

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

RESOLUTION NO. 04002

A.P.# 015-021-005-000

In the matter of the application of
MOCO Public Works Department (PLN030615)

FINDINGS & DECISION

for a Variance to Section 21.42.030F, in accordance with Title 21 (Zoning) Chapter 21.72 (Variances) of the Monterey County Code, to recommend approval of a Variance to ordinance 499 to allow the construction of the Rio Road Tieback Levee within the Rio Road Official Plan Line. The Rio Road Official Plan Line is located at the intersection of Rio Road and Val Verde Drive and the Rio Road Right of Way (no parcel number), Carmel Valley area, came on regularly for hearing before the Planning Commission on January 28, 2004

Said Planning Commission, having considered the application and the evidence presented relating thereto, now makes the following findings and decision:

FINDINGS OF FACT

- 1. FINDING:** There are special circumstances or conditions attaching to the property upon which the property on which the Rio Road Tieback Levee is located.

EVIDENCE: (a) The portion of the Rio Road Plan Line in which the Rio Road Tieback Levee is located is within the mapped boundaries of the Carmel River Floodplain.

(b) Planning and Building Inspection staff reviewed the project as contained in the project file (PLN030615) for consistency with the Monterey County General Plan, Ordinance No. 499, the Carmel Valley Master Plan, and Monterey County Zoning Ordinance (Title 21).

(c) Project planner conducted an on-site inspection to verify site characteristics as outlined in the project file.

(d) Following Findings and Supporting Evidence
- 2. FINDING:** The granting of this application is necessary for the preservation and enjoyment of substantial property rights.

EVIDENCE: (a) The expeditious construction of the levee in 1997 resulted in the prevention of inundation of area properties by floodwaters associated with the storms of 1998.

(b) Preceding Findings and Supporting Evidence.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for Variance be recommended to the Board of Supervisors.

PASSED AND ADOPTED this 28th day of January, 2004, by the following vote:

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

Original Signed By:

JEFF MAIN, Secretary

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO 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 two years after the above date of granting thereof unless construction or use is started within this period.