

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> October 8, 2003 @ 10:45 a.m.	<b>Agenda Item:</b> 5
<b>Project Description:</b> Ordinance 499, an uncodified ordinance of Monterey County regulating Official Plan Lines, requires the Planning Commission determine that construction of a fence and planting trees within the Rio Road Official Plan Line by the applicant will not defeat the purposes of this ordinance. This project is associated with planning file PLN030154, which was previously approved for construction of a single family residence, barn, and fencing.	
<b>Project Location:</b> 26525 Val Verde Drive (Assessor's Parcel Number 015-021-005-000)	
<b>Applicant:</b> Dee Anne Howe	
<b>Plan Area:</b> Carmel Valley Master Plan Area	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> LDR-1-D-S	<b>CEQA Action:</b> Exempt per 15303(e)
<b>Department:</b> Planning and Building Inspection	

### **RECOMMENDATION:**

Adopt the Planning Commission Resolution (Exhibit "A") determining that construction of a fence and planting trees within the Rio Road Official Plan Line will not defeat the purposes of Ordinance 499, and should be allowed to commence as approved pursuant to PLN030154.

### **OVERVIEW OF PROPOSED ACTION:**

The applicant proposes to construct a fence and plant trees within the Rio Road Official Plan Line. Per Section 9 of Ordinance 499, an uncodified County ordinance regulating Official Plan Lines, this request must be presented to the Planning Commission for an opinion as to whether construction of the proposed fence and planting trees within the Rio Road Official Plan Line by the applicant will or will not defeat the purposes of the ordinance.

The purposes of Ordinance 499 are set forth in Section 4. In general the ordinance is intended to protect and promote the public health, safety, peace, morals, comfort, convenience and general welfare . . . of the County of Monterey" and its residents as it relates to streets and highways. The proposed fence and planting of trees within the Rio Road Official Plan Line will not defeat the purpose of the ordinance since the trees may be removed at a future date and a fence is not considered a permanent structure and may be removed when and if Rio Road is ever extended.

This project is affiliated with planning file PLN030154 which was previously approved for the construction of a single family residence, barn, and fencing. Per ordinance 499, condition 19 was adopted which states that "the applicant shall not construct the fence, which is currently shown within the Official Plan Line on the Plan attached to . . . Resolution [No.030154], without the required permit approvals by the Planning Commission pursuant to Ordinance No. 499, Section 9."

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September 25, 2003

cc: Planning Commissioners; County Counsel; Public Works Department; Environmental Health; Water Resources Agency; Ron Lundquist (Public Works); Scott Hennessy; Dale Ellis; Jeff Main; Ann Towner; Michael McCormick; Kay Barrett; Owner

Attachments: Exhibit "A" Draft Resolution  
Exhibit "B" Site Plan  
Exhibit "C" Section 9 of Ordinance 499

This report reviewed by Ann Towner, Planning and Building Services Manager.

NOTE: A complete copy of Ordinance 499 has been distributed to each member of the Planning Commission as a separate attachment. Copies of this ordinance are available upon request.

Please contact Michael McCormick at 883-7564 for a copy.

**EXHIBIT "A"**

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

**Resolution No.** \_\_\_\_\_

Resolution by the Monterey County Planning )  
Commission finding that construction of a fence and )  
Planting trees within the Rio Road Official Plan Line )  
will not defeat the purposes of Ordinance 499, and )  
should be allowed to commence as approved )  
pursuant Condition No.19 to PLN030154.....)

**WHEREAS**, this matter was heard by the Planning Commission of he County of Monterey on October 8 2003, pursuant to Section 9 of Ordinance 499 which establishes standards and regulations for Official Plan Lines in Monterey County.

**WHEREAS**, the parcel is located at 26525 Val Verde Drive in Carmel Valley (APN 015-021-005-000) of the County of Monterey.

**WHEREAS**, Dee Anne Howe has obtained an Administrative Permit and Design Approval for construction of a single family residence, a barn and fencing. Condition 19 of the permit was adopted which states that “the applicant shall not construct the fence, which is currently shown within the Official Plan Line on the Plan attached to . . . Resolution [No.030154], without the required permit approvals by the Planning Commission pursuant to Ordinance No. 499, Section 9.”

**WHEREAS**, having considered all the written and documentary information submitted, oral testimony, and other evidence presented before the Planning Commission, the Commission rendered its decision to adopt a finding and evidence which state that construction of the fence and planting the trees in the Rio Road Official Plan Line will not defeat the purposes of Ordinance 499.

**Finding**

Finding: Construction of the fence and planting trees on the Dee Anne Howe property within the Rio Road Official Plan Line will not defeat the purposes of Ordinances 499.

Evidence: The purposes of Ordinance 499 are set forth in Section 4. In general the ordinance is intended to protect and promote the public health, safety, peace, morals, comfort, convenience and general welfare . . . of the County of Monterey” and its residents as it relates to streets and highways. The proposed fence and planting of trees within the Rio Road Official Plan Line will not defeat

the purpose of the ordinance since the trees may be removed at a future date and a fence is not considered a permanent structure and may be removed when and if Rio Road is ever extended.

Passed and adopted on this 8<sup>th</sup> day of October, 2003, upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_ by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

## **Exhibit “C”**

### **Ordinance 499**

An ordinance of the County of Monterey, State of California, adopting a Streets and Highways plan as a part of the Master Plan of said County specifying the purposes and the effects of the adoption of said plan; establishing the Official Plan Lines of certain of the streets and highways which are part of said plan; providing that no building, structure or other specified improvement shall be erected or placed within such official plan lines, with provision for adjustment in the application of this provision; instructing the County Surveyor of said County to cause a full, true and correct copy of all maps establishing such official plan lines to be recorded in the office of the Recorder of the County of Monterey, State of California, and further instructing said County Surveyor to post certain notices along every street or highway for which Official Plan Lines are or shall hereafter be established.

#### **Purpose of the Ordinance:**

Section 4. The aforesaid Streets and Highways Plan is adopted to protect and promote the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted for the purposes more particularly set forth as follows:

1. To provide a definite Plan of development for the said County of Monterey and to guide, control, and regulate the future growth of said County in accordance with said Plan.
2. To provide a guide for the intelligent outlay of the expenditures of said County and the State of California for street and highway purposes.
3. To obviate the menace to the public safety resulting from inadequate provision of traffic thoroughfares in connection with and as a result of the development of the County.
4. To prevent deterioration of property values and impairment of conditions making for desirable residential, commercial or industrial development, as the case may be, which would result from a lack of plans designed to assure the orderly harmonious and beneficial development of the County and all sections thereof.

#### **Planning Commission Opinion Required:**

Section 9. No building, structure or other improvement shall hereafter be erected or placed within the official plan lines of streets and highways as adopted by this ordinance, except that this provision shall not apply to garden and agricultural crop planting and such ordinary front yard fence and such more or less non-permanent sprinkling and irrigation structures as, in the opinion of the County Planning Commission will not defeat the purposes of this ordinance.