

In the matter of the application of  
**Stan Suarez (PLN020015)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for an office and shop for truck repair and storage of pallets (5,000 sq. ft.) and a truck yard. The project also includes a well and septic system and grading. The property is located at 32740 Camphora Gloria Road, Soledad, east of US Highway 101, Central Salinas Valley area, came on regularly for hearing before the Zoning Administrator on March 13, 2003.

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

**FINDINGS OF FACT**

1. **FINDING:** The subject Use Permit (PLN020015, Suarez), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Monterey County General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 32740 Camphora Gloria Road, north of the City of Soledad. The parcel is zoned "F/40" (Farmlands, 40-acre minimum lot size). The site is physically suitable for the use proposed. 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 Monterey County General Plan
- b) The Central Salinas Valley Area Plan
- c) Chapter 21.30 of the Monterey County Zoning Ordinance (Title 21) for the "F" Zoning District

**EVIDENCE:** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Department and Parks Department. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.

**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, and in project file PLN020015

**EVIDENCE:** The on-site inspection by the project planner on January 22, 2003 to verify that the proposed project complies with the Central Salinas Valley Area Plan.

**EVIDENCE:** Chapter 21.30 of Title 21 permits agricultural support facilities in the F/40 zoning district with a Use Permit. The facility stores and services semi-trucks and other smaller vehicles involved in servicing and supporting agricultural production. The proposed trucking company will be transporting agricultural products to merchants within and outside Monterey County as well as outside the state of California. In addition, the applicant delivers to agricultural companies supply cartons, containers, pallets, thinning hoes, knives, gloves, boots, and the like to the respective company's field harvesting production staff as well as their employees at their packing sheds. The facility is therefore considered an agricultural support facility.

2. **FINDING:** The design of the proposed improvements are not likely to cause substantial environmental damage or substantially or unavoidable injury to fish or wildlife or their habitat.

**EVIDENCE:** A Negative Declaration has been filed for the project and no comments were received. The applicant will be required as conditions of approval to follow practices of erosion control.

3. **FINDING:** Considering the record as a whole, there is no evidence that the project will have potential for adverse effect either individually or cumulatively on wildlife resources as defined under Sections 759.2 and 711.2 of the Fish and Game Code.

**EVIDENCE:** The administrative record as a whole supports the above finding. The presumption of the project's adverse effect on fish and wildlife resources or the habitat upon which the wildlife depends, has been rebutted on the basis that the undeveloped parcel is currently used for row crops and does not support a natural habitat, nor is a riparian corridor on or near the subject site.

**EVIDENCE:** Initial Study prepared for the project.

4. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

**EVIDENCE:** Materials in file PLN020015

5. **FINDING:** Adequate road and transportation facilities exist for the use.

**EVIDENCE:** The property is located on Camphora Gloria Road, which is the main access road to the site.

**EVIDENCE:** The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur.

**EVIDENCE:** Materials in file PLN020015.

6. **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, and the 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:** Site inspection by Planner on January 22, 2003.

**EVIDENCE:** Materials in file PLN020015.

**EVIDENCE:** Preceding findings and supporting evidence.

7. **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 # PLN020015) 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 “H” 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 2620 First Avenue, Marina 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. A Mitigated Negative Declaration was filed with the County Clerk on January 16, 2003. 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:

1. Project Application/Plans, submitted April 30, 2002. Revised and resubmitted on October 29, 2002
2. Project Planner’s site visit, November 26, 2002
3. Monterey County General Plan
4. Monterey County Central Salinas Valley Area Plan
5. CEQA Air Quality Guidelines, prepared by Monterey Bay Unified Air Pollution Control District, Adopted 1995 and last revised in September 2002.

6. Letter of December 19, 2002, from Janet Brennan, Supervising Planner with Monterey Unified air Pollution Control District, to Therese Schmidt, Senior Planner, Monterey County Planning and Building Inspection Department.
7. Letter of December 12, 2002, from Mr. Paul Tran - Lombardo & Gilles, to Therese Schmidt, Senior Planner - Monterey County Planning and Building Inspection.
8. Comments of December 3, 2002, from Mission Soledad Fire District.
9. Comments of October 21, 2002, from Mr. Tom Moss - Monterey County Water Resources Agency, to Mr. Lee Beardall, Project Planner, Monterey County Planning and Building Inspection.
10. Memorandum of October 23, 2002, from Roger Beretti – County of Monterey Health Department, Environmental Health Division, to Mr. Lee Beardall, Project Planner, Monterey County Planning and Building Inspection.
11. Flood Insurance Rate Maps for Monterey County, California, Panel 060195 250 D, prepared by the Federal Emergency Management Agency, effective January 30, 1984.
12. California Department of Toxic Substances Control (DTSC), “DTSC’s Hazardous Waste and Substances List” (Cortese List), n.d., [www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm?county=27](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=27) (January 6, 2003)
13. Initial Water Use/Nitrate Impact Questionnaire for Development in Monterey County, Prepared by the applicant, July 10, 2002.
14. Amended Hazardous Material Questionnaire, prepared by the applicant, September 26, 2002.
15. Bryce Hori [horib@co.monterey.ca.us](mailto:horib@co.monterey.ca.us), “Stan Suarez (PLN020015),” August 13, 2002, office communication.
16. Monterey County Zoning Ordinance, Chapter 21.58 – Parking, pages 161-168.
17. Letter of September 20, 2002, from Stan Suarez, to Roger Beretti, Environmental Health Specialist III, Monterey County Environmental Health Department.
18. Letter of September 20, 2002, from Stan Suarez, to Roger Beretti, Environmental Health Specialist III, Monterey County Environmental Health Department.
19. Letter of September 20, 2002, from Stan Suarez, to Roger Beretti, Environmental Health Specialist III, Monterey County Environmental Health Department.
20. Well log information report, prepared by Linda Brown, Public Health Chemist, Monterey county Health Department, Consolidated Chemistry Laboratory, September 19, 2002.
21. Title 22 – Water Well Drillers Report No. 286047, prepared by James I. Ash, Fred Ash & Sons, Inc., November 28, 1989.
22. United States Department of Agriculture, in cooperation with the United States Forest Service and the University of California Agricultural Extension, “Soil Survey of Monterey County,” prepared 1978, sheet No. 53.

**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.

8. **FINDING:** The project has been determined to be of similar character, density and intensity to an Agricultural Support Facility

**EVIDENCE:** Section 21.06.030 of the Monterey County Code defines Agricultural Support Services.

**EVIDENCE:** Because the facility services and supports local agricultural production, staff classified the facility as a use similar in character to an “agricultural support facility,” which is a permitted use in the “F” (Farmlands) zone, subject to approval of a Use Permit by the Zoning Administrator. Section 21.06.030 defines an agricultural support service as a “necessary and accessory facility principally established to serve on-site farming or ranching activities which relies on the on-site agriculture as its major means of support.” The proposed use is similar to an agricultural support use in that it primarily serves local farming uses by transporting agricultural products with the semi trucks to be stored and serviced on site.

9. **FINDING:** The project is appealable to the Board of Supervisors.

**EVIDENCE:** Section 21.80.040.B 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 Mitigated Negative Declaration and Mitigated Monitoring Reporting Program be adopted and said application for a Use Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Use Permit (PLN020015, Suarez) is for an office and shop for truck repair and maintenance (13,700 square feet), building for repair and storage of pallets (5,000 square feet) and a truck yard for the storage and repair of approximately 43 semi trucks. The project also includes a well, and septic system and associated minor grading. The project is located 32740 Camphora Gloria Road, Central Salinas Valley area, north of the City of Soledad (Assessor's Parcel Number 257-031-014-000). 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)**

2. The applicant shall record a notice which states: "A permit (Resolution 020015) was approved by the Zoning Administrator for Assessor's Parcel Number 257-031-014-000 on February 13, 2003. The permit was granted subject to 34 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 California Environmental Quality Act, the applicant shall pay a fee to be collected by the County of Monterey in the amount of **\$25**, for the posting of the Notice of Determination. **This fee shall be paid within four days of project approval. (Planning and Building Inspection)**
4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan, including payment of the \$840 fee for the County of Monterey to monitor compliance with mitigation measures. **(Planning and Building Inspection)**

**Prior to issuance of Building Permits:**

5. Any perimeter fencing proposed for the facility shall be set back 30 feet from the front property line, to allow for adequate buffering landscaping. **(Planning and Building Inspection)**
6. A truck maneuvering plan shall be submitted to the Planning and Building Inspection Department for review and approval showing all areas designated for truck maneuvering and parking. **(Planning and Building Inspection)**
7. The parking lot shall be expanded from 16 spaces to 36 spaces to accommodate personal vehicles of truck drivers. **(Planning and Building Inspection)**
8. 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. That 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)**
9. Prior to submittal of the grading plan to the Planning and Building Inspection Department for approval, a note shall be included on the grading plan by the applicant (or his authorized agent) to state the following: "If, during the course of grading or construction, cultural archaeological, historical or 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. **(Planning and Building Inspection Department)**
10. Prior to issuance of building permits, submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. **(Environmental Health)**

11. Prior to issuance of building permits, provide a maintenance plan to the Division of Environmental Health for the catch basin with fossil filters and the oil/water separator. The maintenance plan shall designate an employee who will inspect the oil/water separator, state how often the sludge will be removed and state who will clean the separator. **(Environmental Health)**
12. Prior to issuance of a new water system permit, obtain a water well drilling permit from the Division of Environmental Health and construct the well. **(Environmental Health)**
13. Prior to issuance of a new water system permit, provide evidence to the satisfaction of the Director of Environmental Health that the water source meets applicable State and County standards for water quantity and quality. **(Environmental Health)**
14. Prior to issuance of building permits, obtain a new water system permit from the Division of Environmental Health. **(Environmental Health)**
15. After cleaning the oil/water separator for the first time, the sludge shall be analyzed by a certified laboratory to determine if the waste is hazardous and the results submitted to the Division of Environmental Health. **(Environmental Health)**
16. Applicant shall provide the Planning and Building Inspection Department with copies of a Water Well Drilling Permit, issued by Environmental Health, prior to constructing the proposed well and issuance of building permits. **(Planning and Building Inspection Department)**
17. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, that includes routing storm water runoff from the paved parking areas to an oil-grease/water separator and construction of storm water detention facilities to mitigate the impact of impervious surface storm water runoff. The detention pond shall be fenced for public safety. **(Water Resources Agency)**
18. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
19. 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)**
20. Certification that the storm water detention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. The applicant shall provide written approval from the County Water Resources Agency to the Planning and Building Inspection Department that this mitigation measure has been met, prior to issuance of occupancy permits. **(Water Resources Agency and Planning and Building Inspection Department)**
21. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
  - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.

- b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**

22. All Fire Department requirements shall be met. **(Fire Department)**

**Prior to issuance of Final Occupancy:**

- 23. A plan shall be submitted for review and approval by the Public Works Department showing how the operation will prevent mud from being tracked onto Camphora Gloria Road as a result of the operation. **(Public Works)**
- 24. The above-ground fuel storage tank, as well as other above-ground equipment, shall be painted a dark earth tone color, where feasible, subject to the approval of the Planning Department. **(Planning and Building Inspection)**
- 25. The fuel tank area shall be secured by fencing. **(Planning and Building Inspection)**
- 26. The 30-foot setback along Camphora Gloria Road between the northeast property line and the truck service building shall be bermed at a 3:1 slope, Said berm shall be fully landscaped, to include trees, shrubs and groundcover, subject to the approval of the Planning Department. **(Planning and Building Inspection)**
- 27. A continuous row of evergreen trees shall be planted along the south property line for the full extent of the driveway and truck maneuvering area, of an adequate spacing to completely screen the facility from view upon maturity of the trees. Said trees shall be a minimum of five gallon size when planted, and shall be of a species subject to the approval of the Planning Department. **(Planning and Building Inspection)**
- 28. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

**Continuous Permit Conditions:**

- 29. That there shall be no mud tracked onto Camphora Gloria Road from this operation. The applicant shall submit a plan for the approval of the Department of Public Works including measures to prevent tracking of mud onto Camphora Gloria Road. Once the plan is approved by the Department of Public Works, the measures shall be implemented by the applicant. **(Public Works)**
- 30. 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. **(Planning and Building Inspection)**
- 31. Inoperative vehicles, parts and unused equipment and material shall not be stored in open areas of the site. **(Planning and Building Inspection)**
- 32. If, during the course of construction, cultural, archaeological, historical or 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 (e.g., 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. **(Planning and Building Inspection Department)**

33. Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. **(Environmental Health)**
34. Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. **(Environmental Health)**

**PASSED AND ADOPTED** this 13th day of March, 2003.

Original Signed By:

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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

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.