

JEFF MAIN
ZONING ADMINISTRATOR

STATE OF CALIFORNIA
COUNTY OF MONTEREY

RESOLUTION NO. 040549

A.P.# 165-032-022-000

In the matter of the application of
Charles and Nancy Morrison (PLN040549)

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, to increase the allowable 5% building site coverage in the "Farmland" Zoning District (Farmlands, 40 acre minimum) for a .30 acre, non-conforming legal lot of record from the existing 17.70% to 23.5% to accommodate a 760 square foot garage; and to allow a reduction in front yard setback requirement from 30 feet to 12 feet. The property is located at 36252 Mission Road, Soledad, fronting on Mission and easterly of the corner of Foothill and Fort Romie Road, Central Salinas Valley Area, and came on regularly for hearing before the Zoning Administrator on April 12, 2007.

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: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Central Salinas Valley Area Plan, the Central Salinas Valley Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 36244 Mission Road, Soledad (Assessor's Parcel Number 165-032-022-000), Central Salinas Valley Area Plan. The parcel is zoned Farmland with a maximum gross density of 40 acres per unit ("F/40"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
 - (c) The project planner conducted a site inspection on November of, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The subject property is a legal lot of record per county assessor's map book 165 page 03 1972. The adjacent parcel was granted an Unconditional Certificate Compliance (Planning File No. CC000005).
 - (e) The project was not referred to a Land Use Advisory Committee (LUAC) for review because the project site is not located in an area with a LUAC
 - (f) The subject property has a General Plan Designation of "Farmland, 40 acre minimum,"
 - (g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN040549.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, South County CDF, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is suitable for the proposed development Variance. Conditions recommended have been incorporated.
- (b) There has been no indication from these agencies that the site is not suitable. Based on the Monterey County GIS, project description, materials in the file, preceding evidence, and comments by the above agencies, there are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the project.
- (c) Staff conducted a site inspection on November of, 2006 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN040549.

3. FINDING: CEQA (Exempt) – The proposed project will not have a significant environmental impact.

- EVIDENCE:** (a) Section 15301(e) of the CEQA Guidelines categorically exempts the proposed development from environmental review. The proposed construction qualifies for this categorical exemption since it is an addition to an existing single family dwelling.
- (b) The project as proposed will not add more than 50% of the existing floor area
- (c) No adverse environmental impacts were identified during staff review of the project application.
- (d) See preceding and following findings and supporting evidence.

4. FINDING: SPECIAL CIRCUMSTANCES – That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this Title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The county specifically recognizes that in this case, vicinity is defined as all those areas located in the county under the Farmlands zoning designation with a minimum area requirement of 40 acres.

- EVIDENCE:** (a) The subject parcel is zoned with an agriculture zoning designation that is normally applied to parcels of 40 acres or more.
- Pursuant to Section 21.30 of the "F" zoning district, the purpose of the zoning is to "preserve and enhance the use of prim, productive and unique farmlands in the County of Monterey while also providing the opportunity to establish support facilities for agricultural uses. The subject parcel is too small to be a viable agriculture operation and the 5% coverage limitation attached to the "F" zoning designation, should not be applied to parcels of .3 acres. In this specific case, the 25% site coverage standard of the Low Density Residential zoning designation should be applied to the subject property.
- (b) Site plan identifying the only available location for the proposed garage and the location of existing residence and the structures distance from the property front line.
- (c) County records confirming the residential use and subsequent building permits which created the current, set back issue.

5. FINDING: NOT A GRANT OF SPECIAL PRIVILEGE – "That the variance 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". The county specifically recognizes that in this case, vicinity is defined as all those areas located in the county under the Farmlands zoning designation with a minimum area requirement of 40 acres.

EVIDENCE: (a) Variances to site coverage and in the case of nelson were allowed reductions to setback requirements have been approved for parcels with similar circumstances regarding size in the agriculture zoning designations, such as Eastman-PLN050601, Mason-PLN050081; Backus-PLN040020; PLN020063-Nelson; and PLN010572-Horsley. Granting of these variances has not constituted a special privilege because they afford these restricted lots the potential for development that would be allowed on larger parcels under the same zoning.

(b) Site plan identifying the only available location for the proposed garage and the location of existing residence and the structures distance from the property front line.

(c) Table listed in Exhibit B of this report indicating similar projects approving variances for site coverage increases and to allow a reduction to setbacks.

(d) Materials in Project File PLN040549.

6. FINDING: THIS USE IS AUTHORIZED IN THIS ZONING- A Variance shall not be granted for a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property.

EVIDENCE: (a) The property is located in the "F/40" (Farmlands 40 acres per unit) zoning designation which allows for single family residences per Monterey County Code Section 21.30.030.B.

(b) Staff's site visit on November of, 2006

(c) Materials in Project File PLN040549.

7. 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 costs, if any, have been paid.

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

8. 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.

9. FINDING: APPEALABILITY - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040 B. 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 attached conditions.

PASSED AND ADOPTED this 12th day of April, 2007.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAY 29 2007

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 JUN - 8 2007

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.

Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Charles & Nancy Morrison File No: PLN040549 Approved by: Zoning Administrator	APN: 165-032-022-000 Date: March 8, 2007
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		PBD029 - SPECIFIC USES ONLY This Variance (PLN040549) Variance to increase the allowed building site coverage of 5% in the "Farmland" zoning district from the existing 17.70% to 23.5% to accommodate a 760 square foot garage; and allow a reduction in the front yard setback requirement from 50 feet to 12 feet. The property is located at 36244 Mission Road, Soledad (Assessor's Parcel Number 165-032-022-000), fronting on Mission and easterly of the corner of Foothill and Fort Romie Road, in the Central Salinas Valley Planning Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 RMA - Planning Department. 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. [Resource Management Agency (RMA) - Planning Department]	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other- wise stated	

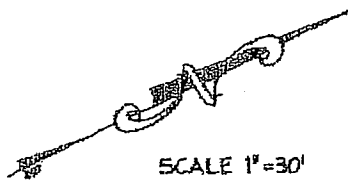
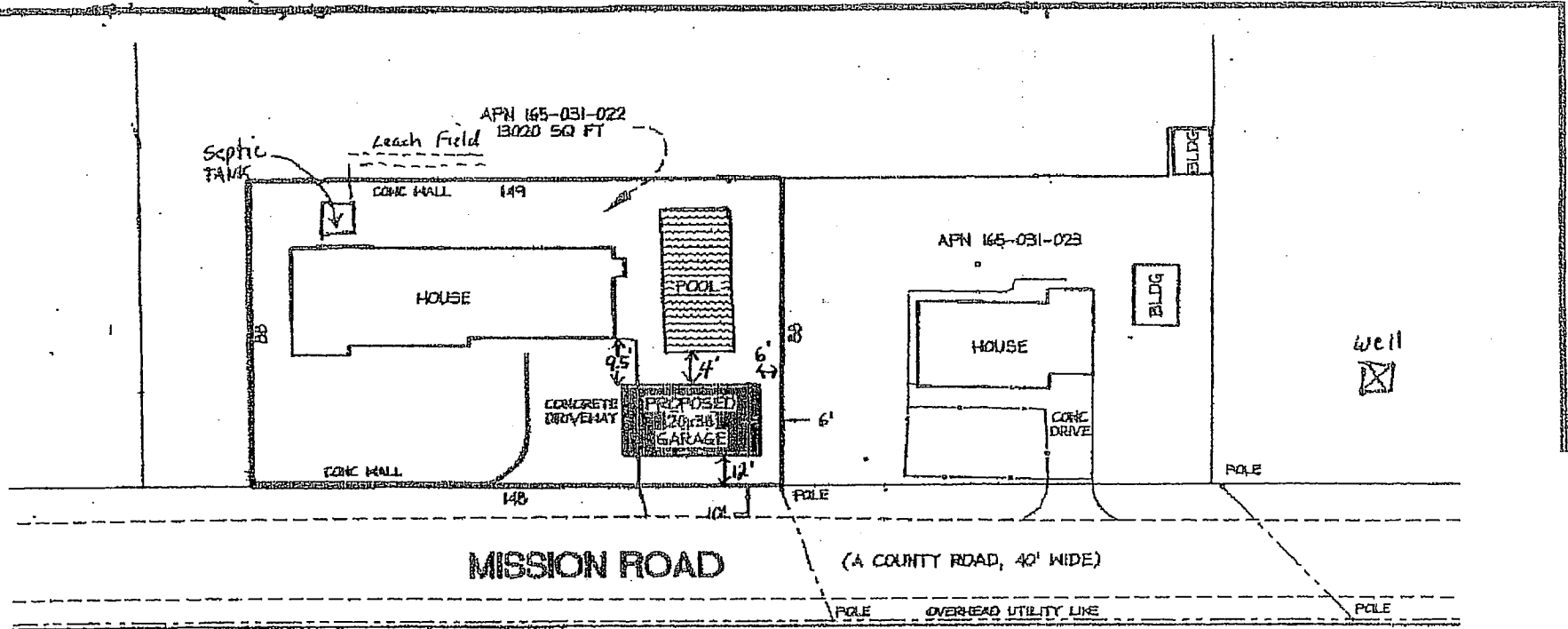
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 040549) was approved by the Zoning Administrator for Assessor's Parcel Number 165-031-022-000 on March 29, 2007. The permit was granted subject to 5 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to RMA - PD	Owner/ Applicant	Prior to Issuance of grading and building permits or start of use.	
3.		PBD030 - STOP WORK - RESOURCES FOUND 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 a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning 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. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. 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.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		PBD (NON-STANDARD) LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. The applicant shall	Submit three copies of the lighting plans to PBI for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

<i>Permu Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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. (RMA-Planning and Building Inspection)				
			Construct and maintain lighting in accordance with approved plans.	Owner/ Applicant	Ongoing	
5.		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. Mission Soledad Rural Fire Protection District	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	

END OF CONDITIONS

Lot = 13,020 sq ft.
 House = 2,300 sq ft.
 Proposed Garage = 760 sq ft. } 3,060 sq ft.

23.5% Coverage



SITE PLAN

SHOWING PROPOSED GARAGE ON A PORTION OF LOT 9, AS SHOWN ON MAP FILED IN VOLUME 1 OF OUTSIDE LANDS, AT PAGE 21, IN RANCHO EX-MISSION SOLEDAD, MONTEREY COUNTY, CALIFORNIA

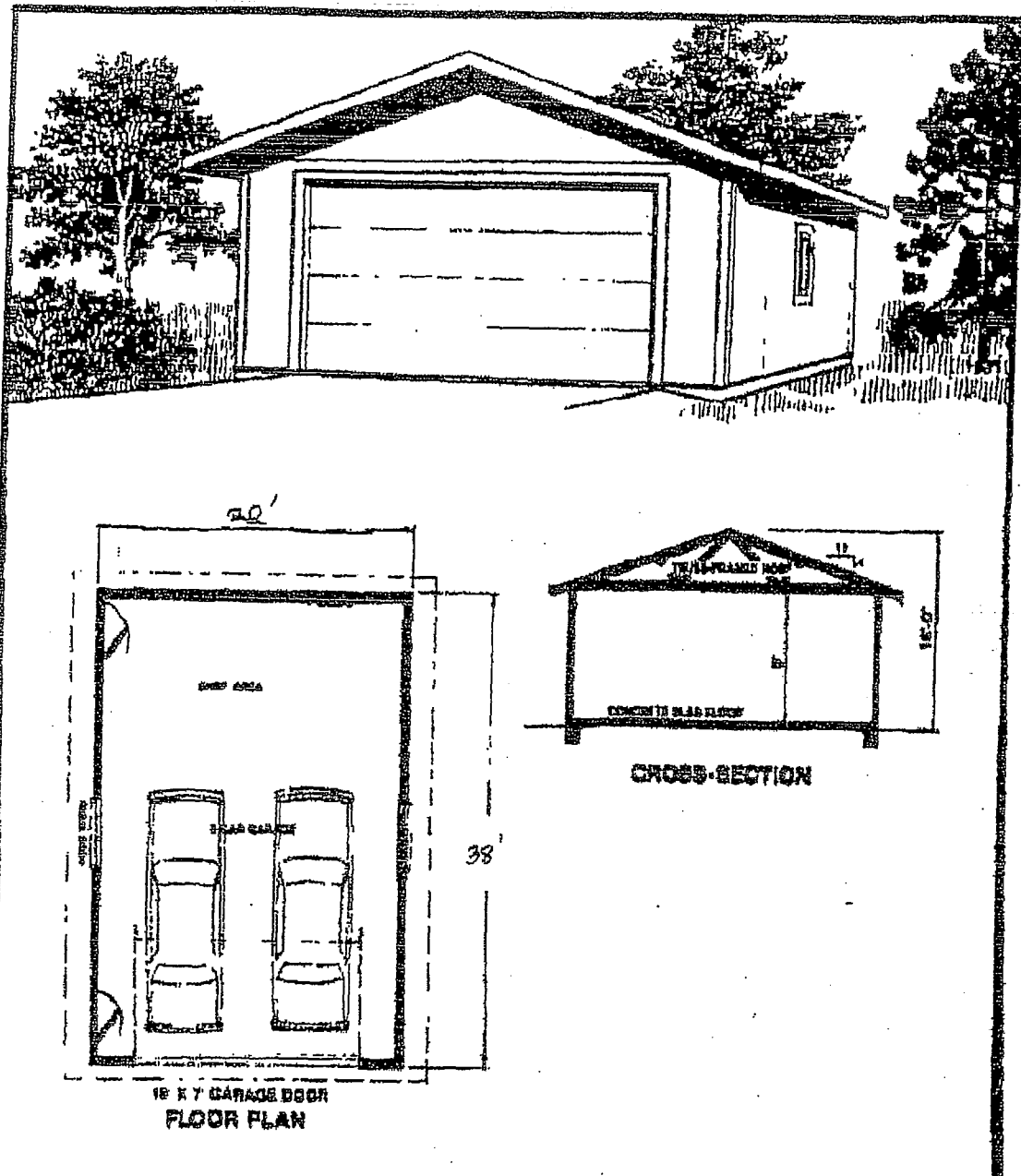
PREPARED FOR
GREG MORRISON

P.O. BOX 607 SOLEDAD, CALIFORNIA 95960

APN. NO. 165-032-022
 SCALE 1"=30'

AUGUST 24, 2004
 JOB NO. 96-08

GLS GOETZ LAND SURVEYORS
 111 ALBANY STREET | 1206 CHALLENGER WAY, SUITE E
 SULLY, CA 95901 | PASO ROBLES, CA 93446
 (931) 474-4114 | (805) 237-9177



width = 20'

Depth = 38'

Sq Ft = 760 sq ft.

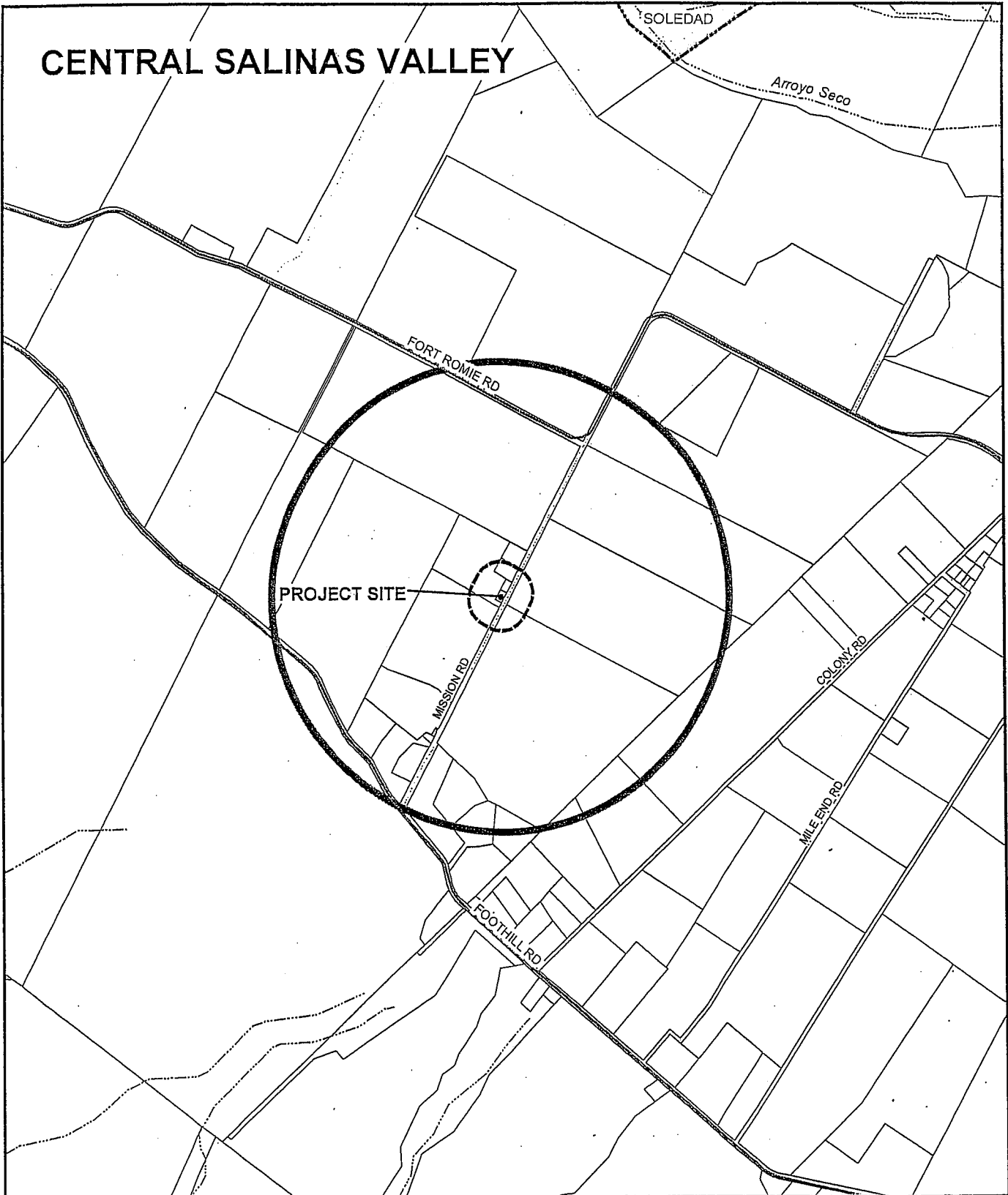
Roof Peak = 14'

Pitch = 4:12 approx.

Exterior finish = stucco to match House

Traditional Wood frame construction
on concrete slab


CENTRAL SALINAS VALLEY




APPLICANT: MORRISON

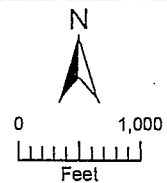
APN: 165-032-022-000

FILE # PLN040549

 300' Limit

 2500' Limit

 City Limits



PLANNER: MONTANO