

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040143

APN# 145-021-006-000
FINDINGS & DECISION

In the matter of the application of
JESSEN FAMILY LIMITED PARTNERSHIP (PLN040143)

Use Permit for construction of a 15,270 square foot metal warehouse building, 25 feet-10 inch high, that includes 4,860 square feet of office space on the first floor. (A proposed second-story, 4,860 square foot addition of office space is proposed for the future). A 2,250 square foot, canopy-covered area extends from the building to cover two loading doors to the warehouse. Grading of approximately 3,000 cubic yards is proposed to accommodate surface run-off. The proposed structure serves to store, sell and distribute seed for agricultural use, employing 15 people as office, management and sales staff. The project is located at 25445 Chualar River Road, Chualar, bounded by Main Street, Chualar River Road, Foletta Road and the Southern Pacific Railroad tracks. The project came on regularly for hearing before the Zoning Administrator on July 28, 2005.

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

FINDINGS OF FACT

- FINDING:** The subject Use Permit (PLN040143, Jessen Family Limited Partnership), 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 25445 Chualar River Road, Chualar (Assessor's Parcel Number 145-021-006-000), bounded by Main Street, Chualar River Road, Foletta Road and the Southern Pacific Railroad tracks. The parcel is zoned "HI" (Heavy Industrial). 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:

- The Monterey County General Plan
- The Central Salinas Valley Area Plan
- Chapter 21.28 of the Monterey County Zoning Ordinance (Title 21) for the "HI" 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 Division, Parks Department, Salinas Rural Fire District, and the South County Station of the Sheriff's Office. 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 file number CC020079 that provided an Unconditional Certificate of Compliance establishing the legal status of the 5.67 acre lot configuration.

EVIDENCE: Chapter 21.28 of Title 21 provides a zoning district (“Heavy Industrial”) which will assure an environment conducive for the development of warehouses and administrative facilities with a Use Permit that characterizes the subject project. The facility stores plant seeds for transport along with offices for business administration. The proposed Gowan Seed Company facility is a partner company with the existing Dune Company at the site, the latter specializing in fertilizer processing and field application. Therefore, the proposed Gowan Seed Company along with its partner company is considered well located as an agricultural support facility in the midst of agriculturally zoned land.

EVIDENCE: Section 21.28.030 of the Monterey County Code defines General Development Plans for a Heavy Industrial Facility. The applicant has provided existing and proposed structures that provides a General Development Plan for the subject parcel.

EVIDENCE: Section 21.28.060 G. and H classifies storage warehouses and offices as uses allowed in a Heavy Industrial zoned area with a Use Permit. Further, the facility services and supports local agricultural production at its location within an area zoned for Farmlands by transporting agricultural products to farmers in the area..

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

EVIDENCE: Grice Engineering, Inc. report, “Geotechnical Soils-Foundation & Geoseismic Report for the proposed Building, Gowan Seed Company,” dated May 2004, provides specifications for grading, fill material, erosion control planning, and surface drainage that is unlikely to cause substantial environmental damage. In particular, specifications for surface run-off and erosion control that directs surface drainage to an existing culvert under Chualar River Road to the southwest of the site, shall be required to minimized impacts to drainage areas flowing to the Chualar River approximately 2 miles to the west. (Condition no. 18)

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 parcel is already largely developed and does not support a natural habitat, nor is a riparian corridor on the subject site.

3. **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: The Division of Environmental Health requests a water system permit and review of the design of the septic system in order to reserve final authority to approve both systems.

EVIDENCE: Materials in file PLN040143.

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

EVIDENCE: The property is located on Chualar River Road, which is the main access road to the site.

EVIDENCE: The Public Works Department reviewed the proposed project based on the Higgins Associates traffic study (“Gowan Seed Warehouse Traffic Impact Analysis” dated August 16, 2004) to assess potential impacts of the potential, cumulative truck traffic impact, in addition to (2) the Transportation Agency of Monterey County (TAMC) regional traffic study (“Nexus Study for a Regional Developer Impact Fee,” dated May 14, 2004), and has indicated no adverse traffic impacts will occur with contributions to future road/intersection improvements. The roads immediate to the site operate at a Level of Surface A and B, and the project will generate a lower heavy vehicle percentage than the existing traffic in the project vicinity.

EVIDENCE: Materials in file PLN040143.

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

6. **FINDING:** The project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

DECISION

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

PASSED AND ADOPTED this 28th day of July, 2005.

MIKE NOVO
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF 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 Marina.
2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

Monterey County Planning and Building Inspection Condition Compliance	<i>Project Name:</i> JESSEN FAMILY LIMITED PARTNERSHIP <i>File No:</i> PLN040143 <i>APNs:</i> 143-021-006-000 <i>Approval by:</i> Zoning Administrator <i>Date:</i> July 28, 2005
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<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
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PLANNING & BUILDING INSPECTION CONDITIONS OF APPROVAL

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p>SPECIFIC USES ONLY</p> <p>This Use Permit (JESSEN FAMILY LIMITED PARTNERSHIP; PLN040143) allows construction of a 15,270 square foot metal warehouse building, 25 feet-10 inch high, that includes 4,860 square feet of office space on the first floor. A proposed second-story, 4,860 square foot addition of office space is proposed for the future and is authorized by this permit subject to meeting all conditions of approval. A 2,250 square foot, canopy-covered area extends from the building to cover two loading doors to the warehouse. Grading of approximately 3,000 cubic yards is proposed to accommodate surface run-off.</p> <p>The property is located at 25445 Chualar River Road, Chualar (Assessor's Parcel Number 145-021-006-000), bounded by Main Street, Chualar River Road, Foletta Road and the Southern Pacific Railroad tracks. This permit was approved 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 and Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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2.		NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 040143) was approved by the (ZONING ADMINISTRATOR for Assessor's Parcel Number 145-021-006-000 on July 28, 2005. The permit was granted subject to 19 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		INTERNAL TRUCK CIRCULATION 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)	Submit two copies of a truck maneuvering plan to the Planning and Building Inspection Department for review and approval.			
4.		EXTERIOR LIGHTING 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)	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

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5.		<p>LANDSCAPE PLAN AND MAINTENANCE</p> <p>The site shall be landscaped. At least 60 days prior to occupancy, three (3) 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.</p> <p>The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall serve primarily to partially screen auto and truck parking areas fronting along Chualar River Road with trees planted 30 feet on-center, combined with shrubs and groundcover. The landscape shall provide a minimum of 10% coverage of the entire parcel. The landscaping shall be installed and inspected prior to occupancy. 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)</p>	<p>Submit landscape plans and contractor's estimate to PBI for review and approval.</p> <p>Install the landscaping.</p>	Owner/ Applicant/ Contractor	<p>At least 60 days prior to final inspection or occupancy</p> <p>Prior to occupancy</p>	
6.		<p>FENCING</p> <p>Any perimeter fencing proposed for the facility shall be set back at least 10 feet from the front property line, to allow for adequate buffering landscaping. (Planning and Building Inspection)</p>	<p>Include fencing plan with landscaping plans to PBI for review and approval.</p>	Owner/ Applicant/ Contractor	<p>At least 60 days prior to final inspection or occupancy</p>	

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7.		NOTICE OF REPORTS Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Soils-Foundation & Geoseismic Report was prepared by Grice Engineering , Inc., dated May 2004, and a "Gowan Seed Warehouse Traffic Impact Analysis" was prepared by Higgins Associates, dated August 16, 2004 for this parcel and both reports are on record in the Monterey County Planning and Building Inspection Department Library No. 050242 and found in file no. PLN040143. All development shall be in accordance with these reports." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
ENVIRONMENTAL HEALTH DIVISION CONDITIONS OF APPROVAL						
8.		WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits or prior to filing final map	
9.		SEPTIC SYSTEM DESIGN Submit plans for review and approval showing the location and design of the proposed septic system meeting the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. (Environmental Health)	Division of Environmental Health must approve plans. Applicant shall obtain a permit to install the septic system.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of building	

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PUBLIC WORKS CONDITIONS OF APPROVAL						
10.		PARKING STANDARD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (The parking lot shall be expanded from 20 spaces to up to 40 spaces to accommodate additional office employees when the 4,860 square foot office space is doubled in square footage upon construction of a second floor). (Public Works)	Applicant's engineer or architect shall prepare a parking plan for review and approval. The plan shall include the plan required by Condition Number 3.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
11.		TAMC REGIONAL TRAFFIC MITIGATION FEE Applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall make assessed payment to TAMC office through the Public Works Department.	Owner/ Applicant/ Engineer	Prior to Building Permits	
12.		FUTURE RAMP IMPROVEMENTS Prior to issuance of building permits, applicant shall contribute \$18,266 to the County for future improvements to the northbound Highway 101 on/off ramps. (Public Works)	Applicant shall make payment to County Public Works Department.	Owner/ Applicant/ Engineer	Prior to Building Permits	
13.		INTERSECTION IMPROVEMENTS If the County implements an improvement project for the curve on Chualar River Road to the west of the railroad tracks prior to issuance of building permits, the applicant shall contribute to the County 4% of the cost of the improvement project. (Public Works)	Applicant shall make assessed payment to the Public Works Department.	Owner/ Applicant/ Engineer	Prior to Building Permits	
14.		DRIVEWAY ALIGNMENT The proposed location of the driveway is not acceptable. Applicant shall either align the driveway directly across from Chualar River Road or move the driveway westerly away from the Chualar River Road/Foletta Road intersection.	The location and design shall be approved by the Department of Public Works. Applicant shall obtain an encroachment permit from the Department of Public Works prior to construction of the driveway.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	

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WATER RESOURCES AGENCY CONDITIONS OF APPROVAL						
15.		WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
16.		COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant/ Engineer/ Contractor	Prior to final inspection	
17.		WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	

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18.		<p>STORMWATER DETENTION</p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impacts with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff, and oil-grease water separators for the paved parking areas. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
COUNTY SHERIFF DEPARTMENT PUBLIC SAFETY AND SECURITY GUIDELINES						
19.		<p>The applicant shall obtain assistance in compliance with the Sheriff's Public Safety and Security guidelines to implement satisfactory public safety and security measures tailored to the project. (Sheriff-Marshall-Coroner Public Administrator Office, South County Station)</p>	Contact the Community Services Representative at the Sheriff's South County station for compliance with the department's Public Safety and Security guidelines. Include all requirements in building permit plans. Include all lighting requirements in lighting plan as per Condition #4.	Owner/ Applicant	Prior to issuance of any building permits	

End of Conditions.