



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 13-0186 **Name:** Mozingo (Powell)

Type: General Agenda Item **Status:** Filed

File created: 2/15/2013 **In control:** Board of Supervisors

On agenda: 2/26/2013 **Final action:** 2/26/2013

Title: Public hearing (continued from January 15, 2013) to consider:
a. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;
b. Approval of the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;
c. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and
d. Approval of a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well.
(Appeal of Coastal Administrative Permits - PLN110366 and PLN110367/Mozingo (Powell) 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan) (REVISED RESOLUTIONS SUBMITTED VIA SUPPLEMENTAL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A - Discussion, 2. Attachment B - Draft Board Resolution PLN110366, 3. Attachment C - Draft Board Resolution PLN110367, 4. Attachment D - Notice of Appeals for PLN110366 & PLN110367, 5. Attachment E - Project Resolutions, 6. Attachment F - Vicinity Map, 7. Attachment G - Interim Ordinances 5160, 5163, and 5176, 8. Attachment H - Carmel Area Wastewater District Sewer Main & Lateral Plan, 9. Attachment I - Carmel Area Wastewater District correspondence, 10. Attachment J - Project Site & Vicinity Photos, 11. Attachment K - Map illustrating zoning setback & 25-foot setback radius, 12. Attachment L - Well location maps from Environmental Health Bureau, 13. Attachment M - Memo from John Ramirez Director of Environmental Health Bureau, 14. Attachment N - Letter from Glen R. Mozingo, Appellant, 15. Attachment O - Letter from John Bridges, Attorney for Applicant, 16. Attachment P - Well permit #06-10966, 17. Attachment Q - Excerpt from the 2010 California Plumbing Code (Table 7-7), 18. Attachment R- Excerpt from California Well Standards Bulletin 74-90, 19. Memo regarding Revised Resolutions, 20. Revised_Attachment B - Draft Board Resolution_PLN110366, 21. Revised_Attachment C - Draft Board Resolution_JPLN110367, 22. Completed Board Order & Resolutions w/Map

Date	Ver.	Action By	Action	Result
2/26/2013	1	Board of Supervisors	received and filed	Pass

Public hearing (continued from January 15, 2013) to consider:
a. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a

water source in a new location from the location that was previously approved;

b. Approval of the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;

c. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and

d. Approval of a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well. (Appeal of Coastal Administrative Permits - PLN110366 and PLN110367/Mozingo (Powell) 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan) (REVISED RESOLUTIONS SUBMITTED VIA SUPPLEMENTAL)

PROJECT INFORMATION:

Planning File Number: PLN110366 and PLN110367
Owner: Estate of William Dan Powell
Project Location: 3072 Serra Avenue, Carmel
APN: 009-081-027-000
Agent: John Bridges, Fenton & Keller
Plan Area: Carmel Area Land Use Plan
Flagged and Staked: No
CEQA Action: Exempt Per CEQA Guidelines Section 15304

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Deny the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;
- b. Approve the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;
- c. Deny the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and
- d. Approve the Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well.

SUMMARY:

On January 19, 2012, the Estate of William Dan Powell ("Applicant") applied for an amendment (PLN110366) to a previously approved Coastal Administrative Permit (PLN070074) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved. On the same day, the Applicant also applied for a Coastal Administrative Permit (PLN110367) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well. On August 9, 2012, the Zoning Administrator approved both the amendment to the Coastal Administrative Permit for the test well and the

Coastal Administrative Permit for the production well.

On September 4, 2012, Glen R. Mozingo (“Appellant”) filed timely appeals from the Zoning Administrator’s approval of the amendment to the Coastal Administrative Permit (PLN110366) and the Coastal Administrative Permit (PLN110367). The appeals are brought on the basis that the findings, or decision or conditions are not supported by the evidence and that the decision was contrary to law. The hearing on the appeal was duly noticed for October 23, 2012.

On October 23, 2012, at the request of the Applicant and with the concurrence of the Appellant, the Board of Supervisors continued the public hearing on the appeal to January 15, 2013. On January 14, 2013, the Appellant asked for a continuance of the public hearing to February 26, 2013 due to Supervisor Potter’s expected absence. The Applicant concurred with the request for the continuance. The Planning Department received correspondence from the Applicant on January 11, 2013 and from the Appellant on January 14, 2013 (dated January 9, 2013), which are attached to this staff report (**Attachments O and N, respectively**).

DISCUSSION:

Detailed discussion is provided in **Attachment A**. The discussion includes responses to the correspondence received on January 11 and 14, 2013, as it was received after the writing and distribution of the staff report for the January 15 meeting.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- Environmental Health Bureau
- Public Works Department
- Water Resources Agency
- Cypress Fire Protection District

FINANCING:

Funding for staff time associated with this project is included in the FY 12-13 Adopted Budget for the Planning Department.

Prepared by: Laura M. Lawrence, R.E.H.S., Planning Services Manager
Approved by: Mike Novo, Director, RMA-Planning, ext. 5192
<mailto:> Benny Young, Director Resource Management Agency

This report was reviewed by Mike Novo.

cc: Front Counter Copy; California Coastal Commission; Mike Novo; Ramon Montano, Assistant Planner; Laura Lawrence, Planning Services Manager; Glen R. Mozingo, Appellant; Estate of William Dan Powell, Applicant/Owner; John Bridges, Fenton & Keller, Representative for Applicant/Owner; The Open Monterey Project; LandWatch; Project Files PLN110366 and PLN110367.

The following attachments on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Board Resolution PLN110366
- Attachment C Draft Board Resolution PLN110367
- Attachment D Notice of Appeals for PLN110366 and PLN110367 (September 4, 2012)
- Attachment E Project Resolutions

Exhibit 1:	Director of Planning Resolution No. 070074 for PLN070074
Exhibit 2:	Zoning Administrator Resolution No. 12-027 for PLN110366
Exhibit 3:	Zoning Administrator Resolution No. 12-028 for PLN110367
Attachment F	Vicinity Map
Attachment G	Interim Ordinances 5160, 5163, and 5176
Attachment H	Carmel Area Wastewater District Sewer Main and Lateral Plan for the project area
Attachment I	Carmel Area Wastewater District correspondence dated February 18, 2010
Attachment J	Project Site & Vicinity Photos
Attachment K	Map illustrating zoning setbacks and 25-foot setback radius
Attachment L	Well location maps from Environmental Health Bureau
Attachment M	Memo from John Ramirez, Director of Environmental Health Bureau, dated June 6, 2012
Attachment N	Letter from Glen R. Mazingo, Appellant, dated January 9, 2013
Attachment O	Letter from John Bridges, Attorney for Applicant, dated January 11, 2013
Attachment P	Well permit #06-10966 issued by the Environmental Health Bureau on August 12, 2008
Attachment Q	Excerpt from the 2010 California Plumbing Code (Table 7-7)
Attachment R	Excerpt from California Well Standards Bulletin 74-90