

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 02017

A.P. # 417-031-023-000M

**FINDINGS AND DECISION**

In the matter of the application of  
**Monterey Peninsula Regional Park (PLN980240)**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the addition of approximately 1,300 acres to the existing Garland Ranch Regional Park and amend Condition #45 of the existing Use Permit for the Park (File #PC7776), located on portions of Sections 9, 10, 14 and 15, Township 17 South, Range 2 East; portion of Subdivision C of Parcel 7 of Assessor's Map of Los Laureles Rancho; portion of Section 29, Township 16 South, Range 2 East; portion of Parcel 5, Los Laureles Rancho; portions of Lot 1, Los Laureles Outing Club Map, Section 29, Township 16 South, Range 2 East; and portions of Lots 3 and 4B of Parcel 6, Los Laureles Rancho; located southerly and northerly of Carmel Valley Road, adjacent to the Garland Ranch Regional Park, Carmel Valley area, came on regularly for hearing before the Planning Commission on March 13, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

- 1. FINDING:** The subject Use Permit (File PLN980240) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The properties being added to the Garland Regional Park are generally located southerly of Carmel Valley Road with one property located northerly of Carmel Valley Road. The parcels are zoned "PG/160," "RC/160," "LDR/2.5-D-S," "RC/B-6-D-S," and "PQP/D-S" or Permanent Grazing, Resource Conservation, Low Density Residential, 2.5 Acres/Unit and Public/Quasi Public. The subject sites are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

**EVIDENCE:** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The General Plan and the Greater Monterey Peninsula Area Plan
- b) Carmel Valley Master Plan
- c) Chapters 21.34, 21.36, 21.14, 21.40, 21.42, 21.44 and 21.45 of the Monterey County Zoning Ordinance.

**EVIDENCE:** The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, and the Carmel Valley Fire District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval. The Initial Study prepared for the project by the Monterey Peninsula Regional Park District and considered by the Planning Commission, demonstrates that no physical or environmental constraints exist that could not be mitigated, and therefore would indicate that the site is suitable for the proposed development.

**EVIDENCE:** Pursuant to General Plan Policy 31.1.3.1 (CV) and the Monterey County Zoning Ordinance

(Title 21), public/quasi public uses such as parks are allowed within any land use designation and are a permitted use in any zoning district subject to Use Permit approval.

**EVIDENCE:** Staff verification of the Monterey County Planning and Building Inspection Department records and site visits indicated that no violations exist on subject property.

**EVIDENCE:** The application, project plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

**EVIDENCE:** The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

**EVIDENCE:** The proposed project, as conditioned, complies with the General Plan, specifically including policies 37.2.1, 38.1.5, 39.1.1 and 39.1.4 and the Carmel Valley Master Plan, including Policies 38.1.4.1, 39.2.6.1, 39.3.1.5 (a), 41.2.1 relative to traffic as well as impacts to State Highway One, Carmel Valley Road and local collector roads. The traffic report prepared for the project by James Jeffery, III, P.E., concludes that the project is not expected to increase traffic on Carmel Valley Road. The traffic report has been reviewed by the Department of Public Works which agrees with the conclusion. Additionally, the Park Management Plan adopted by the Park District provides that access to the Kahn Ranch portion of the addition through Southbank Road (a County Road), will be allowed by reservation only and will be limited to three days per week, therefore not generating significant additional traffic on this road. The Park District has indicated that it has met with the neighboring residents in this area and that they have agreed with this schedule.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment and a Negative Declaration has been adopted by the Monterey Peninsula Regional Park District, the Lead Agency for the document prepared. Potential environmental effects have been studied and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the Park District and has been reviewed and considered by the County as a Responsible Agency pursuant to the requirements of CEQA Section 15096. Based upon the findings and conclusions drawn in the Initial Study prepared by the Park District and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process, the County concurs with the conclusion by the Park District that no potential significant environmental impacts will result from the proposed project.

Studies, data, and reports prepared by various consultants for the Park District, with review of the project by staff from various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, support the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey Peninsula Regional Park District, 60 Garden Court, #325, Monterey, CA, 93940. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinions supported by facts have been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

**EVIDENCE:** Staff from the Monterey Peninsula Regional Park District prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and their CEQA Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Negative Declaration was prepared by the Monterey Peninsula Regional Park District and filed with the County Clerk on October 5, 2001

and noticed for public review. All comments received on the Initial Study have been considered by the Park District as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and role as a Responsible Agency, and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Certified Monterey County Zoning Ordinance, Title 21
2. Greater Monterey Peninsula Area Plan
3. Carmel Valley Master Plan
4. *Monterey Peninsula Regional Park District, Garland Ranch Regional Park Management Plan, March, 2001.*

**EVIDENCE:** CEQA Guidelines Sections 15050, 15052, 15057 and 15096.

**3. FINDING:** The site is suitable for the use proposed.

**EVIDENCE:** There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Health Department. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas or similar areas that would indicate the site is not suitable for the use proposed.

**EVIDENCE:** Initial Study, 1998 Park Management Plan and amendments.

**4. FINDING:** The continued and expanded use of the Garland Ranch Regional Park, as permitted by County Use Permits is for the benefit of the citizens of Monterey County.

**EVIDENCE:** (1) The 1,300 acre expansion to Garland Ranch Regional Park is a public benefit project initiated by the Monterey Peninsula Regional Park District for the use and enjoyment of all the inhabitants of the District (see Public Resources Code 5500, et al).

(2) Garland Ranch Regional Park has been open to the public since 1975, at no cost to its users for park and open space use and enjoyment. Numerous citizens residing in Monterey County have used and enjoyed this public facility.

(3) The continued use and expansion of Garland Ranch Regional Park is fully consistent with the Carmel Valley Master Plan adopted by the Board of Supervisors on December 16, 1986.

**EVIDENCE:** 1998 Park Management Plan and amendments; County Use Permit Nos. 2357, PC7776 and PLN980240; Carmel Valley Master Plan.

**EVIDENCE:** Finding and Evidence No. 1 above.

**5. FINDING:** The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to health, safety, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Carmel Valley Fire Protection District. The respective Departments 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; or the County in general.

### DECISION

It is the decision of the Planning Commission of the County of Monterey that said application for a Use Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This Use Permit allows the addition of approximately 1,300 acres (known as Cottonwood, Wolter, Condon and Kahn Ranch) to the existing Garland Ranch Regional Park 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 Planning and Building Inspection. 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. (Planning and Building Inspection Department)
2. The applicant shall record a notice which states: 'A Permit (Resolution No. 02017) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 417-031-014-000, 417-031-023-000, 417-031-024-000, 417-031-025-000, 417-031-026-000, 417-032-001-000, 417-032-002-000, 417-032-024-000, 189-411-004-000, 416-511-010-000, 187-051-005-000, 416-027-038-000, 416-027-047-000, 189-011-040-000, 189-111-027-000, 189-111-023-000 and 189-111-026-000 on March 13, 2002, subject to 12 conditions of approval which runs with land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.' Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)
3. The existing trails within the park shall be maintained in accordance with the erosion control and trail management plans included in the Park Management Plan prepared by the Monterey Peninsula Regional Park District for the project. All trail maintenance and/or construction of new trails shall conform with Chapter 16.12 of the Monterey County Code relative to erosion control measures. (Planning and Building Inspection)
4. All use of the parcels included in the proposed addition to the park, including multi-use trail access, shall be consistent with the provisions of the adopted Park Management Plan. Any amendments to the adopted Park Management Plan shall be submitted for review to the Monterey County Planning and Building Inspection Department. If any amendments to the Plan are not in conformance with the applicable Use Permit, a new permit or amendment shall be required in conformance with County regulations at the time.(Planning and Building Inspection)
5. If archaeological, palentological or historical resources or human remains are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (Planning and Building Inspection)

- 6. The proposed parking lot at the end of Southbank Road shall be surfaced with a pervious material to control runoff and preclude sedimentation of Hitchcock Creek. The applicant shall submit a site plan for the parking area for review and approval by the Director of Planning and Building Inspection prior to the issuance of any building permits or commencement of the use whichever occurs first, and shall include one space designated for “handicapped use only.” (Planning and Building Inspection)
- 7. Any remodeling or demolition of any historic structure within the park shall be subject to the requirements of Chapter 21.54 of the Zoning Ordinance and the requirements of the Building Code. (Planning and Building Inspection)
- 8. Access to the parking lot at the end of Southbank Road shall be fitted with a gate and shall be closed during hours/days not permitted for use. The hours and days of operation shall be posted on signage visible at the front gate. (Planning and Building Inspection)
- 9. All use of the trails existing within the area added to the park, including bicycle and equestrian uses, shall be per the specific provisions of the Park Management Plan for these uses. The applicant shall provide a report for review by the Planning Department of the Park District’s review of the impacts of bicycle use in the trails after one year. The report shall indicate whether bicycle use has caused any significant erosion on the trails or whether it has affected existing vegetation in a way that may require limitations or prohibition of these uses in the trails. The Planning Department shall determine whether changes would be required in the overall use of the trails, and whether changes would be necessary in the provisions of the use permit. (Planning and Building Inspection)
- 10. Any special event which involves the assemblage of more than 250 people shall be subject to Use Permit approval by the County of Monterey prior to commencement of the use. (Planning and Building Inspection)
- 11. If a large special event and/or assemblage of people is expected to exceed the design capacity of the septic system(s), the applicant shall be responsible for providing adequate temporary portable toilets as required in Chapter 15.20 M.C.C. (Septic Ordinance). The number of these special events that require portable toilets shall not exceed nine such events per calendar year unless otherwise approved by the Division of Environmental Health. (Environmental Health)
- 12. Drainage improvement plans as required shall be submitted to and approved by the Health Department, Water Resources Agency, Public Works Department and Planning and Building. (Environmental Health)

**PASSED AND ADOPTED** this 13th day of March, 2002, by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Wilmot  
 NOES: None  
 ABSENT: Lacy

Original Signed By:

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DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE

FILING FEE ON OR BEFORE

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 90<sup>th</sup> 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 and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.