

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**RONALD B GARREN TR (PLN060235)**

**RESOLUTION NO. 10-002**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempting PLN060235 per CEQA Guidelines Section 15303; and
- 2) Approving a Coastal Administrative Permit for the construction of a test well for future domestic use.

(PLN060235, Ronald and Donna Garren, 227 Lower Walden Road, Carmel Highlands, Carmel Area Land Use Plan, APN: 241-241-009-000)

**The Garren application (PLN060235) came on for public hearing before the Monterey County Zoning Administrator on January 14, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
  - the Monterey County General Plan,
  - Carmel Area Land Use Plan,
  - Carmel Coastal Implementation Plan (Part 4), and
  - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The property is located at 227 Lower Walden Road, Carmel Highlands (Assessor's Parcel Number 241-241-009-000), Carmel Area Land Use Plan. The parcel is zoned Low Density Residential, one unit per acre, with a Design Control Overlay (Coastal Zone) [LDR/1-D (CZ)], which allows water system facilities serving up to 14 or fewer service connections as a principal use with the approval of a Coastal Administrative Permit. This permit only allows a test well to determine water quality and quantity. Therefore, the project is an allowed land use for this site.
- c) Carmel Area Land Use Plan (LUP) Policy 2.4.4.A.1 directs that new development shall be approved only where it can be demonstrated by the applicant that adequate water is available from a water utility, community system, surface water diversion, spring, or well. The test well is required for this evaluation, and is required before any further development of the parcel may be allowed. This permit does not allow

- the operation of a permanent production well.
- d) The project planner conducted site inspections on April 16, 2008, and November 3, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
  - e) PLN060235 was originally scheduled for administrative approval by the Director of Planning on November 18, 2009. However, the RMA-Planning Department received a letter on November 17, 2009, requesting a public hearing for the subject project. Therefore, pursuant to the Monterey County Zoning Ordinance (Title 20) Section 20.76.060, PLN060235 was referred to the Zoning Administrator for public hearing.
  - f) The project was not referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because it does not involve development requiring CEQA review, a lot line adjustment, a Variance, or Design Approval.
  - g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060235.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, Parks Department, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
    - Biological Report (LIB060198) prepared by Jud Vandever, Monterey, California, May 1, 2005
    - Preliminary Archaeological Reconnaissance (LIB060197) prepared by Archaeological Consulting, Salinas, California, January 26, 2005
    - Geotechnical Soils-Foundation and Geoseismic Report (LIB090464) prepared by Grice Engineering, Salinas, California, September 2006
    - Percolation and Groundwater Study (LIB090465) prepared by Grice Engineering, Salinas, California, September 2006
  - c) The applicant conducted a detailed soils study of the site and completed further percolation testing, submitted an engineered advanced treatment system design for review and approval, and applied to the Regional Water Quality Control Board (RWQCB) for approval of Waste

Discharge Requirements. The RWQCB granted approval on August 31, 2009 (Waiver Resolution No. R3-2009-0057).

- d) Staff conducted site inspections on April 16, 2008, and November 3, 2009, to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN060235.

3. **FINDING: HEALTH AND SAFETY** - 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:**
- a) The project was reviewed by RMA - Planning Department, Carmel Highlands Fire Protection District, Parks Department, RMA - Public Works Department, Environmental Health Division, and Water Resources Agency. The respective departments/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.
  - b) The applicant conducted a detailed soils study of the site and completed further percolation testing, submitted an engineered advanced treatment system design for review and approval, and applied to the Regional Water Quality Control Board (RWQCB) for approval of Waste Discharge Requirements. The RWQCB granted approval on August 31, 2009 (Waiver Resolution No. R3-2009-0057).
  - c) Preceding findings and supporting evidence for PLN060235.

4. **FINDING: NO VIOLATIONS** - 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.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections on April 16, 2008, and November 3, 2009, and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060235.

5. **FINDING: CEQA (Exempt)** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (Class 3), categorically exempts the new construction or

- conversion of small facilities or structures.
- b) The project proposes to construct a test well to evaluate water quality and quantity for future domestic use. Therefore, the project is consistent with the parameters of CEQA Guidelines Section 15303.
- c) No adverse environmental effects were identified during staff review of the development application during site visits on April 16, 2008, and November 3, 2009.
- d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: a historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN060235.
  - e) The project planner conducted site inspections on April 16, 2008, and November 3, 2009.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and not the California Coastal Commission.

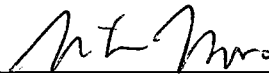
- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) California Coastal Commission: Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is not subject to appeal by/to the California Coastal Commission because it does not involve development between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance; or development within 300 feet of the top of the seaward face of any coastal bluff; or development involving a conditional use.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN060235 per CEQA Guidelines Section 15303; and
- B. Approve a Coastal Administrative Permit for the construction of a test well for future domestic use, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of January, 2010.



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MIKE NOVO, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON **JAN 15 2010**.

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 TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JAN 25 2010**

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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 may 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

**RESOLUTION 10-002 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: RONALD B GARREN**

**File No: PLN060235**

**APN: 241-241-009-000**

**Approved by: Zoning Administrator**

**Date: January 14, 2010**

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<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>
<b>RMA - Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Coastal Administrative Permit (PLN060235) allows the construction of a test well. The property is located at 227 Lower Walden Road, Carmel Highlands (Assessor's Parcel Number 241-241-009-000), Carmel Highlands Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. <b>(RMA-Planning Department)</b>	Adhere to conditions and uses specified in the permit.  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 the RMA - Planning Department.  To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	Owner/ Applicant  RMA - Planning  WRA  RMA - Planning	Ongoing unless otherwise stated.	
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 10-002) was approved by the Zoning Administrator for Assessor's Parcel Number 241-241-009-000 on January 14, 2010. The permit was granted subject	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this	Owner / Applicant	Prior to drilling the test well.	

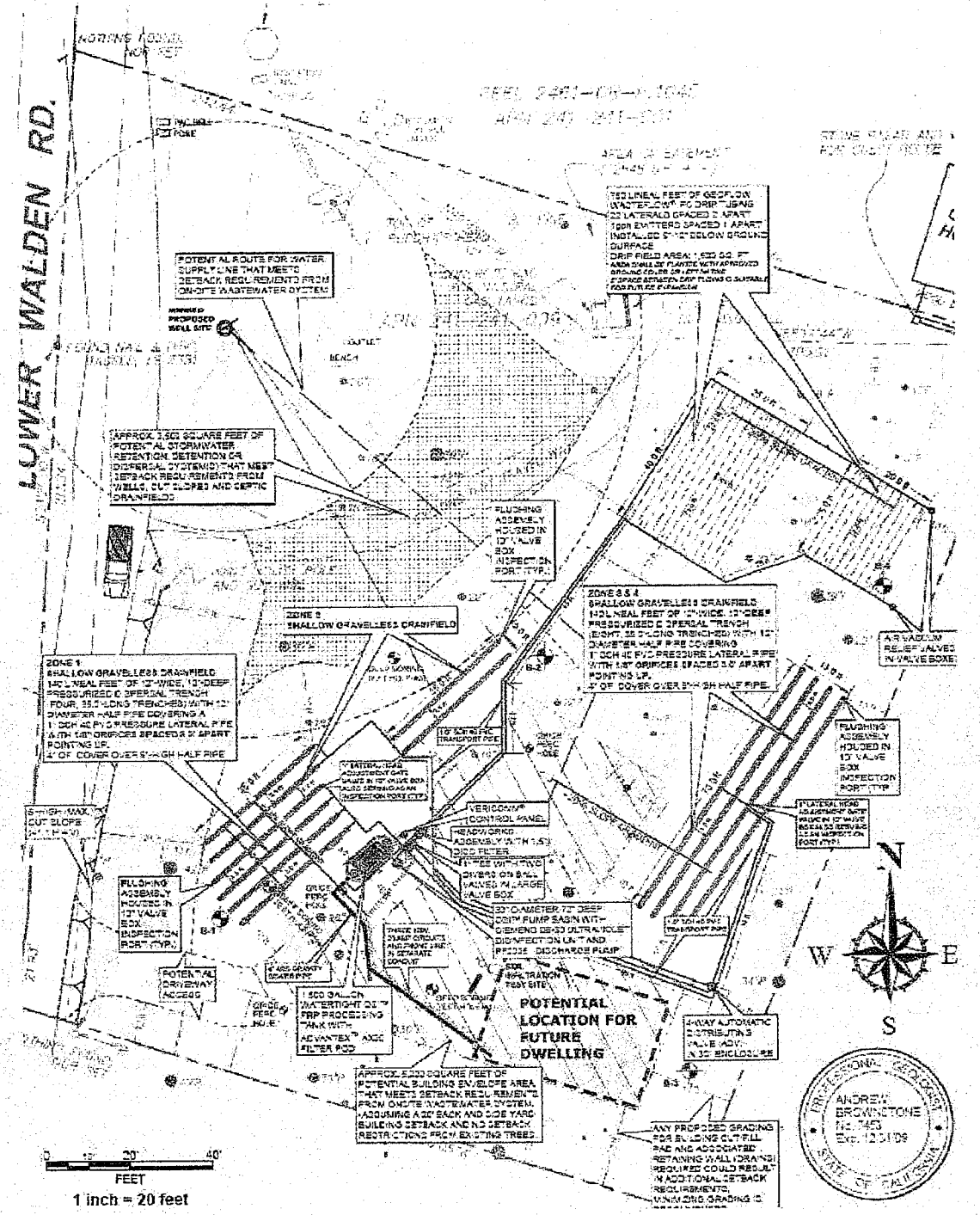
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		to nine (9) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	notice to the RMA - Planning Department.			
3.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> 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 a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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. <b>(RMA - Planning Department)</b>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner / Applicant / Archaeologist	Ongoing	
4.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on January 14, 2013, unless use of the property or actual construction has begun within this period. <b>(RMA – Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval.	
5.		<b>PDSP001 – MPWMD NOTIFICATION (NON-STANDARD)</b> Contact the Monterey Peninsula Water Management District (MPWMD) and provide all necessary information regarding this project. <b>(RMA-Planning Department)</b>	Contact and obtain required clearances and/or permits from the MPWMD.  Submit evidence to the RMA-Planning Department and the Environmental	Owner / Applicant	Prior to drilling the test well.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
			Health Division that clearance and/or permits have been obtained.			
<b>Health Department Environmental Health Division</b>						
6.		<b>EH8 - WELL CONSTRUCTION PERMIT</b> Obtain a water well drilling permit from the Division of Environmental Health and construct the well. <b>(Environmental Health)</b>	Submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer / Owner / Applicant	Prior to test well construction.	
7.		<b>EH9 - NEW WELL SOURCE CAPACITY TEST</b> All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Division (EHD), to determine the yield of the well. The test shall conform to Source Capacity Test Procedure, available from the EHD. The source capacity test must yield a sufficient quantity (determined by EHD) to support the proposed development. The source capacity test(s) shall be made no earlier than August 1 of each year and no later than the first significant rainfall event of the wet season or Oct 31 <sup>st</sup> . The source capacity test report shall include all information as specified by procedure guidelines. The applicant shall pay all associated fees to the EHD. <b>(Environmental Health)</b>	Contact Environmental Health Drinking Water Protection Services to schedule a Source Capacity Test and obtain procedure guidelines.  A qualified professional shall perform test and prepare comprehensive Source Capacity Test Report as detailed in the procedure guidelines.  Submit Report to Environmental Health for review and approval.	Owner / Applicant	Prior to commencement of use or issuance of a building permit.	
8.		<b>EHSP01 – RECORD NOTICE / LONG-TERM WATER SUPPLY (NON-STANDARD)</b> The applicant shall record a notice which states: “Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to the meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water	The applicant shall furnish proof of recordation of this notice to the RMA - Planning Department and the EHD.	Owner / Applicant	Prior to issuance of a test well construction permit.	



<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>
		on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future.” <b>(Environmental Health)</b>				
<b>Monterey County Water Resources Agency</b>						
9.		<b>WRASP001 - WELL INFORMATION (NON-STANDARD)</b> 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. <b>(Water Resources Agency)</b>	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner / Applicant	Within 60 days of completion of test well.	

**END OF CONDITIONS**



**LOWER WALDEN RD.**

FEEL: 2401-04-1-1040  
 11/11/08 2401-04-1-1040

STORM SEWER AND POTENTIAL ROUTE

POTENTIAL ROUTE FOR WATER SUPPLY LINE THAT MEETS SETBACK REQUIREMENTS FROM ON-OFF WASTEWATER SYSTEMS

POTENTIAL FEET OF DEPTH ON WASTEWATER PUMP TRENCHES LATERAL SPACED 3' APART 12" DIA. WITH SPACED 1' APART INSTALLED 3" BELOW GROUND SURFACE  
 DRAIN FIELD AREA: 430 SQ. FT. AND DRAIN FIELD WITH APPROVED BRICK COVER ON 1' DIA. OF THE 12" SPACE BETWEEN WASTEWATER SUPPLY PUMP AND PUMP HOUSE

APPROX. 1,500 SQUARE FEET OF POTENTIAL STORMWATER RETENTION, DETENTION OR DISPERSAL SYSTEMS THAT MEET SETBACK REQUIREMENTS FROM WELLS, UNDEVELOPED AND CERTIC DRAINFIELDS

**ZONE 2 SHALLOW GRAVELLESS DRAINFIELD**

**ZONE 3 4 SHALLOW GRAVELLESS DRAINFIELD**  
 1 1/2" L. NEAL FEET OF 12" WIDE 12" DEEP PRESURGED C-SPIRAL TRENCH (EIGHT 3/4" DIA. TRENCHES WITH 12" DIA. PIPES) PER COVERING A 1' DIA. 1/2" C PRESSURE LATERAL PIPE WITH 12" BRICKS SPACED 3" APART POINTING UP.  
 1' OF COVER OVER 1/2" SH. HALF PIPE

**ZONE 1 SHALLOW GRAVELLESS DRAINFIELD**  
 1 1/2" L. NEAL FEET OF 12" WIDE 12" DEEP PRESURGED C-SPIRAL TRENCH FOUR 3/4" DIA. TRENCHES WITH 12" DIA. PIPES PER COVERING A 1' DIA. 1/2" C PRESSURE LATERAL PIPE WITH 12" BRICKS SPACED 3" APART POINTING UP.  
 1' OF COVER OVER 1/2" SH. HALF PIPE

5'-HIGH MAX. CUT SLOPE

FLUSHING ASSEMBLY HOUSED IN 12" VALVE BOX INSPECTION PORT 12" DIA.

POTENTIAL DRIVEWAY ACCESS

PUMP HEAD ASSEMBLY HOUSED IN 12" VALVE BOX INSPECTION PORT 12" DIA.

VERTICOM (CONTROL PANEL) REWORKING ASSEMBLY WITH 1.5" DIA. PIPES  
 12" DIA. PIPES WITH 1/2" COVER ON 3" DIA. PIPES PER VALVE BOX

33" DIA. 12" DEEP 200' PUMP SAGIN WITH 6" BENSIO 2000 ULTRA VOLT DISINFECT ON 12" AND 12" DIA. DISCHARGE PUMP

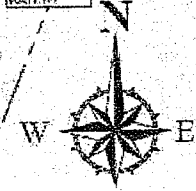
1500 GALLON WATER TIGHT 20' FRP PROCESSING TANK WITH ADVANTEN ADV FILTER PUMP

POTENTIAL LOCATION FOR FUTURE DWELLING

LARGE AUTOMATIC DISTRIBUTION VALVE ADV. 12" ENCLOSURE

APPROX. 1,500 SQUARE FEET OF POTENTIAL BUILDING ENVELOPE AREA THAT MEETS SETBACK REQUIREMENTS FROM ON-OFF WASTEWATER SYSTEM ASSUMING A 20' BACK AND SIDE YARD BUILDING SETBACK AND 20' YARD RESTRICTIONS FROM EXISTING TREES.

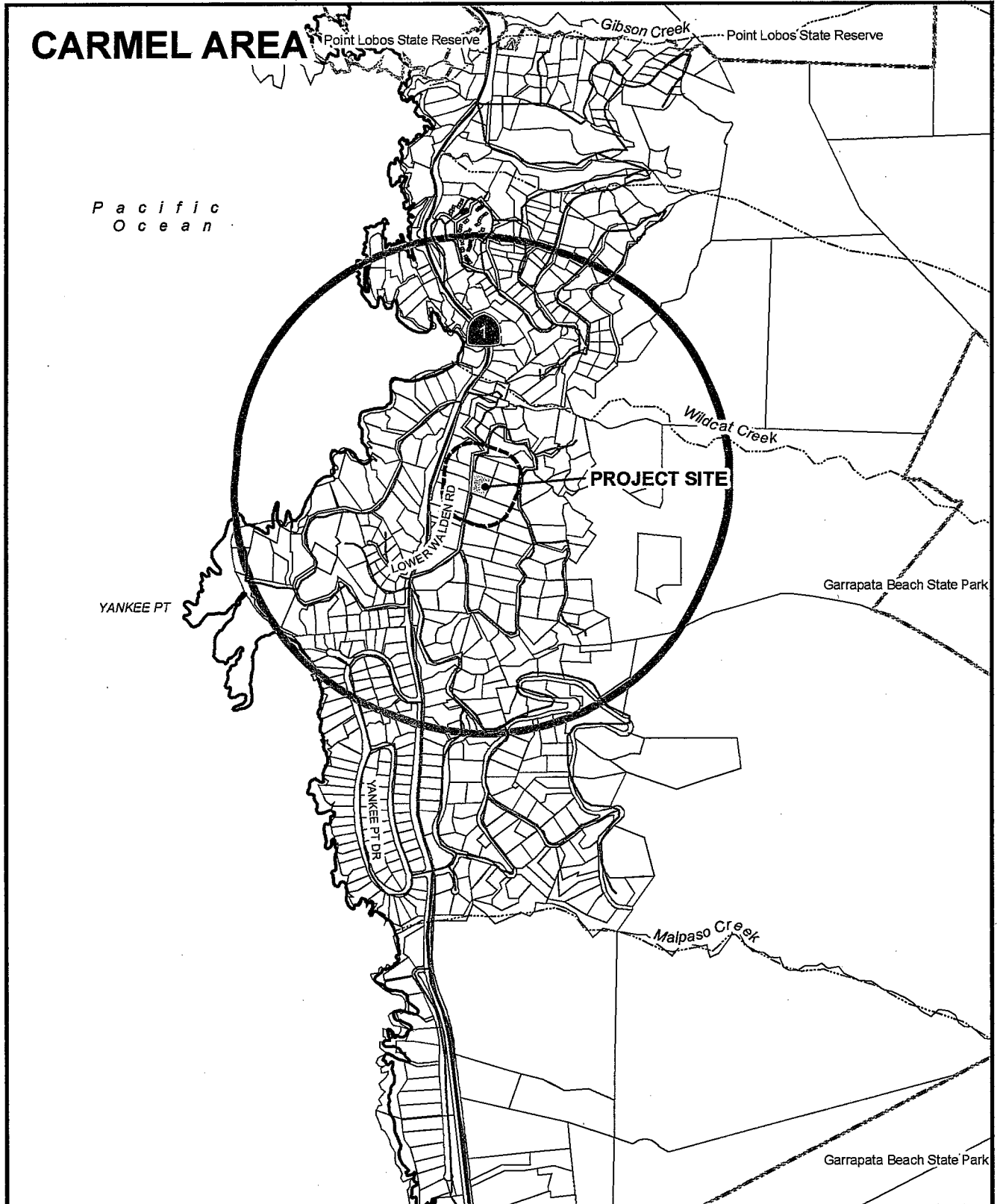
ANY PROPOSED GRADING FOR BUILDING CUT/FILL FILL AND ADJACENT AREAS REMAINING UNALIGNED WOULD REQUIRE ADDITIONAL SETBACK REQUIREMENTS. EXISTING GRADING IS



0 10 20 40  
 FEET  
 1 inch = 20 feet




**SITE PLAN**

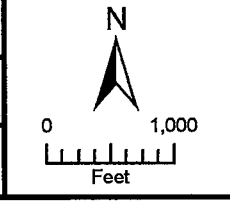
# CARMEL AREA



**APPLICANT: GARREN**

**APN: 241-241-009-000** **FILE # PLN060235**

 300' Limit  2500' Limit  City Limits



PLANNER: McCUE