

Exhibit E

This page intentionally left blank.

DALE ELLIS
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

NO. ZA92008

A.P.# 117-402-03

In the matter of the application of
Edmund Duran

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a an agricultural support facility, located on Lot 51B, Assessor's Map 4, Bolsa De San Cayetano Rancho, Pajaro Area, fronting on San Juan and Allison Roads, came on regularly for hearing before the Zoning Administrator on April 30, 1992.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: The project proposed in this application consists of a 2,800 square foot strawberry cooler to be located on a 3.37 acre parcel. The site is zoned "Farmlands, 40 Acres Minimum". The North County Area Plan designates the site as "Farmlands, 40 Acre Minimum."
EVIDENCE: Plans and materials in file ZA92008.
2. FINDING: The proposed use of an Agricultural Support Facility is consistent with the North County Area Plan and the Monterey County General Plan.
EVIDENCE: The North County Area Plan designates the property for Agricultural use. Agricultural Support Facilities are allowable uses consistent with the designation and the intent of the North County Area Plan.
EVIDENCE: The text and policies of the North County Area Plan and the Monterey County General Plan have been evaluated during the course of the review of this application. No conflict or inconsistencies with the text or the policies were found to exist.
EVIDENCE: No testimony, either written or oral, was received during the course of public hearing to indicate that there is any inconsistency with the North County Area Plan or the Monterey County General Plan.
3. FINDING: The site is suitable for the use proposed.
EVIDENCE: There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project.
EVIDENCE: Necessary public facilities are available for the use proposed.
EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Health Department. There has been no indication from those agencies that the site is not suitable.
EVIDENCE: There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

4. FINDING: The conditions of approval are appropriate.
EVIDENCE: The conditions are based on the recommendations of the local fire district, the Monterey County Water Resources Agency, Monterey County Health Department and Monterey County Department of Public Works. The conditions incorporate the concerns and recommendations of those various agencies.
EVIDENCE: Additional conditions required for approval to assure that the proposed use and site amenities are compatible with other developments in the area.
5. FINDING: The project is categorically exempt from environmental review.
EVIDENCE: Section 15303, Monterey County CEQA Guidelines.
6. FINDING: That the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
EVIDENCE: Findings 1 through 5 above.
EVIDENCE: There has been no opposition, either written or oral, presented during the course of the public hearings on this project.
EVIDENCE: The Hall Pajaro Advisory Committee has recommended in favor of the proposed project.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions:

1. That the applicant pay \$950.00 toward the cost of improvements to the Salinas Road/Highway One interchange in accordance with the North County Interim Ordinance No. 3590. (Public Works)
2. That the parking and circulation be approved by the Director of Planning and Building Inspection. (Public Works)
3. Comply with Title 19 of the California Administrative Code Subchapter 3 and Health and Safety Code Chapter 6.95 (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Health Department)
4. Comply with Title 22 of the California Administrative Code and Chapter 6.50 of the Health and Safety Code (Hazardous Waste Management) as approved by the Director of Environmental Health. (Health Department)
5. Proposed structure and attendant facilities shall be flood-proofed in accordance with County Ordinance #3272, to be certified by a registered civil engineer. (Water Resources Agency)
6. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)

7. It is recommended that the County require the standard indemnification agreement, and that the agreement be recorded. (Water Resources Agency)
8. That the access roadway be in compliance with the 1988 edition of the uniform fire code and approved by North County Fire Protection District. (North County Fire Protection District)
9. Prior to the issuance of a building permit, recordation of a final map or parcel map or initiation of the use, applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, dismantled or wrecked vehicles or machinery, garbage, debris or similar materials. (Planning & Building Inspection)
10. The property owner agrees as a condition of the approval of this permit to defend at his sole expense any action brought against the County because of the approval of this permit. The property owner will reimburse the County for any court costs and attorneys' fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. Said Indemnification Agreement shall be approved by the Director of Planning and Building Inspection and be recorded prior to the issuance of building permits or use of the property. (Planning & Building Inspection)
11. That all exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets, therefore all of which must be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)
12. That the parking layout be approved by the Director of Planning and Building Inspection, prior to the issuance of building permits or commencement of the approved use. (Planning and Building Inspection)
13. That the location of all structures, roads, utilities and development be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
14. The applicant shall record a notice which states: 'A permit (Resolution # ZA92008) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 117-402-03 on April 30, 1992. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.' Proof of recordation of this notice shall be furnished to the Director of Planning and building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)

PASSED AND ADOPTED this 30th day of April, 1992.


DALE ELLIS, AICP
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAY 0 8 1992
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE
COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS
ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAY 1 8 1992

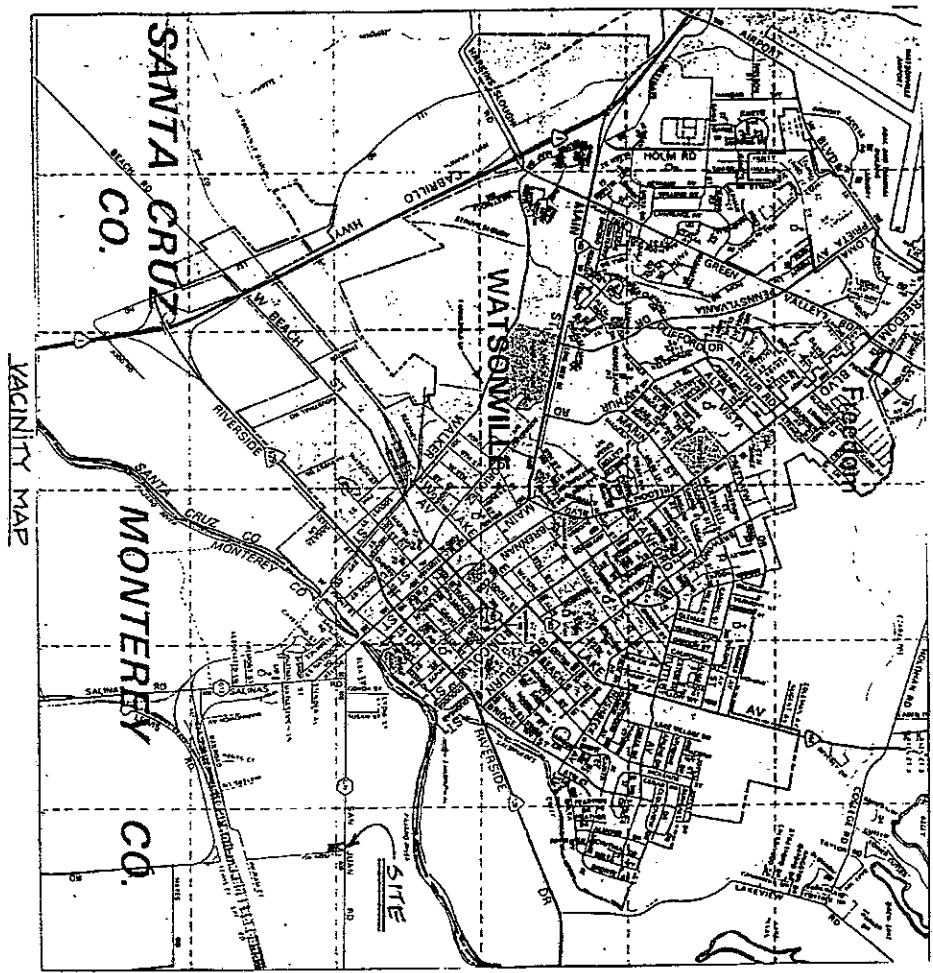
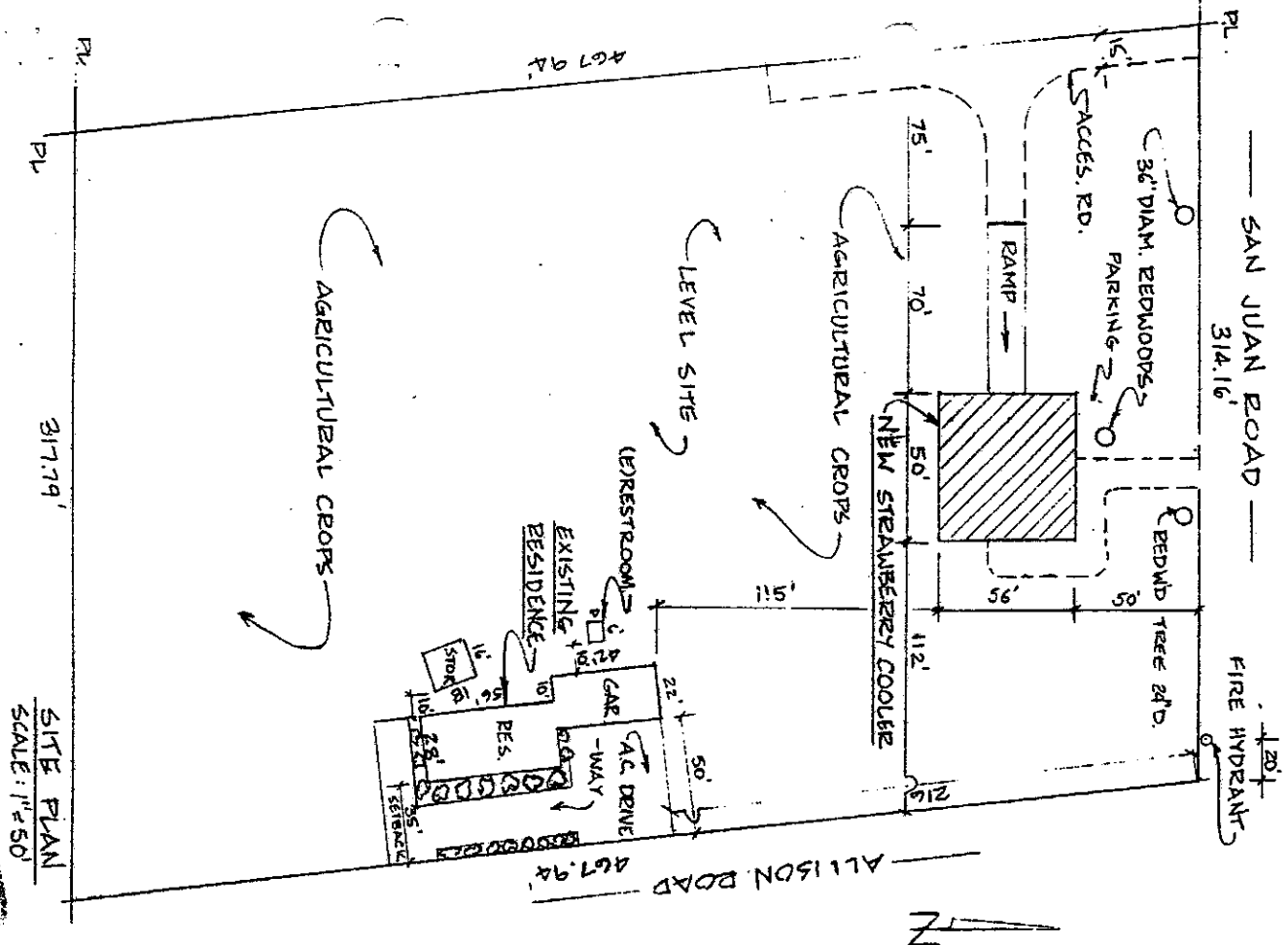
NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

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



SITE INFORMATION:

ASSESSOR'S PARCEL NUMBER: 117-402-03
 CURRENT ZONING: F.B-5 (Title 20) F' FARMLAND (21)
 PROPERTY AREA: 3.87 ACRES = 146,797 SQ. FT.
 PROPOSED PROJECT: AGRICULTURAL SUPPORT
 FACILITY - STRAWBERRY COOLER.

TOMBLESON
 INCORPORATED
 General Contractors
 651 South Sanborn Road • Salinas, CA 93902
 Telephone 422-9096
 P.O. Box 1398

DURAN

SITE PLAN
 SCALE: 1"=50'

SHT 1 OF 4

This page intentionally left blank.