

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

RESOLUTION NO. 02023

A.P. # 417-191-040-000

In the matter of the application of
Janet Brosseau (PLN020033)

FINDINGS AND DECISION Jon &

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for special events, including weddings, in conjunction with an approved bed and breakfast facility, for up to 24 special events per year, with a maximum of 75 people per event; 48 parking spaces will be provided on site for the special events use; located at 32025 Stonewall Canyon Road at Hwy 146, Soledad area, came on regularly for hearing before the Planning Commission on May 8, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The proposed use, as described in Condition 1, and as conditioned, is consistent with the policies of the Monterey County General Plan, the Central Salinas Valley Area Plan and the requirements and standards of the Title 21 (Zoning) of the Monterey County Code.

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist. No communication was received during the course of review of this project to indicate that there is any inconsistency with the text and policies of these documents.

EVIDENCE: The proposed use is located in a “PG/40” (Permanent Grazing) Zoning District. Under Chapter 21.34 of Title 21, uses of a similar character, density and intensity to those listed in Section 21.34.050 are permitted with a Use Permit approved by the Planning Commission. Listed uses of a similar character or intensity include large family day care homes, hunting and fishing facilities, public or private rifle and pistol ranges, public or private riding and hiking clubs, and farm worker parking facilities, all of which require approval only by the Zoning Administrator. The proposed special events use is in conjunction with an approved bed and breakfast facility which is specifically permitted in the “PG/40” District with a Use Permit.
2. **FINDING:** The site is physically 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 Planning and Building Inspection Department, Public Works Department, Environmental Health Division, Water Resources Agency, and the California Department of Forestry. There has been no indication from those agencies that the site is not suitable.
3. **FINDING:** The proposed project will not have a significant environmental impact.

EVIDENCE: The proposed special events use will be an occasional activity conducted on the site of an existing and approved bed and breakfast facility. Under Section 15301 of the State CEQA Guidelines, the permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of use are exempt from environmental review. The proposed use involves no expansion of the existing bed and breakfast facility, and will be able to utilize existing roads and parking areas, and water supply and septic systems. No potentially adverse environmental impacts were identified during review

of the proposed project.

EVIDENCE: An Initial Study was prepared for the bed and breakfast facility at the time of its consideration, and a Negative Declaration was adopted by the Planning Commission on February 24, 1999. In the Initial Study, there were no issues identified which would require mitigation measures to avoid potential adverse impacts. Among other things, it was found that there are no sensitive plant or animal habitats in the area, the site is not in a natural state and has been previously grazed and disked for agricultural use, the dry rocky soil has sparse vegetation, the site is not visible from any public road, and there are no known cultural resources on or near the site. Reference: Monterey County General Plan; Central Salinas Valley Area Plan; Biotic Reconnaissance, dated December 30, 1998, prepared by David Haupt, Monterey, California; application and materials, and Initial Study in Project File PLN980446.

EVIDENCE: A traffic study was prepared for the project and concludes that the proposed special events use will not have a significant impact on State Highway 146, and that the highway will continue to operate at a Level-of-Service "A." Reference: Traffic study, dated February 4, 2002, prepared by Higgins Associates, Gilroy, California.

4. FINDING: Public notice of the pending Use Permit was provided pursuant to Section 21.78.040, Title 21, Monterey County Code (Zoning).

EVIDENCE: Application materials in Project File PLN020033.

5. FINDING: The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of Title 21, no violations exist on the property, and all zoning violation abatement costs have been paid.

EVIDENCE: Chapters 21.34 and 21.84 of Title 21 (Zoning) of the Monterey County Code. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on the subject property.

6. 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 the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. This is a Use Permit for special events, including weddings, in conjunction with an approved bed and breakfast facility (Reference Project File PLN980446); up to 24 special events per year may be held, with a maximum of 75 people per event; 48 parking spaces will be provided on site for the special events use. The project is 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)

Prior to Commencement of Use:

2. Prior to the commencement of use, and each quarter thereafter, the applicant shall conduct a bacteriological and nitrate sampling of the water system source. Quarterly results shall be submitted to the Division of Environmental Health for review and subsequent appropriate action. (Environmental Health)
3. At least one 2-A:10-B:C fire extinguisher shall be provided for each patio area. Extinguishers shall be serviced annually and have current service tags attached. Extinguishers shall be visible and accessible at all times. (California Department of Forestry)
4. Exterior exit paths shall be illuminated. (California Department of Forestry)
5. All exterior lighting shall be unobtrusive, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Such lighting shall involve "downlit" fixtures and low-wattage bulbs. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection prior to the issuance of building permits. (Planning and Building Inspection)
6. The applicant shall record a notice which states: "A permit (Resolution 02023) was approved by the Monterey County Zoning Administrator for Assessor's Parcel Number 417-191-040 on May 9, 2002. The permit was granted subject to 8 conditions of approval, which run with the 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)

Continuous Permit Conditions:

7. Extension cords shall not be used for permanent wiring (CFC Sec. 8506.1). Temporary wiring is allowed for a period not to exceed 90 days during holidays and special events (CFC Sec. 8503.2) Appliance cords shall be kept in good repair, with no splices (CFC8504). (California Department of Forestry)
8. All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

PASSED AND ADOPTED this 8th day of May, 2002, by the following vote:

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

Original Signed By:

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 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 and Building Inspection 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.