

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

RESOLUTION NO. 03031

A.P. # 257-101-060-000

FINDINGS AND

DECISION

In the matter of the application of
Franciscan Vineyards, Inc. (PLN020496)

for extension of a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for the continued operation for an established private airstrip serving an 800 acre property, the original Use Permit was granted for 10 years and expires on April 14, 2003, located at 1775 Metz Road, Soledad area on the eastern border of the City of Soledad, Central Salinas Valley Area Plan, came on regularly for hearing before the Planning Commission on May 28, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The subject permanent Use Permit extension, as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, the Central Salinas Valley Area Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 1775 Metz Road, Soledad area. The parcel is zoned F/40. 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: 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 Central Salinas Valley Area Plan; and
 - b) Chapter 21.30 of the Monterey County Zoning Ordinance regulations for development in the F zoning district
2. **FINDING:** The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Mission Soledad Rural Fire District. There has been no indication from these agencies that the site is not suitable for the continued operation of the existing airstrip. No conditions of approval were recommended by these agencies.

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

EVIDENCE: Written and verbal public testimony submitted at the May 28, 2003 Planning Commission hearing.

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

EVIDENCE: The on-site inspection by the project planner on April 15, 2003 to verify that the proposed project complies with the General Plan and the Central Salinas Valley Area Plan.
3. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: Sections 15301 of the County CEQA Guidelines categorically exempts the proposed continued

operation of the airstrip from environmental review. No changes to the use of the existing airstrip are proposed. No adverse environmental impacts were identified during staff review of the Use Permit application.

4. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement 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 Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Park Department, Mission Soledad Rural Fire District, Water Resources Agency. The respective departments have determined no conditions of approval are necessary 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.
- EVIDENCE:** May 14, 2003 correspondence from Matt Sundt, Planner with the City of Soledad regarding proximity of residences to the airstrip, and verifying the nearest residence is approximately one third of a mile from the airstrip, and personal conversation with Mr. Sundt on May 14, 2003 verifying that no complaints as a result of the operation of the airstrip have occurred.
- EVIDENCE:** Materials in file PLN020496.
5. **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 request is for a permanent extension of an existing Use Permit for to allow for the continued operation for an established private airstrip serving an 800-acre property. The project is located at 1775 Metz Road (Assessor's Parcel Number 257-101-060) in the Soledad area. 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)

2. The applicant shall record a notice which states: "A permit (Resolution 03031) was approved by the Planning Commission for Assessor's Parcel Number 257-101-060 on May 28, 2003. The permit was granted subject to 3 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. The airstrip shall be used for agricultural and personal use only. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 28th day of May, 2003, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Brennan, Parsons, Diehl, Gonzalves, Rochester, Wilmot
NOES: None
ABSENT: None

JEFF MAIN, 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.