

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020410

A. P. # 412-072-007-000

In the matter of the application of
Mushroom Farms (PLN020410)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit to construct a new 250,000 gallon waste water/storm water management pond, with associated pump, piping and aerator adjacent to an existing 28,300 gallon pond; grading of 2,225 cu. yds. of cut and 2,225 cu. yds. of fill located at 415 Hall Road, Watsonville, Royal Oaks area, North County, Coastal Zone, came on regularly for meeting before the Zoning Administrator on March 27, 2003.

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

1. **FINDING:** The proposed Coastal Development Permit to create a 250,000 gallon wastewater holding pond complies with all applicable requirements of Chapter 20.16 of Title 20 of Monterey County Codes.
EVIDENCE: Materials in project file PLN020410.
EVIDENCE: The subject site is located within the "RDR/5(CZ)" or Rural Density Residential zoning district in the coastal zone.
EVIDENCE: The project site is approximately 15 acres in size and the zoning designation requires a minimum of five acres for parcels in this district.
EVIDENCE: The Rural Density Residential zone allows the Zoning Administrator to consider Coastal Development Permits for agricultural support services (20.16.050.L) and water systems (20.16.050.P).
EVIDENCE: The project site has an existing mushroom farm operation consisting of approximately 8,400 square feet of production area and 11,000 square feet of office building. This operation would not change as a result of the proposed project. A special permit (SP) was approved for water reclamation on the subject property in 1991 (PC04774).
EVIDENCE: The proposed pond would be located between an existing retention pond and a fresh straw storage area. This new pond would be set back over 20 feet from the rear property line with a security fence located around all sides of the two ponds together.
EVIDENCE: Slopes within the project area are less than 10% and there are no trees located within the project area.
EVIDENCE: 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.

- 2. FINDING:** The proposed Coastal Development Permit to create a 250,000 gallon wastewater holding pond 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:** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
- a) North County Land Use Plan.
 - b) Chapter 20.144 of the Monterey County Coastal Implementation Plan.
- There would be no conflict or inconsistencies with the regulations of these plans or policies.
- EVIDENCE:** The project is consistent with policies of the North County Implementation Plan (NC CIP) dealing with visual resources. The existing and proposed ponds are located in the northeast corner of the site behind the existing production and office buildings. An on-site inspection by the project planner on October 14, 2002 determined that these ponds are not located wholly or partially within a public viewshed as defined by Section 20.144.020.SSS.
- EVIDENCE:** The project is consistent with policies of the North County Implementation Plan (NC CIP) dealing with environmentally sensitive habitat. Review of County resource maps and an on-site investigation by the project planner on October 14, 2002 determined that there are no biological resources that would be impacted by the proposed project. Staking of the proposed pond indicates that the pond would be located in an area that has been routinely disturbed for agricultural and maintenance purposes. Therefore, there is no native vegetation that would be removed.
- EVIDENCE:** County resource maps indicate that the site has a mix of soils with K-factors of 0.15 and 0.43. The presence of soil with a K-factor above 0.4 places the site into a "critical erosion area". There would be no intensification of water use as a result of this project. There are no slopes exceeding 10% within the project area. There is no alternate area on the site where the pond could be located in relation to the existing operation that is non-critical. A report evaluating and providing design recommendations for storm water retention was prepared by Sampson Engineering on April 25, 2002. The engineer's recommendations are included as conditions for project approval. Monterey County's Water Resources Agency reviewed the project and recommends conditions to address the pond design.
- EVIDENCE:** A coastal development permit is requested to expand an agricultural operation that occurs on soils with a high erosion potential. An erosion control plan was provided as part of the project application. In addition, a Soils Report was prepared for the subject project by Sampson Engineering on July 17, 2002 evaluating the proposed design in conjunction with the soil on the site. This report concludes that the soils are non-cohesive. The project can be accomplished with recommendation for slope protection. The engineer's recommendations are included as conditions for project approval.
- EVIDENCE:** County resource maps identify the site as urban-agriculture for fire and level IV for seismic hazards. No geologic report is required for the subject project based on criteria in Section 20.144.100.A.1. North County Fire reviewed the project and has no comments or conditions to recommend. The project is not located within the 100-year floodway.

EVIDENCE: County resource maps identify that the site has a low archaeological sensitivity and is not subject to environmental assessment under the California Environmental Quality Act (CEQA).

EVIDENCE: Non-coastal dependant uses must provide proof of adequate water, sewer and transportation. Hall Road provides adequate transportation for the existing operation. The applicant provided a narrative relative to water and sewer supply. The existing water and sewer systems will not be impacted by the location of the proposed pond and are adequate for this operation. This pond will reduce the need for water by creating additional retention to use with the operation. Since there is no increase in the operation, there would be no impact to the existing sewer (septic) system. Public Works and Health Departments have reviewed the project and recommend approval subject to conditions.

EVIDENCE: On February 3, 2003, the North County Coastal Land Use Advisory Committee voted 7-0 to recommend approval of the project. The Committee expressed concerns with safety, odor, water quality, soil stability, neighbors, and water overdraft. These concerns were address by the applicant and the Committee generally found that the applicant had met all requirements.

EVIDENCE: No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

3. **FINDING:** The site is physically suitable for the proposed use.

EVIDENCE: The project planner conducted an on-site inspection on October 14, 2002. The proposed improvements will not present an unsightly appearance, impair the desirability of residences in the same area, limit the opportunity to obtain the optimum use and value of land improvements or impair the desirability of living conditions of the same or adjacent area.

EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, North County Fire District, Parks Department, and Environmental Health Division. 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.

EVIDENCE: Reports by the project Engineer indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use. Recommendations by the engineer for design and soil have been incorporated to the project conditions.

4. **FINDING:** The conditions of approval comply with the provisions of Title 20, Chapter 20.144.

EVIDENCE: The conditions are based on the recommendations of the local fire district, the Monterey County Water Resources Agency, Monterey County Health Department and Monterey County Department of Public Works. The conditions incorporate the concerns and recommendations of those various agencies (Exhibit "B"). Additional conditions are required for approval in order to assure that the proposed use and site amenities are compatible with other developments in the area.

5. **FINDING:** The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.144.150 of the North County Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE: The site is not located seaward of the first public road. There is no historic access from any coastal areas including the Elkhorn Slough.

EVIDENCE: The Shoreline Access/Trails Map illustrated in Figure 6 of the North County Coastal Land Use Plan does not indicate any access/trails within or near the project area.

- 6. FINDING:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE: Ordinance #4005 of the County of Monterey adds Chapter 18.51 to the Monterey County Code to establish a Water Impact Fee for development in the North Monterey County Area to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.

- 7. FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15304(a) of the Monterey County CEQA Guidelines Categorically exempts from environmental review. No adverse environmental impacts were identified during review of the proposed project

- 8. FINDING:** The decision on this project may be appealed to the Board of Supervisors.

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

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Mushroom Farms Coastal Development Permit (PLN020410) includes grading (1,550 cubic yards of cut and 2,225 cubic yards of fill) a 250,000 gallon holding pond plus support facilities. Interior dimensions of this pond would be approximately 66 feet wide by 115 feet long. The project is in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. 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 other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Issuance of a Building and/or Grading Permit

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection)**
3. The applicant shall record a notice which states: "A Permit (Resolution # 020410) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Numbers 412-072-004&007-000 on March 27, 2003. The permit was granted subject to 16 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)**
4. The applicant shall obtain an encroachment permit and construct a commercial driveway at the west end of the property with an approved barrier along the balance of the frontage. **(Public Works)**
5. All parking shall be located on-site. **(Public Works)**
6. The storm water detention pond shall be constructed in accordance with plans by a registered civil engineer. **(Water Resources Agency)**
7. The applicant shall submit drainage and improvement plans stamped by a registered civil engineer to the satisfaction of the Planning and Building Inspection Director. Said plans shall:
 - a) Address grading, erosion control and site drainage improvements utilizing "Best Management Practices".
 - b) Incorporate recommendation of the Soils Report by Sampson Engineering, dated July 17, 2002, both by design and with specification notes on the grading plans. **(Planning and Building Inspection)**

8. The applicant shall copy control measures onto the building plans for review and approval of the Planning and Building Inspection Department. The applicant shall also submit a program for how these measures will be implemented during construction activities:
 - a. Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil condition, and wind exposure.
 - b. Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
 - c. Sweep adjacent streets of all mud and dust daily or as needed.
 - d. Landscape or cover completed portions of the site as soon as construction is complete in that area.
 - e. Grading activity shall not exceed 2.2 acres of excavation or 8.1 acres of grading per day. **(Planning and Building Inspection)**

9. The following restrictions shall be included as a note on the construction plans:
 - a. Construction activities shall be restricted between the hours of 8:00 a.m. and 5:00 p.m.
 - b. No work may occur on weekends or holidays, unless pre-approved for unique circumstances in writing by the Director of Planning and Building Inspection.
Violation of these restrictions may result in a stop of work for up to 48 hours for each violation.
(Planning and Building Inspection)

During Grading/Construction

10. The applicant and inspectors shall monitor the site for cultural materials in the soils. 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 150 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)**

Prior to Final Inspection and/or Occupancy

11. 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 with the appropriate landscape plan review fee. 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. 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 prior to final release. **(Planning and Building Inspection)**

12. The applicant shall install sign(s) visible from public areas that includes a phone number to contact if any problems occur (e.g.; odor) to the satisfaction of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
13. The applicant shall provide 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. **(Water Resources Agency)**

Continuous Permit Conditions:

14. The wastewater/storm water management pond shall comply with all Regional Water Quality Control Board requirements. **(Environmental Health)**
15. The applicant shall install and maintain a silt fence around the lower 12-inches of the security fence around the two holding ponds. **(Planning and Building Inspection)**
16. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 27th day of March, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.