



Monterey County Board of Supervisors

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Salinas, CA 93901
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Board Order

A motion was made by Supervisor Parker, seconded by Supervisor Adams to:

Uphold appeal and request the applicant complete an initial study.

MOTION TABLED.

A motion was made by Supervisor Adams, seconded by Supervisor Parker to:

Grant the appeal and direct staff to return with a Resolution of findings consistent with the Board's action.

MOTION FAILED this 13th day of June 2017, by the following vote, to wit:

AYES: Supervisors Parker and Adams
NOES: Supervisors Alejo, Phillips, and Salinas
ABSENT: None

Resolution No.: 17-166

Upon motion of Supervisor Salinas, seconded by Supervisor Phillips and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution No.: 17-166 to:

- a. Deny the appeal by Highlands Covenants Group challenging the Zoning Administrator's approval of PLN140483 for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource.
- b. Find the project categorically exempt per Section 15303(d) of the CEQA Guidelines, and that there are no unusual circumstances associated with this project.
Approve an after-the-fact Combined Development Permit consisting of a: 1) Costal Administrative permit to allow construction of a test well; and 2) Costal Administrative Permit to allow development within 750 feet of a known archaeological resource, to abate code violation (CE20247)

PASSED AND ADOPTED this 13th day of June 2017, by the following vote, to wit:

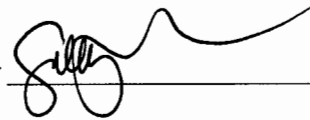
AYES: Supervisors Alejo, Phillips, and Salinas
NOES: Supervisors Parker and Adams
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting June 13, 2017.

Dated: June 15, 2017
File ID: RES 17-075

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By



Deputy

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

Resolution No.: 17-166

Resolution by the Monterey County Board of Supervisors to:

1. Deny the appeal by Highlands Covenants Group)
challenging the Zoning Administrator's approval of)
PLN140483 for after-the-fact permits to allow)
construction of a test well within 750 feet of a known)
archaeological resource;)
2. Find the project categorically exempt per Section)
15303(d) of the CEQA Guidelines, and that there are)
no unusual circumstances associated with this project;)
and)
3. Approve an after-the-fact Combined Development)
Permit consisting of a Coastal Administrative Permit)
to allow construction of a test well and a Coastal)
Administrative Permit to allow development within)
750 feet of a known archaeological resource, to abate)
code violation (CE020247).)

[PLN140483/SPINDRIFT VIEW PARTNERS LLC, 161 B
Spindrift Road, Carmel Area Land Use Plan (APN: 241-191-
005-000)]

The appeal by Highlands Covenants Group from the Zoning Administrator's approval (Resolution 17-025) of an application by Spindrift View Partners LLC for an after-the-fact Combined Development Permit to abate code violation (CE020247) to allow construction of a test well came on for public hearing before the Monterey County Board of Supervisors on June 13, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY**– The Project, as designed, is consistent with the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**
 - a) The project includes a Combined Development Permit to clear code enforcement case (CE020247) to allow the construction of a test well with temporary access and staging during construction.
 - b) 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;
 - Carmel Area Land Use Plan;
 - Monterey County Zoning Ordinance (Title 20);
 - Monterey County Code, Title 15 (Water Wells);
 - Monterey County Coastal Implementation Plan Part 4.

- No conflicts were found to exist. Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents. However, the Board of Supervisors has weighed all evidence in the record and determined in its independent judgment that no inconsistencies exist.
- c) The property is located at 161-B Spindrift Road, Carmel (Assessor's Parcel Number 241-191-005-000), in the Carmel Land Use Plan area. The parcel is zoned "LDR/1-D(CZ)" (Low Density Residential with gross density maximum 1 acre/unit and Design Control Overlay in the Coastal Zone). Pursuant to Section 20.14.040.J of Title 20 (Coastal Implementation Plan) of the Monterey County Code, a small water system that conforms to Chapter 15.04 – Domestic Water Systems of the Monterey County Code is allowed in the LDR zone with a Coastal Administrative Permit (CAP). Therefore, a test well is an allowed land use for this site with the approval of a CAP.
 - d) Pursuant to Section 20.146.040 of the Monterey County Coastal Implementation Plan, a biological report was required for the development. Biological reports prepared for the site as follows:
 - 1) "Robert Ching Property, Biological Resource Analysis for Well Site" (LIB160374) prepared 1 September 2016 by Fred Ballerini, Pacific Grove, CA
 - 2) "Robert Ching Property, Biological Resource Analysis" (LIB150295) prepared 4 May 2015 by Fred Ballerini, Pacific Grove, CA
 - 3) "Robert Ching Property, Biological Resource Analysis for Well Site" (LIB150294) prepared 12 August 2014 by Fred Ballerini, Pacific Grove, CA
 - e) The proposed test well location is beyond the 100 foot setback from the edge of any coastal wetland, marine habitat, or natural vegetation designated as environmentally sensitive habitat (ESHA). Therefore, a CDP coastal development permit (CST) for development within 100 feet of ESHA is not required.
 - f) Wetlands delineation on the parcel used for determining the 100 foot setback can be found in the following survey:
 - "Preliminary Wetlands Assessment, Ching Property – 161B Spindrift Rd." (LIB170123) prepared 1 October 2015 by Zander Associates Environmental Consultants, Berkeley, CA
 - g) Pursuant to Section 20.146.090 of the Coastal Implementation Plan, an archaeological report was required for the proposed development within 750 feet of known archaeological resources. A report was prepared for the project by Gary Breschini (LIB150293). Based on recommendations in the report, a standard condition requiring work to stop, and appropriate measures taken if resources are found during construction has been included in the conditions of approval (Condition 3).
 - h) The project planner conducted a site inspection 25 July 2014 and verified the project on the subject parcel conforms to the plans as presented.

- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140483.

2. **FINDING**

EVIDENCE:

- SITE SUITABILITY** – The site is physically suitable for the use proposed.
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, 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) Potential impacts to Biological Resources and Archaeological Resources were identified during review of the project. The following reports have been prepared:
 - “Robert Ching Property, Biological Resource Analysis for Well Site” (LIB160374) prepared 1 September 2016 by Fred Ballerini, Pacific Grove, CA
 - “Robert Ching Property, Biological Resource Analysis” (LIB150295) prepared 4 May 2015 by Fred Ballerini, Pacific Grove, CA
 - “Robert Ching Property, Biological Resource Analysis for Well Site” (LIB150294) prepared 12 August 2014 by Fred Ballerini, Pacific Grove, CA
 - Archaeological report prepared by Gary S. Breschini, Ph.D, Archaeological Consulting (LIB150293)
 - “Preliminary Wetland Assessment: Ching Property, Carmel Highlands” prepared 18 May 2017 by Zander Associates, Berkeley, CA
 - “Biological Resource Response Letter” prepared 9 May 2017 by Fred Ballerini, Pacific Grove, CA

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.

- c) Biological constraints on the lot were identified and mapped and the proposed well is appropriately located away from potentially sensitive habitat.
- d) The well will be constructed in fractured rock subsurface conditions. Testing for water quantity and quality will be required before the well can be used to serve any use or development.
- e) The site is designated for residential use and other residential uses currently exist on neighboring lots.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140483.

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, Cypress Fire Protection District, Public Works, 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) The site is currently vacant with the exception of a well that was constructed without proper planning entitlements. Wells, septic systems, and a number of residential uses exist within the area.
 - c) Excavated materials and water pumped from the well for testing purposes are proposed to be captured and brought to a facility that is permitted to receive such materials (i.e. the landfill in Marina).
 - d) The establishment of a test well on the property will not adversely affect persons residing or working in the neighborhood.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140483.
4. **FINDING:** **VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to County zoning uses. The violation existing on this property would be corrected upon approval of this permit and bring the property into compliance.
- EVIDENCE:**
- a) A test well was constructed on the property without first securing the proper planning permits (CE020247).
 - b) This permit would correct the violation and permit the test well within 750 feet of known archaeological resources.
 - c) No other violations have been found to exist on the property.
 - d) The application plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140483.
5. **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 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is an area that the Local Coastal Program designates as inappropriate for beach access (Figure 3 in 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) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140483.

6. **FINDING:**

CEQA (Exempt): - This project is categorically exempt from environmental review. The Board of Supervisors has weighed all of the evidence in the record and determined in its independent judgment that the project is within the category of a new, small facility and no unusual circumstances were identified to exist for the project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines §15303(d) categorically exempts water main and other utility extensions, such as a residential water well.
 - b) None of the exceptions under CEQA Guidelines §15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from others in the exempt class. Additionally, as detailed in subsections c-j below, there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment.
 - c) Location: The well is proposed on a vacant piece of land that is zoned for residential use. Development has been sited on the property to be more than 100 feet from mapped wetland and more than 50 feet from an intermittent drainage course and does not have the potential to significantly affect either of these potentially sensitive areas.
 - d) Cumulative Impact: The project includes construction of a test well on a residentially zoned legal lot of record. Test wells are listed as principally permitted uses for the site. Several wells currently exist within the immediate vicinity. Individual construction of wells in the area requires a Coastal Development Permit in each case and each of these types of permits are reviewed based on site-specific factors.
 - e) Significant Effect: The site is vacant and the well is proposed on a flat area of a residentially zoned parcel that is currently covered with non-native vegetation (see also "Location").
 - f) Scenic Highway: The parcel is located near Highway 1 which is a designated Scenic Highway; however, the test well will not be visible from Highway 1 and does not include any improvements or vegetation removal that would be visible from Highway 1.
 - g) Hazardous Waste Sites: The test well is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There is no evidence that any form of Hazardous waste exists at the site or in the immediate vicinity.
 - h) Historical Resource: The site is vacant and no significant disturbance to native soils is proposed that could impact archaeological resources. Development is limited to re-opening a well that has already been constructed without a permit at the site and minor vegetation clearance of non-native plants for access and staging of equipment.

- i) Testimony has been submitted during review of the application indicating that the project may cause environmental impacts. However, based on the substantial evidence in the record, the County has determined that the project will not have a significant environmental impact and a categorical exemption is appropriate for the project (See also the preceding Findings with evidence and Finding 8 below).
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140483.

7. **FINDING:** **PROCEDURAL BACKGROUND** – The project has been processed in compliance with County regulations.
- EVIDENCE:**
- a) On 4 March 2015, the applicant applied for an after-the-fact Combined Development Permit (PLN140483) to abate code violation (CE020247) to allow construction of a test well.
 - b) The application submittal was deemed complete on 2 April 2015.
 - c) The Carmel Highlands Land Use Advisory Committee (LUAC) reviewed the application materials on 3 August 2015 and recommended approval of the project in a 4 (Ayes) – 0 (Noes) decision.
 - d) Staff requested a continuance from the 27 August 2015 Zoning Administrator agenda in order to have additional time needed to thoroughly analyze the proposed project.
 - e) On 2 November 2016, the applicant submitted additional reports and revised plans that were circulated for Interdepartmental Review. The application was deemed complete 30 November 2016.
 - f) The application was brought to public hearing before the Zoning Administrator on 13 April 2017. At least 10 days prior to the public hearing before the Zoning Administrator, notices were published in the *Monterey County Weekly* and were posted on and near the property and mailed to the property owners within 300 feet of the subject property as well as interested parties. The Zoning Administrator approved the project.
 - g) An appeal of the decision by the Zoning Administrator was timely filed on 27 April 2017 by Highlands Covenants Group, represented by attorney Pamela Silkwood. The Board of Supervisors heard the appeal at a duly noticed public hearing on June 13, 2017. The hearing was de novo.
 - h) Staff Report, minutes of the Zoning Administrator hearing, information and documents in Planning file PLN140483; records of the appeal on file with the Clerk of the Board.

8. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS**
- The appellant requests that the Board of Supervisors grant the appeal and deny the Combined Development Permit application (PLN140483). The appeal alleges: the findings or decision are not supported by the evidence and the decision was contrary to law. The contentions are contained in the Notice of Appeal (**Attachment C of the 13 June 2017 Board of Supervisors Staff Report**) and summarized below followed by responses to those contentions. The Board of Supervisors finds that there is no

substantial evidence to support the appeal and makes the following findings regarding the appellant's contentions:

Contention #1 – Incomplete and Flawed Wetland Delineation.

The appellant contends Evidence 2.f), the "wetland delineation report prepared by Zander and Associates...is incomplete and flawed" because:

- *Coastal Act section 30121 defines "wetland" as "lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens."* (Emphasis added).

Response:

Zander and Associates followed appropriate protocols and requirements including installation of 14 test points on the property all of which were negative for evidence of surface or near surface waters that would indicate a "wetland." Despite lack of water in the soil, application of the strict definition of wetland in the Coastal zone resulted in areas where the predominant vegetative cover (poison hemlock) qualified a portion of the property as wetland. That area was mapped and the test well location was revised to be more than 100 feet from the mapped wetland area. Dr. Froke's analysis alludes to the possibility of oversights or omissions from the wetland analysis but contains little documentary evidence to this effect. Specifically, poison hemlock, an aggressive colonizer of wet or dry disturbed sites, is listed as an indicator facultative wetland plant; however, presence of poison hemlock alone does not warrant wetland delineation (Ballerini, May 2017; Froke, April 2017).

Wetland indicators are typically developed over long periods of time and remnants of these indicators would be observed, even during drought conditions. While the history of disturbance on the site has obscured the site's "normal vegetative signature", at least some hardy remnant wetland plants (e.g. willows, rushes, sedges) would be expected to recover or at least present a few scattered representatives in the face of surface disturbance.

Evidence submitted by Zander and Associates together with Fred Ballerini (biologists) supports the conclusion that the project will not impact wetlands and the evidence submitted with the appeal contention does not provide substantial evidence or a fair argument that the biologists' findings are inadequate.

Contention #2: California State ASBS

Appellant states a concern that the parcel drains into the State Area of Special Biological Significance (ASBS).

Response:

There will be no runoff into the Carmel Bay ASBS nor the Point Lobos ASBS as a result of this project. Spoils from the test well will be collected and exported from the site; the test well will not change drainage patterns; and the project is located south of both mapped ASBS.

Contention #3: Septic System in an Area of Inundation Would Result in Waste Discharge to ASBS

The appellant states concern that illegal discharge of waste to the ASBS would result from the septic system placement as currently shown on the plans.

- *Should the septic system as currently shown on the Applicant's plans be allowed to proceed, there is a real concern that illegal discharge of waste would be released to the Carmel Bay ASBS and to ecological reserves.*

Response:

The septic system is not a component of this project and its location is strictly conceptual at this time. If a septic system is constructed in the future, it will be separately reviewed and analyzed.

Contention #4 – Failed to Meet Setback from Riparian Habitat/Woodland.

The appellant contends that due to the drainage corridor at the northern boundary of the parcel, "the Subject Property clearly comprises riparian woodlands that require protection. Riparian woodlands occur along both perennial and intermittent streams in nutrient-rich soils" and that the well does not meet 50 to 150-foot setback requirements:

- *Specific Policy 2.3.4.1 (under the heading Riparian Corridors and Other Terrestrial Wildlife Habitats) of the Carmel Area Land Use Plan and Section 20.146.040.C.2.c of the Carmel Area Coastal Implementation Plan state... Whether natural or man-made, the California Coastal Commission has interpreted drainages with riparian corridors to require protection as ESHA.*

Response:

This waterway corridor along the northern boundary of the subject property originates from a Highway 1 drainage culvert east of the parcel and exhibits no evidence that it functions as a perennial stream. There are no native plant constituents to support a Riparian Woodland vegetation classification (Ballerini, May 2017). Nowhere on the site, including in the seasonal drainage course

along the northern boundary, were obligate wetland (or even typical riparian) plant species observed (Zander, May 2017).

Especially noteworthy after experiencing a record rainfall year, there is currently no overland flow within the incised northern drainage corridor. This characteristic clearly classifies this particular corridor as intermittent drainage and therefore, not subject to 150-foot buffer setback. Policy 2.3.4.1 of the *Carmel Area Land Use Plan* states, "Riparian plant communities shall be protected by establishing setbacks consisting of a 150-foot open space buffer zone on each side of the bank of perennial streams and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater." The setback from the bank of the observed drainage corridor along the northern edge of the subject property is over 60 feet to the proposed well-drilling location consistent with the stated policy of the Carmel Land Use Plan and there is no evidence to support the claim that the site of the well and staging area contains riparian woodland habitat. In fact, Carmel Ara Map C identifies the area as "Monterey Pine Forest."

Contention #5 – Species of Special Concern Identified on the Property.

The appellant claims the presence of nesting Yellow Warblers and Coast Range Newts on and near the subject parcel is evidence that sensitive habitats exist on the Subject Property. The appeal points to the following question from Appendix G of the CEQA Guidelines, "Would the project:

- *a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?"*

Response:

Neither the Yellow Warbler nor the Coast Range Newt are specifically identified as a sensitive or special status species in the Carmel Area Land Use Plan or the Coastal Implementation Plan. They are also not designated as rare, endangered, or threatened by the California Fish and Wildlife Services or by U.S. Fish and Wildlife services. They are listed by California Fish and Wildlife as a "species of concern" meaning they should be monitored to determine if listing is warranted.

The yellow warbler is a broadleaf riparian-obligate species requiring riparian forests dominated by cottonwood and sycamore as well as dense willow thicket and generally major riparian

corridors. Nesting occurrences of the Yellow Warbler at the subject parcel is highly unlikely because their nesting habitat does not occur on the property, as there are not cottonwood, sycamore, or willow thicket habitats. Observations of this species are likely a result of the species taking a temporary refuge on site during its northern spring migration to another major riparian corridor (Ballerini, 9 May 2017). The absence of riparian-obligate species at the proposed well site, and on the entire parcel, indicates that there would be no substantial adverse effect on Yellow Warbler habitat. In addition, even if they were present, nesting bird habitat is protected under the Migratory Bird Treaty Act. A condition has been applied to this project that requires a pre-construction nesting survey prior to any work that may occur at the site during the nesting season to ensure compliance with the Act (Condition 15).

The Coast Range Newt (*Taricha torosa*) habitat reported along the northern boundary of the parcel, shall be avoided by protection from the construction activities of the project through implementation of the Erosion Control and Grading Restoration Plan (Froke, 11 April 2017; Plan Sheet C1-A, 1 June 2016, rev. 1). Furthermore, the setback from the bank of the observed drainage corridor along the northern edge of the subject property is over 60 feet to the edge of the proposed well-drilling location.

Based on the evidence in the record, and as conditioned, project related activities are not likely to impact special status species or species of concern.

Contention #6– The Project is Subject to Environmental Review Under CEQA.

The appellant asserts that the approval of this permit violates Title 14 of the California Code of Regulations § 15378(a) because the “whole of the action” is residential development of the property. Further, the appellant claims “there is a reasonable possibility of a significant effect on the environment due to unusual circumstances (14 CCR §15300.2(c)):

- *in particular due to the presence of ESHAs and based on the potential for nitrate and sedimentation loading into the ASBS from activities proposed at the Subject Property. The Violations had clearly caused waste discharges to the ASBS.*

Response:

Section 15303 categorically exempts water main and other small facilities or structures, such as this water well. There is no substantial evidence of any feature or condition of the well that distinguishes it from others in the exempt class. Additionally, the evidence does not support any fair argument of a reasonable possibility of a significant effect on the environment as a result of any unusual circumstances. The purpose of permitting this test well

is to determine whether the site has sufficient potable water to support a residential development. It is unknown at this time whether there is such a sufficient water source for residential development, and it is speculative to assume that a residential development will ultimately occur on the site. There is no application for any type of residential development at this location on file with the County, and the County retains discretionary approval authority over any future development at this location.

In summary of responses to aforementioned contentions in the appeal, the proposed well site is beyond the 100 foot buffer from the delineated wetland area; is beyond the 50 foot buffer from the edge of the northern boundary of the intermittent drainage channel; and would not impact protected species habitat.

In perspective, the project includes minor clearance of non-native ground cover for access and staging of equipment and construction of a test well (hole in the ground) in a highly disturbed and flat area of the property.

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Deny the appeal by Highlands Covenants Group challenging the Zoning Administrator's approval of PLN140483 for after-the-fact permits to allow construction of a test well within 750 feet of a known archaeological resource, to abate code violation (CE20247); and
- b. Find that construction of a test well is exempt per Section 15303(d) of the CEQA Guidelines, and there are no unusual circumstances applicable to this project; and
- c. Approve an after-the-fact Combined Development Permit consisting of a Coastal Administrative Permit to allow construction of a test well and a Coastal Administrative Permit to allow development within 750 feet of a known archaeological resource, to abate code violation (CE020247), subject to the conditions of approval attached hereto as Exhibit 1 and the site plan attached hereto as Exhibit 2, both being incorporated herein by reference.

PASSED AND ADOPTED this 13th day of June 2017, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, and Salinas

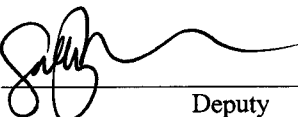
NOES: Supervisors Parker and Adams

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting June 13, 2017.

Dated: June 15, 2017
File ID: RES 17-075

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By  Deputy