

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040110

A.P.# 103-161-015-000

In the matter of the application of
Julie Foster (PLN040110)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for equine-assisted therapy for children and young adults with speech impairments, physical disabilities and cognitive disabilities. Existing support facilities (stables, tack room and office, handicapped accessible restroom, paddocks, arena, parking spaces) will be utilized on the property. The project is located at 524 Loma Alta Road, Carmel, fronting southerly on Loma Alta Road, southeast of the intersection of Loma Alta and Aguajito Roads, Greater Monterey Peninsula area, came on regularly for hearing before the Zoning Administrator on September 9, 2004.

Said Zoning Administrator, 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 Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21) which designates this area as appropriate for riding arena operations. Specifically, the proposed equine-assisted therapy sessions utilizing existing stables, tack room, office, handicap-accessible restrooms, paddocks, and arena comply with all applicable requirements of Sections 21.16.050 GG, “riding and roping arena operations” and Section 21.64.095, “regulations for cottage industries.” These facilities are accessory to the main residence and will be operated by the property owner who resides in the main residence and one part-time employee.

EVIDENCE: PBI staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21), particularly Section 21.64.095 (“Regulations for Cottage Industries), and has determined that the project is consistent with the Greater Monterey Peninsula Area Plan which designates this area as appropriate for “cottage industry” and “riding and roping arena operations” that characterize the proposed use of the property.

EVIDENCE: As a permit strictly for land use, the requested Use Permit for the proposed equine assisted therapy is consistent with the Greater Monterey Peninsula Area Plan policies 26.1.6.2 and 40.2.4 for appropriate low intensity educational and recreational uses in environmentally sensitive areas and areas of high visual sensitivity. The property on Loma Alta Road is west of the Jacks Peak Park within a Monterey pine forest that is both environmentally and visually sensitive.

EVIDENCE: The parcel is zoned Rural Density Residential, 1 units/5.1 acres in a City of Monterey Urban Reserve area with Design Control and Site Plan Review (“RDR/5.1-UR-D S”). The project is in compliance with Site Development Standards for a Rural Density

Residential District in accordance with Section 21.16.060 of Title 21. Existing building site coverage on this approximately 13 acre site, along with development density, structure height and setback regulations were approved with building permits issued and finalized from 1998 to 2000 (Building Permits 991315 to 991317 and Building Permit 000221).

EVIDENCE: On June 2, 2004, the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) recommended approval of the project by a vote of 3 to 0 with 1 absent. The LUAC commented as to measures to lessen possible fly larvae from horses at the site. It was estimated that approximately 4 to 5 cubic feet of horse manure would be anticipated per day, and would be spread out as garden fertilizer. In addition, special horse feed and fly predators will be utilized to lessen fly larvae. It was noted that the 13-acre site is adequate acreage for the 6 horses.

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, found in Project File PLN040110.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

EVIDENCE: The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Water Resources Agency, Environmental Health, Parks and Carmel Highlands Fire Protection District. Conditions recommended have been incorporated; namely, the Water Resources Agency requirement to provide proof of water availability and the Carmel Highlands Fire Protection District specifications for address signs on the property. The Planning and Building Inspection Department places as conditions of approval the number of patients using the facility at one time, the days of operation, the provision of adequate parking and the scheduling of special events.

EVIDENCE: Necessary support facilities for the equine-assisted therapeutic program are available and will be provided.

3. **FINDING: CEQA (Exempt)** - The project is exempt from environmental review.

EVIDENCE: CEQA Guidelines Section 15301 Class 1 categorically exempts projects that involves negligible or no expansion of an existing use. The existing equestrian facilities are more than adequate to handle eight patients undergoing a therapeutic session at one time, and therefore the proposed therapeutic program involves negligible expansion of an existing use.

EVIDENCE: No adverse environmental effects were identified during staff review of the development application because the proposed use is largely contained in an already developed area of the property using existing facilities. No tree removal is proposed. There are no unusual circumstances related to the project or property.

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

5. **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: Preceding findings and supporting evidence.

6. **FINDING: APPEALABILITY** - 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 a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

PASSED AND ADOPTED this 9th day of September, 2004.

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.