

RESOLUTION NO. 000252

A.P.# 177-132-039-000

In the matter of the application of
Dassel's Petroleum (PLN000252)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for propane distributorship including two 30,000 gallon propane storage tanks and a future expansion of two additional 30,000 gallon propane tanks; located west of South Abbott Street near the intersection of Highway 101 and South Abbott Street at 340 El Camino Real South, Firestone Business Park, Greater Salinas area, came on regularly for hearing before the Zoning Administrator on October 11, 2001.

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

FINDINGS OF FACT

- FINDING:** The subject Use Permit (File No. PLN000252) and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located near the intersection of South Abbott Street and Highway One, at 340 El Camino Real South. The parcel is zoned "HI" (Heavy Industrial District). 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 General Plan and the Greater Salinas Area Plan.

EVIDENCE: The project site is physically suitable for the proposed use as described in the project file. 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 and Recreation Department, Sheriff's Department and applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards for "HI" (Heavy Industrial District), pursuant to Title 21, Monterey County Zoning Ordinance.

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 PLN000252.

EVIDENCE: Section 21.28 of the Monterey County Zoning Ordinance, (Title 21), requires landscaping of 10-percent of the site. The project is located within an existing industrial park and additional landscaping is not required.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDING:** The project will not have a significant adverse impact on the environment.
EVIDENCE: Section 15061(b)(3) of the California Environmental Quality Act Guidelines Categorically exempts from environmental review. No adverse or potential adverse environmental impacts were identified during review of the proposed project. The project is proposed within an existing Heavy Industrial business park and the project is surrounded by farmlands with no residential areas near the project site. The project incorporates measures to address any potential issues related to the hazardous nature of propane storage.
EVIDENCE: File and application materials contained in project file PLN000252.
3. **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, applicable Fire Department, and 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: File and application materials contained in the project file PLN000252.
4. **FINDING:** The site is physically suitable for the proposed use.
EVIDENCE: File and application materials contained in the project file PLN000252.
5. **FINDING:** The project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040.B 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 subject Use Permit for a propane distributorship including two 30,000 gallon propane storage tanks and a future expansion of two additional 30,000 gallon propane tanks. The property is located west of South Abbott Street near the intersection of Highway 101 and South Abbott Street at 340 El Camino Real South, (Assessor's Parcel Number 177-132-039-000), Firestone Business Park, Greater Salinas area. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)

Prior to the Issuance of Grading and Building Permits:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (Planning and Building Inspection)
3. The applicant shall record a notice which states: "A permit (Resolution 000252) was approved by the Zoning Administrator for Assessor's Parcel Number 177-132-039-000 on October 11, 2001. The permit was granted subject to 21 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. 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. (Planning and Building Inspection)
5. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)
6. The applicant shall obtain a grading permit from the Building Inspection Division. (Planning and Building Inspection)
7. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)
8. Proposed development shall be flood proofed in accordance with County Ordinance #3272, to be certified by a registered civil engineer. (Water Resources Agency)

9. The applicant shall register with the Environmental Health Department for hazardous materials, prepare and submit a business response plan, and complete a review of emergency systems (plan check). (Environmental Health)

Prior to Final Building Inspection/Occupancy:

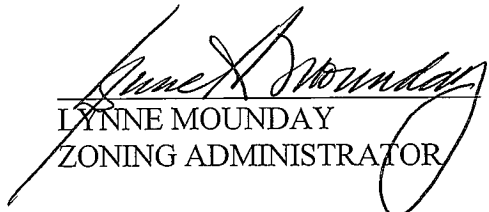
10. Replace the two existing STOP signs presently facing eastbound motorists exiting the Firestone business Park property onto Abbott Street with 36 inch STOP signs (R1 in the Caltrans Traffic Manual). (Public Works)
11. Place the new southerly STOP sign, i.e., the sign facing eastbound motorists making a right-turn onto Abbott Street, at least three feet to the north of its present location in order to increase its visibility. (Public Works)
12. Trim the hedges and vegetation at the northwest and southwest corners of this T- intersection to improve driver's sight lines at the intersection corners and visibility of the southerly STOP sign. (Public Works)
13. Repaint pavement markings, including the stop bar, on the site access road to increase their visibility as well as preventing encroachment by exiting vehicles on the through traffic movements on Abbott Street. (Public Works)
14. Install a DOUBLE HEAD ARROW sign (W56 in the Caltrans Traffic Manual) on the east side of Abbott Street facing eastbound motorists exiting the business park property. (Public Works)
15. The project plans and installation shall comply with the requirements of Article 82 of the Uniform Fire Code as well as National Fire Protection Association Standard 58. (Salinas Rural Fire District)
16. The tanks shall be positioned on the site so that the ends of the tanks point away from the Firestone Business Park buildings and away from the main access coming from the north side of the facility. (Salinas Rural Fire District)

Continuous Permit Conditions:

17. If during the course of construction activity on the subject property, 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 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)
18. Comply with Title 19 of the California Code of Regulations, Subchapter 3 and Health and Safety Code Chapter 6.95 (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)

- 19. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
- 20. The facility shall be maintained in accordance with the requirements of the Uniform Fire Code 82 and NFPA 58. (Salinas Rural Fire District)
- 21. The fire protection system on site, which includes but is not limited to the water source, water storage tanks, fire pumps, and fire hydrant system, shall be maintained. (Salinas Rural Fire District)

PASSED AND ADOPTED this 11th day of October, 2001.


 LYNNE MOUNDAY
 ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **OCT 16 2001**

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 **OCT 26 2001**

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.

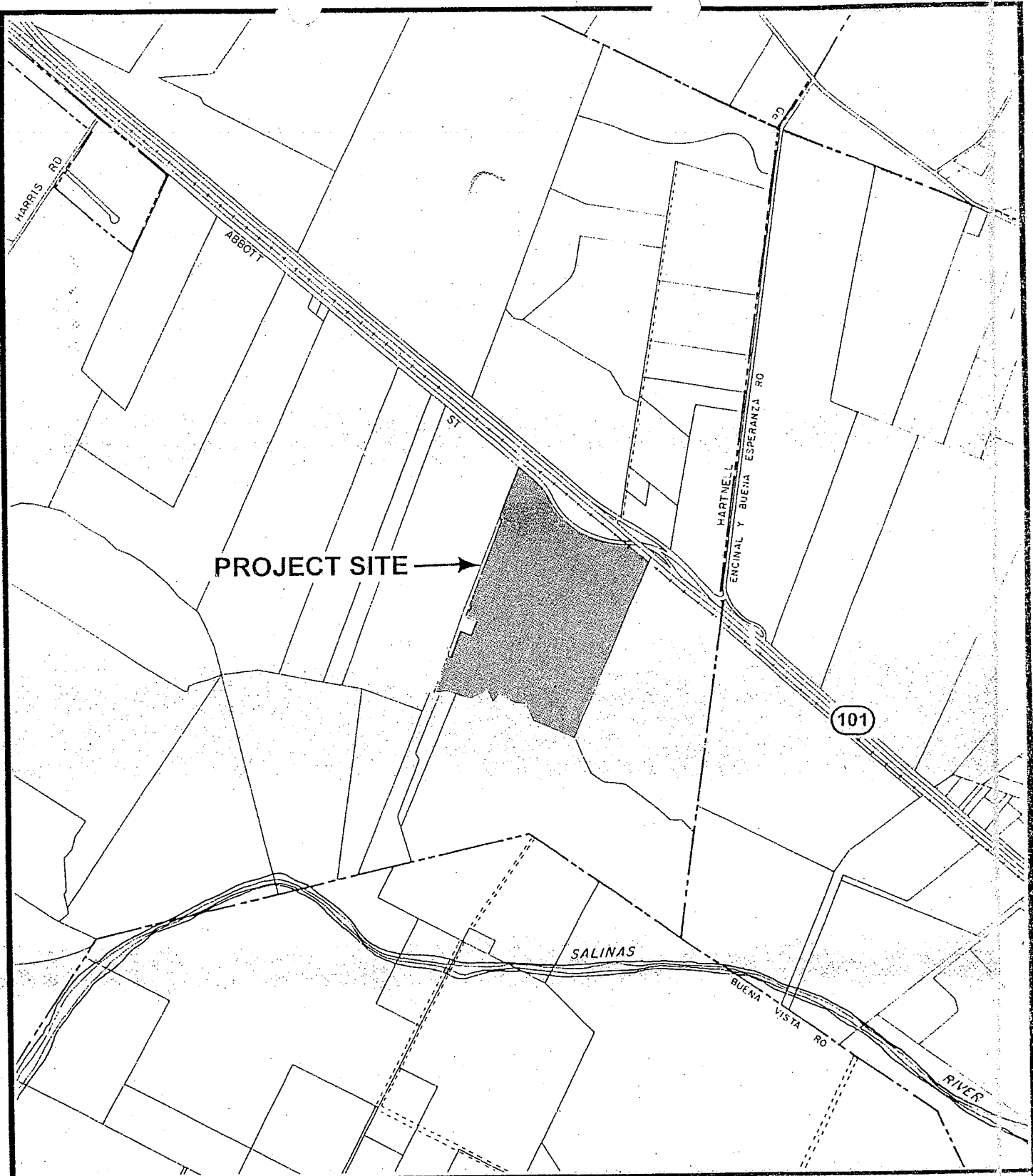
NOTES

- 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.



APPLICANT: DASSEL'S PETROLEUM

APN: 177-132-039-000

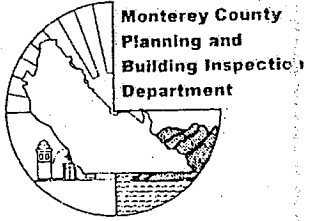
FILE # 000252

300' LIMIT: 

2,500' LIMIT: 



FEET



DATE: