

Attachment B

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**ATTACHMENT B
DRAFT RESOLUTION**

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

In the matter of the application of:

GREER (GLASS), et al (PLN170624)

RESOLUTION NO. 18 -

Resolution by the Monterey County Board of
Supervisors to:

- 1) Deny the appeal of Andres Czerwiak challenging the Zoning Administrator's approval of a Coastal Administrative Permit to allow the conversion of an existing test well to a permanent, single connection well and a Design Approval;
- 2) Find that the project is categorically exempt under CEQA; and
- 3) Approve:
 - 1). Coastal Administrative Permit to allow the conversion of an existing test well to a permanent, single connection well.
 - 2). Design Approval as it applies to the appurtenant components: An electric powered pump, two (2) 119-gallon bladder tanks and water filtration system, and a 5,000-gallon polyurethane water storage tank.

124 Fern Canyon, Carmel, Carmel Area Land Use
Plan, Coastal Zone (APN: 241-131-024--000)

The appeal by Andres Czerwiak from the decision of the Zoning Administrator on August 9, 2018, to categorically exempt and approve a Coastal Administrative Permit and Design Approval to allow the conversion of an existing test well to a permanent, single connection well. (Greer (Glass)/ PLN170624) came on for a public hearing before the Monterey County Board of Supervisors on November 6, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The County has processed the subject Coastal Administrative Permit (RMA-Planning File No. PLN170624/Greer) (“project”) in compliance with all applicable procedural requirements.
EVIDENCE: a) On July 24, 2017, pursuant to Monterey County Code (MCC) Sections 20.14 and 20.76, the Greer Trust filed an application for an administrative permit to allow for the conversion of an existing test well to a single connection permanent well. The permanent well

could provide potable water for a single-family residence, but no single-family dwelling has been proposed as part of the application and any such future structure would be subject to a future application and review. The well conversion also includes appurtenant devices: an electric powered pump, two (2) 119-gallon bladder storage tanks to regulate water pressure, a water filtration system that removes iron and manganese from the water, and a 5,000-gallon polyurethane water storage tank installed on a gravel pad. The project site is located at 124 Fern Canyon, Carmel (Assessor's Parcel Number 241-131-024-000), Carmel Land Use Plan, Coastal Zone. Since the application was filed, the subject site was sold to Timothy John Glass and Constance Glass, who have assumed the application and are now the applicant for the project.

- b) The Monterey County Zoning Administrator held a duly-noticed public hearing on the Greer application on August 9, 2018. Notices for the Zoning Administrator public hearing were published in the Monterey County Weekly on July 26, 2018; posted at and near the project site on July 25, 2018; and mailed to vicinity property owners and interested parties on July 26, 2018.
- c) On August 9, 2018, after a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator found the project was categorically exempt under the California Environmental Quality Act (CEQA) and approved a Coastal Administrative Permit to allow the conversion of the test well to a permeant well and a Design Approval as it applies to the appurtenant components. (Monterey County Zoning Administrator Resolution No. 18-046).
- d) Andres Czerwiak (Appellant), represented by John Bridges of Fenton & Keller, timely filed an appeal from the August 9, 2018, decision of the Zoning Administrator pursuant to MCC Section 20.86.030.C. The appeal challenged the Zoning Administrator's decision, and contended that the findings or decision or conditions are not supported by the evidence, and the decision was contrary to law. See Finding No. 8 (Appeal) for the text of the Appellants' specific contentions and the County responses to the appeal.
- e) Pursuant to MCC Sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 18-046) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). The County mailed the written notice of the decision on August 10, 2018, and said appeal was filed with the Clerk of the Board of Supervisors on August 20, 2018, within the 10-day timeframe prescribed by MCC Section 20.86.030.C. [Note: The 10th day of the appeal period fell on a County non-business day; therefore, the appeal period extended to the next business day (Monday)]. The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the November 6, 2018, staff report to the Board of Supervisors as Attachment C.

- f) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on November 6, 2018. Notice of the hearing was published on October 25, 2018, in the Monterey County Weekly; notices were mailed on October 23, 2018, to all property owners and occupants within 300 feet of the project site, and to persons who requested notice; and at least three (3) notices were posted at and near the project site.
- g) On November 6, 2018, the Board of Supervisors held a duly noticed public hearing where applicant, appellant, and the public had the opportunity to testify and be heard.
- h) 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 No. PLN170624; Zoning Administrator administrative record; Clerk of the Board of Supervisors' file(s) related to the appeal.

2. FINDING: **CONSISTENCY** - The proposed project, as conditioned, is consistent with the policies of the Local Coastal Program (LCP) and other County health, safety, and welfare ordinances related to land use development. 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 MCC, sec. 20.70.050.B.4 The project is in compliance with all rules and regulations pertaining to zoning uses and other applicable provisions of Title 20.

- EVIDENCE:**
- a) The proposed project involves the conversion of a test well to a permanent, single connection well.
 - b) The property is located at 124 Fern Canyon Road, Carmel Highlands (Assessor's Parcel Number 241-131-024-000), Carmel Area (CA) Land Use Plan (LUP), Coastal Zone. The parcel is zoned Low Density Residential, 1 acre per unit, with a Design Control zoning overlay (Coastal Zone) [LDR/1-D (CZ)]. Development of wells and water storage tanks are identified as a principal allowed use pursuant to MCC Sections 20.14.040.J, subject to the granting of an applicable Coastal Administrative Permit. The Design Control zoning overlay requires the granting of a Design Approval for development relating to structural features and facilities. The support components of the well – the electric powered pump, 5,000-gallon storage tank, pressure-regulating bladders, and filtration system, shall be screened from public view as needed. See Finding No. 6 and supporting evidence.
 - c) RMA-Planning File No. PLN030642. On July 8, 2004, the Monterey County Zoning Administrator approved the installation of a test well and a septic system (Zoning Administrator Resolution No. 04-037). The approved entitlements included a Coastal Administrative Permit to allow the installation of the test well and appurtenant components, and a septic system; the septic system was not installed. The proposed Coastal Administrative Permit (RMA-Planning File No. PLN170624) is consistent with these previously-approved entitlements. However, Staff requested that the proposed septic

system be divorced from this well conversion (PLN170624) because there is not an associated residential development proposed with this application.

- d) 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; and
 - Monterey County Zoning Ordinance - Coastal (Title 20)
- e) 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. However, communications were received June 18, 2018 requesting this well conversion application be presented before a public hearing before the Zoning Administrator; the Zoning Administrator then held a duly noticed public hearing on August 9, 2018 and approved the application. The appellant has alleged that there is a lack of water rights, non-conformance with a recorded Water agreement, and that the project had inconsistencies with the text, policies, and regulations in the applicable Land Use Plan and Monterey County Code (MCC); however, the County finds that the project is consistent with the text, policies, and regulations in the applicable County plans and regulations for the reasons stated in this resolution, and County disagrees with appellant's contentions. (See finding 8 below.).
- f) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Carmel Highlands FPD, 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.
- g) Technical reports were prepared for the test well application, PLN030642 and did not identify conditions that would limit the well's connectivity to a single connection that could provide water for one (1) single-family dwelling. No additional technical reports have been prepared for this application (PLN170624) because physical development of the site would occur at a future, undetermined date. All requisite reports would be prepared in conjunction with a future development proposal.
- h) A test well was permitted on the property under PLN030642 (Resolution No. 04-307). The test well has been constructed. A source capacity test was completed in 2017, and the well has been given a credit of 4.98 gallons per minute which is adequate capacity for a single connection to provide water to a single-family dwelling, should one be proposed. Treatment of water quality for iron and manganese is proposed as part of this application and is considered an "electable" measure at the discretion of the applicant. Additionally, Perchlorate testing will be required prior to permitting any future development or use of the property. With treatment installed, the well would be adequate to serve any future residential use of the

property pursuant to standards contained in Title 15.04 of the Monterey County code.

- i) The test well was drilled in fractured rock. No evidence has been found or submitted during review of the project indicating that use of the well for a single-connection residential use will directly impact hydrology or indirectly impact biological resources in the area. Test results indicate that the well can provide enough water for one (1) single-family dwelling, or 4.98 gallons of water per minute.
- j) There is no public access required on this property. The well is located within a residential subdivision and is not in a location where the Carmel Area Land Use Plan requires access (Figure 3). There is no existing public access on the property and the property is not in a location where access is needed pursuant to Section 20.146.130.B of the Coastal Implementation Plan, Part 4. Therefore, the project meets the public access policies as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan and in 5.3 of the Carmel Area Land Use Plan.
- k) The project planner conducted a site inspection on August 1, 2018, to verify that the proposed project on the subject parcel conforms to the applicable plans and MCC.
- l) Cultural Resources. The project site is in an area identified in County records as having a high archaeological sensitivity, and is within 750 feet of known archaeological resources. An archaeological consulting letter dated July 2, 2004 was prepared for the test well and concluded that there is no surface evidence of potentially significant archaeological resources. Additionally, the production well in is the same location as the existing test well, only the status of the well is being converted. Therefore, there is no evidence that any cultural resources would be disturbed, and the potential for inadvertent impacts to cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 4) which requires the contractor to stop work if previously unidentified resources are discovered during construction.
- m) The original project, PLN030642, for the test well and septic proposal were presented Carmel Highlands Land Use Advisory Committee (LUAC) for review at its April 19, 2004 meeting. The LUAC voted 7 to 0 with 0 abstentions to support the project as proposed. Based on the LUAC Procedures adopted by the Monterey County Board of Supervisors, this original application (PLN030642) warranted referral to the LUAC because the project involved the removal of 10 oak trees to create access to the site and the location of the septic system, thus requiring a Coastal Development Permit subject to review by the Zoning Administrator.
- n) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN170624.

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, Carmel Highlands FPD, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency, which concluded the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) If a single-family dwelling were proposed in the future, tests show adequate water quantity currently exists from the well to serve one (1) residential use of the property and adequate water quality would be provided through use of appropriate treatment facilities; however, the Environmental Health Bureau has imposed a condition requiring a deed restriction alerting current and future owners of the property's potentially unsustainable water supply due to geologic considerations (Condition No. 6).

- 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 and RMA-Building Services records and is not aware of any County violations existing on subject property.
 - b) 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 PLN170624.

- 5. FINDING:** **DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.

- EVIDENCE:**
- a) The Applicant proposes to convert an existing test well to a permanent well. The well includes appurtenant components consisting of an electrical pump, two (2) 119 gallon bladders to regulate water pressure; a filtration system to remove manganese and iron, and a 5,000-gallon polyurethane water storage tank placed on a gravel pad.
 - b) Pursuant to Section 20.44, Title 20 (Coastal Zoning Ordinance) of the Monterey County Code (MCC), the proposed project site and surrounding area are designated as a Design Control Combining District (D District), which regulates the location, size, configuration, materials, and colors of structures, including fences, to assure the protection of the public viewshed and neighborhood character.
 - c) The appurtenant components are placed in a way that will allow future development of the site that would accommodate and reflect the neighborhood character. The appurtenant components would be screened from public views emanating from Fern Canyon Road. (Condition No. 5)

6. **FINDING:** **CEQA (Exempt)** – The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1, categorically exempts the operation or minor alteration of existing structures, facilities, or mechanical equipment involving negligible or no expansion of an existing use.
 - b) The applicant is proposing the conversion of the test well on the parcel (previously approved under RMA-Planning File No. PLN030642; Zoning Administrator Resolution No. 03-0642), to a permanent well with a single connection. The conversion involves no physical alteration to increase capacity or quantity of water delivered. Monterey County Health Bureau has determined that the test well produced water in sufficient quantities to provide service for one (1) single-family dwelling. However, residential development is not part of this permit nor proposed. To the extent that conversion of the test well would theoretically make possible a future application for a single-family dwelling, a single-family dwelling would be exempt under CEQA Guideline section 15303, depending on the particular facts of that application. Therefore, the project can be categorically exempt within the parameters of the Class 1 categorical exemption.
 - c) None of the exceptions under CEQA Guidelines Section 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 the exempt class. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.
 - d) No adverse environmental effects were identified during staff review of the development application, nor during a site inspection on July 6, 2017 and again on August 1, 2018.
 - e) 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 PLN170624.
7. **FINDING:** **APPEAL** – The Appellant (Andres Czerwiak), pursuant to Monterey County Code (MCC) Section 20.86.030.C, timely filed an appeal from the August 9, 2018, decision of the Zoning Administrator. The Appellant (Andres Czerwiak) challenges the Zoning Administrator’s decision to approve the project. The overall contentions of the appeal are that the Zoning Administrator’s findings are not supported by the evidence and that the decision is contrary to law. The text of the contentions is contained in Appellant’s appeal dated August 20, 2018. The Appeal filed by the Appellant is included in the November 6, 2018, staff report to the Board of Supervisors as Attachment C, and is incorporated herein by reference. A summary of the Appellant’s

contentions and the County's responses to those contentions are set forth in Evidences b through g below. Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board makes the following findings with respect to the Appellant's contentions:

- EVIDENCE:** a) Appellant's Specific Contention A: The Appellant stated "...MCC Section 15.04.040[C.2] requires proof of legal right to use the water prior to approval of any water system serving 14 or fewer connections and substantial evidence in the record shows the applicant did not present such proof and, in fact, does not have such right. The applicant only has the legal right to half the water from the well. The well tested at 4.98 gpm. Half that amount is 2.495 gpm. A minimum of 3 gpm is required for a domestic connection. The project therefore cannot be found consistent with the MCC or the LUP."

The application included a copy of the Title Report, dated December 17, 2017, that named the Greer Trust, predecessor in interest to the current owner Glass, known as 124 Fern Canyon Road. Appellant submitted a Water Agreement between Parcel A and Parcel B; Parcel A is the Glass property and Parcel B is appellant's property. The Water Agreement (recorded Feb. 25, 2008) is a private matter to which County is not a party. The ultimate use of the well is not before the Board, and in any event, whether the use would be in conflict with the Water Agreement is a civil matter between the parties to the Water Agreement. The Environmental Health Bureau determined that the well produces enough water to serve one (1) single-family dwelling for domestic use, potable water for drinking and bathing, and fire protection. The existing test well is located on the applicant's property, and there are no known connections to the Appellant's property or any other property in the neighborhood. The applicant applied for a permit to convert an existing test well to a permanent well. The permit application did not include, describe, or propose a water system to serve multiple properties.

- b) Appellant's Specific Contention B: The Appellant stated "The ZA also intimated several times that the project should come forward as a whole [residence, septic system, well conversion]. He characterized the separate application approach being pursued by the applicant as "inefficient." It is also illegal. CEQA requires the whole of a project be considered together" and that the approach pursued by the applicant is a piecemeal approach and prohibited under CEQA. Furthermore, the Health Bureau stated that septic testing had not been done and that the location of any septic system and the well must be analyzed; the Zoning Administrator noted concerns about potential tree impacts associated with development of the parcel. The various impacts should be considered comprehensively as a whole and not independent of each other.

The application is limited in scope to the conversion of an existing test well to a permanent well for delivering potable water. Any future development of the site would require an application to the RMA for the appropriate permit request. The analysis is not piecemeal because no development on the property is proposed at this time, and thus, any analysis of future development would be speculative.

- c) Appellant's Specific Contention C: The Appellant stated, **"The staff report was premised on the assumption that the parcel has 'no association with the neighboring properties, other than common property boundaries,' and the resolution says, 'no communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.' This is false. Evidence was introduced proving these statements erroneous. There is a recorded water rights agreement conferring right to half the water to the appellant's adjoining property. This is certainly a critical 'association' between properties such that the application must be denied for lack of sufficient water under the code.**

A common property line separates the applicants' parcel and the appellant's parcel. There are no easements between the two parcels; access to each parcel is from separate access points. There are no distribution lines between the parcels. Well quantity tests document water delivery of 4.98 gallons per minute, sufficient quantity to provide water and fire protection for one single-family dwelling. A Water Agreement was presented to Staff the day before the Zoning Administrator hearing, Staff reported the correspondence at the hearing of August 9. The Water Agreement is a civil matter between the applicant and the appellant. (See response to appellant contention (a) above.) For the reasons explained above, the Water Agreement does not demonstrate a lack of consistency with County plans and regulations.

- d) Appellant's Specific Contention D:
"...there is no legal right to adequate water quantity to serve a residential use on the property. Moreover, if the connection for domestic use was (or is in the future) approved such would be absolutely detrimental and injurious to the welfare of neighboring properties and to the water rights owned by Mr. Czerwiak."

The test well is located on the Applicant's property. The County Environmental Health Bureau tested the well for water quantity and water quality. The Bureau determined that the well tests at 4.98 gallons per minute. The Bureau stipulates that 3 gallons per minute is the minimum quantity of water able to serve one single-family residence on one lot. Thus, the well currently produces sufficient water quantity to provide potable water for a future single-family dwelling on this particular lot. Whether and how the appellant's parcel would be served by the well under the Water Agreement is a subject for the parties of the Water Agreement to resolve. The only question before the County in this project is whether this test well on

the subject site can be converted to a permanent well. Based on the testing of water quantity, the well has capacity to serve a single family residence.

e) Appellant's Specific Contention E:

Because the CEQA categorical exemption was premised on the conclusion that there was adequate water for a single-family unit (which as explained above is erroneous) the project is not categorically exempt and preparation of an Initial Study is required.

The Health Bureau has determined that the test well produces adequate water quantity, 4.98 gallons per minute, to serve the needs of one single-family residence on the property, including enough water for fire protection. See Contention E, D, and C above. One (1) single-family residence on a given property would be exempt from CEQA pursuant to Sections 15303; however, no application for a single-family residence on the property has been made. An Initial Study is not required in this case. See also response to Contention B above.

f) Appellant's Specific Contention F(i):

"...because of the size of the lot and constraining setbacks related to property boundaries, well and septic systems, if the project were properly processed "as a whole" rather than piecemealed, potentially significant impacts to sensitive and/or landmark trees on the property exist [could be evaluated].

The project as submitted is only for conversion of the test well to a permanent well. Approval of this project does not preclude a full and robust review of a future single-family residential application. The test well was located without the benefit of knowing the precise location of a future residence, but is located towards the perimeter of the parcel.

Appellant's Contention F(ii):

"In addition to triggering CEQA review this potential impact [to the trees noted above] also calls into question the propriety of relying on a coastal administrative permit process. Additionally, a full Coastal Development Permit should have been required pursuant to MCC § 20.14.050.S as the proposed water facilities are clearly "Accessory structures and uses prior to establishment of main use or structure," and consequently should be appealable to the Coastal Commission per § 20.86.080.A.3."

Pursuant to CEQA Section 15301, existing facilities, in this case a test well, is exempt from environmental review. Furthermore, this exemption applies to small facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. In this instance, a test well was installed and County EHB determined that the well produces potable water in a such a quantity that can serve one single-family residence. Furthermore, MCC § 20.14.040.J states that water system facilities including wells and storage tanks serving up to 14 or fewer service connections, pursuant to Title 15.04, is considered a principal use subject to a Coastal Administrative Permit. A Coastal Development Permit

possibly would be required if tree removal would be required to accommodate the well and support facilities. In this instance, a CDP would be appealable to the Coastal Commission. However, there is no tree removal proposed or required to convert the test well to a permanent well or to accommodate the support facilities.

8. **FINDING:** **APPEALABILITY** - The decision on this project may not be appealed to the California Coastal Commission.
- a) California Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is not subject to appeal by/to the California Coastal Commission because it is not located between the sea and first public road paralleling the sea, is not located on a tideland, within 100 feet of a wetland, estuary, stream or within 300 feet of a of the top of the seaward face of an coastal bluff, is considered a principal use, or is not a major public works project or energy facility.

DECISION

NOW, THEREFORE BE IT RESOLVED, based on the above findings and evidence, and the administrative record as a whole, that the Board of Supervisors does hereby:

- A. Certify that the foregoing recitals and findings are true and correct;
- B. Deny the appeal of Andres Czerwiak challenging the Zoning Administrator's approval of a Coastal Administrative Permit to allow the conversion of an existing test well to a permanent, single connection well and Design Approval for related appurtenant structures;
- C. Find that the project is categorically exempt under CEQA; and
- D. Approve a Coastal Administrative Permit consisting of:
 - 1). Coastal Administrative Permit to allow the conversion of an existing test well to a permanent, single connection well; and
 - 2). Design Approval as it applies to the appurtenant components: An electric powered pump, two (2) 119-gallon bladder tanks and water filtration system, and a 5,000-gallon polyurethane water storage tank, in general conformance with the attached plans and subject to the conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 6th day of November, 2018, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Valerie Ralph, 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 Minute Book _____ for the meeting on May 15, 2018.

Date:
File Number:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California
By _____
Deputy

Monterey County RMA Planning

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

PLN170624

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit to allow the conversion of an existing test well to a permanent, single connection well and Design Approval as it applies to the appurtenant components: An electric powered pump, two (2) 119-gallon bladder tanks and water filtration system, and a 5,000-gallon polyurethane water storage tank. The property is located at 124 Fern Canyon Road, Carmel (APN: 241-131-024-000) Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Coastal Administrative Permit (Resolution Number 18-046) was approved by the Board of Supervisors for Assessor's Parcel Number 241-131-024-000 on August 9, 2018. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

**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/her/its 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, recordation of the certificates of compliance 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. (County Counsel)

**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, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

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

Responsible Department: RMA-Planning

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

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

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

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

5. PD038 - WATER TANK APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the RMA Chief of Planning, prior to the issuance of building permits. Any other appurtenant devices, pressure regulators, filtration systems, shall be screened or shield in a similar manner. (RMA - Planning)

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

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

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

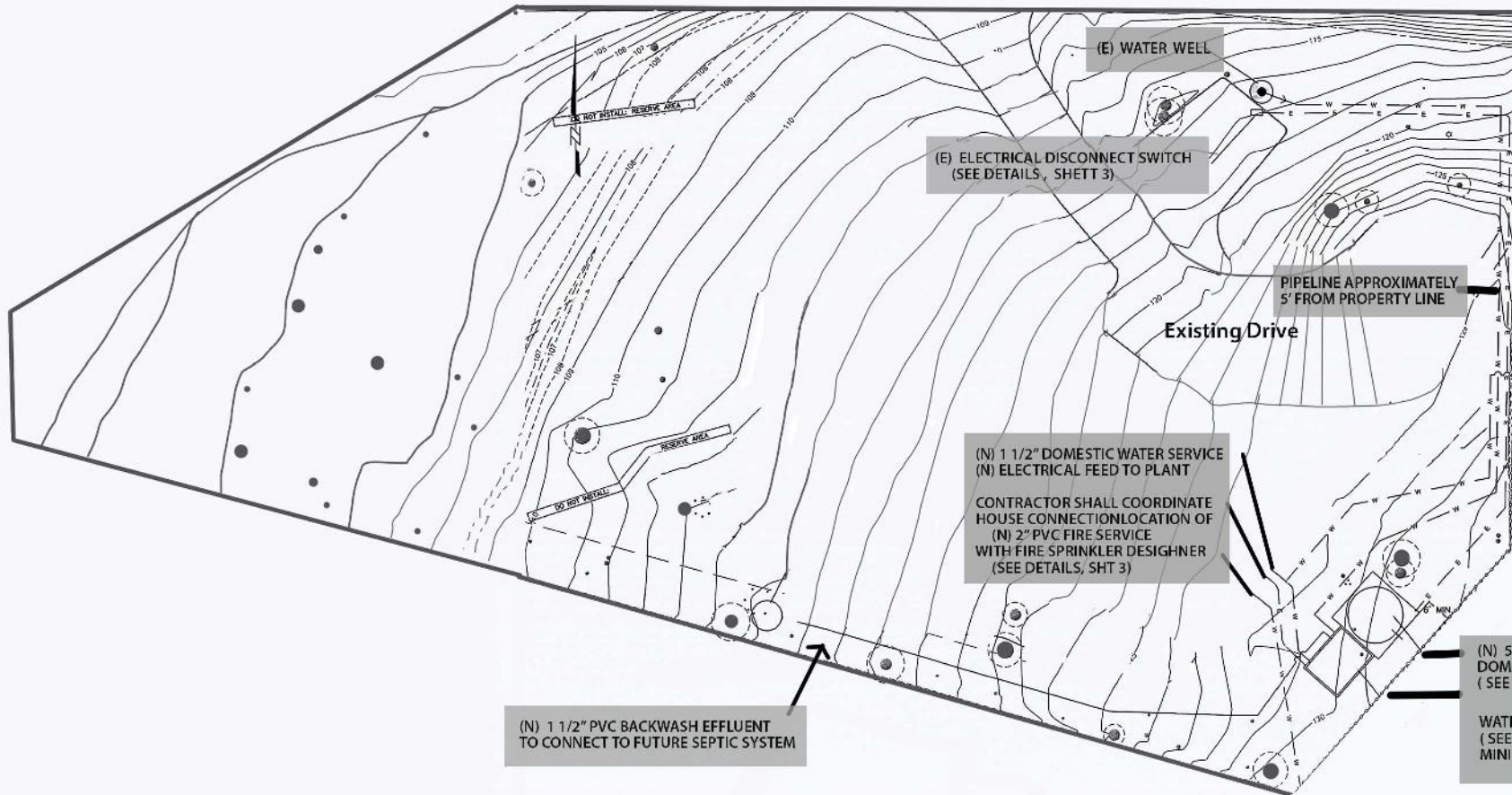
6. EHSP01 - LONG-TERM WATER SUPPLY DEED RESTRICTION (Non-Standard)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction which includes the statement: Well yields in fractured rock or non-alluvial aquifer systems have been shown to decline significantly over time due to their meager ability 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. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau ("EHB") and pay applicable deed restriction preparation fees to the EHB. The EHB will prepare the deed restriction form.

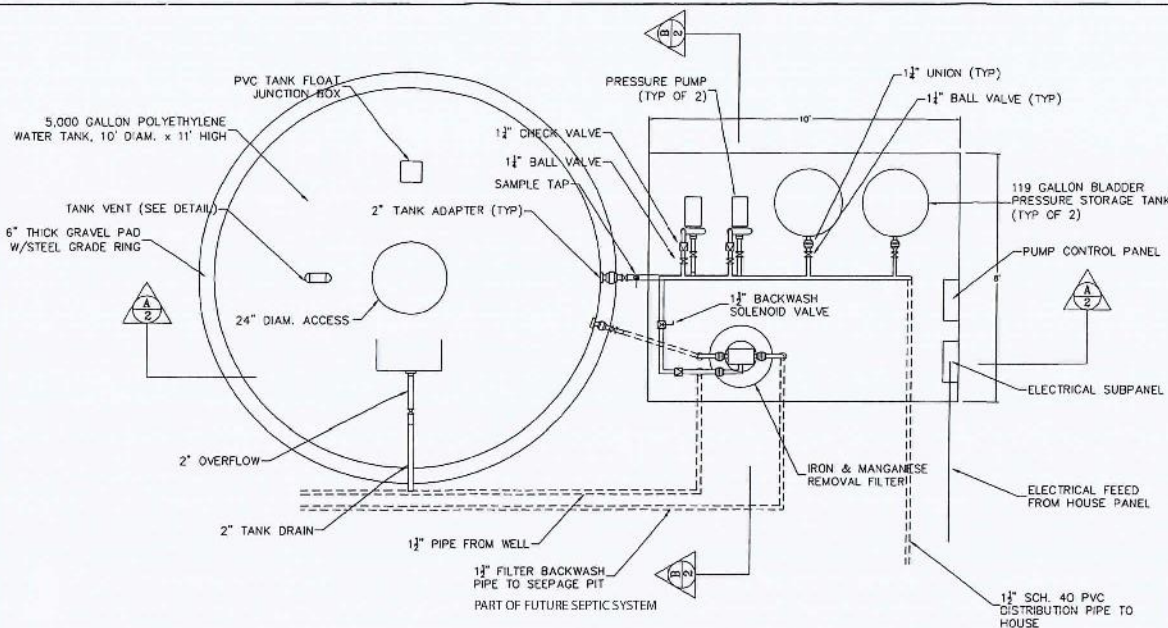
Prior to final inspection of construction permits, the property owner shall sign and notarize the deed restriction form obtained from the EHB. Record the notarized deed restriction with the Monterey County Recorder. Proof of recordation shall be provided to the EHB.



SITE PLAN

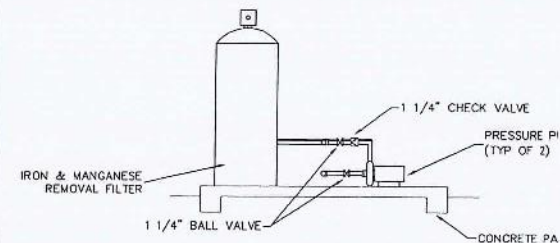
PROJECT: Fern Canyon
 OWNER: Timothy and Constance Glass
 LOCATION: 124 Fern Canyon Drive
 APN: 241-131-005
 DATE: August 1, 2018

Conversion of
 Existing Test Well
 to a Permanent Well
 PLN170624



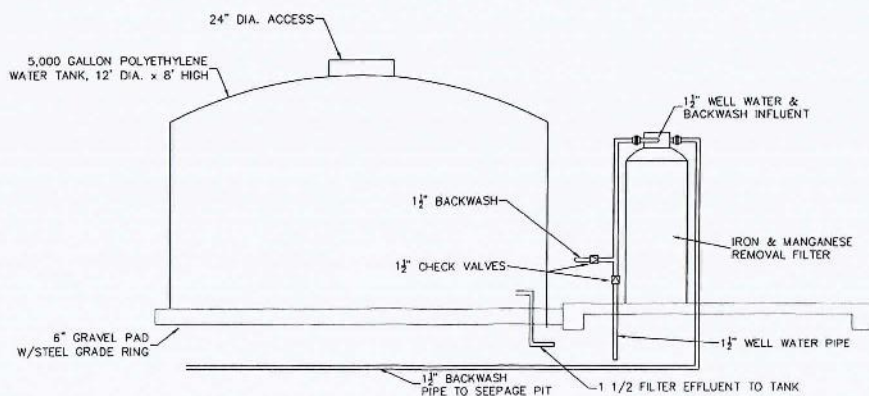
WATER PLANT - PLAN

SCALE: 1" = 2'



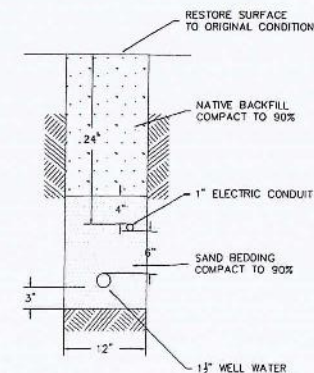
WATER PLANT - SECTION B-B

SCALE: 1" = 2'



WATER PLANT - SECTION A-A

SCALE: 1" = 2'

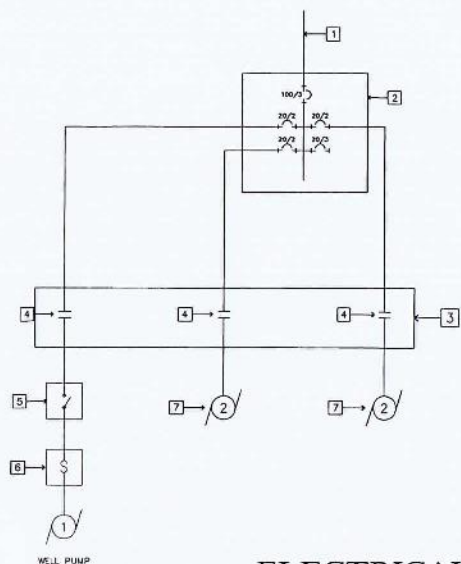


TRENCH SECTION

SCALE: NONE

SITE PLAN

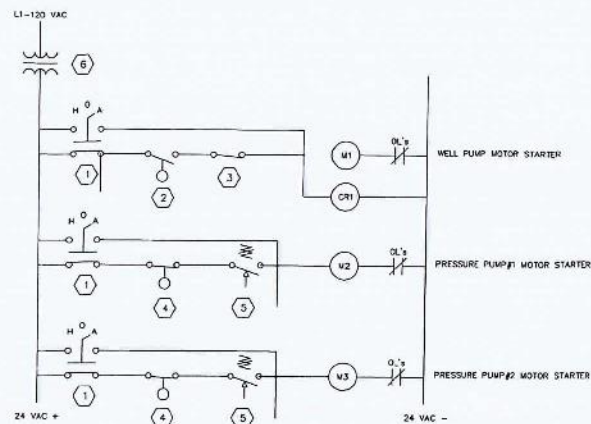
PROJECT: Fern Canyon
OWNER: Timothy and Constance Glass
LOCATION: 124 Fern Canyon Drive
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**ELECTRICAL SINGLE
LINE DIAGRAM**
SCALE: NTS

7 ELECTRICAL NOTES

1. SUBFEED FROM HOUSE ELECTRICAL PANEL
2. NEW 125 A 1 ϕ , 3 ϕ , 120/240 SUBPANEL, NEMA 3
3. NEW PUMP CONTROL PANEL, NEMA 1
4. 20 A, 2 POLE DEFINITE PURPOSE CONTACTOR, 24 VAC COIL
5. EXISTING 30 A, 2 POLE SAFETY SWITCH
6. EXISTING PUMP CONTROL BOX & MOTOR PROTECTOR
7. NEW 2 HP PUMPS, 1 ϕ , 230 V, STARTER DSSAHG PRESSURE PUMPS

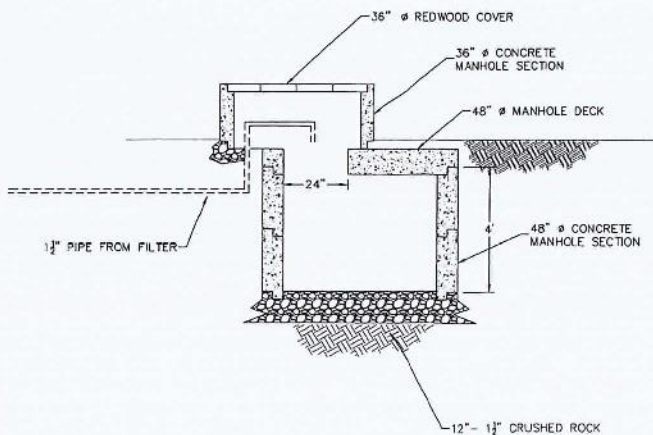


WELL & PUMP CONTROL

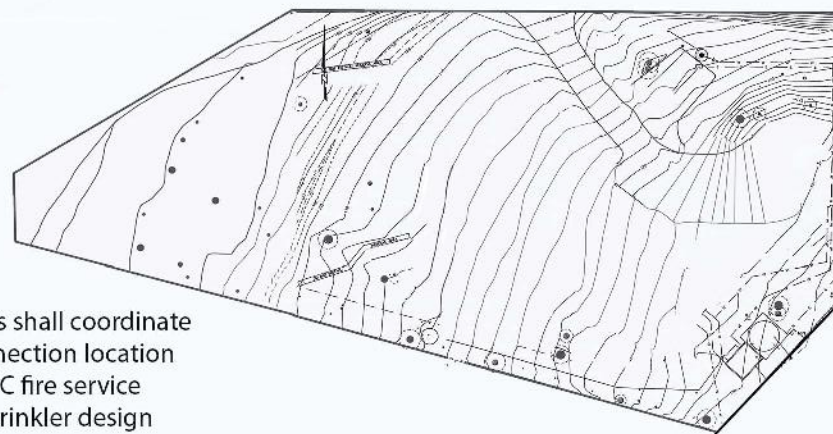
CONTROL DIAGRAM
SCALE: NTS

8 CONTROL NOTES

1. HAND-OFF-AUTO SWITCH IN PANEL DOOR
2. STORAGE TANK FLOATSWITCH, CLOSURES ON FALLING LEVEL
3. FILTER BACKWASH SWITCH, OPENS ON BACKWASH
4. STORAGE TANK FLOAT SWITCH, OPENS ON LOW LEVEL
5. DISCHARGE PRESSURE SWITCH, CLOSURES ON LOW PRESSURE
6. 120VAC-24 VAC, 0.40 mA DRY TRANSFORMER



BACKWASH SEEPLAGE PIT DETAIL
SCALE: NTS



Note:
Contractors shall coordinate
house connection location
of (N) 2" PVC fire service
with fire sprinkler design

FIRE SERVICE LOCATIONS (TYP OF 2)
SCALE: 1" = 200'

SITE PLAN

PROJECT: Fern Canyon
OWNER: Timothy and Constance Glass
LOCATION: 124 Fern Canyon Drive
APN: 241-131-005
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NOTES

1. CONTRACTOR SHALL NOTIFY THE MONTEREY COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION (EHD) FOR INSPECTION AT LEAST 24 HOURS BEFORE COVERING ANY EXCAVATION.
2. ALL COMPONENTS SHALL BE ANSI/NSF APPROVED FOR USE WITH POTABLE WATER.
3. ALL CONSTRUCTION, COMPONENTS AND MATERIALS SHALL CONFORM TO MONTEREY COUNTY CODE 15.04, AWWA STANDARDS AND CALIFORNIA WATERWORKS STANDARDS, AS APPROPRIATE. IN CASE OF CONFLICT, THE STRICTEST STANDARDS SHALL APPLY.
4. PRIOR TO DOMESTIC USE, ALL NEW WATER SYSTEM CONSTRUCTION SHALL BE DISINFECTED ACCORDING TO AWWA STANDARDS 651-99 AND C652-92. WATER FROM NEW MAINS SHALL BE TESTED FOR BACTERIOLOGICAL QUALITY, PER TITLE 22, CHAPTER 15, STANDARDS AND RESULTS SUBMITTED TO EHD FOR REVIEW. THE CHLORINE RESIDUAL OF THE TEST SAMPLE MUST BE NON DETECT AND MUST BE REPORTED WITH THE BACTERIOLOGICAL RESULT. EHD APPROVAL MUST BE GRANTED BEFORE USE OF THE WATER FOR DOMESTIC PURPOSES.
5. EASEMENTS ARE SHOWN ON THE DRAWINGS FOR THE WATER FACILITIES.
6. CONTRACTOR SHALL COORDINATE WITH THE FIRE SPRINKLER DESIGNER TO DETERMINE THE EXACT LOCATIONS OF THE HOUSE CONNECTIONS OF THE FIRE SERVICES.

MATERIAL SPECIFICATIONS

THE ACCOMPANIED PLANS PRESENT THE GENERAL LAYOUT, TREATMENT AND PUMPING CONFIGURATION, AND CONSTRUCTION DETAILS FOR THE 124 FERN CANYON WATER SYSTEM. THE FOLLOWING ARE MATERIAL SPECIFICATIONS FOR THE SYSTEM COMPONENTS. ALL MATERIALS USED FOR THE CONSTRUCTION OF THIS PROJECT SHALL CONFORM TO THE FOLLOWING SPECIFICATIONS AND AS DESCRIBED IN THE ACCOMPANIED PLANS.

1. WATER STORAGE TANK

THE TANK SHALL BE CONSTRUCTED OF POLYETHYLENE & HAVE 5,000 GALLONS CAPACITY. THE TANK SHALL INCLUDE A 24-INCH MANWAY ACCESS HATCH. TANK FITTINGS SHALL BE POLYETHYLENE. THE TANK SHALL BE WATERTIGHT AND FIELD TESTED AFTER INSTALLATION. THE TANK SHALL BE BE BY POLY PROCESSING OR AN APPROVED EQUIVALENT.

2. PIPE

WATER PIPE AND FITTINGS SHALL BE SCHEDULE 40 PVC FOR BURIED INSTALLATION AND SCHEDULE 80 PVC FOR ABOVE GROUND, NSF STANDARD 61, APPROVED FOR POTABLE WATER. GLUED SOCKET AND/OR THREADED FITTINGS SHALL BE USED. ABOVE GROUND PIPE SHALL BE INSTALLED VERTICALLY OR HORIZONTALLY AND PRIMER AND GLUE SHALL BE EXPOSED AT THE PIPE JOINTS. BALL VALVES SHALL BE BRONZE WITH STAINLESS STEEL BALL RATED AT 200 PSI.

3. TREATMENT EQUIPMENT

IRON AND MANGANESE FILTER SHALL BE:

PRESSURE VESSEL: FIBERGLASS RATED AT 100 PSI WORKING PRESSURE, 21" DIAM X 74" HIGH
MEDIA TYPE: PYROLOX SUPPORTED ON A GRAVEL AND SAND BASE.
MEDIA VOLUME: 7 CUBIC FT TOTAL, 6 CUBIC FT, PYROLOX
CONTROL VALVE: FLECK 2850 (OR APPROVED EQUIVALENT)
PIPE INLET/OUTLET SIZE: 1 1/2" DIAMETER
VOLTAGE: 115V
FLOW RATE PER SQUARE FOOT: 4.1 GPM/SF @ 10 GPM FLOW.
BACKWASH FLOW RATE: 25 GPM
BACKWASH FREQUENCY: ESTIMATED AT 3,000 GALLONS PER CU. FT. OR 18,000 GALLONS
BACKWASH WATER USED PER BACKWASH: 300-400 GALLONS

SYSTEM OPERATION: A FLOAT SWITCH IN THE STORAGE TANK SHALL CONTROL CURRENT THROUGH THE COIL OF THE WELL PUMP CONTACTOR LOCATED IN THE CONTROL PANEL. THE COIL CURRENT SHALL ALSO PASS THROUGH A BACKWASH INTERRUPT SWITCH LOCATED IN THE FILTER VALVE HOUSING. WHEN THE LEVEL OF WATER IN THE STORAGE TANK DROPS THE FLOAT SWITCH CONTACTS SHALL CLOSE CAUSING THE CONTACTOR TO ENERGIZE AND START THE WELL PUMP. THE WELL WATER FLOWS THROUGH THE FILTER INTO THE STORAGE TANK. BASED ON THE AMOUNT OF WATER USED, PERIODIC BACKWASH SHALL OCCUR. A SWITCH ON THE FILTER CONTROL CAM SHALL OPEN WHEN THE FILTER IS BACKWASHING TO PREVENT THE WELL PUMP FROM OPERATING. CONCURRENTLY, THE NORMALLY CLOSED BACKWASH SOLENOID VALVE SHALL OPEN ALLOWING TREATED WATER FROM THE PRESSURE PUMPS TO BACKWASH AND RINSE THE FILTER.

4. BOOSTER PUMP & PRESSURE CANS

PRESSURE PUMPS SHALL BE STA-RITE MODEL D554GH, RATED AT 42 GPM AT 60 PSI OR AN APPROVED EQUIVALENT. MOTOR SHALL BE 2 HP, 230 VAC, SINGLE PHASE, OPEN DRIP-PROOF.

PRESSURE STORAGE TANKS SHALL BE EPOXY COATED STEEL WITH AN INTERNAL BLADDER, WITH A NOMINAL CAPACITY OF 119 GALLONS, PROVIDING APPROXIMATELY 30 GALLONS OF STORAGE PER TANK AND A WORKING PRESSURE RATING OF 125 PSI.

5. ELECTRICAL SUBPANEL, CONTROL PANEL & CONDUIT.

ELECTRICAL SUBPANEL SHALL BE SQUARE-D, MODEL HOM612L100F/S, 100 AMP, NEMA 3, 120/240 VAC, SINGLE PHASE WITH SPACE FOR 12 SINGLE BREAKERS, OR APPROVED EQUAL. BREAKERS SHALL BE SQUARE-D TYPE HOM. BREAKERS SHALL BE PROVIDED AS SHOWN ON THE SINGLE-LINE DIAGRAM.

CONTROL PANEL SHALL BE STEEL OR MOLDED FIBERGLASS, NEMA 3, 15" X 16" MINIMUM SIZE, WITH HINGED COVER AND STEEL BACKPANEL FOR MOUNTING CONTROLS. MOTOR CONTACTORS SHALL BE SQUARE-D DEFINITE PURPOSE CONTACTORS, MODEL B9100P12, 2 POLE, RATED AT 20 AMPS, WITH 24 VAC COILS. ONE CONTACTOR SHALL BE PROVIDED FOR EACH PUMP. ONE HAND-OFF-AUTO SWITCH, LOCATED IN THE PANEL COVER SHALL BE PROVIDED FOR EACH PUMP.

MATERIAL SPECIFICATIONS (CONTINUED):

ELECTRICAL CONDUITS SHALL BE SCHEDULE 40 PVC. CONDUITS CONNECTING TO MOTORS SHALL BE LIQUDTIGHT, FLEXIBLE PVC CONDUIT. DEVICE, OUTLET AND JUNCTION BOXES SHALL BE MOLDED PVC WITH GASKETED COVERS. CONDUIT SHALL BE SECURELY ANCHORED TO WALLS AND CEILING WITH APPROPRIATE CLAMPS. PERFORATED "PLUMBER'S TAPE" IS NOT ACCEPTABLE.

7. FLOAT CONTROL SWITCHES

TANK FLOAT CONTROL SWITCHES SHALL BE SJE PUMPMASTER OR AN APPROVED EQUAL WITH FLEXIBLE 18-GAUGE, 2 CONDUCTION SJOW CABLE, RATED FOR USE WITH POTABLE WATER.

8. PRESSURE SWITCHES

PRESSURE SWITCHES SHALL BE SQUARE-D, MODEL 9013FSG2J24.

9. REDUCED PRESSURE PRINCIPLE BACKFLOW DEVICE

RPBF DEVICE SHALL BE A 2-INCH ZURN/WILKINS MODEL 975 XL OR APPROVED EQUIVALENT CONFORMING TO AWWA C511-89. RPBF DEVICE SHALL BE PROVIDED WITH A STRAINER AND MOUNTED 12" TO 36" ABOVE GROUND AT THE LOCATION SHOWN ON THE PLANS. ALL ABOVE GROUND PIPE AND FITTINGS SHALL BE COPPER OR RED BRASS AND SHALL BE PAINTED WITH TWO (2) COATS OF RUST PREVENTATIVE ENAMEL. A 4-INCH THICK REINFORCED CONCRETE PAD SHALL BE PROVIDED, EXTENDING 12-INCHES EACH WAY BEYOND THE LAY LENGTH OF THE RPBF DEVICE AND 12-INCHES EACH WAY FROM THE CENTERLINE OF THE PIPE. PIPE IN CONTACT WITH THE CONCRETE PAD SHALL BE WRAPPED WITH 2-INCH WIDE, 8-MIL POLYETHYLENE TAPE.

RPBF DEVICES SHALL BE LOCATED OFF THE DRIVEWAY/ROADWAY AND SHALL BE ENCLOSED IN "GUARDSHACK" HEAVY STEEL ROLLED TUBING ENCLOSURE SIZED TO ACCOMMODATE THE LENGTH OF THE DEVICE, FITTINGS AND SPOOL PIECES. ENCLOSURE SHALL BE INSTALLED ON AND HINGED AT ONE END TO A CONCRETE PAD.

10. CONCRETE

CONCRETE FOR TREATMENT SLAB AND TANK SLAB SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 3,000 PSI.

CONCRETE FOR MISCELLANEOUS PURPOSES, SUCH AS PIPE ANCHORS AND THRUST BLOCKS SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 2,500 PSI.

REINFORCING STEEL FOR CONCRETE SLABS SHALL BE GRADE 40.

SITE PLAN

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