

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

RESOLUTION NO. 03090

A.P. # 420-271-020-000

**FINDINGS AND
DECISION**

In the matter of the application of
William & Dominique Shanklin (PLN030074)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for ridgeline development of a 3,961 sq. ft. single family dwelling on a 4.648-acre parcel, located at 45400 Vista Place, east of Pine Canyon Road, near King City, Central Salinas Valley Area, came on regularly for hearing before the Planning Commission on December 10, 2003.

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

FINDINGS OF FACT

- 1. FINDING:** The proposed use permit (PLN030074) as described in the staff report and associated plans conforms with the plans, policies, requirements and standards of the General Plan, Central Salinas Valley Area Plan and Monterey County Zoning Ordinance (Title 21). The property is the Shanklin residence located at 45400 Vista Place, near King City in the Central Salinas Valley Area (Assessor's Parcel Number 420-271-020-000). The parcel is zoned for Low Density Residential, Building Site Control (LDR/B-6). The land use entitlements conferred by this permit shall not commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. The subject site 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 application and project plans submitted for the use permit in project file PLN030074 at the Monterey County Planning and Building Inspection Department.

EVIDENCE: The Vista Place Homeowners Association's architectural review committee unanimously approved the design and location of the dwelling.

EVIDENCE: Site visit by staff on September 19, 2003.

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 Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
- 2. FINDING:** The proposed project would result in ridgeline development as defined in § 21.06.950 the zoning code and requires a use permit.

EVIDENCE: Materials in project file PLN030074, including photographic evidence provided by the applicant.

EVIDENCE: Site visit by staff on September 19, 2003.

EVIDENCE: Section § 21.06.950 of the Monterey County Zoning Code.

3. **FINDING:** The structure will not create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE:** Material in project file PLN030074, a site visit by staff on September 19, 2003, and photographic evidence demonstrates that the proposed project would not create a substantially adverse visual impact.
- EVIDENCE:** The Vista Place Homeowners Association architectural design committee unanimously voted to recommend approval of the proposed project.
- EVIDENCE:** On October 29, 2003, the Planning Commission adopted a resolution of intent to approve the proposed project (5-4 vote).
- EVIDENCE:** Minutes from the October 29, 2003 Planning Commission meeting.
4. **FINDING:** The establishment, maintenance, or operation of the use will not under the circumstances of the particular case, be detrimental to the health, safety, comfort, and general welfare of persons residing or working 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 Department, Public Works Department, the Water Resources District and CDF South County Fire Department. The respective departments 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 or the county in general.
- EVIDENCE:** Application and materials in project file PLN030074 and a staff site inspection on September 19, 2003
- 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 Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
5. **FINDING:** The use of the proposed improvements is not likely to cause substantial environmental damage.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Department, Public Works Department, the Water Resources District and the CDF South County Fire Department. The respective departments 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 or the county in general.
- EVIDENCE:** Application and materials in project file PLN030074 and a staff site inspection on September 19, 2003.
- EVIDENCE:** "Geotechnical Investigation Shanklin Residence" dated December 3, 2003.
- EVIDENCE:** "Preliminary Archaeological Reconnaissance of Assessor's Parcel 420-271-020-000 in Pine Canyon, Monterey County California" dated February 7, 2003.
- EVIDENCE:** Materials in project file PLN030074 indicate that the applicant has agreed as a condition of permit approval to comply with the recommendations in the geotechnical investigation prepared by Kleinfelder, Inc., dated December 3, 2002.
- 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 Monterey County Planning and Building Inspection Department, Water Resources Agency, the Salinas Rural Fire Department,

Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

6. **FINDING:** The approved project will not have a significant adverse impact on the environment.
EVIDENCE: Section 15303(e) of the California Environmental Quality Act Guidelines (New Construction or Conversion of Small Structures) categorically exempts this project from environmental review.
EVIDENCE: Project plans and materials in project file PLN030074.
EVIDENCE: Unanimous approval by the Vista Place Homeowners Association architectural design committee.
EVIDENCE: Grading impacts will be addressed by use of standard grading erosion control practices and the application of the Grading and Erosion Control Ordinance (Title 16) provisions.

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 allows ridgeline development of a two-story 3,961 sq. ft. single family dwelling on a 4.648-acre parcel. The property is located at 45400 Vista Place, east of Pine Canyon Road, (Assessor's Parcel Number 420-271-020-000) near King City in the Central Salinas Valley area. 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 Department)**

Prior to Issuance of Building or Grading Permit

2. The applicant shall record a notice which states: "A permit (Resolution #) was approved by the Planning Commission for Assessor's Parcel Number 420-271-020-000 on December 10, 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)**
3. A drainage plan shall be prepared to address on-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. **(Water Resources Agency)**
4. The applicant shall obtain a grading permit from the Planning and Building Inspection Department. Grading shall comply with the Grading and Erosion Control Ordinance (Title 16) provisions. **(Planning and Building Inspection Department)**

Prior to Final Building Inspection/Occupancy

5. The applicant shall comply with Monterey County Ordinance 3600 regarding fire protection. The applicant

shall contact Frank Royos (831) 385-5413 at the California Department of Fire South County for specific project conditions, including specifications for the installation of a fire sprinkler system and Class A roofing. **(Fire)**

6. The site shall be landscaped. At least three weeks prior to occupancy, three (3) 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, 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. All landscaped areas and/or fences 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 Department)**
7. The applicant shall comply with Ordinance No. 3932, 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)**

Continuous Permit Conditions

8. The recommendations in the "Geotechnical Investigation Shanklin Residence" dated December 3, 2002 shall be adhered to in their entirety. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this 10th day of December, 2003, by the following vote:

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

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 Salinas.

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