

RESOLUTION NO. 020063

A.P.# 235-082-007-000

In the matter of the application of
Danny & Tamara Nelson (PLN020063)

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, for a reduction in front and rear setbacks and an increase in lot coverage to allow a 1,972 square foot manufactured dwelling to be installed on a long narrow lot, located at 50571 Wildhorse Road, King City, 0.2 miles east of Cattlemen's Road, Central Salinas Valley area, came on regularly for hearing before the Zoning Administrator on September 26, 2002.

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

FINDINGS OF FACT

1. **FINDING:** The Nelson application (PLN020063), as described in condition #1 is for a Variance. The property is located at 50571 Wildhorse Rd in the King City area and is zoned "F/40" or Farmlands, 40 acre/unit. Except for the Variance, the project, as conditioned, conforms with the plans, policies, requirements and standards of the General Plan, Central Salinas Valley Area Plan, and the Monterey County Zoning Ordinance (Title 21). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21. Zoning violation abatement costs, if any, have been paid.
EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with the General Plan, Central Salinas Valley Area Plan and Title 21 (Zoning Ordinance).
EVIDENCE: The application and plans submitted for the Variance, including the justification letter, in the project file at the Monterey County Planning and Building Inspection Department.
EVIDENCE: The project planner conducted a site visit on February 26, 2002, to verify that the proposed project complies with the Monterey County Zoning Ordinance.
EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicates that no violations exist on subject property.
2. **FINDING:** The proposed project will not have a significant environmental impact.
EVIDENCE: Section #15303a of the Monterey County CEQA Guidelines categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified during staff review of the development application.
3. **FINDING:** Because of special circumstances applicable to the subject property, including the size and shape, or surroundings, the strict application of Title 21 is found to deprive subject property of privileges enjoyed by other properties in the vicinity under identical zone classification.

EVIDENCE: This legal non-conforming lot is 1.187 acres and needle shaped; the 5% coverage would allow a total of 2,577 square feet of coverage. This project, combined with the existing structures, totals 3,260 square feet.

EVIDENCE: The 5% coverage limit on parcels zoned for “Farmland” is really intended to apply to large areas in agricultural production no to a lot this size.

EVIDENCE: Project application.

4. **FINDING:** The Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: Based on staff research, neighbors north and south of the project lot have single family residences on non-conforming lots “F-40” zoning most of which exceed the 5% coverage limit.

EVIDENCE: When the adjacent county road was improved, several homes were then located in the front setback of their lots. The construction of this structure is similar to the development of other lots in the vicinity.

EVIDENCE: The parcel is very wide and shallow, observing both the front and rear setbacks would render the lot almost unbuildable.

EVIDENCE: Project application.

5. **FINDING:** The Variance does not grant a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: The use is allowed per Section #21.30.030(a), (Principal/Conditional Uses) in the “F” zoning district.

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

EVIDENCE: The project as described in the application and accompanying material, was reviewed by the Department of Planning and Building Inspection, South County C.D. F., Public Works, Parks Department, Environmental Health Division, and the Water Resources Agency. The preceding 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.

7. **FINDING:** The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for Variance be granted as shown on the attached sketch, and subject to the following conditions:

1. The Nelson Variance (PLN020063) allows for: an increase to the structural coverage limitation of 5% in the F/40 (Farming with 40 acre) to approximately 6.34% coverage (total coverage from the existing 1,288 square

feet to 3,260 square feet); and a decrease in the front and rear setbacks. The Variance would allow for the construction of a 1,972 square foot house. The property is located at 50571 Wildhorse Road, near King City, in the Central Salinas Valley area. 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)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A Variance (Resolution PLN020063) was approved by the Zoning Administrator for Assessor's Parcel Number 235-082-007-000 on September 26, 2002. The permit was granted subject to 11 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)**
3. 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. If applicable, 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)**
4. The applicant shall provide to the Water Resources Agency information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
5. The applicant shall comply with Ordinance No. 3539, 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)**
6. Applicant shall maintain a weed/vegetation free area between buildings and the property line. **(South County CDF)**
7. All other Fire conditions apply for Building Permit application. **(South County CDF)**

Prior to Final Building Inspection/Occupancy:

8. All construction shall conform to the recommendations in the Geotechnical Report prepared for this project. **(Planning and Building Inspection)**
9. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**

Continuous Conditions:

10. 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 it can be evaluated by a qualified professional archaeologist. 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)**
11. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection Department)**

PASSED AND ADOPTED this **26th** day of **September, 2002**.

Original Signed By: _____

LYNNE MOUNDAY
ZONING ADMINISTRATOR

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 PLANNING COMMISSION 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.