



STAFF REPORT
Monterey County Coastal Administrative Permit
Resource Management Agency - Planning Department

168 W. Alisal St. 2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: December 20, 2011

To: James Hammond, Property Owner/Applicant

From: Ramon A. Montano, Assistant Planner (831) 755-5169/ email montano
@co.monterey.ca.us

A handwritten signature in black ink, appearing to read "Ramon A. Montano".

cc: Front Counter Copy; North County Fire Department; Public Works; Coastal Commission; Environmental Health Bureau; Water Resources Agency; Planner; Ramon A. Montano, Assistant Planner; Delinda Robinson, Senior Planner; James Hammond, Property Owner; The Open Monterey Project; LandWatch; Project File PLN110258

Re: Hammond (PLN110258) Coastal Administrative Permit for the construction of a new well to replace an existing failed well. The well is intended for commercial agricultural use.

Location: Assessor's Parcel Number: 117-041-017-000
1186 Trafton Road, Moss Landing
North County Land Use Plan, Coastal Zone.

Staff is recommending approval of the Coastal Administrative Permit subject to the findings, evidence, and conditions in **Exhibit B**. Please read these carefully and contact the planner if you have any questions. Unless otherwise noted in the conditions, the applicant will be required to satisfy all permit conditions prior to the issuance of a building/grading permits and/or commencement of the approved use.

On January 4, 2012, an administrative decision will be made. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, its findings, or conditions, based on a substantive issue, is 5:00 p.m. on Tuesday, January 3, 2012. The permit will be administratively approved the following day, if we do not receive any written comments by the deadline. You will receive a copy of your approved permit in the mail. We will notify you as soon as possible, in the event that we receive correspondence in opposition to your project or if the application is referred to a public hearing.

Note: This project will be referred to the Monterey County Zoning Administrator, if a public hearing is necessary. The decision on this project is appealable to the Monterey County Board of Supervisors.

Attachments: Exhibit A Project Data Sheet
Exhibit B Resolution
• Recommended Conditions of Approval
• Site Plan
Exhibit C Vicinity Map

This report was reviewed by Delinda Robinson, Senior Planner.

A handwritten signature in black ink, appearing to read "Delinda Robinson".

EXHIBIT A

Project Information for PLN110258

Project Information:

Project Name:	HAMMOND JAMES P & ANTONIA M TRS		
Location:	1186 TRAFTON RD MOSS LANDING		
Permit Type:	Coastal Administrative Permit		
Environmental Status:	Exempt	Final Action Deadline (884):	12/11/2011
Existing Structures (sf):	0	Coverage Allowed:	N/A
Proposed Structures (sf):	0	Coverage Proposed:	N/A
Total Sq. Ft.:	0	Height Allowed:	N/A
Tree Removal:	0	Height Proposed:	N/A
Water Source:	PRIVATE WELL	FAR Allowed:	N/A
Water Purveyor:	N/A	FAR Proposed:	N/A
Sewage Disposal (method):	SEPTIC	Lot Size:	8.3
Sewer District:	N/A	Grading (cubic yds.):	0

Parcel Information:

Primary APN:	117-041-017-000	Seismic Hazard Zone:	IV
Applicable Plan:	North County LCP	Erosion Hazard Zone:	Moderate
Advisory Committee:	North County-Coastal Advisory Committee	Fire Hazard Zone:	low
Zoning:	CAP(CZ)	Flood Hazard Zone:	no
Land Use Designation:	40 acre minimum	Archaeological Sensitivity:	high
Coastal Zone:	North County LCP	Viewshed:	no
Fire District:	North County FPD	Special Setbacks on Parcel:	N

Reports on Project Parcel:

Soils Report #:	NONE
Biological Report #:	NONE
Geologic Report #:	NONE
Forest Management Rpt. #:	NONE
Archaeological Report #:	LIB110318,04.09.135
Traffic Report #:	NONE

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Director of the RMA-Planning Department
in and for the County of Monterey, State of California**

In the matter of the application of:

James Hammond (PLN110258)

RESOLUTION NO. ----

Resolution by the Monterey County Director of the RMA-Planning Department:

- 1) Finding the project exempt from CEQA per CEQA Guidelines Section 15302 (c); and
- 2) Approve Coastal Administrative Permit for the construction of a new well to replace an existing failed well. The well is intended for commercial agricultural use.

(PLN110258), James Hammond, 1186 Trafton Road, Moss Landing, North County Land Use Plan, Coastal Zone. (Assessor's Parcel Number 117-041-017-000).

The James Hammond application (PLN110258) came on for public hearing before the Monterey County Director of the RMA-Planning Department on January 4, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Director of the RMA-Planning Department 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 (LUP);
 - Monterey County Coastal Implementation Plan Part 2 (CIP);
 - 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 1186 Trafton Road, Moss Landing (Assessor's Parcel Number 117-041-017-000), North County Land Use Plan, Coastal Zone. The parcel is zoned “CAP (CZ)” or Coastal Agricultural Preserve, Coastal zone, which allows replacement of wells where no increase in service connections is created subject to a Coastal Administrative Permit. The proposed development is for the replacement of an existing irrigation well per Section 20.30.040 H, and no increase in service connections is proposed. Therefore, the

- project is an allowed land use for this site.
- c) The project planner conducted a site inspection in October of 2011 to verify that the project on the subject parcel conforms to the plans listed above.
 - d) The project is consistent with applicable policies/regulations under the Monterey County Zoning Ordinance Title 20 Coastal Implementation Plan Part 2. Per Section, 20.030.040 (H) which allows for the replacement of existing wells where no increase to service connection is created and as delineated in the enclosed site plan retained with the RMA-Planning Department within file number (PLN110258). The proposed replacement well is constant with all applicable policies with the North County Land Use Plan regarding Agricultural Perseveration Lands where there will be no change to the agricultural uses of the property
 - e) 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. Staff determined that this application did warrant referral because the project did not meet the requirements under the LUAC referral guidelines as demonstrated in Exhibit A, items (1-5) of Resolution No. 08-338.
 - 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 PLN110258.

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 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) Staff identified potential impacts to Cultural Resources. 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:

- *“Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number 117-041-017-000” (LIB110318), prepared by Archaeological Consulting, Salinas CA, April 25, 1996.*

c) The Monterey County Geographical Information System indicates that the subject property is considered under the important Farmlands map as “Urban and built up” however it is currently zoned “CAP”, as indicated in figure 1 of the North County Land Use Plan Land Use Designations map. The replacement well is an allowed principle use with a Coastal Administrative Permit therefore the proposed well is consistent with Section 20.030.040 (H) and will not alter the

- agricultural use of the land by removing viable irrigated land and therefore suitable for the use proposed.
- d) The subject parcel has been identified as being located within a high sensitivity archeological zone. The County required an archaeological report as required by CIP Section 20.144.110 to determine if there are any archaeological resources within the project area. The report concluded that there is no evidence of potential resources within the project area. The standard condition requiring that all work stop in the event a resource is discovered has been incorporated as Condition No. 3.
 - e) Staff conducted site inspections in October of 2011 to verify that the site is suitable for this use.

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, Environmental Health Bureau. 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) No public facilities are required for the use of the well nor will this require changes to existing conditions regarding established septic systems or holding ponds for runoff.
 - c) Preceding findings and supporting evidence for PLN110258 within findings 1, 2, and 3.

4. **FINDING:** **NO VIOLATIONS** - The subject property complies 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 records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection in October of 2011 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 PLN110258

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 15302 (c) Class 2 of the CEQA Guidelines categorically exempts

replacement of existing utility systems involving negligible or no expansion of capacity.

- b) The proposed well is a replacement well for a failed agricultural irrigation well. The well site is located within an area previously disturbed therefore; no protected vegetation shall be affected or removed. The well is not located within the area identified as flood plain per the county GIS and FEMA flood maps.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit in October of 2011
- d) Staff review of the project found that there are no unique circumstances and that none of the exemptions listed in CEQA Guidelines Section 15300.2 apply as provided under exceptions.
- 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 20.70.050.B.4.c 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 6, of the Shoreline Access Trails Map, of 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 PLN110258
- e) The project planner conducted a site inspection on site inspections in October of 2011.

7. **FINDING:**

APPEALABILITY – The decision on this project is appealable to the Board of Supervisors. It is not appealable to the California Coastal Commission.

EVIDENCE:

- a) **BOARD OF SUPERVISORS**
Section 20.86.030.a Monterey County Ordinance provides that an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of the Appropriate Authority other than the Board of Supervisors.
- b) **CALIFORNIA COASTAL COMMISSION**
Section 20.86.030.a.3 Monterey County Zoning Ordinance. The project is not subject to appeal by/to the California Coastal Commission because the project for a replacement agricultural irrigation well is listed a principal allowed use and principal allowed uses are not appealable unless the project meets specific criteria. The site and the project do not fall into any of the categories that would allow an appeal by/to the California Coastal Commission.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of the RMA-Planning Department does hereby:

- A. Find the project exempt from CEQA per CEQA Guidelines Section 15302 (c); and
- B. Approve a Coastal Administrative Permit for the construction of a new well to replace an existing failed well. The well is intended for commercial agricultural use in general, conformance with the attached sketch and subject to the conditions, both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this fourth day of January, 2012.

Mike Novo,
Director of the RMA-Planning Department

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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 [DATE]

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.

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110258

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit (PLN110258) allows the construction of a new well to replace an existing failed well. The well is intended for commercial agricultural use. The property is located at 1186 Trafton Road, Moss Landing (Assessor's Parcel Number 117-041-017-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice which states: "Coastal Administrative Permit (Resolution Number _____), was approved by the Director of Planning for Assessor's Parcel Number 117-041-017-000, on January 4, 2012. The Coastal Administrative Permit was granted subject to 7 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 Register 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 recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. 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.

4. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 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)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit restoration plans to the RMA - Planning Department for review and approval.

5. EHSP01 - WELL CONSTRUCTION PERMIT (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 15.08, Water Wells, obtain a water well construction permit from the Environmental Health Bureau and construct the well.

Compliance or Monitoring Action to be Performed: Prior to drilling the well, a CA licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau. Complete well construction according to the well permit. Submit the Well Completion Report to the Environmental Health Bureau.

6. EHSP02 - WELL NOT IN SERVICE (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Destroy the existing well that is being replaced by the proposed new well. The existing well shall be destroyed within six (6) months of completion of the new well according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.

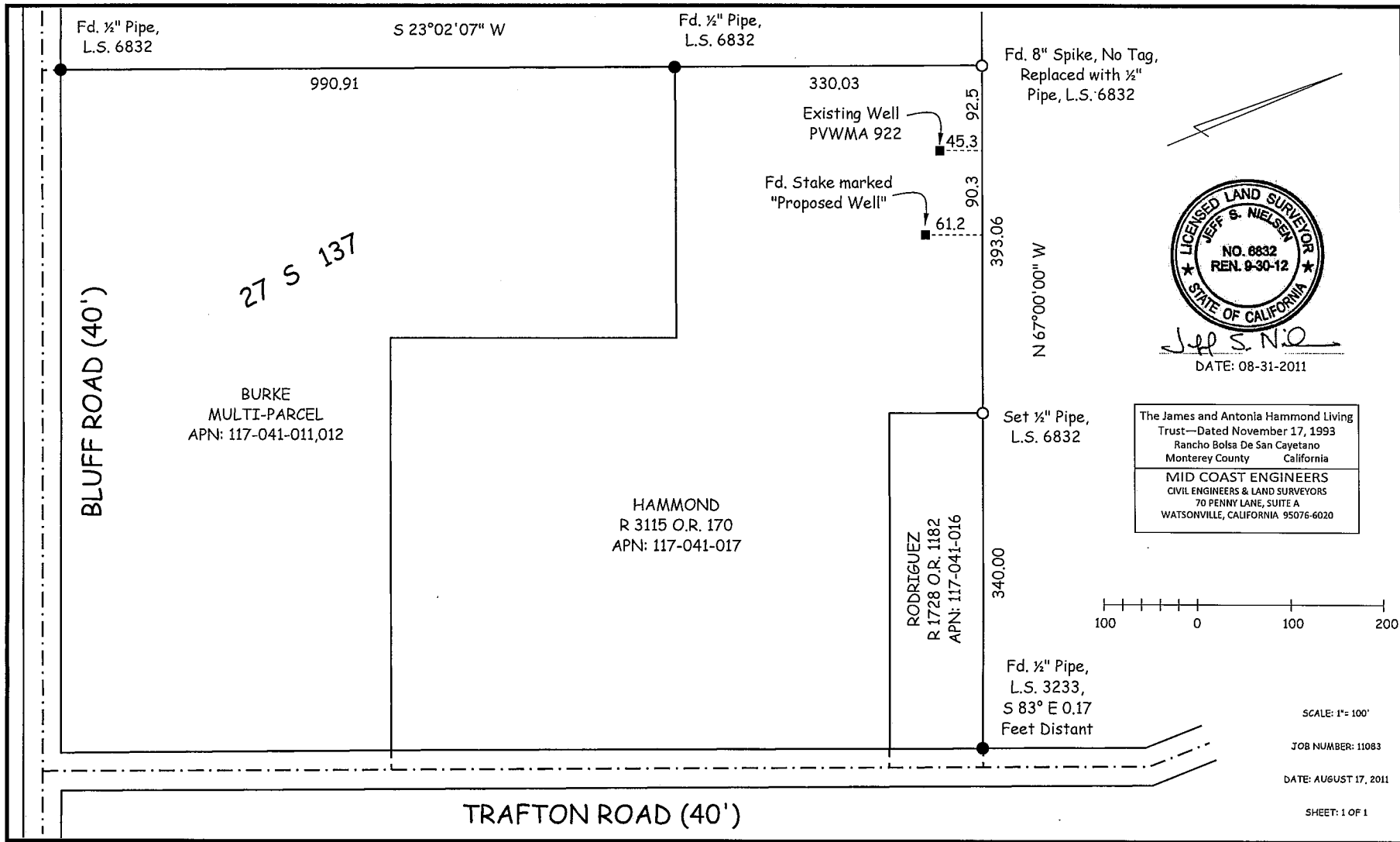
Compliance or Monitoring Action to be Performed: Prior to destroying the old well, a CA licensed well drilling contractor shall obtain a well destruction permit from the Environmental Health Bureau. Complete well destruction according to the well destruction permit. After destruction, the CA licensed well drilling contractor shall submit the Well Drillers Report to the Environmental Health Bureau.

7. EHSP03 & WATER QUALITY SAMPLING (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: An independent, certified water sampler approved by Monterey county Health Department shall collect the appropriate samples and test for primary inorganics, general mineral, general physical and total coliforms. After construction of the well and the completion of initial testing, synthetic organic compounds (SOC&s) may be deemed necessary based on initial water quality tests and the final well construction details. Contact the Environmental Health Bureau to confirm the appropriate tests and protocol requirements.

Compliance or Monitoring Action to be Performed: Prior to use of the well, conduct the necessary testing and provide the results to the Environmental Health Bureau for review and approval. Contact the Environmental Health Bureau to confirm the appropriate tests and protocol requirements.



Fd. 1/2" Pipe,
L.S. 6832

S 23°02'07" W

Fd. 1/2" Pipe,
L.S. 6832

Fd. 8" Spike, No Tag,
Replaced with 1/2"
Pipe, L.S. 6832

990.91

330.03

Existing Well
PVWMA 922

92.5
45.3

Fd. Stake marked
"Proposed Well"

90.3
61.2

27 S 137

BLUFF ROAD (40')

BURKE
MULTI-PARCEL
APN: 117-041-011,012

HAMMOND
R 3115 O.R. 170
APN: 117-041-017

RODRIGUEZ
R 1728 O.R. 1182
APN: 117-041-016

393.06

W 1°00'00" N

Set 1/2" Pipe,
L.S. 6832

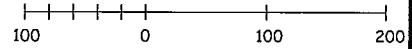
340.00

Fd. 1/2" Pipe,
L.S. 3233,
S 83° E 0.17
Feet Distant



Jeff S. Nielsen
DATE: 08-31-2011

The James and Antonia Hammond Living
Trust—Dated November 17, 1993
Rancho Bolsa De San Cayetano
Monterey County California
MID COAST ENGINEERS
CIVIL ENGINEERS & LAND SURVEYORS
70 PENNY LANE, SUITE A
WATSONVILLE, CALIFORNIA 95076-6020



SCALE: 1"= 100'

JOB NUMBER: 11083

DATE: AUGUST 17, 2011

SHEET: 1 OF 1

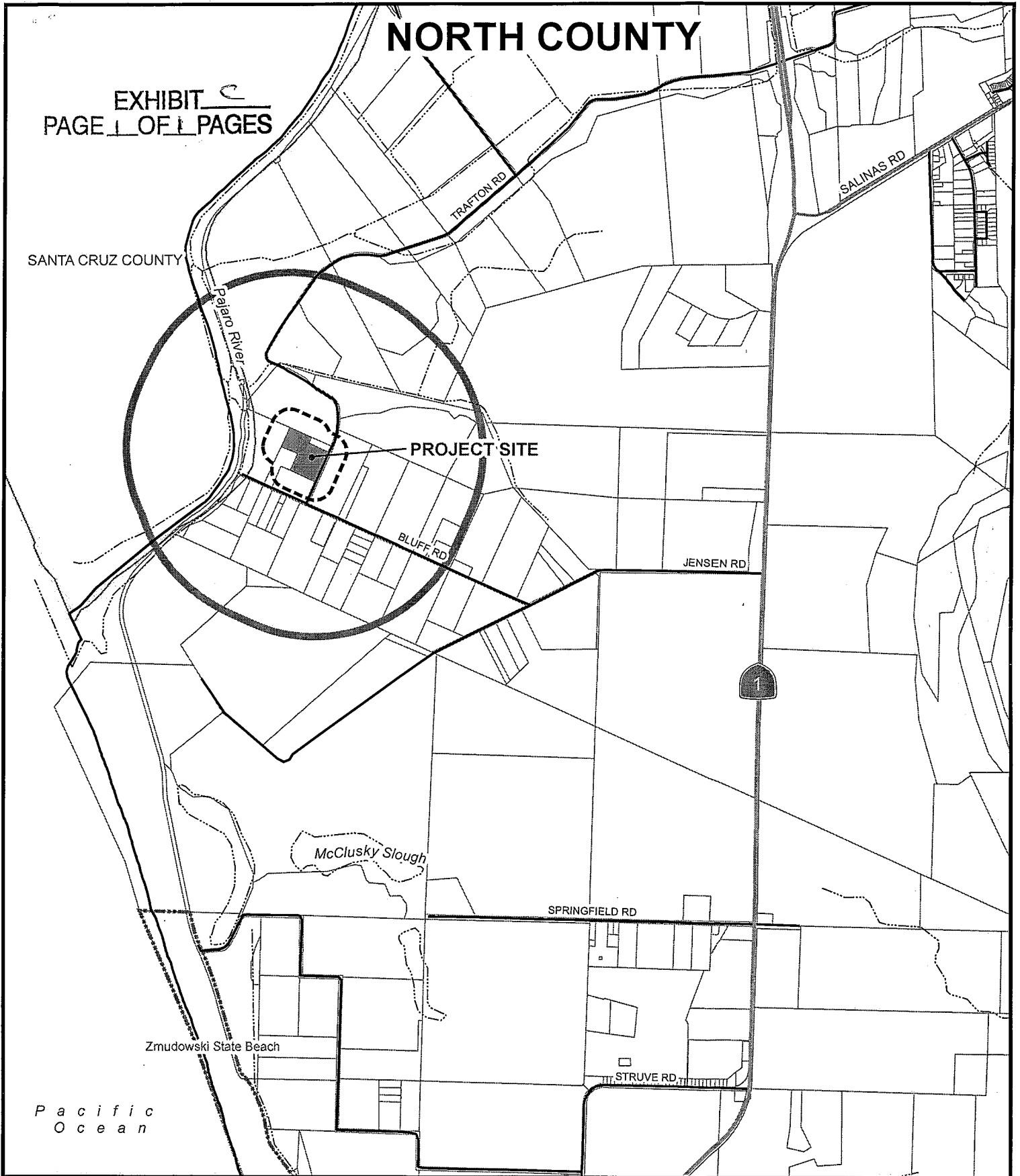
TRAFTON ROAD (40')

EXHIBIT 3
 PAGE 1 OF 1 PAGES

NORTH COUNTY

EXHIBIT C
PAGE 1 OF 1 PAGES

SANTA CRUZ COUNTY



APPLICANT: HAMMOND

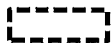
APN: 117-041-017-000

FILE # PLN110258

Water



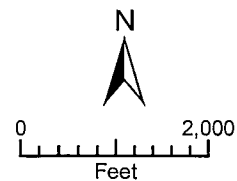
2500' Limit



300' Limit



City Limits



PLANNER: MONTANO