

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

In the matter of the application of:

**Mendoza (PLN100559)**

**RESOLUTION NO. 11-003**

Resolution by the Zoning Administrator:

- 1) Categorically exempting the project per Section 15304 of the CEQA Guidelines; and
- 2) Approving the Coastal Administrative Permit to allow the installation of a new agricultural well.

(PLN100559), Jose Mendoza, Sombrero Court, North County Land Use Plan area, Coastal Zone.

(APN: 131-151-004-000)

**The Mendoza application (PLN100559) came on for public hearing before the Monterey County Zoning Administrator on January 27, 2011. 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 1982 Monterey County General Plan,
  - North County Land Use Plan,
  - North County Coastal Implementation Plan, Part 2;
  - 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 Sombrero Road, Castroville (Assessor’s Parcel Number 131-151-004-000), North County Land Use Plan. The parcel is zoned RDR/5(CZ) or “Rural Density Residential, 5 acres per unit, Coastal Zone,” which allows the installation of water system facilities provided that a Coastal Development Permit is first obtained. Therefore, the project is an allowed land use for this site.
  - c) The project planner conducted a site inspection on December 10, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
  - d) The agricultural activities on the site and the proposed agricultural well are consistent with Zoning.
  - e) Staff received correspondence from a neighboring property owner requesting the project be continued from an administrative hearing to a public hearing due to their concerns with how the proposed well will have an impact to their water source. The project has been continued from the December 22, 2010 Administrative Hearing to the January 27, 2011 Zoning Administrative Hearing.

- f) The project was not referred to the North County - Coastal 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 does not require a design approval required to be reviewed by the Zoning Administrator or Planning Commission.
- 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 PLN100559.

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, North County Rural Fire Protection District, Public Works, Environmental Health Bureau, 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) Through staff's review of the proposed project and resource material (North County Coastal Implementation Plan and the Monterey County Geographic Information System) no potential impacts caused by the project were identified. In addition the proposed project is found to be exempt from environmental review (See Finding No. 5). Therefore, no reports were required to be submitted as part of the Coastal Administrative Permit application.
  - c) Staff conducted a site inspection on December 10, 2010 to verify that the site is suitable for this use.
  - d) 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 PLN100559.

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 the North County Fire Protection District, Public Works, Environmental Health Bureau, 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) Necessary public facilities will not be provided. The primary use of the project is agricultural and there are no structures, proposed or existing,

which require potable water or sewer facilities. Water from the proposed well will irrigate the existing crops.

- c) The Environmental Health Bureau has reviewed the location for the proposed agricultural well and no issues were identified.
- d) Preceding findings and supporting evidence for PLN100559.

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 a site inspection on December 10, 2010 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 PLN100559.

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 15304, categorically exempts minor alterations to land.
  - b) The proposed project includes drilling of an agricultural well which will create temporary impacts. Those impacts consist of a drilling rig on site drilling for approximately one day and the excavated dirt from the hole created by the well. These impacts are not considered to be a significant impact to the environment. No other, including long term, impacts have been identified. Environmental Health has reviewed the project and there was no indication that the well will cause an adverse effect to groundwater.
  - c) No adverse environmental effects were identified during staff review of the development application during a site visit on December 10, 2010.
  - d) No exceptions to the CEQA Exemptions found within Section 15300.2 can be made for the project and the subject property. There are no unusual circumstances where the project may cause a significant effect to the environment, there are not cumulative impacts identified, the subject property is no located within view of any officially designated scenic highway, the subject property is not within a hazardous waste site, and there are no historical resources on the property.
  - 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 20.144.150.B 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 4 in the North County 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 PLN100559.
- e) The project planner conducted a site inspection on December 10, 2010.

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

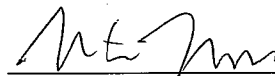
- EVIDENCE:** a) Section 20.86.030.A of the Monterey County Zoning Ordinance designates the Board of Supervisors as the appeal authority.
- b) Pursuant to Section 20.86.080 of the Monterey County Zoning Ordinance, the project is not subject to appeal by/to the California Coastal Commission because the use applied for is a principal use and the subject property is not located between the sea and the first public road, on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.

### DECISION

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

- A. Categorically exempts the project per Section 15304 of the CEQA Guidelines; and
- B. Approves the Coastal Administrative Permit to allow the installation of a new agricultural well, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of January, 2011.



Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON FEB 08 2011.

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 FEB 18 2011

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE

COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH 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 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 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 11-003 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name:** Mendoza  
**File No:** PLN100559      **APNs:** 131-151-004-000  
**Approved by:** Zoning Administrator      **Date:** January 27, 2011

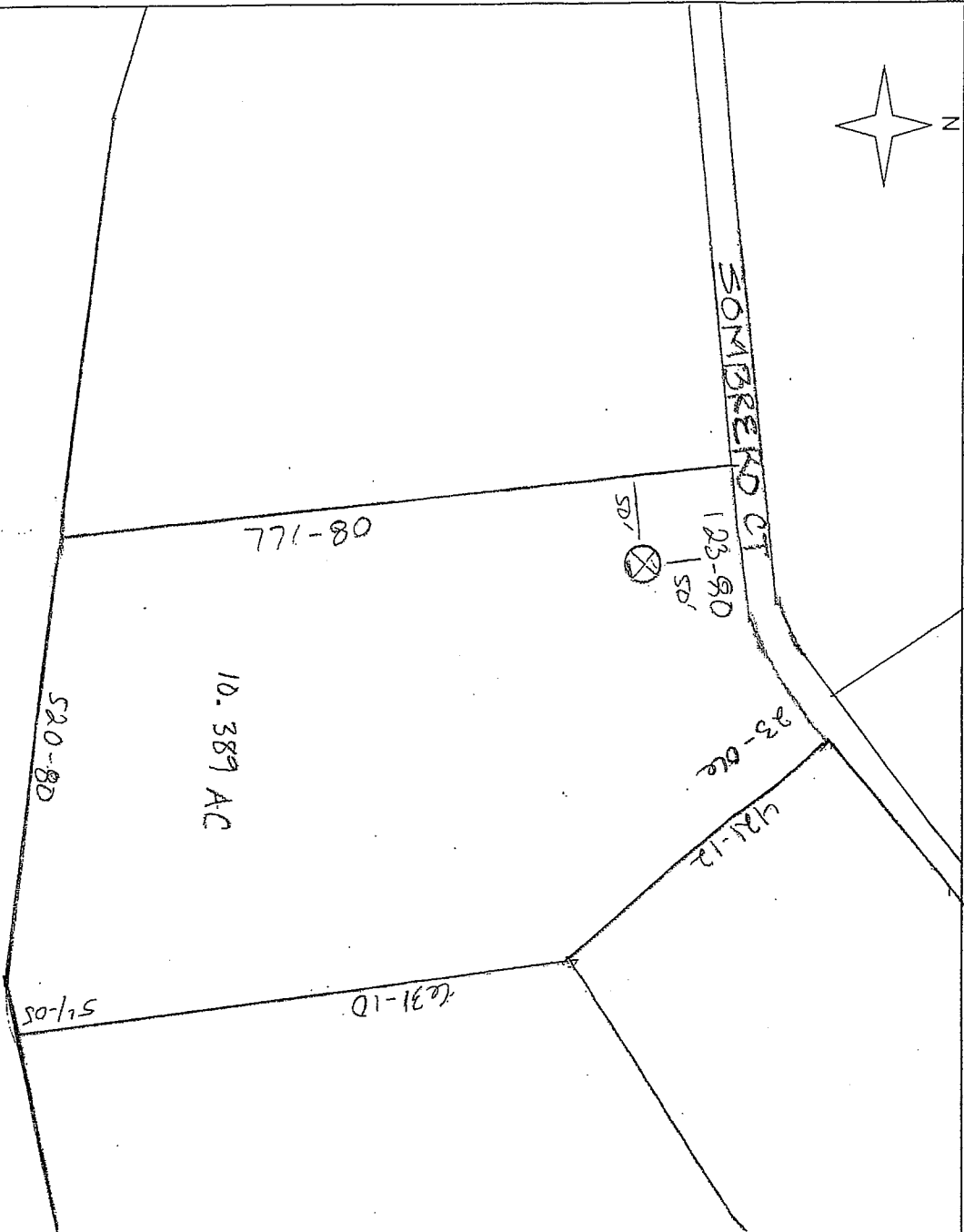
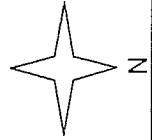
*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*


<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.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Coastal Administrative Permit (PLN100559) allows the installation of a new agricultural well. The property is located at Sombrero Court, Castroville (Assessor's Parcel Number 131-151-004-000) North County Land Use Plan area, Coastal Zone. 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></p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA  RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	
2.		<p><b>PD002 - NOTICE-PERMIT APPROVAL</b>            The applicant shall record a notice which states: "A permit (Resolution 11-003) was approved by the Zoning Administrator for Assessor's Parcel Number 131-151-004-000 on January 27, 2011. The permit was granted subject to 6 conditions of approval which run with the land. A</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	<p>Prior to the commencement of use</p>	

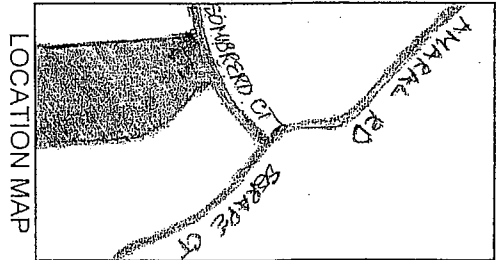
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Department.			
3.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on January 27, 2014 unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	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	
4.		<b>PD033 - RESTORATION OF NATURAL MATERIALS</b> Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA – Planning Department)	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use	
5.		<b>PD035 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
<b>Environmental Health Bureau</b>						
6.		<b>EHSP001-WELL CONSTRUCTION PERMIT (NON-STANDARD)</b> Obtain a water well drilling permit from the Division of Environmental Health and construct the well. (Environmental Health)	Submit the Well Completion Report to the Division of Environmental Health.	CA Licensed Engineer /Owner/ Applicant	Prior to commencement of use	

END OF CONDITIONS

SITE PLAN



Legend  
 - Proposed well site



DRAWN BY: SERGIO ROCHA	APN 131-151-004-000
MGDRILLING, INC. 10/26/10	NEW AG. WELL FOR MR. MENDOZA
WATSONVILLE, CA 95076	PH. (831) 970-1308



# NORTH COUNTY

Moss Landing Wildlife Area

Elkhorn Slough Nat'l Estuarine Sanctuary

Manzanita Regional Park

**PROJECT SITE**

STRAWBERRY RD

ELKHORN RD

WALKER VALLEY RD

AMARAL RD

PARADISE RD

CASTROVILLE BLVD

DOLAN RD

CASTROVILLE BLVD

156

Moro Cojo Slough

APPLICANT: MENDOZA

APN: 131-151-004-000

FILE # PLN100559

Water



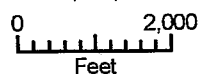
2500' Limit



300' Limit



City Limits



**PROOF OF SERVICE**

I am employed in the County of Monterey, State of California. I am over the age of 18 years and not a party to the within action. My business address is 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California.

On *February 8, 2011* I served a true copy of the following document:

***Zoning Administrator Resolution Number(s) 11-003***  
***Jesus Mendoza – PLN100559***

on the interested parties to said action by the following means:

- (BY HAND-DELIVERY)** By causing a true copy thereof, enclosed in a sealed envelope, to be hand-delivered.
  
- (BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope, for collection and mailing on that date following ordinary business practices, in the United States Mail at the Resource Management Agency Planning Department, 168 W. Alisal Street, 2<sup>nd</sup> Floor, Salinas, California, addressed as shown below. I am readily familiar with this business's practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the United States Postal Service the same day it was placed for collection and processing.
  
- (BY OVERNIGHT DELIVERY)** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the Resource Management Agency, Planning Department, to be delivered by Overnight Delivery.
  
- (BY FACSIMILE TRANSMISSION)** By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 757-9516 to the interested parties to said action at the facsimile number(s) shown below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on *February 8, 2011* at Salinas, California.

  
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Signature

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*Jesus Mendoza*  
*1721 E Alisal St*  
*Salinas CA 93901*

*Maggiora Brothers Drilling Co*  
*ATTN Sergio Rocha*  
*595 Airport Blvd*  
*Watsonville CA 95076*

*North County Fire Protection District*  
*11200 Speegle St*  
*Castroville CA 95012*