

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 08020

A.P.# 031-121-002-000

In the matter of the application of  
**Don Chapin (PLN070377)**

**FINDINGS & DECISION**

for a **Use Permit Extension** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a second extension request (PLN970390) for a mobile asphalt and concrete recycling facility involving no permanent structures. The property is located at the Southeast corner of Reservation Road and Imjim Road (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan, and came on regularly for hearing before the Planning Commission on May 14, 2008.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for development.

- EVIDENCE:** (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 Southeast corner of Reservation Road and Imjim Road. (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan. The parcel is zoned "PQP-D-S [Public Quasi Public, Design Control District, and Site Plan Review overlays,]" which allows uses such as solid and liquid waste disposal sites, removal or minerals or natural materials for commercial purposes and other uses of similar nature, density and intensity. Therefore, the property is suitable for the proposed development.
- (c) The project planner conducted a site inspection on September 21, 2007 to verify that the project on the subject parcel conforms to the plans listed above and compliance with previous conditions of approval.
- (d) On October 29, 1997 the Planning Commission adopted the Mitigated Negative Declaration and granted a Use Permit, PLN970390, for the establishment and operation of a temporary asphalt recycling facility for a duration of five years. Additionally, the applicant requested

continual use of the recycling plant and on July 31, 2002 the Planning Commission granted an additional five years. The applicant, Don Chapin, has negotiated an additional 10 year lease with UC MBEST and would like to continue the temporary operation for ten more years. Staff has reviewed the second request and no new significant information was found regarding potential environmental impacts. The operation has not exceeded what was originally approved and all of the applicable conditions of the previous approvals have been complied with.

- (e) The project was not referred to the Greater Monterey Peninsula Area Plan Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; the project does not involve ridgeline/view shed development; the project is exempt from CEQA per Section 15301; is not a Lot Line Adjustment.
- (f) 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 PLN070377.

**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, Salinas Rural Fire Protection District, Parks, Public Works, 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 a Traffic Engineer 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 concurs. The following reports have been prepared:

i. "Traffic Report" (LIB080272) prepared by Higgins Associates, Gilroy, CA, 95020.

(c) Staff conducted a site inspection on September 21, 2007 to verify that the site is suitable for this use.

(d) Materials in Project File PLN070377.

**3. FINDING: CEQA:** An Addendum to the adopted Mitigated Negative Declaration is appropriate for the proposal, and no further documentation is necessary CEQA Section {15162(b)}.

**EVIDENCE:** (a) CEQA Guidelines Section 15164 allows that an Addendum to the adopted Mitigated Negative Declaration may be prepared, subject to the provisions of that Section.

- (b) All physical impacts to the development were reviewed with County File Number PLN970390 and a Mitigated Negative Declaration was approved and filed October 29, 1997.
- (c) An addendum to an adopted Negative Declaration may be prepared and considered as allowed by Section 15164 of the CEQA Guidelines if only minor technical changes or additions (to the project description) are needed. The permit will be extended for an additional ten years.
- (d) None of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR or Negative Declaration have occurred.
  - 1. There are no new substantial changes to the project CEQA Section {15162(a)(1)}, or the circumstances under which the project is undertaken {15162(a)(2)}. The project scope is unchanged since the MND/IS, no intensification or expansion has occurred. The project involves recycling, stockpiling and transporting of asphalt and concrete materials using a mobile crusher and conveyor. The leased portion of the site is heavily disturbed, does not involve new grading, and remains invisible from surrounding Imjim and Reservation Roads.
  - 2. There are no new significant environmental effects or increase in the severity of previously identified significant effects CEQA Section {15162(a)(2)}. Operations at the facility have not increased since the MND/IS, as conditioned the site remains in compliance with previous conditions of approval including ongoing compliance with the Regional Air Quality District and UC MBEST.
  - 3. There is no new information of substantial importance that was not known at the time the previous (mitigated) Negative Declaration was adopted CEQA Section {15162(a)(3)}. Public Works has reviewed the updated Traffic Report and concur that no traffic related improvements are warranted. The project scope has not increased and no new structures are proposed.

**4. FINDING: USE PERMIT EXTENSION** – The project is a request for a second extension in accordance with the applicable policies of the Monterey County Zoning Ordinance (Title 21) specifically 21.74.110.A and 21.74.110.B. The Appropriate Authority may extend a Use Permit upon receipt of a written request from the permittee, provided such request is made at least thirty days prior to the expiration of the Use Permit. The written request shall be filed with the Appropriate Authority and set forth reasons supporting the request.

**EVIDENCE:** (a) The applicant, Don Chapin has applied for an extension well within required thirty days of the expiration of PLN020143. There is a continued need for a concrete and asphalt recycling center to assist in facilitating the recycling of excess asphalt and concrete in the reuse of Fort Ord development.

- (b) Conditions of approval for the prior Use Permit have been complied with and no violations exist on the property.
- (c) The Chapin recycling facility is consistent and compatible with the UC MBEST Center Master Plan as it is an interim use. The Chapin facility is located at parcel CS-1 of the UC MBEST parcel map located in the Central South portion of the UC MBEST campus where uses are targeted for a mix of Research and Development (R&D) and Commercial Mixed-Use (CMU) development. The recycling center is zoned in the UC MBEST Master Plan as R & D for Research and Development.

**5. 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. Zoning violation abatement costs, if any, have been paid.

**EVIDENCE:** (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

**6. 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) Preceding findings and supporting evidence.

**7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:** Sections 21.80.040(D) of Monterey County Zoning Ordinance Title 21.

### DECISION

**THEREFORE**, it is the decision of said Planning Commission to adopt an addendum to the Mitigated Negative Declaration and approve the Use Permit extension request as shown on the attached sketch, and subject to the attached conditions.

**PASSED AND ADOPTED** this 14th day of May, 2008, by the following vote:

**AYES:** Brown, Pessagno, Diehl, Rochester, Isakson, Ottone, Sanchez, Padilla, Vandever  
**NOES:** None  
**ABSENT:** Salazar

  
MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **MAY 22 2008**

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

**JUN - 1 2008**

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 90<sup>th</sup> 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 RMA - Planning Department and RMA - Building Services Department offices in Salinas.

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

<b>Monterey County Resource Management Agency          Planning Department          Condition Compliance and/or Mitigation Monitoring          Reporting Plan</b>	<b>Project Name:</b> Don Chapin Recycling <b>File No:</b> PLN070377 <b>Approved by:</b> Planning Commission	<b>APNs:</b> 031-121-002-000 <b>Date:</b> May 14, 2008
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	<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.		<b>PD001 - SPECIFIC USES ONLY</b> This Use permit extension (PLN070377) allows a second extension to a previously approved permit, PLN970390, for a temporary asphalt and concrete recycling facility to an additional 10 years to expire May 14, 2018. The property is located at the Southeast corner of Reservation Road and Imjim Road. (Assessor's Parcel Number 031-121-002-000), Greater Monterey Peninsula Area Plan. 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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>
		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. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 08020) was approved by the Planning Commission for Assessor's Parcel Number 031-121-002-000 on May 14, 2008. The permit was granted subject to 3 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD00 - ONGOING COMPLIANCE</b> The applicant will continue to comply with all of the previously approved conditions for PLN970390 (Resolution Number 97076) and PLN020143 (Resolution Number 02042).	Adhere to said conditions and uses specified in this permit and previous approvals; PLN970390 and PLN020143. Proof shall be furnished to the RMA - Planning Department upon request.	Owner/ Applicant	Ongoing unless otherwise stated	

END OF CONDITIONS



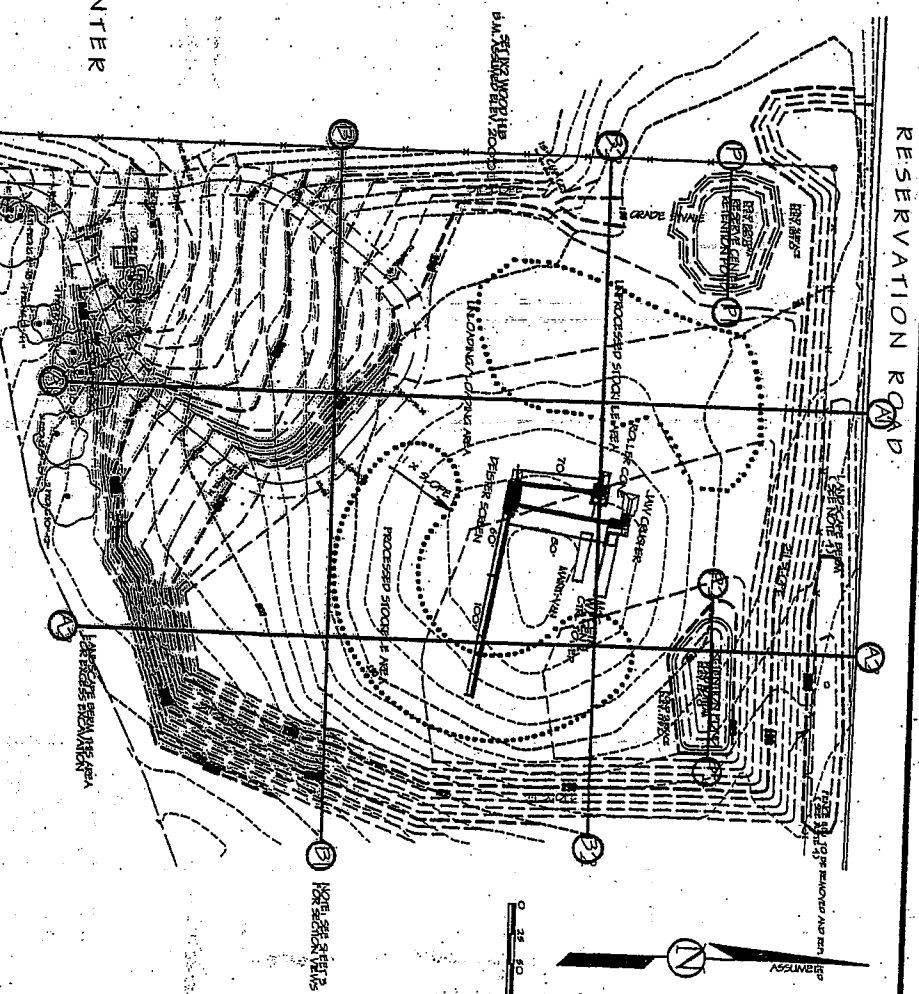
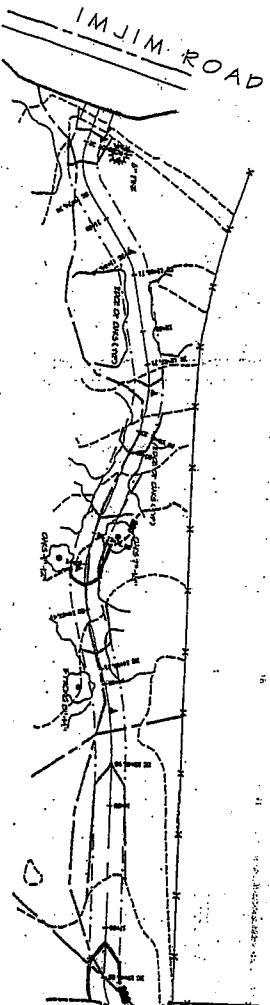
MUNICIPALITY MAP  
NOT TO SCALE

**GENERAL NOTES:**

- 1) ALL DIMENSIONS ARE BASED ON AN ASSUMED NORTH AZIMUTH.
- 2) FINISHES ARE BASED ON AN ASSUMED NORTH AZIMUTH.
- 3) THE MAP REPRESENTS CONDITIONS AS OF 1985. ALL DIMENSIONS AND FINISHES ARE BASED ON 1985 ELEVATION.

**GRADING/EROSION CONTROL NOTES:**

- 1) EROSION CONTROL MEASURES SHALL INCLUDE THE INSTALLATION OF SLOPE PROTECTION AND EROSION CONTROL MEASURES AS SHOWN ON THE PLAN AND IN THE SPECIFICATIONS. THE TYPE OF EROSION CONTROL MEASURES TO BE USED SHALL BE DETERMINED BY THE ENGINEER BASED ON THE SLOPE AND SOIL CONDITIONS.
- 2) ROADWAY EROSION CONTROL MEASURES SHALL BE COMPLETED TO 95% MIN. DEL. COMPLETION. ALL EROSION CONTROL MEASURES SHALL BE COMPLETED TO 95% MIN. DEL. COMPLETION. ALL EROSION CONTROL MEASURES SHALL BE COMPLETED TO 95% MIN. DEL. COMPLETION.
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**LEGEND**

- EXISTING CONTROL
- FINISHED CONTROL
- EXISTING FENCE
- PLANTING, 5' ACEE LEASE PARCEL
- R.P.D. 11/2" 1P, 1.5, 1.5910
- ▲ SET WOOD CHIP CONTROL POINT
- OK TREE, SIZE AS SHOWN

**GRADING AND EROSION CONTROL**

**SITE PLAN - RECYCLING FACILITY**  
 PORTION OF APN 031-121-002  
 UCMBEST PROPERTY, FORT ORD  
 MONTEREY COUNTY, CALIFORNIA

0 25 50 100



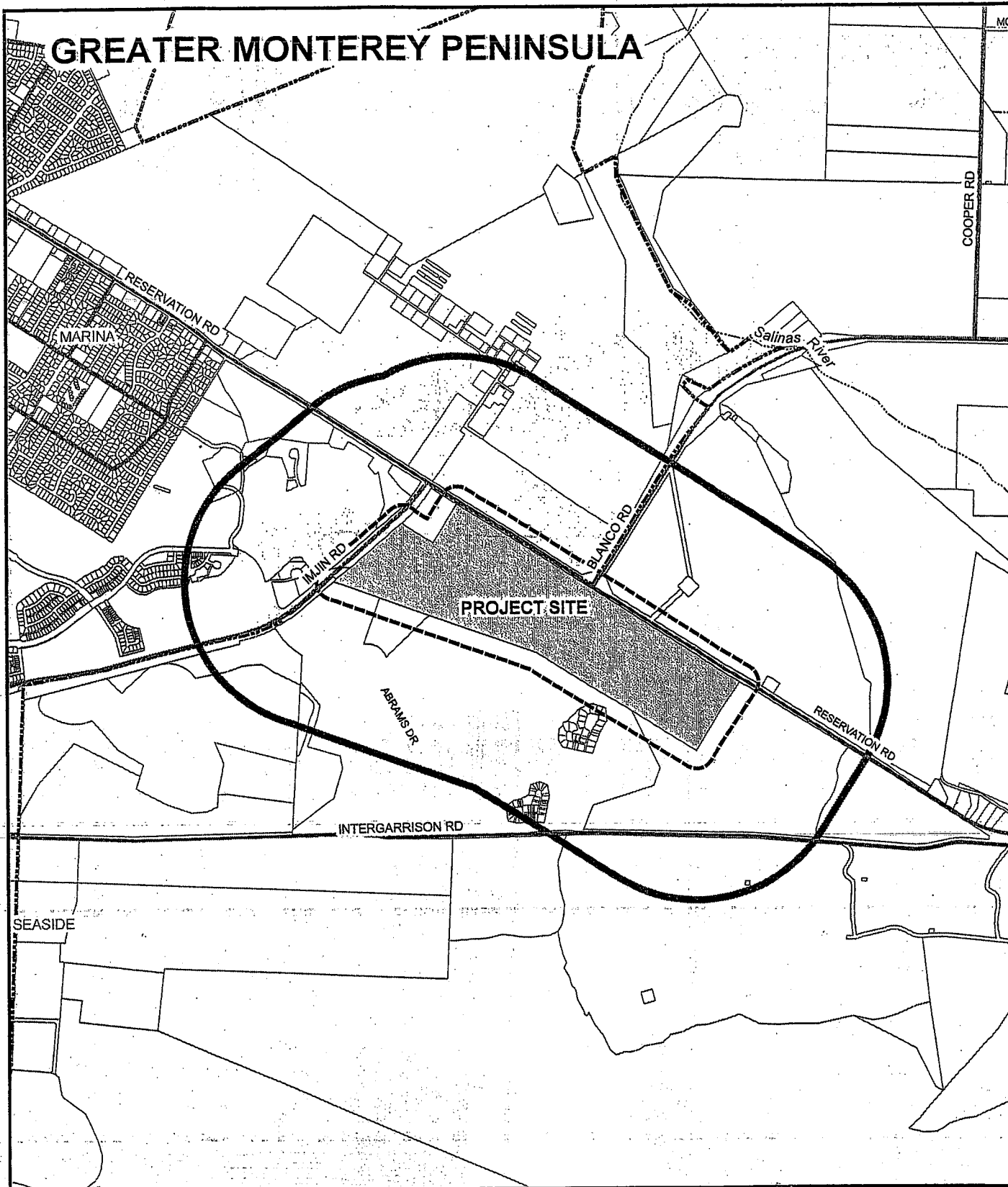
ENGINEERING DIVISION



DATE: 11/11/85  
 SHEET 1 OF 3




# GREATER MONTEREY PENINSULA





APPLICANT: U S A (CHAPIN)

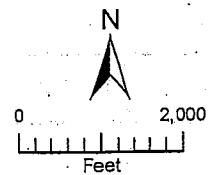
APN: 031-121-002-000

FILE # PLN070377

 300' Limit

 2500' Limit

 City Limits



PLANNER: NEGRETE