

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

RESOLUTION NO. 03089

A.P. # 231-012-018
231-011-001
and 231-031-003

**FINDINGS AND
DECISION**

In the matter of the application of
Wilson Trust et al (PLN030253)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow rehabilitation of existing well and pumphouse; relocation and construction of a new 300,000-gallon bolted steel water storage tank approximately 40 feet in diameter by 30 feet in height; and replacement of the water delivery system within the unincorporated community of San Lucas, located in the unincorporated community of San Lucas, 10 miles south of King City and northeast of the intersection of State Highways 101 and 198 in the Central Salinas Valley Plan Area, came on regularly for hearing before the Planning Commission on December 10, 2003.

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

FINDINGS OF FACT

- 1. FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. The proposed upgrades of the San Lucas Water District delivery system are improved public facilities consistent with existing and proposed community uses. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and the Environmental Health Division. There has been no indication from those agencies that the sites are not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the uses proposed with recommended mitigations.

EVIDENCE: An Environmental Assessment report was prepared by Pacific Municipal Consultants pursuant to the format recommended by the United States Housing and Urban Development, Community Planning and Development Environmental Branch ("HUD"). This included studies of Biological Resources, Noise, Air Quality and Hydrology studies with the finding of no significant impacts.
- 2. FINDING: MITIGATED NEGATIVE DECLARATION** - On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE: The Monterey County Planning and Building Inspection Department as lead agency, with the assistance of the Monterey County Housing and Redevelopment office and the San Lucas County Water District, commissioned Pacific Municipal Consultants to prepare an Initial Study pursuant to CEQA. The Initial Study identified potentially significant effects, but mitigation measures are proposed that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the office of Planning and Building Inspection and is hereby incorporated by reference (**PLN030253**). All project changes required to avoid significant effects on the environment have been incorporated into the project

and/or are made conditions of approval.

EVIDENCE: A Condition Compliance and Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations and are designed to ensure compliance during project implementation. As the San Lucas County Water District is the applicant, it agrees to execute the standard "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval (condition #4).

EVIDENCE: Evidence that has been received and considered includes:

- a) the application materials;
- b) An Environmental Assessment report was prepared by Pacific Municipal Consultants pursuant to the format recommended by the United States Housing and Urban Development, Community Planning and Development Environmental Branch ("HUD"). This included studies of Biological Resources, Noise, Air Quality and Hydrology studies with the finding of no significant impacts.
- c) Staff report that reflects the County's independent judgment;
- d) Information and testimony presented during public hearing.

These reports are on file in the offices of Planning and Building Inspection Department (**File No. PLN030253**) and are incorporated by reference herein.

EVIDENCE: The mitigated negative declaration was circulated for public review from October 2, 2003 to October 31, 2003. The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and mitigated negative declaration.

EVIDENCE: The Monterey County Department of Planning and Building Inspection, located at 2620 First Avenue, Marina, California 93933, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

3. FINDING: HEALTH AND WELFARE - The establishment, maintenance, or operation of the use or building 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: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, and the Water Resources District. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.

4. FINDING: NO VIOLATIONS - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the properties. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

DECISION

THEREFORE, it is the decision of said Planning Commission that said Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Use Permit be granted subject to the attached conditions.

PASSED AND ADOPTED this 10th day of December, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Parsons

Original Signed By:

JEFF MAIN, 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 90th 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.