



STAFF REPORT

Monterey County Amendment
Resource Management Agency - Planning Department
168 W. Alisal St. 2nd Floor, Salinas, CA 93901
(831) 755-5025; FAX (831) 757-9516

Date: May 30, 2012

To: William Dan Powell, Property Owner
John Bridges, Representative

From: Ramon Montano, Project Planner (831) 755-5169
montanor@co.monterey.ca.us

cc: Front Counter Copy; California Coastal Commission; Cypress Fire Department; Public Works; Environmental Health Bureau; Water Resources Agency; Ramon Montano, Planner; Laura Lawrence, Planning Services Manager; William Dan Powell, Property Owner; John Bridges, Representative; Planning File PLN110366

Re: Powell, (PLN110366) an after the fact Minor and Trivial Amendment to a previously approved Coastal Administrative Permit (PLN070074) which allowed the development of a test well (authorizing the construction and use of the well for testing to establish a water source). This after-the-fact Minor and Trivial Amendment would approve the new well site and allow the completed test well to remain at its current location as a test well.

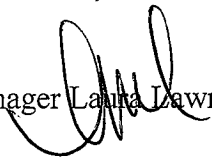
Location: Assessor's Parcel Number: 009-081-027-000
3072 Serra Avenue Carmel
Carmel Area Land Use Plan

Staff is recommending approval of the Minor and Trivial Amendment subject to the findings & evidence in the attached draft Resolution and conditions attached as **Exhibit 1** to the draft Resolution. 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 June 13, 2012, an Administrative decision will become final. A public notice has been distributed for this project. The deadline for submittal of written comments in opposition to the project, or its findings or conditions, based on a substantive issue, is 5:00 p.m. on June 12, 2012. The Minor and Trivial Amendment 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 Minor and Trivial Amendment permit in the mail. We will notify you as soon as possible, in the event that we receive correspondence in opposition to your amended project or the application is referred to a

Note: This project will be referred to the Monterey County Zoning Administrator if objections are received. The decision on this project is not appealable to the California Coastal Commission because the original permit was not appealable.

Attachments: Resolution
Exhibit 1: Condition Compliance and Mitigation Monitoring Reporting Plan
Exhibit 2 Site Plan, Floor Plans, and Elevations
Exhibit 3 Vicinity Map

This report was reviewed by Planning Services Manager  Laura Lawrence.

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

In the matter of the application of:

William Dan Powell (PLN110366)

RESOLUTION NO.

Resolution by the Monterey County Director of Planning Approving a Minor and Trivial Amendment (PLN110366) as an after the fact Minor and Trivial Amendment to a previously approved Coastal Administrative Permit (PLN070074) which allowed the development of a test well (to authorizing the construction and use of the well for testing to establish a water source). This after the fact Minor and Trivial Amendment would approve the new well site and allow the completed test well to remain at its current location as a test well.

The property is located at 3072 Serra Avenue Carmel, Carmel area, Coastal Zone (Assessor's Parcel Number 009-081-027-000).

The Director of the Resource Management Agency-Planning Department, having considered the application and all the written and documentary evidence presented relating thereto, finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** The County has received and processed a Minor and Trivial Amendment to PLN070074.

- EVIDENCE:**
- (a) An application for a Minor and Trivial Amendment was submitted on January 19, 2012. A condition has been included to indicate an expiration date for PLN110366.
 - (a) The property is located at 3072 Serra Avenue, Carmel (Assessor's Parcel Number 009-081-027-000), Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D (CZ)" [Medium Density Residential, 2 units per acre with a Design Control Overlay District (Coastal Zone)], which allows for the development of a water source well. Therefore, the project is an allowed land use for this site.
 - (b) On June 11 2008, the Director of Planning approved PLN070074 for a Coastal Administrative Permit to allow the development of a test well, (authorizing the construction and use of the well for testing to establish a water source).
 - (c) On January 19, 2012, an application PLN110366 was submitted to

amend PLN070074.

- (d) This Minor and Trivial Amendment allows a change in the previously approved location of a test well to a new location on the site in conformance with PLN070074 as reflected in revised application. This modification shall be in addition to the previously applied findings, evidence, and carries forward any conditions deemed valid by the Planning Department including conditions not previously cleared for Coastal Administrative Permit PLN070074 incorporated herein as conditions Exhibit 1.
- (e) The site location of the well was altered due to two factors. The well was located in an area near existing trees. It was later brought to the County's attention that the trees would interfere with the well and access to it and the well was proposed to be located in a vault within the proposed driveway. The Environmental Health Bureau met with the owner and the drilling contractor to review the new well site. The new well site was approved to be relocated located approximately 50 feet away from the originally approved well site. The new well site would then be 15 feet away, rather than 25 feet from the property line adjacent to Serra Ave. This would therefore create a sphere of influence under a portion of the driveway of the adjacent property. This zone would encompass on a radius approximately 10 feet into the adjacent property. It was determined that it would not significantly affect the developable area on the adjacent property because the actual area of exclusion would be approximately 34 square feet after including the front and side setback area on the contiguous property to the subject well site.
- (f) All applicable conditions of approval from PLN070074 have been, carried forward to permit PLN110366. The following conditions have been previously cleared or are no longer applicable:

2	PD002-Permit Approval Notice	Cleared	7/21/2008
5	PDSP001-Drilling Spoil Containment	No longer required	Drilling completed
6	PDSP002-Drainage Plan	No longer required	Drilling completed
9	SPW0001-Encroachment	No longer required	Drilling completed
10	PD011-Tree and Root Protection	No longer required	Drilling completed
11	EH8-Well Construction permit	Previously complied with	Drilling completed
12	EH9-New Well Pump Test	Previously complied with	Drilling completed

- (g) The following new conditions of approval have been incorporated into Exhibit 1:

Planning Standard Conditions numbers 1, 2, and 3 in Exhibit 1:
condition number 1 (PD001), condition number 2 (PD002),
condition number (PD003A); condition number (PD032A);

and including the following Non-standard conditions:

New Condition#	old Condition#	Description	Cleared
PLN110366	PLN070074		
5	7	Restoration	No
6	8	Well Report	No
7	9	Encroachment	No

- (h) New Conditions of Approval are incorporated in Exhibit 1.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed Minor and Trivial Amendment found in project files PLN110366 and PLN070074.

2. **FINDING:** The project as proposed is consistent with the previously approved permit(s) pursuant to Monterey County Code Section 20.12.040.G and does not cause impacts not already assessed in original permit action. As approved and amended, permit number, PLN110366 will become and be referred to as the approved permit.

- EVIDENCE:**
- (a) The project is constant with the previous approval as it will provide the property with a potable water source in the manner approved under PLN070074.
 - (b) The well was developed in a different location that originally approved because it was later determined by the drilling consultant Granite Drilling Company, that the original location identified in the application PLN070074 was not suitable and would not yield the best results. Consequently, the well site was relocated and approved by the Environmental Health Bureau before the installation of the well in its current location. The well was constructed in the manner prescribed under the original permit PLN070074. It has been determined that the relocated well has not created impacts not already assessed in original permit action and the Minor and Trivial Amendment is in keeping with the action of the appropriate authority.
 - (c) No previous Minor and Trivial Amendments have been prepared for this property or for PLN070074.
 - (d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning for the proposed Minor and Trivial Amendment found in project files PLN110366 and PLN070074.

3. **FINDING:** The Minor and Trivial Amendment does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was Categorically Exempt per CEQA Guidelines Section 15304

- EVIDENCE:**
- (a) The project meets the intent of Section 15162 because the relocation of the well site on the subject property does not substantially change the circumstances under which the project was undertaken or approved or will require major revisions to the site. No new information of substantial importance has been presented or reviewed by the County altering the conclusion made during the analysis of the project.

Therefore, the County finds the project as constructed has created any new potentially significant impacts to the environment as a result in the relocation of the well site.

- (b) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed Minor and Trivial Amendment found in Project Files for the proposed Minor and Trivial Amendment found in Project Files PLN110366 and PLN070074.

4. **FINDING:** Consideration of the request for the Minor and Trivial Amendment has been carried out pursuant to Monterey County Code Section 20.84.040.A of Monterey County Code Title 20 (Zoning).

- EVIDENCE:**
- (a) On May 30, 2012 notices were mailed to residents within 300 feet of the project site and posted in at least 3 different public places on and near the subject property.
 - (b) No objections were received during the notification period from May 30, 2012 to June 12, 2012.
 - (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed Minor and Trivial Amendment found in Project files for the proposed Minor and Trivial Amendment found in project files PLN110366 and PLN070074.

5. **FINDING:** The project, as approved, is appealable to the Board of Supervisors and not to the California Coastal Commission.

- EVIDENCE:**
- (a) Per Monterey County Code Section 20.70.105.A the Director has determined the Minor and Trivial Amendment will not create any new potential impacts and is generally keeping with the action of the appropriate authority.
 - (b) No objections were received during the notification period from May 30, 2012 to June 12, 2012
 - (c) Monterey County Code Section 20.86.080.A. 3. (specify because Uses listed as principle uses are not appealable to the Coastal Commission unless they fall into categories listed under 1, 2, and 4).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of the Resource Management Agency – Planning Department does hereby:

Approve a Minor and Trivial Amendment (PLN110366) as an after-the-fact Minor and Trivial Amendment to a previously approved Coastal Administrative Permit (PLN070074) which allowed the development of a test well (to authorizing the construction and use of the well for testing to establish a water source). This after the fact Minor and Trivial Amendment would approve the new well site and allow the completed test well to remain at its current location as a test well. PLN110366, 3072 Serra Avenue Carmel, Carmel Land Area Land Use Plan, (Assessor's Parcel Number 009-081-027-000).

PASSED AND ADOPTED this 13th day of June, 2012.

MIKE NOVO, DIRECTOR
RMA – PLANNING DEPARTMENT

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA COASTAL COMMISSION ON.

NOTE:

1. You may need a building and/or grading permit and must comply with the Monterey County Resource Management Agency-Building Services Department 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 working days after the mailing of the 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 an appeal.
Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Resource Management Agency - Planning Department.
2. This permit expires 3 years after the above date of granting thereof unless construction or use is started with this period.

Exhibit 1

Condition Compliance and Mitigation Monitoring Reporting Plan

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110366

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This amendment (PLN110366) as an after-the-fact amendment to a previously approved Coastal Administrative Permit (PLN070074) which allowed the development of a test well (to authorizing the construction and use of the well for testing to establish a water source). This after the fact amendment would approve the new well site and allow the completed test well to remain at its current location as a test well 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. This notice shall state:
"An Amendment (Resolution Number ***) was approved on June 13, 2012 by the Director of Planning for Assessor's Parcel Number 009-081-027-000 on . The 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. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on June 13, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/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.

5. PDSP001-RESTORATION (Non-Standard)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner shall ensure upon completion of the work, the areas disturbed by well drilling are restored and that native plant species shall be planted.

Compliance or Monitoring Action to be Performed: The owner shall submit evidence the site has been restored prior to commencement of use.

6. PDSP002-WELL COMPLETION REPORT (NON-STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to commencement of the well use, evidence shall be submitted to RMA-Planning Department that the work has been completed (in the form of a well completion report).

Compliance or Monitoring Action to be Performed: The owner shall submit well completion report to the RMA Planning Department prior to the commencement of use.

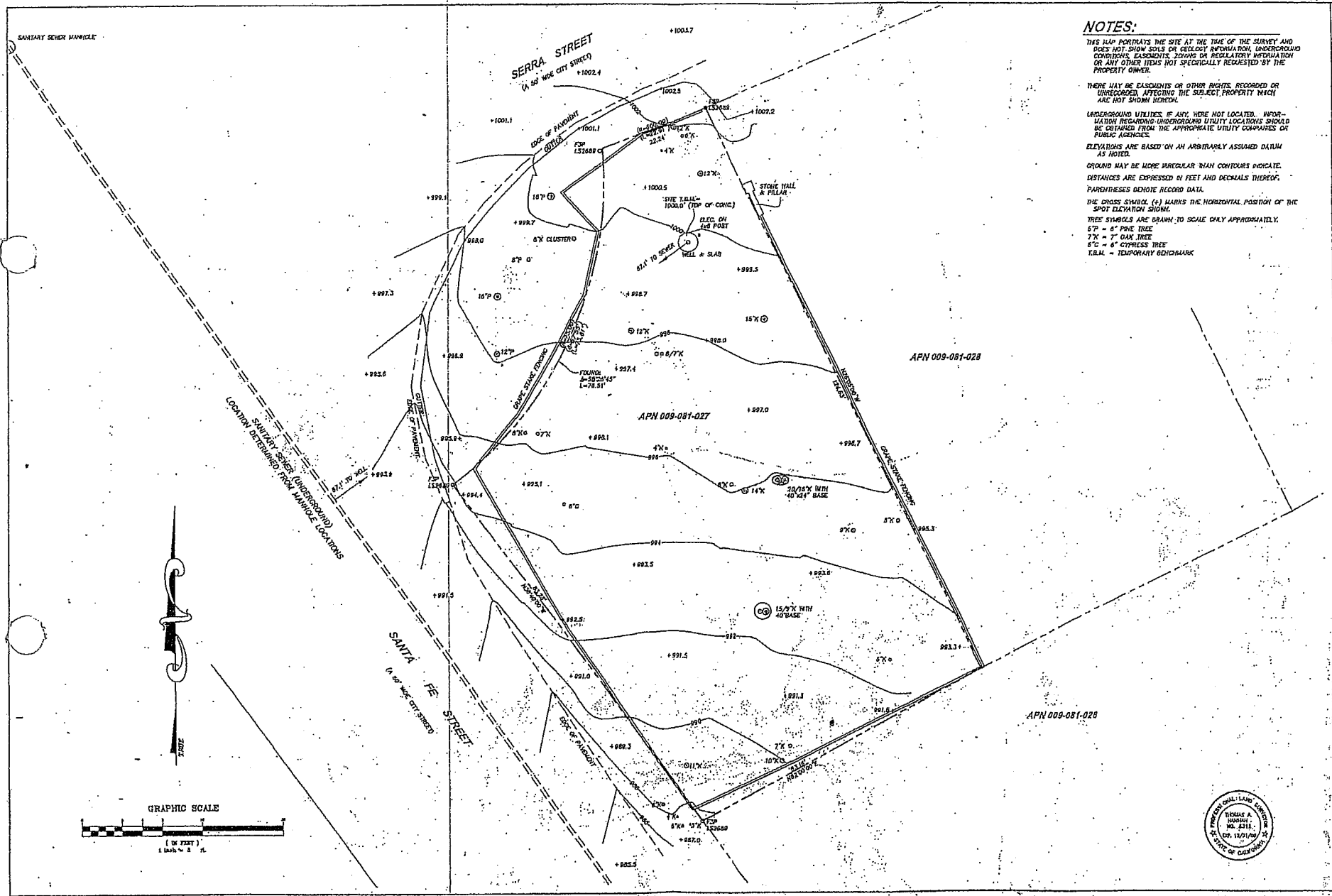
7. PWSP01 - ENCROACHMENT (NON-STANDARD)

Responsible Department: Public Works Department

**Condition/Mitigation
Monitoring Measure:** Obtain an encroachment permit from the Department of Public Works and grade the existing shoulder for positive drainage control subject to the approval of the Department of Public Works. (Public Works)

**Compliance or
Monitoring
Action to be Performed:** Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

EXHIBIT 2
Site Plan



NOTES:

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLGY INFORMATION. UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

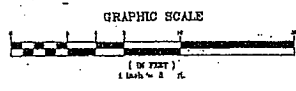
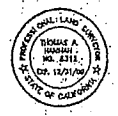
GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF. PARENTHESES DENOTE RECORD DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

TREE SYMBOLS ARE GRAPHIC TO SCALE ONLY APPROXIMATELY.

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DATE OF SURVEY: 11/18, 12/9, 2009	RASMUSSEN LAND SURVEYING, INC.
DRAWING SCALE: 1" = 8'	
DRAWN BY: TW/MS	P.O. BOX 3725 HUNTERSBURG, INDIANA 46324 (317)375-7240 (317)375-2245 FAX
REVISION: DEC. 9, 2009	
RLS	
PROJECT NO. 20094	TOPOGRAPHIC SURVEY OF EXISTING CONDITIONS OF THE PROPERTY SHOWN AS FIRST ADDITION TO SUBDIVISION, MOORE LOT 24, BLOCK 15B, ADMIRAL COUNTRY RESERVE CALIFORNIA
PREPARED FOR: HOLLY BRUCE	



LOCATION DETERMINED FROM MANHOLE LOCATIONS

SANTA FE STREET
(1/4 of 1/2 of city street)

SERRA STREET
(1/4 of 1/2 of city street)

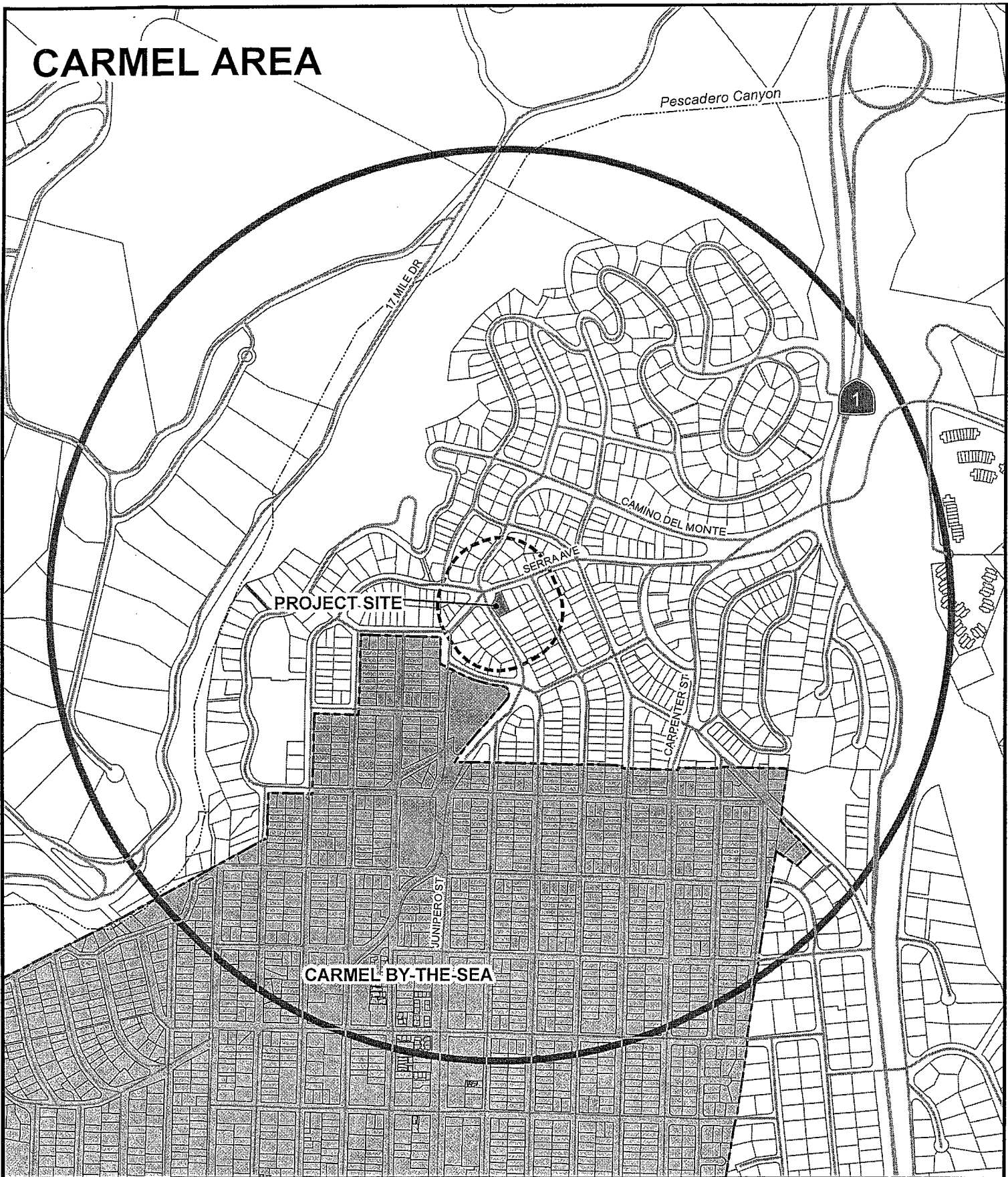
APN 009-081-028

APN 009-081-027

APN 009-081-028

Exhibit 3
Vicinity Map

CARMEL AREA



APPLICANT: POWELL
APN: 009-081-027-000 FILE # PLN110366
~ Water 2500' Limit 300' Limit City Limits

