development shall be in accordance with this report." (HCD – Planning)

Compliance or Monitoring Action to be Performed: Owner/Agent shall submit proof that all development has been implemented in accordance with the report to HCD- Planning for review and approval prior to occupancy.

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

Responsible Department: Health Department

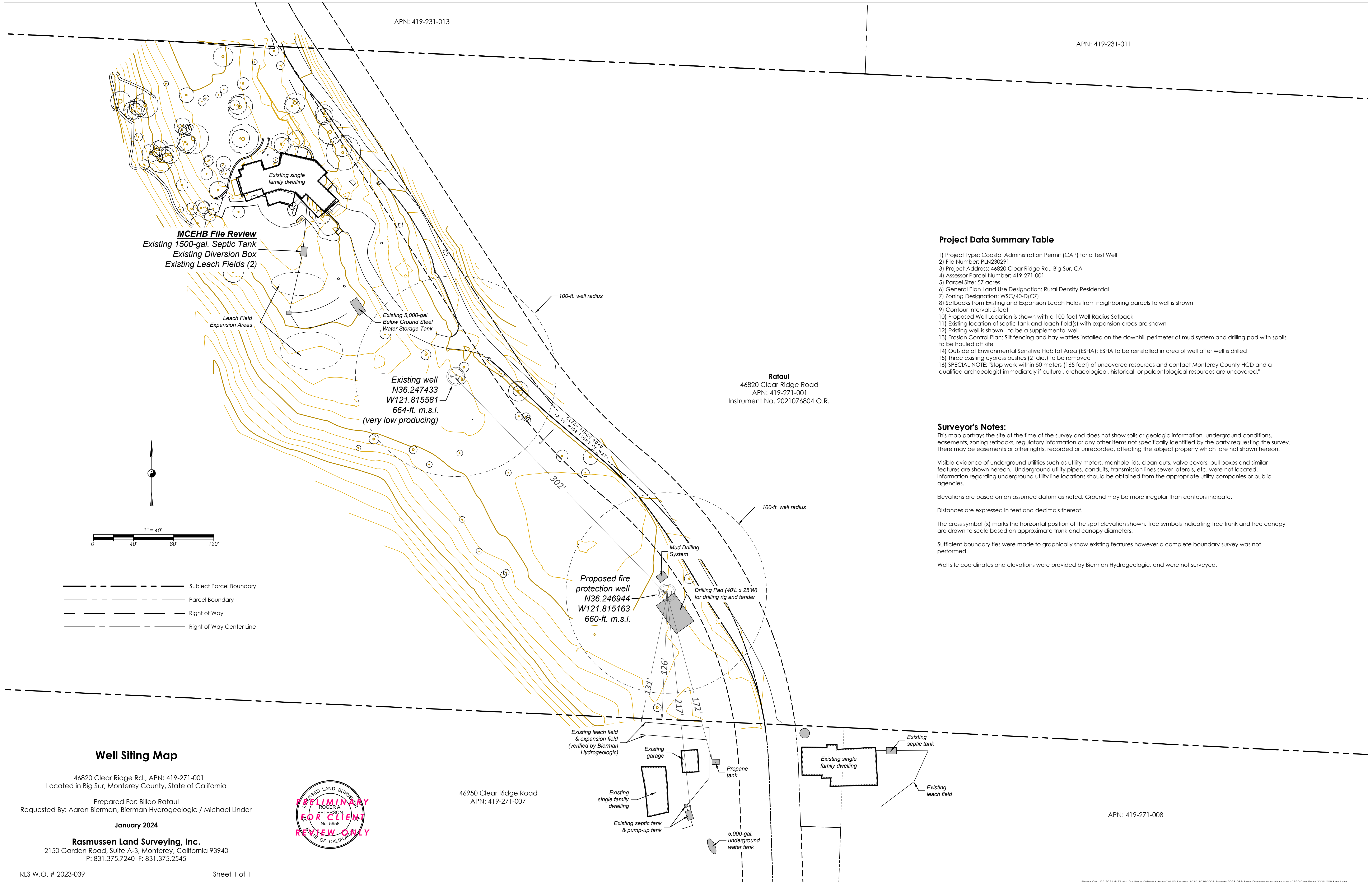
Condition/Mitigation Monitoring Measure: Obtain a water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells.

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.

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APN: 419-231-013

APN: 419-231-011



MCEHB File Review
 Existing 1500-gal. Septic Tank
 Existing Diversion Box
 Existing Leach Fields (2)

Leach Field Expansion Areas

Existing 5,000-gal. Below Ground Steel Water Storage Tank

Existing well
 N36.247433
 W121.815581
 664-ft. m.s.l.
 (very low producing)

Rataul
 46820 Clear Ridge Road
 APN: 419-271-001
 Instrument No. 2021076804 O.R.

Proposed fire protection well
 N36.246944
 W121.815163
 660-ft. m.s.l.

Existing leach field & expansion field (verified by Bierman Hydrogeologic)

Existing garage

Existing single family dwelling

Existing septic tank & pump-up tank

5,000-gal. underground water tank

Project Data Summary Table

- 1) Project Type: Coastal Administration Permit (CAP) for a Test Well
- 2) File Number: PLN230291
- 3) Project Address: 46820 Clear Ridge Rd., Big Sur, CA
- 4) Assessor Parcel Number: 419-271-001
- 5) Parcel Size: 57 acres
- 6) General Plan Land Use Designation: Rural Density Residential
- 7) Zoning Designation: WSC/40-D(CZ)
- 8) Setbacks from Existing and Expansion Leach Fields from neighboring parcels to well is shown
- 9) Contour Interval: 2-feet
- 10) Proposed Well Location is shown with a 100-foot Well Radius Setback
- 11) Existing location of septic tank and leach field(s) with expansion areas are shown
- 12) Existing well is shown - to be a supplemental well
- 13) Erosion Control Plan: Silt fencing and hay wattles installed on the downhill perimeter of mud system and drilling pad with spoils to be hauled off site
- 14) Outside of Environmental Sensitive Habitat Area (ESHA): ESHA to be reinstalled in area of well after well is drilled
- 15) Three existing cypress bushes (2" dia.) to be removed
- 16) SPECIAL NOTE: "Stop work within 50 meters (165 feet) of uncovered resources and contact Monterey County HCD and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered."

Surveyor's Notes:

This map portrays the site at the time of the survey and does not show soils or geologic information, underground conditions, easements, zoning setbacks, regulatory information or any other items not specifically identified by the party requesting the survey. There may be easements or other rights, recorded or unrecorded, affecting the subject property which are not shown hereon.

Visible evidence of underground utilities such as utility meters, manhole lids, clean outs, valve covers, pull boxes and similar features are shown hereon. Underground utility pipes, conduits, transmission lines sewer laterals, etc. were not located. Information regarding underground utility line locations should be obtained from the appropriate utility companies or public agencies.

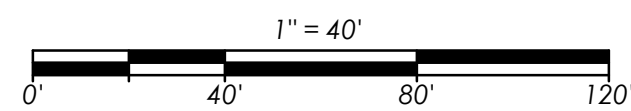
Elevations are based on an assumed datum as noted. Ground may be more irregular than contours indicate.

Distances are expressed in feet and decimals thereof.

The cross symbol (x) marks the horizontal position of the spot elevation shown. Tree symbols indicating tree trunk and tree canopy are drawn to scale based on approximate trunk and canopy diameters.

Sufficient boundary ties were made to graphically show existing features however a complete boundary survey was not performed.

Well site coordinates and elevations were provided by Bierman Hydrogeologic, and were not surveyed.



- Subject Parcel Boundary
- Parcel Boundary
- Right of Way
- Right of Way Center Line

Well Siting Map

46820 Clear Ridge Rd., APN: 419-271-001
 Located in Big Sur, Monterey County, State of California

Prepared For: Billoo Rataul
 Requested By: Aaron Bierman, Bierman Hydrogeologic / Michael Linder

January 2024

Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3, Monterey, California 93940
 P: 831.375.7240 F: 831.375.2545

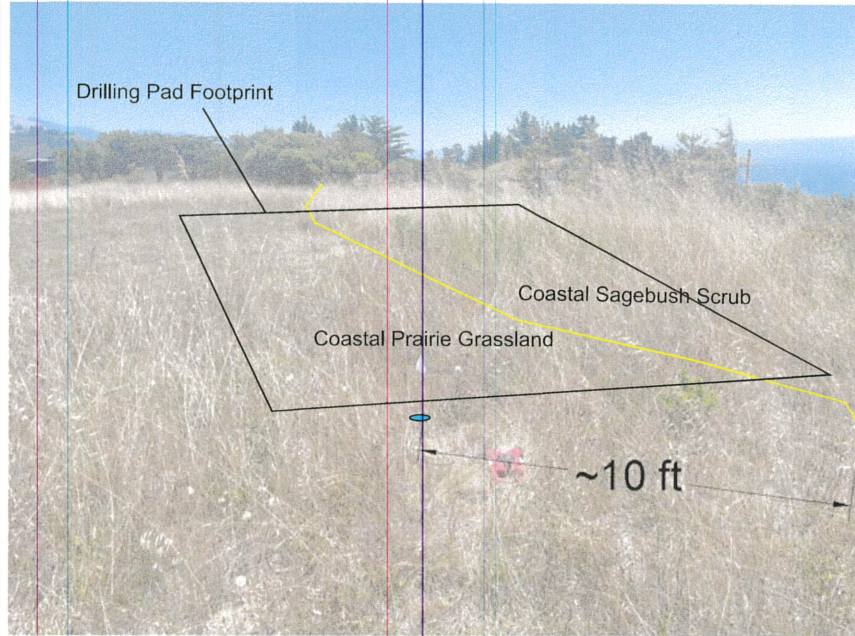


46950 Clear Ridge Road
 APN: 419-271-007

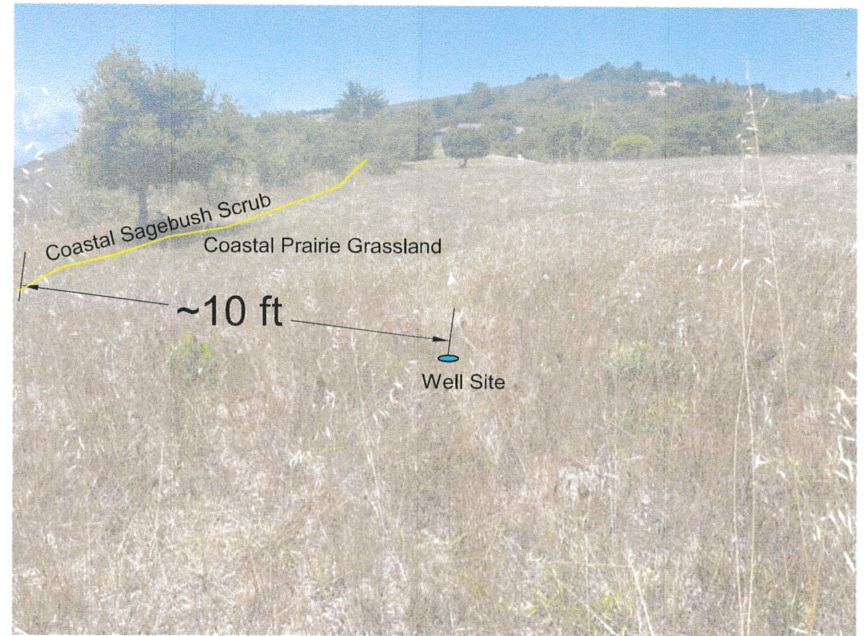
APN: 419-271-008







Looking South
 showing Well-Site and approximate
 10-ft distance to edge of Coastal Prairie Grasslands
 (see Vegetation Map for further details)



Looking North
 showing Well-Site and approximate
 10-ft distance to edge of Coastal Prairie Grasslands
 (see Vegetation Map for further details)



Looking NW
 Showing Blow-Line
 with sediment into
 Coastal Sagebrush Scrub

Exhibit C

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FRED BALLERINI
BIOLOGICAL AND HORTICULTURAL SERVICES

October 25, 2023

To: Mike Linder
 Land Use Consultant
 PO Box 695
 Big Sur, CA 93920

RE: **Biological Resource Review for Replacement Well Permit**
APN 419-271-001
Balbir S. Rataul
46820 Clear Ridge Road
Big Sur, CA 93920

Dear Mr. Linder,

Per your request, I visited the subject parcel located at the 46820 Clear Ridge Road in Big Sur, to review the biological resources on the subject parcel in relation to a proposed Replacement Well Development.

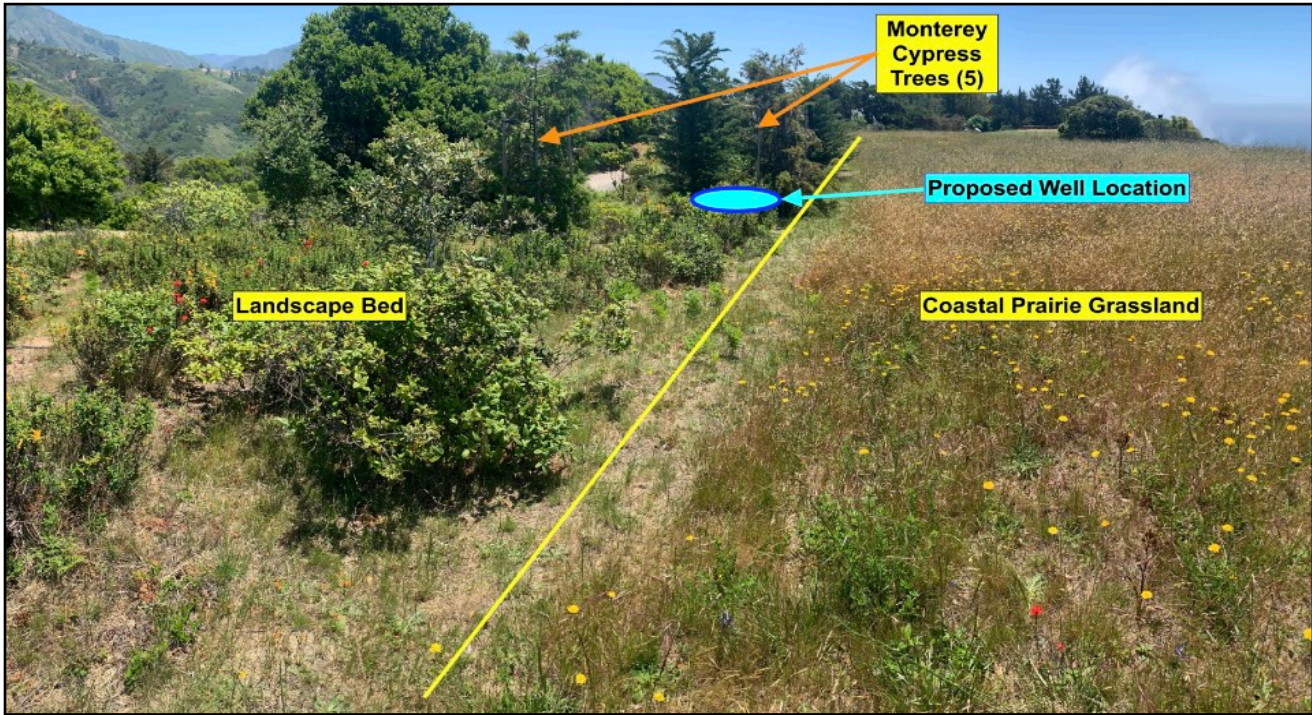
The purpose of this 7-page assessment is to document the findings of a biological survey conducted within the project area and to provide recommendations to minimize potential well development impacts to a less than significant level. Seven observational site visits were conducted over several months starting with Spring Surveys in May 2023 and a final visit on October 17, 2023 to analyze biological resources in relation to the proposed replacement well project.

The Big Sur Coast Land Use Plan (LUP), the California Natural Diversity Data Base (CNDDDB) maintained by the State of California Department of Fish and Wildlife (DFW), the United States Fish and Wildlife Service Information for Planning and Consultation database (USFWS IPaC), and the California Native Plant Society Rare Plant Rank database (CRPR) were utilized to determine known populations of Federal, State, and locally listed rare, threatened and endangered habitat, plant and wildlife species on or in the vicinity of the subject project site located in the Big Sur USGS 7.5 Quadrangle. In addition, a previous biological report on file with Monterey County (Ref. Biological Report authored by Jeff Norman, August 15, 1994) and personal history from past site visits of the parcel were utilized for the site assessment.

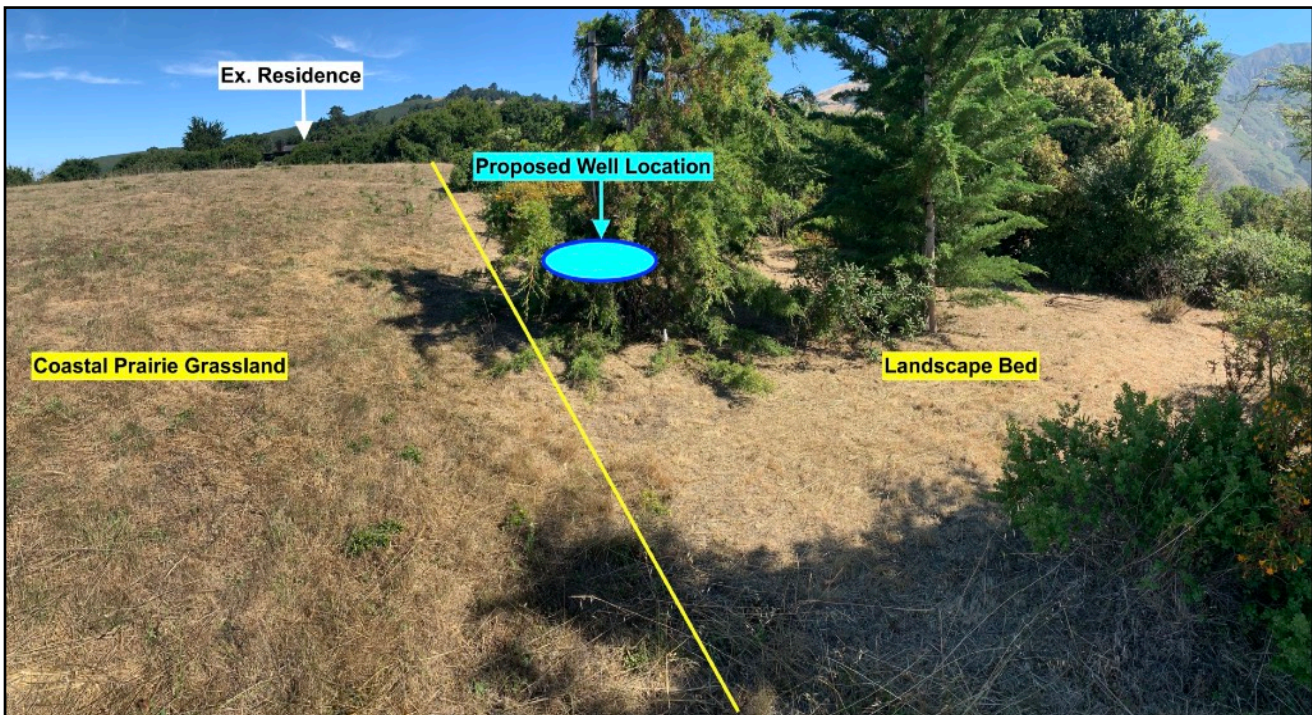
Findings:

The 60-acre residential parcel lies within several habitat types including *Coastal Sagebrush Scrub*, *Oak Woodland*, *Central Maritime Chaparral (ESHA)*, *Redwood Forest (ESHA)* and *Coastal Prairie Grassland (ESHA)*. The proposed replacement well location is currently sited adjacent to the ecotone border between the Coastal Prairie Grassland and a landscape-planted road easement strip along Clear Ridge Road at the southern area of the parcel. The 30-foot wide, drip-irrigated landscaped easement runs along the the west side of Clear Ridge Road through the length of the parcel from the southern property boundary northward 600+ feet to the existing residence. The landscaped easement is planted with native shrub cultivars and drought tolerant shrubs and trees, including imported Monterey cypress trees (native to Monterey County but not indigenous to the Big Sur area).

In an effort to minimize potential impacts to the adjacent sensitive grassland community, a site meeting was conducted on July 31, 2023 with the biologist and the hydrogeologist (Aaron Bierman) to field-site the proposed well location and strategize placement of the drill truck staging and spoils retention pit. Several challenges to the well siting placement were considered prior to establishing the final location, including maintaining regulatory setbacks from existing septic fields on the subject and neighboring parcels, avoiding soil disturbance of existing coastal prairie grassland, avoiding removal of naturally occurring indigenous trees, and minimizing disturbance to existing native plant communities along the ridge line property. Drilling methodologies (mud drilling versus air drilling) were also assessed in determining the appropriate techniques and protocols to reduce potential impacts to grassland habitat.



Well site location (facing south). May 18, 2023



Well site location (north facing). July 31, 2023

Coastal Prairie Grasslands (natural grasslands) are recognized as environmentally sensitive habitat (ESHA) under the provisions of the Big Sur Coast LUP (Ref. Policy 3.3.3.A.7) and recognized as “rare and worthy of consideration” by the California Department of Fish and Wildlife. The *Coastal Prairie Grassland* extends for approximately one-acre along the north to south ridge line of the parcel and contains a rich assemblage of native bunch grasses and forb species. Co-dominant species including California oatgrass (*Danthonia californica*), foothill needlegrass (*Stipa lepida*), and purple needlegrass (*Stipa pulchra*) are the foundational grasses along with other supporting native bunch grasses that include blue wildrye (*Elymus glaucus*), California brome (*Bromus carinatus*) and creeping red fescue (*Festuca rubra*). The associated herbaceous alliance scattered across the grassland includes California buttercup (*Ranunculus californicus*), soap plant (*Chlorogalum pomeridianum*), blue-eyed grass (*Sisyrinchium bellum*), Monterey paintbrush (*Castilleja latifolia*), white globe lily (*Calochortus albus*), yarrow (*Achillea millefolium*), Fremont’s star lily (*Toxicoscordion fremontii*), pretty face (*Triteleia ixiodes*), and other spring flowering annual taxa observed during spring surveys.

The grassland natural community extends northward uphill from the southern property boundary towards the existing residence and terminates at the existing well head, approximately 250-feet south of the residence. The *Coastal Prairie Grassland* habitat at one time extended northward to the edge of the existing residential structure (Ref. Biological Report authored by Jeff Norman, August 15, 1994). Within the past several years, approximately 25,000 SF of the native grassland has been removed and a non-native manicured lawn and irrigation system have been installed, thereby significantly displacing and reducing the ESHA habitat on the parcel. Additionally, recent landscaped tree installations (within the past 5 years), including Monterey Cypress (*Hesperocyparis macrocarpa*), coast redwood (*Sequoia sempervirens*), and the non-native deodar cedar (*Cedrus deodara*), have been introduced in groupings throughout the grassland habitat and have further fragmented the historical extension of the grassland. The western road easement of Clear Ridge Road has also been landscaped in locations where the 1994 Norman report had documented grassland habitat as occurring. Collectively, these recent habitat conversion impacts have resulted in a loss of approximately 50% of the historical grassland area on the parcel since 1994.

The endemic and rare species Hutchinson’s Larkspur (*Delphinium hutchinsonae*), a California Rare Plant Rank 1B.2 species, was historically noted persisting on the parcel where the existing main residential driveway is now sited though no evidence of the larkspur was noted in the area during several spring surveys spanning multiple years of survey observations and it is assumed unlikely to occur in this newly landscaped lawn and landscaped area.

The parcel lies within the federally designated critical habitat range for the California red-legged frog (*Rana draytonii*), although no aquatic breeding, aquatic non-breeding or upland habitat is present within or near the proposed well area. The parcel is within the known dispersal range for this species, and though potential is considered low for the species to utilize the well area, there is potential for the species to migrate through the area for dispersal habitat. Recommendations are included below to conduct a survey prior to mobilization of the well drilling trucks in order to avoid the take of the listed species.

Impacts and Recommendations:

The proposed replacement well location has been coordinated and sited to avoid direct soil disturbance impacts to nearby sensitive coastal prairie grassland, though drilling impacts will be in close proximity (approximately 5 to 10 feet) to the grassland. The drill rig and tender truck staging for drilling will be partially sited on the grassland ecotone, though any temporary staging of trucks is not anticipated to have long term significant impacts to the functionality of the grassland habitat as no ground disturbance is proposed in the grassland. Landscape vegetation, including shrub constituents and five (5) introduced boxed Monterey cypress trees, along the road easement will be removed to accommodate the truck staging, drilling operations and soil staging. Drilling rig ingress and egress access and staging shall occur within the road easement landscaped area after landscape plantings are removed. Well tailings shall be deposited into the specified retention pit located in the easement landscaped area (see Mud System location on Well Siting Map included below). The retention pit is

specified to be lined with straw bales and silt fencing to capture and retain mud spoil solids. Well spoils, estimated at 5-10 cubic yards of material, generated from the mud drilling are proposed to be hauled off site to a receiver site along Clear Ridge Road where staged soils in road pullouts are routinely utilized for road fill projects. Slurry fluids are anticipated to filter downslope south through the landscaped easement. Indirect impacts resulting from slurry fluid runoff to native habitat constituents is determined to be less than significant with the implementation of sediment control devices integrated into the project. All disturbed soils within the easement area shall be seeded and mulched using native coastal prairie grassland seeding utilizing site-identified California grass and forb seed as specified in the below listed recommendations (Ref. Recommendation h. below) and sterile rice straw mulching.

With the integration of the recommendations below, the project is consistent with regulations for development adjacent to environmentally sensitive habitats (Ref. Section 20.145.040 CIP) and the replacement well development impact is reduced to a level at which the long term maintenance of the habitat is assured as no disruption/soil disturbance to native grassland ESHA habitat is proposed.

The following measures are recommended to reduce potential biological impacts from the proposed emergency well development to a less than significant level.

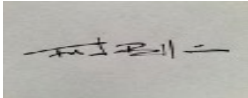
- a. Prior to mobilization of the drilling equipment, the landscape shrubs and boxed cypress trees along the landscaped road easement shall be removed (cut to ground level) in the location of the drilling and staging work zone. Materials should be hauled off site and responsibly disposed in green waste facility for composting.
- b. The applicant/well contractor shall consult with the project biologist during the day of mobilization to field adjust the appropriate drilling point as well as the boundary of the work zone in the staging and drilling area to avoid ESHA grassland impacts.
- c. Prior to mobilization, temporary construction fencing shall be installed and maintained along the western boundary of the work zone to protect the ESHA grassland that lies adjacent west of the drilling point from potential construction related impacts.
- d. Install erosion & sediment control devices as necessary along downhill perimeters to prevent any off-site impacts (sedimentation deposits) to native coastal prairie grassland plant community to the west of the proposed well development.
- e. To avoid potential impacts to California red-legged frogs, the qualified project biologist shall provide 'contractor education' for all drill equipment personnel involved with the project. A pre-construction survey by the qualified biologist shall take place the day of landscape vegetation removal and the day of equipment mobilization. The biologist shall submit a certification letter to the HCD-Planner to document the training and pre-construction survey results. If any such frog is observed within the work zone, all work shall cease immediately and the project biologist shall contact the ULFWS for consultation.
- f. Mobilize drilling and excavation equipment into project location using egress and ingress routes through existing landscape easement areas adjacent to Clear Ridge Road. Use of heavy equipment and parking/staging shall be restricted to areas within the replacement well drilling area (landscaped easement) and excluded from any coastal prairie grassland areas. There may be partial truck staging on the grassland during drilling operations and the biologist shall coordinate (on the day of mobilization) with drilling operators on parking/staging locations.
- g. Annual grassland mowing around the approved replacement well zone should be conducted prior to equipment mobilization to reduce fuel loads in the work area and reduce fire risk during drilling. *(This specific task has already been implemented in the summer of 2023 with seasonal fire clearance actions, though may be necessary again if project delays are anticipated to extend the project beyond the upcoming winter growing season).*
- h. All exposed bare soils in the landscape easement area resulting from the test well installation should be restored with coastal prairie grassland constituents and stabilized with an organic mulching (sterile rice straw or other). Native *Coastal Prairie Grassland* seed mix to include the following ratio with a rate of 50-lbs per acre:

Achillea millefolium	5%	Lupinus nanus	5%
Danthonia californica	20%	Melica californica	5%
Elymus glaucus	15%	Sisyrinchium bellum	5%
Eschscholzia californica	5%	Stipa lepida	10%
Festuca idahoensis	10%	Stipa pulchra	15%

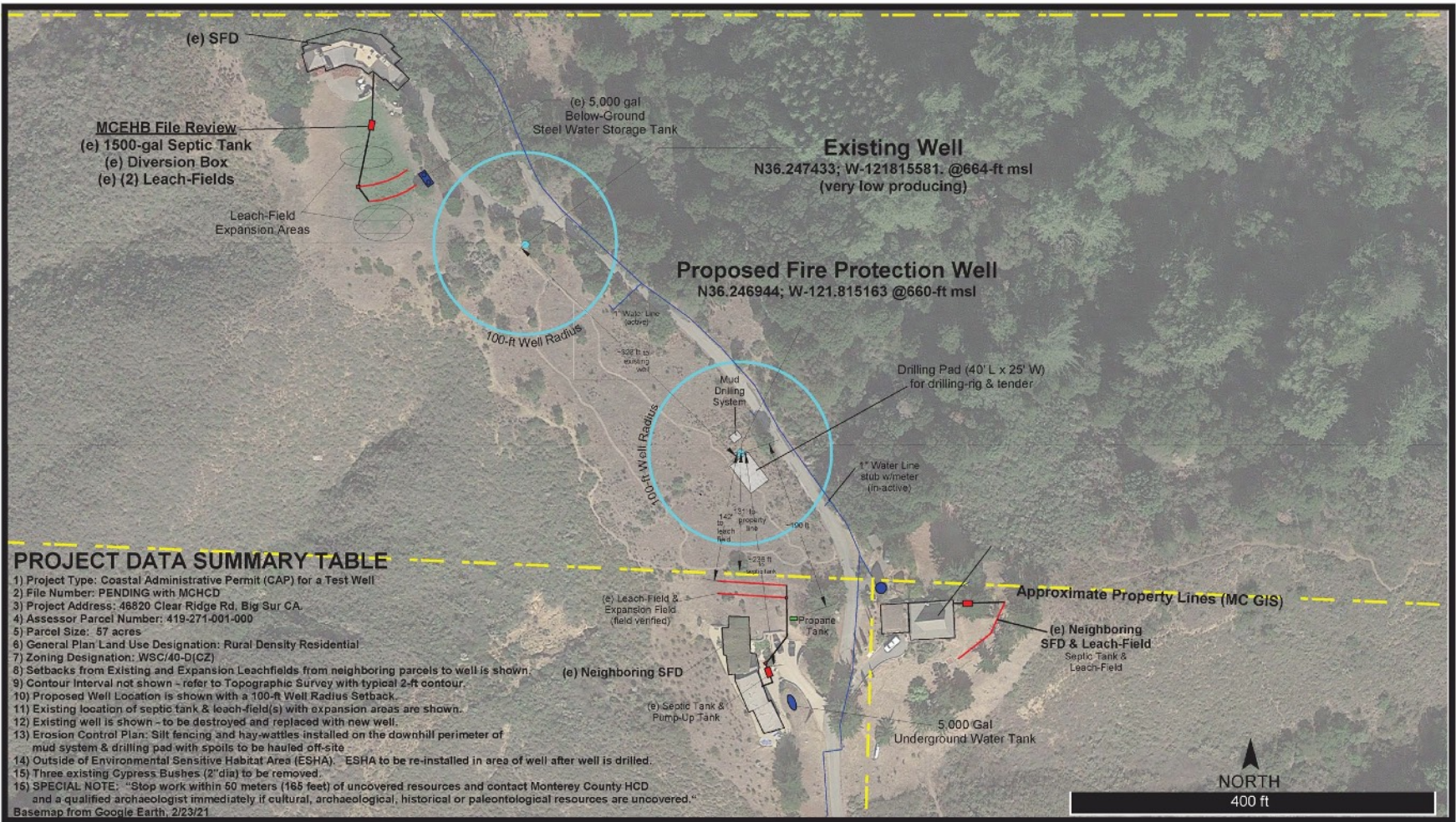
- i. After completion of the well installation, the applicant shall provide the HCD-Planner with written certification by the qualified project biologist that all required protection measures remained in place during the drilling activities and that adverse impacts to the grassland have been avoided. Failure to avoid significant impacts to grassland habitat shall require notice to the HCD-Planner and the project will be assessed with mitigation restoration compliance actions for any corrective measures as needed.

Please phone or email if you have any questions or require further analysis.

Sincerely,



Fred Ballerini
Consulting Biologist



PROJECT DATA SUMMARY TABLE

- 1) Project Type: Coastal Administrative Permit (CAP) for a Test Well
 - 2) File Number: PENDING with MCHCD
 - 3) Project Address: 46820 Clear Ridge Rd, Big Sur CA.
 - 4) Assessor Parcel Number: 419-271-001-000
 - 5) Parcel Size: 57 acres
 - 6) General Plan Land Use Designation: Rural Density Residential
 - 7) Zoning Designation: WSC/40-D(CZ)
 - 8) Setbacks from Existing and Expansion Leachfields from neighboring parcels to well is shown.
 - 9) Contour interval not shown - refer to Topographic Survey with typical 2-ft contour.
 - 10) Proposed Well Location is shown with a 100-ft Well Radius Setback.
 - 11) Existing location of septic tank & leach-field(s) with expansion areas are shown.
 - 12) Existing well is shown - to be destroyed and replaced with new well.
 - 13) Erosion Control Plan: Silt fencing and hay-wattles installed on the downhill perimeter of mud system & drilling pad with spoils to be hauled off-site
 - 14) Outside of Environmental Sensitive Habitat Area (ESHA). ESHA to be re-installed in area of well after well is drilled.
 - 15) Three existing Cypress Bushes (2" dia) to be removed.
 - 16) SPECIAL NOTE: "Stop work within 50 meters (165 feet) of uncovered resources and contact Monterey County HCD and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."
- Basemap from Google Earth, 2/23/21



WELL SITING MAP
 APN: 419-271-001-000
 46820 CLEAR RIDGE ROAD
 BIG SUR, MONTEREY COUNTY, CALIFORNIA

FIGURE 2
AB: 7/6/2023; Revised 7/31/23
 Relin/Figures/Wel Siting Map

P.O. BOX 1023
 FRED BALLERINI
 PACIFIC GROVE, CA 93950
 EMAIL: fred@fredballerini.com
 PHONE: 831-333-9009

Project Location



-END-

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Exhibit D

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Mr. Biloo Rataul
Attn. Cayley Lambur, Principal
720 Hampton Drive
Venice, CA 90291

LIB240076

**Project: Proposed Fire Protection Water Well
County File No. PLN230291**

APN 419-271-001
Clear Ridge Road
Big Sur Region
Monterey, California

Reference: Geologic Hazards Assessment, Proposed Above Ground Water Storage Tanks and Associated Improvements, 46977 Clear Ridge Road, Big Sur Region, Monterey County, California, proj. no. G-893.1, revised December 19, 2023.

Well Siting Map for 46820 Clear Ridge Road, APN 419-271-001, Located in Big Sur, Monterey County, California, sheet 1 of 1, dated , prepared by Rasmussen land Surveying, Inc., no date.

**Subject: SUPPLEMENTAL GEOLOGIC EVALUATION OF FAULT HAZARDS
FOR FIRE PROTECTION WATER WELL**

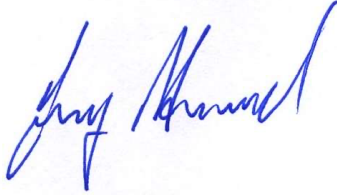
Dear Mr. Rataul,

We understand through our conversations with your project coordinator, Michael Linder that the county planning department is requiring an evaluation of faulting for the proposed Fire Protection Water Supply Well to be located on APN 419-271-001. This is due to the fact that because the site of the proposed water well is located within a county fault regulatory hazard zone. The purpose of the county fault regulatory zone is to trigger the need for a geologic evaluation of fault hazards for the project. We have attached to this letter a copy of the surveyed map of Rasmussen which shows the location of proposed and existing features, as well as the location of the proposed fire protection water tank. The second attached figure shows the mapped location of the Pfeiffer Fault with respect to the proposed Fire Protection Water Supply Well. We recently completed a Geologic Hazards Assessment for the proposed Above Ground Water Storage Tanks and Associated Improvements at the subject property, referred to above. That geologic report did not specifically address the water well however it provided background on the local geologic setting and in particular, the Pfeiffer Fault in the immediate area of the site. The following comes from our previous geologic hazards assessment for the site:

A surface trace the Pfeiffer Fault, a basal detachment fault (or a Décollement) is mapped just to the north of the site as an irregular-shaped outcrop pattern on the geologic map of Wills et al. (2001) (See Regional Geologic Map, and Local Fault Map, Appendix A). Because of the mapping of this fault adjacent to the site, the site is included within a county regulatory zone for fault hazards. It should be pointed out that this fault is constrained completely within the Cretaceous geologic formation and, because it is essentially flat-lying, it juxtaposes KJfc (underlying the fault) from the Ks geologic unit (overlying the fault as a *Klippe*). The fault essentially forms a nearly horizontal surface with the overlying Ks unit representing a *Klippe*. The fault does not extend continuously through the formation and therefore no longer is subject to the tectonic forces that originally led to its formation. The geologic unit ("Ks") above the fault is essentially an erosional remnant overlying an inactive fault. This fault is not considered a Quaternary fault and does not pose a threat to the proposed site improvements.

For the reasons stated above, the local segment of the Pfeiffer Fault mapped onsite does not pose a hazard to the proposed Fire Protection Water Well, as it does not have a potential for future surface rupture movement in an earthquake.

If you have any questions or require clarification, please feel free to contact me at your earliest convenience.
Thank you. Sincerely,

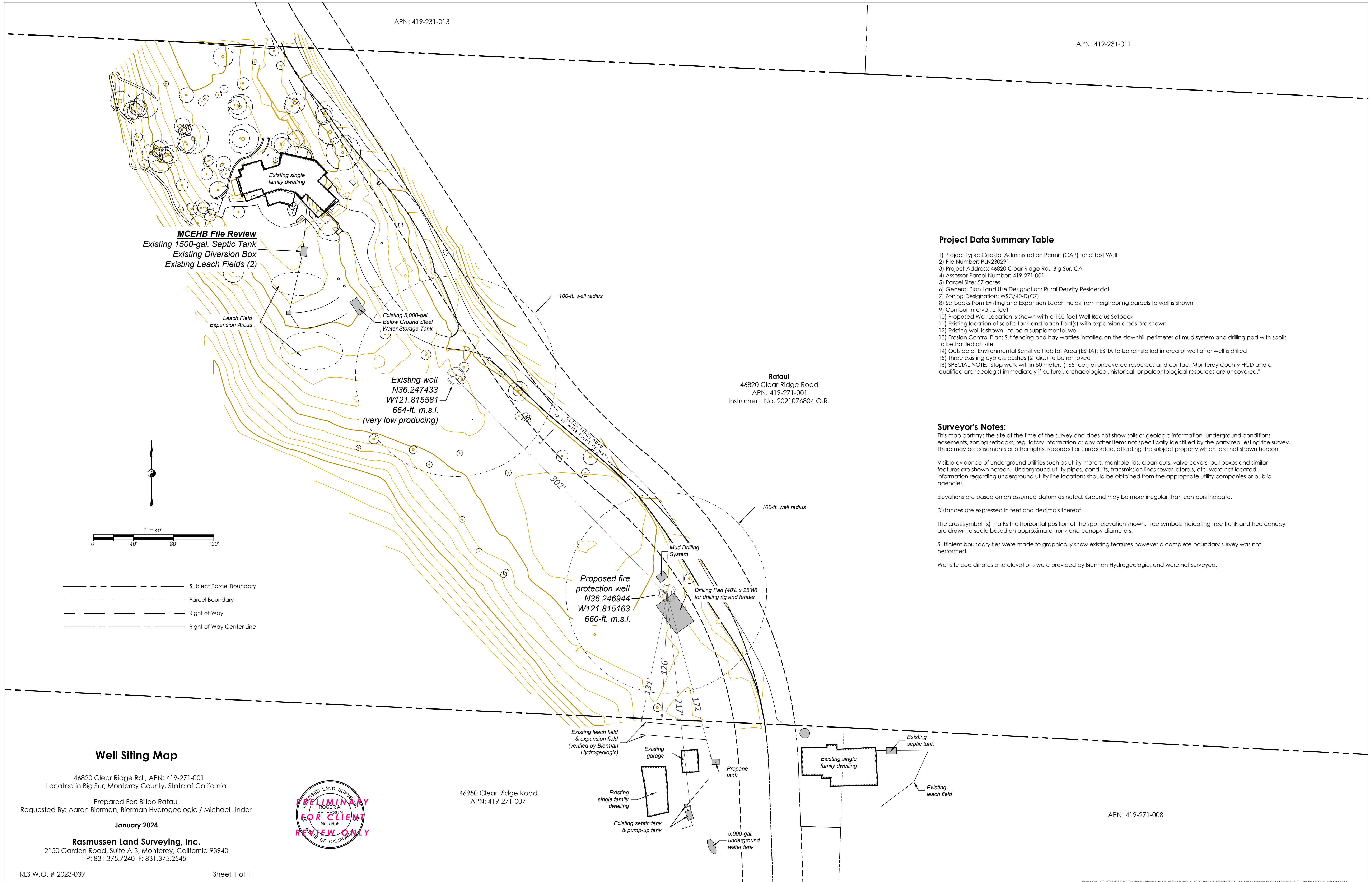


Craig S. Harwood
Professional Geologist #6831,
Certified Engineering Geologist #2275

239 Park Drive
Ben Lomond, CA 95005
tel 831 325-9327
email kimig@cruzio.com

APN: 419-231-013

APN: 419-231-011



MCEHB File Review
 Existing 1500-gal. Septic Tank
 Existing Diversion Box
 Existing Leach Fields (2)

Leach Field
 Expansion Areas

Existing 5,000-gal.
 Below Ground Steel
 Water Storage Tank

Existing well
 N36.247433
 W121.815581
 664-ft. m.s.l.
 (very low producing)

Rataul
 46820 Clear Ridge Road
 APN: 419-271-001
 Instrument No. 2021076804 O.R.

Proposed fire
 protection well
 N36.246944
 W121.815163
 660-ft. m.s.l.

Existing leach field
 & expansion field
 (verified by Bierman
 Hydrogeologic)

Existing garage

Existing single family
 dwelling

Existing septic tank
 & pump-up tank

5,000-gal.
 underground
 water tank

Existing single family
 dwelling

Existing septic tank

Existing leach field

Project Data Summary Table

- 1) Project Type: Coastal Administration Permit (CAP) for a Test Well
- 2) File Number: PLN230291
- 3) Project Address: 46820 Clear Ridge Rd., Big Sur, CA
- 4) Assessor Parcel Number: 419-271-001
- 5) Parcel Size: 57 acres
- 6) General Plan Land Use Designation: Rural Density Residential
- 7) Zoning Designation: WSC/40-D(CZ)
- 8) Setbacks from Existing and Expansion Leach Fields from neighboring parcels to well is shown
- 9) Contour Interval: 2-feet
- 10) Proposed Well Location is shown with a 100-foot Well Radius Setback
- 11) Existing location of septic tank and leach field(s) with expansion areas are shown
- 12) Existing well is shown - to be a supplemental well
- 13) Erosion Control Plan: Silt fencing and hay wattles installed on the downhill perimeter of mud system and drilling pad with spoils to be hauled off site
- 14) Outside of Environmental Sensitive Habitat Area (ESHA): ESHA to be reinstalled in area of well after well is drilled
- 15) Three existing cypress bushes (2" dia.) to be removed
- 16) SPECIAL NOTE: "Stop work within 50 meters (165 feet) of uncovered resources and contact Monterey County HCD and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered."

Surveyor's Notes:

This map portrays the site at the time of the survey and does not show soils or geologic information, underground conditions, easements, zoning setbacks, regulatory information or any other items not specifically identified by the party requesting the survey. There may be easements or other rights, recorded or unrecorded, affecting the subject property which are not shown hereon.

Visible evidence of underground utilities such as utility meters, manhole lids, clean outs, valve covers, pull boxes and similar features are shown hereon. Underground utility pipes, conduits, transmission lines sewer laterals, etc. were not located. Information regarding underground utility line locations should be obtained from the appropriate utility companies or public agencies.

Elevations are based on an assumed datum as noted. Ground may be more irregular than contours indicate.

Distances are expressed in feet and decimals thereof.

The cross symbol (x) marks the horizontal position of the spot elevation shown. Tree symbols indicating tree trunk and tree canopy are drawn to scale based on approximate trunk and canopy diameters.

Sufficient boundary ties were made to graphically show existing features however a complete boundary survey was not performed.

Well site coordinates and elevations were provided by Bierman Hydrogeologic, and were not surveyed.

Well Siting Map

46820 Clear Ridge Rd., APN: 419-271-001
 Located in Big Sur, Monterey County, State of California

Prepared For: Billoo Rataul
 Requested By: Aaron Bierman, Bierman Hydrogeologic / Michael Linder

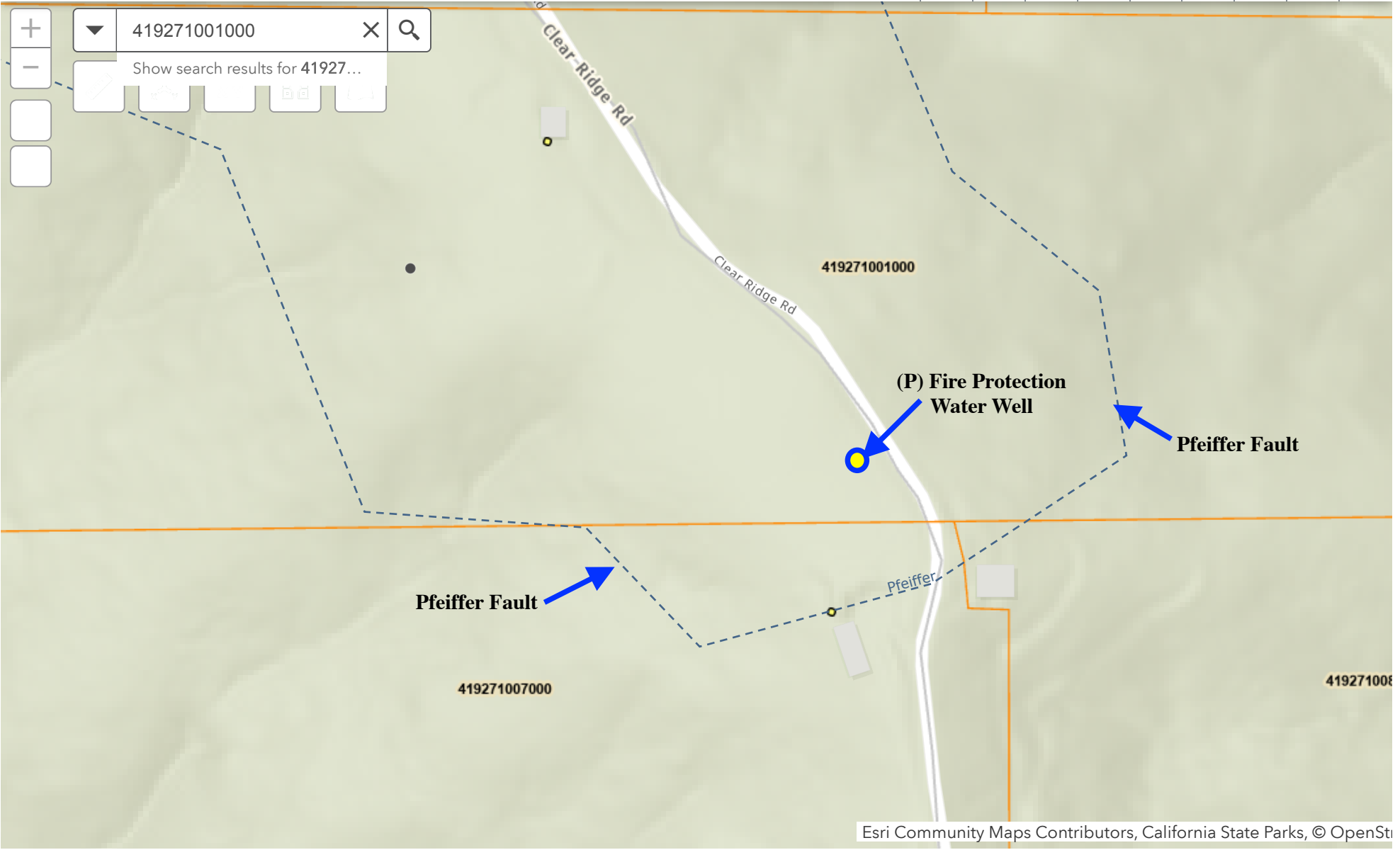
January 2024

Rasmussen Land Surveying, Inc.
 2150 Garden Road, Suite A-3, Monterey, California 93940
 P: 831.375.7240 F: 831.375.2545



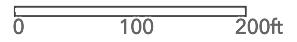
46950 Clear Ridge Road
 APN: 419-271-007

APN: 419-271-008



Esri Community Maps Contributors, California State Parks, © OpenSt

Proposed Fire Protection Water Well
APN 419-271-001
Clear Ridge Road, Big Sur, CA



-121.81707 36.24805 Degrees

Scale: 1 in = 188 ft, RF = 1 : 2,257



Hydrogeologic Consulting & Water Resource Management
 Office: (831-888 8888) Cell: (831-334 2237) E-Mail: abierman@comcast.net
 3153 Redwood Drive, Aptos, CA. 95003

January 25, 2024

Monterey County Housing and Community Development
 Attn; Hya Honorato – Assistant Planner
 HonoratoH@co.monterey.ca.us
 1441 Schilling Place, 2nd Floor
 Salinas, California 93901
 (831) 755-5173

Subject: ***Geologic Hazard Assessment Letter for 46820 Clear Ridge Road, Big Sur, CA
 PLN:230291***

Bierman Hydrogeologic (BHgl) has been contracted by Mr. Rataul Biloo to review the Geologic Hazard Assessment Report prepared by Craig Harwood PG# 6831 dated December 2023. Mr. Harwood prepared the above referenced Report for an above ground water storage tanks and associated improvements for 46977 Clear Ridge Road, which is opposite (east) of this project located at 46820 Clear Ridge Road, Big Sur.

BHgl scope of work was to review the Geologic Hazard Assessment Report to provide a Letter for 1) meeting the requirements of the Application Checklist, 2) and to evaluate the fault (which is north of the subject property) and whether this fault would impact the well.

The fault described in Geologic Hazard Assessment Report (Harwood 2023) is identified as a basal detachment fault (De'collement) which is an irregularly shaped outcrop pattern as noted on the MC GIS database (MC GIS map attached with reference to Sims, 1990). As described in the reference Report, this fault is horizontal and separates the lower KJfc Formation (Franciscan Formation) with that of the upper irregularly shaped Ks Formation (Unnamed Marine Sedimentary Rocks). Because this fault is horizontal, it does not intersect the formation the proposed well will penetrate (KJfc) and therefore does not pose any impacts to the well, it's source capacity or, the well's groundwater quality.

In summary, further geologic mapping by Bierman was completed on January 11, 2024, to evaluate the fault described in the referenced Geologic Hazards Assessment Report and as mapped on the MC GIS Database. It should be noted that other USGS Maps (Geologic Map of the Point Sur, Big Sur and Pfeiffer Point Quadrangles by Dibblee, 2007) have this irregularly shaped formation as a "geologic contact" and unconformity and not necessarily a fault as shown in the MC GIS database. In any event, as described above, due to the horizontal orientation of this contact (or fault), it will not impact the proposed wells quantity or quality.

Respectfully submitted,

Aaron Bierman
 CA Licensed Professional Geologist #7490
 CA Licensed Hydrogeologist #819

Faults



MoCo GISAdmin
County of Monterey


Summary


The purposes of this data set are to show the location of faults and to provide a comparison of relative fault rupture hazard for regional planning studies in Monterey County.


[View Full Details](#)


[Download](#)

Details

 **Dataset**
Feature Layer

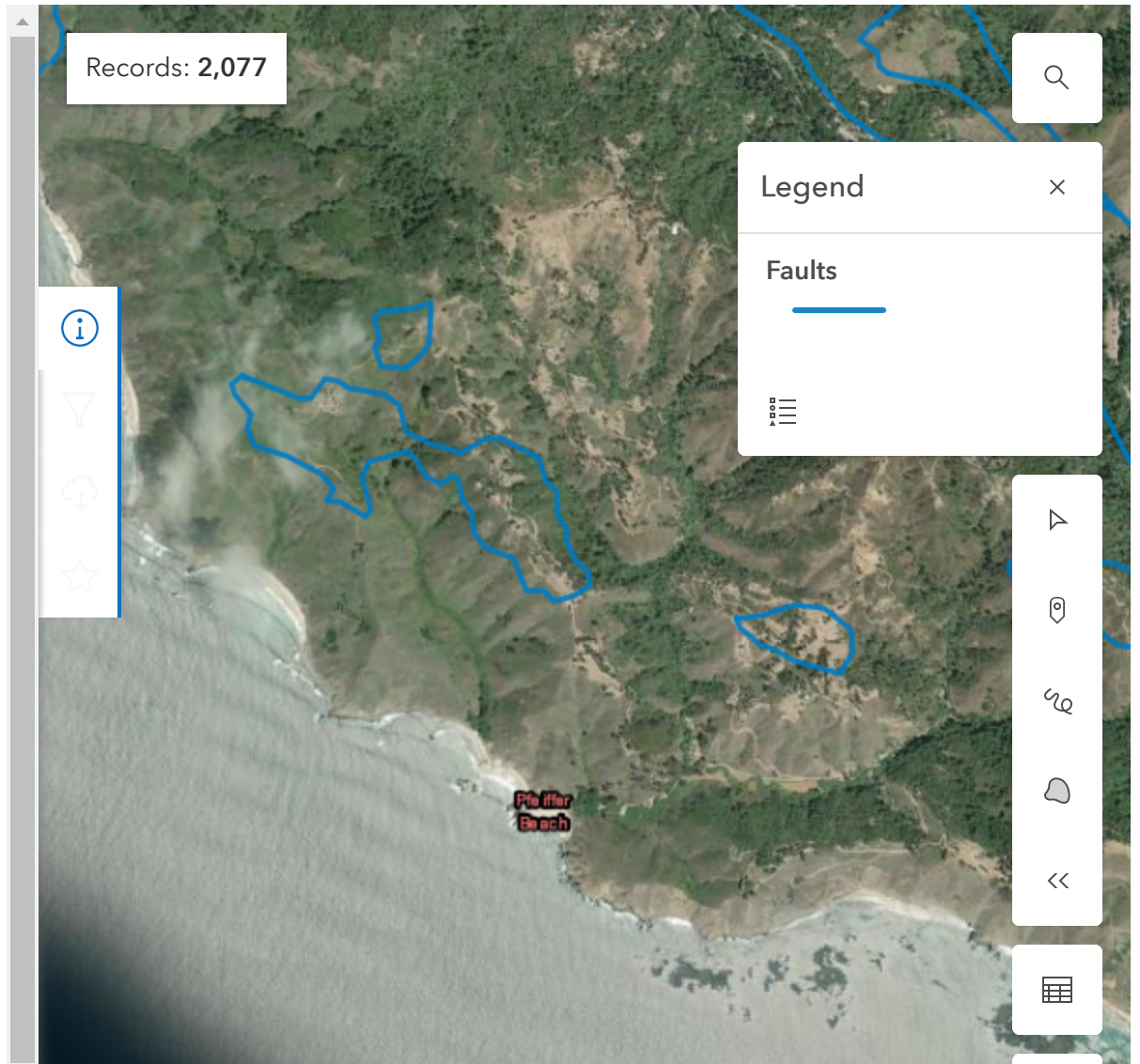
 **July 11, 2023**
Info Updated

 **May 19, 2014**
Data Updated

 **May 14, 2014**
Published Date

 **Records: 2,077**

I want to use this



Maxar | Esri, HERE, Garmin

Powered by Esri

Exhibit E

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COAST-BIG SUR

Andrew
Molera
State Park

Clear Ridge

PFIEFER

Los Padres
Nat'l Forest

Los Padres
Nat'l Forest

Pfeiffer
Point

Pfeiffer
Point
Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS,
METI/NASA, EPA, USDA

STANFORD CANYON RD


APPLICANT: RATAUL BALBIR TR

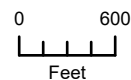
APN: 419271001000

FILE # PLN230291

 Project Site

 300 FT Buffer

 2500 FT Buffer



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