

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

RESOLUTION # 04042

A.P. # 412-161-004-000

In the matter of the application of
Doug & Maralee Potter (PLN030547)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of a 1) a Use Permit for ridgeline development; 2) Use Permit for construction of a 4,070 sq. ft. two-story single family residence with a 1,120 sq. ft. detached garage and a 1,064 sq. ft. patio area (total structural coverage is 4,514 sq. ft.); a 600 sq. ft. lap pool and a 228 foot long driveway; and grading (1,282 cubic yards of cut and 1,248 cubic yards of fill), located in a designated area of Visual Sensitivity. The property is located at 1065 Pajaro Hills Court, Salinas, west of San Miguel Canyon Road, Pajaro area, North County Non-Coastal Zone, came on regularly for meeting before the Planning Commission on September 8, 2004.

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

FINDINGS OF FACT

- 1. FINDING:** On August 25, 2004, the Planning Commission considered the request by Doug and Maralee Potter for a Combined Development Permit consisting of: 1) a Use Permit for a 4,070 sq. ft. two-story single family residence with a 1,120 sq. ft. detached garage and a 1,064 sq. ft. patio area (total structural coverage is 4,514 sq. ft.); a 600 sq. ft. lap pool; a 228 foot long driveway; and grading (1,282 cubic yards of cut and 1,248 cubic yards of fill), located in an area designated as Visually Sensitive; and 2) a Use Permit for Ridgeline Development . The property is located at 1065 Pajaro Hills Court, Watsonville. The parcel is zoned "LDR/5 VS" or Low Density Residential, 5 acres per unit, Visual Sensitivity District. The project proposed in this application was found not to be consistent with the goals, policies, and objectives of the Monterey County General Plan, North County Area Plan, and the Monterey County Zoning Ordinance (Title 21) as they relate to issues regarding ridgeline development and development in areas designated as visually sensitive. The subject property is in compliance with other applicable plan policies and provisions of Title 21.

EVIDENCE: Upon consideration of the staff report, public testimony, and the deliberation on the request, the Planning Commission concluded that the project as proposed did not provide sufficient evidence demonstrating that the ridgeline development as conditioned would not create a substantial adverse visual impact.

EVIDENCE: The proposed development as conditioned greatly relied on the landscape screening which the Planning Commission determined would be unsuccessful at eliminating the structure from the viewshed. The General Plan policies state that: development, which preserves and enhances the counties scenic qualities, shall be encouraged and additional sensitive treatment provisions shall be employed within the scenic corridor. The North County Area Plan states that the rural character and the variety of scenic aspects of North County will

require special attention if they are to be preserved because Development in certain areas such as on ridgelines, could be particularly damaging to North County's scenic qualities.

EVIDENCE: Tapes and minutes of the August 25, 2004 Planning Commission meeting.

EVIDENCE: The application plans and support materials found in the project file (PLN030547.)

2. FINDING: The project is inconsistent with the following General Plan and North County Area Plan policies:

General Plan policies:

26.1.9 Ridgeline development shall not be allowed unless a special permit is first obtained. Such permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse visual impact when viewed from a common public viewing area.

26.1.8 Development in scenic road and highway corridors shall be governed by policies located in the transportation section of this General Plan. (Per policy 40.2.2.), which states that: Land use controls shall be applied or retained to protect the scenic corridor and to encourage sensitive selection of sites and open space preservation. Where land is designated for development at a density which, should maximum permissible development occur, would diminish scenic quality, the landowner shall be encouraged to voluntarily dedicate a scenic easement to protect the scenic corridor.

North County Area Plan policies:

26.1.6.1. Where new development is permitted in sensitive or highly sensitive areas as shown on the Scenic Highways and Visual Sensitivity Map, the landscaping, building design and siting of the development shall be critically reviewed to maintain the scenic value of the area.

EVIDENCE: The proposed project is clearly and prominently visible on the ridgeline from San Juan Road and San Miguel Canyon Roads, a common public viewing area. The Planning Commission found the project inconsistent with the aforementioned General Plan policy because it was determined that landscape screening does not effectively insure that this project would not create a substantial adverse visual impact particularly when structures are prominently sited on the crest of a ridge.

EVIDENCE: The Planning Commission indicated that the project was not sensitive to the viewshed because of where the project was sited prominently on the ridge and therefore would not maintain the scenic value of the area, which is inconsistent with the North County Area Plan

EVIDENCE: The preceding Findings and Evidence.

3. FINDING: The proposed recommendation of staff is Categorically Exempt under the California Environmental Quality Act (CEQA).

EVIDENCE: Section 15270 (a) of the California Environmental Quality Act: CEQA does not apply to projects, which a public agency rejects or disapproves.

4. 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 the Planning Commission that said application for a Combined Development Permit be denied without prejudice. Define “denial with prejudice” in this case to mean the applicant may reapply for the Combined Development Permit within one year of the denial action, subject to appropriate environmental review, and that no additional filing fees will be required.

PASSED AND ADOPTED this 8th day of September 2004, by the following vote:

AYES: Hawkins, Padilla, Vandever, Diehl, Salazar, Sanchez

NOES: Errea, Parsons, Wilmot

ABSENT: Rochester

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 CLERK 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.