

MIKE NOVO
ZONING ADMINISTRATOR
MONTEREY

STATE OF CALIFORNIA
COUNTY OF

RESOLUTION NO. 030152

A.P.# 267-041-018-000

In the matter of the application of
Aptos Berry Farms Inc. (PLN030152)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow a new 2,160 sq. ft. modular office space addition to replace the existing agricultural business office uses housed in a residential structure (an agricultural support facility per 21.30.050.I.), located at 1767 San Juan Road, Aromas, North County Non-Coastal area, came on regularly for hearing before the Zoning Administrator on October 9, 2003.

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

FINDINGS OF FACT

1. FINDING: The subject Use Permit (**Aptos Berry Farms. File PLN030152**) as described in Condition No. 1 and as conditioned is consistent with the plans, policies, requirements and standards of the General Plan, the North County Non-Coastal Area Plan, Monterey County Zoning Ordinance (Title 21). The property is located at 1767 San Juan Road, Aromas (Assessor's Parcel Number 267-041-018-000). The property is zoned "F/40" (Farmlands, 40 Acre Minimum). The subject parcel is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The North County Non-Coastal Area Plan
- b) Chapter 21.30 (F/40 Zoning Regulations), of the Monterey County Zoning Ordinance.

EVIDENCE: The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Aromas Tri-County Fire District. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards for the Farmlands Zoning District, pursuant to Title 21, Monterey County Zoning Ordinance.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

2. FINDING: The proposed project will not have a significant environmental impact.

EVIDENCE: CEQA Guidelines Section 15301 (Existing Facilities) categorically exempts this type of project involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

EVIDENCE: No adverse environmental impacts were identified during review of the proposed project.

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Health Department and the Salinas Rural Fire Protection District. There has been no indication from those agencies that the site is not suitable.

3. FINDING: The proposed agricultural support facility (existing business office relocation) complies with Policy 30.0.1 of the General Plan in that it will not interfere with the potential of normal agricultural operations.

EVIDENCE: While the subject *building site* is designated as prime farmland, the long standing uses have been the yard compound with the Victorian residence and modular offices.

EVIDENCE: The building area of the new modular structure will be placed mainly on an existing rear lawn area of this grass covered and landscaped compound.

EVIDENCE: Portions of the new building area though will require removal of an existing vine covered fence and will cover portions of a service road that traces the boundary of crop production areas (128 acres).

EVIDENCE: The proposed modular structure addition will not be located in areas used for cultivation, and will not impair cultivation on the balance of the property or neighboring properties.

4. 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: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Aromas Tri-County Fire 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.

DECISION

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

1. This Use Permit (**Aptos Berry Farms. File PLN030152**) allows for a new 2,160 sq. ft. modular office space addition, and to discontinue the business uses occurring in an existing residential structure. (an Agricultural Support Facility per 21.30.050.i.). The property is located at 1767 San Juan Road, Aromas, North County Non-Coastal 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 Department**)

Prior to Issuance of Demolition, Grading or Building permits

2. The applicant shall record a notice which states: "A permit Resolution No. 030152 was approved by the Zoning Administrator for Assessor's Parcel Number 267-041-018-000 on October 9, 2003. The permit was granted subject to 12 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 Department**)
3. Prior to issuance of building permits, install a minimum of 500 square feet of additional leach field. (**Environmental Health**)
4. Prior to issuance of building permits, effluent filters must be installed on all septic tank systems. (**Environmental Health**)
5. Prior to issuance of grading or building permits, 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. The plan shall include retention/percolation facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (**Water Resources Agency**)
6. 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**)
7. Prior to the issuance of Building Permits the applicant shall comply with all requirements of the Aromas Tri-County Fire Department (required prior to issuance of permits). The applicant shall demonstrate to the Planning and Building Inspection Department that the Fire Department has reviewed and approved building and site plans for the new modular structure that meet the requirements of the Fire Department. Fire Department requirements may include, but not be limited to:
 - a. Installation of a fire hydrant.
 - b. Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
 - c. Fire flow shall be obtained at the required rate and duration from (a) California Water Service or (b) a U.L. listed fire pump system from the existing agricultural well servicing the existing facility. (**Planning and Building Inspection Department**)

Prior to Final Building Inspection/Occupancy

8. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
9. All exterior lighting shall be unobtrusive and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit a copy of an exterior lighting plan indicating the type and location of all light fixtures for review and approval by the Planning and Building Inspection Department. **(Planning and Building Inspection Department)**
10. Prior to final building inspection/occupancy, the applicant shall comply with all requirements of the Aromas Tri-County Fire Department (required prior to final/occupancy). The applicant shall demonstrate to the Planning and Building Inspection Department that the Fire Department has approved occupancy for the new modular structure. Fire Department requirements may include, but not be limited to:
 - a. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - b. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus.
 - c. Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways 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 road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.
 - d. Unobstructed vertical clearance shall not be less than 15 feet for all access roads.
 - e. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address.
 - f. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."
 - g. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1996.
 - h. Roof construction shall be a Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired or modified so as to affect 50 percent or more of the roof. Vegetation removal will not be allowed as a means of removing high or very high fire hazard area designation from an entire parcel.**(Planning and Building Inspection Department)**

11. 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)**
 - c. The site shall be landscaped. At least three weeks prior to occupancy, three (3) 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, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. 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)**

On Going Conditions

12. 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 9th day of October, 2003.

Original Signed By:

MIKE NOVO
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.