

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

RESOLUTION NO. 05005

A. P. # 131-054-004-000

In the matter of the application of

**Dolan Development Partners LTD (PLN030504)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit to allow vehicle dismantling and parts sales within the Dolan Industrial Park (Parcel D/Dolan Development Partners Ltd); 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, septic systems, 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). The previous permit (PC94196) expired on June 14, 2000. The project is located at 516 Dolan Road, Castroville, on Via Tanques Road north of Dolan Road, North County area, Coastal Zone, came on regularly for hearing before the Planning Commission on January 12, 2005.

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

**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, the permits expired and required conditions related to health and safety for a comprehensive water system 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. Specifically, insufficient information has been submitted which is necessary to determine consistency relating to Land Use Plan Policy 2.5.1 requiring "identifiable, available, long-term water supplies" for development and Policy 2.5.3.A.3 regulating wells to "prevent adverse individual and cumulative impacts." 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 County is unable to 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.

(a) 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. Adequate information to address these issues has not been submitted. Due to health and safety risks from the lack of potable water or an approved water system, County staff determined that the project should be denied.

(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 to serve the parcel. 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 for information submittal. 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 proposed water system for the parcel. No potable source of water currently exists or has been identified for the subject parcel to serve their needs. The applicant has failed to submit the required information in a timely manner. 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.

## **DECISION**

It is the decision of the Planning Commission that said application for a Combined Development Permit be denied.

**PASSED AND ADOPTED** this 12th day of January 2005, by the following vote:

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

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JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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.