

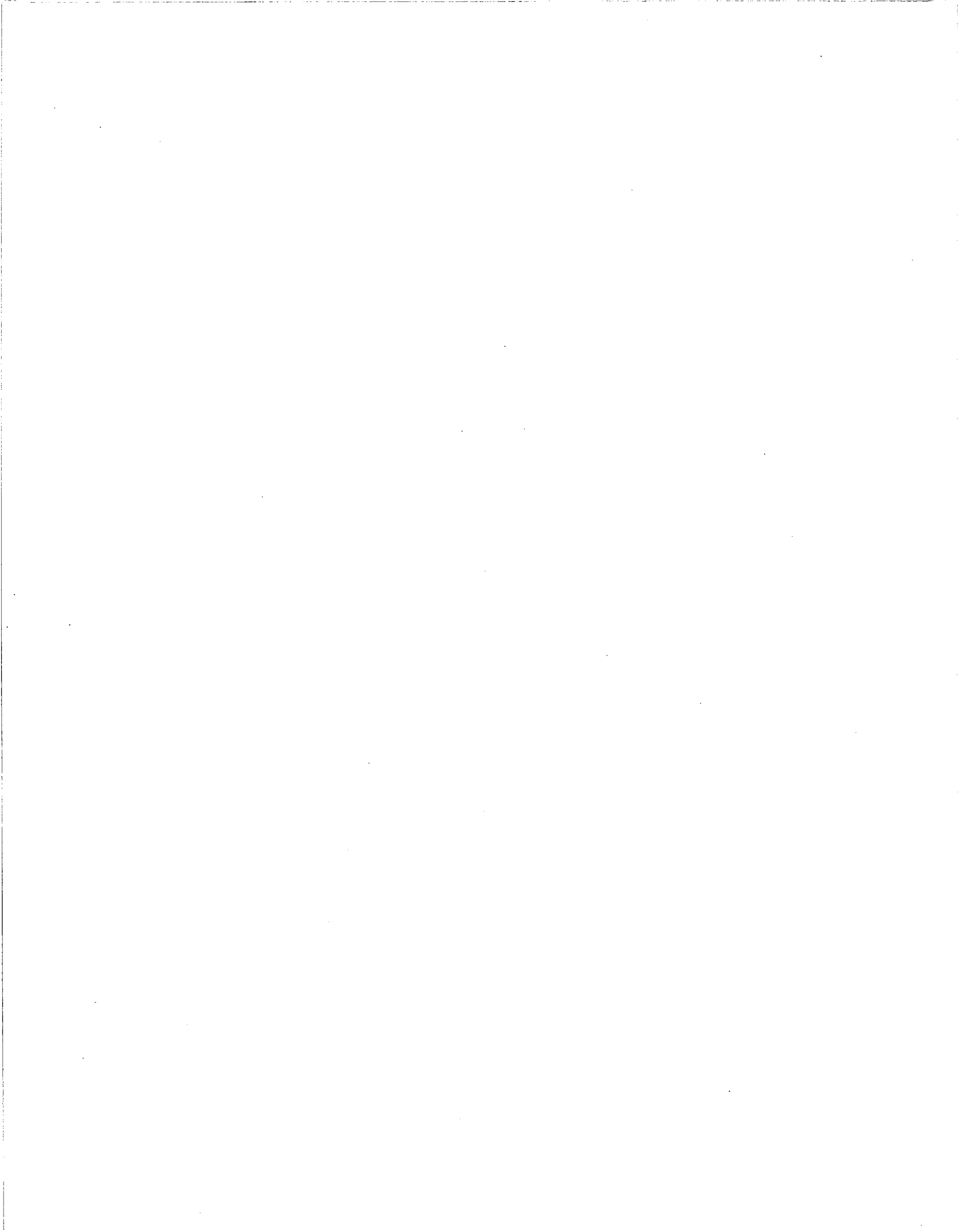
Attachment E
Project Resolutions

PLN110366/PLN110367
Mozingo (Powell)



Attachment E
Project Resolutions
Exhibit 1: Director of Planning
Resolution No. 070074 for PLN070074

PLN110366/PLN110367
Mozingo (Powell)



MIKE NOVO, DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 070074

A.P.N. # 009-081-027-000

FINDINGS & DECISION

In the matter of the application of
POWELL WILLIAM D (PLN070074)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone.

Said Director of the Resource Management Agency – Planning Department, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

FINDING: **CONSISTENCY** – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
 - (b) The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre in the Coastal Zone ["MDR/2 D (CZ)"] which allows a density of two residential units per acre. The proposed development includes a Coastal Administrative Permit to allow the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
 - (c) The test well is intended to determine if an adequate water supply is available to serve future potential development of the parcel. This permit does not authorize the construction and operation of a permanent well.
 - (d) Environmental Health has not indicated that the use as proposed will adversely impact the natural supply of water necessary to maintain the environment and the supply available to meet the minimum needs of existing users during the driest years.
 - (e) Water system facilities, including wells and storage tanks, are allowed pursuant to Title 20 (Section 20.12.040) and Title 1504, Monterey County Code

- (f) The project planner conducted a site inspection on April 21, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (g) The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not include development on slopes greater than 30%, the project does not require the issuance of a Variance, and implementation of the project will not impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15303 of the CEQA Guidelines.
- (h) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN07004, were found to be consistent with all the policies within the Carmel Land Use Plan, Coastal Implementation Plan Part 4 and the Coastal Implementation Plan Part 1 Section 20.12.

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

- EVIDENCE:**
- (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
 - (b) Staff conducted a site inspection on April 21, 2008 to verify that the site is suitable for this use.
 - (c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070074.
 - (d) See findings 1, 2, and 3 and supporting evidence.

3. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines (CEQA) Sections 15304

- EVIDENCE:**
- (a) Section 15304 (Class 4) categorically exempts the minor private alterations in the condition of the land, water, or vegetation.
 - (b) The project includes the development of a new water source well within an area which is relatively flat and has minimal vegetation.
 - (c) The project is located within the medium density residential zoning district. The proposed well is a principal use allowed under the medium density residential zoning designation.
 - (d) Implementation of the project will not require tree removal, extensive grading, or development on slopes in excess of 30%.
 - (e) No adverse environmental effects were identified during staff review of the project application or during a site-visit on April 21, 2008.
 - (f) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
 - (g) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070074
 - (h) See preceding findings 1, 2, and supporting evidence.

4. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County RMA - Planning Department and Building Services

Department records indicate that no violations exist on subject property.

5. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4.a). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails Map, of the Carmel Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit on April 21, 2008.

6. FINDING: HEALTH AND SAFETY – The establishment, maintenance, and operation of the proposed development 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 or to the general welfare of the County.

EVIDENCE: (a) The subject project if approved would not require variances or exception to any Health and Safety regulations within the county codes. The project as conditioned is consistent with all county regulations and Land Use Plan policies.
(b) The project as proposed was noticed for a public hearing as required under Section 20.84.040 of the Coastal Implementation Plan Part 1.
(c) Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission

EVIDENCE: Per Sections, 20.86.030 and 20.86.080 (Monterey County Zoning Ordinance Implementation Plan) of Title 20 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Director of the Resource Management Agency – Planning Department that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 11th day of June, 2008.



MIKE NOVO, DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN 12 2008

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 OF SUPERVISORS, ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUN 22 2008

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. THIS PROJECT IS **NOT** APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION.

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 the Monterey County Resource Management Agency - Planning Department and Monterey County Building Services Department.

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: **POWELL WILLIAMD**

File No: **PLN070074**

APN: **009-081-027-000**

Approval by: **RMA – Director of Planning**

Date: **June 11, 2008**

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Code Number	Mitig. Number	Impact Addressed and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Administrative Permit (PLN070074) allows the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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 reconstruction other than that specified by this permit is allowed unless the appropriate authorities approve additional permits. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	
2		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to,</p>	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property,	

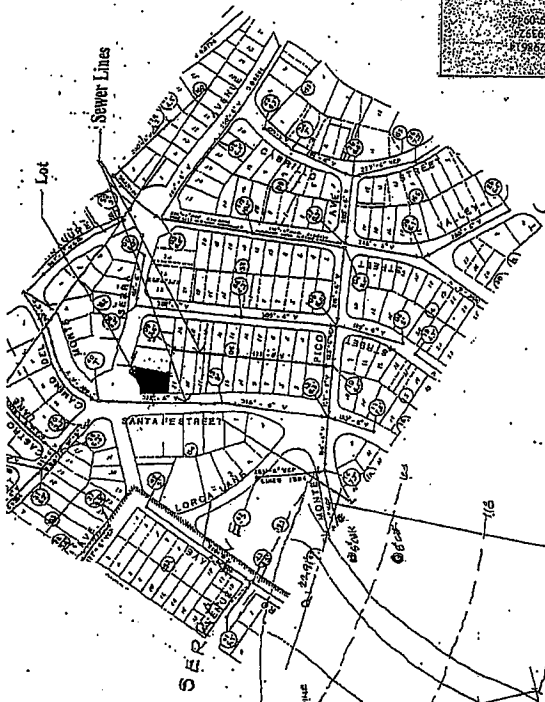
Permit Cond Number	Wing Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional's required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (numeric (2))
		<p>Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>			<p>filing of the final/parcel map, whichever occurs first and as applicable</p>	
3		<p>PBD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 070074) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Number 009-081-012-000 on June 11, 2008. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to PBI.</p>	<p>Owner/ Applicant</p>	<p>Prior to Issuance of grading and building permits or start of use.</p>	
4		<p>PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT 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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	

Permit Commit Number	Mitig Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional(s) required for action to be accepted.	Responsible Party for Compliance	Timing	Verification (Compliance Narrative (s))
		the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	discovery.			
5		PDSP001 - DRILLING SPOIL CONTAINMENT (Non-Standard) Drilling mud and cement used for capping of the well shall not be allowed to escape the well site. Containment basins shall be installed. Drilling mud shall be temporarily stored in these basins so that none escapes into the surrounding habitat. The driller shall monitor the amount of mud contained in the basin to prevent overflow, and shall pump out and properly dispose of any and all mud generated by this project. All foreign material used in this project, including sand bags and their contents, shall be removed from the site after the project is completed. The applicant shall submit evidence of installation of containment basins prior to drilling of well. (RMA - Planning Department)	Submit evidence of installation of containment basins to the RMA - Planning Department prior to drilling of well.	Owner / Applicant	Prior to drilling of test well.	
6		PDSP002 - DRAINAGE PLAN (Non-Standard) The applicant shall ensure on-site and off-site impacts of water run-off from the pump test are minimized, and measures are used to minimize/contain erosion. (RMA - Planning Department)	Applicant and/or drilling contractor shall contact the assigned planner in the Planning Department to discuss strategies to reduce impacts, which may include the preparation of a formal drainage and/or erosion control plan.	CA Licensed Engineer / Owner / Applicant	Prior to commencement of the well use.	
7		PDSP003 - RESTORATION (Non-Standard) Upon completion of the work, the areas disturbed by well drilling activity shall be restored and native plant species shall be planted. (RMA - Planning Department)	Prior to commencement of the well use, submit evidence (photos) to the RMA-Planning Department demonstrating said restoration.	Owner / Applicant	Prior to commencement of the well use.	
8		PDSP004 - Well completion report (Non-Standard) Prior to commencement of the well use, evidence shall be submitted to RMA-Planning Department that the work has been completed (in the form of a copy of the well completion report). (RMA - Planning Department)	Submit well completion report to the RMA-Planning Department.	Owner / Applicant	Prior to commencement of the well use.	

Permit Code Number	Mitig. Number	Impact Addressed and Responsible/Lead Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Title)
9		<p>SPW0001 – ENCROACHMENT NON STANDARD CONDITION</p> <p>Obtain an encroachment permit from the Department of Public Works and grade the existing shoulder for positive drainage control subject to the approval of the Department of Public Works. (Public Works)</p>	<p>Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.</p>	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
10		<p>PD011 – TREE AND ROOT PROTECTION</p> <p>Trees which are located close to the construction site(s) of the well shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to the issuance of grading and/or building permits	

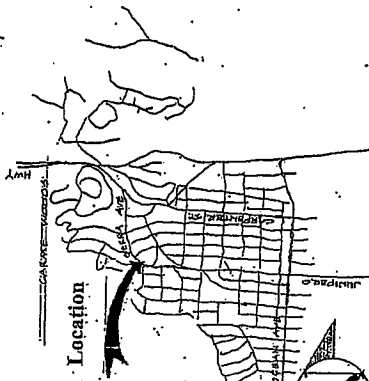
Permit Cond. Number	Mitig. Number	Impacts Addressed and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Title)
		<p>feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>	<p>Submit on-going evidence that tree protection measures are in place throughout grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>	Owner/ Applicant/ Arborist	During Construction	
		<p>EH8 - WELL CONSTRUCTION PERMIT Obtain a water well drilling permit from the Division of Environmental Health and construct the well. (Environmental Health)</p>	<p>Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p>	Owner/ Applicant	Prior to final inspection	
11		<p>EH8 - WELL CONSTRUCTION PERMIT Obtain a water well drilling permit from the Division of Environmental Health and construct the well. (Environmental Health)</p>	<p>Submit the Well Completion Report to the Division of Environmental Health.</p>	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of a building permit	

Permit Code Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (numeric (e))
12		<p>EH9 - NEW WELL PUMP TESTS</p> <p>All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>	<p>Submit a report to EH for review and approval</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to the issuance of a building permit</p>	



WILLIAM D. HOWELL
 23 LARRY OAKS, CARMEL VALLEY, CA 93924
 Phone 831-659-1597

A.P. 009-081-0276
 Proposed



Location

A.P. 009-081-0276

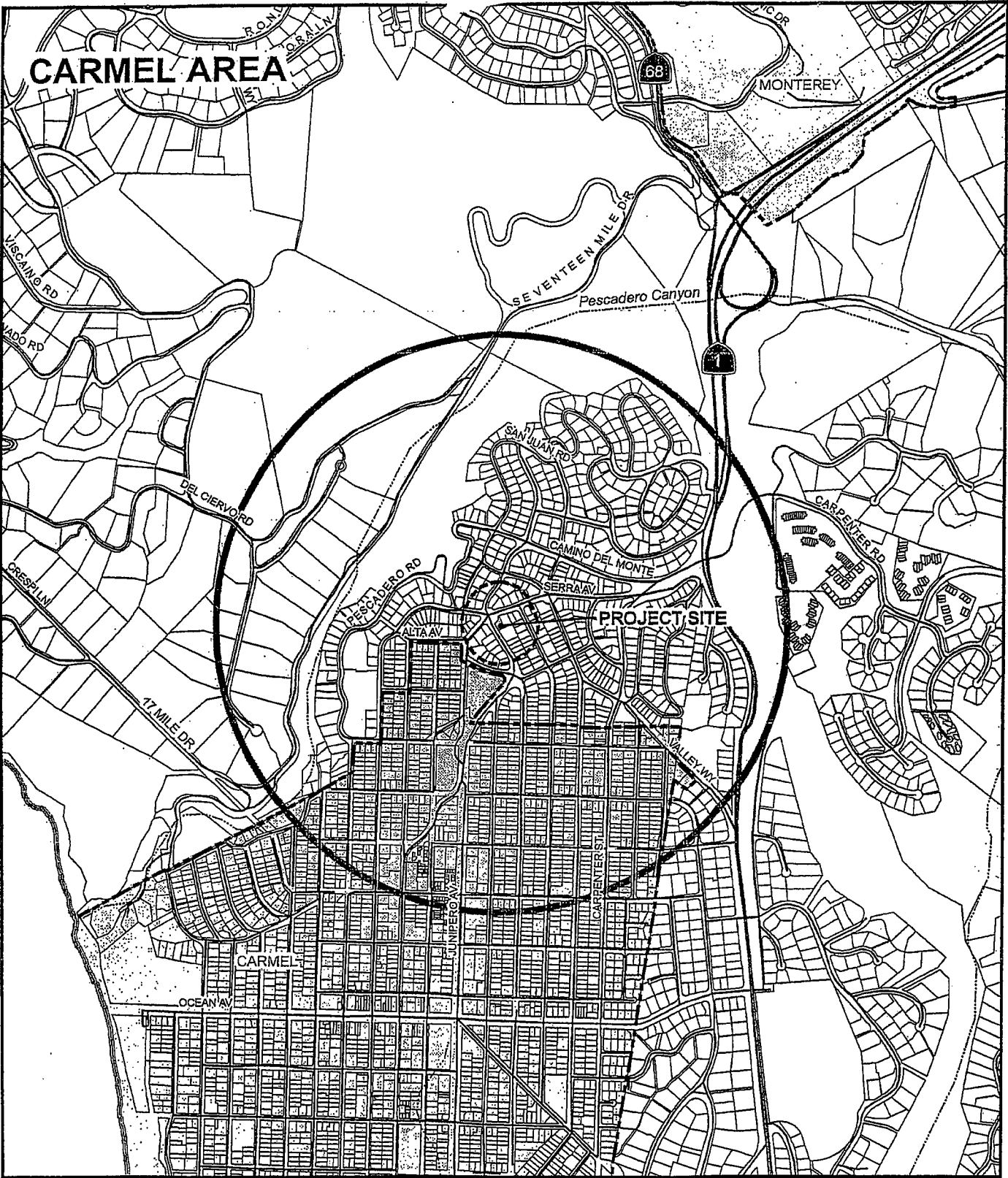
Coverage	
Area	7,273 sq. ft.
House	1,187 sq. ft.
Grange	571 sq. ft.
Deck	644 sq. ft.
Coverage of Lot	
House	1,187 sq. ft.
Deck	2,514 sq. ft. - 33% lot coverage
Pool	1,320 sq. ft.
Grange	571 sq. ft.
Fill	0

• Trees to be saved
 ○ Trees to be removed

Water line to main
 Gas line to gas main
 Sewer waste to wastewater district line
 Electrical main to pole

Erosion controlled by straw degradable blankets by North American Green, placed at all new cut slopes. All slopes 25% or less.




LOT NUMBERED 2471073
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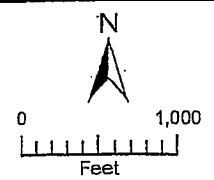


APPLICANT: POWELL

APN: 009-081-027-000

FILE # PLN070074

 300' Limit
  2500' Limit
  City Limits



PLANNER: MONTANO

Attachment E
Project Resolutions
Exhibit 2: Zoning Administrator
Resolution No. 12-027 for PLN110366

PLN110366/PLN110367
Mozingo (Powell)



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

In the matter of the application of:

William Dan Powell (PLN110366)

RESOLUTION NO. 12-027

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project Categorically Exempt per Section 15304; and
- 2) Approving the Amendment (PLN110366) to Coastal Administrative Permit (PLN070074) allowing the development of a test well and authorizing the construction and use of the well for testing to establish a water source.

[PLN110366, Powell, 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan, Coastal Zone (Assessor's Parcel Number 009-081-027-000)]

The Powell application PLN110366 came on for public hearing before the Monterey County Zoning Administrator on August 9, 2012. 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 AND EVIDENCE

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;
 - The Carmel Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 4 (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) The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre in the Coastal Zone ["MDR/2 D (CZ)"] which allows a density of two residential units per acre. The project is located in the Coastal Zone, which allows for residential uses and the creation of wells subject to a Coastal Administrative Permit in each case. Therefore, the project is an allowed land use for this site.
- c) The project is consistent with the applicable policies in the Carmel Area Land Use Plan (LUP) regarding Water Resources. LUP Policy 2.4.4.A.1 requires new development to demonstrate that adequate water is available. The test well yielded a capacity of approximately 29.51 gallons per minute, which exceeds the Monterey Peninsula Water Management District's (MPWMD) calculated maximum day demand of 1.23 gallons per minute (gpm) thereby meeting MPWMD requirements for obtaining a water distribution system permit. The post-recovery sustainable pumping rate of

7.14 gpm documented in the well assessment report exceeds the Monterey County Health Department's (MCHD) maximum day demand of 3 gpm, thereby exceeding MCHD requirements for obtaining a single-connection water system permit.

- d) California Well Bulletins 74-81 and 74-90 and Monterey County Code Chapter 15.08 establish setback distances from wells to potentially contaminating sources such as sewer and wastewater pipes. At the time the well constructed in February of 2009, County regulations did not require an owner to obtain permission from the adjacent property owner for a setback from a well to cross property lines.
- e) On May 25, 2010, the Board of Supervisors adopted Interim Ordinance No. 5160, which recognized that the required setbacks from wells drilled on small lots may impact neighboring lots and that further study of the issue was needed. The Interim Ordinance No. 5160 did not establish any regulations related to well setbacks and has since expired.
- f) In January of 2009, the Environmental Health Bureau (EHB) conducted a site inspection to consider the new location based upon interference from large oak trees near the original well site. The new well site being considered was 50-feet from the original site, north towards Serra Ave and 15-feet away from the neighboring property. The approved well site was originally to be located within a proposed driveway for the proposed Powell residence. The well was altered due to two factors: 1) the well was located in an area near existing trees, not permitted for removal, which could interfere with the driller accessing the area where the well was to be drilled; and 2) the EHB agreed that the locating the well in the driveway in a vault was not preferable. The well site was approved to be relocated approximately 50 feet north from the originally approved well site. The new well site would then be 15 feet away from the Mozingo property line adjacent to Serra Ave. The new location created a radius that would extend 10 feet into the adjacent property creating a sphere of influence over a portion of the driveway of the Mozingo property. Upon reviewing setback requirements established under the zoning, it was determined that the radius would only affect approximately 54 square feet of developable area. This would not preclude the property owner from developing the lot further.
- g) The property is located within a Design Control district zoning overlay. No design approval was required for this project because the entitlement does not allow the development of any new structures.
- h) The project planner conducted a site inspection in January of 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- i) Water system facilities, including wells and storage tanks, are allowed pursuant to Title 20 (Section 20.12.040) and Title 15.04 of the Monterey County Code. The County requires water source wells to demonstrate water quality and source capacity over a 72 hour period when located in fractured rock. The Environmental Health Bureau reviewed the well completion report and has approved the well for domestic use.
- j) The project was not referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project did not include a lot line adjustment, variance, or a Design Approval and was exempt from environmental review.

- k) All applicable conditions of approval from PLN070074 have been carried forward to permit PLN110366. The following conditions have been previously cleared or are no longer applicable:

No.	Description	Status	Date Cleared
3	PD002-Permit Approval Notice	Cleared	7/21/2008
5	PDSP001-Drilling Spoil Containment	No longer required	Drilling completed
6	PDSP002-Drainage Plan	No longer required	Drilling completed
10	PD011-Tree and Root Protection	No longer required	Drilling completed
11	EH8-Well Construction permit	Previously complied with	Drilling completed
12	EH9-New Well Pump Test	Previously complied with	Drilling completed

- l) The following new conditions of approval have been incorporated into the attached Conditions of Approval:

New Condition #	Old Condition #	Description
PLN110366	PLN070074	
1	1	Specific Uses Only
2	3	Permit Approval Notice
3	n/a	Permit Expiration
4	4	Cultural Resources
5	2	Indemnification Agreement
New Condition #	Old Condition #	Description
PLN110366	PLN070074	
6	7	Restoration
7	8	Well Report
8	9	Encroachment

- m) New Conditions of Approval are attached to this resolution.
n) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in project files PLN110366 and PLN070074.

2. **FINDING:** **AMENDMENT** - The County has received and processed an Amendment to PLN070074.

- EVIDENCE:** a) On June 11, 2008, the Director of Planning approved PLN070074 for a Coastal Administrative Permit to allow the development of a test well (authorizing the construction and use of the well for testing to establish a water source) in Resolution 070074.
b) On January 19, 2012, an application (PLN110366) was submitted to amend PLN070074.
c) This Amendment allows a change in the previously approved location of a test well to a new location on the site in conformance with PLN070074 as reflected in the revised application. This modification shall be in addition to the previously applied findings, evidence and carries forward any

conditions deemed valid by the RMA-Planning Department, including conditions not previously cleared for Coastal Administrative Permit PLN070074, incorporated herein as conditions.

- d) No previous Amendments have been prepared for this property or for PLN070074.
- e) Pursuant to Monterey County Code Section 20.12.040.G, the project does not cause impacts not already assessed in original permit action. As approved and amended, permit number, PLN110366 will become and be referred to as the approved permit.
- f) The project is consistent with the previous approval as it will provide the property with a potable water source in the same manner approved under PLN070074.
- g) The well site was approved by the Environmental Health Bureau prior to its construction in its current location. The well was constructed in the manner prescribed under the original permit PLN070074.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning for the proposed Amendment found in project files PLN110366 and PLN070074.

3. **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)

- a) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor alteration to land, water, and/or vegetation.
- b) The County previously approved the creation of a test well to determine if a domestic water source could be created for the Powell property. The well meets County regulations regarding site development standards, setback requirements from contaminant sources pursuant to Monterey County Code Chapters 15.04 and 15.08 (Well Ordinance); and in California Well Standards Bulletins 74-81 and 74-90, regarding set back requirements, source capacity and water quality testing. The Monterey County Environmental Health Bureau reviewed a report prepared for the project confirming that the well would not have a significant cumulative drawdown impacts on any neighboring wells within or out to 1,000 feet from the pumping well.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit in January of 2012.
- d) None of the exceptions under CEQA Guidelines Section 15300.2 applies to this project. The project is located in a residential zoning district which allows residential development and the development of a water source wells. The project is not located near a Scenic Highway, Hazardous Waste Sites, nor will it affect any Historical Resources.
- e) The Well Assessment Report (LIB120164) prepared for the project concluded that the subject well will individually have no direct or significant cumulative offsite impacts to neighboring wells.
- f) Finding 1, 2, and associated evidence, in conjunction with the material in the Planning File PLN110366, support the conclusion that the establishment of the existing test well as a permanent water source well does not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- g) Staff conducted a site inspection in January of 2012 to verify that the site is suitable for this use.
- h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department

for the proposed development found in Project Files PLN110366 and PLN070074.

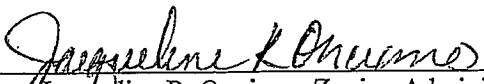
4. **FINDING:** **REQUESTING A PUBLIC HEARING** - consideration for the request for the amendment has been carried out pursuant to Monterey County Code Section 20.84.040.A of Monterey County Code Title 20 (Zoning).
- EVIDENCE:** a) Amendments to previously-approved Coastal Administrative Permit and Coastal Development Permits may be approved by the Director of Planning. However, an objection was received requesting a public hearing, pursuant to Section 20.76.060.A.5. The County referred the project to the Zoning Administrator. A noticed public hearing was conducted pursuant to the public hearing provisions of Monterey County Code Chapter 20.84.
- b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN110366 and PLN070074.
5. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission.
- EVIDENCE:** a) Per Section 20.86.080 A. (Monterey County Coastal Implementation Plan Part 1) Title 20 Zoning Ordinances.
- b) Per Section 20.86.080.A of the Monterey County Zoning Ordinance (Development Appealable to the Coastal Commission), the project is not subject to appeal by/to the California Coastal Commission because the project is listed as a principle used allowed.

DECISION

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

- 1) Find the project (PLN110366) Categorically Exempt per Section 15304; and
- 2) Approve the Amendment (PLN110366) to Coastal Administrative Permit (PLN070074) allowing the development of a test well and authorizing the construction and use of the well for testing to establish a water source, in general conformance with the attached sketch and subject to the attached conditions, and subject to the conditions in PLN070074 (Resolution No. 070074) all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of August by:


Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 24 2012

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 SEP 04 2012

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT 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 the Monterey County Planning Department and 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.

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110366

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

This amendment (PLN110366) to a previously approved Coastal Administrative Permit (PLN070074), for development of a test well to establish a water source, allows the completed test well to remain at its current location as a test well. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file and in project file PLN070074 (Resolution No. 070074). The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000). 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 the RMA - Planning Department. 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 Department)

**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 Department

**Condition/Mitigation
Monitoring Measure:**

The applicant shall record a Permit Approval Notice. This notice shall state:
"An Amendment (Resolution Number 12-027) was approved on August 9, 2012 by the Zoning Administrator for Assessor's Parcel Number 009-081-027-000. The permit was granted subject to 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

**Compliance or
Monitoring
Action to be Performed:**

Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on August 9, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

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

Responsible Department: Planning Department

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. The Monterey County RMA - Planning Department 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 Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.

5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

6. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit restoration plans to the RMA - Planning Department for review and approval.

7. PDSP002-WELL COMPLETION REPORT (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to commencement of the well use, evidence shall be submitted to RMA-Planning Department that the work has been completed (in the form of a well completion report).

Compliance or Monitoring Action to be Performed: The owner shall submit well completion report to the RMA Planning Department prior to the commencement of use.

8. PWSP01 - ENCROACHMENT (NON-STANDARD)

Responsible Department: Public Works Department

**Condition/Mitigation
Monitoring Measure:** Obtain an encroachment permit from the Department of Public Works and grade the existing shoulder for positive drainage control subject to the approval of the Department of Public Works.
(Public Works)

**Compliance or
Monitoring
Action to be Performed:** Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

MIKE NOVO, DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 070074

A.P.N. # 009-081-027-000

FINDINGS & DECISION

In the matter of the application of
POWELL WILLIAM D (PLN070074)

for a Coastal Administrative Permit in accordance with Chapter 20.76 (Coastal Administrative Permits) of Title 20, Monterey County Code (Zoning), to allow the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone.

Said Director of the Resource Management Agency – Planning Department, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

FINDING: **CONSISTENCY** – The project as described in Condition No.1 and as conditioned, policies, requirements, and standards of the Monterey County General Plan, certified Monterey County Local Coastal Program (LCP). The LCP for this site consists of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), and the Coastal Implementation Plan Appendices (Part 6); Monterey County Coastal Implementation Plan (Part 1) or Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.
 - (b) The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre in the Coastal Zone ["MDR/2 D (CZ)"] which allows a density of two residential units per acre. The proposed development includes a Coastal Administrative Permit to allow the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
 - (c) The test well is intended to determine if an adequate water supply is available to serve future potential development of the parcel. This permit does not authorize the construction and operation of a permanent well.
 - (d) Environmental Health has not indicated that the use as proposed will adversely impact the natural supply of water necessary to maintain the environment and the supply available to meet the minimum needs of existing users during the driest years.
 - (e) Water system facilities, including wells and storage tanks, are allowed pursuant to Title 20 (Section 20.12.040) and Title 1504, Monterey County Code

- (f) The project planner conducted a site inspection on April 21, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (g) The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not include development on slopes greater than 30%, the project does not require the issuance of a Variance, and implementation of the project will not impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15303 of the CEQA Guidelines.
- (h) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN07004, were found to be consistent with all the policies within the Carmel Land Use Plan, Coastal Implementation Plan Part 4 and the Coastal Implementation Plan Part 1 Section 20.12.

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

- EVIDENCE:**
- (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
 - (b) Staff conducted a site inspection on April 21, 2008 to verify that the site is suitable for this use.
 - (c) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070074.
 - (d) See findings 1, 2, and 3 and supporting evidence.

3. FINDING: CEQA (Exempt) – The project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines (CEQA) Sections 15304

- EVIDENCE:**
- (a) Section 15304 (Class 4) categorically exempts the minor private alterations in the condition of the land, water, or vegetation.
 - (b) The project includes the development of a new water source well within an area which is relatively flat and has minimal vegetation.
 - (c) The project is located within the medium density residential zoning district. The proposed well is a principal use allowed under the medium density residential zoning designation.
 - (d) Implementation of the project will not require tree removal, extensive grading, or development on slopes in excess of 30%.
 - (e) No adverse environmental effects were identified during staff review of the project application or during a site-visit on April 21, 2008.
 - (f) No unusual circumstances were found to exist that would cause a potential significant environmental impact to occur.
 - (g) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN070074
 - (h) See preceding findings 1, 2, and supporting evidence.

4. FINDING: NO VIOLATIONS – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County's zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff verification of the Monterey County RMA - Planning Department and Building Services

Department records indicate that no violations exist on subject property.

- 5. FINDING: PUBLIC ACCESS** – The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4.a). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c. of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:** (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, the Shoreline Access/Trails Map, of the Carmel Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit on April 21, 2008.

- 6. FINDING: HEALTH AND SAFETY** – The establishment, maintenance, and operation of the proposed development 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 or to the general welfare of the County.

- EVIDENCE:** (a) The subject project if approved would not require variances or exception to any Health and Safety regulations within the county codes. The project as conditioned is consistent with all county regulations and Land Use Plan policies.
(b) The project as proposed was noticed for a public hearing as required under Section 20.84.040 of the Coastal Implementation Plan Part 1.
(c) Preceding findings and supporting evidence.

- 7. FINDING: APPEALABILITY** – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE: Per Sections, 20.86.030 and 20.86.080 (Monterey County Zoning Ordinance Implementation Plan) of Title 20 of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Director of the Resource Management Agency – Planning Department that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 11th day of June, 2008.



MIKE NOVO, DIRECTOR
RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON JUN. 12 2008

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 OF SUPERVISORS, ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUN. 22 2008

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. THIS PROJECT IS NOT APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION.

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 the Monterey County Resource Management Agency - Planning Department and Monterey County Building Services Department.

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: POWELL WILLIAM D

File No: PLN070074

Approval by: RMA - Director of Planning

APN: 009-081-027-000

Date: June 11, 2008

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Condition Number	Permit Number	Impact Addressed and Responsibility (Monterey County Department)	Compliance or Monitoring Actions to be performed. (Not applicable to certified professionals required for action to be accepted)	Responsible Party/for Compliance	Violation County Compliance Timeline
1		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Coastal Administrative Permit (PLN070074) allows the development of test well, (authorizing the construction and use of the well for testing to establish a water source); and a septic system design. The property is located at 3072 Sara Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. This permit was approved in accordance with County ordinances and land-use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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 the appropriate authorities approve additional permits. (RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated
2		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to,</p>	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property,

Permit Code Number	Permit Title Number	Impact, Mitigation, and Responsibility/Lead/Responsible Department	Compliance Monitoring Actions to be performed by the applicant and a copy of the monitoring report to be made available	Responsible Party for Compliance	Timing	Other Notes Comments (within limits of the code)
		Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)			filing of the final/parcel map, whichever occurs first and as applicable	
3		PRD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 070074) was approved by the Director of Planning and Building Inspection for Assessor's Parcel Number 009-081-012-000 on June 11, 2008. The permit was granted subject to 12 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
4		PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT 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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Commit Number	Permit Title Number	Applicant Name Address City State Zip	Responsible Party for Compliance	Activity to be performed and essential steps to be completed	Responsible Party for Compliance	Activity to be performed and essential steps to be completed	Permit Status (Approved, Expired, Suspended, etc.)
				the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)		discovery.	
5				PDSP001 - DRILLING SPOIL CONTAINMENT (Non-Standard) Drilling mud and cement used for capping of the well shall not be allowed to escape the well site. Containment basins shall be installed. Drilling mud shall be temporarily stored in these basins so that none escapes into the surrounding habitat. The driller shall monitor the amount of mud contained in the basin to prevent overflow, and shall pump out and properly dispose of any and all mud generated by this project. All foreign material used in this project, including sand bags and their contents, shall be removed from the site after the project is completed. The applicant shall submit evidence of installation of containment basins prior to drilling of well. (RMA - Planning Department)	Owner/ Applicant	Submit evidence of installation of containment basins to the RMA - Planning Department prior to drilling of well.	Prior to drilling of test well.
6				PDSP002 - DRAINAGE PLAN (Non-Standard) The applicant shall ensure on-site and off-site impacts of water run-off from the pump test are minimized, and measures are used to minimize/contain erosion. (RMA - Planning Department)	CA Licensed Engineer/ Owner/ Applicant	Applicant and/or drilling contractor shall contact the assigned planner in the Planning Department to discuss strategies to reduce impacts, which may include the preparation of a formal drainage and/or erosion control plan.	Prior to commencement of the well use.
7				PDSP003 - RESTORATION (Non-Standard) Upon completion of the work, the areas disturbed by well drilling activity shall be restored and native plant species shall be planted. (RMA - Planning Department)	Owner/ Applicant	Prior to commencement of the well use, submit evidence (photos) to the RMA-Planning Department demonstrating said restoration.	Prior to commencement of the well use.
8				PDSP004 - Well completion report (Non-Standard) Prior to commencement of the well use, evidence shall be submitted to RMA-Planning Department that the work has been completed (in the form of a copy of the well completion report). (RMA - Planning Department)	Owner/ Applicant	Submit well completion report to the RMA-Planning Department.	Prior to commencement of the well use.

Permit Conti Number	Permits Number	Issues Addressed in Responsibility/Conti Use Department	Compliance or Monitoring actions to be performed where applicable, or conditions for all required for action to be accepted.	Responsible Party for Compliance	Timing	Priority or County Action (Where Applicable)
9		<p>SPW001 - ENCROACHMENT NON STANDARD CONDITION Obtain an encroachment permit from the Department of Public Works and grade the existing shoulder for positive drainage control subject to the approval of the Department of Public Works (Public Works)</p>	<p>Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.</p>	Owner/ Applicant	Prior to Building/Grading Permits Issuance	
10		<p>PD011 - TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) of the well shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>	Owner/ Applicant	Prior to the issuance of grading and/or building permits	

Permit Code Number	Permit Title Number	Applicant/Addressed and Responsible/End Use Department	Completion or Verification Action to be taken by the Applicant/Responsible Party/End Use Department	Responsible Party/Job Description	Timing	Regulatory Code Number
		feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)	Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant/ Arborist	During Construction	
			Submit photos of the trees on the property to the RMA - Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
11		EH8 - WELL CONSTRUCTION PERMIT Obtain a water well drilling permit from the Division of Environmental Health and construct the well. (Environmental Health)	Submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer/ Owner/ Applicant	Prior to the issuance of a building permit	

Permit Grant Number	Well Number	Impact - With seal and responsible party (see Department)	Comments on following actions (to be completed by the applicant and the responsible party prior to the start of the action to be accepted)	Responsible Party or Company	Timing	Caltrans Order Number (if applicable)
12		<p>EH9 - NEW WELL PUMP TESTS</p> <p>All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump tests. The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>	<p>Submit a report to EH for review and approval</p>	<p>CA Licensed Engineer /Owner/ Applicant</p>	<p>Prior to the issuance of a building permit</p>	

Attachment E
Project Resolutions
Exhibit 3: Zoning Administrator
Resolution No. 12-028 for PLN110367

PLN110366/PLN110367
Mozingo (Powell)



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

In the matter of the application of:

William Dan Powell (PLN110367)

RESOLUTION NO. 12-028

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project exempt from CEQA per CEQA Guidelines Section 15304; and
- 2) Approving a Coastal Administrative Permit (PLN110367) to allow the conversion of an approved test well previously approved under PLN070074 (amended under PLN110366) to a domestic production well, Powell, at 3072 Serra Avenue Carmel, Carmel Area Land Use Plan (Assessor's Parcel Number 009-081-027-000)

The Powell application PLN110367 came on for public hearing before the Monterey County Zoning Administrator on August 9, 2012. 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: 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;
 - The Carmel Area Land Use Plan (LUP);
 - Monterey County Coastal Implementation Plan Part 4 (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) The property is located at 3072 Serra Avenue Carmel, (Assessor's Parcel Number 009-081-027-000), located at the intersection of Serra Avenue and Camino Del Monte, Carmel Area, Coastal Zone. The parcel is zoned Medium Density Residential, 2 units per acre in the Coastal Zone ["MDR/2 D (CZ)"] which allows a density of two residential units per acre. The project is located in the Coastal Zone, which allows for residential uses and the creation of wells with a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.
 - c) The project is consistent with the applicable policies in the Carmel Area Land Use Plan (LUP) regarding Water Resources. LUP Policy 2.4.4.A.1 requires new development to demonstrate that adequate

water was is available. The test well yielded a capacity of approximately 29.51 gallons per minute which exceeds the Monterey Peninsula Water Management District's (MPWMD) calculated maximum day demand of 1.23 gallons per minute (gpm) thereby meeting the MPWMD requirements for obtaining a water distribution system permit. As stated in the well assessment, report a post-recovery sustainable pumping rate of 7.14 gpm exceeds the Monterey County Health Departments (MCHD) maximum day demand of 3 gpm thereby exceeding MCHD requirements for obtaining a single-connection water system permit.

- d) California Well Bulletins 74-81 and 74-90, and Monterey County Code Chapter 15.08, establishes setback distances from potential contaminating sources such as onsite sewage disposal systems, sewer pipes, animal enclosures, and feedlots. The practice of setbacks for wells crossing property lines without permission of the adjacent property owners occurs throughout the state. At the time this well was permitted and constructed, County regulations did not require an owner to obtain permission from the adjacent property owner for a setback from a well to cross property lines.
- e) In January of 2009, the Environmental Health Bureau (EHB) conducted a site inspection to consider the new location based upon interference from large oak trees near the original well site. The new well site being considered was 50-feet from the original site, north towards Serra Ave and 15-feet away from the neighboring property. The approved well site was originally to be located within a proposed driveway for the proposed Powell residence. The well was altered due to two factors: 1) the well was located in an area near existing trees, not permitted for removal, which could interfere with the driller accessing the area where the well was to be drilled; and 2) the EHB agreed that the locating the well in the driveway in a vault was not preferable. The well site was approved to be relocated approximately 50 feet north from the originally approved well site. The new well site would then be 15 feet away from the Mozingo property line adjacent to Serra Ave. The new location created a radius that would extend 10 feet into the adjacent property creating a sphere of influence over a portion of the driveway of the Mozingo property. Upon reviewing setback requirements established under the zoning, it was determined that the radius would only affect approximately 54 square feet of developable area. This would not exclude the property owner from developing the lot further.
- f) The distance from the well to the Mozingo property line is 15 feet. An additional 10 feet of the radius extends into the Mozingo property (APN 009-081-028). The total effects of the 25-foot radius extending beyond the Powell property line encompasses a total of approximately 246 square feet. Of that, an area of approximately 54 square feet is outside the area reserved for setbacks. Site development standards in the Monterey County Coastal Implementation Plan Part I, Section 20.12.060 require main structures maintain a minimum distance of 20 feet from the front property line and a distance of 5 feet from each side property line and 10 feet from the rear property

line. The sphere of influence created from the 25-foot radius required around the Powell well does not extend upon any existing structures on the Mazingo property. A significant portion of the 25 foot radius is within the front and side setback of the Mazingo property, of which only approximately 54 square feet could be developed. The 54 square foot area is currently located within the existing driveway and would not affect the use of the property or restrict future development of the Mazingo property.

- g) The property is located within a Design Control district zoning overlay. No design approval was required for this project because the entitlement does not allow the development of new structure. It authorizes the existing test well to become a permanent water source well to serve the subject property.
- h) The project planner conducted a site inspection in January of 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- i) Water system facilities, including wells and storage tanks, are allowed pursuant to Title 20 (Section 20.12.040) and Title 15.04 Monterey County Code. The County requires water source wells to demonstrate source capacity over a 72 hour period and water quality when located in fractured rock. The Environmental Health Bureau reviewed the well completion report and has approved the well for domestic use.
- j) The project was not referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because the project did not include a lot line adjustment, variances, or a Design Approval referred to a public hearing. The project qualified for a categorical exemption from further environmental review and therefore, was not subject to referral to the Carmel Unincorporated/Highlands Land Use Advisory Committee.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110367.

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: RMA - Planning Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) This permit is to establish the existing well as a permanent water source well. No new development has occurred or is required. However, staff identified potential impacts to Archaeological Resources, Hydrological Resources. The following reports have been

prepared:

- "Well Pumping Aquifer Recovery and Impact Assessment Report" (LIB120164) prepared by Bierman Hydrologic Consulting, Aptos, CA, January 27, 2010.
 - "Archaeological Report" (LIB080294) prepared by Archaeological Consulting, Salinas, CA, May 23, 2008.
- c) 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.
 - d) Staff conducted a site inspection in January of 2012 to verify that the site is suitable for this use.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110367.

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 the RMA - Planning Department, Environmental Health Bureau, and Water Resources Agency. 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) Necessary public facilities are available; however because no new connection for water to can be provided from Cal Am, the property owner has been allowed to develop a ground water source to serve the property. A sewer connection is available and any new residential development shall be required to establish service through the sewer district.
- c) The test well developed to determine if an adequate water supply is available to serve future potential development of the parcel. A pumping impact assessment report was prepared for the project. Environmental Health Bureau reviewed the report and approved the test well for domestic use on the subject property.
- d) The report prepared by the consultant Bierman Hydrogeologic Company indicated that the well is within 1,000 feet of the Chopin well PLN080017 which is 868 feet away. The report analyzed the Powell well to determine drawdown impact to surrounding wells. It was determined that the Powell and Chopin wells are not hydrogeologically linked. Additionally, the report concluded that there were no offsite impacts and that the use, as proposed, will not adversely affect the natural supply of water necessary to maintain the

environment and the supply available to meet the minimum needs of existing users during the driest years.

- e) The well meets the County regulations regarding site development standards, setback requirements from contaminant sources, Title 15.08 of the Monterey County Code, and the California Uniform Plumbing Code. Based on the 25 foot radius or sphere of influence created, the well that affects the adjacent property would not limit residential uses to penetrate the sphere of influence.
- f) The County has process an application for the development of a single family residence on the property. Consequently, the application was suspended on June 6, 2002 pending water for the project and placed on a water waiting list. The application, PLN000109, designated a building site for the property. The single family residence is reasonably foreseeable use of the property but would be subject to the approval of a discretionary permit and associated review if any changes to the project are made.
- g) At the time of the source capacity test for the Powell well, there was one production well within 1,000, feet of the subject project. The Well Assessment Report prepared for the project concluded that the subject well will have an insignificant and immeasurable impact on the surrounding well or sensitive receptors.
- h) Findings 1, and 2 and the associated evidence in conjunction with the material in the Planning File PLN110367, support the conclusion that the establishment of the existing test well as permanent water source well will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- i) Staff conducted a site inspection in January of 2012 to verify that the site is suitable for this use.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110367.

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 RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection in January of 2012 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110367.

5. **FINDING:** **CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified

- to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15304 categorically exempts minor alterations to land, water, and or vegetation.
 - b) The County previously approved the creation of a test well to determine if a domestic water source could be created for the Powell property. The well meets the County regulations set forth in California Well Bulletins 74-81 and 74-90, plus Monterey County Code (MCC) 15.08 (well ordinance) regarding set back requirements and source capacity and water quality testing. The Monterey County Environmental Health Bureau reviewed a report prepared for the project confirming that the well would not have a significant cumulative drawdown impacts on any neighboring wells within or out to 1,000 feet from the pumping well.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit in January of 2012.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 applies to this project. The project is located in a residential zoning district which allows residential development and the development of a water source wells. The project is not located near a Scenic Highway, Hazardous Waste Sites, nor will it affect any Historical Resources.
 - e) The well Assessment Report (LIB120164) prepared for the project concluded that the subject well will individually have no direct or significant cumulative offsite impacts to neighboring wells.
 - f) Findings 1, and 2 and the associated evidence in conjunction with the material in the Planning File PLN110367, support the conclusion that the establishments of the existing test well as a permanent water source well not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - g) Staff conducted a site inspection in January of 2012 to verify that the site is suitable for this use.
 - h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110367.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing

- d) the existence of historic public use or trust rights over this property.
- d) The application plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110367.
- e) The project planner conducted a site inspection in January of 2012.

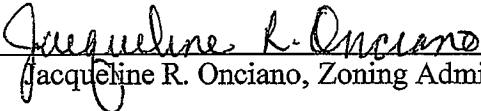
7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission.
- EVIDENCE:**
- a) Per Section 20.86.080 A. (Monterey County Coastal Implementation Plan Part 1) Title 20 Zoning Ordinance.
 - b) Per Section 20.86.080.A.3. Monterey County Zoning Ordinance (Development Appealable to the Coastal Commission), The project is not subject to appeal by/to the California Coastal Commission because the project is listed as a principle use allowed and does not fall into categories under A. 1., 2., and 4.

DECISION

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

1. Finding the project exempt from CEQA per CEQA Guidelines Section 15304; and
2. Approving a Coastal Administrative Permit (PLN110367) to allow the conversion of an approved test well previously approved under PLN070074 (amended under PLN110366) to a domestic production well, 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 9th day of August by:



 Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 24 2012

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 SEP 04 2012

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT 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 the Monterey County Planning Department and 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.

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110367

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit allowing the conversion of an approved test well to a domestic production well was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. The property is located at 3072 Serra Avenue, Carmel (Assessor's Parcel Number 009-081-027-000). 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 the RMA - Planning Department. 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 Department)

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 Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. A Coastal Administrative Permit (Resolution No. 12-028) was approved by the Director of Planning for Assessor's Parcel Number 009-081-027-000 on August 9, 2012. "The permit was granted subject to 9 conditions of approval which run with the land" and "A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

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

Responsible Department: Planning Department

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. The Monterey County RMA - Planning Department 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 Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

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 "Well Pumping Aquifer recovery and impact assessment report" (LIB120164) prepared by Bieman Hydrologic Consulting, Aptos, CA, January 27, 2010,
An "Archaeological; Report" (LIB080294) prepared by Archaeological Consulting, Salinas, CA, May 23, 2008, and is on file in the Monterey County RMA - Planning Department. All development shall be in accordance with this report."
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.

6: PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on August 9, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

7. EHSP01 DEED NOTIFICATION LONG TERM WATER SUPPLY

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) The applicant shall record a Deed Notification as a condition of project approval stating: "Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future."

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit draft of the wording to the Environmental Health Bureau for review and approval of the Deed Notification

Record Deed Notification with the Monterey County Recorder for the project parcel to the satisfaction of EHB. Submit proof of recordation to EHB.

8. EHSP02-RECORD NOTICE: ACCESS TO WELL FOR MONITORING

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) The applicant shall record a notice stating: "The owner shall upon reasonable prior notice allow access to the wells for monitoring of quality and/or quantity when requested by the Monterey County Environmental Health Bureau."

Compliance or Monitoring Action to be Performed: Within 30 days of project approval, the Owner/Applicant shall obtain appropriate form from the RMA- Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department, and Environmental Health.

9. PDSP007-DEED RESTRICTION: WAIVING OF SPECIAL OR EMERGENCY PRIORITY (NON-STANDARD CONDITION)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction as a condition of project approval stating: "In the event the well fails to produce water of an adequate supply or quality which meets required standards, the owner acknowledges that the owner has no special or emergency preference to obtain service from Cal Am or its successor, and the owner waives any right to or expectation of any special or emergency priority on the wait list for water service from Cal Am or its successor. The term "owner" includes the current owner and owner's successors of interest."
(RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits the Owner/ Applicant

- 1) shall obtain appropriate form from the RMA-Planning Department
- 2) Submit signed and notarized document to the Director of RMA-Planning Department for review and signature by the County. The document shall be reviewed and approved as to form by County Counsel
- 3) the owner/ applicant shall furnish proof of recordation of the document to the RMA-Planning Department

