

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

RESOLUTION NO. 05012

A.P. # 141-012-015-000

In the matter of the application of
Sadie Borba TR (PLN040442)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for outdoor illuminated back to back faced 10'6" x 36' advertising structure (billboard) supported by a single sign pole with an overall height of 35'. The sign will be located on a vacant parcel at 2944 San Juan Road, Aromas, North County Non-Coastal area. The project came on regularly for hearing before the Planning Commission on February 23, 2005.

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

FINDINGS OF FACT

1. FINDING: CONSISTENCY – A) Applicable Plans and Policies: The Project is not consistent with applicable plans and policies including the North County Area Plan. **B) Monterey County Zoning Ordinance:** The Project is consistent with the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for commercial development. Specifically, the proposed off-site advertising sign complies with all applicable requirements of Title 21, Section 21.60.060.D.3.

EVIDENCE: (a) **Applicable Plans and Policies:** PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the applicable plans and policies including the North County Area Plan and have determined that the project is not consistent, nor conforms to, said Plans. Staff notes are provided in Project File PLN040442.

(b) **Applicable Plans and Policies:** Figure 8 – Scenic Highways & Visual Sensitivity of the North County Area Plan identifies Highway 101 as a proposed Scenic Highway parallel to the proposed project.

(c) **Applicable Plans and Policies:** Pages 32 and 33 of the North County Area Plan discusses Scenic Highways and Visual Sensitivity areas and states that removal of outdoor advertising signs as part of an ongoing program of visual resource restoration should be considered. Therefore, approving additional outdoor advertising signs would not be consistent with the intent of the Plan in areas designated, or proposed for, designation.

(d) **Monterey County Zoning Ordinance:** PBI staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the Monterey County Zoning Ordinance (Title 21) and have determined that the project is consistent and conforms to the Ordinance. Staff notes are provided in Project File PLN040442.

(e) **Monterey County Zoning Ordinance:** The proposed project for an off-site advertising sign (billboard) is an allowed use, in accordance with Section 21.060.D.3.

(f) **Applicable Plans and Policies/ Monterey County Zoning Ordinance:** Project planner conducted an on-site inspection on August 27, 2004, during daylight hours and on February 7, 2005, after dark to verify that the project on the subject parcel conforms to the plans listed above.

2. **FINDING: SITE SUITABILITY** - The site is not suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Aromas Tri-County Fire District and California Highway Patrol (CHP).

(b) Project planner conducted an on-site inspection on August 27, 2004, during daylight hours and on February 7, 2005, after dark to verify that the site is not suitable for this use.

(c) North County Land Use Advisory Committee Recommendation of denial from August 19, 2004, hearing.

(d) California Highway Patrol records show a total of 67 accidents were reported in 2004 on Highway 101 between Dunbarton Road and San Juan Road. Additional signage would distract drivers in an area already identified as dangerous.

(e) Current lighting is minimal after dark. Introduction of additional lighting as proposed would be detrimental to the rural residential character of the area.

(f) Necessary public facilities are available and will be provided.

3. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) Preceding findings and supporting evidence.

4. **FINDING: CEQA** – CEQA does not apply to projects, which a public agency rejects or disapproves.

EVIDENCE: (a) Section 15270 (a) of the CEQA Guidelines

5. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.

6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: (a) Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit is denied.

PASSED AND ADOPTED this 23rd day of February 2005, by the following vote:

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

DALE ELLIS, 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.