

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

RESOLUTION NO. 03046

A.P. # 161-251-002-000

**FINDINGS AND  
DECISION**

In the matter of the application of  
**Mike V. Antle TR et al (PLN030186)**

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow replacement of four existing above ground water tanks with two 30,000 gallon water tanks located in a "VS" (area of visual sensitivity) district; grading of 410 cubic yards of cut and 300 cubic yards of fill; and Design Approval, located at 701 Monterey Salinas Highway, Salinas, north of Highway 68, west of San Benancio Road, on a private Road, Toro Area, came on regularly for hearing before the Planning Commission on August 13, 2003.

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

FINDINGS OF FACT

1. **FINDING:** The Antle Use Permit and Design Approval (PLN030186), as described in condition #1 and as conditioned is consistent with the plans, policies, requirements and standards of the Monterey County General Plan, Toro Area Plan and Monterey County's Zoning Ordinance (Title 21). The property is located at 701 Monterey Salinas Highway in the Toro Area. The parcel is zoned "LDR/B-8-VS (20)" or Low Density Residential, within an area of Visually Sensitivity with a 20-foot height limit. The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The Planning and Building Inspection staff reviewed the project for consistency with:
    - Monterey County General Plan policies
    - Toro Area Plan policies
    - Chapter 21.46, Regulations for Visually Sensitive areas or the "VS" Zoning District of the Monterey County Zoning Ordinance (Title 21)
    - Regulations for the Low Density Residential Zoning District of the Monterey County Zoning Ordinance (Title 21).
  - (b) The application and plans submitted for the Use Permit and Design Approval in project file PLN030186 in the Monterey County Planning and Building Inspection Department.
  - (c) The Toro Land Use Advisory Committee (LUAC) reviewed the proposal on May 27, 2003, and voted 4 to 0 (1 absent) to recommend approval.
  - (d) An addendum to the Archaeological Report on file for this parcel was prepared for this project by Archeological Consulting on April 25, 2003. The addendum concludes that there is no evidence of cultural resources within the area currently proposed for development. A condition is included to stop work in the event cultural resources are discovered during grading and/or construction activity.
  - (e) 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 Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire Protection District, Public Works Department and Environmental Health Division have reviewed the project. 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, environmentally sensitive habitats, or similar areas that would indicate the

site is not suitable for the use proposed.

- (f) A Geotechnical Investigation was prepared for this site by Landset Engineers Inc dated April 24, 2003. The report concludes that the site is suitable for the proposed development provided recommendations in the report are incorporated in the project design.

2. **FINDING:** The proposed project will not have a significant environmental impact.

**EVIDENCE:** (a) CEQA Section 15061 (3). The applicant has designed the project and proposes landscape screening to ensure that the development will not have a significant adverse visual impact.

- (b) CEQA Section 15303. No potentially adverse environmental impacts were identified during review of the proposed project.

3. **FINDING:** The project as proposed is consistent with policies of the Toro Area Plan dealing with visual resources and with regulations in Title 21 for development within an area of Visual Sensitivity or "VS" Zoning District. The development as designed and as conditioned will not have a significant adverse visual impact on the public viewshed.

**EVIDENCE:** (a) The on-site investigation by the project planner, pursuant to Chapter 21.46.030.B. and the Area Plan policies for development located in a visually sensitive area.

- (b) Replacement of the four 5,000 gallon water tanks would actually reduce the existing visual impacts since the overall height of the tanks would be lowered by approximately six feet, the number of tanks would be reduced from four to two, and landscape screening is proposed. Both of the tanks would be constructed with a tan metal material. As a result, this project, while it is visible, would not have an adverse impact on the public viewshed.

- (c) Materials in project file PLN030186.

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

**EVIDENCE:** (a) Sections 21.14, 21.44 and 21.46 of the Monterey County Code (Zoning).

- (b) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

3. **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.

4. **FINDING:** The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:** Section 21.80.040.C of Title 21 (Zoning Ordinance).

## 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. Use Permit for replacement of four above-ground water tanks with two 30,000-gallon water tanks located in a "VS" (area of Visual Sensitivity) zoning district; grading (410 cubic yards of cut and 300 cubic yards of fill); and Design Approval. The property is located at 701 Monterey Salinas Highway, Salinas (Assessor's Parcel Number 161-251-002-000), north of Highway 68, west of San Benancio Canyon Road, Toro area. The purpose of this project is to provide necessary water volume and pressure required by the local Fire Protection District for the previously approved, but not yet constructed, structures located on the 47-acre parcel. These structures include a private horse stable, barn and a single family residence. An existing ranch road provides access to the water tanks. Slopes in the area proposed for development range from 20 to 24 percent. Water from on-site wells would be stored in the proposed water tanks. 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 the appropriate authorities approve additional permits. **(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 No. 03046) was approved by the Planning Commission for Assessor's Parcel Number 161-251-002-000 on August 13, 2003. 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)**

### Prior to Final Building Inspection:

3. The site shall be landscaped. At least three weeks prior to Final, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall include vegetation to screen both of the water tanks to minimize visibility from Highway 68 and Corral de Tierra Road. The landscape 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, either landscaping shall be 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)**
4. A scenic easement shall be/ conveyed to the County over those portions of the property where vegetation visually screens the water tanks from the scenic corridor. An easement deed shall be submitted to, and approved by, the Director of Planning and Building Inspection prior to final inspection. **(Planning and Building Inspection)**
5. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geotechnical investigation prepared by Landset Engineers Inc (April 24, 2003). **(Planning and Building Inspection)**

**Continuous Permit Conditions:**

- 6. If cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
- 7. All landscaped areas shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**
- 8. The water storage for the project must have a minimum of 50,000 gallons on site. **(Salinas Rural Fire Protection District)**

**PASSED AND ADOPTED** this 13th day of August, 2003, by the following vote:

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

<b>Original Signed By:</b>
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 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 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 Salinas.

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