

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

RESOLUTION # 05011

A.P. # 117-011-010-000-M

In the matter of the application of

**Pajaro Valley Water Management Agency (PLN040202)**

**FINDINGS & DECISION**

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of a Coastal Development Permit to install the Integrated Coastal Distribution System (ICDS) of the Pajaro Valley Water Management Agency Basin Management Plan. The components of the ICDS consist of: a segment of import pipeline connecting the Monterey County and Santa Cruz County ICDS, distribution pipelines, crossings and turnouts. The properties are located throughout the North County Coastal Land Use area of Monterey County, North County Land Use Plan., came on regularly for meeting before the planning commission on February 9, 2005.

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

**FINDINGS OF FACT**

**1. FINDING: CONSISTENT WITH PLAN/POLICIES:**

The subject Coastal Development Permit (PLN040202/Pajaro Valley Water Management Agency) conforms to the plans, policies, requirements, and standards of the North County Land Use Plan and the Monterey County Coastal Implementation Plan, Part 2 (Chapter 20.144 MCC).

**EVIDENCE:** (a) **Plan Conformance.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) North County Land Use Plan (LUP).
- 2) Part 2, (Chapter 20.144) of the Monterey County Coastal Implementation Plan (CIP).
- 3) Part 1, (Title 20) of the Monterey County Coastal Implementation Plan (CIP).
- 4) Chapter 20.70 of the Monterey County Zoning Ordinance Regulations for Coastal Development Permits
- 5) Chapter 16.08 of the Monterey County Grading Ordinance.

With the recommended conditions, there would be no conflict or inconsistencies with the regulations of these plans or policies.

(b) **Site Description.** The properties are located throughout the North County Coastal area of Monterey County. The ICDS within the Monterey County coastal area is west of State Highway One, south of the Pajaro River, in the Springfield Terrace area.

(c) **Land Use/Zoning.** North County Land Use Plan designates the subject properties as Agricultural Preservation, 40-acre minimum, Agricultural Conservation, 40-acre minimum, Resource Conservation (Wetlands and Coastal Strand). The subject properties are located within the "CAP (CZ)" or Coastal Agricultural Preserve, "AC (CZ)" or Agricultural

Conservation and “RC (CZ)” or Resources Conservation zoning districts in the Coastal Zone.

(d) **Project Description.** Pajaro Valley Water Management Agency has received funding to develop and implement a water Basin Management Plan (BMP). The purpose of the BMP is to alleviate groundwater overdraft and help slow seawater intrusion in the Pajaro Valley. Ground water overdraft along with seawater intrusion has degraded water quality and impacted the long-term water source for both irrigation and domestic utility. The implementation of the BMP will assist in the elimination of groundwater pumping for irrigated coastal lands, slow seawater intrusion rate and ensure a long term water source alternative. The subject application is a Coastal Development Permit (PLN 040202) for the installation of the Integrated Coastal Distribution System (ICDS) portion of the Pajaro Valley Water Management Agency Basin Management Plan located in Monterey County. The components of the ICDS are: an approximately 0.5 mile segment of Import Pipeline connecting the Monterey County and Santa Cruz County ICDS, a small portion of which is subject to permitting jurisdiction of the California Coastal Commission (hereafter “segment of Import Pipeline”), distribution pipelines, crossings and turnouts.

(e) **Permits.** Coastal Development Permits are required for all non-exempt development.

(f) **No Violation.** Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.

(g) **Field Trip.** Staff conducted site analysis of the proposed pipeline route to investigate issues associated with this project.

2. **FINDING: HEALTH AND SAFETY:** The establishment, maintenance or operation of the project applied for will not 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) Agency Review. The project was reviewed by Planning and Building Inspection, North County Fire Protection District, Department of Public Works, Parks Department, Water Resources Agency and the Division of Environmental Health. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials.

(b) Professional Reports. Recommended conditions, modification and mitigation measures as outline in the Mitigation Monitoring and Reporting Program, adopted by the Pajaro Valley Water Management Agency provide additional assurance regarding project safety. These documents are in Project File No. PLN040202.

3. **FINDING: SITE SUITABILITY:** The properties are physically suitable for the proposed use.

**EVIDENCE: Site Inspection.** Project planners conducted on-site inspections in July 2004.

**Agency Review.** The project has been reviewed by the Monterey County Planning and Building Inspection Department, North County Fire Protection District, Department of Public Works, Parks Department, Water Resources Agency and Division of Environmental

Health. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

4. **FINDING: CEQA/EIR.** 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 County as the decision-making body of a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Pajaro Valley Water Management Agency) Environmental Impact Report and Mitigation Monitoring Program prior to acting upon or approving the project.

**EVIDENCE:** (a) **Environmental Impact Report (EIR).** The following documents are on file in the office of Planning and Building Inspection and are hereby incorporated by reference (PLN040202/Pajaro Valley Water Management Agency):

- 1) Final Environmental Impact Report, Pajaro Valley Water Management Agency Revised Basin Management Plan, Pajaro Valley Water Management Agency, SCH#:2000062030, January 2002.
- 2) Mitigation Monitoring and Reporting Program, Pajaro Valley Water Management Agency Revised Basin Management Plan, Pajaro Valley Water Management Agency, and SCH #:2000062030, January 2002.
- 3) Final Environmental Impact Report, Pajaro Valley Water Management Agency Local Water Supply and Distribution EIR, Pajaro Valley Water Management Agency, SCH#:97021006, May 1999.
- 4) Pajaro Valley Water Management Agency Local Water Supply and Distribution Environment Impact Report Addendum, Pajaro Valley Water Management Agency, August 2003
- 5) Mitigation Monitoring and Reporting Program, Pajaro Valley Water Management Agency Local Water Supply and Distribution EIR, Pajaro Valley Water Management Agency, SCH#:97021006, July 1999.
- 6) Notice of Determination, Pajaro Valley Water Management Agency Local Water Supply and Distribution EIR, Pajaro Valley Water Management Agency, May 1999

The Planning Commission hereby certifies review and consideration of the above documents for Coastal Development Permit (PLN040202) consisting of: the installation of the Integrated Coastal Distribution System (ICDS) of the Pajaro Valley Water Management Agency Basin Management Plan. The components of the ICDS are : an approximately 0.5 mile segment of Import Pipeline connecting the Monterey County and Santa Cruz County ICDS, a small portion of which is subject to permitting jurisdiction of the California Coastal Commission, distribution pipelines, crossings and turnouts. This finding determines that although the ICDS could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance.

- (b) **Mitigation Monitoring Program.** A Mitigation Monitoring and Reporting Program was adopted by the Pajaro Valley Water Management Agency (PVWMA) to ensure compliance during project implementation. PVWMA, as Lead Agency, will be responsible

to implement this program. As a Responsible Permitting Agency, the County has conditioned the project whereas PVWMA must provide evidence that these measures are implemented and have the intended effect (Condition 3). The County has also adopted a Condition Compliance and /or Mitigation Monitoring Reporting Plan.

(c) There are no changes in the project or unusual circumstances that exist that would necessitate additional environmental review by the County of Monterey.

**5. FINDING: APPEAL:** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** (a) **Board of Supervisors.** Section 20.86.030 of the Monterey County Zoning Ordinance.

(b) **Coastal Commission.** Section 20.86.080 of the Monterey County Zoning Ordinance.

### **DECISION**

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

**PASSED AND ADOPTED** this 9th day of February 2005, by the following vote:

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

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DALE ELLIS, 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 CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE**

**THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA**

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.

**Monterey County Planning and Building Inspection  
Condition Compliance and/or Mitigation Monitoring Reporting  
Plan**

**Project Name:** Pajaro Valley Water Management Agency  
*File No:* PLN040202 *APNs:* Various

*Approval by:* Planning Commission *Date:* February 9, 2005

*\*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.		<p><b>PBD029 - SPECIFIC USES ONLY</b></p> <p><i>Coastal Development Permit (PLN040202/Pajaro Valley Water Management Agency) consisting of: the installation of the Integrated Coastal Distribution System (ICDS) of the Pajaro Valley Water Management Agency Basin Management Plan. The components of the ICDS are : an approximately 0.5 mile segment of Import Pipeline connecting the Monterey County and Santa Cruz County ICDS, a small portion of which is subject to permitting jurisdiction of the California Coastal Commission, distribution pipelines, crossings and turnouts, in accordance with County ordinances and land use regulations, and subject to the following terms and conditions.</i></p> <p>Construction of the ICDS distribution pipeline serving properties shown in the application materials with turnouts found on Assessor's Parcel Pages: 117-062-000-000; 117-052-000-000; 117-021-000; 117-011-000-000; 117-022-000-000 and 117-072-000; 117-571-000-000 and Books 412 and 413 shall be allowed upon certification or adoption of all applicable environmental documents and associated permits . A subset of Assessor's Parcels Pages 117-031-000-000; 117-032-000-000; 117-033-000-000; 117-041-000-000; 117-042-000-000; 117-043-000-000; 117-051-000-000; 117-061-000-000; shall be allowed upon proof of adequate water sources.</p> <p>This permit does not cover the following: the segment of import pipeline (from bank to bank) connecting the Monterey and Santa Cruz County portions of the ICDS (subject to permitting jurisdiction of the California Coastal Commission) and pump stations (subject to subsequent Monterey County approval), Additionally, the permit does not cover the Import Pipeline, Supplemental Wells, or other facilities reviewed in</p>	Adhere to conditions and uses specified in the permit.	Applicant/ Owner (PVWMA)  PBI	Ongoing unless otherwise stated	

<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>
		<p>PVWMA's Local Water Supply and Distribution Final EIR or PVWMA's Revised Basin Management Plan Final EIR.</p> <p>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 <u>for</u> which a permit from the County of Monterey is required by law other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning &amp; Building Inspection Department)</b></p>				
2.		<p><b>PBD025 - NOTICE-PERMIT APPROVAL</b></p> <p>The applicant shall record a notice which states: "A Permit (Resolution # 05011) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 117-011-010-000;117-011-012-000;117-011-013-000;117-021-002-000;117-021-004-000;117-021-006-000;117-021-007-000;117-021-008-000;117-021-009-000;117-022-001-000;117-031-003-000;117-031-004-000;117-021-005-000;117-031-006-000;117-031-011-000;117-031-013-000;117-031-014-000;117-031-015-000;117-031-016-000;117-032-001-000;117-032-003-000;117-032-004-000;117-032-006-000;117-033-001-000;117-033-003-000;117-033-005-000;117-041-004-000;117-041-011-000;117-041-017-000;117-041-018-000;117-042-001-000;117-042-002-000;117-042-004-000;117-042-005-000;117-043-009-000;117-043-010-000;117-043-011-000;117-043-020-000;117-043-021-000;117-043-028-000;117-043-032-000;117-051-001-000;117-051-002-000;117-051-005-000;117-051-006-000;117-051-007-000;117-052-001-000;117-052-008-000;117-052-010-000;117-052-013-000;117-052-014-000;117-061-001-000;117-061-009-000;117-062-001-000;117-062-006-000;117-062-007-000;117-062-020-000;117-072-004-000;412-031-002-000;412-032-001-000;412-032-002-000;412-032-005-000;412-032-006-000;412-032-008-</p>	Submit proof of recording this notice to PBI.	<p>Applicant/ Owner (PVWMA)</p> <p>PBI</p>	Prior to tree removal	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		000;412-032-009-000;412-032-011-000;412-032-013-000;413-011-015-000;413-011-007-000;413-011-008-000;413-012-003-000;413-012-004-000;413-012-006-000;413-012-008-000;413-012-014-000;413-013-001-000;413-014-002-000;413-014-003-000;413-051-029-000;413-051-031-000 on <b>February 9, 2005</b> . The permit was granted subject to <b>11</b> conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. ( <b>Planning &amp; Building Inspection Department</b> )				
3.		<b>PBD-MITIGATION MONITORING (Non-Standard)</b> 1. The applicant shall provide evidence to the Director of Planning and Building Inspection that the mitigation measures and reporting program adopted as part of the PVWMA Local Water Supply and Distribution Final Environmental Impact Report Improvement (SCH# 97021006) have been implemented.  2. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fees schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. <b>(Planning &amp; Building Inspection Department)</b>	The applicant shall provide a report to the Director of Planning and Building Inspection that summarizes compliance activity relative to the associated May 1999 Mitigation Monitoring and Reporting Program.	Applicant/ Owner (PVWMA)  PBI	Prior to Issuance of Grading or Building Permits	
			2a) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2b) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Applicant /Owner (PVWMA)  PBI	Prior to Issuance of Grading or Building Permits	
4.		<b>WELL INFORMATION</b> The applicant shall provide the Water Resources Agency information on the well(s) to serve the project including a map showing the well location and any available well logs/e-logs. <b>(Water Resources Agency)</b>	None	Applicant/ Owner (PVWMA)  PBI	Ongoing	



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5.		<b>FLOODPROOFING PLAN</b> The applicant shall provide the Water Resources Agency a flood-proofing plan prepared by a registered civil engineer to eliminate infiltration of floodwaters into the Integrated Coastal Distribution System and protect all attendant utilities. <b>(Water Resources Agency)</b>	Submit plans prepared by a registered civil engineer to the Water Resources Agency for review and approval.	Owner/ Applicant (PVWMA)	Prior to issuance of any grading or building permits.	WRA
6.		<b>FLOODPROOFING CERTIFICATION</b> The applicant shall provide the Water Resources Agency certification from a registered civil engineer that the Integrated Coastal Distribution System has been flood proofed in accordance with Chapter 16.16 of the Monterey County Code. <b>(Water Resources Agency)</b>	Submit a letter, prepared by a registered civil engineer, to the Water Resources Agency for review and approval.	Owner/ Applicant (PVWMA)	Prior to final inspection	WRA
7.		<b>FLOODWAY ENCROACHMENT</b> The applicant shall provide the Water Resources Agency construction plans for review and approval that demonstrate there will be no encroachment in the floodway, including fill, unless certification by a registered civil engineer is provided demonstrating the proposed encroachments will not result in any increase in the Base Flood Elevation <b>(Water Resources Agency)</b>	Submit construction plans prepared by a registered civil engineer to the Water Resources Agency for review and approval.	Owner/ Applicant (PVWMA)	Prior to issuance of any grading or building permits	WRA
8.		<b>NON - STANDARD GRADING CONDITION</b> Per Chapter 16.08 Monterey County Code – Grading the following shall apply:  1. Excavated material not used for backfill of pipeline trenches and areas of restoration shall be disposed of with proper permits or approved disposal sites.  2. Site will be restored to pre-grading (excavation of trenches) conditions; top 18 to 24 inches shall be native top soil material.  3. Pipe line shall have a minimum depth of 48 inches to allow continued cultivation of AG fields.  4. All grading shall conform with the Monterey County Grading Ordinance #2535 and Erosion Control Ordinance #2806.	Submit Documentation the Planning and Building Inspection Department	Owner/ Applicant (PVWMA)	Prior to issuance of any grading or building permits	PBI

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		<p>5. All surfaces exposed or expected to be exposed during grading activities shall be prepared and maintained through the length of the entire project to protect against erosion.</p> <p>6. Actual grading shall begin within 30 days of vegetation removal or the area shall be planted to control erosion. <b>(Planning &amp; Building Inspection Department)</b></p>				
9.		<p><b>NON - STANDARD CONDITION</b> Obtain an encroachment permit from the Department of Public Works (DPW) for any work within the County right-of-way. <b>(Department of Public Works)</b></p>	Applicant shall obtain an encroachment permit form DPW prior to the issuance of grading or building permits.	Owner/ Applicant (PVWMA)	Prior to the issuance of grading or building permits.	DPW
10.		<p><b>NON - STANDARD CONDITION</b> Prior to the issuance of grading or building permits, that applicant shall submit a Construction Management Plan that addresses traffic impacts during installation of the ICDS. The plan shall be submitted for the review and approval of the Department of Public Works and the Planning and Building Inspection Department. <b>(Department of Public Works)</b></p>	Submit a Construction Management Plan to the Department of Public Works and the Planning and Building Inspection Department that addresses the temporary traffic impacts associated with the construction of the ICDS. The Construction Management Plan shall, include but not be limited to: a definition of the construction work hours and expected project duration, description of construction signage requirements, describe proposed lane or road closures, and recommend employee trip reduction measures.	Owner/ Applicant (PVWMA)	Prior to the issuance of grading or building permits.	DPW & P & BI
11.		<p><b>NON - STANDARD CONDITION (CALIFORNIA COASTAL COMMISSION)</b> Water Use Restriction. Except as may otherwise be authorized by the Coastal Commission in future reviews of proposed project changes, and except for those lands with the Aromas County Water District outside of the coastal zone, the Pajaro Valley Water Import/Distribution Project shall be limited, in the coastal zone, to the supply and distribution of non-potable water within those portions of the PVWMA District in the</p>		Owner/ Applicant (PVWMA)		CCC

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		coastal zone, as delineated as of February 17, 2005 (California Coastal Commission Consistency Certification Hearing), for the purposes of supporting agricultural land uses and groundwater management (i.e., addressing basin overdraft and seawater intrusion), except that in no case shall water be used to support expansions of the agricultural operations into areas where such expansion would result in adverse biological and other environmental effects, such as the conversion of environmentally constrained (i.e., by the presence of, and/or setbacks associated with, wetlands, sloughs, other sensitive habitats, steep slopes, significant trees, etc.) and/or undeveloped native land to agricultural production. <b>(California Coastal Commission)</b>				