

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

RESOLUTION NO. 03062

A.P. # 417-081-058-000

**FINDINGS AND
DECISION**

In the matter of the application of
J. Val Healey (PLN010517)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a waiver of the policy prohibiting development on slopes of 30 percent or more for the construction of a two-story 2,600 sq. ft. single family dwelling and an attached guesthouse, located on 35068 Sky Ranch Road, 0.1 miles from the intersection of Cachagua Road and Sky Ranch Road, Cachagua area, came on regularly for hearing before the Planning Commission on October 8, 2003.

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

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Healey application (PLN010517), as described in condition #1 is for a Use Permit. The property is located at 35068 Sky Ranch Road in the Cachagua area and is zoned "RDR/B-6" or Rural Density Residential. The project, as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Cachagua Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: (a) The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan and Cachagua Area Plan.
 (b) The application and plans submitted for the Use Permit, including the waiver justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
 (c) The project planner conducted a site visit on July 11, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
 (d) A voluntary Design Approval Request form with plans recommended for approval by the Cachagua Land Use Advisory Committee by a 5 to 0 vote at their August 28, 2002, meeting.
 (e) Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.

2. **FINDING: SITE SUITABILITY** – The site is suitable for the use proposed.
 (a) The project and site have been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, and Cachagua Volunteer FPD. Conditions recommended have been incorporated.
 (b) An Archaeological Reconnaissance of the site was performed by Archaeological Consulting dated November 16, 2001, and found no evidence of surface evidence of potentially significant cultural resources.
 (c) A Biological Inventory Report was prepared for this project by Craig Hohenberger dated June 17, 2002, which concluded that the site was suitable providing the

recommendations in the report are followed. The recommendations are included as permit conditions.

- (d) A Geologic Report dated February 26, 2002, was prepared for this site/project by Soil Survey Inc. The Geological Report concludes that the seismic hazards and potential for liquefaction are low due to dense soil found across the subject property. In addition, no surface ruptures or free ground water was detected which would have indicated unfavorable soils. However, the surface soils were found to be slightly expansive and recommendations include specifications addressing this condition. The preliminary geotechnical report also concludes that the site is suitable for the proposed development provided recommendations in the report are successfully implemented. The recommendations are included as permit conditions.

3. **FINDING: 30% SLOPE:** There is no feasible alternative which would allow development to occur on slopes less than 30%.
EVIDENCE: (a) Review of section 21.64.230(e)(1) of Monterey County Ordinance 21 on Regulations for Development on slopes in excess of 30%.
 (b) The lot has extremely limited building site potential.
 (c) Staff visit and materials in file.
4. **FINDING: CEQA -** The proposed project will not have a significant environmental impact.
EVIDENCE: Section #15303c of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
5. **FINDING: NO VIOLATIONS –** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
6. **FINDING: HEALTH AND SAFETY -** The establishment, maintenance, and operation of the proposed development 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.
7. **FINDING: APPEALABILITY -** The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040.C 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 Use Permit for a waiver, of the policy prohibiting development on slopes of 30 percent or more, to allow for the construction of a two-story single family dwelling, an attached guesthouse, and attached garage. This permit would include 163 cubic yards of cut and 62 cubic yards of fill grading. 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 the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Use Permit (Resolution 03062) was approved by the Planning Commission for Assessor's Parcel Number 417-081-058-000 October 8, 2003. The permit was granted subject to 25 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. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. If applicable, 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)**
4. Guesthouses shall not be separately rented, let or leased from the main residence whether compensation is direct or indirect. **(Planning and Building Inspection Department)**
5. Prior to the issuance of permits for guesthouse construction, or for use of an existing structure as a guesthouse, the applicant shall record a deed restriction stating the regulations applicable to the guesthouse, including that the guesthouse shall not be separately rented, let or leased from the main residence and shall not have cooking or kitchen facilities. **(Planning and Building Inspection Department)**
6. Protected trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by fencing around trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection Department)**
7. Prior to the issuance of a building permit, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts to include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resource Agency)**
8. Prior to the issuance of a building permit, pay the Carmel Valley expanded area Traffic Mitigation fee (currently \$4,664.00). This fee is adjusted annually. **(Public Works)**
9. Prior to the issuance of a building permit, fire department notes shall be stamped on the approved plans. **(Cachagua Fire Protection District)**

Prior to Final Building Inspection/Occupancy:

10. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project by Soil Surveys Inc on February 26, 2002. **(Planning and Building Inspection)**
11. All construction and landscaping shall conform to the recommendations in the Biological Report prepared for this project by Craig Hohenberger on dated June 17, 2002. **(Planning and Building Inspection)**
12. The site shall be landscaped. 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 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, specie, 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)**
13. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
14. The applicant shall comply with Ordinance No. 3539, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency)**
15. Driveways shall not be less than 12 feet wide unobstructed. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400 foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end. **((Cachagua Fire Protection District))**
16. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Cachagua Fire Protection District)**
17. Turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. **(Cachagua Fire Protection District)**
18. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. **(Cachagua Fire Protection District)**
19. Unobstructed vertical clearance shall not be less than 15 feet for all access roads. **(Cachagua Fire Protection District)**

20. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. The size of letters, numbers, and symbols for address shall be a minimum of 3 inch letter height, 3/8 inch stroke, contrasting with the background color of the sign. **(Cachagua Fire Protection District)**
21. In accordance with the Cachagua Area Plan, a minimum of 10,000 gallons of water is required for fire fighting purposes. **(Cachagua Fire Protection District)**
22. All parcels 1-acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than 1 acre, or when a 30 foot minimum setback cannot be reached, alternate fuel modification standards may be imposed by the local fire jurisdiction to provide the same practical effect. **(Cachagua Fire Protection District)**
23. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable NFPA Standard 13 D (1999), the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." **(Cachagua Fire Protection District)**
24. All new construction shall require an ICBO Class A roof. **(Cachagua Fire Protection District)**

Continuous Conditions:

25. 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)**

PASSED AND ADOPTED this 8th day of October, 2003, by the following vote:

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

Original Signed By:

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 Marina.

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