

MIKE NOVO
ZONING ADMINISTRATOR
MONTEREY

STATE OF CALIFORNIA
COUNTY OF

RESOLUTION NO. 030003

A.P.# 161-272-028-000

In the matter of the application of
California Water Service Company (PLN030003)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to install two booster pumps, two surge tanks, above-ground piping, a pad, generator set and panel board for an existing water company, including a chain link fence around the perimeter, located on a .779 acre open space parcel, Toro area, came on regularly for hearing before the Zoning Administrator on September 25, 2003.

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

1. FINDING: The project consists of a Use Permit and Design Approval to install water service booster station for the California Water Services Company. The project consists of two booster pumps, two surge tanks, above ground piping, concrete pad, generator set and panel board. The project includes a chain link fence around the perimeter. The property is located between Palou and Portola Drives (Assessor's Parcel Number 161-272-028-000) on a parcel zoned Open Space in the Toro Area. This permit allows the construction of a water system booster station in accordance with Section 21.38.050 of the County zoning code 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 & Building Inspection)

EVIDENCE: (a) Materials and project plans in file PLN030003
(b) Site and visual inspection by staff conducted June 10, 2003.
(c) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
(d) The project has been reviewed by the Toro Area Land Use Advisory Committee. The committee voted 4-1 to recommend approval subject to conditions incorporated herein (Condition Nos. 5 & 9).
(e) A review of Chapter 21.38 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on

subject property.

2. **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 the general welfare of persons residing or working in the neighborhood of such proposed use, and/or will not be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** (a) Preceding findings and supporting evidence.
(b) Materials and project plans in file PLN030003.
(c) The project has been reviewed by the Toro Area Land Use Advisory Committee. The committee voted 4-1 to recommend approval subject to conditions incorporated herein (Condition Nos. 5 & 9).
(d) Site and visual inspection by staff conducted June 10, 2003.
3. **FINDING:** The subject property upon which the booster station is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of Title 21 and that all zoning violation abatement costs, if any, have been paid.
- (a) A review of Chapters 21.38 of the Monterey County Code (Zoning) establishes that the facility is consistent with the applicable regulations. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.
(b) The project is consistent with the policies adopted in the Toro Area Plan
(c) The Toro Area Land Use Advisory Committee voted 4-1 to recommend approval of the project.
(d) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
4. **FINDING:** The project is exempt from CEQA review pursuant to Section 15303.
- EVIDENCE:** (a) Site visit with a visual inspection of the site by staff conducted June 10, 2003.
(b) There has been no testimony received, either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Cypress Fire Protection District, the Public Works Department, Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
(c) The Toro Area Land Use Advisory Committee reviewed the project and voted 4-1 to recommend approval. No environmental issues were noted in their deliberations.
5. **FINDING:** The decision is appealable to the Planning Commission.
- EVIDENCE:** (a) Sections 21.80.040 of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

1. The project consists of a Use Permit and Design Approval to install a booster station for the California Water Services Company. The project consists of two booster pumps, two surge tanks, above ground piping, a pad, generator set and panel board. The project includes a chain link fence around the perimeter. The property is located between Palou and Portola Drives (Assessor's Parcel Number 161-272-028-000) on a parcel zoned Open Space in the Toro Area. This permit allows the construction of a water system booster station in accordance with County ordinances and land use regulations 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 & Building Inspection)**

Prior to Issuance of a Building or Grading Permit

2. The applicant shall contact the Public Works Department at 755 –4800 to arrange that a street address be assigned to this parcel (APN 161-272-028-000). **(Public Works)**
3. The applicant shall record a notice that states: “A permit (Resolution #030003) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 161-272-028-000 on September 25, 2003. The permit was granted subject to 15 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. Fencing shall be limited solely to that sufficient to screen and protect said facilities. Fencing shall not encompass the lot's perimeter. The Director of the Planning and Building Inspection Department shall approve the location of propose fencing prior to issuance of a building or grading permit. **(Planning and Building Inspection)**
5. Fencing shall be limited solely to that sufficient to screen and protect said facilities. An 8' fence meeting setbacks may be allowed subject to obtaining a Building Permit. **(Planning and Building Inspection Department)**
6. The chain link fence shall be a green color with slats or a redwood fence in lieu of the chain link. The equipment and shelters in this project shall be painted with a nonreflective grouse tan paint. Applicant shall submit a sample of the proposed paint/color to the Director of Planning and Building Inspection for review and approval prior to building permit issuance. To further ensure compliance, applicant shall submit photo-documentation of the painted facilities to said Director prior to final building permit inspection. **(Planning and Building Inspection Department)**
7. 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. High intensity lighting shall not be used. **(Planning and Building Inspection Department)**

8. Fire Department notes shall be printed on building plans as prescribed by the Salinas Rural Fire District. **(Fire Department)**
9. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. **(Fire Department)**

Prior to Final Building Inspection/Occupancy

10. 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. Landscaping shall be sufficient to screen said facilities from common public viewing areas. 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

11. A fire department approved lock or key box shall be installed and maintained at the access gate to ensure emergency access. **(Fire Department)**
12. Backup generator shall be an Onan Model F173 or equivalent with sound attenuated housing. **(Environmental Health)**
13. The project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. **(Environmental Health)**
14. 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 (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 Department)**
15. The applicant shall obtain all required building permits from the Department of Planning and Building

Inspection before commencing the operation. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 25th day of September, 2003.

Original Signed By:

MIKE NOVO
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 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 Salinas.

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