

LYNNE MOUNDAY
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

020133

RESOLUTION NO.

000

A.P.# 131-054-006-

In the matter of the application of
DECISION

FINDINGS &

Moss Landing Mutual Water Co. (PLN020133)

for a Coastal Administrative Permit in accordance with Title 20 (Zoning) Chapter 20.76 (Coastal Administrative Permits) of the Monterey County Code, to allow for the installation of a Sodium Hypochlorite System for the Moss Landing Mutual Water Company, which includes two (2) 55-gallon sodium hypochlorite drums, small pumps and controls enclosed in a 92 sq. ft., 11 foot high pre-engineered modular enclosure on an existing concrete pad; located on Avila Road and Dolan Road, Moss Landing, North County area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on January 9, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The Project, as conditioned is consistent with applicable plans and policies, 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: PBI staff have 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), Part 6 of the Coastal Implementation Plan. PBI staff have reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the North County Land Use Plan. Staff notes are provided in Project File PLN020133.
EVIDENCE: Project planner conducted an on-site inspection on June 30, 2002 to verify that the project on the subject parcel conforms to the plans listed above.
EVIDENCE: The project for a sodium hypochlorite system is an allowed use in accordance with Section 20.16.040.J.
EVIDENCE: The parcel is zoned Rural Density Residential, 20 acres per unit, Rural Density Residential, 5 acres per unit and Resource Conservation, Coastal Zone (RDR/20 (CZ), RDR/5 (CZ), RC(CZ)). The project is in compliance with Site Development Standards for a Rural Density Residential District in accordance with Section 20.16.060.
EVIDENCE: The North County Coastal Land Use Advisory Committee recommended approval of the project by a vote of 5-0. LUAC meeting minutes dated October 7, 2002.
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 Project File PLN020133.

2. **FINDING:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.
3. **FINDING:** 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: The project was reviewed by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and North County Fire Protection District. 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 and conditions.
4. **FINDING:** The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works Department, Water Resources Agency, Environmental Health Division, and North County Fire Protection District. Conditions recommended have been incorporated .

EVIDENCE: Staff conducted an on-site visit on June 30, 2002 to verify that the site is suitable for this use.

EVIDENCE: Necessary public facilities are available and will be provided.
5. **FINDING:** On the basis of the whole record before the Zoning Administrator, there is no substantial evidence that the project as designed and conditioned, will have a significant effect on the environment. The negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE: The Monterey County Planning and Building Inspection Department prepared an Initial Study pursuant to CEQA. The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a negative declaration. The Initial Study is on file in the offices of the Planning and Building Inspection Department and is hereby incorporated by reference. (File PLN020133). Conditions of approval have been imposed on the project.

EVIDENCE: The negative declaration was circulated for public review from December 2, 2002 to January 2, 2003.

EVIDENCE: The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Negative Declaration

EVIDENCE: The Monterey County Department of Planning and Building Inspection, located at 2620 1st Avenue, Marina, CA, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
6. **FINDING:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no

substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The subject property is not described as an area where the Local Coastal Program requires access.

EVIDENCE: The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6, the Shoreline Access/Trails map, of the North County Land Use Plan.

EVIDENCE: No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

EVIDENCE: Staff site visit on June 30, 2002.

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

EVIDENCE: Section 20.86.020 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

THEREFORE, it is the decision of said Zoning Administrator, that said application for a Coastal Administrative Permit be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Coastal Administrative Permit allows the installation of a sodium hypochlorite system for the Moss Landing Mutual Water Company. The system includes two (2) 55-gallon sodium hypochlorite drums, small pumps and controls and will be enclosed in a 92 square foot, 11 foot high pre-engineered modular enclosure. The structure will be placed on an existing asphalt pad. The property is located on Avila Road, north of its intersection with Dolan Road (Assessor's Parcel Number 131-054-006-000), North County area, Coastal Zone. 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 # 020133) was approved by the Zoning Administrator for Assessor's Parcel Number 131-054-006-000 on January 9, 2003. The permit was granted subject to 9 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. 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)**

4. The Owner shall record a notice stating: "This 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)**

Prior to Final Inspection:

5. The project shall conform to the currently adopted Uniform Fire Code. **(North County FPD)**
6. The project shall conform to the appropriate National Fire Protection Association Standards **(North County FPD)**

Continuous Permit Conditions:

7. The owner shall ensure that the project complies 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 Division)**
8. 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. **(Planning and Building Inspection)**
9. 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)**

PASSED AND ADOPTED this 9th day of January, 2003.

Original Signed By: _____

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE BOARD OF SUPERVISORS. IT IS NOT APPEALABLE TO THE COASTAL COMMISSION.

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

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.