

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: October 11, 2007 Time: A.M/P.M	Agenda Item No.:
Project Description: Modification of a previously approved Coastal Administrative Permit for the construction of a domestic test well on a 6,540 sq ft (.15 acre) parcel.	
Project Location: 24479 San Juan Rd, Carmel	APN: 009-012-013-000
Planning File Number: PLN060263	Name: Chopin Enterprises LP, Property Owner and Erik Dyar, Applicant/Agent
Plan Area: Carmel Land Use Plan	Flagged and staked: N/A
Zoning Designation: MDR/2-D (CZ) [Medium Density Residential, 2 units per acre with Design Control Overlay (Coastal Zone)]	
CEQA Action: Categorically Exempt per Section 15303	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve this modification to a previously approved Coastal Administrative Permit regarding construction of a proposed test well based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**).

PROJECT OVERVIEW: This project was administratively approved on 01/24/2007. The applicant conducted a more detailed review of the sewer line locations after approval, and discovered that a sewer line existed where it was not expected and which did not meet the setback requirement. The applicant then had the property surveyed to locate the exact locations of the sewer lines and laterals of the adjacent properties. The well has been relocated approximately 30' from the original location and will now meet the setback requirements. The revised plans identify that the modified location satisfies all required setbacks (over 25 feet away from any existing/proposed structures and over 50 feet away from the nearest sewer line). The archaeological survey prepared for this project did not identify any reason to delay the project. Also, this project involves no grading or tree removal, and would not result in any significant disruption to environmentally sensitive habitat. This project is located in the Carmel Area Wastewater District (CAWD) and the property has a sewer connection, not a septic system/leachfields. The entire area is on the CAWD sewer system, and there are no septic tanks or leachfields in the area.

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Highlands Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Shandell Brunk, Planner

The above checked agencies and departments have reviewed this project. Conditions recommended by the Planning Department and Environmental Health Division have been incorporated into the condition compliance reporting plan (**Exhibit C**).

The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not include development on slopes greater than 30%, the project

does not require the issuance of a Variance, and implementation of the project will not impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15303 of the CEQA Guidelines.

Note: The decision on this project is appealable to the Board of Supervisors and not the California Coastal Commission.

Joseph P. Sidor
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September 10, 2007

cc: Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Joseph Sidor, Planner; Carol Allen; Chopin Enterprises LP, Applicants; Erik Dyar, Agent; Planning File PLN060263.

Attachments: Exhibit A Project Data Sheet
 Exhibit B Recommended Findings and Evidence
 Exhibit C Recommended Conditions of Approval
 Exhibit D Resolution No. 060263
 Exhibit E Site Plan

This report was reviewed by Mike Novo, Interim Director, Planning Department.

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE

1. FINDING: CONSISTENCY – The project as described in Condition No. 1, and as conditioned, is consistent with the policies, requirements, and standards of the Carmel Area Land Use Plan, Carmel Area Coastal Implementation Plan (Part 4), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for residential development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of the application. No conflicts were found to exist. No communications were received during the course of review of the project to indicate that there is any inconsistency with the text, policies, and regulation in these documents.

(b) The property is located at 24479 San Juan Road, Carmel (Assessor's Parcel Number 009-012-013-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, two (2) units per acre, Design Control Overlay, in the Coastal Zone ("MDR/2-D (CZ)"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.

(c) The test well is intended to determine if an adequate water supply is available to serve future potential development of the parcel. This permit does not authorize the construction and operation of a permanent well.

(d) Environmental Health has not indicated that the use as proposed will adversely impact the natural supply of water necessary to maintain the environment and the supply available to meet the minimum needs of existing users during the driest years.

(e) Implementation of the project will not require water to be exported out of the principal watershed.

(f) The original project planner (Shandell Brunk) conducted a site inspection on September 12, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(g) The project was not referred to the Carmel Highlands Coastal Land Use Advisory Committee for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not include development on slopes greater than 30%, the project does not require the issuance of a Variance, and implementation of the project will not impact a designated scenic area. Furthermore, the project is exempt from CEQA review per Section 15303 of the CEQA Guidelines.

(h) The application, project plans, and related support materials submitted by the applicant to the Monterey County RMA - Planning Department for the proposed development, found in Project File PLN060263.

(i) The original findings and evidence from Resolution 060263, approved January 24, 2007. Movement of the proposed well location by thirty feet (30') does not change the original findings, and brings the project into compliance with all setback requirements based on new evidence of sewer line locations.

- 2. FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:** (a) The project has been reviewed for suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable. Conditions recommended have been incorporated.
- (b) A technical report by outside archaeological consultants indicated that there are not physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following report has been prepared: “*Preliminary Archaeological Reconnaissance of Assessor’s Parcel 009-012-013-000 in Carmel.*” (LIB060482, prepared by Archaeological Consulting, Salinas, California, July 13, 2006).
- (c) Staff conducted a site inspection on September 12, 2006 to verify that the site is suitable for this use.
- (d) Although considered physically suitable, Condition #12 is imposed per discussions with the Environmental Health Division staff. This condition is based on the geologic nature of the surrounding area (fractured granite/rock), which is not considered a dependable long-term source of water.
- 3. FINDING: CEQA (Exempt)** – The project is categorically exempt from environmental review, and no unusual circumstances were identified for this project.
- EVIDENCE:** (a) California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3 categorically exempts the new construction or conversion of small facilities or structures.
- (b) No adverse environmental effects were identified during staff review of the project application or during a site-visit on September 12, 2006. No vegetation will be removed to drill the test well, and no environmentally sensitive habitat or other sensitive resources occur near the well site.
- (c) See preceding and following findings and supporting evidence.
- 4. FINDING: NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and other applicable provisions of the County’s zoning ordinance (Title 20). Zoning violation abatement costs, if any, have been paid.
- EVIDENCE:** Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicate that no violations exist on subject property.
- 5. FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
- EVIDENCE** (a) The subject property is not described as an area where the Local Coastal Program requires access.

- (b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3, of the Public Access Map and complies with the Carmel Area Land Use Plan.
- (c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- (d) Staff conducted a site visit on September 12, 2006.

6. FINDING: HEALTH AND SAFETY – The establishment, maintenance, and operation of the proposed development applied for will not under the circumstances of the particular case, be detrimental to the 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: Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the Coastal Commission.

EVIDENCE: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20).

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Chopin Enterprises LP File No: PLN060263 Approval by: Zoning Administrator	APN: 009-012-013-000 Date: October 11, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Coastal Administrative Permit (PLN060263) allows the construction of a domestic test well. The property is located at 24479 San Juan Road, Carmel (Assessor's Parcel Number 009-012-013-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. 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. [Resource Management Agency (RMA) - Planning Department]	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. 060263) was approved by the Zoning Administrator for Assessor's Parcel Number 009-012-013-000 on October 11, 2007. 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 RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p>(RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of test well permit.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or 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. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible 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 the discovery.</p> <p>(RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.	Owner/ Applicant/ Archaeologist	Ongoing	

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4.		<p>PDSP001 – DRILLING SPOIL CONTAINMENT (Non-Standard) Drilling and mud and cement used for capping of the well shall not be allowed to escape the well site. Containment basins shall be installed. Drilling mud shall be temporarily stored in these basins so that none escapes into the surrounding habitat. The driller shall monitor the amount of mud contained in the basin to prevent overflow, and shall pump out and properly dispose of any and all mud generated by this project. All foreign material used in this project, including sand bags and their contents, shall be removed from the site after the project is completed. The applicant shall submit evidence of installation of containment basins prior to drilling of well. (RMA - Planning Department)</p>	Submit evidence of installation of containment basins to the RMA – Planning Department prior to drilling of test well.	Owner / Applicant	Prior to drilling of test well.	
5.		<p>PDSP002 – DRAINAGE PLAN (Non-Standard) The applicant shall ensure on-site and off-site impacts of water run-off from the pump test are minimized, and measures are used to minimize/contain erosion. (RMA – Planning Department)</p>	Applicant and/or drilling contractor shall contact the assigned planner in the Planning Department to discuss strategies to reduce impacts, which may include the preparation of a formal drainage and/or erosion control plan.	California Well Contractor	Prior to obtaining test well permit.	

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6.		<p>EHSP01 NEW TEST WELL - PUMP TEST</p> <p>All new wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump tests shall be made no earlier than June 1 of each year and no later than the first significant rainfall event of the wet season. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. A representative of the Division of Environmental Health shall witness the pump test(s). The applicant shall pay all associated fees to the Division of Environmental Health. (Environmental Health)</p>	Obtain a permit from EH to drill the well. Submit the Well Completion Report to EH for review and approval. Contact EH to schedule the 72-hour pump test.	California Well Contractor	Prior to conversion of the test well to a potable water well.	
7.		<p>EHSP02 – WATER QUALITY</p> <p>Contact the Environmental Health Division (EHD) to determine the requirements for Title 22 water quality testing. (Environmental Health)</p>	Submit the water quality analysis to EHD for review and approval.	CA Licensed Engineer / Owner / Applicant	After the test well is drilled.	

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8.		EHSP03 – SEWER CONNECTION Provide certification to the Environmental Health Division (EHD) that Carmel Area Wastewater District (CAWD) can and will provide sewer service for the proposed property/project. CAWD shall indicate the location of the sewer connection from the sewer main to the project site. All required horizontal setbacks from the well location shall meet the requirements of California Well Standards Bulletin 74-90 and the Uniform Plumbing Code. (Environmental Health)	Submit certification to the EHD for review and approval.	Owner / Applicant	Prior to drilling the test well.	
9.		EHSP04 – MPWMD NOTIFICATION Contact the Monterey Peninsula Water Management District (MPWMD) and provide all necessary information regarding this project. (Environmental Health)	Submit certification to the Environmental Health Division for review and approval that the MPWMD has been notified of this project.	Owner / Applicant	Prior to drilling the test well.	
10.		ENSP05 – WELL LOCATION RECORDATION After the test well is drilled, contact the Monterey County Recorder’s office and record the location of the well and the “well access location” on the subject parcel. (Environmental Health)	Submit certification to the Environmental Health Division for review and approval that the well location and well access location have been recorded.	Owner / Applicant	After the well is drilled and prior to conversion of the test well.	

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11.		<p>EHSP06– RECORD NOTICE / LONG-TERM WATER SUPPLY (Non-Standard)</p> <p>The applicant shall record a deed restriction as a condition of project approval stating: “Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to the meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel; then the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.” (Environmental Health)</p>	Record a deed restriction with the Monterey County Recorder for the project parcel to the satisfaction of the Environmental Health Division.	Owner / Applicant	Prior to issuance of test well permit.	
12.		<p>EH8 – WELL CONSTRUCTION PERMIT</p> <p>Obtain a water well drilling permit from the Division of Environmental Health and construct the well. (Environmental Health)</p>	Submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to the issuance of a building permit.	
13.		<p>EH42 – COMPLY WITH NOISE STANDARDS</p> <p>The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. (Environmental Health)</p>	Comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code.	Owner / Applicant	Contin-uous	
14		<p>PWSP01 – ENCROACHMENT PERMIT (WATER DRAINAGE)</p> <p>If deemed necessary, as determined by the Department of Public Works (DPW), obtain an encroachment permit from DPW for run-off of water from the pump test onto San Juan Road.</p>	Applicant shall, if determined as required by DPW, obtain an encroachment permit from DPW prior to issuance of a test well permit. Applicant is responsible to obtain all permits and environmental clearances.	Owner / Applicant	Prior to issuance of test well permit.	