

RESOLUTION NO. 020035

A.P.# 422-181-040-000

In the matter of the application of
US Geological Survey (PLN020035)

FINDINGS & DECISION

for an Administrative Permit in accordance with Title 21 (Zoning) Chapter 21.70 (Administrative Permits) of the Monterey County Code, to allow for the drilling of two deep boreholes, accessory pumps, generators, trailer houses, pits, sumps and associated grading to evaluate and assist in predicting earthquakes along the San Andreas Fault, located easterly of Cholame Road in the north half of the southwest quarter, northwest quarter and east half of Section 34, Township 22 South, Range 13 East, MDBM, Parkfield area, South County area, came on regularly for meeting before the Zoning Administrator on April 11, 2002.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The subject Use Permit (PLN020035), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, South County Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located easterly of Cholame Road, in the North half of the southwest quarter, northwest quarter and east half of Section 34, Township 22 south, Range 13 East, MDBM, Parkfield area. The parcel is zoned "PG/160" (Permanent Grazing, 160 Acres per Unit). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The South County Area Plan
 - b) Chapter 21.34 of the Monterey County Zoning Ordinance regulations for development.**EVIDENCE:** The project site is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.
EVIDENCE: The proposed use is consistent with the development standards for Administrative Permits, pursuant to Title 21, Monterey County Zoning Ordinance.
EVIDENCE: Section 21.34 of the Monterey County Zoning Ordinance (Title 21). 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 public hearings before the Zoning Administrator.
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.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File #020035) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “E” and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 240 Church Street, Room 116, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

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.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. The Environmental Assessment was circulated through the State Clearinghouse for review, review period ending October 9, 2001, with no comments received. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

Biological Report/Biological Assessment, Jeff Norman, Consulting Biologist

Cultural Resources inventory of a U.S.G.S. Seismic Monitoring Drill Pad near Parkfield, Monterey County, California, Michael Darcangelo for Far Western Anthropological Research Group, Inc., March 2001.

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

- 3. FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.
- EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
- EVIDENCE:** The applicant shall pay the Environmental Document Fee, pursuant to Fish and Game Code Section 753.5.
- EVIDENCE:** Initial Study and Negative Declaration contained in the project file.
- 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, applicable Fire Department, and Water Resources Agency. 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:** Adoption of the Negative Declaration includes mitigation measures that mitigate potential Earth, Biological, Cultural Resources and Air Quality.
- EVIDENCE:** File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.
- 5. FINDING:** The project is appealable to the Monterey County Planning Commission.
- EVIDENCE:** Section 21.80.040.C of the Monterey County Zoning Ordinance (Title 21).

DECISION

Therefore, it is the decision of the Zoning Administrator of the County of Monterey that the Negative Declaration be adopted and said application for an Administrative Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Use Permit consists of an Administrative Permit for the drilling of two deep boreholes, accessory pumps, generators, trailer houses, pits, sumps and associated grading to evaluate and assist in predicting earthquakes along the San Andreas Fault for the United States Geological Survey (PLN020035). The project is located easterly of Cholame Road, in the North half of the southwest quarter, northwest quarter and east half of Section 34, Township 22 south, Range 13 East, MDBM, (Assessor's Parcel Number 422-181-040-000) in the Parkfield area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 020035) was approved by the Zoning Administrator for Assessor's Parcel Number 422-181-040-000 on April 11, 2002. The permit was granted subject to 25 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. **(Planning and Building Inspection)**
3. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$1,275. This fee shall be paid within five days of project approval**, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. **(Planning and Building Inspection)**
4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan. **(Planning and Building Inspection)**
5. The drillpad and drilling sump shall be constructed to Zone IV seismic requirements. The applicant shall provide certification to the Planning and Building Inspection Department prior to final of grading permits. **(Planning and Building Inspection) (MM1)**
6. Water trucks shall be required, when necessary, to reduce control dust. **(Planning and Building Inspection)(MM2)**
7. Vegetated buffers and grass stabilization shall be used as prescribed within the Environmental Assessment to protect surrounding undisturbed vegetation and downslope areas. Erosion controls will stay in effect and be maintained until construction at the drillpad site is completed or all of the cleared land at the drillpad site is stabilized with new ground cover or gravel. **(Planning and Building Inspection)(MM3)**
8. Project vehicles shall be restricted to designated roads and drilling areas. No offroad travel shall be permitted. **(Planning and Building Inspection)(MM4)**
9. Adequate sizing and maintaining of adequate freeboard in sumps shall be required to avoid the discharge of drilling muds or stormwater to surrounding soils caused by sump overflows. **(Planning and Building Inspection)(MM5)**
10. A Kit Fox habitat mitigation plan shall be developed, and implemented, if required by the California Department of Fish and Game. Mitigation plan requirements shall be specified by the Department of Fish and Game, and shall include mitigation measures for the San Joaquin kit fox, as well as other species referred to within mitigation measure 7 of the Environmental Assessment. **(Planning and Building Inspection)(MM6,7)**
11. A habitat mitigation plan shall be developed for protection and restoration of Shining navarretia and Paso Robles navarretia. This plan shall include the restoration measures included in mitigation measure 8 of the Environmental Assessment and control of exotic species outlined in measure 9 of the Environmental Assessment. **(Planning and Building Inspection)(MM 8,9)**
12. An erosion control plan shall be implemented to prevent erosion of excavated material, or other disturbed soils or overburden that have been generated by this project, from the project site. Special care shall be taken to

insure that no eroded material enters or approaches the seasonal wash east of the project site. This plan shall be subject to the Director of Planning and Building Inspection. **(Planning and Building Inspection)(MM10)**

13. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the qualified archaeologist determines that the resource will yield new information or important verification of previous findings, construction will not resume until the USGS and the State Historic Preservation Office have been consulted and the resources appropriately evaluated and treated. **(Planning and Building Inspection)(MM11)**
14. If remains are found to be Native American, local Native American groups and the CNAHC shall be notified and given the chance to make recommendations for the remains. If no recommendations are made within 24 hours, the remains may be reinterred elsewhere on the property. If recommendations are made and not accepted, the CNAHC shall mediate the problem. **(Planning and Building Inspection)(MM12)**
15. Vehicles and equipment shall be shut off when not in use. **(Planning and Building Inspection)**
16. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection)**
17. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
18. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
19. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with the consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
20. Owner shall record a notice stating that “the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**
21. The applicant shall provide a minimum of a 10,000 gallon water tank solely for fire protection, no closer than 500 feet or further than 1000 feet from the drill site. The tank shall have a 2 ½ inch Fire Department approved connection installed. **(CDF-South County)**
22. An adequate number of portable toilets shall be provided and maintained so as not to create a public nuisance and shall be maintained by a permitted liquid waste hauler. Portable units shall provide hand washing capacity. Submit a copy of the service contract to the Division of Environmental Health. **(Environmental Health)**

- 23. Potable Water shall be provided by a water hauler licensed by the State of California, Department of Health Services. Provide a copy of the service contract to the Division of Environmental Health. **(Environmental Health)**

Prior to Final Building Inspection/Occupancy/Commencement of Use:

- 24. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**

Continuous Permit Conditions:

- 25. Upon completion of monitoring, the wells shall be destroyed in accordance with applicable regulations at such time. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 11th day of April, 2002.

Original Signed By:

 LYNNE MOUNDAY
 ZONING ADMINISTRATOR

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 PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

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 &
Building Inspection
Program for Monitoring or
Reporting* on
Conditions of Approval**

Project USGS	Name: US GEOLOGICAL SURVEY
File No: <u>PLN 020035</u>	APN(s): <u>422-181-04000</u>
Approval by: <u>Zoning Administrator</u>	Date: <u>4/11/02</u>

LEGEND

PBI Planning & Building Inspection	WRA Water Resources Agency	EH Environmental Health	AG Ag Commissioner
FPD Fire Protection District	PW Public Works	RA Redevelopment Agency	PKS Parks Department
CC County Counsel	MMR Mitigation Monitoring Reporting Team	CE Code Enforcement	Other State which agency

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Mit . Mon . No.	Final Signoff Date	Mitigation Measures	Standard	Orig. Dept. or Agency	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Review <i>What is to be reviewed? Who is the preparer?</i>
1		The drillpad and drilling sump shall be constructed to Zone IV seismic requirements. The applicant shall provide certification to the Planning and Building Inspection Department prior to final of grading permits. (Planning and Building Inspection) (MM1)		PBI	Prior to issuance/continuous	PBI
2		Water trucks shall be required, when necessary, to		PBI	Prior to issuance/continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		reduce control dust. (Planning and Building Inspection)(MM 2)				
3		Vegetated buffers and grass stabilization shall be used as prescribed within the Environmental Assessment to protect surrounding undisturbed vegetation and downslope areas. Erosion controls will stay in effect and be maintained until construction at the drillpad site is completed or all of the cleared land at the drillpad site is stabilized with new ground cover or gravel. (Planning and Building Inspection)(MM 3)		PBI	Prior to issuance/ continuous	PBI
4		Project vehicles shall be restricted		PBI	Prior to issuance/ continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		to designated roads and drilling areas. No offroad travel shall be permitted. (Planning and Building Inspection)(MM 4)				
5		Adequate sizing and maintaining of adequate freeboard in sumps shall be required to avoid the discharge of drilling muds or stormwater to surrounding soils caused by sump overflows. (Planning and Building Inspection)(MM 5)		PBI	Prior to issuance/continuous	PBI
6,7		A Kit Fox habitat mitigation plan shall be developed, and implemented, if required by the California Department of Fish and Game. Mitigation plan requirements shall be specified by the Department		PBI	Prior to issuance/continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		of Fish and Game, and shall include mitigation measures for the San Joaquin kit fox, as well as other species referred to within mitigation measure 7 of the Environmental Assessment. (Planning and Building Inspection)(MM 6,7)				
8,9		A habitat mitigation plan shall be developed for protection and restoration of Shining navarretia and Paso Robles navarretia. This plan shall include the restoration measures included in mitigation measure 8 of the Environmental Assessment and control of exotic species outlined in measure 9 of		PBI	Prior to issuance/continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		the Environmental Assessment. (Planning and Building Inspection)(MM 8,9)				
10		An erosion control plan shall be implemented to prevent erosion of excavated material, or other disturbed soils or overburden that have been generated by this project, from the project site. Special care shall be taken to insure that no eroded material enters or approaches the seasonal wash east of the project site. This plan shall be subject to the Director of Planning and Building Inspection. (Planning and Building Inspection)(MM 10)		PBI	Prior to issuance/continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
11		<p>If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the</p>		PBI	Prior to issuance/continuous	PBI

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		<p>responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the qualified archaeologist determines that the resource will yield new information or important verification of previous findings, construction will not resume until the USGS and the State Historic Preservation Office have been consulted and the resources appropriately evaluated and treated.</p>				

Mit . Mon . No.	Final Signof f Date	Mitigation Measures	Standar d	Orig. Dept. or Agenc y	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe ↓	Person/Agency responsible for Inspection/Monitoring/Rev iew What is to be reviewed? Who is the preparer?
		(Planning and Building Inspection)(MM 11)				
12		If remains are found to be Native American, local Native American groups and the CNAHC shall be notified and given the chance to make recommendations for the remains. If no recommendations are made within 24 hours, the remains may be reinterred elsewhere on the property. If recommendations are made and not accepted, the CNAHC shall mediate the problem. (Planning and Building Inspection)(MM 12)		PBI	Prior to issuance/continuous	PBI

