

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02042

A.P. # 031-121-002-000

**FINDINGS                      AND**

**DECISION**

In the matter of the application of  
**Don Chapin (PLN020143)**

for an extension of a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a five year extension for an asphalt concrete recycling facility, located at the southeast corner of Reservation Road and Imjim Road, Marina, Fort Ord area, came on regularly for hearing before the Planning Commission on July 31, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1.     **FINDING:**     The applicant, Don Chapin, timely applied for a five-year extension of an existing Use Permit (PLN970390) for the Don Chapin Asphalt Recycling Facility (PLN020143)  
       **EVIDENCE:**    Application and materials in Project File Nos. PLN 970390 and PLN020143, and the administrative record.
  
2.     **FINDING:**     Consideration of the subject application for the extension has been carried out pursuant to Chapter 21.74 (Use Permits) of Title 21 (Zoning) of the Monterey County Code.  
       **EVIDENCE:**    Application materials in Project File No. PLN020143. The purpose of the extension is to allow for the existing asphalt concrete recycling facility to continue operations at the southeast corner of Reservation Road and Imjin Road, Marina (former Fort Ord) in compliance with Resolution No. 97076 adopted by the Planning Commission on October 29, 1997.
  
3.     **FINDING:**     The extension of the Use Permit is in conformance with the Monterey County General Plan and Title 21 (Zoning) of the Monterey County Code, and there is no new information, substantial changes in circumstances, or new impacts which would alter the original approval as set forth in Planning Commission Resolution No. 97076, adopted on October 29, 1997.  
       **EVIDENCE:**    The extension request was reviewed by the Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Health Department, Parks Department, Salinas Rural Fire District, and City of Marina. Except for three new conditions of a routine nature recommended by the Salinas Rural Fire District, these departments and agencies did not recommend any new conditions for the project that were not already included in Planning Commission Resolution No. 97076.  
       **EVIDENCE:**    The Initial Study/Negative Declaration for the project, filed on September 25, 1997, and supplemental materials supplied by the applicant, the City of Marina, and other County departments were examined in light of the request to extend the subject Use Permit. None of the conditions listed in Section 15162 of the CEQA Guidelines have occurred with respect to the extension of the Use Permit and the Recycling Facility. There are no substantial changes with respect to the circumstances under which the project was undertaken.  
       **EVIDENCE:**    Application and materials in Project File Nos. PLN 970390 and PLN020143, and the administrative record.

4. FINDING: The project is categorically exempt under Class 1, Section 15301, of the Monterey County CEQA Guidelines and the California CEQA Guidelines relating to existing facilities. None of the conditions listed in Section 15162 of the CEQA Guidelines have occurred with respect to the extension of the Use Permit and the Recycling Facility. There are no substantial changes with respect to the circumstances under which the project was undertaken.

EVIDENCE: The Initial Study/Negative Declaration (IS/ND) for the project, filed on September 25, 1997, and supplemental materials supplied by the applicant, the City of Marina, and other County departments were examined in light of the request to extend the Use Permit at the project site. Based on a review of these documents, there is no substantial evidence that the project, solely the extension of the existing Use Permit, would have a significant impact on the environment. None of the conditions listed in Section 15162 of the CEQA Guidelines have occurred and there are no substantial changes with respect to the circumstances under which the project was implemented. The facility has been located on the site and operated as an asphalt and concrete recycling facility since 1998.

The project is not located in a particularly environmentally sensitive area and will continue to utilize the property which was and is highly disturbed. Moreover, since the current proposal does not include expansion of the facility, there are no new earth impacts resulting from additional grading; no new water impacts, resulting in the alteration of existing drainage patterns or increased water use; no new natural resource/energy impacts resulting from an increase in fuel and/or electricity use; or no new hazard/human health impacts due to the operation of the proposed facility or stockpiling of material. Moreover, the project would continue to be consistent with the University of California's Monterey Bay Education, Science and Technology Center site Master Plan, and is consistent with the land uses indicated under their "Research and Development" designation. The project would also continue to operate at below the County's standard of 60 dB Ldn and less than significant noise levels at residential receivers. The project is also expected to remain in compliance with the Monterey Bay Unified Air Pollution Control District conditions of project approval, which mitigates any adverse impacts on air quality.

As identified in the biological assessment prepared for the original IS/ND (Zander and Associates, August 4, 1997), there are no sensitive habitats or sensitive species within the project area. The original IS/ND identified the need for a berm to be constructed along Reservation Road to avoid the disturbance of a small colony of sand gilia, and to mitigate potential aesthetic impacts of the proposed asphalt facility. As a result of the widening of Reservation Road, the original project view screen and berm were relocated. The berm was constructed in accordance with County standards and in compliance with the plans reviewed by the City of Marina. Landscaping of the berm will commence following the completion of the Reservation Road reconstruction. It should be noted that the berm was not relocated as a matter of the permit extension. The relocation of the berm does not represent a substantial change in light of CEQA Guidelines 15162, since the relocation of the berm does not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Since the project is the extension of the existing onsite uses, it will not alter the existing traffic patterns in the vicinity of the project. The potential traffic impacts of the asphalt recycling facility were addressed and mitigated through the traffic analysis prepared by Higgins Associates, Inc. (July 30, 1997), as part of the original IS/ND, and subsequent implementation of project design features (such as, the improvement of the project access driveway and Imjin Road to accommodate truck traffic). In addition, permit conditions will continue to require the project applicant to make necessary repairs to adjacent streets to the satisfaction of the Monterey

County Public Works Department. Overall, the project is subject to the same conditions placed on the original permit. The project is temporary in nature and, therefore, will not result in significant cumulative impacts arising from successive projects of the same type in the same place over time.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This permit is a five-year extension of a Use Permit for an asphalt concrete recycling facility to expire on March 31, 2008. This permit is in accordance with County ordinances and land use regulations, subject to the terms and conditions set forth in Planning Commission Resolution No. 97076, adopted on October 29, 1997, except for the new expiration date as provided herein, and 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 Planning and Building Inspection. 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. (Planning and Building Inspection)
2. The following conditions are added:
  - a. The fire extinguisher shall be serviced regularly.
  - b. The applicant shall contact the fire department for any additional storage at the site; a permit may be required.
  - c. The access roadway, as per plans submitted in 1997, shall be installed and maintained. (Salinas Rural Fire District)

**PASSED AND ADOPTED** this 31st day of July, 2002, by the following vote:

AYES: Errea, Sanchez, Hawkins, Pitt-derdivanis, Parsons, Diehl, Hernandez, Engell, Wilmot  
 NOES: None  
 ABSENT: Brennan

Original Signed By:

\_\_\_\_\_  
DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

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

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

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

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