## Exhibit B



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

In the matter of the application of:

BUDDIES ONE, LLC (PLN190041) RESOLUTION NO. 19 -

Resolution by the Monterey County Zoning Administrator:

- Finding the project is a new construction of a test well which qualifies for a Class 3 Categorical Exemption pursuant to Section 15303(d) of the CEQA Guidelines; and
- 2) Approving a Coastal Administrative Permit to allow construction of a test well and a Coastal Development Permit to allow development within 100 feet of identified environmentally sensitive habitat area.

55477 Highway 1, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APN: 421-241-005-000)

The Buddies One, LLC (PLN190041) came on for an administrative hearing before the Monterey County Zoning Administrator on October 31, 2019. 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 / SITE SUITABILITY / NO VIOLATIONS -

The proposed project and/or use, as conditioned, is consistent with the policies of the Big Sur Coast Land Use Plan (LUP) and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the use proposed, and no violations exist on the property.

**EVIDENCE:** a) Plan Conformance: The project has been reviewed for consistency with:

- Big Sur Coast Land Use Plan (LUP)
- The Coastal Implementation Plan, Part 3 (Regulations for Development in the Big Sur Coast Land Use Plan area, "CIP"); and
- The Coastal Implementation Plan, Part 1 (Coastal Zoning Ordinance, Title 20 of the Monterey County Code)

No conflicts were found to exist. No communications were received during the course of review of the project that provided substantial evidence of inconsistencies with the text, policies, and regulations of the applicable Monterey County Code (MCC).

- Allowed Use: The property is located at 55477 Highway 1 (APN: b) 421-241-005-000), Big Sur Coast Land Use Plan, Coastal Zone. The parcel is zoned Watershed and Scenic Conservation, 40 units per acre with a Design Control overlay (Coastal Zone) [WSC/40-D (CZ)]. WSC zoning allows water test wells as a principle use subject to the granting of a Coastal Administrative Permit. A Coastal Development Permit is required for development (construction of the test well) within 100 feet of environmentally sensitive habitat area (Oak Woodlands and Coastal Scrub habitat). The test well would be drilled on a currently developed parcel to determine if the adjacent undeveloped parcel will have sufficient water quantity and quality for additional residential development. The site on which the well would be located currently has an existing single-family dwelling, accessory dwelling unit, and pool, and obtains water from a natural spring onsite.
- c) <u>No Violations</u>: Monterey County RMA-Planning and RMA-Building Services records were reviewed, and there are no existing violations on the subject property.
- d) <u>Legal Lot</u>: A lot line adjustment for the subject parcel was completed in February of 1975 and the parcel map was recorded on March 5, 1975 in Volume 8, Page 94, Records of Monterey County as minor subdivision 74-342. Therefore, the subject property is a legal lot of record.
- e) Archaeology: The site is located in a highly sensitive area for archaeological resources. In April 2019, a qualified archaeologist completed a survey pursuant to Section 20.146.090.B CIP (LIB190159). The report concluded that there is no evidence to suggest resources are present near the proposed test well site and the project should not be delayed for archaeological reasons. A standard condition has been placed on this project in the event that previously unidentified archaeological resources are encountered during construction.
- f) <u>Big Sur Critical Viewshed</u>: The project, as proposed, is consistent with the policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no impact on the critical viewshed (Big Sur Coast LUP Policy 3.2.2). The proposed development does not create any new structures within the critical viewshed. In addition, the project site is outside of the viewshed for Highway 1, and the natural topography fully screens the proposed test well from Highway 1.
- g) Environmentally Sensitive Habitat Area: A biological assessment dated May 22, 2019 was submitted (LIB190160). The proposed well site would be immediately adjacent to an existing graded road on the property and within 100 feet of identified ESHA consisting of Oak Woodland habitat and California Sagebrush Scrub. The biological assessment stated the proposed well development is sited and designed to minimize site disturbance and impacts to native habitat. It also includes a series of recommendations to protect the health of the coast live oak trees and scrub habitat from unwarranted impacts during construction and staging of equipment for the test well. These

recommendations include tree projection measures for nearby coast live oak trees, confinement of construction equipment and activities to a staging area adjacent to the driveway, erosion control measures during pump testing, mowing and fuel reduction prior to construction, and control of exotic plant species on the site. In order to minimize impacts to sensitive habitat, the staging and pump testing equipment would be restricted to areas within the construction envelope and access road. All impact areas would occur on the denuded dirt driveway or on the nonprotected grassland area. Lateral limbs, trunks and critical root zones of the oak trees would be protected from potential damage from construction equipment. Finally, best management practices would ensure all disturbed soils around the site area be stabilized with native mulching and kept free of exotic species. Those recommendations have been incorporated into this project as conditions of approval.

- h) <u>Site Suitability</u>: The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, Big Sur Volunteer Fire Brigade, RMA-Public Works, RMA-Environmental Services, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by RMA-Planning and Environmental Health have been incorporated.
- i) Technical Reports: The following technical reports were prepared:
  - Archaeological Assessment for APN 421-241-004-000 and APN 421-241-005-000 (LIB190159) prepared by Holman & Associates, April 2019.
  - Biological Assessment of Handy Family Trust Property, APN 421-241-004-000 and APN 421-241-005-000 (LIB190160) prepared by Fred Ballerini, May 22, 2019.

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

- j) <u>Public Access</u>. See Finding No. 3.
- k) <u>LUAC</u>: The project was not referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. Based on the current LUAC Guidelines, adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not propose a lot line adjustment involving conflicts, a variance, or a Design Approval subject to review by the Zoning Administrator or Planning Commission.
- Location of Evidence: The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190041.

#### 2. **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:** 

- The project was reviewed by RMA-Planning, Big Sur Volunteer Fire Brigade, RMA-Public Works, RMA-Environmental Services, and Environmental Health Bureau. Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Prior to converting the test well to a production well, the Environmental Health Bureau will require pump tests and water quality tests to determine if adequate water quantity and quality exist. If needed, water quality treatment will be required.
- c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in RMA-Planning File No. PLN190041.
- 3. **FINDING:**

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

**EVIDENCE:** a)

- No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.147.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over the project site.
- c) The subject project site is not described as an area where the Local Coastal Program requires physical public access (Figure 2 of the Big Sur Coast Land Use Plan).
- 4 **FINDING**:

**APPEALABILITY -** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** a)

- Board of Supervisors. Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) <u>Coastal Commission</u>. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), this project is subject to appeal by/to the California Coastal Commission because this project is development within 100 feet of ESHA which requires a Coastal Development Permit.

#### **DECISION**

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

- A. Find the project is a new construction of a small structure which qualifies for a Class 3 Categorical Exemption pursuant to Section 15303(d) of the CEQA Guidelines; and
- B. Approve a Coastal Administrative Permit to allow construction of a test well and a Coastal Development Permit to allow development within 100 feet of identified environmentally sensitive habitat area, in general conformance with the attached plans and ten (10) conditions of approval, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 31st day of October, 2019.

	Mike Novo, Zoning Administrator
COPY OF THIS DECISION MAILED TO APPLICANT ON	
THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.	
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE	

#### **NOTES**

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-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 RMA Planning**

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

PLN190041

#### 1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Development Permit (PLN190041) allows construction of a test well within 100 feet of identified environmentally sensitive habitat area. The property is located at 55477 Highway 1 (Assessor's Parcel Number 421-241-005-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in Neither the uses nor the construction allowed by this permit shall the project file. commence unless and until all of the conditions of this permit are met to the satisfaction of the RMA Chief of 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. 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 Development Permit (Resolution Number \_\_\_\_\_\_) was approved by the Zoning Administrator for Assessor's Parcel Number 421-241-005-000 on October 31, 2019. The permit was granted subject to eight (8) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

Compliance or Monitoring Action to be Performed:

PI N190041

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.

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

Responsible Department:

RMA-Planning

Condition/Mitigation Monitoring Measure:

during course of construction, cultural, archaeological, historical 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 archaeologist (i.e., an archaeologist registered with the Professional Archaeologists) shall be immediately contacted by the individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.

(RMA - Planning)

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

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

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

#### 4. EHSP01-NEW DOMESTIC WELL: SOURCE CAPACITY (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

08/15/19: MATT KRENZ

In order to assess the adequacy of the proposed well to serve as a source for domestic use the applicant shall submit documentation to the satisfaction of the Environmental Health Bureau ("EHB") that the source capacity of the well has been tested in accordance with the EHB's Source Capacity Test Procedure, available from the EHB.

Compliance or

08/15/19: MATT KRENZ

Monitoring Action to be Performed: Prior to conversion of the test well to a production well, the applicant shall submit to

the satisfaction of EHB documentation of the source capacity of the constructed well.

PLN190041

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#### 5. EHSP02: CLARIFY USE OF SPRING (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation **Monitoring Measure:** 

08/15/19: MATT KRENZ

The property includes a spring, Dolan Spring, that serves the two existing structures on-site. Prior to conversion of the test well to a production well, the owner must clarify all other uses supplied by the spring and apply for a water system permit, as

determined by the EHB.

Compliance or Monitorina Action to be Performed:

08/15/19: MATT KRENZ

Prior to conversion of the test well to a production well, the owner must clarify all uses supplied by the spring and apply for a water system permit, as determined by the

EHB.

#### 6. EHSP03 - DEED RESTRICTION: FUTURE ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM

**Health Department** Responsible Department:

Condition/Mitigation **Monitoring Measure:**  08/15/19: MATT KRENZ

Owner shall record a deed restriction indicating that any future replacement or expansion of the existing onsite wastewater treatment system on the property may require the installation and ongoing use of an alternative onsite wastewater treatment The Property shall be subject to any and all applicable federal, state and/or system. local laws, regulations and ordinances in effect at the time of permit issuance permitting. operation and regarding the maintenance or monitoring of wastewater treatment systems. The single exception to this term is that an alternative onsite wastewater treatment system will be subject to an annual operating permit from the Monterey County Health Department, Environmental Health Bureau upon adoption of any State or regional regulations and/or any local ordinance authorizing such a permit. Owner agrees to disclose the contents of the Deed Restriction to any potential purchaser of the subject Property and to any person or entity to whom the Property herein described shall be conveyed. Owner is responsible to reimburse EHB for costs associated with preparation of the Deed Restriction. (Environmental Health

Compliance or Monitoring Action to be Performed:

08/15/19: MATT KRENZ

Prior to conversion of the test well to a production well, the applicant shall provide a legal description for the parcel and a copy of the Grant Deed to the Environmental Health Bureau ("EHB"). The EHB will prepare the deed restriction form, 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.

PI N190041

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#### 7. EHSP04: NEW DOMESTIC WELL: WATER QUALITY (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure:

08/15/19: MATT KRENZ

A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to demonstrate a potable supply, a new domestic well shall first undergo water quality testing. Sample collection shall be done after development of the well and shall include analysis of coliform bacteria, and primary inorganics and secondary compounds as listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP).

Compliance or Monitoring Action to be Performed:

08/15/19: MATT KRENZ

Prior to the conversion of the test well to a production well, the applicant shall submit water quality analysis results to the Environmental Health Bureau (EHB) for review.

#### 8. GENERAL BEST MANAGEMENT PRACTICES

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Test well spoils will require containment on site to prevent unwarranted impacts to outlining native habitats downslope to the west of the project area. Careless human or vehicular traffic during the test well installation phase is unnecessary and can adversely impact the surrounding native scrub habitat ecology. Impacts from parking, overflow staging, stockpiling of materials, etc., should be absolutely minimized to only the areas slated for test well installation, access routes, and staging. All impact areas should occur on the denuded dirt driveway or annual, exotic grassland areas. General best management practices should be in place to protect impacts from occurring on adjacent native habitats and potential off site erosion or sedimentation.

Compliance or Monitoring Action to be Performed: Prior to construction of the test well, Owner/Applicant/Contractor shall submit a construction management plan (CMP) to the RMA for review and approval. The CMP shall contain the following information and notes:

- 1. Construction staging and parking to be located within disturbed areas adjacent to the driveway.
- 2. Erosion control measures.
- 3. Tree protection measures.
- 4. Method of control and disposal of test well spoils and location of test well pit to avoid impacts to trees and native vegetation.
- 5. Mowing of grassland around test well site to reduce fire hazard from construction activity
- 6. Plan for control and removal of invasive species.

Following construction of the test well, the Owner/Applicant/Contractor shall submit photos and a biological survey to the RMA for review and approval that the CMP and Best Management Practices were implemented.

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# N90° 00' 00"E 1042.59' APN: 421-241-004 Parcel B (8-PM-94) N40° 18' 15"W 114.99' PROPOSED WELL SITE \*SEE WELL DETAIL PER 05/21/2019 HYDROGEOLOGIC -TO RIGHT WELL SITING MAP N90° 00' 00"W 660.00' N77° | | '05"W 496.47 APN: 421-241-005 Parcel C (8-PM-94) N90° 00' 00"W 660.00' Parcel D (8-PM-94) Map Legend: Basis of Bearings: Bearings shown are per the Parcel Map filed in Volume 8 of Parcel Maps at Page 94, filed in the Monterey County Recorder's Office. Horizontal Datum: Assumed. Vertical Datum: Assumed. Site Benchmark: Control Point #1 as shown hereon. Contour Interval: Contours as shown hereon are -N26° 05' 47"E 30.10' interpolated using computer digital terrain modeling software and spot elevations N68° 36' 55"W 86.30' FD 1 IP W PLASTIC CAP MKD LS 5321 N50° 44' 00"W 207.04'— -\$54° 45' 40"W 70.22' DRAWING REVISIONS: April 2018 - Original Survey May 2019 - added Proposed well Site and Google Plotted On: 05/29/2019 imagery

### Surveyor's Notes:

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

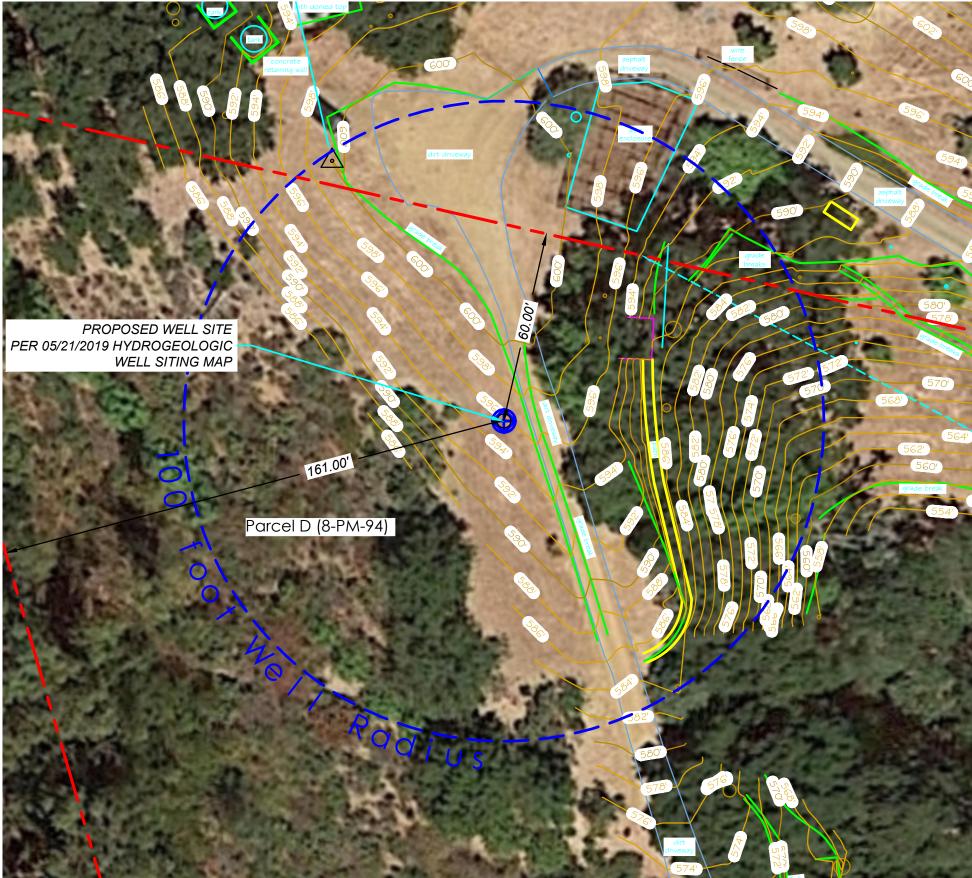
Underground utilities, if any, were not located. Information regarding underground utility locations should be obtained from the appropriate utility companies or public agencies.

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

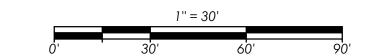
Distances are expressed in feet and decimals thereof.

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

Satellite imagery shown hereon is taken from Google Earth, and is approximate only. It was placed with the benefit if a field survey and existing features were used as anchor points. This is not an orthographic image, and may have distortions in some areas.



DETAIL OF PROPOSED WELL SITE SCALE: 1" = 30'



### **OVERALL SITE MAP**

### WITH GOOGLE EARTH® IMAGERY AND PROPOSED WELL SITE

Santa Lucia Ranch, APN's: 421-241-004 & 005 Located in Big Sur, Monterey County, State of California

Prepared For & Requested By: Buddies One, LLC

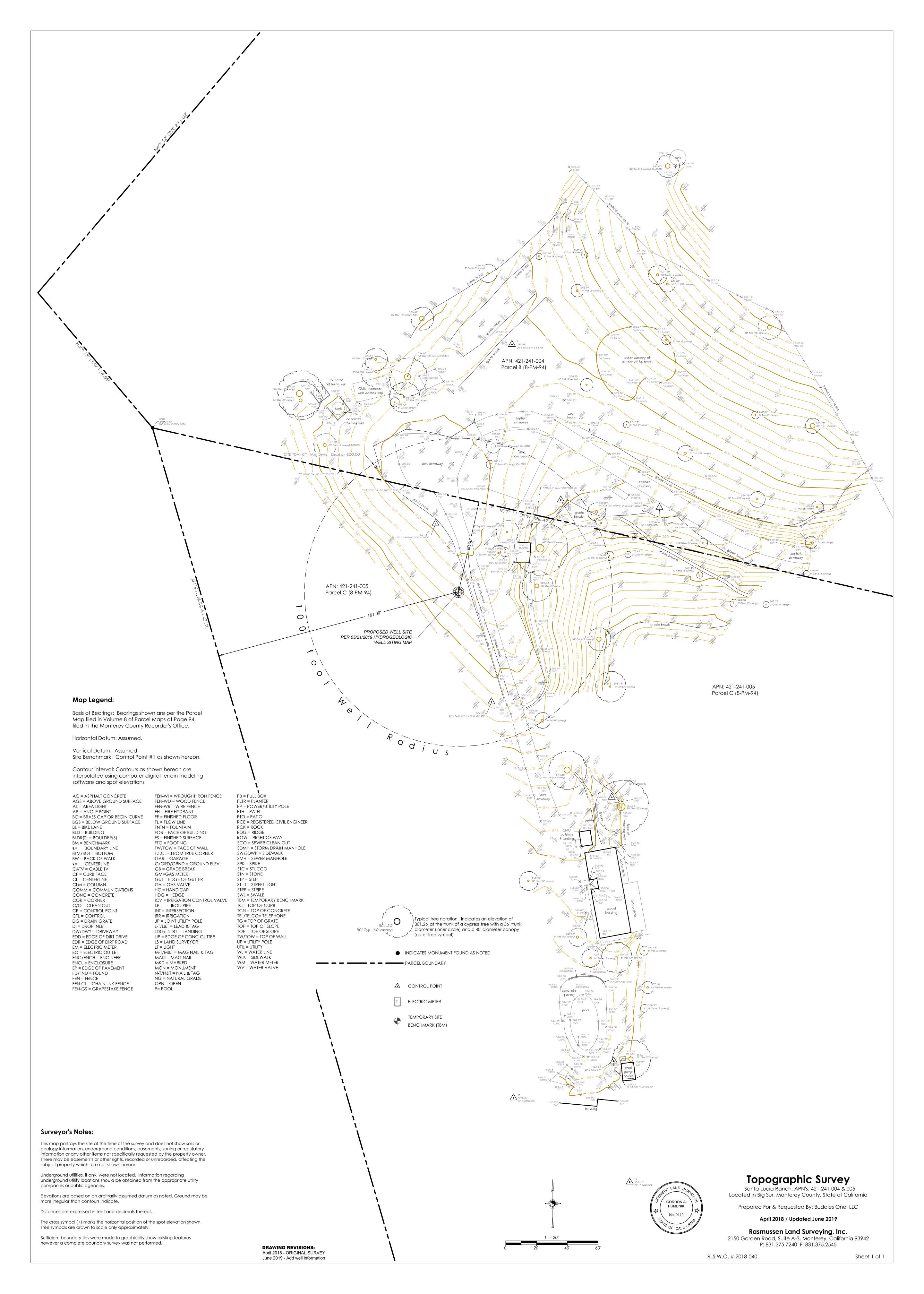
May 29, 2019

### Rasmussen Land Surveying, Inc.

2150 Garden Road, Suite A-3, Monterey, California 93942 P: 831.375.7240 F: 831.375.2545

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