

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: May 27, 2010	Time: 1:30 P.M.	Agenda Item No.: 2
Project Description: Renewal and Amendment to an expired Use Permit, (ZA95014) allowing a private riding club and boarding facility (Indian Springs Ranch Equestrian Center). Amendment to allow an increase in allowed horses housed on site from seventy to eighty. There are no proposed changes to the existing facilities.		
Project Location: 22521 Murietta Road, Salinas		APN: 139-111-011-000
Planning File Number: PLN090182		Owner: Indian Springs Ranch Home Owners Association Agent: Jeff Ellis
Planning Area: Toro Area Plan		Flagged and staked: N/A
Zoning Designation: "O-D, PQP" [Open Space, with Design Control. Toro Area Plan designation Public Quasi Public]		
CEQA Action: Categorically Exempt per Section 15301		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically Exempt the Use Permit per CEQA Guidelines Section 15301
- 2) Approve PLN090182, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):

PROJECT OVERVIEW:

The subject application request, if approved, will renew and amend an expired Use Permit (ZA95014) for the Indian Springs Ranch Equestrian Center. The Use Permit (ZA95014), approved June 1995 was a renewal to a previously approved Use Permit (ZA7393) that was approved August 1990. Use Permit - ZA95014 consists of a private riding club and boarding facility that allowed the increase in the number of allowed horses housed at the facility from 60 to 70. According to the original subdivision map for the Indian Springs Ranch development, the Indian Springs Ranch Home Owners Association owns, operates, and maintains five open space lots (lots A-E). Lot E, a 71 acre parcel houses an equestrian center and is interconnected to the four open space lots (A-D). The permit being amended (ZA95014) was conditioned for a maximum of 70 horses. Conditions of approval of the original Use Permit (ZA95014) stipulated that any intensification in use or horses above the approved 70 would require a new Use Permit.

In 2005, the applicant submitted an application request (PLN050322) to extend and amend their Use Permit. However, an application was not given out per request, and the applicant failed to follow-up. In 2009, the applicant contacted the Planning Department to renew and amend the expired Use Permit. On March 25, 2010 this application was continued by the Zoning Administrator to allow staff time to respond to comments received from the public.

Staff conducted a site visit on August 17, 2009 and determined the pasture and drainage-way required additional maintenance. Staff has subsequently drafted conditions (5 & 6) regarding pasture management, and restoration plans. These conditions must be met prior to the upcoming rain season, October 15th 2010. A second site visit was conducted on May 6, 2010 in respond to comment letters received prior to the March 25, 2010 Zoning Administrator hearing for this project. Comments specifically addressed the vehicular use of parcels designated for open space and equestrian and pedestrian easements. Staff has included condition 4 addressing the use of the easements.


OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Division
- Water Resources Agency
- √ Salinas Rural Fire Protection District
- Parks Department

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by Salinas Rural Fire Protection District, Environmental Health Division have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC, because of land use issues that necessitate review prior to a public hearing. The LUAC recommended approval as proposed project subject to Health Department approval with a vote of 6 -0.

Note: The decision on this project is appealable to the Planning Commission.
/S/ Eric Snider


Jacqueline R. Onciano, Planning Services Manager
(831) 755-5193, oncianoj@co.monterey.ca.us
(May 20, 2010)

cc: Front Counter Copy; Zoning Administrator; Salinas Rural Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Jacqueline R. Onciano, Planning Services Manager; Carol Allen, Senior Secretary; Indian Springs Ranch Home Owners Association, Owner; Jeff Ellis, Agent; Planning File PLN090182

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 1. Conditions of Approval
 2. Site Plan
 Exhibit C Vicinity Map
 Exhibit D Advisory Committee Minutes (LUAC)

This report was revised by Jacqueline R. Onciano, Planning Services Manager

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

INDIAN SPRINGS RANCH HOME OWNERS ASSOCIATION (PLN090182)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Zoning
Administrator:

- 1) Categorically Exempting the Use Permit per CEQA Guidelines Section 15301.
- 2) Approving the renewal and amendment to an expired Use Permit, (ZA95014) allowing a private riding club and boarding facility (Indian Springs Ranch Equestrian Center). Amendment to allow an increase in the allowed horses housed on the site from seventy to eighty. There are no proposed changes to the existing facilities.

(PLN090182, Indian Springs Ranch Home Owners Association, 22521 Murietta Road, Salinas, Toro Area Plan APN: 139-111-011-000)

The Indian Springs Ranch application (PLN090182) came on for public hearing before the Monterey County Zoning Administrator on May 27, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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 Monterey County General Plan,
 - Toro Area Plan,
 - Toro Area Plan, Inventory and Analysis,
 - Monterey County Zoning Ordinance (Title 21)

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 22521 Murietta Road, Salinas (Assessor's Parcel Number 139-111-011-000), Toro Area Plan. The 71 acre parcel is zoned, "O-D, PQP" [Open Space, with Design Control]. The Toro Area Plan designation (Public Quasi Public) which allows for equestrian

riding clubs with a Use Permit. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on August 17, 2009 and May 6, 2010 to verify that the project on the subject parcel conforms to the plans listed above. The second site visit was in response to comment letters received prior to the March 25, 2010, Zoning Administrator hearing for this project. The hearing was subsequently continued to May 13, 2010.
- d) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC, because of land use issues that necessitate review prior to a public hearing. The LUAC recommended approval as proposed subject to Health Department approval with a vote of 6 -0.
- e) 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 PLN090182.

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, Salinas Rural Fire Protection District, Parks, 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 site inspections on August 17, 2009 and May 6, 2010 to verify that the site is suitable for this use.
 - c) 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 PLN090182.

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, Salinas Rural Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. 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) Preceding findings and supporting evidence for PLN090182.

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.

FINDING: The subject entitlement will renew and amend an expired Use Permit (ZA95014) for the Indian Springs Ranch Equestrian Center. In August 1990, the Zoning Administrator (ZA) approved a Use Permit (ZA7393) for a private riding club and boarding facility and the housing of a maximum of 60 horses. Use Permit (ZA95014), approved June 1995 was a renewal to a previously approved Use Permit (ZA7393). Use Permit - ZA95014 consists of a private riding club and boarding facility that allowed the increase in the number of allowed horses housed at the facility from 60 to 70. According to the original subdivision map for the Indian Springs Ranch development, the Indian Springs Ranch Home Owners Association owns, operates, and maintains five open space lots (lots A-E), Lot E, a 71 acre parcel houses the Indian Springs Equestrian Center and is interconnected to four open space lots (A-D). Use of the Open Space lots (easements) is restricted to Equestrian and Pedestrian access (trails) and maintenance of drainage. On March 18, 2010 documents were received from the Axel P. Holm Trust (dated March 15, 2010) that indicated that the use of one of the Open space lots (Lot A) was being use for vehicular access. Based on staff investigation, although it appears to have been improved of vehicular use, vehicular activities have been abandoned.

- 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 on August 17, 2009 and May 6, 2010 and researched County records to assess if any violation exists on the subject property. Staff conducted a second site inspection on May 6, 2010 and researched County records to assess if any violations exist on the subject property and the associated parcels designated as equestrian and pedestrian easements. This site visit was in response to comment letters received prior to the March 25, 2010, Zoning Administrator hearing for this project. Comments specifically addressed the vehicular use of parcels (Lot A) designated for open space and equestrian, pedestrian and drainage maintenance easements. The hearing was subsequently continued to May 13, 2010, and Staff has drafted condition no. 4 to clarify the regarding the use of the easements.
- e) Staff conducted a second site inspection on May 6, 2010 and researched County records to assess if any violations exist on the subject property and the associated parcels designated as equestrian and pedestrian easements. This site visit was in response to comment letters received prior to the March 25, 2010 Zoning Administrator hearing for this project. Comments specifically addressed the vehicular use of parcels designated for open space and equestrian and

~~pedestrian easements. The hearing was subsequently continued to May 13, 2010, and staff has drafted condition 4 regarding the use of the easements.~~

- c) The application plans, supporting materials submitted by the project applicant, and comment letters provided to the Monterey County Planning Department for the proposed development are found in Project File PLN090182.

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 15301, categorically exempts the operation of existing public or private facilities, involving negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination.
 - b) The project consists of the renewal and amendment to an expired Use Permit, (ZA95014) allowing a private riding club and boarding facility (Indian Springs Ranch Equestrian Center). The amendment would allow an increase in the allowed horses housed on site from seventy to eighty, with no proposed changes to existing facilities.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on August 17, 2009.
 - d) See preceding and following findings and supporting evidence.

6. **FINDING: APPEALABILITY** - The decision on this project may be appealed to the Planning Commission.

- EVIDENCE:**
- a) Section 21.80.040 Monterey County Zoning Ordinance (Title 21).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically Exempt the Use Permit per CEQA Guidelines Section 15301;
- B. Approve the renewal and amendment to an expired Use Permit, (ZA95014) allowing a private riding club (Indian Springs Ranch Equestrian Center). Amendment to allow an increase in allowed horses on site from seventy to eighty. No proposed changes to existing facilities, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 27th day of May, 2010.

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED
AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION ALONG WITH THE
APPROPRIATE FILING FEE ON OR BEFORE DATE

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 2 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION ### - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Indian Springs Ranch
File No: PLN090182 **APNs:** 139-111-011-000
Approved by: Zoning Administrator **Date:** May 27, 2010

**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>
RMA – Planning Department						
1.		<p>PD001 - SPECIFIC USES ONLY This Use Permit (PLN090182) allows the renewal and amendment to an expired Use Permit, (ZA95014) allowing a private riding club <u>and boarding facility</u> (Indian Springs Ranch Equestrian Center), and amendment to allow an increase in <u>the</u> allowed horses <u>housed</u> on the site from seventy to eighty. The property is located at 22521 Murietta Road, Salinas (Assessor's Parcel Number 139-111-011-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA-Planning Department)</p>	<p>Adhere to conditions and uses specified in the permit.</p> <p>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.</p> <p>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.</p>	<p>Owner/ Applicant</p> <p>RMA - Planning</p> <p>WRA RMA - Planning</p>	<p>Ongoing unless otherwise stated</p>	

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2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Zoning Administrator for Assessor's Parcel Number 139-111-011-000 on May 13, 2010. The permit was granted subject to 7 & 8 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 150 years, subject to review on an extension before May 13-27, 2025. (RMA – Planning Department)	The 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.	Owner/ Applicant	As stated in the conditions of approval	
4.		PDSP001 EQUESTRIAN EASEMENTS The Open space lots A-E, B, C, & D as approved and recorded with the original subdivision map for Indian Springs Ranch development, shall be restricted to <u>equestrian, pedestrian and maintenance of drainage ways for the Indian Springs Ranch only. Any modification to this condition or any condition of prior permits (i.e. Original Indian Springs Subdivision [Tract No. 710; Volume. 12 Cities and Towns pg. 27] Use Permit – ZA7393 and Use Permit – ZA95014 and Use Permit – PLN050322), a shall not be permit without County approval.</u> (RMA – Planning Department)		Owner/ Applicant		

<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>
5.		The provisions/conditions of Use Permit [UP]–ZA95014, except as modified by the conditions of this UP–PLN090182, shall continue to apply. This Use Permit modifies condition no. 10 (ZA95014) to allow 80 horses and deletes condition no. 38 (expiration date of June 8, 2005 of ZA95014).				
6.		PDSP002 PASTURE MANAGEMENT, RESTORATION, AND MAINTENANCE (NONSTANDARD) Three (3) copies of a Pasture Management Plan shall be submitted to the Director of the RMA - Planning Department. The pastures shall be continuously maintained in a litter-free, healthy condition and effectively minimize excessive erosion and dust. The pasture management plan shall specifically address the equestrian impact to natural on-site drainage ways. This element of the plan shall focus on the deteriorated drainage ways, retaining walls and areas of delineation between corrals and pasture. These areas shall be maintained by adequate ground cover and fenced to exclude horses. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, healthy, growing condition. (RMA – Planning Department & Department of Environmental Health)	The applicant/agent shall submit a Pasture Management Plan and contractor’s estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Within sixty days of permit approval.	
			<u>A copy of the Pasture Management Plan shall be submitted to the Department of Environmental Health and RMA – Planning Department shall be implemented and inspected prior to October 15, 2010.</u>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to October 15 th 2010	
			The pasture, drainage-ways, all landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, healthy, growing condition.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
Health Department Environmental Health Division						
7.		<p>EHSP01 – STORMWATER RUNOFF AND MANURE MANAGEMENT (NON-STANDARD) A drainage area exists within the pasture area, east of the horse paddocks and north-west of the sewage treatment plant. The drainage moves north into the Salinas River, which is included on the Central Coast Regional Water Quality Control Board's (RWQCB) 303(d) List of Impaired Waterbodies, requiring monitoring due to known high levels of nutrients and bacteria.</p> <p>In an effort to improve the quality of stormwater runoff, the existing Indian Springs Horse Ranch Manure Management Plan (MMP) shall be updated. The applicant shall provide two copies of an MMP for review and approval by the Environmental Health Division (EHD) and RWQCB. The Manure Management Plan shall include the following aspects: <i>(continued on next page)</i></p>	The applicant or property owner shall submit two copies of an updated Manure Management Plan for review and approval to EHD.	Owner / Applicant	Within 60 days of issuance of this use permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>(EHSP01, continued)</p> <p><u>Aesthetics</u></p> <ul style="list-style-type: none"> • odors • visual impacts of manure storage <p><u>Facility / Location Description</u></p> <p><u>Implementation Timeline</u></p> <p><u>Organic Matter</u></p> <ul style="list-style-type: none"> • volume of manure generated daily • methods and schedule of manure cleanup throughout facility (stalls, paddocks, pasture and drainage way) • methods and locations of storage and disposal • leachate management <p><u>Purpose of Manure Management Plan</u></p> <p><u>Stormwater Runoff</u></p> <p><u>Vectors</u></p> <ul style="list-style-type: none"> • insects, rodents <p>The approved Manure Management Plan will be on file at EHD, File Number PLN090182. The plan will be available to the public.</p> <p>(Environmental Health)</p>	<p>Comply with the Manure Management Plan approved by EHD that will be filed with PLN090182.</p>	<p>Owner / Applicant</p>	<p>Continuous</p>	
<p>Fire Agency (Salinas Rural Fire Protection District)</p>						
8.		<p>FIRE030 – OTHER NONSTANDARD CONDITIONS</p> <p>Prior to final clearance a business inspection shall be completed.</p> <p>(Salinas Rural Fire District)</p>	<p>Text of this condition shall be printed on the project plans.</p>	<p>Applicant or Owner</p>	<p>Prior to issuance of building and/or grading permit</p>	

<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>
			Inspection and approval shall be obtained from the Salinas Rural Fire District.	Applicant or Owner	Prior to final fire inspection	
END OF CONDITIONS						

END OF CONDITIONS

Rev. 07/14//2009