

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

RESOLUTION NO. 04047

A.P. # 257-181-003-000

In the matter of the application of
Arcadio & Keiko Ortiz (PLN040473)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the ridgeline development of a 3,550 square foot single-family dwelling with attached garage. The property is located at 35680 Eagle Ridge Road, Soledad, Riverview Estates, Central Salinas Valley area, came on regularly for hearing before the Planning Commission on October 13, 2004.

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

FINDINGS OF FACT

1. **FINDING:** The proposed Use Permit (**PLN040473**) for the ridgeline development of a 3,550 square foot single-family dwelling with attached garage, is consistent with the zoning designation of F/B-6 (Farmlands, No Further Subdivision Permitted), and the Greater Salinas Area Plan designation of Farmlands

EVIDENCE:
 - A. The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
 - a) The General Plan and Greater Salinas Area Plan; and
 - b) Chapters 21.30, 21.42 and 21.55.020 of the Monterey County Zoning Ordinance regulations for ridgeline development in the F/B-6 zoning district
 - B. Staff field inspection in August, 2004
 - C. Project plans and materials in file PLN040473
 - D. Tract map and visual mitigation analysis found in project file SB709 (Riverview Estates)
2. **FINDING:** The project site is physically suitable for the proposed use as described in the project file.

EVIDENCE:
 - A. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division and Mission Soledad Rual Fire District Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed use. Some agencies have recommended conditions of approval.
 - B. Staff verification of the Monterey County Planning and Building Inspection

Department records indicated that no violations exist on subject property.

- C. Written and verbal public testimony submitted at the October 13, 2004 Planning Commission hearing.
- D. The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
- E. Evidence for Findings 2, 4, 5, 6 and 7, below

3. **FINDING:** The proposed project is categorically exempt from the California Environmental Quality Act.

EVIDENCE: A. Section 15303 (new small structures) of the County CEQA Guidelines categorically exempts the ridgeline development of a single-family house from environmental review. No adverse environmental impacts were identified during staff review of the Use Permit application.

B. Evidence for 4, 5, 6 and 7, below

4. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

EVIDENCE: A. Environmental Health project referral sheet dated August 23, 2004

B. Materials in file PLN040473

5. **FINDING:** Adequate road and transportation facilities exist for the use.

EVIDENCE: A. Public Works project referral sheet dated August 23, 2004

B. The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur.

C. Materials in file PLN040473

6. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: A. The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Water Resources Agency, and Mission Soledad Rural Fire District Fire Protection District. 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.

B. Evidence for Findings 4, 5, 6 and 7

7. **FINDING:** The ridgeline development of the house, as conditioned by permit, will not create a substantially adverse visual impact when viewed from a common public viewing area
- EVIDENCE:**
- A. The hilltop site within the subject property is the most feasible location for a home site, as other potential areas are either within the large, shallow depression, or within the relatively small, flatter areas close to the front property line. The scenic easement along Metz Road prohibits development closer to the road.
 - B. At the time Riverview Estates was approved, the Metz Road setback line and scenic easement were determined sufficient mitigation for visual impacts, and the home site is located outside these restricted areas.
 - C. The colors of the home will require review and approval by the planning director to ensure visual compatibility, and this will minimize ridgeline visual impacts to the extent they are related to the specific colors chosen.
 - D. Visual analysis and mitigation, and other materials in file SB709 (Riverview Estates)
8. **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 said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the following conditions

Arcadio & Keiko Ortiz (PLN040473)

PASSED AND ADOPTED this 13th day of October 2004, by the following vote:

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

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.

**CONDITION COMPLIANCE / MITIGATION
MONITORING REPORTING PLAN**

Ortiz, PLN040437 APN: 257-181-003

Final Action: Planning Commission, October 13, 2004

Cond No.	Mit. No.	Condition / Measure	Required Compliance / Monitoring Action	Responsible Person	Timing	Compliance Verification
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Monitoring or Reporting refers to projects with and EIR or Mitigated Negative Declaration, per Section 21081.6 of the Public Resources Code

1		The subject Use Permit (PLN040473) is for the ridgeline development of a 3,550 square foot single-family dwelling with attached garage. The project is located at 35680 Eagle Ridge Road (Assessor's Parcel Number 257-181-003), Soledad area. The project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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)		Owner / Applicant	Ongoing	
2		The applicant shall record a notice which states: "A permit (Resolution 04047) was approved by the Planning Commission for Assessor's Parcel Number 257-181-003 on October 13, 2004. The permit was granted subject to 6 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)		Owner / Applicant	Prior to issuance of building permits	

3		<p>PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>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. 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)</p>	Submit three copies of the lighting plans to PBI for review and approval.	Owner / Applicant	Prior to issuance of building permits.	
4		<p>The applicant shall submit color samples to the Planning Department for review and approval for compatibility with the natural setting</p>		Owner / Applicant	Prior to release of building permits	
5		<p>WR2 - STORMWATER CONTROL</p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-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. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

6		<p>WR40 - WATER CONSERVATION MEASURES</p> <p>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:</p> <p>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.</p> <p>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)</p>	Compliance to be verified by building inspector at final inspection.	Owner / Applicant	Prior to final building inspection/ occupancy	
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