

MONTEREY COUNTY PLANNING COMMISSION

Meeting:	October 27, 2004 at 9:30 a.m.	Agenda Items: 3, 4, 5, 6
Projects:	<p>Four (4) Combined Development Permits for Dolan Industrial Park comprising:</p> <p>1) Combined Development Permit (PLN030498/Pick-n-Pull) for Parcel B consisting of: a Coastal Development Permit to allow a vehicle dismantling yard; and General Development Plan including improvements to install a well, a water system, a 212,000 gallon water tank, pressure tank, booster pump, and grading to extend an earthen berm for an existing detention basin and fill an eroded gully (approximately 100 cubic yards cut and 500 cubic yards fill).</p> <p>2) Combined Development Permit (PLN030501/Cutler) for Parcel C consisting of: a Coastal Development Permit to allow a vehicle dismantling yard; and a General Development Plan including a connection to the water system and grading for drainage improvements to clear out accumulated sediment (approximately 100 cubic yards cut).</p> <p>3) Combined Development Permit (PLN030504/Dolan Development Partners, Ltd.) for Parcel D consisting of: a Coastal Development Permit to allow vehicle dismantling; a General Development Plan including six (6) vehicle dismantling yards, agricultural operations on two portions (14 acres and 24 acres) of the parcel, the two (2) existing "Dolan" residences, plus improvements to install a well, water system, booster system, pressure tank, 212,000 gallon water tank, and grading for the water system and tank (approximately 2,830 cubic yards cut/2,200 cubic yards fill) and drainage improvements (approximately 8,500 cubic yards cut/8,500 cubic yards fill).</p> <p>4) Combined Development Permit (PLN030510/S&S Land Development) for Parcel A consisting of: a Coastal Development Permit to allow a vehicle dismantling yard; and a General Development Plan.</p>	
APNs:	131-054-001-000; 131-054-002-000; 131-054-003-000; 131-054-004-000	
Location:	516 Dolan Road, Moss Landing	
Plan Area:	North County Coastal Area, Coastal Zone	
Zoning:	LI (CZ), AC (CZ) & RC (CZ)	Flagged and Staked: No
CEQA Action:	None Required For Denial	
Date Application Deemed Complete:	Incomplete	
Department:	Planning and Building Inspection	

RECOMMENDATION: Staff recommends the following:

- 1) DENY PLN030498 (Pick-n-Pull) based on the Findings and Evidence (**Exhibit B**);
- 2) DENY PLN030501 (Cutler) based on the Findings and Evidence (**Exhibit C**);
- 3) DENY PLN030504 (Dolan Development Partners, Ltd) based on the Findings and Evidence (**Exhibit D**);
- 4) DENY PLN030510 (S&S Land Development) based on the Findings and Evidence (**Exhibit E**);
- 5) Initiate action to close down all vehicle dismantling and storage facilities at Dolan Industrial Park and clear the properties of materials and infrastructure, pursuant to the Resolution contained in **Exhibit F**.

OVERVIEW: The subject parcels comprise what is known as the Dolan Road Industrial Park which contains businesses that generally focus on auto dismantling and the sale of used auto parts. Permit renewals were granted to each of the four parcels in 1995 for a five-year period, subject to a number of conditions. Several key conditions for the installation of fire suppression and water systems to address health, safety, and welfare issues have not been implemented. The Planning Commission and the Board of Supervisors held numerous collective condition compliance hearings on all of these permits between 1997 and 2003. The permits eventually expired in June and July 2000 without permit renewals having been obtained.

The Planning and Building Inspection Department has been working separately with the various owners to make applications for new permits prior to and after the expiration date, culminating in a November 24, 2003 letter specifically outlining an application submittal and hearing schedule. Meanwhile, the businesses were allowed to continue provided they made diligent effort to address the issues required to obtain new permits. In April 2004 all permit applications were deemed incomplete primarily because of lack of information on water and the fire suppression systems. The Division of Environmental Health reiterated earlier direction on the appropriate informational requirements related to test well information and water system design. On July 23, 2004, staff notified the applicants that September 23, 2004 was the final date to comply with the informational request due to the health, safety and welfare issues. The applicants did not comply with this deadline.

Given the failure by the applicants to timely comply with informational requests and in light of the ongoing non-compliance issues related to water and fire safety since 1995, staff recommends that the Planning Commission deny all of the subject applications and direct the County Administration to take whatever legal action is required to immediately stop the illegal use and clear the properties of materials and infrastructure.

See **Exhibit A** for an expanded discussion.

OTHER AGENCY REVIEW: The following agencies have reviewed the project. Those that are checked (“✓”) have recommended conditions if the project were approved. The Environmental Health Division has recommended denial.

- ✓ Water Resources Agency
- ✓ Public Works Department
- ✓ North County Fire Protection District
- Denial** Environmental Health Division
- Parks Department

LAND USE ADVISORY COMMITTEE (APPROVAL): The proposed projects were reviewed by the North County Land Use Advisory Committee on April 19, 2004, which voted [5-0] to recommend approval. The committee recommended several permit conditions addressing the water system, visual issues, and potential contaminants if the project were approved (**Exhibit G**).

Dolan Industrial Park
PC (10/27/04)

Prepared by: _____

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This report approved by Jeff Main, Planning and Building Services Manager.

Cc: Planning Commission; County Counsel; Environmental Health; Public Works; Water Resources Agency; Parks Department; North County Fire Protection District; California Coastal Commission; S&S Land Development; Pick-n-Pull; Deborah Cutler; Dolan Development Partners, Ltd; Jeff Main; Eric Lee; Linda Rotharmel; Interested Parties; Project File.

Attachments:

Exhibit "A"	Detailed Discussion
Exhibit "B"	Recommended Findings and Evidence for PLN030498/Pick-n-Pull (Parcel B)
Exhibit "C"	Recommended Findings and Evidence for PLN030501/Cutler (Parcel C)
Exhibit "D"	Recommended Findings and Evidence for PLN030504/Dolan Development Partners (Parcel D)
Exhibit "E"	Recommended Findings and Evidence for PLN030510/S&S Land Development (Parcel A)
Exhibit "F"	Recommended Resolution to Shut Down Dolan Industrial Park
Exhibit "G"	North County Land Use Advisory Committee Recommendations (April 19, 2004)
Exhibit "H"	Planning and Building Inspection Department Letter (November 24, 2003)
Exhibit "I"	Environmental Health Division Letters (July 23, 2004)
Exhibit "J"	Planning and Building Inspection Department Letters (September 24, 2004)
Exhibit "K"	North County Fire Protection District Letter (October 4, 2004)
Exhibit "L"	Operations Information (Parcels B, C, D, A)
Exhibit "M"	Project Plans (Parcels B, C, D, A)
Exhibit "N"	Vicinity Map

Notes:

1) This project may be appealed to the Board of Supervisors.

EXHIBIT "A" **DETAILED DISCUSSION**

A. PROJECT DESCRIPTION

The owners of the four properties in Dolan Industrial Park, S&S Land Development Company (Parcel A), Pick-n-Pull (Parcel B), Cutler (Parcel C), and Dolan Development Partners Ltd. (Parcel D), request permits to allow vehicle dismantling activities. Monterey County Code (§20.26) requires:

1. A Coastal Development Permit to allow vehicle dismantling;
2. A General Development Plan because the parcels exceed 1 acre and/or have more than one use.

Two (2) additional yards on Parcel D currently used for storage and impound purposes are proposed as additional dismantling facilities. The owners of Parcel B (Pick-n-Pull) and Parcel D (Dolan Development Partners, Ltd.) each propose a well and water system to meet Fire and Health requirements. Additional proposed work includes drainage improvements and grading.

B. PROJECT BACKGROUND

Previous Permits

Dolan Industrial Park is located in the north Monterey County Area, approximately two (2) miles east of Moss Landing (FIGURE 1.). Vehicle dismantling has been permitted at Dolan Industrial Park since the early 1970s. Dolan Industrial Park is comprised of four (4) separate parcels, described and referred to as Parcels "A", "B", "C", and "D" (FIGURE 2). Six (6) dismantling yards operate on the four (4) parcels, with residential and agricultural uses also occurring on portions of Parcel D. Permits and renewals allowing the dismantling use had been granted in the past for limited periods of time, most recently in 1995 for a five-year period (PC94223/Parcel A; PC94195/Parcel B; PC94210/Parcel C; PC94196/Parcel D) with subsequent modifications.

The proposed improvements and conditions of the 1995 permits primarily addressed stormwater runoff from the dismantling facilities and included installation of earthen berms, catch basins, runoff interceptors with oil/grease separators, and spreaders to dissipate water. Additional requirements included dismantling canopies, impervious surfaces, operational improvements, aesthetic improvements, road improvements, and a fire suppression water system. The 1995 permits expired in June and July 2000 without permit renewals having been obtained.

FIGURE 1.
VICINITY MAP

FIGURE 2.
DOLAN INDUSTRIAL PARK SITE PLAN

Status Reports to Board of Supervisors and Planning Commission

At the time of their permit expiration, Staff determined that the parcels were not in full compliance with their permit conditions. This occurred in spite of ongoing efforts by the County to achieve compliance as evidenced by at least eight condition compliance hearings and status updates to the Board of Supervisors and the Planning Commission between 1997 and 2003. Outstanding conditions included installation of the water system and road improvements. Although the dismantling yards had no valid permits and were operating illegally, the County withheld action to close the facilities provided the applicants made a reasonable effort to apply for and obtain new Use Permits in a timely fashion. Following expiration of the permits in 2000, additional or continued improvements were put on hold pending approval of new permits.

Despite the extra time allowed, delays continued to occur. These circumstances resulted in a letter from the Planning and Building Inspection Department dated November 24, 2003 which established a deadline for submittal of the permit applications by March 2004. It was expected that the permits would go to a public hearing for decision by the end of summer 2004. The letter also stated that failure to meet the established deadline or any future deadlines would result in County actions to shut down operations (Exhibit "H").

Current Applications

The owners submitted application materials by the March 2004 deadline as required. However, the applications were deemed Incomplete in April 2004. The major issue concerned the well sites and the water source for the proposed water systems on Parcel B and Parcel D. Additional information was requested by the Environmental Health Division. County staff worked with the applicants to obtain this information and to facilitate drilling of the required test wells. The Environmental Health Division issued a letter dated July 23, 2004 to the owners of Parcel B and Parcel D specifying the additional information and establishing a deadline of September 23, 2004 for compliance. The letter stated that failure to comply would result in a recommendation of denial of the permits (Exhibit "I").

The September 23, 2004 deadline passed without the required information being submitted. The Planning and Building Inspection Department issued a letter dated September 24, 2004 to all four owners notifying them of their failure to comply and setting all four applications for a Planning Commission hearing with a recommendation for denial (Exhibit "J"). A timeline of events is outlined below.

Timeline of Events

June/July 2000	Expiration of 1995 permits
November 24, 2003	PBID letter establishing permit deadlines and expectations
March 23, 2004	Application submittal deadline
April 2004	PBID Incomplete application letters requesting additional information
July 23, 2004	EH letter specifying additional information
September 23, 2004	EH information submittal deadline (Not Submitted)
September 24, 2004	PBID letter setting the applications for hearing
October 27, 2004	Planning Commission Hearing

C. PROJECT LOCATION

Site & Setting

Dolan Industrial Park is located at 516 Dolan Road northerly of the intersection of Via Tanques Road and Dolan Road in the Moss Landing area of northern Monterey County. Dolan Road, a minor county arterial road, runs east-west to the south of the Park and connects up to Highway 1 at Moss Landing. A Union Pacific Railroad line runs north-south along the eastern boundary of the park. Access to the site is provided from Via Tanques Road, which turns into a private access road for the four parcels. Via Tanques Road also provides access to a gated entrance for an adjacent parcel owned by Duke Energy.

The three smaller parcels (Parcels A, B and C) of Dolan Industrial Park range in size from 4.5 to 7.5 acres and are surrounded by the larger 70.08 acre parcel (Parcel D). Surrounding land uses include agriculture, Duke Energy Plant facilities, rural residential uses, open space and wetland areas part of the Elkhorn Slough National Estuarine Research Reserve. The parcels are located on a marine terrace between Elkhorn Slough and Parson's Slough. The terrace slopes down towards the west and east and commands views of the surrounding area.

Elkhorn Slough is adjacent to the subject properties and contains sensitive wetland habitat. Dolan Industrial Park itself is completely developed and disturbed by the current and past industrial activities. Vegetation is minimal except for non-native cypress trees that partially line the perimeter of the yards. Parcel D contains approximately 41 acres in cultivation. Dismantling yards on the four parcels occupy approximately 34 acres.

C. PROJECT ISSUES

Health and Safety

Dolan Industrial Park is currently operating without an approved water system and does not meet health and safety requirements for a fire suppression system or potable water, pursuant to the North County Fire Protection District and the Monterey County Environmental Health Division. Although a condition of the previous 1995 coastal development permits (PC94223/Parcel A; PC94195/Parcel B; PC94210/Parcel C; PC94196/Parcel D) required installation of a comprehensive water system, the improvements were never completed.

Two 5,000 gallon water tanks were installed for water storage as a temporary measure in 1996 until a permanent system could approved and installed. Restroom facilities at most of the dismantling yards are limited to port-a-potties and approved potable water is not available. Two existing wells are located on Parcel D. However, the existing agricultural well proved unusable for the water system and the site is inaccessible during winter due to flooding. The other well is a domestic well, but is unusable for this project because water rights for the industrial park use could not be demonstrated. No approved well currently exists on Parcel B.

Environmental Health & Fire Recommendations

Two of the current applications (PLN030498/Parcel B and PLN030504/Parcel D) propose a comprehensive water system to meet Fire and Environmental Health requirements. Neither of the applicants has complied with Environmental Health requirements and deadlines, including demonstration of adequate water quality and quantity, as set forth in the July 23, 2004 letter (Exhibit "I"). The other two applications (PLN030510/Parcel A and PLN030501/Parcel C) are dependent upon approval and installation of one of the water systems to meet requirements.

In discussions on September 16, 2004, the Monterey County Environmental Health Division determined that the applicants for the water systems have not provided the required information in a timely manner as requested and have not been able to demonstrate feasibility of their respective systems to serve Dolan Industrial Park. Therefore, the Environmental Health Division has recommended denial of all four permit applications.

In the discussions on September 16, 2004, the Monterey County Environmental Health Division and the North County Fire Protection District also determined that the current situation poses a public health and safety risk. The temporary system which has been serving Dolan Industrial Park does not meet Fire standards and no approved potable source of water exists to meet Environmental Health requirements. The facilities have also been subject to a number health and safety complaints, investigations and violations. The Environmental Health Division and North County Fire Protection District have therefore recommended that the facilities at Dolan Industrial Park be shut down (Exhibit "K").

Land Use Advisory Committee (LUAC)

The North County Coastal Land Use Advisory Committee reviewed the project on April 19, 2004 and recommended approval by a vote of 5 to 0. The LUAC included several recommended conditions relating to the water system, visual issues and potential contaminants if the project were approved. (Exhibit "G").

CEQA

Projects which are denied are statutorily exempt from environmental review (CEQA Guidelines §15270). If the Planning Commission were to consider approving the project the project application would need to be referred back to the Planning and Building Inspection to prepare an initial study and a recommendation regarding appropriate environmental review.

EXHIBIT “B”
RECOMMENDED FINDINGS AND EVIDENCE (PLN030498)

1. **FINDING – INCONSISTENCY:** The Project is not consistent with applicable plans and policies, the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE:

(a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). Although permits were previously issued, required conditions related to health and safety have never been implemented. As a result, the applicants/owners are currently operating vehicle dismantling facilities without valid permits as required by Section 20.26.060. The County is unable to determine consistency with required policies and standards due to the inability of the applicant to provide required information. Staff notes are provided in Project File PLN030498.

(b) Land Use. The North County Land Use Plan designates Dolan Industrial Park as a Special Treatment Area in order to not prohibit the auto dismantling activities that were in operation at the time the Local Coastal Program (LCP) was prepared. It specifies that renewal of the use permits for auto dismantling “will be based on the merits of the specific proposal and feasible mitigation measures to offset any adverse impacts of continued operation.” Prior permit conditions related to health and safety were never implemented and code enforcement had to be performed relative to zoning and environmental health violations and complaints in order to reduce impacts to the neighboring wetland areas. The Environmental Health Division could not determine project feasibility due to insufficient information submitted by the applicant regarding the proposed water source. Based on the lack of available information, the potential adverse impacts and the health and safety issues cannot be adequately analyzed or addressed.

(c) Land Use Advisory Committee (LUAC). The North County Land Use Advisory Committee reviewed the project and recommended approval by a vote of 5-0. The LUAC included several recommended conditions relating to the water system, visual issues and potential contaminants, which have not been incorporated because of disapproval of the project. LUAC meeting minutes dated April 19, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030498.

2. **FINDING - SITE UNSUITABILITY:** There is not adequate information and evidence to determine that the site is physically suitable for the use proposed.

EVIDENCE:

(a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) Incomplete Application. The application was deemed incomplete on April 16, 2004. The applicant was requested to provide information relative to health and safety requirements on the proposed well and water system, septic system, and hazardous

material and waste. Adequate information to address these issues has not been submitted. Due to health and safety risks, County staff determined that the project needs to move forward.

(c) Insufficient information has been submitted by the applicant. On September 16, 2004, the Monterey County Environmental Health Division determined that the site was unsuitable for the proposed use based on the inadequacy of the information submitted. An adequate and reliable source of water has not been identified. Necessary facilities relating to water use are not available and have not been provided.

(d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030498.

3. **FINDING - CEQA:** The California Environmental Quality Act (CEQA) does not apply to this project because the County is denying the project.

EVIDENCE:

(a) CEQA Guidelines Section 15270 statutorily exempts projects which are disapproved.

(b) Applicants did not provide sufficient information to complete an assessment of potential environmental impacts.

4. **FINDING – EXISTING VIOLATIONS:** The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance and actions shall be implemented to require immediate cessation of operations and the removal of all materials and infrastructure that supports those operations.

EVIDENCE:

(a) The applicant is currently operating a vehicle dismantling facility without permits and has not obtained a new use permit. The previous permit (PC94195) expired July 12, 2000. The applicant was allowed to continue operations as an existing use provided diligent and timely efforts were made to obtain a new permit. The applicant has failed to meet application deadlines and requirements. The subject property is currently in violation of applicable County codes.

(b) Application, plans and materials in Project File PLN030498.

(c) Staff site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

5. **FINDING – HEALTH AND SAFETY RISK:** The establishment, maintenance or operation of the project applied for, and as currently operating will 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 Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) An adequate and reliable source of water has not been identified to serve the project. No potable source of water currently exists or has been identified for the subject parcel to serve their needs. Therefore, the Monterey County Environmental Health Division and the North County Fire Protection District determined that continued operation of the dismantling facilities on the subject parcel would pose a risk to the public health and safety and that the facilities must be shut down immediately.

(c) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030498.

6. **FINDING - APPEALABILITY:** The project is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.

EVIDENCE:

(a) §20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).

(b) The project for dismantling facilities is a conditional use. Approved projects permitted as a conditional use are appealable to the California Coastal Commission. §20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). This conditional use is not approved.

EXHIBIT “C”
RECOMMENDED FINDINGS AND EVIDENCE (PLN030501)

1. **FINDING – INCONSISTENCY:** The Project is not consistent with applicable plans and policies, the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE:

(a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). Although permits were previously issued, required conditions related to health and safety have never been implemented. As a result, the applicants/owners are currently operating vehicle dismantling facilities without valid permits as required by Section 20.26.060. The County is unable to determine consistency with required policies and standards due to the inability of the applicant to provide required information. Staff notes are provided in Project File PLN030501.

(b) Land Use. The North County Land Use Plan designates Dolan Industrial Park as a Special Treatment Area in order to not prohibit the auto dismantling activities that were in operation at the time the Local Coastal Program (LCP) was prepared. It specifies that renewal of the use permits for auto dismantling “will be based on the merits of the specific proposal and feasible mitigation measures to offset any adverse impacts of continued operation.” Prior permit conditions related to health and safety were never implemented and code enforcement had to be performed relative to zoning and environmental health violations and complaints in order to reduce impacts to the neighboring wetland areas. The Environmental Health Division could not determine project feasibility due to insufficient information submitted by the applicant regarding the proposed water source. Based on the lack of available information, the potential adverse impacts and the health and safety issues cannot be adequately analyzed or addressed.

(c) Land Use Advisory Committee (LUAC). The North County Land Use Advisory Committee reviewed the project and recommended approval by a vote of 5-0. The LUAC included several recommended conditions relating to the water system, visual issues and potential contaminants, which have not been incorporated because of disapproval of the project. LUAC meeting minutes dated April 19, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030501.

2. **FINDING - SITE UNSUITABILITY:** There is not adequate information and evidence to determine that the site is physically suitable for the use proposed.

EVIDENCE:

(a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) Incomplete Application. The application was deemed incomplete on April 16, 2004. The applicant was requested to provide information relative to health and safety requirements on the proposed well and water system, septic system, and hazardous

material and waste. Adequate information to address these issues has not been submitted. Due to health and safety risks, County staff determined that the project needs to move forward.

(c) Insufficient information has been submitted by the applicant. On September 16, 2004, the Monterey County Environmental Health Division determined that the site was unsuitable for the proposed use based on the inadequacy of the information submitted. An adequate and reliable source of water has not been identified. Necessary facilities relating to water use are not available and have not been provided.

(d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030501.

3. **FINDING - CEQA:** The California Environmental Quality Act (CEQA) does not apply to this project because the County is denying the project.

EVIDENCE:

(a) CEQA Guidelines Section 15270 statutorily exempts projects which are disapproved.

(b) Applicants did not provide sufficient information to complete an assessment of potential environmental impacts.

4. **FINDING – EXISTING VIOLATIONS:** The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance and actions shall be implemented to require immediate cessation of operations and the removal of all materials and infrastructure that supports those operations.

EVIDENCE:

(a) The applicant is currently operating a vehicle dismantling facility without permits and has not obtained a new use permit. The previous permit (PC94210) expired June 14, 2000. The applicant was allowed to continue operations as an existing use provided diligent and timely efforts were made to obtain a new permit. The applicant has failed to meet application deadlines and requirements. The subject property is currently in violation of applicable County codes.

(b) Application, plans and materials in Project File PLN030501.

(c) Staff site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

5. **FINDING – HEALTH AND SAFETY RISK:** The establishment, maintenance or operation of the project applied for, and as currently operating will 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 Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) An adequate and reliable source of water has not been identified to serve the project. No potable source of water currently exists or has been identified for the subject parcel to serve their needs. Therefore, the Monterey County Environmental Health Division and the North County Fire Protection District determined that continued operation of the dismantling facilities on the subject parcel would pose a risk to the public health and safety and that the facilities must be shut down immediately.

(c) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030501.

6. **FINDING - APPEALABILITY:** The project is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.

EVIDENCE:

(a) §20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).

(b) The project for dismantling facilities is a conditional use. Approved projects permitted as a conditional use are appealable to the California Coastal Commission. §20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). This conditional use is not approved.

EXHIBIT “D”
RECOMMENDED FINDINGS AND EVIDENCE (PLN030504)

1. **FINDING – INCONSISTENCY:** The Project is not consistent with applicable plans and policies, the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE:

(a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). Although permits were previously issued, required conditions related to health and safety have never been implemented. As a result, the applicants/owners are currently operating vehicle dismantling facilities without valid permits as required by Section 20.26.060. The County is unable to determine consistency with required policies and standards due to the inability of the applicant to provide required information. Staff notes are provided in Project File PLN030504.

(b) Land Use. The North County Land Use Plan designates Dolan Industrial Park as a Special Treatment Area in order to not prohibit the auto dismantling activities that were in operation at the time the Local Coastal Program (LCP) was prepared. It specifies that renewal of the use permits for auto dismantling “will be based on the merits of the specific proposal and feasible mitigation measures to offset any adverse impacts of continued operation.” Prior permit conditions related to health and safety were never implemented and code enforcement had to be performed relative to zoning and environmental health violations and complaints in order to reduce impacts to the neighboring wetland areas. The Environmental Health Division could not determine project feasibility due to insufficient information submitted by the applicant regarding the proposed water source. Based on the lack of available information, the potential adverse impacts and the health and safety issues cannot be adequately analyzed or addressed.

(c) Land Use Advisory Committee (LUAC). The North County Land Use Advisory Committee reviewed the project and recommended approval by a vote of 5-0. The LUAC included several recommended conditions relating to the water system, visual issues and potential contaminants, which have not been incorporated because of disapproval of the project. LUAC meeting minutes dated April 19, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030504.

2. **FINDING - SITE UNSUITABILITY:** There is not adequate information and evidence to determine that the site is physically suitable for the use proposed.

EVIDENCE:

(a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) Incomplete Application. The application was deemed incomplete on April 21, 2004. The applicant was requested to provide information relative to health and safety requirements on the proposed well and water system, septic system, and hazardous

material and waste. Adequate information to address these issues has not been submitted. Due to health and safety risks, County staff determined that the project needs to move forward.

(c) Insufficient information has been submitted by the applicant. On September 16, 2004, the Monterey County Environmental Health Division determined that the site was unsuitable for the proposed use based on the inadequacy of the information submitted. An adequate and reliable source of water has not been identified. Necessary facilities relating to water use are not available and have not been provided.

(d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030504.

3. **FINDING - CEQA:** The California Environmental Quality Act (CEQA) does not apply to this project because the County is denying the project.

EVIDENCE:

(a) CEQA Guidelines Section 15270 statutorily exempts projects which are disapproved.

(b) Applicants did not provide sufficient information to complete an assessment of potential environmental impacts.

4. **FINDING – EXISTING VIOLATIONS:** The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance and actions shall be implemented to require immediate cessation of operations and the removal of all materials and infrastructure that supports those operations.

EVIDENCE:

(a) The applicant is currently operating a vehicle dismantling facility without permits and has not obtained a new use permit. The previous permit (PC94196) expired June 14, 2000. The applicant was allowed to continue operations as an existing use provided diligent and timely efforts were made to obtain a new permit. The applicant has failed to meet application deadlines and requirements. The subject property is currently in violation of applicable County codes.

(b) Application, plans and materials in Project File PLN030504.

(c) Staff site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

5. **FINDING – HEALTH AND SAFETY RISK:** The establishment, maintenance or operation of the project applied for, and as currently operating will 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 Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) An adequate and reliable source of water has not been identified to serve the project. No potable source of water currently exists or has been identified for the subject parcel to serve their needs. Therefore, the Monterey County Environmental Health Division and the North County Fire Protection District determined that continued operation of the dismantling facilities on the subject parcel would pose a risk to the public health and safety and that the facilities must be shut down immediately.

(c) Monterey County Environmental Health Division has investigated periodic violations and complaints on the subject parcel related to environmental health standards.

(d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030504.

6. **FINDING - APPEALABILITY:** The project is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.

EVIDENCE:

(a) §20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).

(b) The project for dismantling facilities is a conditional use. Approved projects permitted as a conditional use are appealable to the California Coastal Commission. §20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). This conditional use is not approved.

EXHIBIT “E”
RECOMMENDED FINDINGS AND EVIDENCE (PLN030510)

1. **FINDING – INCONSISTENCY:** The Project is not consistent with applicable plans and policies, the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20).

EVIDENCE:

(a) Plan Conformance. PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), and the Monterey County Zoning Ordinance (Title 20). Although permits were previously issued, required conditions related to health and safety have never been implemented. As a result, the applicants/owners are currently operating vehicle dismantling facilities without valid permits as required by Section 20.26.060. The County is unable to determine consistency with required policies and standards due to the inability of the applicant to provide required information. Staff notes are provided in Project File PLN030510.

(b) Land Use. The North County Land Use Plan designates Dolan Industrial Park as a Special Treatment Area in order to not prohibit the auto dismantling activities that were in operation at the time the Local Coastal Program (LCP) was prepared. It specifies that renewal of the use permits for auto dismantling “will be based on the merits of the specific proposal and feasible mitigation measures to offset any adverse impacts of continued operation.” Prior permit conditions related to health and safety were never implemented and code enforcement had to be performed relative to zoning and environmental health violations and complaints in order to reduce impacts to the neighboring wetland areas. The Environmental Health Division could not determine project feasibility due to insufficient information submitted by the applicant regarding the proposed water source. Based on the lack of available information, the potential adverse impacts and the health and safety issues cannot be adequately analyzed or addressed.

(c) Land Use Advisory Committee (LUAC). The North County Land Use Advisory Committee reviewed the project and recommended approval by a vote of 5-0. The LUAC included several recommended conditions relating to the water system, visual issues and potential contaminants, which have not been incorporated because of disapproval of the project. LUAC meeting minutes dated April 19, 2004.

(d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030510.

2. **FINDING - SITE UNSUITABILITY:** There is not adequate information and evidence to determine that the site is physically suitable for the use proposed.

EVIDENCE:

(a) The project has been reviewed for suitability by Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.

(b) Incomplete Application. The application was deemed incomplete on April 23, 2004. The applicant was requested to provide information relative to hazardous material and waste regulations. In addition, the subject project is dependent on approval and

installation of the water system proposed under PLN030498 to meet necessary requirements, but which was also deemed incomplete pending additional information. The subject project cannot be deemed complete without that issue resolved. Adequate information to address these issues has not been submitted. Due to health and safety risks, County staff determined that the project needs to move forward.

(c) Insufficient information has been submitted by the applicant. On September 16, 2004, the Monterey County Environmental Health Division determined that the site was unsuitable for the proposed use based on the inadequacy of the information submitted. An adequate and reliable source of water has not been identified. Necessary facilities relating to water use are not available and have not been provided.

(d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

(e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030510.

3. **FINDING - CEQA:** The California Environmental Quality Act (CEQA) does not apply to this project because the County is denying the project.

EVIDENCE:

(a) CEQA Guidelines Section 15270 statutorily exempts projects which are disapproved.

(b) Applicants did not provide sufficient information to complete an assessment of potential environmental impacts.

4. **FINDING – EXISTING VIOLATIONS:** The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County’s zoning ordinance and actions shall be implemented to require immediate cessation of operations and the removal of all materials and infrastructure that supports those operations.

EVIDENCE:

(a) The applicant is currently operating a vehicle dismantling facility without permits and has not obtained a new use permit. The previous permit (PC94223) expired June 14, 2000. The applicant was allowed to continue operations as an existing use provided diligent and timely efforts were made to obtain a new permit. The applicant has failed to meet application deadlines and requirements. The subject property is currently in violation of applicable County codes.

(b) Application, plans and materials in Project File PLN030510.

(c) Staff site visits on April 19, 2004, April 30, 2004 and June 1, 2004.

5. **FINDING – HEALTH AND SAFETY RISK:** The establishment, maintenance or operation of the project applied for, and as currently operating will 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 Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Parks Department and North County Fire Protection District.
- (b) An adequate and reliable source of water has not been identified to serve the project. No potable source of water currently exists or has been identified for the subject parcel to serve their needs. Therefore, the Monterey County Environmental Health Division and the North County Fire Protection District determined that continued operation of the dismantling facilities on the subject parcel would pose a risk to the public health and safety and that the facilities must be shut down immediately.
- (c) Monterey County Environmental Health Division has investigated periodic violations and complaints on the subject parcel related to environmental health standards.
- (d) Staff conducted on-site visits on April 19, 2004, April 30, 2004 and June 1, 2004.
- (e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File PLN030510.

6. **FINDING - APPEALABILITY:** The project is appealable to the Board of Supervisors. The project is not appealable to the California Coastal Commission.

EVIDENCE:

- (a) §20.86.030.A of the Monterey County Coastal Implementation Plan (Part 1).
- (b) The project for dismantling facilities is a conditional use. Approved projects permitted as a conditional use are appealable to the California Coastal Commission. §20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). This conditional use is not approved.

**EXHIBIT “F”
RECOMMENDED RESOLUTION**

Resolution No. _____

Initiate action to close down all vehicle dismantling and storage facilities at Dolan Industrial Park and clear the properties of materials and infrastructure.

In the matter of the applications PLN030498 (Pick-n-Pull); PLN030501 (Cutler); PLN030504 (Dolan Development Partners, Ltd.); PLN030510 (S&S Land Development):

WHEREAS: The use permits allowing vehicle dismantling activities at Dolan Industrial Park, PC94223/Parcel A (S&S Land Development/APN: 131-054-001-000), PC94195/Parcel B (Pick-n-Pull /APN: 131-054-002-000), PC94210/Parcel C (Cutler/APN: 131-054-003-000), and PC94196/Parcel D (Dolan Development Partners, Ltd./APN: 131-054-004-000), expired in June and July 2000.

WHEREAS: The owners of Dolan Industrial Park submitted applications for Combined Development Permits, PLN030498/Pick-n-Pull; PLN030501/Cutler; PLN030504/Dolan Development Partners, Ltd.; PLN030510/S&S Land Development, on March 19, 2004, March 19, 2004, March 23, 2004, and March 25, 2004, respectively.

WHEREAS: The applications for Combined Development Permits, PLN030498/Pick-n-Pull; PLN030501/Cutler; PLN030504/Dolan Development Partners, Ltd.; PLN030510/S&S Land Development, to allow vehicle dismantling facilities at Dolan Industrial Park were deemed incomplete on April 16, 2004, April 16, 2004, April 21, 2004, and April 23, 2004 and additional information requested.

WHEREAS: The additional information was not submitted in a timely manner according to the deadline established and said information was necessary to evaluate the feasibility of the proposed projects relative to health and safety requirements.

WHEREAS: The applications for Combined Development Permits (PLN030498/Pick-n-Pull; PLN030501/Cutler; PLN030504/Dolan Development Partners, Ltd.; PLN030510/S&S Land Development) to allow vehicle dismantling facilities at Dolan Industrial Park were denied by the Planning Commission on October 27, 2004 pursuant to Section 20.82 of Monterey County Code Title 20.

WHEREAS: During the period since the Use Permits were approved in 1995 for the subject parcels, certain conditions related to the County Health, Safety and Welfare protections were not implemented, specifically relating to road improvements and installation of a water system to provide potable water and fire suppression. Said improvements are necessary to protect the public health, safety and welfare, pursuant to the requirements of the North County Fire Protection District and Monterey County Environmental Health Division.

Dolan Industrial Park
PC (10/27/04)

WHEREAS: On October 27, 2004, the Planning Commission determined that the dismantling operations at Dolan Industrial Park are not in compliance with Fire and Environmental Health standards and that continued operation of the facilities poses a threat to the public health, safety and welfare and immediate action is required, pursuant to the Findings and Evidence in the denial of Combined Development Permits PLN030498/Pick-n-Pull, PLN030501/Cutler, PLN030504/Dolan Development Partners, Ltd., and PLN030510/S&S Land Development.

NOW, THEREFORE, the Planning Commission directs County staff to:

Exercise due diligence using the appropriate legal means necessary to close down all vehicle dismantling and storage facilities at Dolan Industrial Park.