

NO. 010115

A.P.# 107-011-002-000

In the matter of the application of  
**Jose Luis and Lidia Alcalá (PLN010115)**

**FINDINGS & DECISION**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for a farm equipment storage facility (portable toilet storage and dispatch), located at 2317 Alisal Road, Salinas, south-east of Zabala Road, came on regularly for hearing before the Zoning Administrator on August 9, 2001.

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

**FINDINGS OF FACT**

1.     **FINDING:**     The proposed farm equipment storage facility (portable toilet storage and dispatch) is consistent with the Greater Salinas Area Plan which designates the property as "Farmlands, 40 Acre Minimum," and with the policies of the Monterey County General Plan.  
       **EVIDENCE:**    The Land Use Plan, the text and policies of the Greater Salinas Area Plan, and the Monterey County General Plan were evaluated during the review of the application. No conflict or inconsistencies with the Plan, or with the text or policies, were found. No testimony, either written or oral, was received during the administrative proceedings to indicate that there is any inconsistency with said plans.
  
2.     **FINDING:**     The proposed farm equipment storage facility is consistent and with the "F/40" (Farmlands) zoning of the property.  
       **EVIDENCE:**    Chapter 21.30 of Title 21 (Zoning) of the Monterey County Code permits farm equipment storage parking facilities in the "F/40" Zoning District with a Use Permit.
  
3.     **FINDING:**     The project site is physically suitable for the proposed farm equipment storage facility.  
       **EVIDENCE:**    The subject parcel is flat and surrounded by agricultural uses. The site has no waterways, and has no geologic constraints, sensitive habitat, or archaeological resources.
  
4.     **FINDING:**     The proposed project will not have a significant effect on the environment.  
       **EVIDENCE:**    This project is exempt under Section 15061 of the CEQA Guidelines (no possibility of significant environmental impact). The site will be used for storage purposes only; actual servicing of the portable toilets will be done in the field, and waste will be disposed at an off-site location. This is a farm equipment storage operation which is consistent with the agricultural zoning of the property, and with the agricultural and agriculture-related uses on surrounding properties. The potential for on-site toxic waste is addressed by conditions placed by the Environmental Health Division. Potential fire hazards are addressed by extensive conditions placed by the Salinas Rural Fire District.
  
5.     **FINDING:**     The establishment, maintenance, or operation of the uses and buildings applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace,

morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, and Salinas Rural Fire District. These departments and 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, or the county in general.

### 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. This Use Permit allows a farm equipment storage facility (portable toilet storage and dispatch) 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)

#### **Prior to Issuance of Grading or Building Permits:**

2. The Applicant shall record an Indemnification Agreement which states: "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." Proof of recordation of this Agreement 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 Department)

3. The Applicant shall record a Notice which states: "A Use Permit (Resolution # 010115) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 107-011-002 on August 9, 2001. The permit was granted subject to 29 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 Department)

**Prior to Occupancy or Commencement of Use:**

4. Information regarding materials to be stored in the areas on the subject property shall be submitted to and approved by the Salinas Rural Fire District. These storage areas include, but are not limited to, the storage shed on the east side of the residence/office as well as the metal storage containers near the parking area. (The plan submitted with this application indicates that the storage area adjoining the shop will be used for storage of paper products and chemicals associated with the portable toilet business). (Salinas Rural Fire District)
5. The shop/storage building shall be made to comply with the requirements of the Uniform Building Code/California Building Code and the Uniform Fire Code/California Fire Code for Group H Division 4 Occupancies including, but not limited to, fire rated construction requirements, exiting, storage, welding/hot works operations, proximity to flammable and combustible fuel storage, and setback from property lines. (Salinas Rural Fire District)
6. In the event the property line closest to the shop/storage building cannot be changed by an approved lot line adjustment, then the shop/storage building shall be protected with an approved fire sprinkler system. (Salinas Rural Fire District)
7. The 500-gallon diesel tank and the oil tank shall be made to comply with the applicable Uniform Fire Code/California Fire Code requirements for storage and/or dispensing of combustible liquids including, but not limited to, storage and dispensing equipment, setback from property lines(s), signage, protection from damage by vehicles, and emergency shut-off. (Salinas Rural Fire District)
8. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. (Salinas Rural Fire District)
9. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (Salinas Rural Fire District)
10. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Salinas Rural Fire District)
11. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (Salinas Rural Fire District)

12. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. (Salinas Rural Fire District)
13. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. (Salinas Rural Fire District)
14. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. (Salinas Rural Fire District)
15. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. (Salinas Rural Fire District)
16. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Salinas Rural Fire District)
17. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection. (Salinas Rural Fire District)
18. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system for the purpose of monitoring the fire sprinkler system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1996. (Salinas Rural Fire District)
19. Pursuant to the Uniform Fire Code Appendix III-A, the basic minimum fire flow requirement is 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. With the installation of an approved automatic fire sprinkler system, the fire flow shall be a minimum of 750 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. (Salinas Rural Fire District)
20. Fire hydrant(s) are required. The type and location shall be determined by the Salinas Rural Fire District. (Salinas Rural Fire District)

21. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. (Salinas Rural Fire District)
22. Portable fire extinguishers shall be installed and maintained throughout the project in accordance with Uniform Fire Code Standard 10-1. (Salinas Rural Fire District)
23. When construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be set adjacent to the driveway or access road to the property. Address numbers posted shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum number height of 3 inches with a 3/8 inch stroke, and contrasting with the background colors of the sign. (Salinas Rural Fire District)
24. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. An \$84.00 landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Said landscaping shall include the planting of trees and bushes to screen the portable toilet operation from Alisal Road. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection)

**Continuous Permit Conditions:**

25. The applicant shall comply with Title 19 of the California Code of Regulations, Subchapter 3, and the Health and Safety Code, Chapter 6.95 (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)
26. All vehicles or parts stored longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials or wastes shall be stored in impervious areas with secondary containment features approved by the Director of Environmental Health. The 72-hour storage time limit shall not apply to impounded vehicles. (Environmental Health)
27. The number of portable toilets to be stored on the site is limited to fifteen (15). (Planning and Building Inspection)
28. All landscaped areas and 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)
29. 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. (Planning and Building Inspection)

**PASSED AND ADOPTED** this 9th day of August, 2001.

  
LYNNE MOUNDAY  
ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON **AUG 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 **AUG 27 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 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 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.

