



Legislation Details (With Board Report)

File #: 13-0004 **Name:** Powell (Mozingo)
Type: General Agenda Item **Status:** Scheduled PM
File created: 1/3/2013 **In control:** Board of Supervisors
On agenda: 1/15/2013 **Final action:**

Title: Public hearing (continued from October 23, 2012) 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)

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, 5. Attachment E - Project Resolutions, 6. Attachment F - Vicinity Map, 7. Attachment G - Interim Ordinances 5160, 5163, & 5176, 8. Attachment H - Carmel Area Wastewater District Sewer Main, 9. Attachment I - Carmel Area Wastewater District Correspondence, 10. Attachment J - Project Site & Vicinity Photos, 11. Attachment K - Map illustrating zoning setbacks, 12. Attachment L - Well location maps, 13. Attachment M - Memo from John Ramirez, 14. Completed Board Order

Date	Ver.	Action By	Action	Result
1/15/2013	1	Board of Supervisors	continued	Pass

Public hearing (continued from October 23, 2012) 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)

PROJECT INFORMATION:

Planning File Number: PLN110366 and PLN110367
Owner: 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 test well Coastal Administrative Permit (PLN110366) and the production well Coastal Administrative Permit (PLN110367). The appeals are brought on the basis that the findings, 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. As of the writing of this staff report, the Planning Department has not received any new information or correspondence since October 23. Staff has prepared draft resolutions which are included in this board report.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

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

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

FINANCING:

There is no additional impact to the General Fund as a result of this action. 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

cc: Front Counter Copy; California Coastal Commission; 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