

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

RESOLUTION NO. 04015

A.P. # 237-101-002-000

In the matter of the application of  
**Rosenberg Family Ranch LLC et al. (PLN030362)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the construction of a concrete settling basin on a 30% slope area within an existing oil production field (San Ardo Oil Field). The property is located at 6591 Sargents Road, San Ardo, South County area, came on regularly for hearing before the Planning Commission on March 31, 2004.

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

**FINDINGS OF FACT**

1.   **FINDING:**     The proposed Use Permit (**PLN030362**) for the construction of a concrete settling basin on a 30% slope area within an existing oil production field (San Ardo Oil Field) is consistent with the zoning designation of HI (Heavy Industrial - Mineral Extraction), and the South County Area Plan designation of Mineral Extraction.

**EVIDENCE:**    The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

          a)   The General Plan and South County Area Plan; and

          b)   Chapters 21.28.060 and 21.64.230 of the Monterey County Zoning Ordinance regulations for development in the HI zoning district and on slopes in excess of 30 percent

**EVIDENCE:**    Materials in file PLN030362
2.   **FINDING:**     The project site is physically suitable for the proposed use as described in the project file.

**EVIDENCE:**    The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, and CDF - South County (fire). There has been no indication from these agencies that the site is not suitable for the proposed use. The Water Resources Agency has recommended a condition of approval for the project.

**EVIDENCE:**    Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property

**EVIDENCE:**    Written and verbal public testimony submitted at the March 31, 2004 Planning Commission hearing

**EVIDENCE:**    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 the project file

3. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.
- EVIDENCE:** Section 15301 (Minor alteration of existing facility) and 15303 (Construction of new small structures) of the County CEQA Guidelines categorically exempts the settling basin from environmental review. The project will supplement existing the liquid / solids settling function of the facility, and will not result in environmental negative impacts, for the following reasons:
- The proposed structure is 4,800 square feet, comparable in size to a single-family home
  - All grading activity is subject to the grading and erosion control requirements of the county code. These regulations will be adequate to address potential erosion impacts
  - The project site is isolated from the Salinas River by the existing road network, vegetation and a separation of approximately 0.75 mile. No streams cross the oil field site in the vicinity of the project.
  - The project is within an existing, developed oil field with no significant aesthetic qualities, and the structure will visible from no closer than 0.5 mile from Highway 101. No vegetation removal will result from the project.
- No adverse environmental impacts were identified during staff review of the Use Permit application.
- EVIDENCE:** An archaeological report was prepared for a separate project in the immediate vicinity of the subject proposal by Diana Dyste, a federally trained archaeologist working for the U.S. Forest Service at the Los Padres National Forest, and a field reconnaissance was performed by archaeologist Erin King. The report and reconnaissance cited no potential adverse impacts to archaeological resources in the project area. The archaeological analysis is found in a document on file with the Planning and Building Inspection Department entitled "Project Execution Plan" (file no. PLN030060).
4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement 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, Water Resources Agency CDF - South County (fire). 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.
- EVIDENCE:** Findings and Evidence for 3 above
5. **FINDING:** There is no feasible alternative which would allow development to occur on slopes of less than 30 percent
- EVIDENCE:** January 5, 2004 letter by Gregory O. Black, Project Engineer (Exhibit E)
6. **FINDING:** The project is appealable to the Board of Supervisors

**EVIDENCE:** Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21)

**DECISION**

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

**PASSED AND ADOPTED** this 31st day of March 2004, by the following vote:

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

Original Signed By:

JEFF MAIN, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO 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 Salinas.

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