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

RESOLUTION NO. 05051

A.P.# 216-013-016-000

In the matter of the application of

**FINDINGS & DECISION** 

#### Leavens Ranches (PLN040730)

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to expand an existing 56 acre avocado orchard by approximately 15 additional acres that includes a 5 acre portion on 15- to 25-percent slopes. The expansion includes conversion of uncultivated land to cultivated agricultural use by the use of 2 terraces across the slope of the proposed project, with design consultation by the Natural Resources Conservation Service (an accessory 30 foot by 35 foot shop building will be constructed onsite to accommodate the agricultural operation). The project is located at 27220 Escolle Road, Gonzales, west of the intersection of Escolle and River Roads, Central Salinas Valley area; and came on regularly for hearing before the Planning Commission on September 28, 2005.

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

#### FINDINGS OF FACT

- 1. FINDING:
- CONSISTENCY The Project, as conditioned is consistent with applicable plans and policies, the Central Salinas Valley Plan, and conforms to the requirements of the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for agricultural development. Specifically, the proposed cultivation of slopes between 15-25% for groves of avocados and the construction of a 30' x 35' accessory building for storing supplies and equipment for use in the grove complies with all applicable requirements of Section 20.30.050A and 21.66.030C(2)
- EVIDENCE: (a) Planning and Building Inspection Department staff has reviewed the project as contained in the application and accompanying materials for consistency with the Central Salinas Valley Land Use Plan. Staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent with the Central Salinas Valley Goals and Objectives Use Plan which designates this area as farmland of local importance. Staff notes are provided in Project File PLN040730.
  - (b) Project planner conducted reviewed photographs of the property.
  - (c) The project for cultivation of slopes between 15 and 25% is allowed with a Use Permit pursuant to Title 21.66.030C (2).
  - (d) The project complies with the regulations for agricultural uses in accordance with Section 21.30.050A. The parcel is zoned Farmlands (F/40 acre minimum The project is in compliance with agricultural use requirements for crops and accessory buildings subject to a condition requiring an agricultural management plan which has been prepared by the
  - (e) 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 Project File PLN040730.
- **SITE SUITABILITY** The site is suitable for the use proposed. 2. **FINDING**:
  - EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public

Works, Water Resources Agency, Environmental Health, and the Gonzales Volunteer Fire District. Conditions recommended have been incorporated.

(b) Technical reports by outside geotechnical consultants indicate that there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats or similar areas that would indicate the site is not suitable for the use proposed. Agency staff concurs. "Geotechnical Investigation" prepared by Julia K. Grim, Geologist with the Natural resources Conservation Service and dated June 14, 2005, and NRCS designs for development of the Terraces to control erosion prepared by Beau Schoch, Agricultural engineer USDA-NRCS Salinas service center 744-A La Guardia Salinas, Ca January 5, 2005. Reports are in Project File PLN040730.

- 3. **FINDING:** CEQA (Exempt): The project is exempt from environmental review.
  - **EVIDENCE:** (a) CEQA Guidelines Section 15061b(3) exempts development where it can clearly be shown that environmental impacts are not going to occur.
    - (b) The project is under the supervision of the NRCS to control erosion and conserve water through best management practices.
    - (c) Development is largely contained in an already disturbed area of the property. There is no tree removal. The structure is to be placed in an area that is not subject to cultivation and runoff from the roof will be properly directed to drainage channels or percolated. Principal concerns on the property are the control of erosion and the maintenance of on-site soil viability, which are to be managed according to plans in the file, PLN040730 and through the condition in Exhibit B requiring an agricultural management plan pursuant to 21.66.030C(2).
- 4. **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.
- 5. **FINDING:** TREE REMOVAL The subject project requires no tree removal because the property has been previously cultivated.
  - **EVIDENCE:** (a) Photographs supplied by the applicant and field verification on Friday September 23, 2005
    - (b) Grading areas contain no trees as evidenced by the staked layout of the terraces to be graded and the aerial photographs contained in the Assessor's
    - (c) GIS database maintained by the County of Monterey.
    - (d) A condition requires that the applicant's file an agricultural management plan with the Department of Planning and Building Inspection and the Agricultural Commissioner's Office showing the number and placement of 1700 avocado trees to be added to the site.
- 6. **FINDING: HEALTH AND SAFETY** The establishment, maintenance or operation of the project applied for will not 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.

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

**EVIDENCE:** (a) Section 21.80.040D of the Monterey County Code, Title 21, Zoning Ord.

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 attached conditions.

PASSED AND ADOPTED this 28th day of September, 2005, by the following vote.

AYES:

Errea, Hawkins, Parsons, Padilla, Vandevere, Rochester, Diehl, Sanchez, Wilmot

NOES:

None

ABSENT:

Salazar

DALE ELLIS, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON DEC 13 2005

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 DEC 2 3 2005

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 90<sup>th</sup> 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.

### Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan

Project Name: <u>LEAVENS RANCHES</u>

File No: PLN040730

APNs: 216-013-016-000

Approval by: Monterey County Planning Commission

Date: September 28, 2005

\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		PBD029 - SPECIFIC USES ONLY This use permit (PLN040730) allows agricultural development of 15 acres of avocado orchards on slopes between 15 and 25%, it also allows the installation of an agricultural support building of 30 x 35 feet. The property is located at the terminus of Escolle road southwest of Gonzales (Assessor's Parcel Number 216-013-016-000). This permit was approved 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)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

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2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 05051) was approved by the Planning Commission for Assessor's Parcel Number 216-013-016- 000 on September 28, 2005. The permit was granted subject to 18 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3		PBD030 - STOP WORK - RESOURCES FOUND  If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeo- logist	Ongoing	
4		PBD042 – GRADING PERMITS REQUIRED  A grading permit is required for terracing for new cultivation that requires 100 cubic yards or more of earthwork. An over the counter (OTC) grading permit may be issued for new (Planning and Building Inspection)	If applicable, apply and receive the appropriate grading permit from Monterey County Planning and Building Inspection.	Engineer/ Owner/ Applicant	Prior to Grading	

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5		PBD- NON-STANDARD CONDITION	The plan shall be reviewed by the	Engineer/	Prior to	
		An Agricultural Management Plan shall be required	Natural Resource Conservation	Owner/	issuance	
		for the development of new or expanded	Service (NRCS), County	Applicant	of	
		agricultural uses pursuant to Section	Agricultural Commissioner, and		grading plans	
		21.66.030(C)(2).	any other agencies or departments		pians	
			appropriate for the specific project.			
			After comments have been			
			received, the Director of Planning			
:			and Building Inspection may			
			require that the plan be revised to			
		,	include additional information or			
			assessment as deemed necessary by			
			the reviewing agencies. A third			
			party review may also be required			
		·	at applicants expense. All			
			departmental review, report			
		·	revisions, and third party review			
			must be complete before the plan			
		ž	may be approved by the Director of			
			Planning and Building Inspection.			

## **Gonzales Fire District**

6	FIRE001 - ROAD ACCESS	Applicant shall incorporate	Applicant	Prior to
	Access roads shall be required for every building when	specification into design and	or owner	issuance
	any portion of the exterior wall of the first story is	enumerate as "Fire Dept. Notes" on		of grading
	located more than 150 feet from fire department access.	plans.		and/or
	All roads shall be constructed to provide a minimum of			building
	two nine-foot traffic lanes with an unobstructed vertical			permit.
	clearance of not less than 15 feet. The roadway surface			- '

Permit Cond. Nuniber	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Responsible Land Use Department:  Fire District.				
7		FIRE006 - DEAD-END ROADS (4)  For parcels greater than 20 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 5280 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than 1320-foot intervals. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department:Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
8		FIRE007 - DRIVEWAYS  Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department:				
9		FIRE008 - GATES  All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department:  Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

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10		FIRE010 -ROAD SIGNS  All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. Responsible Land Use Department:	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner	Prior to filing of final map.	
11		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

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		occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department:				
12		FIRE PROTECTION WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)  For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

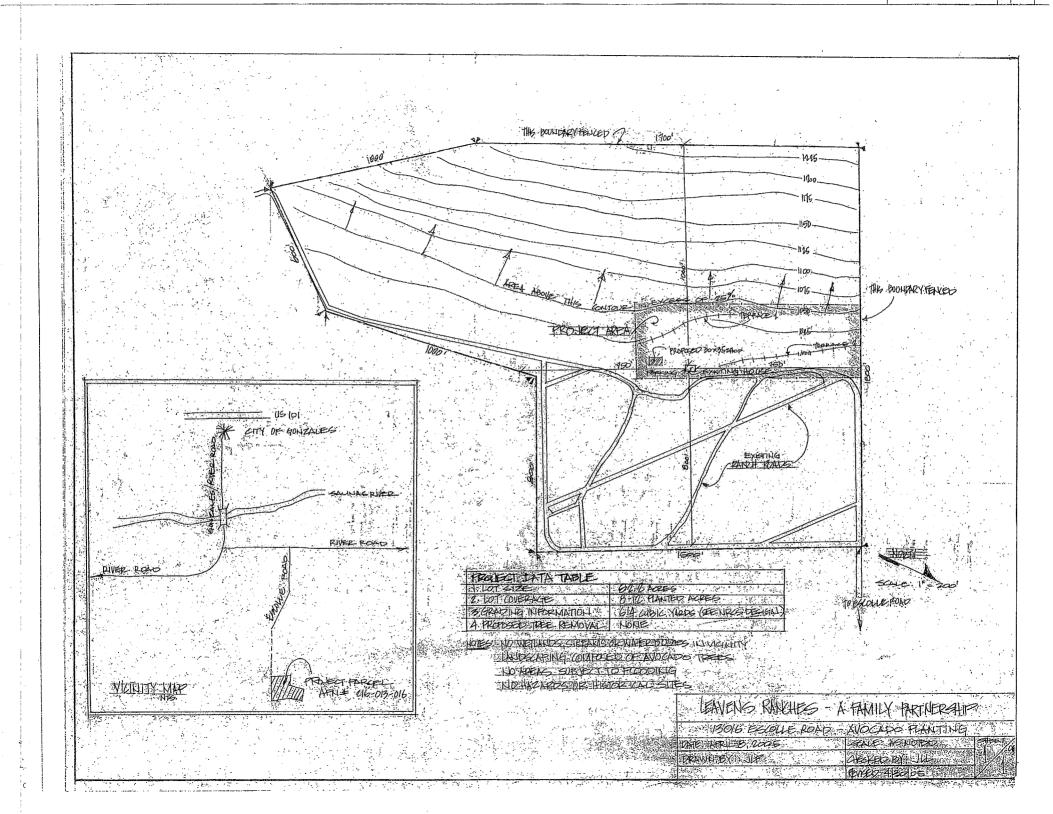
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. Responsible Land Use  Department: Fire District.				
13		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Responsible Land Use Department:  Fire District.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
14		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys.	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building	

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		Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. Responsible Land Use Department: Fire District.			permit.	
15		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. Responsible Land Use Department: Fire District.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
16		FIRE030 OTHER NON-STANDARD CONDITIONS  Zoning Administrator to verify existing structures for compliance of use prior to issuance of building permit.  Responsible Land Use Department: Gonzales Fire District	Applicant shall schedule zoning inspection clearance	Applicant or owner	Prior to building permit issuance	

# **Monterey County Water Resources Agency**

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
17		WR40 - WATER CONSERVATION MEASURES 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupanc y	
18		WR45 - WELL INFORMATION The applicant shall provide the Water Resources Agency information on the well to serve the project including a map showing the well location and any available well logs/e-logs. (Water Resources Agency)	Submit all applicable well information to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	

End of Conditions



## Photographs

