

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: August 8, 2007	Time: 1:40 pm	Agenda Item No.: 1
Project Description: Use Permit to allow the continued operation of an indoor small bore shooting range and approval of this permit in perpetuity. The project was originally approved under ZA92029 (1992) and PLN990325 (2000). This approval will be the final public hearing on this matter.		
Project Location: 29125 Robinson Canyon Road, Carmel Valley		APN: 416-021-023-000
Planning File Number: PLN060343		Name: Carmel Associated Sportsmen, Property Owner
Plan Area: Carmel Valley Master Plan		Flagged and staked: No
Zoning Designation: "RG/10-D-S" or Rural Grazing, 10 acres per unit with Design Control, and Site Plan Review Overlays		
CEQA Action: Categorically Exempt per Section 15301 and 15323		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the Use Permit based on the Findings and Evidence (**Exhibit A**) and subject to the recommended Conditions (**Exhibit B**).

PROJECT OVERVIEW:

The Carmel Associated Sportsmen, Inc. Gun Club is a non-commercial, limited membership facility operating under Use Permit 330 approved by the Monterey County Planning Commission in 1948. The Gun Club is located on a 26.83-acre parcel which fronts the east side of Robinson Canyon Road in the Carmel Valley Area. The parcel slopes uphill away from the road and is dominated by Coast Live Oak Woodland. The facility consists of outdoor rifle and pistol shooting ranges and an indoor small bore shooting range. The subject indoor small bore shooting range use was established on April 10, 1974 per File No. PC-1948, Resolution No. 74-126 and expired May 8, 1984. It was renewed on July 30, 1992 per ZA92029 which expired August 1st, 1999. On January 13, 2000, the use was renewed for the second time per Resolution No. 990325, which expired August 1, 2006. A letter dated June 1, 2006, found at **Exhibit D**, was received by Planning Department staff on June 2, 2006 requesting the renewal of this Use Permit.

Staff requests that this Use Permit be renewed for a 10-year period. Since the establishment of the Gun Club, few letters of opposition have been received by the Planning and Building Services Departments. The neighbor's concerns primarily involve the direct and indirect off-site noise impacts emanating from the existing trap and skeet range built in 1961. In an effort to mediate these concerns, the Gun Club installed a sound mitigation wall system as approved by the Zoning Administrator on December 12, 2002 (PLN020427). Since 2002, the Planning and Building Inspection Departments have not received any complaints regarding the activities conducted at 29125 Robinson Canyon Road, Carmel Valley. No intensification or alteration of use is requested or anticipated.

HEARINGS:

This matter was set for hearing before the Zoning Administrator on February 22, 2007. The item was continued to the April 12, 2007 Zoning Administrator hearing due to improper noticing. A member of the public, Mr. Howard Liggett submitted a statement outlining his concerns regarding the use of lead at the facility and adherence with Condition No. 23 of Resolution No.

990325. Condition No. 23 requires that an annual report be submitted to Health Department, Division of Environmental Health. On April 10, 2007, the applicants submitted a letter report, attached as **Exhibit F**, summarizing their compliance with their Use Permit (PLN020427). The Environmental Health Division reviewed the lead-monitoring program established by the Carmel Associate Sportsmen and has approved the plan (**Exhibit G**).

OTHER AGENCY INVOLVEMENT:

- ✓ Carmel Valley Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency

The above checked agencies and departments have reviewed this project. Conditions recommended by Resource Management Agency - Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit B**).

The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; ridgeline/viewshed development; environmental review, or variance.

Note: The appropriate authority to hear this project is the Zoning Administrator pursuant to Section 21.80.040.B. The decision on this project is appealable to the Planning Commission.

Elisa Manuguerra, Associate Planner
(831) 755-5179, manuguerrae@co.monterey.ca.us
July 23, 2007

cc: Zoning Administrator; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Laura Lawrence, Acting Planning & Building Services Manager; Elisa Manuguerra, Planner; Carol Allen, Zoning Administrator Hearing Secretary; Carmel Associated Sportsmen Inc., Applicants; Andrew Schwartz, Attorney; Planning File PLN060343

Attachments:	Exhibit A	Recommended Findings and Evidence
	Exhibit B	Recommended Conditions of Approval
	Exhibit C	Renewal Request Letter
	Exhibit D	Resolution No. 74-126(PC-1948), ZA92029 and 990325
	Exhibit E	Site Plan, Elevations, Floor Plans
	Exhibit F	CASI Compliance with Use Permit, including Indoor Range letter dated April 10, 2007
	Exhibit G	Environmental Health Department Memorandum dated July 18, 2007

This report was reviewed by Laura Lawrence, Acting Planning and Building Services Manager.

EXHIBIT A

RECOMMENDED FINDINGS AND EVIDENCE

- 1. FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. 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 29125 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number 416-021-023-000), Carmel Valley Master Plan. The parcel is zoned or Rural Grazing, 10 acres per unit with Design Control, and Site Plan Review Overlays ("RG/10-D-S"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.

(c) The project planner conducted a site inspection on August 10, 2006 to verify that the project on the subject parcel conforms to the plans listed above.

(d) A private trap and skeet range is an allowed use subject to securing a Use Permit in accordance with Section 21.32.050.Y of the Monterey County Zoning Ordinance (Title 21). The subject indoor small bore shooting range use was established on April 10, 1974 per File No. PC-1948, Resolution No. 74-126 and expired May 8, 1984. It was renewed on July 30, 1992 per ZA92029 which expired August 1, 1999. On January 13, 2000, the use was renewed for the second time per Resolution No. 990325 which expired August 1, 2006. A letter dated June 1, 2006, found at Exhibit C of the February 22, 2007 staff report, was received by Planning Department staff on June 2, 2006 requesting the renewal of this Use Permit.

(e) The Carmel Valley Master Plan designates the property Rural Grazing, 10 acre minimum. An indoor small bore shooting range is a Special Use consistent with Policy 31.1.3, which allows Special Uses that are: low visibility; safe, unobtrusive, and away from pedestrian traffic areas; low noise impact on surrounding uses; follow a rural architectural theme; and conforms to all other Plan requirements.

(f) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; ridgeline/viewshed development; environmental review, or a variance.

(g) 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 PLN060343.

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, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, 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 conducted a site inspection on August 10, 2006 to verify that the site is suitable for this use.
(c) Materials in Project File PLN060343.

3. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review.

EVIDENCE: (a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts negligible or no expansion of existing uses.
(b) California Environmental Quality Act (CEQA) Guidelines Section 15323 categorically exempts the normal operations of existing facilities for public gatherings with a past history of being used for the same use.
(c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 10, 2006.
(d) See preceding and following findings and supporting evidence.

4. FINDING: NO VIOLATIONS - The subject property is in compliance 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. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. 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: Preceding findings and supporting evidence.

6. FINDING: APPEALABILITY - The decision on this project is appealable to the Monterey County Planning Commission.

EVIDENCE: Section 21.80.040.B Monterey County Zoning Ordinance (Title 21).

EXHIBIT B
Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan

Project Name: Carmel Associated Sportsmen, Inc.
File No: PLN060343 **APN:** 416-021-023-000
Approved by: Zoning Administrator **Date:** August 8, 2007

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Use Permit (PLN060343) allows the continued operation of an indoor small bore shooting range and approval of this permit in perpetuity. The project was originally approved under ZA92029 (1992) and PLN990325 (2000). This approval will be the final public hearing on this matter. The property is located at 29125 Robinson Canyon Road, Carmel Valley (Assessor's Parcel Number 416-021-023-000), Carmel Valley Master Plan area. This permit was approved 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 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. [Resource Management Agency (RMA) - Planning Department]</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. _____) was approved by the Zoning Administrator for Assessor's Parcel Number 416-021-023-000 on August 8, 2007. The permit was granted subject to 17 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 RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PDSP001 – CONFLICT OR NUISANCES – NON-STANDARD If conflicts or nuisances arise with the approved land use and other land uses in the vicinity during the life of this Use Permit, at the discretion of the Resource Management Agency - Director of Planning, the Use Permit may be referred back to the Zoning Administrator. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
4.		PDSP002 – NOISE LEVELS - NON-STANDARD Exterior noise levels from the facility shall not exceed the standards as set forth in the Monterey County Code, Section 10.60 and the Noise Element of the Monterey County General Plan. (Environmental Health Division)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
5.		EHSP001 – NOISE LEVELS - NON-STANDARD To control airborne sound, Carmel Associated Sportsmen, Inc. shall at its own expense, seal all sound leaks into outer areas and include air-tight insulation around doors, windows, ventilation ducts, and as necessary apply acoustical material to walls, ventilation and heating ducts, floor and ceiling areas. All doors to the indoor shooting facility shall be solid core and all windows shall be double pane. All doors and windows shall be closed during shooting activities to muffle and	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	

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		reduce the noise emanating from the facility to the outdoors. All shooting at the indoor range shall be through sound-deadening chambers approved by the RMA – Director of Planning. (Environmental Health Division)				
6.		EHSP002 – NOISE MONITORING AND REPORTING PROGRAM - NON-STANDARD The property owners shall at its own expense, establish and continuously maintain a monitoring and reporting program satisfactory to the County of Monterey Health Department to assure compliance with Condition No. 5. The property owners shall allow unannounced visits and access to its property by the Monterey County Environmental Health Division personnel to conduct independent noise monitoring to assure accuracy or the property owners monitoring and reporting program. (Environmental Health Division)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
7.		PDSP003 – USE OF THE INDOOR RANGE - NON-STANDARD The use of the indoor range shall be limited to a 0.22 caliber rim-fire rifle and handguns with non-magnum loads. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
8.		PDSP004 – FIREARM TRANSPORT - NON-STANDARD All persons arriving at and leaving the Carmel Associated Sportsmen, Inc. property must transport firearms in accordance with California firearms laws. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
9.		PDSP005 – OPERATIONS GUIDELINES - NON-STANDARD All members and their guests shall conduct their shooting in accordance with the Code of Federal Regulations, Title 27, Alcohol, Tobacco, and Firearms. A copy of said regulations shall be kept on the premises at all times. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	

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10.		PDSP006 – STORAGE - NON-STANDARD No storage of ammunition or other incendiary devices shall be permitted in the indoor range facility. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
11.		PDSP007 – ACCESS - NON-STANDARD Carmel Associated Sportsmen, Inc. shall keep all access routes to the indoor shooting facility in condition to not allow erosion of soils. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
12.		PDSP008 – OPERATIONS MANUAL - NON-STANDARD Carmel Associated Sportsmen, Inc. shall adopt a written operations manual along with training programs for all range officers to maintain safe use of the facility in a manner which complies with the conditions of this use permit. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
13.		PDSP009 – LEAD DISPOSAL - NON-STANDARD Carmel Associated Sportsmen, Inc. shall dispose of all lead, projectiles and contaminants generated by use of its property in conformity with the laws of the State of California. (Health Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
14.		PDSP0010 – EXPIRATION - NON-STANDARD This use permit is granted for a period of 10 years. The appropriate authority may extend a Use Permit upon receipt of a written request from the permittee, provided such request is made At least thirty days prior to the expiration of the Use Permit. The written request shall be filed with the appropriate authority and set forth reasons supporting the request. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	
15.		PDSP0011 – MEMBERSHIP - NON-STANDARD The Carmel Associated Sportsmen, Inc. club membership shall not exceed 100 people. (RMA - Planning Department)	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Continuous	

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16.		<p>PDSP0012 – ANNUAL REPORT - NON-STANDARD</p> <p>The Carmel Associated Sportsmen Association shall submit a report in January of each year for the prior calendar year, beginning January 31, 2008. Said report shall be signed by the officers of the Carmel Associated Sportsmen Association and shall indicate measures taken throughout the prior year to verify that all conditions of the Use Permit are being met. Copies of the report shall be submitted to the Monterey County RMA – Planning Department and the Health Department, Division of Environmental Health. (RMA - Planning Department & Environmental Health Department)</p>	<p>Submit a report in January of each year for the prior calendar year.</p> <p>Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department</p>	Owner/ Applicant	Continuous	
17.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable	

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		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. (RMA - Planning Department)				