

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COUNTY OF MONTEREY
STATE OF CALIFORNIA

RESOLUTION NO. 020440

A. P. # 131-081-039-000

In the matter of the application of
Salvador & Catalina Garcia (PLN020440)

FINDINGS & DECISION

to allow an Extension and Amendment to a previously approved permit (PLN980576), Combined Development Permit in accordance with Title 20 (Zoning) Chapter 20.82 (Combined Development Permits) of the Monterey County Code, that allows a residence barn, poultry farm and well. The Amendment would allow the relocation of the barn (50' south), realignment of the driveway, construction of a septic system, reduce grading from approximately 510 cu. yds. to 300 cu. yds. and grant a new expiration date two years from approval of the Amendment. The property is located at 18852 Parsons Road, Castroville, fronting on and southerly of Parsons Road, south of the intersection of Karner Road and Parsons Road, North County Coastal area, Coastal Zone, came on regularly for meeting before the Zoning Administrator on May 8, 2003.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

1. FINDING: The Project, as proposed, is consistent with the previously approved use and applicable plans and policies, North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.

EVIDENCE: (a) PBI staff has reviewed the project as contained in the application and accompanying materials for consistency with the North County Land Use Plan, Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan. PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 20) and have determined that the project is consistent with the North County Land Use Plan which designates this area as appropriate for residential development. Staff notes are provided in Project File PLN020440.

(b) Project planner conducted an on-site inspection on October 7, 2002 to verify that the project on the subject parcel conforms to the plans listed above.

(c) The request for an extension has been carried out pursuant to Monterey County Code Section 20.82.110.

(d) The request for an amendment to relocate the barn site, realign the driveway and construct a septic system has been carried out pursuant to Monterey County Code Section 20.70.105.

(e) Granting of the Extension, two years from the original permit expiration date of November 3, 2001, allows consideration of the Amendment. Approving the Amendment grants a new expiration date two years from the date of approval.

(f) The proposed Amendment better meets County policies by relocating the barn off of a slope and reducing the amount of grading required.

(g) The use of the property as a residence and poultry farm and construction of the single family dwelling and barn are allowed and conditional uses approved by the Zoning Administrator on November 3, 1999 in Resolution No. 980576.

(h) The parcel is zoned Rural Density Residential, 5 acres/unit, Coastal Zone (“RDR/5 (CZ)).” The project is in compliance with Site Development Standards for a Rural Density Residential District in accordance with Section 21.16.060.

(i) The North County Coastal Land Use Advisory Committee recommended approval of the project by a vote of 4 for and 0 against. LUAC meeting minutes dated April 7, 2003.

(j) 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 PLN020440 and PLN980576.

2. **FINDING:** 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, and all 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 that exist on subject property.

3. **FINDING:** 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) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Pebble Beach Community Services District. All of the conditions of the original permit (PLN980576) continue to apply and are not changed by this amendment. The respective departments and agencies have recommended additional 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

(b) Materials in Planning and Building Inspection File No. PLN980576 and PLN020440.

4. **FINDING:** The site is 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, Parks and Pebble Beach Community Services District. Conditions recommended have been incorporated.

(b) Materials in Planning and Building Inspection File No. PLN980576 and PLN020440.

(c) The proposed location of the barn off of the slope onto a flatter area is a more suitable site.

- (d) Staff conducted an on-site visit on October 7, 2002 to verify that the site is suitable for this use.
 - (e) Necessary public facilities are available and will be provided.
- 5. **FINDING:** The project is exempt from environmental review.
EVIDENCE: (a) CEQA Guidelines Section 15303 categorically exempts single family dwellings and accessory structures.
(b) No adverse environmental effects were identified during staff review of the development application during site visits on October 7, 2002.
(c) There are no unusual circumstances related to the amendment or the property that require environmental review. Grading is reduced from approximately 510 cubic yards to 300 cubic yards. No tree removal is proposed.
- 6. **FINDING:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.
EVIDENCE: (a) The subject property is not described as an area where the Local Coastal Program requires access.
(b) The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 6, the Shoreline Access Map, of the North County Area Land Use Plan.
(c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
(d) Staff site visit on October 7, 2002.
- 7. **FINDING:** Applicant timely filed an application for an extension to the previously approved Combined Development Permit (PLN980576), to allow construction of a two-story single family dwelling with attached garage, accessory barn and poultry farm. The extension request is to allow an extension of the expiration date from November 3, 2001 to November 3, 2003.
EVIDENCE: (a) Materials contained in Planning and Building Inspection File No. PLN020440.
(b) Granting of the Extension, two years from the original permit expiration date of November 3, 2001, allows consideration of the Amendment. Approving the Amendment grants a new expiration date two years from the date of approval.
(c) Extension Request from Salvador Garcia dated August 2001.
- 8. **FINDING:** The project is appealable to the Board of Supervisors and to the California Coastal Commission.
EVIDENCE: (a) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan (Part 1).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject project is an Extension and Amendment to a previously approved permit (PLN980576) that allows a residence, barn, poultry farm and well. The Amendment would allow relocation of the barn (50' south), realignment of the driveway, and construction of a septic system, reduce grading from approximately 510 cu. yds. to 300 cu. yds. and grant a new expiration date two years from approval of the Amendment. The property is located at 18852 Parsons Road, Castroville (Assessor's Parcel Number 131-081-039-000), fronting on and southerly of Parsons Road, south of the intersection of Karner Road and Parsons Road, North County Area, Coastal Zone. The proposed 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)**
2. All of the conditions of the original Combined Development Permit (PLN980576) shall remain in effect and are incorporated herein, as attached, and are not changed by this Amendment. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

3. The applicant shall record a notice which states: "A permit Amendment (Resolution 020440) was approved by the Zoning Administrator for Assessor's Parcel Number 131-081-039-000 on May 8, 2003. The permit was granted subject to 7 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)**
4. Prior to issuance of building or grading permits, a drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts, to include retention/percolation facilities to mitigate the impact of impervious surface storm water runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**

Prior to Final Building Inspection/Occupancy:

5. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency, or as subsequently amended, 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 & Planning and Building Inspection)**

Continuous Permit Conditions:

- 6. At no time shall the barn be used as sleeping quarters. **(North County Fire District)**
- 7. The operation of the quail farm shall not create a nuisance due to odors, insects or rodents' harborage, or overflow of any waste material off-site. **(Environmental Health)**

PASSED AND ADOPTED this 8th day of May, 2003.

Original Signed By:

LYNNE MOUNDAY
ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. 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

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 Monterey.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.