

MIKE NOVO
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040119

A.P. # 261-011-006-000

In the matter of the application of
Larry Casner (PLN040119)

FINDINGS & DECISION

for a Use Permit in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, for the legalization of a non-conforming auto, truck and farm equipment repair facility for the repair of agricultural equipment and vehicles (i.e. including truck parking and storage facility). The property is located at 1201 West Market Street, Salinas, Greater Salinas area, came on regularly for hearing before the Zoning Administrator on August 12, 2004.

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

FINDINGS OF FACT

1. FINDING: The subject Use Permit, (PLN040119), as described in condition #1 and as conditioned, conforms to the plans, policies, requirements, and standards of the Monterey County General Plan, Greater Salinas Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located at 1201 Market Street, Salinas Area. The parcel is zoned "F/ 40" (Farmlands, 40 acre minimum). The site is physically suitable for the use proposed. The subject property 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 Monterey County General Plan
- b) The Greater Salinas Area Plan
- c) Chapter 21.30 of Monterey County Zoning Ordinance regulations for the "F" Zoning District
- d) Section 21.68 Regulations governing "Legal Non-Conforming Uses"

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Public Works, Division of Environmental Health, the Water Resources Agency and the California Department of Transportation, District No. 5. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that the approval of the Use Permit would clear the property of the current violation. The Salinas Rural Fire District, Environmental Health Division, and Water Resources Agency have recommended conditions of approval in addition to the conditions recommended by the Planning and Building Inspection

Department.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Zoning Administrator.

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 application, found in the Project File No. PLN040119.

EVIDENCE: The on-site inspection by the project planner on February 17, 2004, to verify that the proposed project, as conditioned, complies with the Greater Salinas Area Plan.

EVIDENCE: The use is of a similar character to an agricultural support facility, in accordance with Section 21.30.050.W of the County Code.

EVIDENCE: PLN020015

- 2. FINDING:** The proposed project will not have a significant adverse impact on the environment.
EVIDENCE: Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), categorically exempts the proposed development from environmental review. No adverse environmental impacts were identified.
- 3. FINDING:** Adequate water supply and sewage disposal facilities exist on the site.
EVIDENCE: Materials in file PLN040119.
- 4. FINDING:** Adequate road and transportation facilities exist for the use.
EVIDENCE: The property is located on 1210 W. Market Street, Salinas California, which is the main access road to the site.
EVIDENCE: The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur. Additionally, the application was referred to the Department of Transportation. No comments were received.
EVIDENCE: Materials in file PLN040119.
- 5. FINDING:** The proposed auto, truck and farm equipment repair facility is compatible with the area.
EVIDENCE: The property is located in a rural agricultural area on the outskirts of Salinas. The subject parcel is located at 1201 W. Market Street, on the western outskirts of Salinas. The property, a .014-acre parcel, is zoned "F/ 40" or Farmlands, 40-acre minimum. It is bounded on the north by farmland, to the south by State Highway 183, to the east the Davis Road overpass and westerly is adjacent to a large farmhouse. The project has been conditioned to ensure compliance with the regulations for the Farmland zoning district as set forth in Chapter 21.30 in Title 21 and Chapter 21.68 Regulations governing "Legal Non-conforming Uses."
- 6. 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 Monterey County Planning and Building Inspection Department, Salinas Rural Fire District, Public Works, Division of Environmental Health, Water Resources Agency and the California Department of Transportation, District No. 5. 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.

7. **FINDING:** The 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 12th day of August 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.

