

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

RESOLUTION NO. 03015

A.P. # 416-021-023-000

FINDINGS AND

DECISION

In the matter of the application of

Carmel Associated Sportsmen (PLN020427)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the extension of a 35 foot high sound mitigation wall 23 feet onto slopes exceeding 30%; and Design Approval, materials and colors will consist of a combination of dark Khaki cement plaster and metal panels on exterior walls, and pyrock acoustiment 40 sprayed on the interior, located at 29125 Robinson Canyon Road, Carmel Valley, easterly of Robinson Canyon Road, Carmel Valley Master Plan Area, came on regularly for hearing before the Planning Commission on March 26, 2003.

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

FINDINGS OF FACT

- 1. FINDING:** The subject Use Permit and Design Approval (**Carmel Associated Sportsmen, Inc.; PLN020427**) as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 29125 Robinson Canyon Road, Carmel Valley (APN 416-021-023-000). The parcel is zoned "Rural Grazing" or RG/10-D-S, allowing public or private rifle and pistol ranges, trap or skeet fields, and other similar uses subject to a conditional use permit. The subject property is 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: P&BI staff have reviewed the project as contained in the application and accompanying materials for consistency with the Monterey County Zoning Ordinance (Title 21). and for conformity with the Carmel Valley Master Plan which designates this area as appropriate for this use.

EVIDENCE: A private trap and skeet range is allowed with a Use Permit in accordance with Section 21.32.050.Y of the Monterey County Zoning Ordinance (Title 21) Use Permit 330 approved by the Monterey County Planning Commission on April 29, 1958 allows for the operation of a gun club on this site.

EVIDENCE: Site inspections were conducted by staff on August 21, 2002, September 18, 2002, and March 12, 2003 to verify that the project on the subject parcel conforms to the plans listed above.

EVIDENCE: A geotechnical report has been prepared by The Twining Laboratories, Inc. (Geotechnical Engineering Investigation: Proposed Gun Club Acoustic Improvements, Carmel Associated Sportsman, Inc., Carmel, California, Project Number B46706.02-02; dated April 2, 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed. Condition number 2 requires compliance with the recommendations of the report.

EVIDENCE: An Arborist's report ("Construction Impact Analysis: Coast Live Oak Trees, Trap and Skeet

Range, 29125 Robinson Canyon Road, September 17, 2002” and an Addendum Letter dated December 4, 2002) have been prepared by Maureen Hamb, consulting arborist, that assesses potential construction impacts to protected trees (Coast Live Oaks). No tree removal is anticipated and protection measures have been recommended. Condition 3 requires compliance with the recommendations of these reports.

EVIDENCE: The Carmel Valley Land Use Advisory Committee recommended approval 5-0 without comment on January 27, 2003.

EVIDENCE: Application, plans and materials found in Planning and Building Inspection file no. PLN020427.

2. **FINDING:** 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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Sections 21.32 and 21.64.230 of the Monterey County Code (Zoning). Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

3. **FINDING:** 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: The project was reviewed by the Planning and Building Inspection Department, Carmel Valley Fire Protection District, Environmental Health Department, Parks, Public Works Department, and the 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.

EVIDENCE: A geotechnical report has been prepared by The Twining Laboratories, Inc. (Geotechnical Engineering Investigation: Proposed Gun Club Acoustic Improvements, Carmel Associated Sportsman, Inc., Carmel, California, Project Number B46706.02-02; dated April 2, 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed. Condition 2 requires compliance with the recommendations of the report.

EVIDENCE: Application, plans and materials found in Planning and Building Inspection file no. PLN020427.

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

EVIDENCE: A geotechnical report has been prepared by The Twining Laboratories, Inc. (Geotechnical Engineering Investigation: Proposed Gun Club Acoustic Improvements, Carmel Associated Sportsman, Inc., Carmel, California, Project Number B46706.02-02; dated April 2, 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed. Condition 2 requires compliance with the recommendations of the report.

EVIDENCE: Application, plans and materials found in Planning and Building Inspection file no. PLN020427.

5. **FINDING:** There is no feasible alternative which would allow development to occur on slopes of less than 30%; or that the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternative.

EVIDENCE: Moving the wall closer to the firing stations (and off the slope) is not feasible due to the presence of an existing structure (High Skeet House) and potential damage from shooting

activities. Additionally, the project as proposed satisfies Objective 22.2 of the Monterey County General Plan, which mandates "a quiet acoustic environment in portions of the county to be developed." Approval and construction of the extension will allow a further reduction in noise impacts to neighboring residential sites.

EVIDENCE: Letter of justification dated December 9, 2002 and submitted as part of the project application on December 19, 2002.

EVIDENCE: Letter submitted by Jason R. Duty, Principal Acoustical Consultant, Charles M. Salter Associates, Inc. (dated November 5, 2002) stating that the specific location and height of the sound wall are necessary to lower the ambient noise level of the residential properties on the opposite side of Robinson Canyon.

EVIDENCE: Application, plans and materials found in Planning and Building Inspection file no. PLN020427.

6. **FINDING:** The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines categorically exempt accessory structures per Section 15303(e), Class 3 (*New Construction or Conversion of Small Structures*) and 15304(f), Class 5 (*Minor Alterations to Land*). No potentially adverse environmental impacts were identified during review of the proposed project.

7. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

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. The subject Use Permit with Design Approval (**Carmel Associated Sportsmen, Inc.; PLN020427**) to allow for the extension of a 35 foot high sound mitigation wall 23 feet onto slopes exceeding 30%; and Design Approval. Materials and colors will consist of a combination of dark khaki cement plaster and metal panels on exterior walls, and pyrock acoustement 40 sprayed on the interior. The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 03015) was approved by the Planning Commission for Assessor's Parcel Number 416-021-023-000 on March 26, 2003. The permit was granted subject to 6 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**)
3. A Notice shall be recorded with the Monterey County Recorder which states: "A geotechnical report has been prepared by The Twining Laboratories, Inc. (Geotechnical Engineering Investigation: Proposed Gun Club

Acoustic Improvements, Carmel Associated Sportsman, Inc., Carmel, California, Project Number B46706.02-02; dated April 2, 2002) that evaluated the geotechnical properties and geological hazards of the site. The report has indicated that the site is adequate for the proposed construction provided the recommendations of the geotechnical report are followed.” **(Planning and Building Inspection Department)**

4. Prior to construction activity oak trees located close to the construction site shall be protected from inadvertent damage from construction activity as specified by the consulting Arborist Maureen Hamb in “Construction Impact Analysis: Coast Live Oak Trees, Trap and Skeet Range, 29125 Robinson Canyon Road, September 17, 2002” and the Addendum Letter dated December 4, 2002. Evidence of said protection measures shall be supplied to Planning and Building Inspection staff prior to issuance of building permits. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy:

5. The site shall be landscaped. Any landscaping at the site shall be compatible with the oak woodland habitat. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A \$84.00 landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

6. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 26th day of March, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, 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 Marina.

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